

Review paper

Review of the operation of the *Music Festivals Act 2019*

June 2020

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1. Executive Summary

The *Music Festivals Act 2019* (“the Act”) commenced on 21 November 2019. It was introduced to ensure additional oversight of high-risk music festivals, and provide support to these festivals, to achieve the shared aim of safer events in NSW. The Act established a music festival roundtable to support the growth of the music festival industry in NSW; support the safety of music festival patrons; conduct reviews of legislation, reports, advice and other matters that are relevant to the operation of music festivals; and address any unforeseen consequences from the enactment of the Act.

Under the Act, the organiser of a high-risk music festival may be required to prepare a Safety Management Plan (SMP) that must be approved before the event can take place. The Act also introduced requirements for the organiser of a high-risk music festival to hold briefings for health service providers if requested by a prescribed entity under the Act, and keep and maintain a compliant incident register from when the festival starts to one hour after it closes.

Section 19 of the Act requires the music festival roundtable to review the operation of the Act in relation to music festivals held between the commencement of the Act and 30 April 2020. This review was to be undertaken as soon as practicable after 30 April 2020, with a report on the outcome of the review to be tabled in each House of Parliament by 30 June 2020.

The roundtable acknowledges the significant impact of the COVID-19 pandemic on the music festival industry in NSW. As noted in this report, the pandemic affected the number of festivals that were held during the period to 30 April 2020 and therefore the review’s consideration of the experience of these festivals in relation to the operation of the Act. In addition, due to the impact of the pandemic on the capacity of some stakeholders to contribute to the review, it was not possible to fully address all review questions.

To inform the review, music festival organisers, roundtable member organisations, prescribed entities under section 10(5) of the Act, and selected medical and harm reduction service providers were consulted via telephone or online survey. The review was also informed by a range of health-related data provided by the NSW Ministry of Health; offence, compliance and operational data provided by the NSW Police Force and Liquor & Gaming NSW (L&GNSW); and data relating to SMPs provided by the Independent Liquor & Gaming Authority (ILGA).

While the review found little evidence that the requirements under the Act significantly impacted the revenue of high-risk music festivals, music festival operators did report that operating costs had increased since its introduction, primarily due to user-pays medical and policing expenses.

With regard to the effectiveness of SMPs, the review found it was too early to draw any definitive conclusions, though stakeholders generally reported that SMPs have strengthened accountability in the planning of health and safety arrangements for music festivals. To improve the quality and consistency of SMPs, the review recommends a best-practice SMP template be developed for

music festival organisers. The review also recommends further consideration be given to what requirements, if any, should be added to or removed from SMPs.

As the requirement to submit SMPs 90 days prior to a festival poses significant challenges for many festival organisers, the review recommends a reduction in the submission deadline from 90 to 60 days prior to the scheduled event and suggests that this be contingent on the implementation of other suggested improvements to the SMP process. It also recommends that an online system be developed to facilitate the SMP feedback and approval process, and that music festival organisers be required to estimate in their SMP a maximum number of patrons that may attend a festival (with prohibitions on selling tickets in excess of this number unless a revised number is approved by ILGA no later than 21 days prior to the festival).

The review found evidence of significant stakeholder confusion about what constitutes a briefing under the Act and how this differs from other stakeholder briefings that are routinely held. The review recommends that the Act simply require that a briefing for health service providers be held, rather than require prescribed entities to request such a briefing. The Act should allow for music festival organisers to arrange separate briefings for stakeholders rather than require them to invite all prescribed entities to a single briefing session.

Duplication was identified between incident register reporting requirements established under different Acts and Regulations. This causes confusion and complexity for music festival organisers. The review recommends that L&GNSW continue to liaise with the NSW Police Force, industry and other relevant stakeholders to explore opportunities for streamlining reporting arrangements for different incident register requirements.

With regard to definitions in the Act, the review recommends that L&GNSW work with industry to reach agreement, if possible, on potential amendments to the definition of 'music festival' to more closely accord with the industry-accepted definition. It also recommends that the definition of 'ambulance forward commander' be amended as requested by NSW Ambulance. The review also found the role of NSW Ambulance is not adequately reflected in the provisions of the Act and recommends it be listed as a prescribed entity.

Stakeholders reported that the criteria used to determine high-risk festivals, and the process for initiating consideration of potentially high-risk festivals, are too subjective and provide insufficient clarity and certainty for the industry. To provide greater certainty and transparency for festival organisers, the review recommends that clear and objective criteria be prescribed for a festival to be determined high-risk. Any new festival that meets these criteria should be required to notify ILGA for a determination to be made. The review also recommends that the term 'high-risk' in the Act be replaced with the term 'notifiable'.

Given industry concerns about the duplication of processes and requirements across different regulatory bodies in relation to music festivals, the review recommends that the Government consider opportunities for reducing duplication to ease the overall burden on music festival organisers. With regard to the regulation of music festivals within a liquor and gaming framework, there was no consensus view as to what type of regulatory framework may be more appropriate. The review recommends that Government consider whether stakeholder concerns about the current

regulatory framework can be adequately addressed, and if not, whether a more suitable alternative framework for the regulation of music festivals can be identified.

While some members felt that it was too soon to assess the value of the roundtable's contribution or the extent to which it had fulfilled its functions, others reported that the roundtable was a worthwhile initiative that had contributed to improved communication, collaboration and networking among government agencies and other key stakeholders. Members also generally reported that the roundtable had been well supported by L&GNSW.

2. Findings and Recommendations

Economic impacts on music festivals

Finding 1

Organisers of high-risk music festivals have reported higher operating costs since the introduction of the Act, primarily relating to user-pays medical and policing arrangements.

Finding 2

There is little evidence that the requirements under the Act have significantly impacted the revenue of high-risk music festivals.

Safety Management Plans: Effectiveness

Finding 3

While there is some evidence to suggest that there have been fewer adverse health outcomes, and to a lesser extent assaults, at high-risk music festivals since the introduction of the Act, the number of serious drug-related presentations was consistent between 2018-19 and 2019-20 and a longer time series of data is required to draw any definitive conclusions.

Finding 4

Many stakeholders believe SMPs have strengthened accountability in the planning of health and safety arrangements for music festivals.

Recommendation 1

The roundtable should continue to collate and analyse data related to health-related incidents and assaults at high-risk music festivals to provide more robust evidence about the effectiveness of SMPs and to inform the five-year statutory review of the objectives of the Act.

Safety Management Plans: Inclusions

Finding 5

A number of stakeholders support the development of a SMP template to improve consistency in the structure and formatting of SMPs, assist music festival organisers to prepare SMPs, and ultimately assist the decision-making process.

Finding 6

While some stakeholders believe the scope of SMPs should be narrowed to only include medical or health-related requirements, others are either satisfied with the current scope or would support different requirements.

Recommendation 2

A template structure for SMPs should be developed, in consultation with relevant stakeholders, to support a consistent and best-practice approach to the preparation of SMPs by festival operators.

Recommendation 3

The roundtable should further consider what requirements, if any, should be added to or removed from SMPs, noting that some requirements may not exist in other management plans or may be necessary to assist ILGA to make a determination.

Safety Management Plans: Approval process

Finding 7

The requirement for music festival organisers to submit their SMPs 90 days prior to a festival poses challenges for many organisers due to the difficulty in confirming key information this far in advance of an event.

Finding 8

There is a risk that, when completing their SMP, festival organisers may significantly underestimate the number of patrons they expect to attend a festival, resulting in insufficient medical services being available to respond to health incidents that may occur during the event.

Recommendation 4

The deadline for organisers of high-risk music festivals to submit their SMP to ILGA should be changed from 90 to 60 days prior to the scheduled event, once recommendations 2 and 5 have been implemented.

Recommendation 5

In consultation with relevant stakeholders, an online system should be introduced to facilitate the SMP feedback and approval process, by improving the management of SMP documentation and facilitating information and data sharing between government agencies.

Recommendation 6

Music festival organisers should be required to estimate in their SMP a maximum number of patrons that may attend a festival, and be prohibited from selling tickets in excess of this number unless a revised number is submitted no later than 21 days prior to a music festival and is approved by ILGA.

Briefings for health service providers

Finding 9

There is stakeholder confusion in relation to what constitutes a briefing under the Act and how this is different from other stakeholder briefings that are routinely held.

Finding 10

It is unclear if any requests for a health service provider briefing were made between 21 November 2019 and 30 April 2020 that would qualify as a request made under section 10 of the Act.

Finding 11

Generally, music festival operators organised separate briefings for stakeholders, depending on the matters under discussion, rather than inviting all prescribed entities to each briefing session.

Recommendation 7

To reflect current practice and address stakeholder confusion, the Act should simply require a briefing for health service providers to be held, rather than requiring a prescribed entity to request such a briefing.

Recommendation 8

Provided that each prescribed entity is invited to join a briefing session that is relevant to its area of interest, the Act should allow for the organisers of music festivals to arrange separate briefings for stakeholders rather than require them to invite all prescribed entities to a single briefing session.

Incident register requirement

Finding 12

There is duplication between incident register reporting requirements established under the *Music Festivals Act 2019*, *Liquor Act 2007*, Security Industry Regulation 2016, and the regulations of certain local councils, which causes confusion and additional complexity for the organisers of music festivals.

Recommendation 9

L&GNSW should continue to liaise with the NSW Police Force and other relevant stakeholders to explore opportunities for streamlining reporting arrangements in relation to the different incident register requirements.

Criteria for high-risk music festivals and use of the term ‘high-risk’

Finding 13

Stakeholders reported that the criteria used to determine high-risk festivals, and the process for initiating consideration of potentially high-risk festivals, are too subjective and provide insufficient clarity and certainty for the industry.

Finding 14

Due to potential reputational and financial implications for festival organisers, there is strong support among stakeholders for the replacement of the term ‘high-risk’ under the Act with a more appropriate term.

Recommendation 10

To provide greater certainty and transparency for festival organisers, objective criteria for festivals to be considered high-risk should be prescribed, and any new festival that meets these criteria should be required to notify ILGA for a determination to be made.

Recommendation 11

The term ‘high-risk’ in the Act should be replaced with the term ‘notifiable’ to address the negative implications of the term ‘high-risk’ and to conform with the suggested amendment to the Act outlined in recommendation 10.

