

TRANSCRIPT

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into the Impact of the COVID-19 Pandemic on the Tourism and Events Sectors

Camperdown—Thursday, 13 May 2021

MEMBERS

Mr Enver Erdogan—Chair

Mr Bernie Finn—Deputy Chair

Mr Rodney Barton

Mr Mark Gepp

Mrs Bev McArthur

Mr Tim Quilty

Mr Lee Tarlamis

PARTICIPATING MEMBERS

Dr Matthew Bach

Ms Melina Bath

Dr Catherine Cumming

Mr David Davis

Mr David Limbrick

Mr Andy Meddick

Mr Craig Ondarchie

Mr Gordon Rich-Phillips

WITNESS

Mr John Young, President, Port Fairy Folk Festival.

The CHAIR: I declare that the Economy and Infrastructure Committee public hearing for the Inquiry into the Impact of the COVID-19 Pandemic on the Tourism and Events Sectors continues. Please ensure that mobile phones are switched to silent and that background noise is minimised.

I wish to begin by acknowledging the traditional owners of the land, and I pay my respects to their elders past, present and emerging.

My name is Enver Erdogan, and I am Chair of the Committee, and I would like to introduce my fellow committee members: Mr Rod Barton, Mr Lee Tarlamis, Mr Mark Gepp, Mrs Bev McArthur, Mr Andy Meddick and Mr Davis.

I will read a short witness statement. All evidence taken at this hearing is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law; however, any comment repeated outside the hearing may not be protected. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and published on our committee's website.

We welcome your opening comments but ask that they be kept to a maximum of 5 to 10 minutes to allow plenty of time for discussion. Could you please start by stating your name for Hansard and then begin your presentation. Over to you, John.

Mr YOUNG: Thank you, Chair, and thank you, committee members, for giving me the opportunity to speak on behalf of the festival. My name is John Young. I am the President of the folk festival in Port Fairy. I will just start with a little overview of who we are. It is an interesting structure. Port Fairy Folk Festival has been running for 45 years. This year is the first year it has not performed in that period of time. We are a festival committee, an incorporated body, which is a steward body for the organisation—11 members, all volunteer. In fact the figures are quite interesting in terms of volunteer hours and so on. We estimate we are worth 7000 hours a year. We have volunteer groups, construction groups and friends of the festival who are all volunteers. Their calculated hours—and I say calculated—is in the order of 17 250, and with that we have three permanent staff: a program director, his assistant and an office manager in Port Fairy.

A couple of interesting things about the festival: we were recognised by Australian tourism as a leading festival over three years in the early to mid-90s, we are a member of the hall of fame of the Australian tourism events organisations, we are recognised by *Condé Nast Traveler* as one of the top 100 festivals in the world and we were awarded the Premier's award for our volunteer team in 2016, so we have a fair record of high performance. By the way, one funny little aside that I learned about our achievements as an organisation from Lion, the large alcohol provider: we sell more Kilkeny than any other place in Australia, and on the weekend of the festival we are the biggest seller of Guinness in Australia on a weekend basis. So that is part of the camaraderie and the hospitality side of the festival.

Mr GEPP: What do they say? Half the world is Irish and the other half want to be.

Mr YOUNG: Exactly. Just getting back to the issues, I guess just a couple of comments leading into that. The cancellation of the 2021 festival, which was prefaced by just being lucky by four days to run the 2020 one, probably cost us around \$3 million-plus in terms of lost revenue. Associated with that area, the disconnect from our volunteer people, workers and community groups that I referred to earlier is of concern, because they are used to being engaged regularly and on an annual basis. We have a 12-month layoff; some of those individuals maybe would find something else to do or go elsewhere, and I guess the broken thread of 44 years of previous festivals could potentially cause a loss of regular patrons. We have tried to work on that by running four small events, one with the Geelong Arts Centre, a streaming concert. We did one internationally with Showcase Scotland, which recorded some Scottish performers out in the Highlands. They played to initial audiences on

streaming to 5000 or thereabouts, but subsequent viewings are up in the 20 000s, so we have maintained our presence in that aspect. But that part of events has sort of fallen by the wayside, because with COVID there was a big push by all sorts of music organisations into that area and I think the audience got a little bit overwhelmed by it all.

