



New South Wales

# Music Bill 2026

## Explanatory note

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

## Overview of Bill

The object of this Bill is to assist, promote and strengthen the contemporary music industry throughout New South Wales by—

- (a) establishing the Sound NSW Advisory Board (the *Board*), and
- (b) setting out the principles that must be followed when a decision concerning the contemporary music industry is made, and
- (c) providing for the accreditation of music venues as dedicated live music venues, significant live music venues or live music venues, and
- (d) facilitating the resolution of disputes concerning dedicated live music venues and significant live music venues by requiring disputes to be submitted to mediation before the commencement of court proceedings, and
- (e) establishing the role of a registrar of disputes, who has oversight of disputes that are submitted to mediation.

## Outline of provisions

### Part 1 Preliminary

**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.

**Clause 3** gives effect to the dictionary in proposed Schedule 3 to define certain words and expressions used in the proposed Act.

**Clause 4** sets out the object of the proposed Act.

## **Part 2 Functions of Secretary**

**Clause 5** sets out the functions of the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport (the *Secretary*).

## **Part 3 Sound NSW Advisory Board**

**Clause 6** establishes the Board.

**Clause 7** provides for the composition of the Board and requires the Minister for the Arts (the *Minister*) to appoint members to the Board.

**Clause 8** sets out the functions of the Board. The principal function of the Board is to provide advice to the Minister about the contemporary music industry in New South Wales.

**Clause 9** enables the Minister to issue a charter to the Board that sets out additional functions for the Board or how the Board must operate.

## **Part 4 Assistance to contemporary music industry**

**Clause 10** sets out the principles with which a Minister, the head of a government sector agency or a local council (a *decision-maker*) must comply when making a decision regarding the contemporary music industry. The principles operate to provide assistance to the contemporary music industry in New South Wales.

**Clause 11** enables the Secretary to establish a voluntary, incentive-based scheme to accredit music venues (a *venue accreditation scheme*), which must be carried out and determined in accordance with guidelines issued by the Secretary. The purpose of the venue accreditation scheme is to—

- (a) develop and nurture world-class music venues, and
- (b) provide incentive to music venues to prioritise the regular programming of original music, which allows performing artists to build local audiences and develop performance skills, and
- (c) accredit certain music venues as dedicated live music venues, significant live music venues or live music venues.

**Clause 12** enables the Secretary to make guidelines for the venue accreditation scheme. The guidelines must include the criteria used in the venue accreditation scheme, the process of assessment undertaken in the venue accreditation scheme and the period for which the accreditation of a live music venue will apply.

**Clause 13** requires the Secretary to maintain a publicly available register of music venues accredited under the venue accreditation scheme.

## **Part 5 Resolution of disputes**

**Clause 14** sets out the purpose of proposed Part 5, which is to facilitate the resolution of disputes in relation to dedicated live music venues and significant live music venues through mediation.

**Clause 15** defines *dispute* as a disagreement or conflict about the operation of the venue in providing live music between—

- (a) the licensee, owner or operator of a dedicated live music venue or significant live music venue, and
- (b) another person.

The proposed section clarifies that a dispute does not include a disagreement, conflict or other matter prescribed by the regulations.

**Clause 16** defines the following words—

- (a) **mediation**, which encompasses formal mediation procedures, preliminary assistance and other appropriate forms of alternative dispute resolution,
- (b) **mediator**, who is a person who provides mediation.

**Clause 17** requires the Minister to appoint a registrar of disputes for the proposed Act who is either the holder of a statutory office or a Public service employee. The registrar may delegate the exercise of the registrar's functions, other than the power to delegate, to any public service employee.

**Clause 18** sets out the functions of the registrar, which include making arrangements to facilitate the resolution of disputes by mediation.

**Clause 19** provides that a dispute may be referred to the registrar for mediation by a licensee, owner or operator of a dedicated live music venue or significant live music venue involved in the dispute, or the Minister. A mediator, when exercising a mediator's functions, has the same protection and immunities as a Judge of the Supreme Court of New South Wales.

**Clause 20** provides that, prior to commencing court proceedings, a dispute must be submitted to mediation unless—

- (a) the registrar certifies, in writing, that the mediation under proposed Part 5 has failed to resolve the dispute, or
- (b) the court is satisfied that mediation is unlikely to resolve the dispute.

Court proceedings concerning an order for an injunction are exempted from this requirement.

**Clause 21** provides that a statement or admission made during mediation under the proposed Act, Part 5 is not admissible in another legal proceeding.