Definitions

Finding 15

While many stakeholders did not raise objections to the definition of ‘music festival’ under the Act, industry stakeholders argued that the definition is unclear and inconsistent with the industry accepted definition.

Finding 16

The definition of ‘Ambulance Forward Commander’ in the Act is inaccurate.

Recommendation 12

L&GNSW should work with the industry to reach agreement, if possible, on potential amendments to the definition of ‘music festival’ in the Act to more closely accord with the industry-accepted definition.

Recommendation 13

The definition of ‘ambulance forward commander’ in the Act should be replaced with the following definition:

“Ambulance Forward Commander means the NSW Ambulance commander at an incident or emergency site or event who is responsible for the command of all NSW Ambulance personnel at that site or event. Further, the Ambulance Forward Commander is the designated Health Commander and all medical resources, State and Private, come under the command of this person until relieved.”

Compliance with the requirements under the Act

Finding 17

No breaches of the requirements under the Act were reported by the NSW Police Force or L&GNSW.

Non-recoverable costs to taxpayers

Finding 18

Most Government agencies either reported no non-recoverable costs relating to the operation of the Act (i.e. in excess of their business-as-usual costs), or found it difficult to separately identify these costs.

Finding 19

Where non-recoverable costs relating to the operation of the Act were clearly identified, these primarily related to the provision of medical and harm reduction services that were not covered under user pays arrangements.

Finding 20

L&GNSW reported a significant burden upon existing staffing resources to administer the Act as no new resources were provided for this purpose.

Unintended consequences and other regulatory issues

Finding 21

The key role of NSW Ambulance in the provision of onsite medical services at music festivals, and emergency transport of patients to hospital if required, is not adequately reflected in the provisions of the Act.

Finding 22

Industry stakeholders are concerned about duplication of processes and requirements across different regulatory bodies in relation to music festivals.

Finding 23

While some stakeholders believe that regulation of music festivals within a liquor and gaming regulatory framework is less than optimal given the Act's focus on medical safety management and the current regulator's lack of expertise in major event safety management, there is no consensus view as to what type of regulatory framework may be more appropriate.

Recommendation 14

NSW Ambulance should be listed as a prescribed entity under the Act, given its key role in the provision of onsite medical services at music festivals and emergency transport of patients to hospital if required.

Recommendation 15

The Government should consider opportunities for reducing duplication of processes and requirements across different regulatory bodies, where possible, to ease the overall burden on music festival organisers.

Recommendation 16

The Government should consider whether stakeholder concerns about the current regulatory framework can be adequately addressed, and if not, whether a more suitable alternative framework for the regulation of music festivals can be identified.

Operation of the music festival roundtable

Finding 24

While some members felt that it was too soon to assess the value of the roundtable's contribution, others reported that the roundtable was a worthwhile initiative that had contributed to improved communication, collaboration and networking among government agencies and other key stakeholders.

Finding 25

While some members felt that the roundtable has not yet had sufficient time to fulfil its functions, others felt that the functions of the roundtable had been fulfilled to the extent possible given its limited lifespan to date.

Finding 26

Members generally reported that the roundtable had been well supported by L&GNSW.

3. Regulation of the music festival industry in NSW

3.1 Background

Following the deaths of two music festival patrons in September 2018, the NSW Government convened a cross-agency Expert Panel to provide advice on how music festival promoters and operators could improve safety at their festivals. The Expert Panel was comprised of the Commissioner of the NSW Police Force, the Chief Health Officer from the NSW Ministry of Health, and the Chair of the Independent Liquor and Gaming Authority (ILGA). The Panel's report, *Keeping People Safe at Music Festivals*¹, outlined recommendations designed to improve the safety of music festival patrons.

In response to the Expert Panel's recommendations, the NSW Government introduced a new category of liquor licence for music festivals (hereafter referred to as a music festival licence) on 1 March 2019. Music festivals assessed to be high-risk by ILGA were required to apply for a music festival licence, including those that were operating under a different type of liquor licence such as an on-premises or limited licence. ILGA made its assessment based on advice from the NSW Ministry of Health and NSW Police and submissions from the music festival organiser.

Under these arrangements, organisers of high-risk music festivals directed to apply for a music festival licence were required to develop a Safety Management Plan (SMP). The SMP had to be endorsed by an interagency committee comprised of representatives from the NSW Ministry of Health, NSW Ambulance, NSW Police, Liquor & Gaming NSW (L&GNSW), local council, and the local fire service. ILGA, or its delegated officer, determined each licence application.

On 26 September 2019, the NSW Legislative Council disallowed the regulation that required high-risk music festivals to hold a music festival licence. As a result, all music festival licences issued under the scheme from 1 March 2019 became invalid.

3.2 *Music Festivals Act 2019*

The *Music Festivals Act 2019* ("the Act") commenced on 21 November 2019. The Act was introduced to ensure additional oversight of high-risk festivals, and provide support to these festivals, to achieve the shared aim of safer events in NSW.

Under the Act, ILGA is responsible for determining which festivals are high-risk. These include:

- events that ILGA directed to apply for a music festival licence under the former music festival licensing scheme

¹ NSW Government 2018, *Keeping People Safe at Music Festivals: Expert Panel Report*, <https://static.nsw.gov.au/1540188213/Keepingpeoplesafe.pdf>

- any other music festival ILGA determines is high-risk.

Section 5(2) of the Act provides that ILGA may consider the following in determining whether a music festival is high-risk:

- a) any advice from the Health Secretary or the Commissioner of Police
- b) any advice from the music festival roundtable
- c) whether a death has occurred in the State on a previous occasion at the music festival or in connection with the music festival in the last 3 years
- d) whether a prescribed event² occurred at a music festival, or an event related to a music festival, for which the music festival organiser was the organiser, in the 3 years immediately preceding the date on which the proposed music festival is to start
- e) any submission made to ILGA by the music festival organiser about the reasons the proposed music festival is not a high-risk festival.

Under the Act, organisers of high-risk music festivals may be required to prepare a SMP that must be approved before the event can take place. The function of approving SMPs was delegated by ILGA to the Director of Licensing at L&GNSW.

Section 6 of the Act provides for the content that must be included in a SMP. Music festival organisers are also encouraged to refer to the NSW Ministry of Health's *Guidelines for music festival event organisers*³ and consult with their Police Area Command, Local Health District and NSW Ambulance in preparing their SMP.

The Act also introduced the following requirements for high-risk music festival organisers during a festival to:

- keep a copy of the approved SMP at the festival
- ensure a copy of the approved SMP is made available to police, inspectors, health officers and emergency services officers, if requested
- hold briefings for health service providers, if requested by a representative of a prescribed entity under the Act⁴
- keep and maintain a compliant incident register in the form approved by ILGA from when the festival starts to one hour after close⁵.

² A prescribed event is the death of a person, or admission to an intensive care unit, that is reasonably suspected to be (a) because of alcohol or drug use, or (b) caused by crowd behaviour or improper safety management.

³ NSW Ministry of Health 2019, *Guidelines for music festival event organisers: Music festival harm reduction*, <https://www.health.nsw.gov.au/aod/Publications/music-festival-guidelines.PDF>

⁴ The music festival organiser must notify representatives of prescribed entities of the date, time and location of the briefing. Prescribed entities under the Act are ILGA (delegated to Director of Compliance, L&GNSW), the NSW Police Force, Fire and Rescue NSW, NSW Rural Fire Service, the NSW Ministry of Health, and the local council of the premises where the festival is to be held.

⁵ Police, inspectors or Health officers can inspect and make copies of the register. The incident register must be kept for at least three years after the festival.

Offence provisions for failure to comply with these requirements are outlined in the Act.

3.3 Music festival roundtable

A music festival roundtable was established under the Act. The functions of the roundtable are to:

- support the growth of the music festival industry in NSW
- support the safety of patrons of music festivals
- conduct reviews of legislation, reports, advice and other matters that are relevant to the operation of music festivals
- address any unforeseen consequences from the enactment of the Act.

The roundtable is comprised of the Government and industry representatives listed in Table 1. It is co-chaired by the General Manager of the Australian Festival Association (chosen by industry roundtable members) and the Executive Director, Policy & Strategy in the Better Regulation Division of the Department of Customer Service (chosen by the Minister for Customer Service). Terms of Reference for the music festival roundtable are at Appendix A.

Table 1: Music festival roundtable member organisations

Government	Industry
Ambulance Service of NSW Create NSW Department of Planning, Industry & Environment Department of Premier & Cabinet Destination NSW Liquor & Gaming NSW Ministry of Health NSW Police Force Transport for NSW	APRA AMCOS ⁶ Australian Festival Association Australian Recording Industry Association Live Performance Australia Local Government NSW Music NSW Unions NSW

⁶ The Australasian Performing Rights Association Limited (APRA) and the Australasian Mechanical Copyright Owners Society Limited (AMCOS) became one organisation in 1997.

4. Review of the operation of the Act

4.1 Purpose of the review

Section 19 of the Act states that:

- (1) The music festival roundtable is to review the operation of this Act in relation to music festivals held between the commencement of this Act and 30 April 2020.
- (2) The review is to be undertaken as soon as practicable after 30 April 2020.
- (3) A report of the outcome of the review is to be tabled in each House of Parliament by 30 June 2020.

The Department of Customer Service (through L&GNSW) provided support to the music festival roundtable to undertake the review. L&GNSW, in conjunction with representatives from the Australian Festival Association, facilitated stakeholder consultation and data analysis to inform the review and assist the roundtable to prepare this review report.

4.2 Review objectives

The objectives of the review were to:

1. assess the impacts of the Act on the economic performance of music festivals
2. assess the effectiveness of SMPs
3. assess the composition of, and inclusions in, SMPs
4. assess the process for approving SMPs
5. assess the effectiveness of briefings for health service providers
6. assess the operation of the incident register requirement
7. assess the suitability of the criteria for nominating which music festivals are high-risk, and the use of the term 'high-risk'
8. assess the suitability of 'music festival', 'music festival operator' and 'ambulance forward commander' definitions
9. assess compliance with the requirements under the Act
10. quantify non-recoverable costs to taxpayers relating to the operation of the Act
11. identify any unintended consequences of the Act or other regulatory issues
12. assess the operation of the music festival roundtable.

Review questions underpinning each of these objectives are listed in Appendix B.