The economic impact on the local economy is an interesting one, and I think it is an important one. We are a not-for-profit organisation. Our profits are returned to the community in various ways, through annual grants of between \$100 000 total and \$200 000 a year to all sorts of bodies who are looking for some more financial support, and beside that we do join in with community organisations like the hospitals, surf lifesaving club, cricket club, football club and so on. We have since 1994 invested \$10 million on those sorts of projects in the region, and we will continue to do that as time allows and the economy allows and I guess I dare say COVID allows. Our annual overheads, which are not great—they are about \$400 000—have been borne by our reserves, assisted to a degree by being able to gain JobSeeker for staff.

Interestingly, on the change in working behaviours, some of my colleagues on the festival committee have been there since it was incorporated in 1994. Their online skills are rudimentary at best, so it has been a challenge for them to adapt from the social side of meeting and the extended time at meetings to a fairly efficient and speedy approach online. The benefit of that of course is that we have all learned to behave much better at formal meetings, and they operate much more smoothly now than they ever used to. I hope it continues.

The thing that affects us is just the uncertainty. That is the major issue we all face, and it is not just us. We have proceeded by opening ticket sales for next year. We have formed formal agreements with entertainers, performers. In fact we have included in that some internationals. That is a risk, and we might talk in detail about that later. I guess one comment I would make is that keeping the festivals alive in the industry has been difficult. It has been very hard. It is spasmodic, and a lot of our fraternity or community out there are uncertain as to what might be, as we are. I guess that is where we get to—how we can manage, and the information around what is likely to happen, notwithstanding that this thing does not give you any warning; it just occurs, we have had the outbreaks. The risks around the hotel quarantining and outbreaks from there have worried us over the last 12 months or so, and no doubt that may and will continue in varying degrees.

I guess in that sense, then, from where we sit what we really need is a point of contact to be able to talk to, to get direct information as to what might and will happen with restrictions—either tightening or easing. I do not expect that we are going to be able to look a long way forward from that, but certainly some organisational communication process that keeps organisations like us in the loop so we are not just learning of the changes through the media and so on and so forth. And that has been a point of issue for us up until now—just being sure of what was happening, when it was happening and potentially how long it might have stood in place for. So communication is a very important part of what we are on about. We need a point of contact in that context. I will just comment on our ticket sales. We are going to pause that around about the end of this month and just see what happens from there because we do not want to go down the track too far.

The other issue of importance is we build our infrastructure. It is temporary infrastructure. All our stages are out on cricket ovals. Our best ticket sales, we would sell to 10 000 people, so there are 10 000 people in venues on ovals. In the event of any social distancing and hence number restrictions, if we were to go from our successful economic model of about 10 000 ticket sales to half or 75 per cent, we would still need that infrastructure because of the spacings required.

Mr BARTON: It costs the same.

Mr YOUNG: It costs the same. The model economically does not work without that full capacity. So any changes that bring pressure down on ticket numbers, people in the venues, that causes us economic pain. Mr Chair, I think I will leave that there and hand back to you for further discussion and questions. I would be happy to try my best to answer your questions.

The CHAIR: Thank you, John. Thank you for that overview and really giving us an outline of how the Port Fairy Folk Festival has been impacted by COVID and all the side effects of that. I might pass over to Mr Andy Meddick to ask the first question, and then we can have Mr Barton and then Mrs McArthur.

Mr MEDDICK: Thank you, Chair. Thanks, John. A couple of quick questions. You talked about this point of contact. I think that is really important so that there is some certainty going out to the industry and feedback

to government. Who do you think should be doing that? What does that look like, I suppose? Is it someone who is appointed, say, from within a government department, or does it need to be someone from the industry who is like a liaison officer? What does that look like?

Mr YOUNG: That is a good question. One of my board members has worked for a long time for Red Cross internationally and has been involved in all sorts of health situations. So Bob has got a finger on the pulse of connections, but it is not a close connection, it is not a formal connection, and I think that is important.

