



Hearing: Operation Brugge

Before the Hon M F Adams QC, Chief Commissioner

Held at Level 3, St James Centre,
Elizabeth Street, Sydney

On Thursday, 24 October 2019 at 10.25am
(Day 4)

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1 THE CHIEF COMMISSIONER: Yes, Dr Dwyer?

2

3 MS DWYER: The first witness this morning is
4 Tracey Randall. I call Ms Randall. She has no pseudonym
5 in these proceedings.

6

7 <TRACEY LEE RANDALL, affirmed: [10.25am]

8

9 THE CHIEF COMMISSIONER: You may be seated, thank you,
10 Ms Randall. I understand you do not have a legal
11 representative appearing here for you?

12

13 MS RANDALL: No, I don't.

14

15 THE CHIEF COMMISSIONER: And you don't feel the need for
16 that?

17

18 MS RANDALL: No, I don't.

19

20 THE CHIEF COMMISSIONER: However, I'm obliged to tell you
21 some things, which no doubt you are already aware of.

22

23 First of all, you must answer all questions you are
24 asked, unless I say you don't have to, and you must produce
25 anything you are asked to produce, again, unless I say you
26 don't have to.

27

28 You may object to answering a question and you may
29 object to producing anything, but even if you do so, you
30 must answer the question and produce what is called for.

31

32 The effect of the objection is that your answers or
33 what you produce cannot be used in other proceedings,
34 except - and I say this only in order to complete the
35 technical circle - for perjury or contempt of the
36 Commission for breaching an order of the Commission. I'm
37 quite sure those are not issues, but I have to cover the
38 ground.

39

40 MS RANDALL: Thank you, Commissioner.

41

42 THE CHIEF COMMISSIONER: To save you the trouble of
43 objecting, I can just make a general declaration which
44 means that you are taken to have objected to all questions
45 and objected to producing anything, without your need to do
46 so with each question.

47

1 MS RANDALL: Thank you.

2

3 THE CHIEF COMMISSIONER: Would you like me to make that
4 declaration?

5

6 MS RANDALL: Yes.

7

8 THE CHIEF COMMISSIONER: Very well. I declare under
9 section 75 of the Act that all answers and other things
10 given by this witness will be regarded as having been given
11 on objection by the witness.

12

13 Yes, thank you, Dr Dwyer.

14

15 <EXAMINATION BY MS DWYER:

16

17 MS DWYER: Q. Ms Randall, would you please tell the
18 Commission your full name?

19

20 A. Tracey Lee Randall.

21

22 Q. You are the principal of Randall Legal; is that right?

23

24 A. I am.

25

26 Q. Randall Legal covers a region, Byron-Lismore; is that
27 right.

28

29 A. The Northern Rivers.

30

31 Q. You have an office based in Bangalow; is that correct?

32

33 A. Our main office is in Lismore. We have a satellite in
34 Bangalow.

35

36 Q. Is it fair to say that you have well over 20 years
37 experience in court and in criminal law specifically?

38

39 A. 25 years.

40

41 THE CHIEF COMMISSIONER: Q. More or less how long have
42 you been in the Northern Rivers area, practising in the
43 Northern Rivers?

44

45 A. Twenty years.

46

47 Q. I suppose just because of the nature of your practice,
you have got to know many police officers in that time who
are in that area?

48

49 A. I have.

50

51 Q. I have adopted the process, although it is a public
52 hearing, of not referring to any police officers by name.

1 A. Yes.
2
3 Q. If you would mind just bearing that in mind as you are
4 giving your answers.
5 A. Certainly.
6
7 Q. You may not be asked any questions that might raise
8 that, but I just tell you at the outset.
9 A. Thank you.
10
11 MS DWYER: Q. Of course, following on from what the
12 Chief Commissioner has just said, we are referring to the
13 young person as BRC.
14 A. Thank you.
15
16 Q. You participated in an interview with Commission staff
17 on 29 August 2019; is that right?
18 A. I did.
19
20 Q. Have you had the opportunity to read the transcript?
21 A. I have.
22
23 Q. Is the evidence that you gave there true and correct
24 to the best of your knowledge?
25 A. Yes, it is.
26
27 Q. The Commission also has a statement from the young
28 person, BRC, which is exhibit 2 in these proceedings. It
29 was taken on 3 August 2018, not long after Splendour that
30 year.
31 A. Yes.
32
33 Q. Did you assist in taking that statement?
34 A. No.
35
36 Q. Did one of your staff members assist in taking that
37 statement?
38 A. Yes.
39
40 Q. Can I ask you first, then, about Splendour in the
41 Grass as a festival?
42 A. Yes.
43
44 Q. Have you attended that festival as a patron?
45 A. No.
46
47 Q. You first started attending, I think, to provide pro

1 bono legal services in 2012; is that right?
2 A. That's right.
3
4 Q. Could you assist by letting us know about the festival
5 in general, before I ask you about your set-up there?
6 A. Yes.
7
8 Q. The age range and what you have noticed about the feel
9 of the festival?
10 A. So I haven't been to any music festivals in Sydney,
11 but I understand from talking to people that come to the
12 festival that Splendour is a festival that is somewhat
13 different to other festivals. The age range is from young
14 children through - the majority are young adults, but
15 parents will take their children. There is a creche on
16 site for that purpose. There are lots of activities aimed
17 at younger people - craft tents. And my children attend as
18 well, as do most of their peers in the area.
19
20 Q. Are they teenagers?
21 A. They're teenagers. So on the year that we're talking
22 about, my 16-year-old son and a number of his friends were
23 in attendance.
24
25 Q. You make a point of telling the Chief Commissioner
26 that there are a whole lot of activities aimed at children
27 and there are also teenagers who attend unaccompanied by
28 adults?
29 A. That's right.
30
31 Q. You have provided the advice service since 2012?
32 A. I have.
33
34 Q. How was it that you first came to provide the service?
35 A. Well, the festival had moved from Byron Bay to Maleny
36 for a number of years, in south-east Queensland. It was
37 returning to the Byron area. There was a lot of media
38 attention around that and there was a lot of media coming
39 from the police about the festival being in town, and the
40 tenor of that was that they weren't happy about the
41 festival returning to Byron Bay --
42
43 MS CHAPMAN: I object, your Honour. How can this witness
44 give evidence about the opinion of officers --
45
46 THE CHIEF COMMISSIONER: No, no, she's not at all. She's
47 saying what was reported.

1
2 MS CHAPMAN: In writing, Commissioner; is that the
3 evidence?
4
5 THE CHIEF COMMISSIONER: I understand.
6
7 Q. It was media reports; is that right?
8 A. Media reports, yes.
9
10 THE CHIEF COMMISSIONER: She can give evidence about that.
11
12 I can understand why police wouldn't be altogether
13 happy. They'd just acquired 35,000 people that they are
14 going to have to look after. I could see a certain amount
15 of justified chagrin. Let's not make too much of it.
16
17 Q. Yes, go on.
18 A. So I am a music lover. On that basis, I --
19
20 Q. Some might debate whether this is music or not, but,
21 fortunately, that is not a matter for this Commission.
22 A. On that basis, I approached the promoters about
23 putting us on site. I think I presumed that a lot of young
24 people would attend. I have an interest in the legal
25 rights of young people. So on that basis, I decided - I do
26 some pro bono work in the area and I decided that would
27 be - if the promoters wanted us there, that would be part
28 of our pro bono work.
29
30 Q. So you were going to offer free legal advice?
31 A. That's right.
32
33 MS DWYER: Q. Was that well received by the promoters?
34 A. Yes, it was.
35
36 Q. Before you set up, did you have discussions with the
37 local police about the services you would provide?
38 A. Immediately before the festival I approached the local
39 area commander to advise him that we would be on site.
40 I can't recall who that was in 2012.
41
42 Q. Were you well received by the local area commander?
43 A. Yes. Yes. There was a fair degree of cooperation in
44 that first couple of years.
45
46 Q. And you make a point of that in your interview, you
47 say:

1
2 *The attitude of the local area command has*
3 *changed somewhat in recent years. In*
4 *previous years, you know, it's been quite,*
5 *I'd say, almost cooperative.*
6

7 In the sense that your firm is well known, you are
8 a criminal law specialist, you have practised in crime for
9 25 years, you are quite well known to the local police and
10 in previous years there was a degree of cooperation?

11 A. Yes.

12
13 Q. The police were happy to direct people who had issues
14 over to you to your service?

15 A. Yes.

16
17 Q. And they had been quite open in providing you with the
18 numbers of arrest and searches so you could keep a general
19 eye on things, how things were going?

20 A. Yes.

21
22 Q. You tell the Commission that you've raised issues in
23 the past about police giving advice with respect to the
24 yellow plea notice?

25 A. Yes.

26
27 Q. What do you mean by that?

28 A. Well, on relatively minor charges, the police will
29 issue what is called a written pleading form. It's
30 a yellow form that allows somebody to, rather than attend
31 court, enter a written plea and then forward it to --

32
33 THE CHIEF COMMISSIONER: Q. Then and there? Then and
34 there?

35 A. No, not then and there. It is attached to, generally,
36 the field court attendance notice, and they can take it
37 away. And then, rather than returning to Byron Bay to
38 appear in the Local Court --

39
40 Q. They provide that form?

41 A. They can provide that written form.

42
43 MS DWYER: Q. You say that that was prevalent in 2018
44 and 2019?

45 A. Yes.

46
47 Q. And you had concerns about the advice that had been

1 given by police when that was handed out?
2 A. Well, when people would attend our stall, they would
3 tell me that the police had said if they just fill in the
4 written pleadings, then they will get a section 10
5 non-conviction, and that had --

6
7 THE CHIEF COMMISSIONER: Q. Let's just go back, then.
8 A. Yes.

9
10 Q. No, finish the conversation, the things that these
11 people are telling you, firstly?

12 A. So that was coming up more and more frequently. So
13 I have made it a practice, when I go and introduce myself
14 and say that we are on site to whoever's in charge from
15 NSW Police, that I raise that issue in particular.

16
17 Q. I understand that what you are saying is that the
18 advice as to the response the magistrate will make to this
19 plea was legal advice and it is not appropriate, in your
20 view, that police should give it?

21 A. Yes.

22
23 Q. However, it's probably a fairly reliable prediction,
24 is it not?

25 A. No.

26
27 Q. It's not?

28 A. It's not a reliable prediction.

29
30 Q. Very well. Can we just explain, because it's public,
31 what do you mean by "a section 10"?

32 A. Certainly. A section 10 is where a matter can be
33 dismissed without recording a criminal conviction against
34 a person. It can be dismissed outright or a person can be
35 placed on what effectively is a good behaviour bond for
36 a period of time, and at the conclusion of that period,
37 then they don't receive a conviction.

