



Justin Nyker and Brent Lean
Mothership Events
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23 April 2019

Dear Mr Nyker and Mr Lean

Requirement to apply for a music festival licence – Up Down

I refer to previous letters from the Independent Liquor & Gaming Authority (Authority) dated 28 February 2019 and 15 March 2019 regarding your music festival event Up Down last held on 17 March 2019.

The Authority has considered the preliminary question of whether, pursuant to section 159(2A) of the *Liquor Act 2007* (Act) and clause 35A of the *Liquor Regulation 2018* (Regulation), this event should be the subject of an application for a music festival licence.

In making this determination, the Authority has had due regard to the statutory objects and considerations in section 3 of the Act, and has considered the available evidence or information regarding:

- advice from the NSW Health Secretary and the NSW Commissioner of Police as to whether the health risks associated with this event would be more appropriately addressed by a music festival licence than any other type of licence;
- any death in NSW that has occurred in connection with the event in the last three years; and
- your submissions (written and oral) as to the reasons the event should be licensed to sell or supply liquor under a licence that is not a music festival licence.

The Authority has decided that a music festival licence is not required for your next event.

Music festivals that do not require a music festival licence can be licensed in a variety of ways. Please contact the Licensing Unit, Liquor & Gaming NSW, via Joanne Zammit, Manager, at joanne.zammit@liquorandgaming.nsw.gov.au or on (02) 9995 0330 should you wish to discuss the licensing of your event.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Crawford', enclosed in a thin black rectangular border.

Philip Crawford
Chairperson

For and on behalf of the Independent Liquor & Gaming Authority

Mr Philip Crawford
Chairperson
Independent Liquor and Gaming Authority
GPO Box 3970
SYDNEY 2001

Dear Mr Crawford

Clause 35A Liquor Regulation 2018 – Advice in respect of the Up Down festival

I refer to your request for advice under clause 35A of the Liquor Regulation 2018 in relation to whether the health risks of certain music festivals would be more appropriately addressed by a music festival licence than another type of liquor licence. My advice, as delegate of the Health Secretary, in respect of a future Up Down festival is set out below.

I note that my advice is based on an assessment of the likely characteristics and environmental factors that would be associated with any future Up Down festival, based on the characteristics and environmental factors associated with the Up Down festival to be held on 17 March 2019 at Camp Shortland Newcastle, which are set out below.

If you are aware that the likely characteristics and environmental factors associated with the Up Down festival to be held in 2019 are different from the information set out below, then I am happy to be asked to provide further advice under clause 35A of the Liquor Regulation. I also note that because the Up Down festival has not been held previously, there is no historical information about health incidents at past events. I would be happy to further assess the likely health risks associated with the Up Down festival after it has been held on 17 March 2019 and to provide updated advice following this reassessment.

Likely characteristics and environmental factors associated with the Up Down festival

Based on information provided to NSW Health and following enquiries made by officers of the NSW Ministry of Health, I have assessed that the likely characteristics and environmental factors associated with the Up Down festival are as set out in the table below.

| | |
|---|---|
| Target demographic | 18-35 years |
| Music type | Electronic dance music |
| Event size | 4,000 |
| Indoor/outdoor | Outdoor |
| Event duration | 1230 – 2100 (8.5 hours) |
| Anticipated weather conditions*if festival is held again during the same month and at the same location | Festivals held in March have the potential for extreme temperatures. March 2018 mean maximum temperature = 26.0°C, maximum = 36.9°C |
| Location | Metropolitan Newcastle (Camp Shortland) |
| Approximate distance to nearest tertiary hospital | 10km / 21 min (John Hunter Hospital) |

*Bureau of Meteorology monthly mean maximum temperature at nearest weather station for the date and location of the last held festival.

NSW Ministry of Health

ABN 92 697 899 630

73 Miller St North Sydney NSW 2060
Locked Mail Bag 961 North Sydney NSW 2059
Tel. (02) 9391 9000 Fax. (02) 9391 9101
Website. www.health.nsw.gov.au

These likely characteristics and environmental factors associated with the Up Down festival are considered to be associated with a higher likelihood of drug related harm and/or factors that may increase the severity of harms associated with drug use. As such, for the event in March:

- NSW Health will pre-deploy one Ambulance crew and a forward commander to the event
- NSW Health will pre-deploy a medical retrieval team (one senior specialist doctor, one critical care paramedic) onsite for the duration of the event following a NSW Health risk assessment conducted prior to the event.

Likely health risks associated with Up Down festival

Based on the likely characteristics and environmental factors associated with the Up Down festival to be held in 2019, I consider that the following significant health risks may be associated with future Up Down festivals:

- Multiple and concurrent serious drug related illness resulting in onsite medical presentations that require immediate critical care and that could result in:
 - Admissions to hospital
 - Admissions to intensive care units
 - Death or serious injury

How to address health risk associated with the Up Down festival

In my opinion, I consider that the likely health risks associated with any future Up Down festival may be more appropriately addressed by way of a music festival licence than another type of liquor licence, however given Up Down festival has not been held previously, I am happy to reassess the likely health risks and provide updated advice after the festival has been held on 17 March 2019.