4.3 Methodology

4.3.1 Stakeholder consultation

Roundtable member organisations, 'prescribed entities' listed under section 10(5) of the Act, and selected medical and harm reduction service providers, were invited to complete an online survey or participate in a telephone consultation during May 2020. Survey and consultation questions were based on the review questions in Appendix B.

The following organisations participated in the consultation process to inform the review:

- APRA AMCOS
- Australian Festival Association (AFA)
- Australian Recording Industry Association
- City of Sydney council
- Department of Planning, Industry & Environment (DPIE)
- Department of Premier & Cabinet (DPC)
- Destination NSW
- Independent Liquor & Gaming Authority (ILGA)
- Liquor & Gaming NSW (L&GNSW)
- Local Government NSW
- NSW Ambulance
- NSW Ministry of Health
- NSW Police Force
- NSW Users and AIDS Association (NUAA)
- St John Ambulance Australia (NSW)
- Transport for NSW

Live Performance Australia provided feedback via the Australian Festival Association.

4.3.2 Survey of music festival organisers

Organisers of the nine high-risk music festivals that were held during the 21 November 2019 to 30 April 2020 period were invited to complete an online survey. In addition, organisers of the three high-risk music festivals that were scheduled to be held during this period, but were postponed or cancelled due to the summer bushfires or the COVID-19 pandemic, were invited to complete the online survey. Organisers were asked to provide information and feedback on:

- safety management plans
- briefings for health service providers

- the incident register requirement
- criteria and definitions under the Act
- economic impacts
- other impacts and regulatory issues.

The survey was also distributed to organisers of 14 music festivals that were held during the 21 November 2019 to 30 April 2020 period but were not subject to the requirements under the Act. Organisers were asked to provide information and feedback on:

- the criteria and definitions under the Act
- their views of the overall impacts of the Act.

Completed surveys were received from six high-risk festivals and five festivals that were not subject to the requirements under the Act.

4.3.3 Data sources

In addition to data provided via the online surveys, the review was informed by a range of health-related data provided by NSW Health; offence, compliance and operational data provided by the NSW Police Force and L&GNSW; and data relating to the SMPs provided by ILGA.

5. Review outcomes

5.1 Economic impacts on music festivals

Of the high-risk music festival organisers that were surveyed, most reported that the requirements under the Act had increased their overall operational costs. Other organisers were unsure whether their costs had been impacted by the requirements under the Act. Organisers who provided further details suggested that the cost of user-pays medical and policing arrangements was largely responsible for their higher operating costs. While the introduction of user-pays medical and policing arrangements preceded the implementation of the Act, SMPs may require a certain number of police or health officers to be engaged, which would need to be at least partially funded under a user-pays arrangement.

Most high-risk music festival organisers either reported that the requirements under the Act had had no impact on revenue from ticket and bar sales or that they were unsure. Only one organiser reported an impact on ticket sales, which they attributed to the reputational implications of their festival being determined as 'high-risk'. As such, the review found little evidence that the requirements under the Act have significantly impacted the revenue from ticket and bar sales of high-risk music festivals.

A more detailed assessment of the economic impacts on music festivals may be warranted once the Act has been in effect for a longer time. There may be value in undertaking a cost-benefit analysis as part of the statutory five-year review of the objectives of the Act. This would help the Government to assess, based on the costs and benefits of the regulatory approach imposed under the Act, whether the terms of the Act remain appropriate for securing its objectives.

Finding 1: Organisers of high-risk music festivals have reported higher operating costs since the introduction of the Act, primarily relating to user-pays medical and policing arrangements.

Finding 2: There is little evidence that the requirements under the Act have significantly impacted the revenue of high-risk music festivals.

5.2 Safety management plans

Between 21 November and 30 April 2020, 19 music festivals were determined to be high-risk by ILGA. All 19 festivals were directed by ILGA to prepare a SMP.

Of these 19 festivals that were directed to prepare a SMP, 12 were scheduled to be held between 21 November 2019 and 30 April 2020. Of these 12 scheduled festivals, nine were actually held. One of the 12 festivals was cancelled due to restrictions to mass gatherings during the COVID-19 pandemic, and two festivals were cancelled in December 2019 due to safety concerns during the bushfire season. SMPs were submitted for ten of the 12 festivals scheduled between 21 November 2019 and 30 April 2020, however one SMP was not implemented because the festival was cancelled.

It was not possible for most music festival organisers to submit SMPs at least 90 days prior to the start of the festival as required under section 6(2)(a) of the Act. Organisers for nine of the ten festivals that submitted SMPs were unable to meet this timeframe because they were directed to prepare a SMP within 90 days of the event start date. On average, organisers were directed to prepare SMPs 55 days prior to the event date (see [Figure 1](#)~~Figure 1~~). One of the festivals was directed to prepare a SMP 103 days prior to the event start date, however the SMP for this festival was submitted 30 days prior to the event start date.

Given that the Act commenced on 21 November 2019, ILGA was unable to determine whether festivals were high risk and/or required a SMP within a timeframe that would allow organisers to prepare and submit their SMPs at least 90 days prior to the festival start date. Before making these determinations, ILGA must provide relevant stakeholders with an adequate opportunity to provide advice, and provide the organiser with a further opportunity to provide a submission in response. This situation, which was challenging for all stakeholders involved, was unavoidable due to the timeframes imposed in the Act and the fact that the Act commenced on 21 November 2019 with little prior warning.

All ten SMPs submitted by festival organisers were approved by ILGA or its delegates⁷ at least 12 days before the event date. Section 36 of the *Interpretations Act 1987 (NSW)* provides that, where the last day of a prescribed time period under an Act falls on a weekend or public holiday, then the time period can be extended to the next working day. Given that festival start dates usually fall on a Saturday or Sunday, ILGA was able to meet the approval timeframes under section 6(4) of the Act. On a number of occasions ILGA or its delegate approved SMPs 'with changes' under section 6(4)(a) of the Act. On these occasions, organisers were directed as part of the approval to make further specified changes to their SMP, and these changes were made prior to the event start date.

In the period under consideration by the review, it took ILGA around 16 days on average to approve each SMP (see Figure 1). While one SMP took 63 days to approve due to resourcing issues, all other SMPs took between 3 and 15 days to approve. One SMP was excluded from this calculation because the festival organiser had submitted a SMP under the music festival licence scheme and requested that ILGA consider this SMP under the current scheme. It took ILGA six days to approve the SMP from the date the festival was directed to prepare the SMP under the current scheme.

5.2.1 Effectiveness

Data was sourced from the NSW Ministry of Health and the NSW Police Force to examine any changes in the number of deaths, other health-related incidents, and assaults at high-risk music festivals following the introduction of the Act. The review compared data for the nine high-risk festivals that were held between 21 November 2019 and 30 April 2020 to data for the same festivals held in the 2018-19 music festival season. Additionally, stakeholders were surveyed to assess whether or not they believed that SMPs had contributed to improvements in the safety of high-risk music festival patrons.

⁷ ILGA delegated the function of approving SMPs to the Director of Licensing, L&GNSW.

Data sourced from the NSW Ministry of Health is shown in Table 2. It compares the number of health-related incidents that occurred at the nine high-risk festivals held between 21 November 2019 and 30 April 2020 with the number of health-related incidents at the same high-risk festivals held during the 2018-19 music festival season. From the 2018-19 season to the 2019-20 season, deaths reduced from two to zero and notable reductions were observed in the number of transports to hospital (including transports that were likely drug-related). All other incident types showed little change from the 2018-19 season to the 2019-20 season. Importantly, the number of serious drug-related presentations requiring onsite critical care, intubation, urgent transport to hospital and/or ICU admission was consistent across seasons.

Table 2: Summary of clinical data associated with high-risk music festivals 2018-19 and 2019-20

Category of health-related data	2018-19 season	2019-20 season
Deaths	2	0
ICU admissions	14	14
Transports to hospital	88	58
Transports likely drug-related	60	46
Urgent transports	23	22
Onsite critical care	24	22
Onsite intubations	16	16
Hospital intubations	1	1

Data sourced from the NSW Police Force is shown in Table 3. It compares the number of assaults that occurred at the nine high-risk festivals held between 21 November 2019 and 30 April 2020 with the number of assaults at the same high-risk festivals held during the 2018-19 music festival season. The number of assaults that took place at high-risk festivals fell from nine in the 2018-19 season to six in the 2019-20 season. The average number of assaults that occurred at each high-risk festival is very low across both seasons (i.e. 1 in 2018-19 and 0.7 in 2019-20).

While there is some evidence to suggest that there have been fewer adverse health outcomes, and to a lesser extent assaults, at high-risk music festivals since the introduction of the Act, the number of serious drug-related presentations was consistent between 2018-19 and 2019-20 and the limited period of time that SMPs have been in operation limits the conclusions that can be drawn from the data. Many stakeholders agreed that it was too early to determine whether SMPs had contributed to a reduction in health-related incidents or assaults. Continuing to gather data over a longer time

period would provide more robust evidence in relation to the effectiveness of SMPs, and would help to inform the five-year statutory review of the objectives of the Act.

Table 3: Number of assaults⁸ at high-risk music festivals during the 2018-19 and 2019-20 seasons

Assaults at high-risk music festivals	2018-19 season	2019-20 season
Total number of assaults	9	6
Average number of assaults per high-risk music festival	1	0.7

Other feedback from a range of government and industry stakeholders indicated that a clear benefit of SMPs was the increased accountability and delegation of duties for different parties in the operation of high-risk music festivals. It is possible that this has had flow-on benefits for safety as stakeholders reported that the delegation of duties and responsibilities keeps parties committed to safety and service provision.

Finding 3: While there is some evidence to suggest that there have been fewer adverse health outcomes, and to a lesser extent assaults, at high-risk music festivals since the introduction of the Act, the number of serious drug-related presentations was consistent between 2018-19 and 2019-20 and a longer time series of data is required to draw any definitive conclusions.

Finding 4: Many stakeholders believe SMPs have strengthened accountability in the planning of health and safety arrangements for music festivals.

Recommendation 1: The roundtable should continue to collate and analyse data related to health-related incidents and assaults at high-risk music festivals to provide more robust evidence about the effectiveness of SMPs and to inform the five-year statutory review of the objectives of the Act.