38
39 MS DWYER: Q. And what you say in your interview --

40
41 THE CHIEF COMMISSIONER: Q. So no conviction is
42 recorded?

43 A. That's right.

44
45 MS DWYER: Q. What you say in your interview,
46 Ms Randall, at page 10, is you appear for a lot of people
47 who attend Splendour?

1 A. Yes.

2

3 Q. And both at Byron Bay and the Downing Centre courts,
4 in Sydney:

5

6 *In fact, there can be varying attitudes*
7 *between magistrates. There are some*
8 *magistrates who view a small possession*
9 *with no criminal history and they will give*
10 *people a section 10. Other magistrates*
11 *view the fact that you have been caught at*
12 *a music festival as an aggravating factor.*

13

14 Because they think you have been forewarned; it says on
15 your ticket --

16

17 A. Yes.

18

19 Q. -- that there are going to be police there, and so
20 they won't give you a section 10?

21

22 A. That's right.

23

24 Q. But if police have previously told you that you
25 should just plead guilty because you are going to get
26 a section 10, you are concerned that persons might not
27 challenge a search, for example?

28

29 A. That's right.

30

31 Q. And might have the wrong expectation when they go to
32 court; might not prepare fully enough, for example?

33

34 A. Yes. Or may not attend court, and I think magistrates
35 view non-attendance as not taking the matter seriously.

36

37 Q. So you said that was an issue in 2018 and 2019?

38

39 A. That - they have been issues since the start of the
40 festival.

41

42 Q. With that particular matter, with the --

43

44 A. With the written pleas, yes.

45

46 Q. Have you raised that at all with the local area
47 command?

48

49 A. Yes. I raise it every year.

50

51 Q. Does it seem to have any effect in terms of the
52 issuing of that advice by police?

53

54 A. We still get a number of people who will report

1 back that that's what they have been told. Even when
2 I give them advice that that's probably not appropriate and
3 they should think about it and perhaps get proper legal
4 advice, they raise that, "Well, but the police have told me
5 this."

6
7 Q. So that is something that you think the police need to
8 have a better understanding about, moving forward?

9 A. Yes.

10
11 Q. Can I also raise with you attitudinal issues. You
12 make a point of saying that in the initial years there was
13 the degree of cooperation, which you told us about earlier?

14 A. Yes.

15
16 Q. Has that changed?
17 A. Yes.

18
19 Q. In what way?
20 A. In the last two years, 2018 and 2019, there was
21 a definite shift in the style of policing at the festival.
22 In 2018 - the festival runs from Friday to Sunday --
23

24 THE CHIEF COMMISSIONER: Dr Dwyer, we are not concerned
25 really with the general management of the festival by
26 police.

27
28 MS DWYER: No, your Honour, I will narrow it, because
29 I know --
30

31 THE CHIEF COMMISSIONER: We are concerned with the
32 searching.

33
34 MS DWYER: Q. Ms Randall, when you say there is a change
35 in the style of policing, are you referring to the
36 searching?

37 A. Yes. I'm referring to the searching.

38
39 In 2018 I arrived on the Friday, I arrived late,
40 because I was in court, and I was approached by a number of
41 stall holders who raised concerns with me about the
42 approach of police at the entry to the festival.

43
44 In previous years, my experience was that the sniffer
45 dogs and searching police were on the other side of the
46 entry gates, so not actually in the festival, and my
47 observations were that they generally would be just walking



1 dogs through the crowds that were coming in to the entry
2 gate.

3

4 In 2018, that changed, and a large number of police
5 were positioned on the other side of the entry gate --

6

7 THE CHIEF COMMISSIONER: Q. That means within the
8 festival grounds?

9 A. In the festival ground. So that a patron would walk
10 in through the entry gate, and within about 20 metres, be
11 confronted with a large number of police.

12

13 MS DWYER: Q. You say in your interview it's highly
14 concentrated, so on this year - which was 2019 - which was
15 quite a similar pattern to 2018 between the front gate, you
16 would say probably about 30 to 50 metres across the front
17 funnelled entrance you have counted 26 police officers on
18 multiple occasions.

19 A. Yes.

20

21 Q. On one occasion you did physically count them because
22 you were concerned about the number?

23 A. Yes.

24

25 Q. But that was a regular occurrence, your perception of
26 those numbers that you perceived?

27 A. Yes, it happened - it certainly happened more than
28 once. It varies, the number of police in that front entry.
29 Sometimes there will be none, and then sometimes high
30 concentrations with a dog.

31

32 Q. You'd been approached by a number of stall holders who
33 described to you what they were concerned about; the
34 military style formation of police is what they perceived
35 across the front entrance of the gate?

36 A. That was in 2018.

37

38 Q. What effect does that have, that you have been told
39 about, in terms of the effect on patrons and staff?

40 A. It certainly makes - it creates an "us and them"
41 mentality, I think. That's what stall holders feel. It
42 signals very clearly, I think, to patrons that the police
43 take a certain position and patrons are effectively not
44 part of that position.

45

46 Q. You gave an example at page 14 of your interview that
47 it's more often that staff came to you - "this year", so

1 you are talking about 2019, the festival was fully EFT-ed,
2 so electronic, no cash?

3 A. Yes, no cash.

4
5 Q. But you had quite a lot of staff who were handling
6 cash, going out for a lunch break, coming back in and being
7 strip searched?

8 A. That was 2018.

9
10 Q. Sorry, that was 2018?

11 A. Yes.

12
13 Q. When you say "staff", who are you referring to there?

14 A. Well, stall holders, people working in bars, who were
15 handling money.

16
17 Q. Do you remember the numbers of people who told you
18 that, who had been strip searched, who were stall holders?

19 A. Oh, I think there were two or three in 2018.

20
21 Q. Did any of those people have drugs on them?

22 A. No.

23
24 MR COFFEY: May I object to that question. How could this
25 witness know, without clarifying further, whether or not
26 they had drugs?

27
28 THE CHIEF COMMISSIONER: I understand she is saying that
29 she was told they didn't have drugs on them. I'm going to
30 take into account the character of the evidence, I can
31 assure you.

32
33 MR COFFEY: Thank you, your Honour.

34
35 THE CHIEF COMMISSIONER: Q. But I take it, if they had
36 had drugs on them, they wouldn't be going back to the
37 stall - that would be your assumption?

38 A. Well, I'm not sure about that. But I could assume
39 that if they were in, it was either --

40
41 Q. It is best not to have assumptions. It is not an
42 unreasonable speculation, but it doesn't get much more than
43 that.

44 A. No.

45
46 MS DWYER: Q. I am coming shortly to the complaint
47 raised with you by the 16-year-old in 2018. One of the

1 things you talk about is her humiliation that she
2 described?
3 A. Yes.
4
5 Q. Have you heard anybody else, after they have been
6 strip searched, talking about that?
7 A. I think in 2018 there was a woman as well who had been
8 strip searched who - she had drugs located on her, so the
9 focus was much more for her on the stress of being charged.
10
11 Q. I will come to that now, then. In your stall,
12 a number of people come up to you after they have had an
13 experience of being charged; is that right?
14 A. Yes.
15
16 Q. Are a number of those people young?
17 A. Yes.
18
19 Q. Young adults?
20 A. Yes.
21
22 Q. Nineteen, 20, 21 --
23 A. Yes.
24
25 Q. -- that sort of age? And in most circumstances, are
26 they found with an amount that is a possession offence?
27 A. They are all small possession amounts that I see.
28
29 Q. What impact can you say it has on them, in terms of
30 the persons you have seen?
31 A. Look, they are generally devastated. Quite often -
32 there is a large number of university students who are in a
33 position where they are far from home, often, far from
34 those usual supports that they might call on, and so they
35 are pretty devastated.
36
37 THE CHIEF COMMISSIONER: Q. In 2018, can you tell us
38 approximately how many people approached your tent during
39 the four days? Half a dozen, a dozen, 20? Can you just
40 give us some --
41 A. I would say probably between 40 and 50. But not all
42 of those people are people who have had contact with the
43 police at festivals. Sometimes we have people come up who
44 just want to talk about issues that are raised by police
45 and festivals, so they are not all people who have been --
46
47 Q. Had an interaction?

1 A. Yes.

2

3 MS DWYER: Q. In 2018, where was your stall located?

4 A. It's located probably about 30 to 50 metres inside the
5 entry gate, the main entry gate. It's located directly
6 opposite where people are taken to be strip searched.

7

8 Q. Does that mean that you can see people when they come
9 out of the area where they have been strip searched?

10 A. Yes, I can.

11

12 Q. When you say the area where they are strip searched,
13 is that also the area where they might be subject to
14 a general search, or are you distinguishing between the two
15 areas?

16 A. I think - no, I think the general searches are
17 conducted in that area as well. It's closed off from the
18 public.

19

20 Q. What you say at page 13 of your interview is this:

21

22 *The other thing I should indicate is that*
23 *I actually get a fair idea of the number of*
24 *false positives, because we sit opposite,*
25 *so I watch people going in, and those that*
26 *come out of the tent 10 minutes later, we*
27 *often go, approach, and say, "Look, we've*
28 *got an advice tent over here if you have*
29 *any concerns about the way you were dealt*
30 *with and you are welcome to come and talk*
31 *to us." All of them are, "No, it was fine,*
32 *I didn't have anything on me." So we get*
33 *a fair idea that the number of people*
34 *shooting out who had nothing on them is*
35 *quite high.*

36

37 A. Yes.

38

39 Q. Is that the same situation in 2018 and 2019?

40 A. Yes.

41

42 Q. Before I ask you about the incident, how many people
43 staff your tent usually?

44 A. We have a rotating system. There's about five of us
45 that rotate through.

46

47 Q. In 2018, on 20 July, you were just setting up the

1 stall, I think --
2 A. Yes.
3
4 Q. -- in the afternoon; is that right?
5 A. That's right.
6
7 Q. Around 3pm?
8 A. Yes.
9
10 Q. You came into contact with the 16-year-old?
11 A. I did.
12
13 Q. Were you in fact hammering something outside the stall
14 to indicate you were there?
15 A. Yes. So at the front of the stall, to identify, we
16 have a sitting dog statue and a sign that says, "Did
17 I sniff you today?" So I was actually hammering in that
18 sign.
19
20 Q. And then what happened?
21 A. My recollection is her just really being there,
22 sobbing.
23
24 Q. When you say "her", of course, you are referring to
25 a young woman who you found out was 16 years of age?
26 A. Yes.
27
28 Q. You said in your interview:
29
30 *When she approached, she was sobbing*
31 *uncontrollably.*
32
33 A. Yes.
34
35 Q. You still have a memory of that now?
36 A. Yes, I do.
37
38 Q.
39 *She had three girlfriends with her.*
40
41 A. Yes.
42
43 Q. All of them looked quite distressed?
44 A. They were all very distressed.
45
46 Q. And you then brought them all into the tent; is that
47 right?