I guess we look to the industry itself in a sense—that there may be some methodology of having a contact to government, so that contact can then disperse that information to the various organisations, whether they are music events, whether they are tourism organisations, whether they are accommodation providers, whatever, so that we can get some direct insight into what is happening, will happen and details around that—for instance, in a simple sense, what might be the methodology. People arrive on Fridays to the folk festival in large numbers. They go through turnstiles, having received a personal wristband. That technology is usable to put certain information into it, not that it would be this sort of information, but certainly understanding the best way to contact trace, for instance, on those sorts of numbers. We are exploring the opportunity to install turnstile systems. We have our own—

The CHAIR: Pass.

Mr YOUNG: Pass thing, but it is not really a turnstile system, and I think we are looking seriously at a turnstile system that gives us an accurate assessment of who is there, number wise, at any one particular time. At the moment we cannot. There are pluses and minuses around that too, because on the other side of the coin we have to apply for and get a permit for a place of public entertainment. There are expressed or detailed ceilings on numbers in the venues at any one time. We would never be able to tell how many of those were in there, so it is a bit of a difficulty for our surveyor and the council surveyor to accurately say, ‘Okay, 2 o’clock on Saturday afternoon, you have got 400, 500, 1000 too many people there’. No-one can make that judgement. I hope we do not have to get to that. But there are ways and means to get a hold from a COVID perspective on who is in there and who is not in total numbers. How do we manage to ensure that those people that have got tickets have not been to a hotspot in the last fortnight, for instance? Those sorts of difficulties face all like organisations and any sporting events for that matter. Did I answer your question?

Mr MEDDICK: You did answer at the start, yes, and then went into other areas. But at the start, it was very helpful. Thank you, Chair. I mean, if there is time afterwards, I will ask you some other things—

Mr YOUNG: Okay.

Mr MEDDICK: But some of those questions may get teased out by others anyway.

The CHAIR: I might pass over to Mr Barton to ask a question.

Mr BARTON: Thank you, Chair. Thank you, John. You presented a really clear position of the festival. Also, I think most of us here would be very aware of how successful the festival has been, but I am not sure everyone would be aware—I certainly was not aware—of how the profits get back to the community.

Mr YOUNG: Yes, I did mention that, didn’t I?

Mr BARTON: You did.

Mr YOUNG: Do you have a question on that?

Mr BARTON: No. I am just saying that as my preamble.

Mr YOUNG: Right.

Mr BARTON: I just want to know—this confidence thing. We are going to have to live with this COVID for years to come. We must not be naive about that and we must not be scared of it either. So I was very interested in how you are planning and you are working out how you are going to manage COVID moving forward. You spoke a bit about it there. When you want to bring in people from overseas, because that is an unknown at this stage—

Mr YOUNG: It is an unknown, yes. In our agreements to date with the various performers that we have approached overseas there are some negotiation points in there. Obviously if we get to the point that we know they will not be coming, there will be—I apologise; I meant to look up the actual detail, and I did not. But I think there is a deposit we pay to them in negotiating the formal side of that of which I think there is a percentage that is retained, if that is cancelled, to offset any direct costs associated with coming to Australia, whether that—

Mr BARTON: Airfares and accommodation?

Mr YOUNG: Yes, that sort of thing. I do not know the full extent of that. The other rider that is in the document is that if the international performers can come they must be prepared to quarantine for two weeks on arrival, and they have all signed off on that. Those are the sorts of things that we are playing with. There is by no means any certainty that they will be here, but we thought it was a fair risk to attempt to have some top-liners from overseas coming.

Mr BARTON: So the artists are prepared to go into quarantine and all that sort of stuff?

Mr YOUNG: Yes, they have signed off on that. The Australian nationals—I do not know what the details are around the contracts that the program manager is signing off on. By the way, our program manager is trapped in Spain too. He has been there since we appointed him last May. He just has not been able to get out, and he just told me yesterday that they were expecting to get home on 2 September. That was postponed, and they now have to go back and spend \$20 000 on another booking for November. So it is, yes, problematic.

The CHAIR: Thank you for that, Mr Barton. Thank you, Mr Young. I might pass over to Mrs McArthur, Mr Tarlamis, Mr Davis, then Mr Gepp. Then if we have got time, I might ask a question, but if not, that is okay.

Mrs McARTHUR: Thank you, Chair. Thank you, Mr Young. I am very proud to have such a famous festival in this electorate of Western Victoria, and congratulations to you and all the volunteers that do such an amazing job and have done since its inception. It is a great model for how communities—small communities—can actually achieve something of world-class standard. We are very, very proud.

