



Ms Adelle Robinson
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Fuzzy

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5 July 2019

Dear Ms Robinson

Requirement to apply for a music festival licence – Listen Out

I refer to the letter from the Independent Liquor & Gaming Authority (Authority) dated 3 June 2019 regarding your music festival event Listen Out last held on 29 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,

A handwritten signature in blue ink, appearing to read "Philip Crawford".

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

15/05/19

Dear Mr Crawford

Clause 35A Liquor Regulation 2018 – Advice in respect of the Listen Out 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 Listen Out 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 Listen Out festival, based on the characteristics and environmental factors and the health incidents associated with the Listen Out festival held on 29 September 2018 at Centennial Park, which are set out below.

If you are aware that the likely characteristics and environmental factors associated with a future Listen Out festival or the health incidents associated with Listen Out 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 Listen Out 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 Listen Out festival are as set out in the table below.

| | |
|--|---|
| Target demographic | 18 – 30 years |
| Music type | Electronic dance music and hip hop |
| Event size | 35,000 |
| Indoor / outdoor | Outdoor |
| Event duration | 1300-2200 (9 hours) |
| Anticipated weather conditions * if festival held is held again during the same month and at same location | Festivals held in September have the potential for extreme temperatures. September 2018 mean maximum temperature = 20.9°C, maximum= 31.8°C. |
| Location | Metropolitan Sydney (Centennial Parklands) |
| Approximate distance to nearest tertiary hospital | 4km / 11min (St Vincent's 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 Listen Out 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 Listen Out festival

The Listen Out festival was last held in 2018 (29 September, Centennial Park, Sydney). I am aware of two previous Listen Out festivals held in NSW at the same location in 2016 and 2017. At the event in September 2018:

- NSW Ambulance pre-deployed 3 Ambulance crews, one forward commander and an ambulance liaison officer to the event. During the event an additional four crews were deployed in response to health incidents.

I am aware of the following health incidents associated with the Listen Out festival.

| | |
|------|---|
| 2018 | <ul style="list-style-type: none"> • No deaths were associated with this event • Fourteen patrons were transported directly from the festival to hospital by NSW Ambulance <ul style="list-style-type: none"> ○ ten of these patients were transported with drug-related illness, four of whom were urgent transports. One patient required critical care on-site and was intubated and ventilated en-route to hospital ○ four of these patients were admitted to hospital, with one of these admitted to an intensive care unit |
| 2017 | <ul style="list-style-type: none"> • No deaths were associated with this event • Seven patrons were transported directly from the festival to hospital by NSW Ambulance <ul style="list-style-type: none"> ○ three of these patients were transported with drug-related illness ○ two of these patients were admitted to hospital (though not to an intensive care unit) |
| 2016 | <ul style="list-style-type: none"> • No deaths were associated with this event • Three patrons were transported directly from the festival to hospital by NSW Ambulance <ul style="list-style-type: none"> ○ three of these patients were transported with drug-related illness ○ two of these patients was admitted to hospital (though not to an intensive care unit) |

Likely health risks associated with the Listen Out festival

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

In my opinion, I consider that the likely health risks associated with any future Listen Out 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 Listen Out 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.



Health

Yours sincerely
Dr Kerry Chant

Chief Health Officer
NSW Ministry of Health

17/5/19

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



Health

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

16 July 2019

Dear Mr Crawford

Clause 35A Liquor Regulation 2018 – Revised advice in respect of the Listen Out festival

I am writing to provide further advice under clause 35A of the Liquor Regulation in response to a concern raised by Mr David Wrobel of Colbrow Medics in an email to the NSW Ministry of Health.

The email dated 3 July 2019 raised a concern regarding the health incidents associated with the Listen Out festival in 2018. The concern relates to whether or not a patient 'required' critical care onsite at the Listen Out festival held in 2018.

My original advice dated 15 May 2019 stated that a patient 'required' critical care on-site, which may have been misinterpreted as having a procedure such as intubation performed at the festival site. I acknowledge that care providers and other stakeholders may hold different views on what constitutes critical care provision and at what location this occurred, particularly given there is no consensus definition for critical care.

Although there is no strict definition for what constitutes critical care, it is generally accepted to entail the provision of care for patients whose conditions are life-threatening. The NSW Critical Care Tertiary Referral Network defines criticality by patient condition rather than care provided. A patient is critically ill if their illness, injury or physiological instability constitutes a significant and imminent threat to their life without appropriate resuscitation and support.

Using the above definition in reviewing the health incidents associated with the Listen Out festival in 2018, two patients at the festival were identified as being critically ill and were urgently transported by ambulance to hospital. Both of these patients were documented by NSW Ambulance officers as having a Glasgow Coma Scale score of 3, the lowest score possible and indicative of a deep coma. This condition requires resuscitation and support.

To ensure no future misunderstanding I will define criticality by patient condition, rather than the type of care provided, in any future advice I provide.

I provide the following revised advice regarding health incidents associated with the Listen Out festival in 2018, and again provide my opinion regarding likely health risks and licencing for this event in 2019.

Health incidents associated with the Listen Out festival in 2018

The Listen Out festival was last held in 2018 (29 September, Centennial Park, Sydney). At the event in September 2018:

NSW Ministry of Health
ABN 92 697 899 630
100 Christie Street, St Leonards NSW 2065
Locked Mail Bag 961, North Sydney NSW 2059
Tel (02) 9391 9000 Fax (02) 9391 9101
Website: www.health.nsw.gov.au

- NSW Ambulance pre-deployed 3 Ambulance crews, one forward commander and an ambulance liaison officer to the event. During the event an additional four crews were deployed in response to health incidents.

2018

- No deaths were associated with this event.
- Fourteen patients were transported directly from the festival to hospital by NSW Ambulance, ten of whom were transported with drug-related illness.
- Two of the patients requiring transport for drug-related illness were critically ill with GCS 3, a condition which requires resuscitation and support.
- Four of patients requiring transport for drug-related illness were admitted to hospital, including one patient to an intensive care unit.

Likely health risks associated with the Listen Out festival

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

- Multiple concurrent and serious drug-related illness resulting in critically ill patients presenting to onsite medical providers that could result in:
 - Admissions to hospital
 - Admissions to intensive care units
 - Death or serious injury

How to address health risks associated with the Listen Out festival

In my opinion, I consider that the likely health risks associated with any future Listen Out 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 revised advice will be provided to the organiser and/or promoter of the Listen Out festival. NSW Health continues to remain available to provide advice and to support music festival organisers to deliver safer music festivals.

Again, 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 PSM
Chief Health Officer and Deputy Secretary
Population and Public Health

16/7/19



NSW Police Force

**DEPUTY COMMISSIONER
Metropolitan Field Operations**

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

Our reference: D/2019/426300

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

Dear Mr Crawford,

I refer to your correspondence of 6 May 2019 seeking information regarding the Field Day and Listen Out music festivals.

Pursuant to section 35A of the *Liquor Amendment (Music Festivals) Regulation 2019* you seek information to assist in determining the appropriateness of a music festival license for these events. In keeping with previous such information provided to the Authority I can provide information on the number of drug detections that occurred at the most recent of both of these events.

| <i>Field day – The Domain 1/11/19</i> | <i>Listen Out – Centennial Park 29/9/18</i> |
|--|--|
| 211 Drug Detections | 133 Drug Detections |

I trust that this information will be of assistance. Should further information be required my Executive Officer Sarah Wooster can be contacted at woos1sar@police.nsw.gov.au or via telephone on 8263 6386.

Yours sincerely,


Jeff Loy APM
Deputy Commissioner
Metropolitan Field Operations
15/5/19.