I note that this advice will be provided to the organiser and/or promoter of the Up Down festival. NSW Health remains available to provide advice and to support music festival organisers to deliver safer music festivals.

If you require any additional information please contact Michelle Cretikos, Director, Clinical Safety and Quality on 9391 9022 or michelle.cretikos@health.nsw.gov.au.

Yours sincerely



Dr Kerry Chant
Chief Health Officer
NSW Ministry of Health



NSW Police Force

OFFICE OF THE COMMISSIONER

Mr Philip Crawford
Chairperson For
Independent Liquor and Gaming Authority
GPO BOX 3970
SYDNEY NSW 2001

Our reference: D/2019/234324

Via email: ilga.secretariat@liquorandgaming.nsw.gov.au

Dear Mr Crawford,

Thank you for your correspondence dated 7 March 2019 seeking information regarding the fourteen Music Festivals state-wide declared by the NSW Government to be high risk.

Pursuant to section 35A(2)(a) of the *Liquor Amendment (Music Festivals) Regulation 2019* I provide the following information as per sought in your correspondence:

- 1) *The event has had a serious drug related illness or death has occurred in the past three years, or:*

With regard to instances of serious drug related illness, including determining what would constitute this, it is suggested that Health NSW are more appropriate to provide this information.

NSWPF systems are not able to reliably account for all drug deaths that are associated with the declared Music Festivals across the requested past three years. The range of reasons for this include that the death may have occurred outside of the festival (i.e. medical facility or the individual's home), days post the event, or that the death was not linked on NSWPF systems specifically to a Music Festival. It is suggested that NSW Health may be better placed to provide this information also.

- 2) *As at that date, there were concerns that there may be a significant risk of serious drug related illness or death at the festival:*

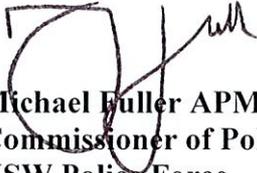
The NSWPF is able to supply the attached table which details drug detections that have occurred over the last three years at the declared Music Festivals. As described on the attached table a number of caveats do apply, and for this reason the data should be considered as a guide only.

I trust that this information will be of assistance. If clarification on the content is required contact can be made with Assistant Commissioner Walton who is representing me on the Expert Panel.



Should further information be required please do not hesitate to correspond further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Fuller', written over the printed name.

Michael Fuller APM
Commissioner of Police
NSW Police Force

DRUG DETECTIONS AT HIGH-RISK MUSIC FESTIVALS SINCE 2016

The table below shows the number of drug detections at each of the high-risk music festivals since 2016.

No figures are available for Transmission or Up Down, as the March 2019 festivals appear – from searching COPS records – to be the first held in NSW.

| <i>Festival (a)</i> | <i>Drug Detections (b)</i> |
|--------------------------------|----------------------------|
| Days Like This 2017 | 123 |
| Days Like This 2018 | 80 |
| Defqon.1 2016 | 72 |
| Defqon.1 2017 | 68 |
| Defqon.1 2018 | 67 |
| Electric Gardens 2016 | 107 |
| Electric Gardens 2017 | 136 |
| Electric Gardens 2018 | 136 |
| Electric Gardens 2019 | 72 |
| FOMO 2017 | 40 |
| FOMO 2018 | 59 |
| FOMO 2019 | 54 |
| HTID 2018 | 18 |
| HTID 2019 | 30 |
| Knockout Games of Destiny 2018 | 36 |
| Laneway 2016 | 16 |
| Laneway 2017 | 29 |
| Laneway 2018 | 46 |
| Laneway 2019 | 41 |
| Lost Paradise 2016 | 4 |
| Lost Paradise 2017 | 66 |
| Lost Paradise 2018 | 61 |
| Rolling Loud 2019 | 36 |
| Subsonic 2017 | 66 |
| Subsonic 2018 | 60 |
| This That 2016 | 40 |
| This That 2017 | 17 |
| This That 2018 | 29 |
| Ultra 2019 | 94 |

(a) As operation names are sometimes missing or are inconsistently recorded, each festival is identified by the suburb where the festival occurred and the date on which it occurred. This means that detections in those suburbs on that date that were not related to the festival will be included in error. However, investigations indicate that this error of commission is less than the error of omission if only the operation name was used.

(b) This is a count of POIs on whom drugs were detected at each festival. In the case where multiple drug detection incidents were recorded against that person, they are counted only once.

For both the above reasons, the above figures differ from information provided on 22 February, which was a count of incidents against relevant operation names.