I am interested in your concern about the communication aspect. I think we all got very used to a North Face jacket and a CHO telling us at 11 o'clock in the morning what might be going to happen for the rest of the week or whatever, and I think it is a very important point that we need to move away from that concept of delivering information. There surely has to be a solution for all organisations that are running events—in fact all of us, surely—to be able to let us know without having to tune in to the screen, to that episode, on a daily basis in the future. I am just wondering whether you think it is fair that, say, the Comedy Festival in Melbourne, which had tens of thousands of people—and I saw them cheek to jowl—was okay, and the AFL football, but yet out here in rural Victoria, where barely a case has existed, you are so heavily impacted by having to comply with all sorts of distancing and spacing and rules and regulations when it does not seem to be happening elsewhere in bigger events.

Mr YOUNG: It is a very good point. We wondered mentally about the ability of the AFL to hold 85 000 at the G, and there was not much social distancing going on there. I am not sure what the festival industry rules are now around social distancing. It has varied a little bit upwards, I believe. But then, paralleling that, as you mentioned, some of the concert centres and music pubs in Melbourne are pushing hard for full capacity.

Mr DAVIS: But they have not got it in many spots. They have not actually got it. They are still—

Mr YOUNG: No, not yet—no.

Mrs McARTHUR: They are still having to comply with social distancing.

Mr YOUNG: Yes. But definitely we need to understand currently what the rule is—if we were to have a festival tomorrow, what we would be running under, for instance.

Mr DAVIS: Do you know that?

Mr YOUNG: No, not clearly. I think it is 75 per cent, but I do not know. I do not know that that is correct, and it has never been conveyed to us. It is sort of—

Mrs McARTHUR: So this is the communication issue?

Mr YOUNG: Yes, very much so. It sort of just comes around through the media, through indirect contacts. There is no central focus for organisations like us in what you might call this industry to go to and say, ‘What’s happening?’.

Mrs McARTHUR: You need a concierge for events.

Mr YOUNG: In a sense, yes.

Mr DAVIS: They need to respond too. It is no use just sending the stuff in and waiting endlessly.

Mr YOUNG: Correct. And we need to find out what systems there might be available to properly cater for people coming in to festivals. I mentioned the contact tracing, but we are even trying to construct our own mechanisms for safety by insisting that everybody that comes can in advance confirm that they have not been somewhere where they should not have been in the last two weeks. I do not know. Of course I do not think we are going to be all vaccinated by the time March comes around. At one stage we thought that was an option, but I do not think that is going to happen, which then puts a lot more uncertainty into the thing.

The CHAIR: No. Thank you for that, John. Thank you, Mrs McArthur. I might pass to Mr Tarlamis, then Mr Davis and then Mr Gepp in that order.

Mr TARLAMIS: Thank you, John. It is fantastic to hear that you are going ahead with the plans for the next festival and you are taking into consideration all those various factors to kind of plan and think ahead for those. But I think it is clear from what you are saying and from what we are hearing that there would be a benefit from events and festivals sector-specific advice that relates to the sector but also a central point of contact where the sector can actually go to get that advice and guidance as to what is possible. That point of contact would be beneficial and helpful for the sector, as would knowing exactly where to go to get that advice where they have those sorts of questions. I am also interested in terms of between when you hold your annual event. Did you previously engage with—I assume you have a lot of repeat people that would come to your annual event—the same people? There would be some additional ones, but a large proportion of the people would be regular attendees.

Mr YOUNG: Oh, yes.

Mr TARLAMIS: Do you do much between the annual events to maintain contact with them?

Mr YOUNG: Yes.

Mr TARLAMIS: Given that you have missed a year now for the first time in 44 years—you said you have done a couple of events—have you thought about other sorts of things you are going to do between this year and the next one to kind of keep them engaged?

Mr YOUNG: Yes, we do. We have a website. On our website we have e-news, and there are 25 000 subscribers to that, so there is a diaspora out there that are connected in. All our news goes out on that—our releases about performers, any changes to situations on the ground and all that sort of stuff—and I think that vehicle in the first instance can be used as a point of advice from us to that community about what is happening in the COVID safety world regarding the festival.