1 A. Yes.
2
3 Q. And the young person then explained to you what
4 happened. You took brief notes of the interaction?
5 A. She was crying to such a degree that it took quite
6 a long time for me to actually be able to settle her down
7 and find out what had happened. So I only went very
8 briefly into what I thought was necessary at the time, and
9 I took brief notes of that. In fact, I actually had to
10 search around for a piece of paper because we hadn't
11 actually unpacked the car yet.
12
13 MS DWYER: Tab 57, so exhibit 57 in these proceedings,
14 8450996. I beg your pardon, that hasn't been tendered.
15 I understand that now and I understand that will be
16 exhibit 57.
17
18 **CONFIDENTIAL EXHIBIT #57 NOTES TAKEN BY THE WITNESS**
19 **(BARCODE 8450996)**
20
21 MS DWYER: Q. There is a note from you which says, "At
22 3.27pm", and then it has an arrow, "3.10pm approximately
23 searched", and then there is a description?
24 A. Yes.
25
26 Q. Is that on your screen yet?
27 A. No. It is now.
28
29 Q. The description, if you mind just read your
30 handwriting, "Blond"?
31 A. "Blond - late 20s, early 30s, 5 foot 9".
32
33 Q. What was that a description of?
34 A. The female officer that searched the 16-year-old.
35
36 Q. I think you would agree that those notes are not
37 detailed?
38 A. No.
39
40 Q. But the statement that was taken from the young person
41 was done several weeks later on 3 August 2018?
42 A. Yes.
43
44 Q. Correct?
45 A. Yes.
46
47 Q. And that goes into significant detail?

1 A. Yes.
2
3 Q. Was your focus at the time, because she was sobbing
4 uncontrollably, on her welfare?
5 A. I think I was acting more as a mother than a lawyer at
6 that point. She was extremely distressed.
7
8 Q. And you say in your interview she basically stayed
9 with you for about 40 minutes until she calmed down?
10 A. Yes.
11
12 Q. She was concerned about contacting her mum because it
13 was the first time she had been at the festival
14 unaccompanied?
15 A. Yes.
16
17 Q. You offered to contact her mum for her?
18 A. I was encouraging her to contact her mum. She felt
19 concerned that she might not be allowed to return to the
20 festival with her girlfriends.
21
22 Q. So they all sat with you for about 40 minutes until
23 they could gather themselves; is that right?
24 A. Yes.
25
26 Q. And your recollection is that she may have checked in
27 with you again later in the day?
28 A. Yes.
29
30 Q. Was it the young person who had been searched with two
31 of her friends or three of her friends that came in?
32 A. I think it was three of her friends that were with
33 her. My focus was on her, though.
34
35 THE CHIEF COMMISSIONER: Q. So it might have been two
36 but your best recollection is three?
37 A. Might have been two, but three, yes.
38
39 MS DWYER: Q. You tell the Chief Commissioner in your
40 interview that they did not look remotely drug affected?
41 A. No, not at all.
42
43 THE CHIEF COMMISSIONER: Q. Were they all about the same
44 age, to your recollection?
45 A. They were all about the same age. They were --
46
47 Q. When you saw this young lady and she told you she

1 was 16, were you surprised? Did she look old for her age?
2 A. No.

3
4 Q. Thinking back, do you think it likely that a police
5 officer could have mistaken her for an adult?

6 A. No. And if the appearance was mistaken - if the
7 officer was mistaken by her appearance --

8
9 Q. You asked her how old she is, of course?

10 A. Her behaviour was very --

11
12 Q. Immature?

13 A. Not immature, but the level of distress was like
14 a child's distress, and from what I understand, she had,
15 from what she told me, started crying as soon as she
16 entered - was taken away from the main public grounds of
17 the festival.

18
19 MS DWYER: Q. And on that, you say at page 15 of your
20 interview:

21
22 *I quite often see people get separated from*
23 *their friend group and it's shameful when*
24 *they walk off.*

25
26 And that was one of this young person's things?

27 A. Yes.

28
29 Q. They've done nothing wrong and, all of a sudden,
30 people are pointing and saying, "Oh, there's another one",
31 and she's walked off, and that was really humiliating for
32 her?

33 A. Yes, it was.

34
35 Q. You tell the Commissioner that the young person came
36 back to see you the next day at the festival?

37 A. She did.

38
39 Q. How was she on that day?

40 A. She came and sat with me for a shorter period this
41 time, but she was able to talk a little bit more with me
42 about the impact on her. She was distressed about having
43 to walk through that police, effectively, guard again. She
44 said to me that she was concerned that she couldn't trust
45 the police, and that if something happened to her at the
46 festival, she wouldn't feel like she could approach the
47 police about that.

1
2 Q. You were concerned about that, weren't you?
3 A. Yes.
4
5 Q. You say in your interview that that was a huge concern
6 for you because, at the festival, there are some young
7 women who are intoxicated who can be preyed on by an older
8 man and you would hope that a young woman would feel
9 comfortable to approach the police?
10 A. Yes, I would.
11
12 Q. Unfortunately, your perception was that would no
13 longer be the case for this young woman?
14 A. No.
15
16 Q. Has anybody made a similar comment to you to that
17 effect, that it affects the way they feel about the police
18 and the level of trust?
19 A. I can't recall any direct comment like that.
20
21 Q. After this incident, you assisted the young person to
22 make a complaint to the Commission; is that right?
23 A. I did.
24
25 Q. You returned in 2019, of course, to the festival?
26 A. Yes.
27
28 Q. Did you meet with the local area command prior to the
29 festival in 2019?
30 A. I did, yes, on site.
31
32 Q. So that is the first day of the festival; is that
33 right?
34 A. The first day of the festival, as soon as I arrive and
35 unpack, I then generally seek out whoever is the officer in
36 charge of the site.
37
38 Q. Do you mean by that the officer in charge of the
39 entire site or the search area?
40 A. No, the entire site.
41
42 Q. Did you raise with that officer the issue that had
43 happened the year before - that is, the search of
44 a 16-year-old in the absence --
45 A. Yes.
46
47 Q. And you expressed your concern about that and your

1 wish that it would never happen again, obviously?
2 A. Yes.
3
4 Q. Was that officer receptive to what you were saying and
5 your concerns?
6 A. Yes.
7
8 Q. Did any other person approach you to express concerns
9 about being strip searched at the 2019 festival?
10 A. No.
11
12 MS DWYER: Thank you, nothing further, Chief Commissioner.
13
14 **<EXAMINATION BY MS CHAPMAN:**
15
16 MS CHAPMAN: Q. Ms Randall, you don't condone the use of
17 drugs?
18 A. No.
19
20 Q. And you obviously would not want your 16-year-old son
21 using drugs?
22 A. No.
23
24 Q. And you wouldn't want him exposed to drugs?
25 A. No.
26
27 Q. You want Splendour to be as safe as it can be for the
28 young people?
29 A. Yes.
30
31 Q. And you appreciate that there is a significant risk,
32 isn't there, if certain drugs make their way into these
33 festivals --
34
35 THE CHIEF COMMISSIONER: What are you asking - this
36 witness's opinion about whether searches should take place?
37
38 MS CHAPMAN: I'm not asking that at the moment,
39 Commissioner. The witness --
40
41 THE CHIEF COMMISSIONER: I find it difficult to know what
42 this goes to.
43
44 MS CHAPMAN: The witness has been asked her opinion about
45 a variety of matters.
46
47 THE CHIEF COMMISSIONER: No, she has been asked her

1 opinion about particular matters that have come into her
2 experience as a result of providing pro bono services at
3 the festival, Splendour in the Grass, both in 2018 and
4 2019. That's what she has been asked about. I will allow
5 you to go on, but there is no jury here, you know.

6
7 MS CHAPMAN: No.

8
9 THE CHIEF COMMISSIONER: You can make those points. But
10 if you are going to suggest to her that her attitude is
11 biased because of her attitude to drugs, well, put it
12 straight to her and we can get her response.

13
14 MS CHAPMAN: I'm not going to suggest that.

15
16 THE CHIEF COMMISSIONER: Well, move on.

17
18 MS CHAPMAN: Q. I take it you have been following the
19 coronial inquest in relation to the deaths at different
20 music festivals?

21 A. I have.

22
23 Q. You acknowledge that, in addition to that very serious
24 risk, illicit drug taking leads to antisocial behaviour,
25 assaults and matters of that kind?

26 A. Yes.

27
28 MS DWYER: I object to that. Is there a genuine
29 suggestion that taking MDMA leads to assaults and matters
30 of that kind? It doesn't assist the Chief Commissioner.

31
32 THE CHIEF COMMISSIONER: And she is no expert. I'm no
33 expert, but I have a fair bit of experience, and the answer
34 is sometimes maybe and sometimes maybe not.

35
36 MS CHAPMAN: But it is a risk, Chief Commissioner, and
37 that's what we have been dealing with all week.

38
39 THE CHIEF COMMISSIONER: It may be a risk, but this
40 witness has nothing to do with risk mitigation of the use
41 of drugs. She's concerned with the legal rights of people
42 who are involved in this matter. That's what I am
43 concerned with.

44
45 MS CHAPMAN: Yes.

