



New South Wales

Music Festivals Amendment Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Music Festivals Act 2019* (***the Act***) to—
 - (i) replace the requirement for certain music festivals to prepare a safety management plan with a requirement to prepare an agreed health and medical plan (a ***H&M Plan***) that only relates to health and medical matters, and
 - (ii) transfer responsibilities of the Independent Liquor and Gaming Authority (***ILGA***) under the Act to the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport (the ***DCITHS Secretary***) and the Secretary of the Ministry of Health (the ***Health Secretary***), and
 - (iii) provide that a music festival organiser may appeal to ILGA against a determination by the DCITHS Secretary requiring a music festival to be operated with an agreed H&M plan, and
 - (iv) provide that the Commissioner of Police may propose to the DCITHS Secretary additional conditions to be included in an agreed H&M plan, and
 - (v) provide for music festival organisers to apply to have charges payable for the attendance of members of the NSW Police Force, or the provision of ambulance services, at a music festival or other government charges in relation to a music festival reduced or waived,
- (b) to set out the *Music Festivals Regulation 2024*,

- (c) to amend the *Liquor Act 2007* to enable unaccompanied minors who are 16 years of age or older to attend licensed festivals if the licensee ensures sufficient control measures are in place to manage the risk of minors obtaining liquor.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Music Festivals Act 2019 No 17

Agreed health and medical plans

Schedule 1[6] substitutes section 5 and inserts proposed section 5A to replace safety management plans with H&M plans. **Schedule 1[1], [5] and [7]** make consequential amendments.

Proposed section 5 requires the DCITHS Secretary to determine which music festivals require an agreed H&M plan, provides for matters the DCITHS Secretary may consider in making a determination to require an agreed H&M plan, and requires the DCITHS Secretary to direct the music festival organiser to prepare a H&M plan if the DCITHS Secretary determines that an agreed H&M plan is required for a music festival. When considering whether a music festival requires a H&M plan, the DCITHS Secretary must have regard to any advice from the Commissioner of Police.

Proposed section 5A provides that a music festival organiser may appeal to ILGA against a determination by the DCITHS Secretary requiring an agreed H&M plan for a music festival.

Schedule 1[8]–[10] provide that a H&M plan must be prepared in accordance with the Guidelines for Music Festival Event Organisers. A H&M plan for a music festival must be given to the Health Secretary for approval at least 90 days before the festival will be held, and the Health Secretary must agree to or refuse to agree to the H&M plan at least 14 days before the festival will be held.

Schedule 1[11] provides that the Health Secretary must give a copy of an agreed H&M plan to the Commissioner of Police.

Schedule 1[12] provides that, if a music festival requires an agreed H&M plan, the Commissioner of Police may propose additional conditions the DCITHS Secretary may include as part of the plan.

Schedule 1[13]–[21] and [23]–[28] provide that—

- (a) a music festival organiser must have an agreed H&M plan for a music festival and ensure the festival complies with the plan, with a maximum penalty of 500 penalty units, and
- (b) a change to an agreed H&M plan for a music festival must be submitted to the Health Secretary for agreement, and
- (c) a music festival organiser must, if requested by a prescribed entity, hold a briefing with a person engaged to provide health services at a music festival, and
- (d) the DCITHS Secretary is a prescribed entity that may request a music festival organiser to hold a briefing with a person engaged to provide health services at the music festival, and
- (e) a music festival organiser must keep an incident register for a music festival in a form approved by the DCITHS Secretary, with a maximum penalty of 100 penalty units.

Guidelines, directions and charges payable

Schedule 1[36] inserts proposed sections 19B–19D.

Proposed section 19B provides that the Minister for Music and the Night-time Economy (the *Minister*) may publish guidelines about best practice standards for music festivals, including matters related to giving notice about music festivals and briefings about music festivals.

Proposed section 19C provides for a music festival organiser for a music festival to apply for an amount payable by the organiser to the State or a government sector agency in relation to the music festival to be waived or reduced in certain circumstances.

Proposed section 19D provides that the Minister may make an order establishing a process for the waiver and reduction of amounts payable to the State or a government sector agency in relation to a music festival for the purposes of proposed section 19C.

Miscellaneous

Schedule 1[2] provides that the objects of the Act are to regulate and support music festivals.

Schedule 1[3] omits the definitions of *approved safety management plan*, *NSW Health music festival guidelines* and *subject festival*, replaces the definition of *concert* and inserts definitions of *agreed health and medical plan*, *Guidelines for Music Festival Event Organisers* and *Secretary*.

Schedule 1[4] makes a minor amendment.

Schedule 1[22] requires a music festival organiser for a music festival to give the DCITHS Secretary written notice about the intention to hold the music festival.

Schedule 1[29] provides that a police officer has the function of enforcing certain conditions proposed by the Commissioner of Police and adopted by the DCITHS Secretary, and compliance with section 11.

Schedule 1[31] provides that a function of the music festival roundtable is to provide certain advice to the DCITHS Secretary.

Schedule 1[32]–[34] remove from the Act requirements relating to the membership of the music festival roundtable and the operational requirements of the roundtable. **Schedule 1[32]** also provides for the co-chairs of the music festival roundtable. **Schedule 1[30]** makes a consequential amendment. **Schedule 1[38]** provides that the regulations may provide for matters relating to the music festival roundtable, including the membership of the roundtable.

Schedule 1[35] removes a reference to the Department of Enterprise, Investment and Trade following a machinery of government change.

Schedule 1[37] removes the requirements for the Minister to review the Act and to implement the outcomes of the review and provides for the delegation of the exercise of functions of office holders.

Schedule 1[41] inserts savings and transitional provisions. **Schedule [39] and [40]** make consequential amendments.

Schedule 2 Music Festivals Regulation 2024

Schedule 2 sets out the *Music Festivals Regulation 2024*.

Schedule 3 Amendment of Liquor Act 2007 No 90

Schedule 3 provides that, for a music festival held on licensed premises, a licensee is not required to ensure a minor who is 16 years of age or older is accompanied by an adult if ILGA or the DCITHS Secretary is satisfied the licensee has taken sufficient measures to mitigate the risk of minors obtaining liquor at the music festival.