



**Redfern
Legal
Centre**

Mr Brian Mitchell MP
Chair
Standing Committee on Communications and the Arts PO Box 6021
Parliament House
Canberra ACT 2600

30 April 2024

Dear Mr. Brian Mitchell MP

Inquiry into the challenges and opportunities within the Australian live music industry

Thank you for the opportunity to submit to this critical Inquiry. Our submission focuses on one of the terms of reference: audience development and consumer behaviours.

We would be happy to provide any further information or comments that might be useful to your Inquiry.

Yours faithfully,



Camilla Pandolfini
Chief Executive Officer
Redfern Legal Centre

1. Introduction

Redfern Legal Centre (RLC) is a non-profit community legal centre that provides access to justice. Established in 1977, RLC was the first community legal centre in NSW and the second in Australia. We provide free legal advice, legal services, and education to people experiencing disadvantages in our local area and statewide. We work to create positive change through policy and law reform work to address inequalities that cause disadvantages.

We provide practical and integrated free legal services that are client-focused, collaborative, non-discriminatory, and responsive to changing community needs – to our local community and statewide. Our specialist legal services focus on tenancy, credit, debt and consumer law, financial abuse, employment law, international students, First Nations justice, and police accountability, and we provide outreach services through our health justice partnership.

Over several years, RLC has been providing legal advice to young people and adults who have attended music festivals and been subjected to unlawful strip searches by NSW Police. Some of these festivals have been all ages events, such as Splendour in the Grass, where children have also been subjected to this invasive and harmful practice.

Redfern Legal Centre has advocated for change in the law and practices related to strip searches in New South Wales for almost a decade. In that time, hundreds of children and young people have been strip searched at music festivals.

RLC submits that an inquiry into the challenges and opportunities within the Australian live music industry must address the impact that unlawful and pervasive strip searches have on attendance at music festivals, industry audiences and their behaviours.

We acknowledge that the recent wave of festival cancellations can be attributed to various factors. These include the intimidating presence of law enforcement personnel and drug detection measures, which have acted as deterrents for attendees.

2. Key areas of concern

Strip searches and music festivals

Recently, RLC published a report, '[The Need for Reform: Strip Searches of Children by NSW Police](#)'.¹ The report found that 1,546 children were subjected to invasive strip searches by NSW Police between July 2016 and June 2023. Of these, 824 strip searches occurred in police stations, and the remaining 46.1% were in public.

Although not all of these strip searches occurred at music festivals, statistical analysis shows that music festivals are hot spots for strip searches.

A 2019 report by Dr. Michael Grewcock and Dr. Vicki Sentas, 'Rethinking Strip Searches by NSW Police'² shows an exponential increase in the use of recorded strip searches in the field over the past ten years. The report revealed that:

- 60 percent of strip searches yield nothing of evidential value;

¹ Sam Lee and Josh Raj, *The Need for Reform: Rethinking Strip searches in NSW 2024* <https://rlc.org.au/sites/default/files/2024-03/Strip%20Searches%20of%20Children%20by%20NSW%20Police_1.pdf>.

² Dr Michael Grewcock and Dr Vicki Sentas, 2019, 'Rethinking Strip Searches by NSW Police' University of New South Wales.

- Strip searches were used 277 times in the 12 months to 30 November 2006, compared to 5,483 in the 12 months to 30 June 2018, an almost 20-fold increase in less than 12 years;
- Three percent of strip searches during the 2017–2018 financial year were of children under 18, and 45 percent were of young people aged 25 or under.

The *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) establishes that a strip search should only be conducted in exceptional circumstances, where a police officer ‘suspects on reasonable grounds that a strip search is necessary for the purposes of the search’ and the ‘seriousness and urgency of the circumstances make the strip search necessary’. Police officers must ‘conduct the least invasive kind of practicable in the circumstances’.

There is an urgent need for systematic legal change to police practices concerning the strip search of children. Strip searches in NSW have become far too common and often do not meet the strict legal threshold.

Public hearing into strip searches at music festivals³

In October 2018, the NSW Law Enforcement Conduct Commission (LECC) initiated an inquiry into the use of strip searches by NSW Police, including five separate investigations into potential police misconduct.