46
47 Q. The last question is this: you appreciate that the

1 police have an important job to do at these festivals?
2 A. Yes.
3
4 Q. And I take it you are of the view that they certainly
5 should be present at the festivals and doing their job?
6 A. Yes, not in the way they have been.
7
8 Q. In relation to the examples you have given today?
9 A. In relation to the change in policing that has
10 occurred in the last two years.
11
12 Q. Which has been outlined in what you have said so far?
13 A. Yes.
14
15 MS CHAPMAN: Nothing further.
16
17 MR COFFEY: With leave, Chief Commissioner, I'd like to
18 ask some questions.
19
20 THE CHIEF COMMISSIONER: Very well. Don't cover the same
21 ground.
22
23 MR COFFEY: No, I don't propose to, Chief Commissioner.
24
25 <EXAMINATION BY MR COFFEY:
26
27 MR COFFEY: Q. Ms Randall, I represent the Officer BR5.
28 I am not sure if you have a code name list.
29 A. No, I don't. Oh, thank you.
30
31 THE CHIEF COMMISSIONER: BR5 is the officer who it is
32 alleged conducted the search on the young lady.
33
34 MR COFFEY: I'm sorry, I want to make sure that I have
35 referred to the right number then.
36
37 No, sorry, Chief Commissioner, I represent the
38 commander of the drug detection dog operation.
39
40 THE CHIEF COMMISSIONER: I beg your pardon, so you do.
41 I am sorry about that. Yes, you are quite right.
42
43 MR COFFEY: Q. Ms Randall, just in relation to the
44 evidence that you gave a moment ago to the Chief
45 Commissioner, you said that you're experienced in providing
46 services to --
47

1 THE CHIEF COMMISSIONER: Q. You can see BR3 there. Do
2 you see that name BR3?
3 A. BR3?
4
5 Q. BR3. Don't mention the name.
6 A. Yes.
7
8 Q. Does that name ring a bell with you?
9 A. No.
10
11 MR COFFEY: Could I inquire does your Honour also mean BR4
12 in relation to the searching officer?
13
14 THE CHIEF COMMISSIONER: Yes.
15
16 MR COFFEY: BR4 was the searching - well --
17
18 THE CHIEF COMMISSIONER: Yes, I know, but the reason I say
19 that is the witness has said that she went up to the
20 commander on the site and I wondered if she recalled his
21 name. That's all.
22
23 THE WITNESS: I do recall his name.
24
25 THE CHIEF COMMISSIONER: But it is not there?
26
27 THE WITNESS: It is there. It's BR1.
28
29 MR COFFEY: Q. BR1 was the overall operational
30 commander, a chief inspector?
31 A. Yes.
32
33 Q. BR5, my client, is the commander in respect of the
34 drug detection dog operation?
35 A. Yes.
36
37 Q. You haven't had any conversations with him?
38 A. No.
39
40 Q. In 2018 or 2019?
41 A. No.
42
43 Q. The evidence that you gave a moment ago to the
44 Chief Commissioner, Ms Randall, was that your experience in
45 relation to people with small possessions of drugs were
46 aged between 18, 19, 20 and 21. Do you remember that
47 evidence?

1 A. Yes.

2

3 Q. But you would agree that at music festivals, in your
4 experience, people under the age of 18 are being detected
5 with prohibited or illicit drugs?

6 A. Yes.

7

8 Q. You accept that those drugs are dangerous?

9 A. Yes.

10

11 Q. You also accept from your experience, particularly
12 since 2012 but also working in the Northern Rivers area,
13 that both patrons and workers on site at the festival are
14 being found in possession of prohibited and illicit drugs?

15 A. Yes, I'm aware of that.

16

17 Q. You are also aware that these drugs are being located
18 on these people in their underpants or concealed within --

19

20 THE CHIEF COMMISSIONER: What is the relevance of asking
21 this witness those questions? As Dr Dwyer said in the
22 opening - this Commission is not concerned with any policy
23 relating to drug minimisation, drug testing, the presence
24 of police at festivals. I am concerned with compliance
25 with the law.

26

27 MR COFFEY: Yes, your Honour.

28

29 THE CHIEF COMMISSIONER: So I am not going to enter into
30 policy areas. So far as I am concerned, there is only one
31 relevant policy and that is the policy that requires police
32 to follow the law.

33

34 MR COFFEY: I accept that.

35

36 THE CHIEF COMMISSIONER: That is a simple and relatively
37 narrow question.

38

39 MR COFFEY: I accept that, your Honour. However, the
40 questions that were put by both yourself, with respect, and
41 counsel assisting to this witness, and the evidence that
42 was allowed to be elicited, related to the conduct of the
43 police officers where the searches took place at the
44 beginning of the festival and it's unfair to my client.

45

46 THE CHIEF COMMISSIONER: It is a mere description of the
47 conduct. I agree that the witness said that she thought

1 the problem with the conduct was that it was military
2 style; it created a "them and us" climate.

3

4 Now, whether that is good or bad is not a question
5 I propose to enter. You can cross-examine her about
6 whether her descriptions of what went on were correct. You
7 can cross-examine her about whether that climate was in
8 fact created or the witness was imagining it. Those are
9 perfectly relevant lines of inquiry. But I do not propose
10 to waste time in asking whether it was good or bad.

11

12 MR COFFEY: They are not the frame of my questions.
13 I hear what your Honour is saying and I will attempt to
14 keep within the bounds of what you have said.

15

16 THE CHIEF COMMISSIONER: Thank you.

17

18 MR COFFEY: Q. The last question that I have is you
19 accept that people entering into the festival are carrying
20 drugs on their person which may consist of three areas - on
21 their outer clothing; their inner clothing, such as their
22 underpants or bra; or internal cavities? You accept that
23 happens?

24

25

26 A. Yes, I do.

27

28 MR COFFEY: Thank you, Chief Commissioner.

29

30 THE CHIEF COMMISSIONER: Any further questions?
31 Thank you very much and thank you for taking the
32 trouble to come down and assist.

33

34 THE WITNESS: Thank you,

35

36 <THE WITNESS WITHDREW

37

38 THE CHIEF COMMISSIONER: What do you want to do, if
39 anything, about the interview?

40

41 MS DWYER: I understand that Ms Randall is content for her
42 interview to be released, but provided, of course, the
43 names of any police officers or the young person are
44 redacted.

45

46 THE CHIEF COMMISSIONER: I think before we do that, we
47 should give counsel for the Commissioner access to it so
submissions can be made about that matter.

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Are you content with that?

MS CHAPMAN: Yes, I appreciate that course, thank you.

THE CHIEF COMMISSIONER: We will do that first.

Yes, Dr Dwyer.

MS DWYER: I call Ms Nicqui Yazdi, and there is no non-publication order over her name.

<NICOLE ANNE YAZDI, affirmed: [11.05am]

THE CHIEF COMMISSIONER: Thank you, you may be seated, Ms Yazdi.

Now, I think you were in court when I told the other witnesses about their rights and what they need to do, so I won't - you understand those things?

THE WITNESS: I do.

THE CHIEF COMMISSIONER: I take it that you do not wish to be legally represented?

THE WITNESS: No.

THE CHIEF COMMISSIONER: Thank you. I will, however, make a declaration under section 75 that all the answers and anything that is produced by this witness will be taken to have been said or produced on objection.

<EXAMINATION BY MS DWYER:

MS DWYER: Q. Could you please tell the Commission your full name?

A. Nicole Anne Yazdi, although I'm known as Nicqui.

Q. Your occupation?

A. I am a youth worker, AOD worker, mental health.

THE CHIEF COMMISSIONER: Q. AOD?

A. Alcohol and other drugs.

MS DWYER: Q. You, I think, work for an organisation called BUDDI in Byron Bay; is that right?

1 A. Yes.
2
3 Q. What does BUDDI stand for?
4 A. Byron Underage Drinking & Drug Initiative.
5
6 Q. In the course of that work, do you have
7 a relationship with the Byron Youth Service?
8 A. Yes.
9
10 Q. What is that?
11 A. We are in partnership on various programs.
12
13 Q. Do you provide casework to a number of young people?
14 A. I provide personal assistance. Byron Youth Service
15 does provide casework.
16
17 Q. What sort of personal assistance?
18
19 THE CHIEF COMMISSIONER: Q. Just before we go on, how
20 long has BUDDI been going?
21 A. BUDDI started in 2009 - actually, I have to think now.
22 I think it was 2008, actually. Originally it was as
23 a community drug action team under what was then NSW Health
24 CEAP program, under the office for alcohol, which has since
25 been taken over by the Alcohol and Drug Foundation. So
26 they manage that program and oversee my work.
27
28 Q. The financial assistance that you get comes mainly
29 from?
30 A. Grants.
31
32 Q. From?
33 A. Various places. Like. The program that I think that
34 you are going to be talking to me about is a partnership
35 program between Byron Youth Service, BUDDI and Byron
36 police. It is funded by both the Attorney General's
37 department and also the Alcohol and Drug Foundation.
38
39 Q. How long have you been involved in working with young
40 people in the Byron area?
41 A. More than a dozen years.
42
43 Q. May I ask, do you have any formal training?
44 A. I have done various - yes, I trained as a youth mental
45 health first aid instructor and practised for a very long
46 time in that. I have done youth work training, various
47 alcohol and other drugs training, Hearing Voices, Working

1 With Voices, various mental health training.

2

3 THE CHIEF COMMISSIONER: Thank you.

4

5 MS DWYER: Q. The program that you referred to, what is
6 that?

7 A. It is the young first offenders program.

8

9 Q. How long has that been going for?

10 A. That has been going since the beginning of this year.

11

12 Q. And what is the partnership between yourself and
13 others for that?

14 A. Okay, so it is BUDDI, Byron Youth Service and Byron
15 police. BUDDI provides - I manage the pop-ups. So these
16 are youth chill zones at festivals and large-scale
17 community events.

18

19 Byron Youth Service manages the young first offenders
20 program, the restorative justice circle side of that,
21 working with case management with the young people, also
22 engaging local schools, the local university and various
23 other organisations in that as well.

24

25 Q. So the chill-out zones that are provided at festivals,
26 one was provided at Splendour?

27 A. Yes.

28

29 Q. By yourself; is that the first year you had been at
30 Splendour?

31 A. We've done Splendour many, many times before, but not
32 as a youth chill zone. We actually started the free
33 breathalyser services at the local festivals for our
34 region, but this was the first youth chill zone at
35 Splendour, yes.

36

37 Q. What is the youth chill zone at Splendour?

38 A. It is a space for young people to be able to come to
39 access information, support, in fact, really anything that
40 they may need. This year, it was a very sort of casual
41 and - it was like a forest-style chill zone hang out. We
42 actually had old-school gaming, lots of alcohol and other
43 drug resources and information, fresh fruit, free water.
44 We could have provided first aid if Splendour had agreed to
45 it - that sort of stuff. But also, you know, lots of local
46 youth workers and community volunteers.

47

1 THE CHIEF COMMISSIONER: Q. So you were there, of
2 course. How many were assisting you?

3 A. There were 10 of us.
4

5 Q. And I suppose you were kept fairly busy?

6 A. It was kind of interesting, because it was a strange
7 location, and we - it was a user - we paid to be there. We
8 actually hired a stall and paid to be there. We weren't
9 part of the Splendour operation itself. We weren't really
10 on one of the thoroughfares. That was a more - you know,
11 we were actually in a quite chilled-out area, which was on
12 purpose. We were close to the world stage which has very
13 chilled music and indigenous performances and things like
14 that, and an area where young people were congregating, so
15 it did work for us.
16

17 Q. So you were busy?

18 A. We were busy through the evenings more so than in the
19 daytime, but we did have a lot of people dropping in.
20 Like, a lot of local people know who we are and a lot of
21 local people attend the festival. So we did get quite
22 a lot of thoroughfare traffic.
23

24 MS DWYER: Q. You had the skills to provide first aid,
25 but in these circumstances this year you didn't do that; is
26 that right?