5.2.2 Inclusions

Stakeholders provided a wide variety of feedback regarding the composition of SMPs and what additional requirements may be appropriate to include. Government and industry stakeholders reported that it would be beneficial to the SMP process if parts of the SMP were standardised, particularly the crowd management section and the requirements of state and local agencies. The NSW Ministry of Health reported that inconsistency in the structure and formatting of SMPs had presented a challenge in providing timely feedback on SMPs. Development of an SMP template was suggested by several stakeholders to improve consistency in the structure and formatting of SMPs, assist music festival organisers to prepare SMPs, and ultimately assist the decision-making process.

⁸ Assault data provided by the NSW Police Force included the following offence categories: Common assault, assault occasioning actual bodily harm, assault occasioning grievous bodily harm, and assault police.

Regarding the composition of SMPs, some stakeholders reported that the scope should be narrowed to only include medical or health-related requirements. They suggested that other requirements (e.g. strategies to deal with the preservation of a crime scene on the premises) were either already included in, or would be more appropriately included in, Security Management Plans, Liquor Management Plans, or other relevant planning documents.

Other stakeholders provided feedback to suggest that additional requirements should be included in SMPs. One stakeholder suggested that peer-based harm reduction services should be added as a key stakeholder in the emergency response plan in order to improve patron safety and reduce confusion on the ground. Another stakeholder suggested that the contractor/subcontractor status, experience and qualifications of health service provider staff should be included in SMPs.

L&GNSW suggested that festival organisers and all staff working at festivals where under 18s are permitted entry should be required to hold a valid Working With Children Check (WWCC). L&GNSW noted that several young people attending underage music festivals in recent years have required medical treatment. It was argued that the detection of drugs, availability of alcohol, the lack of parental supervision, and the duration and remoteness of festivals are factors that increase the vulnerability of young people.

While the NSW Ministry of Health's *Guidelines for Music Festival Event Organisers* state that all private health and support staff should have a current WWCC for at an all ages event, L&GNSW identified the need for festival organisers to better understand the application of WWCCs at music festivals that permit entry to under 18s. Given the potential risks involved, this issue may require further consideration by the roundtable.

As it is beyond the scope of the present review to fully consider all of the stakeholder suggestions for amendments to the SMP requirements, and liaise with the relevant regulatory bodies in relation to potential amendments, the roundtable should further consider what requirements, if any, should be added to or removed from SMPs. A detailed comparison of content covered in other planning documents across the relevant agencies is required before deciding on what content should be added or removed from SMPs.

Finding 5: A number of stakeholders support the development of a SMP template to improve consistency in the structure and formatting of SMPs, assist music festival organisers to prepare SMPs, and ultimately assist the decision-making process.

Finding 6: While some stakeholders believe the scope of SMPs should be narrowed to only include medical or health-related requirements, others are either satisfied with the current scope or would support different requirements.

Recommendation 2: A template structure for SMPs should be developed, in consultation with relevant stakeholders, to support a consistent and best-practice approach to the preparation of SMPs by festival operators.

Recommendation 3: The roundtable should further consider what requirements, if any, should be added to or removed from SMPs, noting that some requirements may not exist in other management plans or may be necessary to assist ILGA to make a determination.

5.2.3 Approval process

Submission date for the SMP

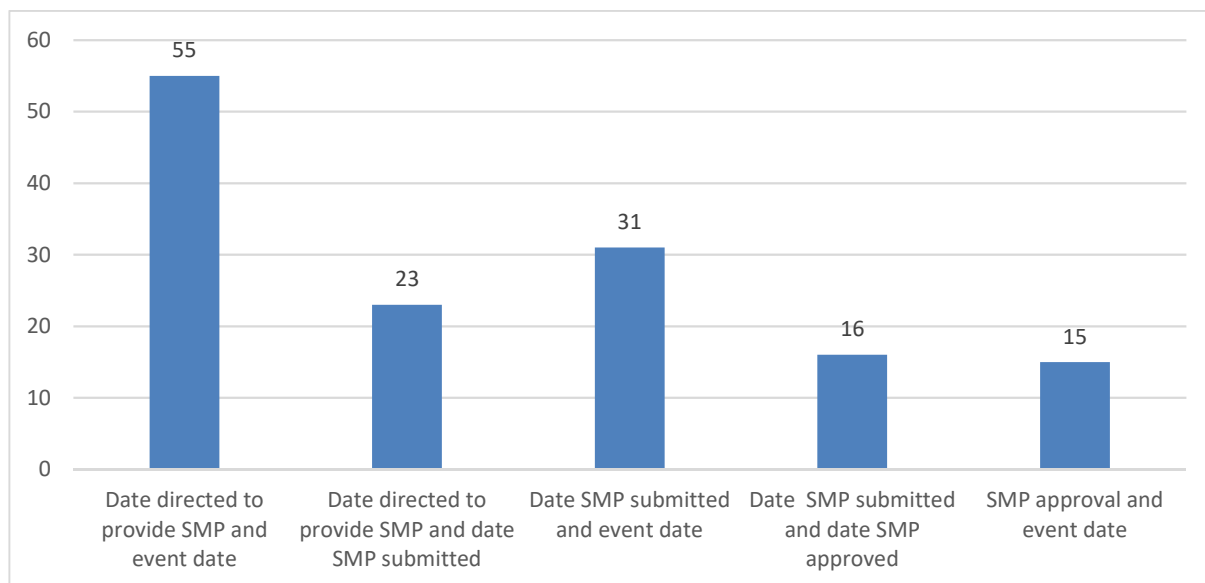
DPC and L&GNSW do not believe it is currently possible to evaluate the appropriateness of the requirement for festival organisers to submit the SMP 90 days prior to a music festival. In their opinion, insufficient time has passed since the commencement of the Act and the legislation has not yet been tested as intended. While acknowledging the difficulty in drawing definitive conclusions at this stage about the appropriateness of this requirement, some conclusions can be drawn based on stakeholder feedback and an assessment of ILGA's experience in administering the SMP approval process to date.

Feedback from the Australian Festival Association (AFA) and most festival organisers (five of the six who responded to this survey question) confirms that 90 days is too early for organisers to confirm important details about the festival in an SMP. In particular, they highlight the difficulty of estimating attendance numbers as ticket sales usually don't commence until 90-120 days prior to an event. This claim is supported by feedback from L&GNSW, who confirmed that attendance estimates reported in SMPs sometimes differ significantly to the actual number of patrons that attend a festival.

Based on processes that have been in place since the introduction of the Act, music festival organisers have submitted their SMP, on average, 31 days prior to a music festival (see Figure 1). ILGA has taken 16 days, on average, to approve these SMPs. SMPs were approved 15 days, on average, prior to the event and ILGA met the legislative requirement regarding the timeframe for these approvals on each occasion. L&GNSW highlighted the challenge for ILGA to approve or refuse SMPs within these shortened timeframes. Of the ten SMPs approved by ILGA, three were approved on a conditional basis as they were not deemed to be of a sufficient quality to warrant unconditional approval. This suggests some festival organisers may have benefited from additional time to prepare their SMPs to a more satisfactory standard.

While the period of time available to ILGA to make a determination on SMPs has been inadequate to date, stakeholder feedback would suggest that a reduction in the 90 day submission requirement to 60 days would be feasible and would allow festival organisers to provide a more accurate and reliable estimate of expected attendance numbers. This reduction should be considered once the improvements to the SMP process outlined in recommendations 2 and 5 have been implemented.

Figure 1: Average number of days between key dates during the SMP approval process



Finding 7: The requirement for music festival organisers to submit their SMPs 90 days prior to a festival poses challenges for many organisers due to the difficulty in confirming key information this far in advance of an event.

Recommendation 4: The deadline for organisers of high-risk music festivals to submit their SMP to ILGA should be changed from 90 to 60 days prior to the scheduled event, once recommendations 2 and 5 have been implemented.

Online platform to facilitate the SMP approval process

ILGA believes the full 90-day submission requirement is necessary to ensure that it has sufficient time to obtain and consider feedback from other government agencies before deciding whether to approve or refuse an SMP. The NSW Ministry of Health and NSW Police took on average 14.5 days to provide feedback on SMPs. Based on feedback received from L&GNSW, it appears that inadequate record management and version control systems complicated and delayed this approval process.

The AFA and L&GNSW both recommend an online platform be introduced to improve record management, streamline communication and information/data sharing between government agencies, and facilitate the ILGA approval process. An online system to improve the management and coordination of SMP approvals would allow the 90-day submission requirement to be shortened. Such an initiative would require funding and ideally involve shared responsibility across relevant agencies.

Recommendation 5: In consultation with relevant stakeholders, an online system should be introduced to facilitate the SMP feedback and approval process, by improving the management of SMP documentation and facilitating information and data sharing between government agencies.

Submission date for the SMP Addendum⁹

In its feedback, the AFA suggested that the Addendum to SMPs be required 48 hours, rather than 14 days, prior a music festival. In the AFA's opinion, this change is required due to the difficulty faced by festival organisers in obtaining medical rosters 14 days in advance of an event. However, most festival organisers (five of six who responded to this survey question) supported the 14-day deadline. Furthermore, feedback from ILGA, L&GNSW and the NSW Ministry of Health highlighted the significant challenges they would face in approving Addendum information in such close proximity to the event.

The NSW Ministry of Health suggested Addendums be required 21 days prior to a festival to ensure ILGA has sufficient time to consider this before making a final decision. L&GNSW did not request an earlier submission date. It indicated that a review of the Addendum generally only involves checking that revisions suggested by the NSW Ministry of Health and the NSW Police Force have been incorporated in the document.

Based on this feedback, there would appear to be no compelling justification to change the submission date for the SMP Addendum.

Approval of music festival attendance numbers

According to L&GNSW, the SMP for one music festival estimated an attendance number of 10,000. However, almost 15,000 tickets were ultimately sold for this event. In L&GNSW's opinion, the underreporting of crowd numbers creates risks for festival safety planning and the provision of adequate medical services.

It would be preferable if festival organisers were required to nominate a maximum attendance figure in their SMP 60 days prior to an event and be prohibited from selling tickets in excess of this number. This would reflect the same general approach that is applied to licensed premises, in which a venue operator is prohibited from allowing patrons into a premises in excess of the maximum patron capacity that is authorised on a liquor licence.