## **Part 6 Miscellaneous**

**Clause 22** allows the Minister and the Secretary to delegate the exercise of their respective functions under the proposed Act, other than the power to delegate, to a Public Service employee or a person authorised by the regulations.

**Clause 23** enables the Governor to make regulations for the proposed Act.

**Clause 24** requires the Minister to review the operation of the Act, proposed section 7(2), including any regulations made under the proposed section, to evaluate the composition of the Board.

**Clause 25** repeals the *Sound NSW Advisory Board Act 2025*.

**Clause 26** contains machinery and transitional provisions relating to the proposed *Music Regulation 2026*, which is set out in proposed Schedule 5.

## **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

## **Schedule 2 Constitution and procedure of Board**

**Schedule 2** provides for the constitution and procedure of the Board.

## **Schedule 3 Dictionary**

**Schedule 3** contains the dictionary that defines certain words and expressions used in the proposed Act.

## Schedule 4 Amendment of Acts

### 4.1 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024 No 76

Schedule 4.1 repeals provisions relating to the resolution of disputes, which are made redundant by the proposed Act, Part 5.

### 4.2 Entertainment Industry Act 2013 No 73

Schedule 4.2[1] amends the definition of *performer* to include a DJ, a music producer and a songwriter.

Schedule 4.2[2] amends the definition of *performer representative* to distinguish between—

- (a) *performer representative class 1*, being a person who is a manager of a performer, and
- (b) *performer representative class 2*, being a person who is a booking agent of a performer.

### 4.3 Entertainment Industry Regulation 2020

Schedule 4.3 updates the fees of performer representatives consequent on proposed Schedule 4.2[2].

### 4.4 Liquor Act 2007 No 90

Schedule 4.4[1] provides for additional criteria for a venue that is located in a metropolitan or regional area that must be satisfied for the venue to be recognised as a special entertainment precinct venue. Schedule 4.4[3] makes a consequential amendment.

Schedule 4.4[2] provides that the 1-hour extension of a venue's trading period does not apply to the venue unless the precinct management plan for the special entertainment precinct in which the venue is located permits the extension of trading hours.

Schedule 4.4[4] and [5] amend the *Liquor Act 2007*, section 130O to—

- (a) provide that the Secretary may remove a licensed premises from the list of live music and performance venues kept by the Secretary where the venue is not, or has ceased to be, eligible because the licensee of the venue has failed to meet the requirements set out in section 130H, and
- (b) enable the making of regulations to provide for additional circumstances in which a venue may be removed from the list of live music and performance venues kept by the Secretary.

### 4.5 Protection of the Environment Operations Act 1997 No 156

Schedule 4.5 inserts proposed section 322A to provide that a person must, where required, use the test methodology prescribed by the regulations to test for noise from an outdoor activity for which the Environment Protection Authority is the appropriate regulatory authority.

### 4.6 Protection of the Environment Operations (General) Regulation 2022

Schedule 4.6[2] inserts proposed section 131A into the *Protection of the Environment Operations (General) Regulation 2022* to prescribe the test methodology that must be used for testing noise from an outdoor entertainment activity consequent on proposed Schedule 4.5. Schedule 4.6[1] makes a consequential amendment.

## Schedule 5 Music Regulation 2026

Schedule 5 contains the proposed *Music Regulation 2026*, which sets out the eligibility requirements for members appointed to the Board by the Minister under the proposed Act, section 7.



New South Wales

# Music Bill 2026

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Music Bill 2026**

No. \_\_\_\_\_, 2026

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### **A Bill for**

An Act to assist, promote and strengthen the contemporary music industry in New South Wales.

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*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*

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**Tabling copy**

<b>The Legislature of New South Wales enacts—</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Music Act 2026</i> .	4
<b>2 Commencement</b>	5
This Act commences, or is taken to have commenced, as follows—	6
(a) Schedule 4.4—on 15 March 2026,	7
(b) Part 4, Division 2 and Part 5—on 1 July 2026,	8
(c) Schedule 4.5 and 4.6—on a day or days to be appointed by proclamation,	9
(d) otherwise—on the date of assent to this Act.	10
<b>3 Definitions</b>	11
The dictionary in Schedule 3 defines words used in this Act.	12
<b>Note—</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	13 14
<b>4 Object</b>	15
The object of this Act is to assist, promote and strengthen the contemporary music industry in New South Wales, including by—	16 17
(a) supporting human creativity in contemporary music, enabling creative careers in the industry and building the capacity of the industry, and	18 19
(b) encouraging investment and innovation in the industry, and	20
(c) enhancing export opportunities for the industry, and	21
(d) supporting equitable participation in, and access to, opportunities in contemporary music and support programs, including in regional areas, and	22 23
(e) promoting coordination between the Government and the industry, and	24
(f) promoting the role of contemporary music in creating opportunities for cultural participation and social connection, and	25 26
(g) developing and sustaining live contemporary music touring, and	27
(h) delivering positive outcomes for contemporary music artists, industry professionals, businesses and audiences.	28 29

