

Simon Coffey
Director, Q-dance Australia
simon.coffey@q-dance.com.au

23 April 2019

Dear Mr Coffey

Requirement to apply for a music festival licence – Defqon.1

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 Defqon.1 last held on 15 September 2018.

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 (Health) and the NSW Commissioner of Police (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 the sale or supply of liquor at your next event would more appropriately be provided under a music festival licence.

When making this determination, the Authority draws no adverse conclusion as to the quality of this event or its recent management history. Rather, the Authority considers that the industry-specific licence provisions in Part 4 Division 3 of the Regulation offer a preferable framework for regulating an event of this type, time of year, scale and complexity, noting the risk factors identified by Health and Police and taking into account your submissions on those matters.

The application form for a music festival licence is available at the following link: https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0019/218431/app1000-music-festival-licence-application.pdf.

The NSW Health Guidelines for Music Festivals are available at the following link: <https://www.health.nsw.gov.au/aod/Publications/music-festival-guidelines.PDF>.

If you have any enquires about the process for making an application please contact 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.



**Independent
Liquor & Gaming
Authority**

A statutory board established under the Gaming and Liquor Administration Act 2007

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 Defqon.1 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 Defqon.1 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 Defqon.1 festival, based on the characteristics, environmental factors and the health incidents associated with the Defqon.1 festival held on 15 September 2018 at Sydney International Regatta Centre, which are set out below.

If you are aware that the likely characteristics and environmental factors associated with a future Defqon.1 festival or the health incidents associated with Defqon.1 festival held in previous years 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 Defqon.1 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 Defqon.1 festival are as set out in the table below.

Target demographic	18-30 years
Music type	Electronic Dance Music
Event size	30,000
Indoor/outdoor	Outdoor
Event times and duration	1100 – 2300 (12 hours)
Anticipated weather conditions*if festival is held again during the same month and at the same location	Festivals held in September have the potential for extreme temperatures. September 2018 mean maximum temperature = 23.3°C, maximum= 33.2°C
Location	Metropolitan Sydney (Sydney International Regatta Centre, Penrith)
Approximate distance to nearest tertiary hospital	8km / 14 min (Nepean 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 Defqon.1 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 Defqon.1 festival

The Defqon.1 festival was last held on 15 September 2018 at Sydney International Regatta Centre. I am aware of five previous Defqon.1 festivals held in NSW between 2013 and 2017.

I am aware of the following health incidents associated with the Defqon.1 festival.

2018	<ul style="list-style-type: none">• Two drug related deaths were associated with this event• A total of ten patrons were transported directly from the festival to hospital by NSW Ambulance, one of whom was found outside the event<ul style="list-style-type: none">○ six of these patients were transported with drug-related illness, four of which were urgent transports○ four of the six patients required onsite critical care including intubation and ventilation○ following transport to hospital two of the four patients were declared deceased in the emergency department and two were admitted to an intensive care unit
2017	<ul style="list-style-type: none">• No deaths were associated with this event• A total of ten patrons were transported directly from the festival to hospital by NSW Ambulance, four of whom were found outside the event• four of these patients were transported with a drug-related illness
2016	<ul style="list-style-type: none">• No deaths were associated with this event• A total of nine patrons were transported directly from the festival to hospital by NSW Ambulance, two of whom were found outside the event<ul style="list-style-type: none">○ four of these patients were transported with a drug-related illness, one of whom was an urgent transport. One patient required intubation and ventilation upon arrival to hospital○ one patient was subsequently admitted to an intensive care unit
2015	<ul style="list-style-type: none">• One drug related death was associated with this event• A total of fourteen patrons were transported directly from the festival to hospital by NSW Ambulance, one of whom was found outside the event<ul style="list-style-type: none">○ seven of these patients were reported to have a drug-related illness
2014	<ul style="list-style-type: none">• No deaths were associated with this event• A total of eight patrons were transported directly from the festival to hospital by NSW Ambulance
2013	<ul style="list-style-type: none">• One drug-related death was associated with this event• A total of twenty-nine patrons were transported directly from the festival to hospital by NSW Ambulance, fifteen of whom were found outside the event

Likely health risks associated with Defqon.1 festival

Based on the likely characteristics and environmental factors associated with the Defqon.1 festival and the health incidents associated with the Defqon.1 festival held in 2013 to 2018, I consider that the following significant health risks may be associated with future Defqon.1 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 Defqon.1 festival

In my opinion, I consider that the likely health risks associated with any future Defqon.1 festival are more appropriately addressed by way of a music festival licence than another type of liquor licence.

This is because under a music festival licence:

- Applications must generally be made 90 days prior to the event, allowing time for more detailed engagement with relevant agencies
- A safety management plan must be provided in accordance with the Regulation, which must include a range of matters including in particular
 - Information about the areas for the entry to and exit from the premises for a police vehicle or an emergency vehicle
 - Information about evacuation point and entry and exit points for patrons, including information about fencing structures and other boundaries
 - information about proposed health services and harm reduction initiatives that will be provided by the applicant for the festival,
 - information about whether the health services and harm reduction initiatives to be provided at the festival by the applicant are consistent with the Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction, published by the NSW Ministry of Health,
 - information about persons providing health services at the festival and the qualifications and work experience of those persons
- In assessing an application, the Independent Liquor and Gaming Authority may have regard to advice from a range of persons, including the Health Secretary. This will enable the Health Secretary to provide advice as to whether the safety management plan is adequate from a health perspective or other relevant health related advice
- A range of entities, including the Ministry of Health can request the licensee to hold briefings with the person who will provide held service at the music festival prior to and after the festival being held. Representative from the Ministry of Health and other relevant agencies can attend the briefing. This will allow expert opinion to be provided to help identify and manage the health risks associated with the festival
- The application will be reviewed by the Independent Liquor and Gaming Authority using the assessment criteria outlined in the Regulation.

The music festival licence allows for the consideration and appropriate mitigation of the health risks outlined earlier. This could occur via the appropriate provision of adequate onsite infrastructure such as shade and designated chill out spaces, medical service capability, peer-based harm reduction services, enhanced harm reduction messaging, emergency access arrangements and interagency pre- and post-event briefing processes.

I note that this advice will be provided to the organiser and/or promoter of the Defqon.1 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

A handwritten signature in black ink, appearing to read 'K Chant'.

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:*

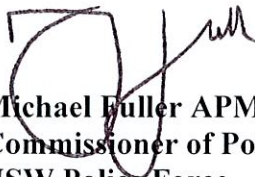
The NSWPF is able to supply the attached table which details drug detections that have occurred over the last three years at the declared Music Festivals. As described on the attached table a number of caveats do apply, and for this reason the data should be considered as a guide only.

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,



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.