Due to higher or lower than expected ticket sales, a festival organiser may subsequently wish to revise the attendance figure in their SMP. To allow time for ILGA to consider such a request, organisers should be permitted to request approval from ILGA to adjust this figure up or down, no later than 21 days prior to an event. In some instances, such a revision to attendance numbers may have implications for the requirements outlined in the SMP.

Finding 8: There is a risk that, when completing their SMP, festival organisers may significantly under-estimate the number of patrons they expect to attend a festival, resulting in insufficient medical services being available to respond to health incidents that may occur during the event.

⁹ Under section 6(3) of the Act, the music festival organiser must, at least 14 days before the festival is to be held, give ILGA an addendum to the SMP that includes information about (a) the persons that will provide health services at the festival, and (b) the qualifications and work experience of the persons engaged to provide the health services.

Recommendation 6: Music festival organisers should be required to estimate in their SMP a maximum number of patrons that may attend a festival, and be prohibited from selling tickets in excess of this number unless a revised number is submitted no later than 21 days prior to a music festival and is approved by ILGA.

5.3 Briefings for health service providers

All five of the music festival organisers that responded to these survey questions reported holding between two to six stakeholder briefings per festival. Most respondents (four of five) reported no problems organising or running the briefing sessions. It is unclear if these briefings were requested under section 10 of the Act, or alternatively, initiated by the festival organisers.

Furthermore, the NSW Ministry of Health hold regular, direct briefings with festival organisers. The requirement under the Act has caused confusion for the NSW Ministry of Health and festival organisers as they are unsure if the request to hold a direct briefing with the organiser requires the organiser to notify other prescribed entities under the Act.

Feedback from the AFA and the City of Sydney Council also highlights confusion about the purpose and scope of the briefings required under the Act. These stakeholders claim it is not clear how the briefings differ to briefing sessions that festival organisers routinely initiate with Health, Police and emergency services stakeholders during the festival planning process.

The distinction between briefings for health service providers requested by prescribed entities under the Act, and direct briefings between relevant entities and festival organisers, is ambiguous and requires clarification. To reflect current practice, the Act should simply require a briefing for health service providers to be held, regardless of whether the briefing is initiated by the festival organiser or a prescribed entity.

The AFA suggested that it may not always be appropriate to invite all prescribed entities to a briefing. They noted, for example, Fire & Rescue NSW may receive limited value attending a briefing focussed on ventilator availability. Festival organisers reported holding multiple briefing sessions prior to each festival, each generally focussed on different health and safety matters.

To reflect current practice and address stakeholder confusion, the Act should be amended to confirm that music festival organisers can hold separate stakeholder briefings, rather than requiring organisers to invite all prescribed entities to each briefing session. Notwithstanding this amendment, each prescribed entity should continue to receive invitations to a briefing that is relevant to its area of interest.

Finding 9: There is stakeholder confusion in relation to what constitutes a briefing under the Act and how this is different from other stakeholder briefings that are routinely held.

Finding 10: It is unclear if any requests for a health service provider briefing were made between 21 November 2019 and 30 April 2020 that would qualify as a request made under section 10 of the Act.

Finding 11: Generally, music festival operators organised separate briefings for stakeholders, depending on the matters under discussion, rather than inviting all prescribed entities to each briefing session.

Recommendation 7: To reflect current practice and address stakeholder confusion, the Act should simply require a briefing for health service providers to be held, rather than requiring a prescribed entity to request such a briefing.

Recommendation 8: Provided that each prescribed entity is invited to join a briefing session that is relevant to its area of interest, the Act should allow for the organisers of music festivals to arrange separate briefings for stakeholders rather than require them to invite all prescribed entities to a single briefing session

5.4 Incident register requirement

Stakeholders providing feedback to the review were generally supportive of the need for an incident register. Both the NSW Police Force and L&GNSW confirmed that no breaches or compliance issues had been detected with respect to the incident register requirement for the period under examination. However, there was stakeholder criticism about the level of duplication that currently exists between different incident register requirements across government. There was also feedback on the types of incidents that should be included or removed from the register.

Duplication of incident register requirements

The AFA, APRA AMCOS, City of Sydney Council, DPIE, Local Government NSW and one festival organiser expressed concern with the duplication of incident register requirements. The AFA noted that organisers of high-risk music festivals may be required to maintain separate incident registers to comply with liquor licensing, security industry and local council requirements, in addition to meeting the requirements of the Music Festival Act. According to music festival organisers, similar types of health, safety and security incident information must be entered into multiple registers by music festival staff. They report that this adds cost, complexity and confusion to the operation of the event and leaves them with less time to focus on patron safety.

To reduce duplication across the different incident registers, the AFA suggested that reportable incidents under the liquor and security laws be removed from the incident register requirement under the Music Festivals Act. While there may be opportunities to remove some duplicate reporting requirements across these registers, any detailed examination of these opportunities is beyond the scope of this review and would need to occur in close consultation with L&GNSW, the NSW Police Force and other relevant stakeholders.

L&GNSW is currently involved in discussions with the NSW Police Force to explore options to streamline reporting arrangements for incident registers under the liquor and security industry laws. There would be value in broadening the scope of these discussions to include consideration of incident register requirements for high-risk music festivals.

Types of incidents reported in the incident register

The AFA noted that some music festival organisers are concerned about the requirement to record 'possession of substance' incidents in their register. According to the AFA, some festival organisers believe this information could be used by regulatory authorities to prove onsite drug use, which may have negative consequences for the festival, including its possible designation as a high-risk event.

In the period under examination, there were no occasions when police, or other entities, sought to designate a festival as high-risk based on incidents that were recorded in an incident register. Nevertheless, some festival organisers may be fearful or reluctant to enter details of these offences due to potential consequences from regulating authorities.

Despite concerns from some festival organisers, 'possession of substance' incidents should continue to be a mandatory reporting requirement of the incident register. Records of such incidents provide festival organisers, law enforcement authorities and regulating agencies with important information about patron behaviour and risks. This information can be used to improve health and safety outcomes for festival patrons at future events.

Use of electronic and online incident registers

A majority of music festival organisers who responded to the survey questions about incident registers (three of five survey respondents), use electronic incident registers. These respondents reported no concerns or negative feedback about the use of incident registers. In the opinion of the AFA, electronic incidents are easier to manage.

One music festival organiser argued for the introduction of a centralised incident register system to provide a consolidated and easily accessible repository of incident information to cover all incident register requirements. In its feedback, Local Government NSW was also supportive of a centralised online incident reporting system.

Any centralised repository of incident records from music festivals would need to have strong safeguards in place to protect the confidentiality and privacy of incident data and patron information. However, there are clearly potential benefits associated with the introduction of a centralised, online register, including streamlined reporting and improved data accessibility. The feasibility of this option should be further explored as part of the continuing discussions between L&GNSW, the NSW Police Force, and other relevant stakeholders regarding streamlined incident reporting arrangements.

Finding 12: There is duplication between incident register reporting requirements established under the *Music Festivals Act 2019*, *Liquor Act 2007*, *Security Industry Regulation 2016*, and the regulations of certain local councils, which causes confusion and additional complexity for the organisers of music festivals.

Recommendation 9: L&GNSW should continue to liaise with the NSW Police Force and other relevant stakeholders to explore opportunities for streamlining reporting arrangements in relation to the different incident register requirements.

5.5 Criteria for high-risk music festivals and use of the term ‘high-risk’

Criteria for high-risk music festivals

The matters ILGA considers in determining whether a festival is high-risk are outlined under section 5(2) of the Act. While certain criteria, such as the occurrence of a ‘prescribed event’ at a festival, are sufficiently clear, there is a perception among many stakeholders, including the AFA, APRA AMCOS, City of Sydney Council, Destination NSW, DPIE, festival organisers, Local Government NSW and the NUAA, that other criteria are too broad or lack clarity. For example, APRA AMCOS noted that section 5(2)(c) of the Act does not specify circumstances concerning the death of a music festival patron and could potentially include deaths unrelated to drug use or unsafe practices. This has the potential to cause uncertainty for festival organisers and subjective and inconsistent decision-making by ILGA.

Festival organisers were particularly concerned about the accuracy of the advice that the NSW Ministry of Health and NSW Police provide to ILGA to inform its decisions, and felt that more opportunities to question the information provided were needed. In its submission to the review, the NSW Ministry of Health noted that previous occurrences of prescribed events or other health-related incidents, whether or not the festival or organiser is new, and the inherent characteristics of a festival, are all factors considered in forming its advice to ILGA. The NSW Ministry of Health stated that it supports ILGA’s approach to considering advice from the Health Secretary.

The AFA and one music festival organiser argued that media reports should not be submitted as evidence to ILGA to inform its determination of high-risk festivals, as media reports may include unsubstantiated claims. However, in ILGA’s opinion, it is appropriate to receive media reports, so long as they are disclosed to organisers, and organisers are provided with an opportunity to respond.

Stakeholders suggested a range of additional factors to be considered when determining whether a festival is high-risk. The AFA recommended that a festival’s inherent characteristics, including patron numbers, weather conditions, and proximity to a hospital be considered as criteria. City of Sydney Council suggested only new and inexperienced festival organisers be required to meet the conditions of the Act. Some organisers thought that the scale and size of a festival should be part of the criteria. One festival organiser suggested events with over 5000 patrons should meet the requirements under the Act.

Some festival organisers believe the history of an operator should be considered in the decision-making process. ILGA stated, in making a high-risk determination, it considers the inherent risk of a music festival and not the capability of an organiser or measures put in place to address risk. Given the purpose of SMPs is to address and mitigate the inherent risk of a festival, it is

appropriate that ILGA continue to assess the inherent risks of festivals when making its decisions to ensure a consistent approach to safety management is adopted at higher risk music festivals.

The L&GNSW Music Festival Guidelines¹⁰ describe some inherent risks that ILGA may consider in its decisions. L&GNSW believes these inherent risks should be specified under the Act. While there was some support for considering each festival on a case-by-case basis, many stakeholders advocated for more clearly defined and objective criteria. DPIE and the NUAA stated that more clearly defined criteria should be published for greater certainty and transparency.

Prescribing more clearly defined criteria would give music festival organisers greater certainty about which festivals may be considered high risk. Inherent risks are already considered during ILGA's assessment of each music festival. Prescribing the criteria would also address stakeholder concerns about transparency and inconsistency in the decision-making process. In addition, there may be value in prescribing the factors the NSW Ministry of Health and the NSW Police Force consider in informing their advice to ILGA. Amendments to the criteria should be considered in consultation with the NSW Ministry of Health and the NSW Police Force.