## Part 2 Functions of Secretary

### 5 Secretary's functions

The Secretary's functions include the following—

- (a) providing financial and other assistance to the contemporary music industry in New South Wales in carrying out the industry's activities,
- (b) promoting best practice in the contemporary music industry in New South Wales to benefit persons who work in the industry and audiences for contemporary music,
- (c) disseminating information about the activities of the contemporary music industry in New South Wales, including live contemporary music events and festivals,
- (d) assisting in promoting public interest in contemporary music and building audience capacity across New South Wales,
- (e) providing policy and support services and advice to the Minister and government agencies about the contemporary music industry in New South Wales, including by providing—
  - (i) information to inform the preparation of the Creative Statement to Parliament under the *Creative Statement to Parliament Act 2025*, and
  - (ii) regular reporting on policy and program activities relating to contemporary music and the outcomes of the activities,
- (f) providing advocacy on behalf of the contemporary music industry in New South Wales, including on matters relating to—
  - (i) emerging technologies relevant to contemporary music, and
  - (ii) remuneration of workers in the industry and copyright holders.

<b>Part 3</b>	<b>Sound NSW Advisory Board</b>	1
<b>6</b>	<b>Establishment of Board</b>	2
	The Sound NSW Advisory Board (the <i>Board</i> ) is established.	3
<b>7</b>	<b>Membership of Board</b>	4
(1)	The Board must consist of the following members appointed by the Minister—	5
(a)	a chairperson,	6
(b)	at least 8, and not more than 11, other members.	7
(2)	The regulations may provide for matters relating to the members, including eligibility and other requirements for appointment.	8 9
(3)	The Minister may appoint one member of the Board as the deputy chairperson of the Board.	10 11
(4)	Schedule 2 contains provisions relating to the members of the Board.	12
<b>8</b>	<b>Functions of Board</b>	13
(1)	The Board’s principal function is to provide advice to the Minister about the contemporary music industry in New South Wales.	14 15
(2)	Without limiting subsection (1), the Board’s functions include the following—	16
(a)	identifying issues affecting the contemporary music industry,	17
(b)	providing advice to the Minister about priorities, projects and proposals relating to the contemporary music industry,	18 19
(c)	identifying opportunities to improve the contemporary music industry,	20
(d)	providing advice to the Minister about matters relating to the intersection between the contemporary music industry and other creative industries,	21 22
(e)	providing advice to the Minister about other issues relating to the planning, development, integration or implementation of policies and programs in the contemporary music industry,	23 24 25
(f)	other functions given to the Board under this Act or another Act, including in a charter.	26 27
<b>9</b>	<b>Minister may issue charter</b>	28
	The Minister may issue a charter to the Board that provides for—	29
(a)	additional functions of the Board, or	30
(b)	the way in which the Board must operate.	31

**Part 4 Assistance to contemporary music industry** 1

**Division 1 Principles** 2

**10 Principles to be applied to assist contemporary music industry** 3

- (1) This section applies if a decision-maker is making a decision in relation to the contemporary music industry, including under this Act or another Act. 4  
5
- (2) The decision-maker must ensure the following principles are complied with in making the decision— 6  
7
  - (a) approval for live contemporary music events and activities must be supported whenever practicable, taking into account public amenity, safety, heritage impacts, security and other operational requirements, 8  
9  
10
  - (b) fees for services from government sector agencies in relation to live contemporary music events and activities must be reasonable, including when compared with the provision of equivalent services in other jurisdictions, 11  
12  
13
  - (c) approvals for live contemporary music events or activities must be decided within a reasonable timeframe, 14  
15
  - (d) risk assessments carried out in relation to live contemporary music events and activities must be based on current evidence. 16  
17
- (3) The decision-maker must not make a decision in relation to a live contemporary music event or activity solely on the basis of the genre of the contemporary music associated with the event or activity. 18  
19  
20
- (4) In this section— 21  
*decision-maker* means the following— 22
  - (a) a Minister, 23
  - (b) the head of a government sector agency, 24
  - (c) a local council. 25