27 A. That's right.
28

29 Q. There was a medical tent on site, wasn't there?

30 A. That's right.
31

32 Q. You are familiar with the youth liaison officer -
33 I won't use his name - who gave evidence yesterday?

34 A. Yes. He's actually part of our team in that
35 initiative.
36

37 Q. So even prior to your work at Splendour, you had
38 worked with that youth liaison officer?

39 A. Yes, over a period of about seven years.
40

41 Q. What sort of work had you done with him?

42 A. Well, I run the Byron Schoolies safety response as
43 well, and he and I liaise throughout the year about
44 Schoolies. We also - we talk about, you know, other issues
45 that might be of need in the community, you know, schools
46 visits. He comes to the youth activity centre every now
47 and then. I mean, lots of stuff over a long period of

1 time.

2

3 Q. Is that a positive relationship?

4 A. It's a great relationship.

5

6 Q. Did you have a relationship with him or did you have
7 contact with him, I should say, at Splendour in the Grass
8 this year?

9 A. Yes.

10

11 Q. Can you describe that for the Chief Commissioner?

12 A. Okay, so we spoke about what we were going to do
13 prior. He was well aware - in fact, the chief inspector
14 for Byron is part of our team for that, so he would come to
15 meetings and be informed of what we were intending to do.

16

17 The youth liaison officer was informed that - I mean,
18 through meetings with me, we talked about the fact that we
19 would be there, that we would have people who would be able
20 to support young people if they found themselves in any
21 kind of need.

22

23 Q. So when you said the chief inspector for Byron is part
24 of your team for that, do you mean for the Splendour in the
25 Grass?

26 A. No, for the young first offenders program, so,
27 therefore, the youth chill zone as well.

28

29 Q. Did you have any discussion with the youth liaison
30 officer about any role you would play when young people
31 were being searched?

32 A. No, not specifically prior to Splendour, but I guess,
33 you know, his interpretation of our discussions that we are
34 there to be of any support that we can for young people,
35 I guess, in his mind, would have actually included that.

36

37 THE CHIEF COMMISSIONER: Q. So is it fair to say,
38 although there was no formal arrangement, you would not
39 have been surprised if a police officer had come to you and
40 said, "We want to strip search a young girl. Would you
41 mind being the independent support"? That would not have
42 surprised you?

43 A. That may have, actually, surprised me, to be honest,
44 because while I have provided a lot of support to young
45 people through their involvements with police over the
46 years, and the youth liaison officer is very aware of that,
47 specifically through my role at Schoolies every year, which

1 I run, and there is a very heavy police involvement in that
2 as well, they are part of our team, too, then - but, you
3 know, as far as strip searching goes, to be honest, that
4 was something that I hadn't even personally thought of
5 being a support for. However --

6
7 Q. Because of your organisation, it occurred to me that
8 there may be policy issues about whether you should be, as
9 it were - there would be the risk that you might be seen as
10 assisting police, that might not be entirely - and you wish
11 to maintain a neutral position, so perceptions are quite
12 important. People might not understand you're there to
13 assist the young person. So it then becomes rather
14 a problematic decision?

15 A. Personally, like, I wasn't actually asked to be
16 present at a strip search at Splendour, but I do understand
17 what you are saying, and my very first - the very first
18 thing I did with young people at Splendour this year was to
19 actually inform them straight away that I was there
20 specifically for them, I was not with the police and that
21 I was a youth worker.

22
23 Q. So that, first of all, you would have been surprised,
24 I think you have said, if you were asked to participate in
25 that way. As it happened, it didn't occur?

26 A. That's right.

27
28 Q. And this may be a bit unfair to ask you, as it were,
29 off the top of your head, but would you be inclined to say
30 "yes" or inclined to say, "I can't"?

31 A. I think, even before having sat in on this Commission,
32 having the best interests of the young person, I would have
33 said yes to a discussion with the young person first, to
34 make sure that they would understand what role I would play
35 in that, and that I was separate to police and, yes,
36 I would have offered.

37
38 Q. You were there to help them?

39 A. I personally would offer that support to a young
40 person, yes.

41
42 Q. But, as I understand you to say - sorry, let's just go
43 back a step, then, because I am concerned, as you would
44 have heard, with the actual logistics of how police,
45 knowing they were likely to be searching young people and
46 knowing that some of those searches, if not all of them,
47 were going to be strip searches, they were going to have to

1 have support people. So I'm concerned with the logistics
2 of what foresight was actually given to ensuring that that
3 was available, that independent people were available. So
4 you were one obvious source of assistance, not being
5 police. They have mentioned other sources --

6 A. PCYC.

7

8 Q. PCYC, for example. But I'm anxious to cover the
9 ground, of course. So you were in charge of the chill-out?

10 A. Yes, I was.

11

12 Q. So any arrangement that might be made about asking
13 whether people were available would have had to have gone
14 through you?

15 A. Yes.

16

17 Q. And it didn't?

18 A. Oh, sorry, what do you mean, it didn't?

19

20 Q. That there was no arrangement that either you or some
21 other person would be available to attend strip searches?

22 A. We were never directly - that was never part of any
23 original discussions prior, but the reality is that, you
24 know, we went in there as a very first - our very first
25 pop-up, and very first chill zone at a festival, in that
26 way. And I think that we believed that, yes, we would be
27 there to be of assistance to young people, but potentially
28 that the police would refer those young people to come to
29 us and not necessarily us go to the police compound.

30

31 Q. But I'm talking really about something else. As you
32 have heard - and I assume you know at all events - if
33 a young person is to be strip searched, there must be
34 a parent or guardian or some other independent person?

35 A. Yes.

36

37 Q. In the circumstances of the festival, it's obvious
38 that many teenagers would be attending without their
39 parents?

40 A. Yes.

41

42 Q. Their parents might be some considerable distance
43 away, at all events, and they might not be happy to have
44 their parents present at such a circumstance. So it's
45 clear that, looking ahead, you would have to make sure that
46 you had arrangements in place so people were on call to act
47 as the independent person if you wished to have a strip

1 search.

2 A. Yes.

3

4 Q. That's the essential logistic problem.

5 A. Yes.

6

7 Q. So my first question was, and I think you have
8 answered it: no-one came to you as part of their planning,
9 saying, "We're going to be having these strip searches one
10 way or another. We'll probably need, almost certainly
11 need, some independent person. Would you be able to
12 provide that service"? No-one came to you in that way?

13 A. I was never asked or - strip searches were never
14 mentioned.

15

16 Q. However, I think you are saying, had you been asked,
17 in the event, "Would you please come, we have this girl",
18 after some consideration and making sure that the ground
19 rules were clear, the answer is you probably would have
20 helped out?

21 A. I would have helped that young person, yes.

22

23 Q. The YLO being who he was, and knowing you - we didn't
24 ask him this question - would it be fair to say your
25 expectation would be he would know that you were
26 a potential resource. Is that fair enough to say?

27 A. Absolutely. I mean, for starters, he would be
28 100 per cent aware that I have a working with children
29 check and he is aware of my work over a long period of
30 time.

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32 THE CHIEF COMMISSIONER: Thank you. Yes, Dr Dwyer.

