

MUSIC FESTIVALS AMENDMENT BILL 2024

STATEMENT OF PUBLIC INTEREST

**Need: Why is the policy needed based on factual evidence and stakeholder input?**

The specific issues the package seeks to address include reducing the regulatory burden on the music festivals sector, re-focusing the framework towards health and medical matters, addressing the lack of flexibility and certainty surrounding the administrative requirements, reviewing the imposition of government charges for music festivals, and encouraging all aged events to occur safely in NSW. The intent is to drive continued reform and support for the music festivals sector to secure its ongoing viability, make it easier for festivals to operate in NSW, and enhance safety standards.

The Bill seeks to amend the *Music Festivals Act 2019* and the *Liquor Act 2007* and make any necessary consequential amendments to reform the regulatory framework.

The premise for undertaking this package of reforms is an election commitment that was made to support the music festivals sector in NSW. Additionally, Liquor & Gaming NSW completed a statutory review of the Music Festivals Act in 2023, the reforms in this Bill aim to address the issues identified with the regulatory framework.

Legislative amendments are required to implement these reforms.

**Objectives: What is the policy's objective couched in terms of the public interest?**

The proposed reforms aim to amend the regulatory framework for music festivals to be more streamlined, health-focused and supportive, by the Department of Creative Industries & Tourism Hospitality & Sport assuming decision-making functions under the Act, providing that NSW Health is to agree on the Health and Medical Plan for certain festivals and strengthening the administrative and governance provisions of the Act. NSW Police can also have input into law enforcement and safety matters related to festivals.

The reforms also aim to help reduce the operational cost of running festivals by establishing and review a pathway for government user paid charges.

A fit-for-purpose regulatory framework that focuses on medical matters and provides pathways for festival organisers to request a review of government user paid charges will help support the sector and ensure health standards at all festivals across NSW are maintained at an appropriate level to mitigate risk and deal with medical emergencies.

**Options: What alternative policies and mechanisms were considered in advance of the bill?**

This package of reforms responds to matters concerning the regulatory framework identified in Liquor & Gaming NSW's review of the Music Festival Act. Industry and stakeholder feedback was thoroughly considered as part of the review process. The Government's response to the Review was informed and shaped by this feedback.

Several alternative reform options were canvassed during the development of the policy proposals and initiatives (such as expanding the Act to include the regulation of lower risk festivals, removing the framework, and expanding the requirements of the Safety

Management Plan), it was concluded that this would likely have minimal effect on the objectives, and increase burden on industry with little overall value to be gained, and impose further resourcing implications on the Government.

**Analysis: What were the pros/cons and benefits/costs of each option considered?**

If the amendments are not made, then overlapping regulation and excessive red tape will continue to disrupt the ability of the music festival sector to meet its full potential.

The reforms will reduce the regulatory burden placed on festival organisers by removing the subject festival framework, replacing the Independent Liquor & Gaming Authority with Liquor & Gaming NSW and narrowing the focus of the health and medical plan to focus on health and medical matters.

**Pathway: What are the timetable and steps for the policy's rollout and who will administer it?**

The policy has been developed, and its implementation will be monitored by the Department of Creative Industries, Hospitality, Tourism and Sport (through Liquor & Gaming NSW). The principal amendments to the *Music Festivals Act 2019*, and the *Liquor Act 2007* will be administered by Liquor & Gaming NSW and NSW Health. Liquor & Gaming NSW will administer the main framework of coordinating across Government the determination process for music festivals that will be required to be operated with a Health and Medical Plan that is agreed by NSW Health, and NSW Health will be responsible for agreeing to the contents of the Health and Medical Plans, for those festivals. NSW Police will also have the ability to propose conditions related to law enforcement and safety matters as part of this process.

The Bill will be introduced to the NSW Parliament in the week of 16 September 2024.

As only minor changes will need to be made to systems and processes, the main amendments in the Bill will commence on assent.

The Bill inserts requirements for all festivals to be delivered with a Health and Medical Plan, with only certain festivals needing the agreement of NSW Health. For those festivals that do not require the agreement of NSW Health, their requirements will commence in 2025.

The Bill also establishes an appeal process, for festival organisers, to appeal to have the cost of user pays Government charges waived or reduced. This process will be further developed by Government and will commence on proclamation.

**Consultation: Were the views of affected stakeholders sought and considered in making the policy?**

Targeted consultation has been undertaken with key external stakeholders through individual and group briefings. As part of the Statutory Review, the following non-NSW Government stakeholders were consulted:

- Australian Festivals Association
- DanceWize NSW
- Live Performance Australia
- Local Government NSW
- Pill Testing Australia

- UK contributors, including Major Events Boss Ltd, TLT Solicitors and Casterton Events Ltd.

Further engagement with the Australian Festivals Association occurred as part of the analysis and policy development completed post-review.

Where appropriate, consultation has also occurred with NSW Government stakeholders to inform the development of the Bill. Where possible, their feedback has been incorporated into the Bill.