**Division 2 Venue accreditation scheme** 26

**11 Establishment of venue accreditation scheme** 27

- (1) The Secretary may establish a voluntary, incentive-based scheme (a *venue accreditation scheme*) to accredit music venues for the purpose of supporting a diverse network of live music venues at which— 28  
29  
30
  - (a) the public can access live music, and 31
  - (b) performing artists can build local audiences and develop performance skills. 32
- (2) The purpose of the venue accreditation scheme is to— 33
  - (a) develop and nurture world-class music venues, and 34
  - (b) incentivise music venues to prioritise regular programming of original music through the application of funding, capacity-building and other industry development programs, and 35  
36  
37
  - (c) recognise certain music venues as being places at which a commitment to live music has been demonstrated by designating the venues as— 38  
39
    - (i) dedicated live music venues, or 40
    - (ii) significant live music venues, or 41
    - (iii) live music venues. 42

(3)	Accreditation of music venues under the venue accreditation scheme must be carried out and determined in accordance with guidelines issued by the Secretary.	1 2
<b>12</b>	<b>Guidelines about venue accreditation scheme</b>	3
(1)	The Secretary may make guidelines for the purposes of the venue accreditation scheme.	4 5
(2)	Without limiting subsection (1), the guidelines must provide for the process for accreditation, including—	6 7
(a)	the criteria to be considered in determining whether a live music venue will be accredited, and	8 9
(b)	the approach to be taken when assessing a live music venue for the purposes of accreditation, and	10 11
(c)	the period for which accreditation of a live music venue will be in force.	12
<b>13</b>	<b>Register of accredited music venues</b>	13
(1)	The Secretary must keep a register of music venues that have been accredited under the venue accreditation scheme.	14 15
(2)	The register must include details about whether each accredited music venue has been designated as—	16 17
(a)	a dedicated live music venue, or	18
(b)	a significant live music venue, or	19
(c)	a live music venue.	20
(3)	The register must be made available on a website of the Department.	21

<b>Part 5</b>	<b>Resolution of disputes</b>	1
<b>14</b>	<b>Purpose of part</b>	2
	The purpose of this part is to facilitate the resolution of disputes in relation to dedicated live music venues and significant live music venues through mediation.	3 4
<b>15</b>	<b>Meaning of “dispute”</b>	5
(1)	A <i>dispute</i> is a disagreement or conflict between the following persons about a matter relating to the operation of the venue in providing live music—	6 7
(a)	the licensee, or owner or operator, of—	8
(i)	a dedicated live music venue, or	9
(ii)	a significant live music venue,	10
(b)	another person, including a local council.	11
(2)	A dispute does not include a disagreement, conflict or other matter prescribed by the regulations.	12 13
	<b>Example—</b> The regulations may provide that a disagreement for which another resolution process exists is not a dispute for this part.	14 15
<b>16</b>	<b>Meaning of “mediation” and “mediator”</b>	16
(1)	<i>Mediation</i> is not limited to formal mediation procedures and includes the following—	17 18
(a)	preliminary assistance in dispute resolution, including the giving of advice designed to ensure—	19 20
(i)	the parties are fully aware of the parties’ rights and obligations, and	21
(ii)	full and open communication between the parties about the dispute,	22
	<b>Note—</b> Before applying for formal mediation of a dispute, parties are encouraged to approach the registrar for preliminary assistance of the kind referred to in this paragraph.	23 24 25
(b)	other appropriate forms of alternative dispute resolution.	26
(2)	A reference in this part to a <i>mediator</i> includes a reference to a person who provides assistance or a form of alternative dispute resolution referred to in subsection (1).	27 28
<b>17</b>	<b>Registrar</b>	29
(1)	The Minister must appoint the holder of a statutory office or a Public Service employee as the registrar of disputes in relation to disputes for this Act.	30 31
(2)	The registrar may, for this Act and with the approval of the Minister, arrange for the use of the services of any staff or facilities of a Public Service agency.	32 33
(3)	The registrar may delegate to a Public Service employee the exercise of any function of the registrar under this Act, except this power of delegation.	34 35
<b>18</b>	<b>Functions of registrar</b>	36
(1)	The registrar has the following functions—	37
(a)	to make arrangements to facilitate the resolution of disputes by mediation, whether or not a dispute has been formally referred to the registrar under this Act,	38 39 40
(b)	to report to the Minister on the operation of this part,	41
(c)	other functions as may be conferred or imposed on the registrar under this Act.	42