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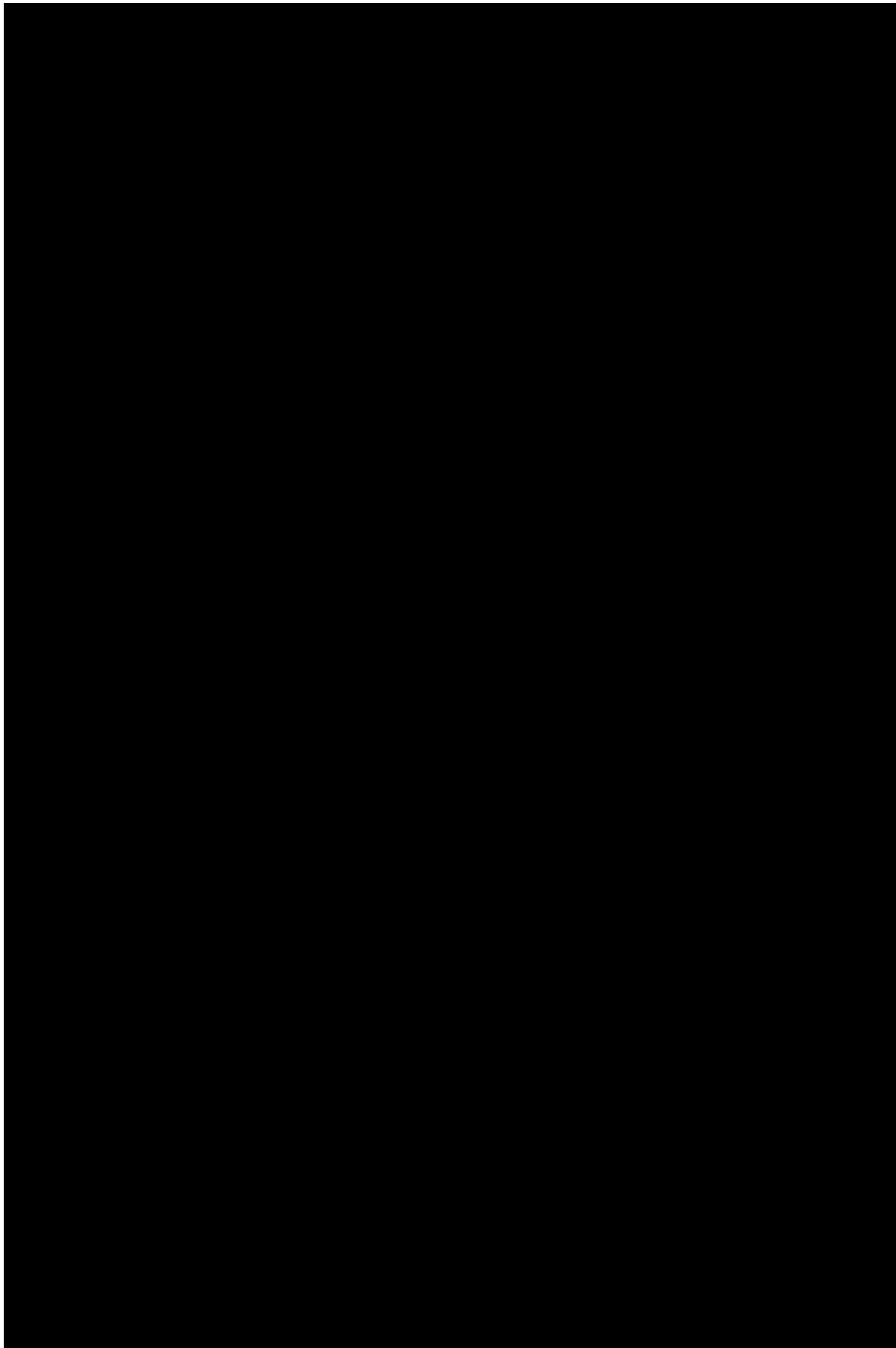
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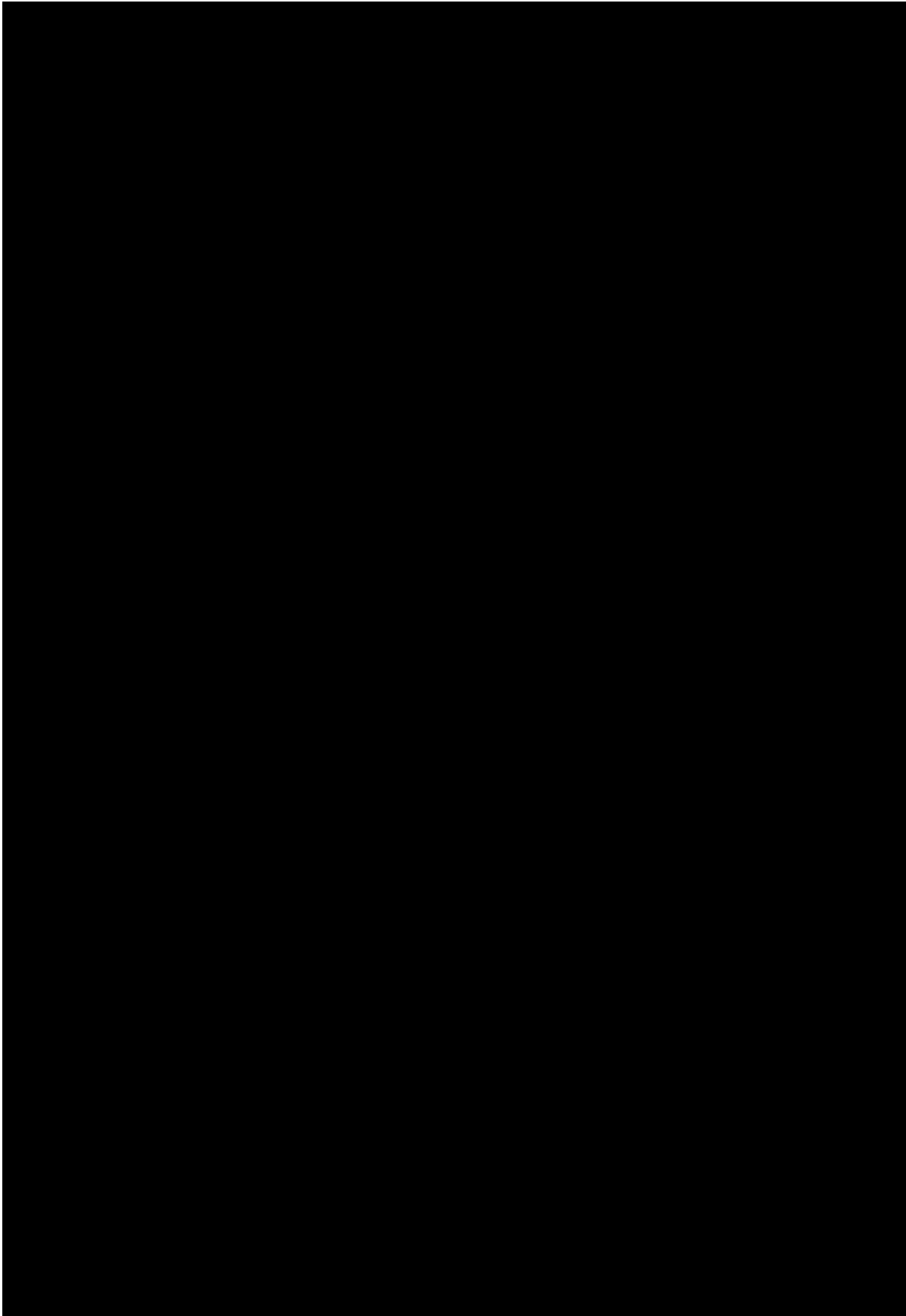
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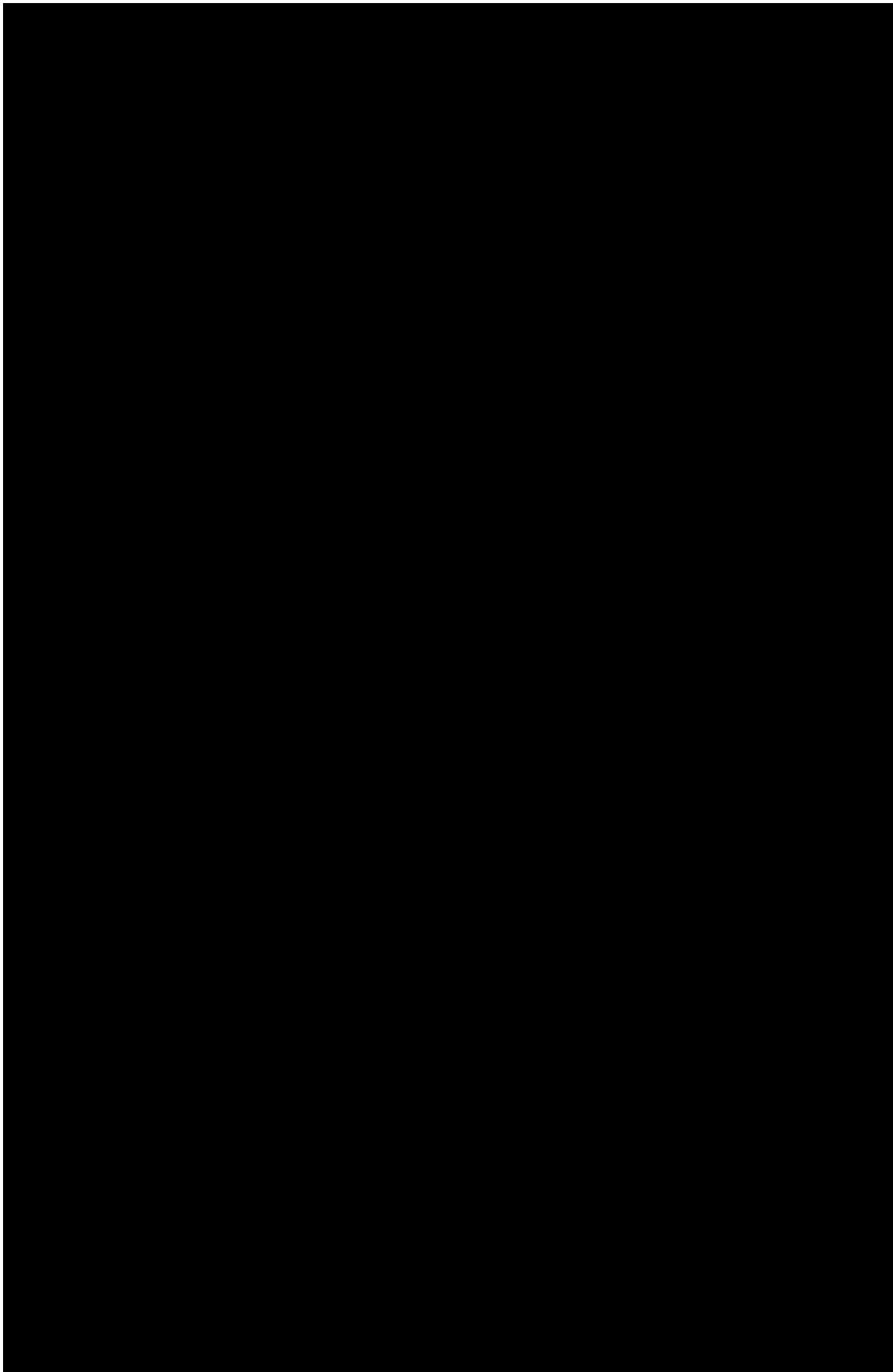
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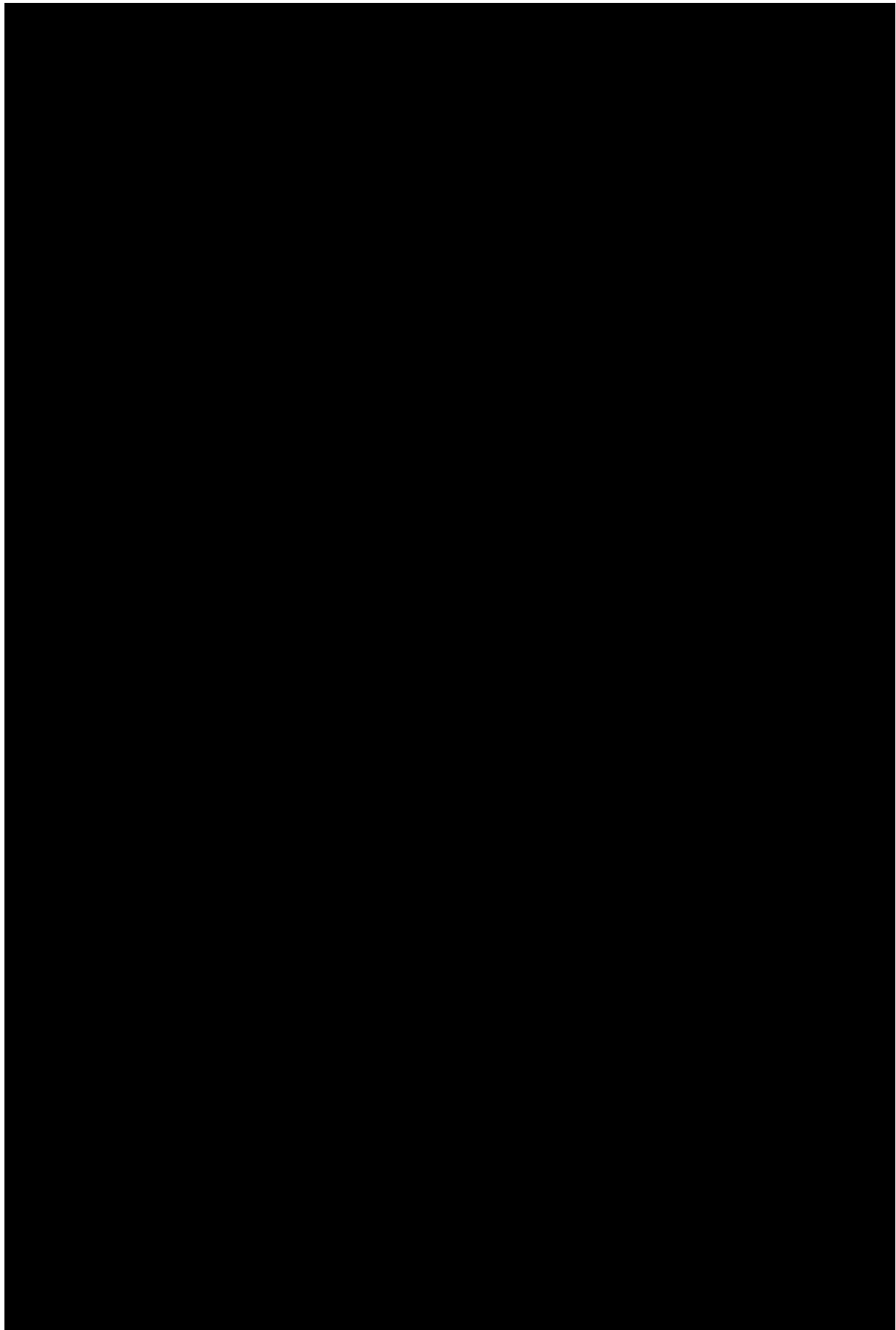
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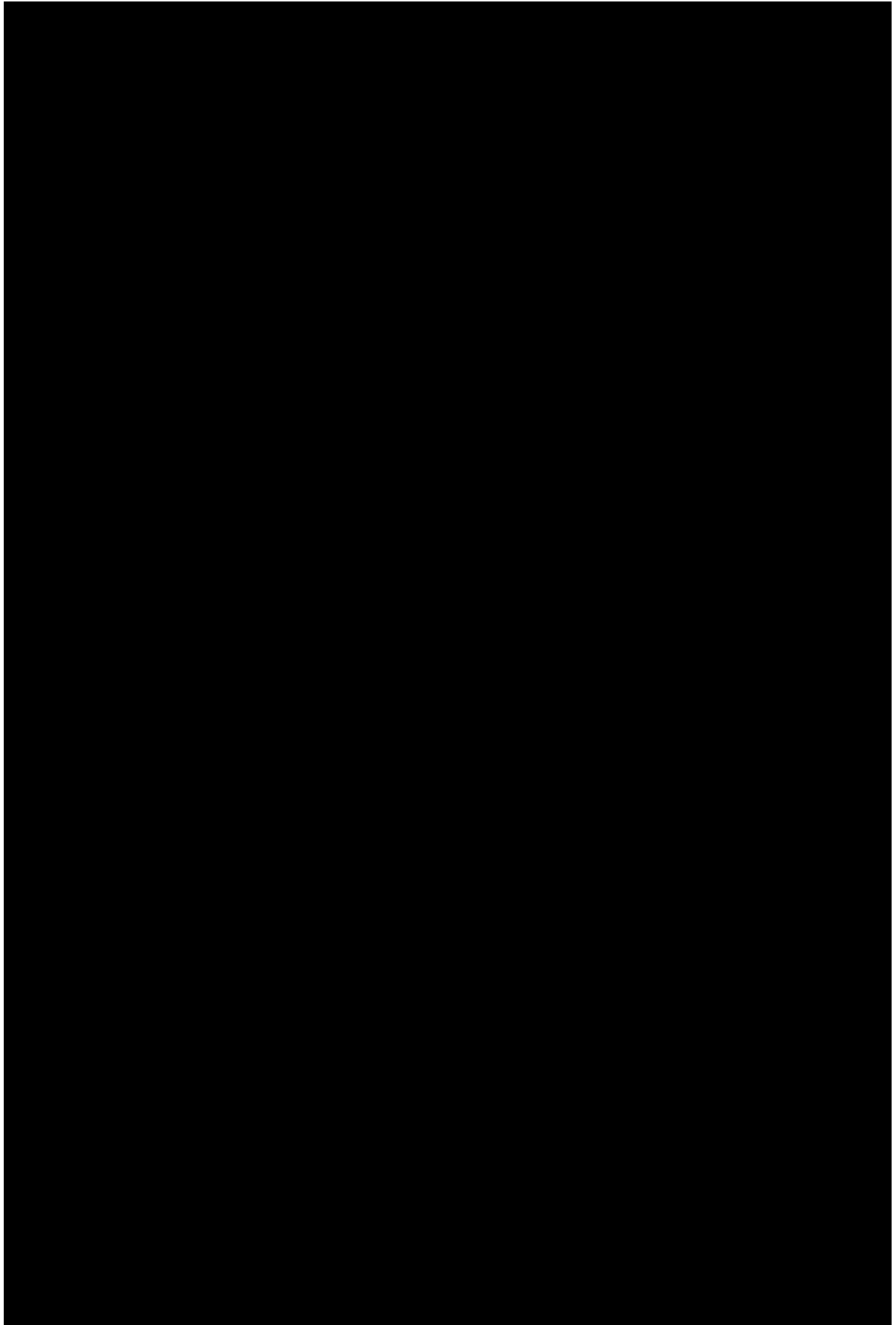
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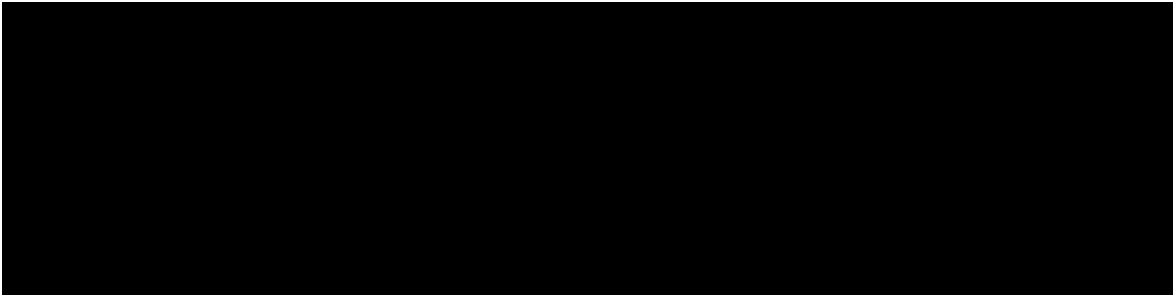
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THE CHIEF COMMISSIONER: There is to be no publication of that passage of the evidence of Ms Yazdi. Is that understood? Very well. Thank you.