Mr TARLAMIS: To disseminate the information.

Mr YOUNG: So that is a good platform. Our ticket seller is TryBooking. We have not used them in this context, but there is quite a deal of technology that they have to use for informing, contacting—all those sorts of things. So those two tools are at our disposal, and we have been continuing to keep our subscribers on e-news alert to what is happening and doing a few little things. A couple of things are coming up, for instance. It is early days, but we are working with the Royal Agricultural Society to have a concert at the showgrounds during the Royal Melbourne Show—whether that comes off or not, I am not sure yet—and we may be doing an international hook-up with a band called the East Pointers from Canada just to keep those things going. That is from the music perspective.

But getting back to your question, it is very much possible that we can use those two networks, I will call them, to communicate issues around what you need to do to get here and so on and so forth and what we cannot tolerate and to keep them advised. We may have to do something around saying, 'Righto, we can only sell 7000 tickets this year. We're going to have to try and trim our sails to not lose too much money on that', but it is going to be difficult because there will be a level which we cannot go down to. We can go so far down on restricted sales until we get to a point of cancellation.

Mr DAVIS: It becomes uneconomic.

Mr TARLAMIS: Are you also engaged with major events about next year as well in terms of working with them?

Mr YOUNG: Not us, the committee directly. Our program director certainly is well engaged in that area and has been all his career really, and there is a lot going on in that space both nationally and internationally.

The CHAIR: Thank you for that, John. I might pass over to Mr Davis.

Mr DAVIS: So just to cut to the chase on this: effectively, you are trying to plan for next year. There might be all sorts of interim, sort of fill-in, worthwhile things, but you do not actually know how many people you can have and you cannot actually get contact with the department to get clarity on that. Has the department told you, if you book now, how many could you have—have they told you that?

Mr YOUNG: Nobody has. No. I suppose we have probably operated a little bit in isolation and with a bit of—what should I say—risky bravery, I do not know. But we just felt we had to get out there and get the ticket sales up and going. And we will probably stall that. We have sold probably getting up to 50 per cent of what we would sell for a full sellout.

Mr DAVIS: But if they zapped it down, you would have to refund all of that of course.

Mr YOUNG: Yes. That is a given. The revenue from those ticket purchases we have already had is being held in a holding fund.

Mr DAVIS: Do you submit a plan to the department? This is the way I understand major events of these types occur. The plan is submitted—

Mr YOUNG: Yes, it goes through local government.

Mr DAVIS: via local government to the department, but some of them seem to go—

Mr YOUNG: I do not know how far that goes up the tree. The major plan—or permit plan it is—is done through local government. It is called a permit for a place of public entertainment, and it is quite onerous. We are actually meeting on a monthly basis with the council to make sure we get this right and get it submitted early enough, but it is very, very much around building safety, spatial safety, fire safety—all those sorts of things.

Mr DAVIS: But the actual arrangements for how many you can have under the COVID rules are decided centrally at the Department of Health in the end?

Mr YOUNG: Yes. And that is just announced, what the rule is for the festival industry, for instance—spacing distances of one per 2 metres or one per 1 metre, whatever it might be.

Mr DAVIS: The other thing I wanted to ask is about the 180 artists and performers. So you have engaged with some of them and, you know, almost on spec have booked them?

Mr YOUNG: Yes.

Mr DAVIS: What was the impact on them last year?

Mr YOUNG: Oh, horrific. Both here in this country and overseas obviously. Just as an example, we had Kutcha Edwards perform at the Reardon Theatre on the March weekend, where we did that four-night series of concerts with local Australian artists. Pretty much everyone, Kutcha particularly, 'Fourteen months without a

gig', he kept saying during his concert, and that is sort of the deal that they have been living with. It has been very, very sparse in the music industry, particularly in the festival music industry.

Mr DAVIS: And they are very dependent on the booking that you are doing with them into the future.

Mr YOUNG: Yes.

Mr DAVIS: Thank you.

The CHAIR: Thanks, Mr Young. Mr Gepp. You can have two questions. I cede my right to you because I know you are eager to ask the tough questions.

Mr GEPP: Thank you. Whilst Mr Kutcha might talk about what it is like in 14 months, let us go and talk to some of the entertainers in India right now and see how they are confronting things.