Some stakeholders argued the process to initiate consideration of potentially high-risk festivals is ambiguous and non-transparent. The NSW Police Force and L&GNSW suggested new music festivals that meet the definition of a music festival and agreed criteria should be required to notify ILGA, rather than it be ILGA's responsibility to identify such events. ILGA would then determine whether the notifying festival would need to meet the requirements under the Act. The suggestion that new festivals that meet amended criteria should be required to notify ILGA is supported. Further consideration will be required in relation to the appropriateness and nature of penalties for organisers who fail to do so.

Finding 13: Stakeholders reported that the criteria used to determine high-risk festivals, and the process for initiating consideration of potentially high-risk festivals, are too subjective and provide insufficient clarity and certainty for the industry.

Recommendation 10: To provide greater certainty and transparency for festival organisers, clear, objective criteria for festivals to be considered high-risk should be prescribed, and any new festival that meets these criteria should be required to notify ILGA for a determination to be made.

Use of the term 'high-risk'

There was limited support among stakeholders for retaining the use of the term 'high-risk'. DPC supported use of this term, arguing that 'high-risk' refers to the inherent risks of the festival rather than the competency of the organiser. However, most stakeholders, including APRA AMCOS, City of Sydney Council, DPIE, festival organisers, Local Government NSW, and the NUAA, suggested that the term 'high-risk' is misleading and does not reflect the nature of the event.

The AFA and festival organisers argued that term 'high-risk' can lead to reputational damage for the festival organiser, the brand, the venue, the local council where the festival is to be held, and

¹⁰ Liquor & Gaming NSW 2019, *Fact sheet: music festival guidelines*, https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0003/283656/FS3157_Music_Festival_Guidelines.pdf

the patrons that attend. Festival organisers also noted that larger scale music festivals that could benefit from additional safety measures do not want to be associated with this term.

L&GNSW also received feedback from festival organisers who indicated that the ‘high-risk’ terminology has had an impact on their financing, insurance and sponsorship arrangements. While unable to be substantiated by the review, festival organisers reported the term has led to higher operational costs and some claimed it had been used by NSW Police to justify increases to user-pays Police arrangements and additional licensing conditions.

The NSW Police Force provided data on the number of user-pays police deployed to high-risk music festivals between 21 November 2019 and 30 April 2020, and to the same music festivals held during the 2018-19 music festival season. The data showed that there was no increase in the number of user-pays police deployed to these festivals when comparing these two time periods.

However, due to the reported reputational damage the term ‘high-risk’ has caused to the music festival industry and the negative stakeholder perceptions associated with the term, it is recommended that this term be removed from the Act and associated documents. The review recommends replacing the term with ‘notifiable’, in line with recommendation 10. New festivals that meet the criteria in the Act should be required to notify ILGA and should therefore be referred to as ‘notifiable’ music festivals. Under this approach, festivals that are currently considered ‘high-risk’, or festivals that are not new but are found to meet the established criteria, will also be considered as ‘notifiable’ festivals.

Finding 14: Due to potential reputational and financial implications for festival organisers, there is strong support among stakeholders for the replacement of the term ‘high-risk’ under the Act with a more appropriate term.

Recommendation 11: The term ‘high-risk’ in the Act should be replaced with the term ‘notifiable’ to address the negative implications of the term ‘high-risk’ and to conform with the suggested amendment to the Act outlined in recommendation 10.

5.6 Definitions

Music festival

Section 3 of the Act defines a music festival as an event, other than a concert, that-

- (a) is music-focused or dance-focused, and
- (b) has performances by a series of persons or groups that are engaged to play or perform to live or pre-recorded music, or to provide another form of musical or live entertainment, and
- (c) is held within a defined area, and
- (d) is attended by 2,000 or more people, and
- (e) is a ticketed event.

While several stakeholders, such as the City of Sydney Council, DPC, DPIE, and St John Ambulance thought the definition was suitable, industry stakeholders, including the AFA, APRA AMCOS and festival organisers, noted that the definition under the Act is different to the industry accepted definition¹¹. Furthermore, Destination NSW, Local Government NSW and festival organisers argued that the definition of music festival under the Act is too broad and could potentially capture other lower-risk event types such as not-for-profit community events or folk festivals.

Although the definition states that a music festival is an event “other than a concert”, festival organisers argued that the current definition does not actually distinguish between a music festival and a concert. Organisers noted that concerts could also have performances from more than one artist. It was argued that the definition does not refer to crowd dynamics, stage layout or venue type to clearly distinguish between music festivals and concerts. One organiser questioned the exclusion of concerts from the Act and stated that large scale concerts could be higher risk events.

One organiser argued that the definition does not distinguish between dance parties and music festivals. Destination NSW and the NUAA thought the use of the term ‘dance-focused’ under the definition of music festival was unnecessary because dancing usually occurs at music-focused events, and the NUAA argued that dancing is not indicative of risk. However, the NSW Ministry of Health noted that following the recent Inquest into the death of six patrons at NSW music festivals, the Deputy State Coroner found that “Each of the festivals involved high intensity music where dancing is common” and that this “appears to create specific risks which need to be closely managed”. Destination NSW noted that, if there are regulatory concerns about electronic dance music festivals, then this should be made clear under the criteria for ‘high-risk’ music festivals rather than include the term ‘dance-focused’ as part of the definition of music festival.

Some festival organisers argued that the patron capacity of 2000 should be lifted to ensure lower risk events are not captured under the definition. The NUAA suggested that prescribing a maximum patron capacity of 2000 could hinder the growth of smaller festivals as some organisers may want to ensure their event does not meet the definition under the Act. Local Government NSW stated that the patron capacity should not be included at all as it is not indicative of risk, though the NSW Ministry of Health notes in its *Guidelines for Music Festival Event Organisers* that event size is an event characteristic associated with serious drug-related harms.

L&GNSW suggested that any refining of the definition of music festival should be done in consultation with industry stakeholders and should be focused on capturing only those festivals that are genuine music festivals featuring characteristics that, based on evidence, are known to

¹¹ According to APRA AMCOS, a music festival:

- (a) is an event that occurs on at least one full day of no less than eight hours advertised duration;
- (b) includes at least six acts;
- (c) is at an outdoor place requiring a stage to be erected or a performance area to be created specifically for the festival; and
- (d) is advertised as a festival, where the staging of the event and all associated advertising is not dependent on any one or two headline acts.

trigger significant drug-related risks. Supporting this suggestion, the review recommends that L&GNSW work with industry stakeholders to develop an agreed definition of music festival.

It should be noted that changes to the definition of music festival should be considered alongside changes to the criteria for determining high-risk music festivals. A broad and unclear definition of music festival may not provide certainty for organisers about the types of events that could be considered by ILGA and directed to meet the requirements under the Act.

There was no feedback received from stakeholders to suggest that amendments to the definition of 'music festival operator' may be required.

Ambulance Forward Commander

The Ministry of Health and NSW Ambulance advised the review that the current definition of Ambulance Forward Commander is inaccurate and should be replaced with the following definition:

“Ambulance Forward Commander means the NSW Ambulance commander at an incident or emergency site or event who is responsible for the command of all NSW Ambulance personnel at that site or event. Further, the Ambulance Forward Commander is the designated Health Commander and all medical resources, State and Private, come under the command of this person until relieved.”

The NSW Ministry of Health and NSW Ambulance noted that it is important to clarify the definition under the Act, particularly if a significant issue or incident occurs at an event.

Finding 15: While many stakeholders did not raise objections to the definition of 'music festival' under the Act, industry stakeholders argued that the definition is unclear and inconsistent with the industry accepted definition.

Finding 16: The definition of 'Ambulance Forward Commander' in the Act is inaccurate.

Recommendation 12: L&GNSW should work with the industry to reach agreement, if possible, on potential amendments to the definition of 'music festival' in the Act to more closely accord with the industry-accepted definition.

Recommendation 13: The definition of 'ambulance forward commander' in the Act should be replaced with the following definition:

“Ambulance Forward Commander means the NSW Ambulance commander at an incident or emergency site or event who is responsible for the command of all NSW Ambulance personnel at that site or event. Further, the Ambulance Forward Commander is the designated Health Commander and all medical resources, State and Private, come under the command of this person until relieved.”

5.7 Compliance with the requirements under the Act

Of the nine high-risk music festivals held between 21 November 2019 and 30 April 2020, seven were inspected by L&GNSW Compliance officers. Of the two high-risk festivals not inspected by L&GNSW inspectors, one was an under 18s event (where liquor was not served) and the other was not inspected due to resource constraints relating to other operational priorities. No breaches of any of the following requirements under the Act were detected:

- Requirement to have and comply with approved SMP - section 7
- Requirement to keep an approved SMP on the premises, and ensure a copy of the plan is made available to a police officer, inspector, health officer, or emergency services officer – section 8(1)
- Requirement to hold briefings for health service providers – section 10(1)
- Requirement to keep an incident register – sections 11(1) and 11(4)

NSW Police maintained a significant presence at each high-risk festival held between 21 November 2019 and 30 April 2020. No breaches of the above requirements were reported by the NSW Police Force. Across all high-risk festivals, SMP copies were provided to police officers when requested or as a matter of course. SMP copies were usually provided and collected during the planning phase by NSW Police.

Finding 17: No breaches of the requirements under the Act were reported by the NSW Police Force or L&GNSW

5.8 Non-recoverable costs to taxpayers

While not all Government agencies provided estimates of non-recoverable costs, estimates were provided by key agencies such as the NSW Ministry of Health, the NSW Police Force, and L&GNSW.

Based on estimates provided by L&GNSW business units, the cost of existing staffing resources to administer the Act between 21 November 2019 and 30 April 2020 would have exceeded \$500,000. L&GNSW was not given any new resources to administer the Act. It reported that the costs of administering the regulatory scheme far outweigh the revenue earned from high risk music festivals in liquor licence application fees. It also argued that the fact that there is no fee associated with SMP approval is contrary to the principle that high-risk operators within an industry should make a contribution to the costs of their regulation.

The NSW Police Force reported that its non-recoverable costs have not increased since the introduction of the Act.