MS DWYER: Q. Ms Yazdi, the last topic I wanted to ask you about is in relation to Schoolies week and your work there.

THE CHIEF COMMISSIONER: Q. It is notorious that Schoolies is an enormous event from Byron's point of view?
A. Yes, massive.

Q. How many, more or less, let's say for 2019, now - you are about to have it?
A. Four weeks' time.

Q. How many are expected to come?
A. This year it's a little strange and we are not quite sure, because this year in Queensland is a smaller number of Queenslanders, so we're actually dropping the first week, for the first time ever. Normally it runs for 18 days and nights. This year, we're running it for 10 days only. But, on average, for the last 11 years, we have had 10,000 to 14,000 young people turn up for Schoolies in Byron Bay, and our operation has run 24 hours a day.

MS DWYER: Q. And what's the nature of that operation?
A. We have a large marquee in Main Beach Park. During the day it is sunblock, condoms, information, water, et cetera. During the evenings we have anything up to 4,000 people in the park with us at night, each night, and we have music from 8pm until midnight. Red Frogs provide DJs. We have free pancakes and chai, free water, free condoms, and we do a hell of a lot of first aid. We also provide a shuttle service out to the new hospital. It moved a few years ago, becoming highly problematic for us, because it meant that young people were looking at a \$60 return fare in a taxi, which they can't afford, so we put on a free shuttle, and those that we deem to be a higher



1 level of needs than just minor first aid but not enough for
2 an ambulance --

3

4 THE CHIEF COMMISSIONER: Q. Many of these would be
5 seriously intoxicated?

6 A. The majority of it is intoxication.

7

8 MS DWYER: Q. Intoxicated with alcohol?

9 A. Alcohol and drugs, and we do manage a lot of
10 intoxication ourselves. At any given time we could have
11 20 young people that we are managing. We engage - the Red
12 Frogs are part of our team; we also have Youth With
13 A Mission. So, all up, we can have around 300 volunteers
14 working across Byron, who - the hub is the centre of
15 everything. Even Red Frogs' communications can work
16 through the hub as well. There are two separate Red Frogs
17 teams normally, and certainly on the second week, which is
18 the biggest week, their communications teams are usually in
19 the hub with us. The walk-homes happen from there as well.
20 The 24-hour hotline that is Australia-wide comes into the
21 hub as well.

22

23 Q. Ms Yazdi --

24

25 THE CHIEF COMMISSIONER: Q. Does the planning include
26 cooperative arrangements with police?

27 A. Yes. We work with police, ambulance, hospital, youth
28 services and various others throughout the year to make
29 sure that they have dates and needs met and everyone is
30 ready. I mean, when we first started this there weren't
31 a lot of police, and that was actually highly problematic,
32 because we were just dealing with a small number of local
33 police with a very large number of young people. So --

34

35 Q. They were just overwhelmed?

36 A. I went to the police with a request for riot squad and
37 mounteds. You know, there was a few reasons for that and
38 the locals got a bit upset about it, but it makes the
39 Schoolies feel safe. They love the horses. The riot squad
40 are kind of fascinating to them a little bit, because they
41 are kind of - you know. But the young people enjoy having
42 those extra police around as a general rule. The only ones
43 that don't are those that are --

44

45 Q. Going to be problems?

46 A. Exactly.

47

1 MS DWYER: Q. Are there drug dogs in large numbers?

2 A. Look, there are always drug dogs in Byron. Always.
3 Like, drug dogs live in Byron. In Tweed-Byron we have
4 numerous drug dogs.
5

6 Q. Are they a noticeable presence during that period in
7 Schoolies?

8 A. The dogs aren't really over - it's not like Splendour,
9 no.
10

11 Q. Have young people complained to you about strip
12 searching during Schoolies?

13 A. I have had an issue with that where in the early
14 stages I have had police come into the Schoolies hub and
15 bring a young person in and attempt to strip search that -
16 or tell me that they are going to strip search this young
17 person in my hub, and I've absolutely put my foot down to
18 that. It is a safe zone for young people and it is
19 inappropriate. For many years now, police are very aware
20 of that now, but that was in the early stages when we still
21 were finding our way.
22

23 Q. So do you --
24

25 THE CHIEF COMMISSIONER: Q. Would you say - and I would
26 just kind of like to tie it up - I gather from what you are
27 saying that, from your observation, the way in which the
28 police and the Schoolies interact is a positive and helpful
29 one?