Mr YOUNG: Yes, I can imagine.

Mr GEPP: So it is not always a one-way street, despite how that may be presented. I am interested in two things: this communication thing—I might start on that—and then my final question will be around vaccination. I am interested in your comments, John, and congratulations on the work that you do; it sounds like you and the team that pulled this together just do a fantastic job and have done for a long, long period of time. My understanding—and I just had a look as people were asking questions—about COVID event plans is that when you go to the DHHS website all of that information seems to be there about the events.

Mr YOUNG: Right. Yes.

Mr GEPP: And the things that Mr Davis suggested, that it is just pumped into DHHS and someone in there makes a decision—

Mr DAVIS: You have to submit.

Mr GEPP: Well, yes, that is exactly right. You do have to submit a plan based around a set of directions which give you the framework for the holding of the event. So it is not an unknown. For example, the number of people in an open space is defined by how big the space is. That is how they arrive at the figure of 85 000 at the MCG. It is the same for your festival. It would be the size of the venue divided—it gives you the number of people. Your event has to complete an event plan, and you have talked about the work that you do with council to build that plan up. So there is a framework that is there, and we are not talking about a dearth of information. It is there, and it is about then developing that. I understand the point that you made earlier about how sometimes those things change—and they will inevitably. So that framework exists for your event.

Mrs McARTHUR: It could be totally unreasonable, though.

Mr GEPP: Well, it might be. That is a different proposition.

Mr DAVIS: And—

Mr GEPP: You have had four goes, Mr Davis. So I just make that point. But I take it what you want is, as Mr Tarlamis was suggesting, some sort of industry contact, whether it is within government or within industry, where you could go to and they either be the advocate or—is that right?

Mr YOUNG: Yes, it is. It is an interesting point, because when you look at the industry, what is the industry? Is it festivals, is it concert halls, is it all those things? And we are sort of bunged in with a whole lot of other bits and pieces as well. It is a very diverse community in that industry space, I will call it, so sometimes the information you are looking for is hard to find.

Mr GEPP: It is hard for you. Right. Okay. I understand that point.

Mrs McARTHUR: And your volunteers as well. You are not running a professional operation.

The CHAIR: Your last question, Mr Gepp.

Mr GEPP: My last question is around vaccinations. We heard today I think—there was an announcement I heard on the radio as I was driving here this morning—that the federal government has announced \$25 million or a contract or something—

Mr MEDDICK: With Moderna.

Mr GEPP: Moderna, was it? We have heard throughout all of this that the way that we are going to be able to deal with COVID is vaccination—you know, the more people who get vaccinated the quicker we will reach herd immunity. Do you have a view about the rollout of the vaccine program now, the speed of it, and do you think it is likely that you would get to a point where people who have been vaccinated can attend the event? What about those that cannot? Has your committee discussed that at all?

Mr YOUNG: We have tossed it around. We have not gone into any great depth about it. There are two sides to it, aren't there? One is: how do you find out that everyone is vaccinated or people are vaccinated? And the second question you raised is: what is the opportunity for people who are not vaccinated? I do not know where to go. There needs to be some leadership or some sort of direction on what the policy should be around that. I would hate to think it was up to us individually to make the policy—

Mrs McARTHUR: Port Fairy Folk Festival?

Mr DAVIS: It is probably above your pay grade.

Mr YOUNG: Well, somebody anyway.

Mrs McARTHUR: Somebody higher up the pecking order.

Mr DAVIS: But you do not mind whether it is state or federal who does the vaccinations?

Mr YOUNG: No.

Mr DAVIS: Of course not.

The CHAIR: Any more? Okay, thank you very much, Mr Young. On behalf of the committee I wish to thank the Port Fairy Folk Festival for your submission and your presentation today. It has been quite enjoyable. You have given us a different outlook on how it has affected, I guess, your local event, which brings such an important reputation to our state and the region. Thank you for all the work you are doing, and we look forward to seeing a future version of the Port Fairy Folk Festival soon. It seems that we might have to wait until we are vaccinated. But on that note, we will take a 5-minute short break before our next witness.

Mr YOUNG: Thank you very much, Chair, and thank you, members.

Witness withdrew.