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23 April 2019

Dear Mr Robertson and Mr Ayoubi

### **Requirement to apply for a music festival licence – Days Like This**

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 Days Like This last held on 9 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](mailto:joanne.zammit@liquorandgaming.nsw.gov.au) or on (02) 9995 0330 should you wish to discuss the licensing of your event.

Yours sincerely,

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 Days Like This 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 Days Like This 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 Days Like This festival, based on the characteristics, environmental factors and the health incidents associated with the Days Like This festival held on 9 March 2019 at Victoria Park, which are set out below.

If you are aware that the likely characteristics and environmental factors associated with a future Days Like This festival or the health incidents associated with Days Like This festival held between 2017 and 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.

Likely characteristics and environmental factors associated with the Days Like This 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 Days Like This festival are as set out in the table below.

Target demographic	18-26 years
Music type	Electronic Dance Music
Event size	6,500
Indoor/outdoor	Outdoor
Event times and duration	1200 -2200 (10 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 = 26.8°C, maximum= 38.4°C.
Location	Victoria Park (Camperdown)
Approximate distance to nearest tertiary hospital	2km / 5min (Royal Prince Alfred Hospital)

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

### Health incidents associated with the Days Like This festival

The Days Like This festival was last held in 2019 (March 9 2019, Victoria Park). I am aware of previous Days Like This festivals held in NSW in 2017 and 2018. At the event in March 2019:

- NSW Ambulance pre-deployed two Ambulance crews and a forward commander to the event
- NSW Health pre-deployed a medical retrieval team (one senior specialist doctor, one critical care paramedic) and one local health district medical team (two senior specialist doctors and four emergency department nurses) 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 Days Like This festival.

2019	<ul style="list-style-type: none"><li>• No deaths were associated with this event</li><li>• There were no NSW Ambulance transports</li></ul>
2018	<ul style="list-style-type: none"><li>• No deaths were associated with this event</li><li>• One patron was transported directly from the festival to hospital by ambulance, with a drug-related illness. This patient was admitted to a non-critical care ward</li><li>• One patron was attended to onsite for a drug-related illness but refused transport with NSW Ambulance</li></ul>
2017	<ul style="list-style-type: none"><li>• No deaths were associated with this event</li><li>• There were no NSW Ambulance transports</li></ul>

### Likely health risks associated with Days Like This festival

Based on the absence of serious, multiple and concurrent health incidents associated with the Days Like This festival held in 2019, I consider that significant drug related health risks are unlikely to be associated with future Days Like This festivals.

### How to address health risk associated with the Days Like This festival

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

I note that this advice will be provided to the organiser and/or promoter of the Days Like This 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 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](mailto: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:*

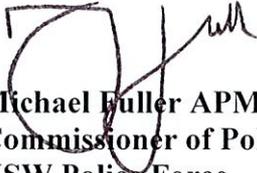
The NSWPF is able to supply the attached table which details drug detections that have occurred over the last three years at the declared Music Festivals. As described on the attached table a number of caveats do apply, and for this reason the data should be considered as a guide only.

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', with a large loop at the start and a flourish at the end.

**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.*