The inquiry held two public hearings into the policing of two music festivals - Splendour in the Grass at Byron Bay in July 2018 and Lost City at Homebush in December 2019.

The hearings examined the individual complaints of four children alleging unlawful police conduct. A further three people (two adults and one child) made complaints heard through private LECC hearings.

In June 2020, the LECC released its findings into the five investigations and concluded that all complainants were unlawfully strip searched (LECC 2020).

At Splendour in the Grass, the LECC found 512 personal searches, including 143 strip searches, were conducted. Only 125 (24%) of all searches resulted in items being found. At the Lost City Music Festival, an under-18 event, drugs were found on only one occasion.

The LECC was particularly concerned by the apparent lack of knowledge of some police officers about the requirements for a lawful strip search and the protections that must be afforded to young people when they are strip searched.

A recurrent issue throughout the Inquiry was the failure of officers to comply with the legal thresholds for conducting a strip search. The LECC investigations considered circumstances in which officers had failed to show that the seriousness and urgency of the circumstances made it necessary to conduct the relevant strip searches.

The Inquiry also identified officers who had searched a person’s genital areas without reasonably suspecting this step was necessary for the purpose of the search, as required by law.

The Inquiry found that low detection rates of relevant evidence during strip searches further suggested that officers routinely conduct strip searches without the requisite suspicion.

³ Law Enforcement Conduct Commission, *Inquiry into NSW Police Force Strip Search Practices* (December 2020) 10–12 <<https://www.lecc.nsw.gov.au/pdf-files/inquiry-into-nsw-police-force-strip-search-practices>>.

Coroners Report⁴

In November 2019, the Deputy State Coroner of New South Wales, Harriet Grahame, issued a comprehensive report concerning the tragic deaths of six young people following their attendance at music festivals in NSW between December 2017 and January 2019.

All six fatalities were linked to the consumption of MDMA or ecstasy, with five of them also having other substances in their systems.

The coroner's report highlighted the urgent need for proactive measures to address drug-related harm, such as the implementation of drug checking services that analyse the composition of illicit substances to warn individuals about potentially hazardous components.

The report recommended an end to the use of drug sniffer dogs at festivals, pointing to instances where festivalgoers may ingest larger doses of substances hastily to evade detection, thus increasing the risk of harm.

The report recommended the use of strip searches to extreme circumstances only, prioritising harm reduction strategies and respecting the dignity and rights of all attendees.

Class action

In July 2022, Redfern Legal Centre and the law firm Slater and Gordon filed a class action lawsuit in the Supreme Court of New South Wales on behalf of all people who have attended music festivals and been strip searched by NSW Police in the previous six years.

The class action alleges police carried out unlawful acts, including assault, battery, and false imprisonment, against festival goers while searching them for illicit substances.

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The class action continues.

⁴ Coroners Court New South Wales, 'Inquest into the Death of Six Patrons of NSW Music Festivals' (Web Page, 2 April 2023) <https://coroners.nsw.gov.au/coroners-court/download.html/documents/findings/2019/Music_Festival_Redacted_findings_in_the_joint_inquest_into_deaths_arising_at_music_festivals_.pdf>.

3. Addressing issues of concern

The prevalence of strip searches potentially dissuades attendance at music festivals, which may be one factor leading to the cancellation of events like Splendour in the Grass.

Festival organisers are burdened with covering the expenses associated with a police presence and the deployment of drug detection dogs.

The cancellation of festivals like Splendour in the Grass impacts both the cultural landscape and the local economy. Ending the practice of over-policing young festivalgoers is crucial for fostering a safer environment and relieving undue pressure on the music festival industry. By prioritising the safety and well-being of attendees and adopting a more balanced approach to security, the vibrant tradition of live music festivals can continue to thrive.

4. Recommendations

1. The Federal Government works with state and territory leaders to immediately pause and review the law and practice relating to the strip-searching of children.
2. The Federal Government works with state and territory leaders to immediately pause and review the use of drug detection dogs and strip searches at music festivals.
3. The Federal Government works with state and territory leaders to implement the recommendations of the New South Wales Deputy State Coroner, Harriet Grahame, in her report into the deaths of six young people who attended music festivals in NSW.