NSW Ambulance reported that it was difficult to estimate non-recoverable costs incurred in relation to the operation of the Act, as resources used at events are difficult to separate from typical 'on-duty' resources. Transportation and treatment of a patient is considered to be business as

usual. NSW Ambulance reported that no extra unplanned supervisors have been deployed since the commencement of the Act as no significant incidents have occurred.

The NSW Ministry of Health identified additional non-recoverable costs relating to the operation of the Act, such as \$700,000 in funding for peer-based harm reduction services, nearly \$50,000 for the deployment of medical commanders to 12 festivals, and significant staffing costs associated with the NSW Ministry of Health music festivals team. It also provided more than \$300,000 for the Stay OK social marketing campaign in 2019-20 to support festival patrons to look out for their friends, know the signs of overdoing it, and get help fast.

Finding 18: Most Government agencies either reported no non-recoverable costs relating to the operation of the Act (i.e. in excess of their business-as-usual costs), or found it difficult to separately identify these costs.

Finding 19: Where non-recoverable costs relating to the operation of the Act were clearly identified, these primarily related to the provision of medical and harm reduction services that were not covered under user pays arrangements.

Finding 20: L&GNSW reported a significant burden upon existing staffing resources to administer the Act, as no new resources were provided for this purpose.

5.9 Unintended consequences and other regulatory issues

NSW Ambulance (with support from the NSW Ministry of Health) proposed that it should be a prescribed entity under the Act as it plays a key role in the provision of onsite medical services at music festivals (through supporting private onsite medical service providers), and provides treatment and emergency transport of patients to hospital if required. This proposed amendment is supported by the review team given the key role that NSW Ambulance plays in relation to the provision of medical and transport services for music festivals.

The AFA and some festival organisers have reported duplication of regulatory processes across Government agencies which create an unnecessary burden on music festivals. This includes duplication of requirements within different management plans required by the local consent authority, ILGA, and other regulatory bodies. The AFA argued that duplication of regulatory processes “has created an unnecessary burden on organisers to the point that NSW is no longer the lead-market for festivals in Australia”. A detailed consideration of this issue was not possible within the confines of the current review, and will require consideration by the Government in the broader context of other initiatives aimed at reducing ‘red tape’ and streamlining regulatory processes.

While some stakeholders were supportive of the continued regulation of music festivals within a liquor and gaming framework, many feel that the current framework is less than optimal. These latter stakeholders argue that the current framework is sub-optimal because of the Act’s focus on medical safety management and the current regulator’s lack of expertise in major event safety management. These stakeholders variously suggested that regulation of music festivals should be overseen by NSW Health, an alternative unspecified regulatory body, or the formation of a new

framework or regulatory body to oversee the regulation of music festivals. Most respondents to the music festival organiser survey did not support the continued regulation of music festivals within a liquor and gaming framework, though most respondents also reported being generally satisfied with the current approval process.

ILGA indicated that it has no position on the question of the regulation of music festivals within a liquor and gaming framework. In ILGA's opinion, while it lacks specific expertise in relation to music festivals, it has the capability to exercise its functions under the Act, so long as it receives advice from stakeholders.

Those stakeholders who suggested that regulation of music festivals should be overseen by NSW Health argued that the SMP is primarily focused on health-related matters, ILGA largely relies on Health advice in making its decisions, and NSW Health should be the main or only organisation approving and managing public health matters relating to the consumption of recreational drugs. Stakeholders opposed to the current regulatory framework argued that ILGA is set up to address the provision and regulation of alcohol service and consumption at music festivals, not event/safety management, and that the regulation of music festivals should not be "shoe horned" into the existing liquor and gaming regulatory framework. While some stakeholders thought that the existing liquor licensing framework was well placed to assess multiple viewpoints and determine how to effectively manage risks, there was also some support for NSW Health as the alternative regulatory body among these stakeholders given that ILGA largely relies on its advice.

Given stakeholder concerns about the continued regulation of music festivals within a liquor and gaming framework, the review supports the Government considering whether stakeholder concerns about the current regulatory framework can be adequately addressed, and if not, whether a more suitable alternative framework for the regulation of music festivals can be identified.

Finding 21: The key role of NSW Ambulance in the provision of onsite medical services at music festivals, and emergency transport of patients to hospital if required, is not adequately reflected in the provisions of the Act.

Finding 22: Industry stakeholders are concerned about duplication of processes and requirements across different regulatory bodies in relation to music festivals.

Finding 23: While some stakeholders believe that regulation of music festivals within a liquor and gaming regulatory framework is less than optimal given the Act's focus on medical safety management and the current regulator's lack of expertise in major event safety management, there is no consensus view as to what type of regulatory framework may be more appropriate.

Recommendation 14: NSW Ambulance should be listed as a prescribed entity under the Act, given its key role in the provision of onsite medical services at music festivals and emergency transport of patients to hospital if required.

Recommendation 15: The Government should consider opportunities for reducing duplication of processes and requirements across different regulatory bodies, where possible, to ease the overall burden on music festival organisers.

Recommendation 16: The Government should consider whether stakeholder concerns about the current regulatory framework can be adequately addressed, and if not, whether a more suitable alternative framework for the regulation of music festivals can be identified.

5.10 Operation of the music festival roundtable

While some members felt that it was too soon to assess the value of the roundtable's contribution (e.g. Destination NSW, DPIE, Local Government NSW), others reported that the roundtable was a worthwhile initiative that had contributed to improved communication, collaboration and networking among government agencies and other key stakeholders (e.g. AFA, L&GNSW, Transport for NSW). Members also reported that the roundtable provided an opportunity to raise issues in a forum where change is welcomed (City of Sydney Council) and had contributed to an increased understanding of the role of festivals in the community from an economic and social perspective (AFA).

While some members felt that the roundtable has not yet had sufficient time to fulfil its functions (e.g. Destination NSW, NSW Ministry of Health), others felt that the functions of the roundtable had been fulfilled to the extent possible given its limited lifespan to date (e.g. AFA, APRA AMCOS). It was noted by some members that the roundtable had only met once by the time its members were consulted to inform the review. Given the short period of time for which the roundtable has been operational, and the challenges posed by the COVID-19 pandemic, it is reasonable to suggest that the fulfilment of the roundtable's functions be further examined following the next summer music festival season.

Members generally reported that the roundtable had been well supported by L&GNSW. For example, Local Government NSW said that "L&GNSW has communicated to Roundtable members in a timely and consultative manner" and the NSW Ministry of Health said that it "appreciates the support provided to the roundtable by L&GNSW". City of Sydney Council suggested that while the support from L&GNSW was welcome, greater action in response to feedback would be appreciated.

Local Government NSW made the following operational suggestions in relation to the roundtable:

- Provision should be made for holding an online meeting
- Provision should be made for each member to bring one other staff member as an observer to increase the effectiveness of the meeting
- It might be useful for the Act to prescribe having a regional member on the roundtable to provide an important regional perspective and help exchange knowledge between Sydney and regional NSW
- In fulfilling its functions, the roundtable should review how other mass gatherings are regulated, including sporting events, to ensure festivals are not unduly burdened
- Issues relating to roundtable governance could be clarified.

Finding 24: While some members felt that it was too soon to assess the value of the roundtable's contribution, others reported that the roundtable was a worthwhile initiative that had contributed to improved communication, collaboration and networking among government agencies and other key stakeholders.

Finding 25: While some members felt that the roundtable has not yet had sufficient time to fulfil its functions, others felt that the functions of the roundtable had been fulfilled to the extent possible given its limited lifespan to date.

Finding 26: Members generally reported that the roundtable had been well supported by L&GNSW.

Appendix A: Music Festival Roundtable - Terms of Reference

Music Festival Roundtable Terms of Reference

1. Background

The festival industry is vibrant but complex. It brings together artists, local communities, a huge range of technical workers with highly specialised expertise, health and safety workers, security, and of course festival-goers. For each festival, months of highly coordinated work and planning culminate in the event - a short concentrated period of intense activity where stakes are high and margins are very tight. With so many integral moving parts making up this festival ecosystem, collaboration and open communication between stakeholders, government, police and regulators is key. Festivals make significant cultural and economic contributions to NSW and meaningful collaboration is the only way to ensure the continued success of the industry, and that events offer the best safety outcomes for our community.

There are a wide variety of festivals in NSW, a smaller number of which are high risk. To provide some context, drug-related harm stemming from 28 music festivals between 15 September 2018 and 31 May 2019 included:

- 5 deaths
- 29 pre-hospital intubations and 5 hospital intubations
- 26 intensive care admissions
- 23 additional hospital admissions.

Information on hospital admissions relates largely to patients who were transported to hospital directly from the event by ambulance and is therefore likely to underestimate music festival-related hospital admissions. Of the 212 festival patrons transported from these music festivals by NSW Ambulance to hospital 130 transports (61.3%) were suspected to be drug or alcohol-related.

2. Purpose of Roundtable

The Music Festival Roundtable was established under the *Music Festivals Act 2019*. The Roundtable's purpose is to give government agencies, lawmakers, regulators and industry stakeholders the opportunity to strengthen relationships, share information, address members' priorities and tackle emerging issues impacting music festivals in NSW. It will also provide a forum for conducting reviews of regulatory schemes relevant to music festivals and providing strategic

advice to government and industry on best practice for the safe operation of music festivals, in pursuit of optimal outcomes for patrons, the festival industry and its regulators.

The Roundtable meetings will increase effective collaboration between government and key stakeholders around music festivals held in NSW through:

- providing a forum for related information sharing;
- discussing key policy and regulatory issues;
- undertaking environment scanning so members are informed about the emerging issues for both industry and non-industry stakeholders; and
- providing a mechanism for strengthening relationships and building trust with the open lines of communication facilitated by the roundtable, government, police and the festival industry will be better able to anticipate issues (public health/law enforcement etc...) before they manifest, and put in place more effective and coordinated preventative measures.