Mr Philip Crawford
Chairperson
Independent Liquor and Gaming Authority
GPO Box 3970
SYDNEY 2001

22 March 2019

Dear Mr Crawford

Clause 35A Liquor Regulation 2018 – Updated advice in respect of the Up Down festival

I refer to your request for advice under clause 35A of the Liquor Regulation 2018 in relation to whether the health risks of certain music festivals would be more appropriately addressed by a music festival licence than another type of liquor licence. My updated advice, as delegate of the Health Secretary, in respect of a future Up Down festival is set out below, following further assessment of the health risks associated with the Up Down festival held on 17 March 2019.

I note that my advice is based on an assessment of the likely characteristics and environmental factors that would be associated with any future Up Down festival, based on the characteristics and environmental factors associated with the Up Down festival held on 17 March 2019 at Camp Shortland Newcastle, which are set out below.

If you are aware that the likely characteristics and environmental factors associated with the Up Down festival to be held in future are different from the information set out below, then I am happy to be asked to provide further advice under clause 35A of the Liquor Regulation.

Likely characteristics and environmental factors associated with the Up Down festival

Based on information provided to NSW Health and following enquiries made by officers of the NSW Ministry of Health, I have assessed that the likely characteristics and environmental factors associated with the Up Down festival are as set out in the table below.

| | |
|---|---|
| Target demographic | 18-35 years |
| Music type | Electronic dance music |
| Event size | 4,000 |
| Indoor/outdoor | Outdoor |
| Event duration | 12:30 – 21:00 (8.5 hours) |
| Anticipated weather conditions*if festival is held again during the same month and at the same location | Festivals held in March have the potential for extreme temperatures. March 2018 mean maximum temperature = 26.0°C, maximum = 36.9°C |
| Location | Metropolitan Newcastle (Camp Shortland) |
| Approximate distance to nearest tertiary hospital | 10km / 21 min (John Hunter Hospital) |

*Bureau of Meteorology monthly mean maximum temperature at nearest weather station for the date and location of the last held festival.

These likely characteristics and environmental factors associated with the Up Down festival are considered to be associated with a higher likelihood of drug related harm and/or factors that may increase the severity of harms associated with drug use.

Health incidents associated with the Up Down Festival

The Up Down festival was held for the first time in 2019 (17 March, Camp Shortland Newcastle). At the event in March 2019:

- NSW Ambulance pre-deployed one Ambulance crew and a forward commander to the event
- NSW Health pre-deployed a medical retrieval team (one senior specialist doctor, one critical care doctor, and one critical care paramedic) onsite for the duration of the event following a NSW Health risk assessment conducted prior to the event.

I am aware of the following health incidents associated with the Up Down festival.

| | |
|------|---|
| 2019 | <ul style="list-style-type: none">• No deaths were associated with this event• A total of 44 people presented to the onsite medical tent during the event• There were no NSW Ambulance transports |
|------|---|

Likely health risks associated with Up Down festival

I consider that multiple or concurrent serious drug related presentations are unlikely to be associated with future Up Down festivals based on the pattern of health incidents seen at the Up Down festival held in 2019.

How to address health risks associated with the Up Down festival

In my opinion, I consider that a music festival licence is not needed to address the health risks associated with the Up Down festival.

I note that this advice will be provided to the organiser and/or promoter of the Up Down festival. NSW Health remains available to provide advice and to support music festival organisers to deliver safer music festivals. The *Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction*, published by the NSW Ministry of Health, describe the health services and harm reduction initiatives that can be used to deliver safer music festivals.

If you require any additional information please contact Michelle Cretikos, Director, Clinical Safety and Quality on 9391 9022 or michelle.cretikos@health.nsw.gov.au.

Yours sincerely



Dr Kerry Chant
Chief Health Officer
NSW Ministry of Health



NSW Police Force

OFFICE OF THE COMMISSIONER

Mr Phillip Crawford
Chairperson For
Independent Liquor and Gaming Authority
GPO BOX 3970
SYDNEY NSW 2001

Our reference: D/2019/292770

Via email: ilga.secretariat@liquorandgaming.nsw.gov.au

Dear Mr Crawford,

I refer to your correspondence of 28 March 2019 seeking information regarding music festivals declared by the Government to be high risk.

Pursuant to section 35A of the *Liquor Amendment (Music Festivals) Regulation 2019* you seek information regarding Transmission and Up and Down music festivals which occurred on 16 March 2019 and 17 March 2019 respectively.

In response I can advise the following:

| <i>Transmission – Sydney Olympic Park</i> | <i>Up and Down – Newcastle</i> |
|---|--------------------------------|
| 29 Drug Detections | 17 Drug Detections |

I trust that this information will be of assistance. Should further information be required Acting Deputy Commissioner Walton who is representing me on the Expert Panel Working Group can be contacted via his Executive Officer, Sarah Wooster at wooslsar@police.nsw.gov.au.

Yours sincerely,

David Hudson APM
Acting Commissioner of Police

01 APR 2019