30 A. It is a very different environment to a music festival
31 and, yes, it is positive, I think, in the most part. It's
32 positive for the Schoolies, but not so much for the local
33 and regional youth, because they are a problem anyway.
34 They are often in the park where we set up throughout the
35 year, every Friday and Saturday night, and they are
36 a problem then. So they are a larger number during
37 Schoolies, because they will come to Byron to join in. So
38 these are regional area - Ballina, Lismore, Alstonville,
39 Tweed area - they will all come in quite big numbers as
40 well, because it is their Schoolies too, for some of them;
41 and then there is that slightly older group, say under 24,
42 who aren't Schoolies but they just want to join in the fun,
43 and it's --
44

45 Q. It's not always fun?

46 A. Not always fun for us having them there.
47

1 MS DWYER: Q. Ms Yazdi, you talked about generally
2 a positive interaction?

3 A. Yes.

4
5 Q. There is an area that is cordoned off for Schoolies,
6 is there?

7 A. We don't cordon off in Byron Bay. It's not like the
8 Gold Coast. Ours is a very open area. We are set up in
9 the park, the music happens in the park, but there is no
10 gating.

11
12 Q. I take it that within that park there is no search
13 tent that is set up by police?

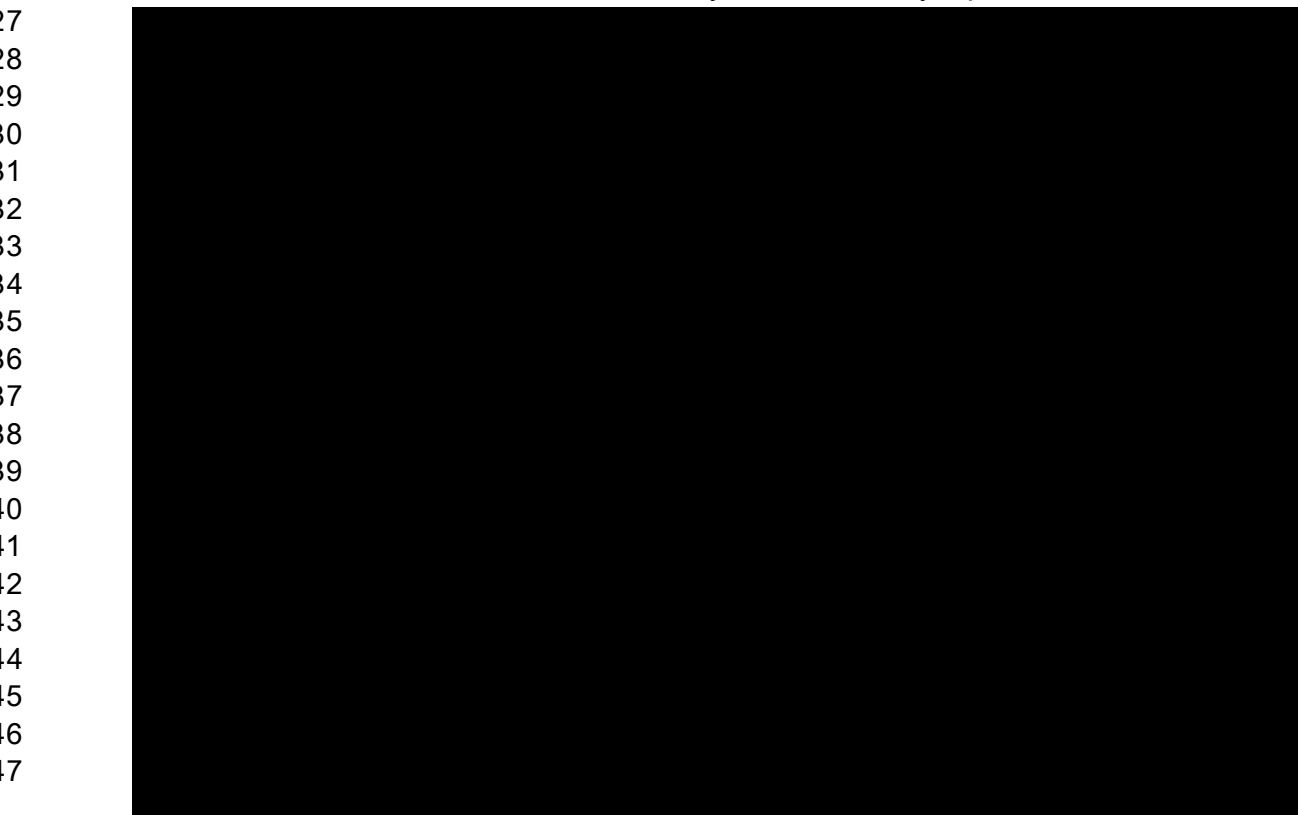
14 A. Police usually bring a command bus. That has varied
15 over the last few years - one old one went rusty. But the
16 police station is not far. So, you know, essentially, you
17 could walk it in about four minutes.

18
19 Q. I am asking you this for a specific reason: there is
20 no entry area where there are dogs lined up and a search
21 tent, is there, in a way that --

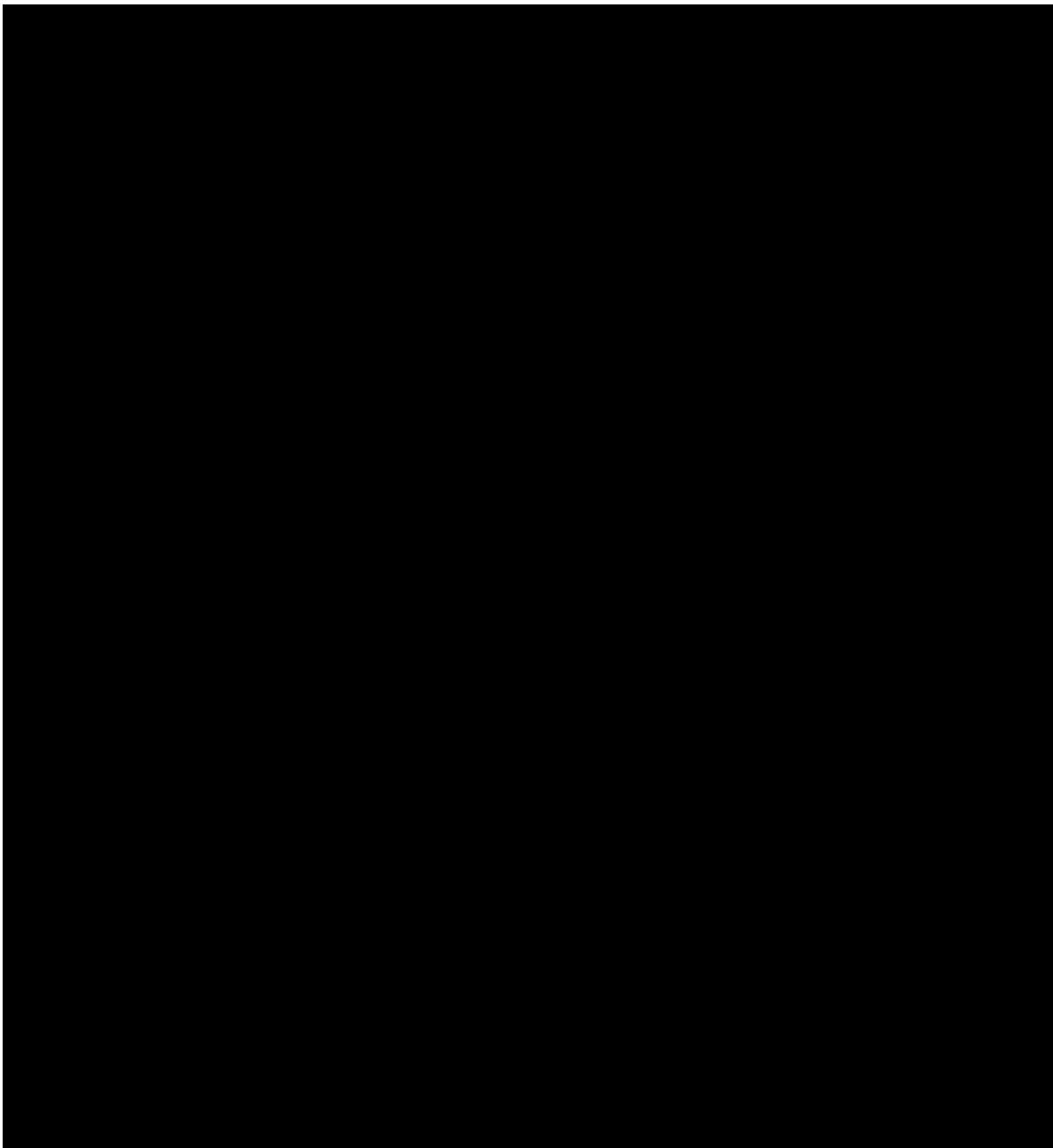
22 A. No, no.

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24 MS DWYER: Thank you. Nothing further, your Honour.

25
26 THE CHIEF COMMISSIONER: Do you have any questions?

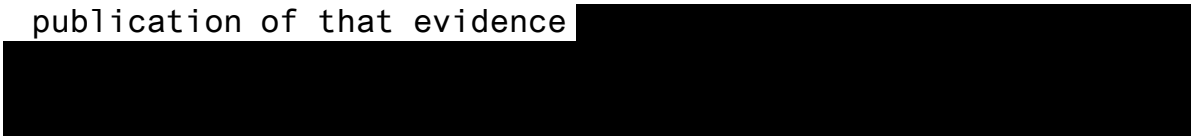


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THE CHIEF COMMISSIONER: All right. Yes, I think for the present, I'm afraid, I will make an order. I am somewhat sceptical about the risk, but there is sufficient risk to justify the order. What I say in my final report is another question.

So I am afraid, members of the media, I will not allow publication of that evidence



THE WITNESS: That was actually adults.

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THE CHIEF COMMISSIONER: Q. Was it adults as well?
A. Yes.

THE CHIEF COMMISSIONER: I'm sure it is adults as well, from my own experience, and my feeling is that that is a notorious fact, but I will make that order for now. A question of efficacy necessarily arises, but that is another matter.

Very well. For now, we have completed this hearing. There may be other private hearings. Those dates have not been settled, but police will be informed of those dates and arrangements.

You may stand down. Thank you very much for taking the time.

<THE WITNESS WITHDREW

THE CHIEF COMMISSIONER: The extent of representation is a matter that will be decided on those occasions.

MS CHAPMAN: Chief Commissioner, could I raise just one matter. The Commission asked the Commissioner to produce some statistics. Could I indicate that that has been done. Two sets of statistics have been provided to Dr Dwyer.

THE CHIEF COMMISSIONER: Thank you.

MS CHAPMAN: In addition to that, training material in relation to BR3 has also been produced to Dr Dwyer.

THE CHIEF COMMISSIONER: Excellent. Very well. For now, we will adjourn.

AT 11.46AM THE COMMISSION WAS ADJOURNED ACCORDINGLY