3. Function of Roundtable

The functions of the Music Festival Roundtable are:

1. to support the growth of the music festival industry in the State, and
2. to support the safety of patrons of music festivals by
 - a. conducting reviews of regulatory schemes that are relevant to music festivals, and
 - b. providing advice to government and industry about best practice in relation to the safe operation of music festivals, and
3. to conduct reviews of legislation, reports, advice and other matters that are relevant to the operation of music festivals, and
4. to address any unforeseen consequences from the enactment of this Act

4. Membership

Membership requirements for the Roundtable are specified under section 15 of the *Music Festivals Act 2019*. The members of the music festival roundtable are:

- (a) 10 members chosen by the Minister to represent the Government including:
 - a. 1 member from the Department of Premier and Cabinet,
 - b. 2 members from the Ministry of Health,
 - c. 1 member from Ambulance Service of NSW,
 - d. 1 member from the NSW Police Force,
 - e. 1 member from Liquor & Gaming NSW,
 - f. 1 member from the Department of Planning, Industry and Environment,
 - g. 1 member from Transport for NSW,
 - h. 1 member from Destination NSW,
 - i. 1 member from Create NSW, and

(b) 10 industry representatives, being—

- a. 4 members nominated by the Australian Festival Association, and
- b. 1 member nominated by APRA AMCOS, and
- c. 1 member nominated by MusicNSW, and
- d. 1 member nominated by Live Performance Australia, and
- e. 1 member nominated by Local Government NSW, and
- f. 1 member nominated by the Australian Recording Industry Association (ARIA), and
- g. 1 member nominated by Unions NSW.

Participation in the Roundtables by other parties will be by invitation only. Other participants may consist of representatives from government agencies, the festival, music and live performance industry, industry associations, or any additional stakeholder groups or technical experts, as needed, considering the agenda and priorities of the group.

5. Role of Participants

To achieve Roundtable objectives, participants are expected to:

- contribute honestly and in the spirit of open and effective collaboration;
- have reasonable expectations about the opportunities and limitations embodied by the Roundtable
- acknowledge that the NSW Government may make decisions that do not align with the views of each stakeholder, and that government members may not be able to express views about merits of certain policy proposals without first seeking the views of the NSW Government
- be prepared for meetings by reading/reviewing all relevant documentation

6. Role of the Chair and Co-Chair, and Secretariat

The Roundtable will be co-chaired by a government representative and a nominated industry representative. The Chair and Co-Chair are members of the Roundtable that are responsible for:

- holding meetings in line with requirements under the *Music Festivals Act 2019* and the Roundtable's Terms of Reference
- approving each Roundtable agenda and ensuring all items are discussed
- ensuring each Roundtable meeting runs on time
- leading the group and facilitating discussion when required
- inviting any non-member participants to Roundtable meetings (for example, relevant advisors or experts involved in discussion of agenda items)
- providing final approval of any publicly distributed reports or other documentation from the meeting

Meeting support and administration will be provided and managed by NSW Government, including the provision of meeting briefing documents, meeting scheduling and meeting reporting.

All meeting papers and briefing documents will be provided 7 days prior to the scheduled meeting date where practicable. Meeting minutes will be reviewed by the Chair and Co-Chair before being circulated to the broader group.

7. Meetings

The Roundtable meetings will:

- Be hosted by a government agency, and at least once a year by an industry representative at a music festival site
- Be held in March and August and on at least 2 other occasions in each year
- Provide at least four weeks' notice of time, date and location to attendees
- Only proceed with a quorum of 70% of attendees, and the specific attendance of Liquor & Gaming NSW, NSW Police, NSW Health and the AFA
- Allow for attendance by proxy if previously agreed by the Chair and Co-Chair

8. Outcomes

Potential outcomes include:

1. Strengthened relationships and effective information sharing between government and industry
2. Improved health outcomes for festival-goers
3. Sustainable and stable music festival industry
4. NSW festivals seen as national and international leaders in terms of vibrancy and patron safety
5. Potential issues foreseen and effective advance mitigation strategies developed and implemented through Roundtable collaboration
6. Greater awareness of music festival related issues amongst Members of the NSW Parliament

9. Key Deliverables

Key deliverables include:

1. Report on the outcome of the review under section 19 of the *Music Festivals Act 2019* of the operation of the Act in relation to music festivals held between 21 November 2019 and 30 April 2020.
2. Within four months after 30 June each year, report on the activities of the Roundtable during each year ended that 30 June, for provision to the Minister for Customer Service.

The Minister is to ensure a copy of the report is published on an appropriate government website and tabled in each House of Parliament within one month of receiving it.

Any other potential deliverables from the Roundtable are to be agreed by the Chair and Co-Chair, in consultation with Roundtable members and in the context of the Roundtable's specified functions under the *Music Festivals Act 2019*.

10. Confidentiality

Certain information obtained or received by members of the roundtable will be confidential in nature. All meetings, issues and positions discussed at meetings are strictly confidential and may not be disclosed except in the following circumstances:

- a) the relevant member providing the information specifies that the information is not confidential and may be disclosed;
- b) it is required by law;
- c) the disclosure is to a legal or other professional adviser;
- d) the written consent of the relevant government agency or industry organisation to which the proposed disclosure relates is obtained in advance. The agency may give or withhold its consent to such a disclosure in its absolute discretion; or
- e) if the information is in the public domain due to a disclosure by the relevant government agency or industry organisation.

Appendix B: Review questions for each objective

Objective 1: To assess the impacts of the Act on the economic performance of music festivals

- What economic impacts, if any, have the requirements under the Act had on music festivals?
- How have operating expenses at high-risk music festivals changed since the introduction of the Act, and to what degree can such changes be attributed to the introduction of the Act?
- How have tickets sold per event, speed of ticket sales, and bar trends at high-risk music festivals changed since the introduction of the Act, and to what degree can such changes be attributed to the introduction of the Act?

Objective 2: To assess the effectiveness of SMPs

- Did the frequency of deaths and other health-related incidents (due to alcohol or drug use or caused by crowd behaviour or improper safety management) at high-risk music festivals required to prepare a SMP decrease following the introduction of this requirement?
- Did the frequency of violent assaults at high-risk music festivals required to prepare a SMP decrease following the introduction of this requirement?
- Do roundtable members feel that SMPs have been effective in improving the safety of high-risk music festival patrons?

Objective 3: To assess the composition of, and inclusions in, SMPs

- What stakeholder concerns exist, if any, in relation to the composition of, and inclusions in, SMPs (as outlined in section 6(1) of the Act)?
- What amendments, if any, could be made to improve the composition of, and inclusions in, SMPs (as outlined in section 6(1) of the Act)?

Objective 4: To assess the process for approving SMPs

- How many high-risk music festival organisers were directed to prepare a SMP?
- How many SMPs were approved and how many were refused?
- What reasons were provided by ILGA for refusing SMPs, if any?
- How long did it take for ILGA to approve/refuse SMPs?

- How many music festival organisers that were directed to prepare a SMP provided the plan at least 90 days before the festival was to be held? In instances where this deadline was not met, if any, why was it not met?
- How many music festival organisers that were directed to prepare a SMP provided ILGA with the required addendum to the plan at least 14 days before the festival was to be held? In instances where this deadline was not met, if any, why was it not met?
- How many SMPs were approved or refused at least 14 days before the festival was to be held? In instances where this deadline was not met, if any, why was it not met?
- Are the timeframes provided under the Act for provision and approval/refusal of SMPs sufficient? If not, what timeframes would be sufficient?
- Were any challenges experienced in relation to the process of amending SMPs, where required?
- What other challenges, if any, did music festival organisers experience in relation to the process for approving SMPs?

Objective 5: To assess the effectiveness of briefings for health service providers

- How many briefings for health service providers were provided by music festival organisers and which prescribed entities requested these briefings?
- Why did these prescribed entities request briefings?
- Where briefings were not requested, why were they not requested?
- How many people attended these briefings and which organisations were represented?
- Did attendees at these briefings find them to be useful? If so, why? If not, why not?

Objective 6: To assess the operation of the incident register requirement

- How many incidents of each type, as specified in section 11(2) of the Act, were recorded by high-risk music festivals, and how do these compare to other large-scale events?
- What challenges, if any, have music festival organisers experienced in complying with the incident register requirement under the Act?
- What challenges, if any, have L&GNSW and NSW Police experienced in enforcing the incident register requirement under the Act?
- Did the format of incident registers used by high-risk music festivals (i.e. electronic vs hard copy) have an impact on their utility? If so, how?

Objective 7: To assess the suitability of the criteria for nominating which music festivals are high-risk, and the use of the term 'high-risk'

- What stakeholder concerns exist, if any, in relation to the suitability of the criteria for determining which music festivals are high-risk?
- What amendments, if any, could be made to improve the suitability of the criteria for determining which music festivals are high-risk?
- What stakeholder concerns exist, if any, in relation to the suitability of the term 'high-risk' as used in the Act?
- What amendments, if any, could be made to address any stakeholder concerns with the use of the term 'high-risk' in the Act?

Objective 8: To assess the suitability of 'music festival', 'music festival operator' and 'ambulance forward commander' definitions

- What stakeholder concerns exist, if any, in relation to the suitability of the 'music festival', 'music festival operator' and 'ambulance forward commander' definitions?
- What amendments, if any, could be made to improve the suitability of the 'music festival', 'music festival operator' and 'ambulance forward commander' definitions?

Objective 9: To assess compliance with the requirements under the Act

- Were any breaches detected of the requirement to have and comply with an approved SMP? If so, what was the nature of these breaches and what penalties were imposed?
- Were any breaches detected of the requirement to keep an approved SMP on the premises, and ensure a copy of the plan is made available to a police officer, inspector, health officer, or emergency services officer? If so, what was the nature of these breaches and what penalties were imposed?
- Were any breaches detected of the requirement to respond to requests to hold briefings for health service providers? If so, what was the nature of these breaches and what penalties were imposed?
- Were any breaches detected of the requirement to keep an incident register? If so, what was the nature of these breaches and what penalties were imposed?

Objective 10: To quantify non-recoverable costs to taxpayers relating to the operation of the Act

- What non-recoverable costs to taxpayers have been incurred in relation to the operation of the Act?

Objective 11: To identify any unintended consequences of the Act or other regulatory issues

- What unintended consequences, if any, have been experienced in relation to the Act?

- Is the regulation of music festivals within a liquor and gaming regulatory framework the most appropriate regulatory approach? If not, why not? What would be the most appropriate alternative and why?

Objective 12: To assess the operation of the music festival roundtable

- To what extent do members feel that the roundtable's creation and meetings have increased collaboration between government and other key stakeholders around music festivals in NSW?
- To what extent have the functions of the roundtable, as outlined in the Terms of Reference, been fulfilled?
- Are members satisfied with the support provided to the roundtable by L&GNSW? If not, what improvements could be made?