(2)	The registrar may, at any stage of proceedings brought before a court about a dispute, intervene in the proceedings.	1 2
(3)	If the registrar intervenes in proceedings, the registrar becomes a party to the proceedings and has all the rights, including rights of appeal, of a party to the proceedings.	3 4 5
(4)	In the exercise of the registrar's functions under this Act, the registrar is not subject to the control or direction of the Minister.	6 7
<b>19</b>	<b>Mediation of disputes</b>	8
(1)	The following persons may refer a dispute to the registrar for mediation of the dispute—	9 10
(a)	the licensee, or owner or operator, of a dedicated live music venue or significant live music venue involved in the dispute,	11 12
(b)	the Minister, whether at the request of a party to the dispute or on the Minister's own initiative.	13 14
	<b>Note—</b> Before applying for formal mediation of a dispute parties are encouraged to approach the registrar for preliminary assistance of the kind referred to in section 16(1)(a).	15 16
(2)	A mediator has, in the exercise of functions performed as a mediator under this Act, the same protection and immunities as a Judge of the Supreme Court.	17 18
<b>20</b>	<b>Disputes must be submitted to mediation before proceedings may be taken</b>	19
(1)	A dispute may not be the subject of proceedings before a court unless—	20
(a)	the registrar has certified in writing that mediation under this part has failed to resolve the dispute, or	21 22
(b)	the court is otherwise satisfied mediation under this part is unlikely to resolve the dispute.	23 24
(2)	The registrar must certify that mediation under this part has failed to resolve a dispute if the registrar is satisfied one or more of the parties to the dispute has refused to take part in or has withdrawn from mediation of the dispute.	25 26 27
(3)	This section does not apply to proceedings before a court for an order in the nature of an injunction.	28 29
(4)	This section does not operate to affect the validity of a decision made by a court.	30
<b>21</b>	<b>Statements made during mediation not admissible</b>	31
	A statement or admission made in the course of the mediation of a dispute under arrangements made by the registrar under this part is not admissible in another legal proceeding.	32 33 34

<b>Part 6</b>	<b>Miscellaneous</b>	1
<b>22</b>	<b>Delegation</b>	2
(1)	The Minister may delegate the exercise of a function of the Minister under this Act, other than this power of delegation, to—	3 4
(a)	a Public Service employee, or	5
(b)	a person authorised for this section by the regulations.	6
(2)	The Secretary may delegate the exercise of a function of the Secretary under this Act, other than this power of delegation, to—	7 8
(a)	a Public Service employee, or	9
(b)	a person authorised for this section by the regulations.	10
<b>23</b>	<b>Regulations</b>	11
	The Governor may make regulations about a matter that is—	12
(a)	required or permitted by this Act to be prescribed, or	13
(b)	necessary or convenient to be prescribed for carrying out or giving effect to this Act.	14 15
<b>24</b>	<b>Review of Act</b>	16
(1)	The Minister must review the operation of section 7(2) and regulations made under section 7(2) to determine whether the composition of the Board remains appropriate for—	17 18 19
(a)	representing the contemporary music industry in New South Wales, and	20
(b)	otherwise achieving the policy objectives of this Act.	21
(2)	The review must be undertaken as soon as practicable after the period of 3 years from the commencement of this Act.	22 23
(3)	A report on the outcome of the review must be tabled in each House of Parliament as soon as practicable after the end of the period of 3 years.	24 25
<b>25</b>	<b>Repeal</b>	26
	The <i>Sound NSW Advisory Board Act 2025</i> No 4 is repealed.	27
<b>26</b>	<b>Relationship between regulation and Subordinate Legislation Act 1989</b>	28
(1)	Schedule 5 is taken to be and has effect as a regulation made by the Governor under this Act.	29 30
(2)	The <i>Subordinate Legislation Act 1989</i> , Part 2 does not apply to the regulation but applies to an amendment or repeal of the regulation.	31 32
(3)	For the <i>Subordinate Legislation Act 1989</i> , section 10, the regulation is taken to have been published on the day on which this section commences.	33 34
(4)	The <i>Interpretation Act 1987</i> , sections 39–41 do not apply to the regulation but apply to an amendment or repeal of the regulation.	35 36
(5)	This section and Schedule 5 are repealed on the day after this section commences.	37
	<b>Note—</b> The continued effect of the regulation is unaffected by the repeal of this section and the schedule. See the <i>Interpretation Act 1987</i> , section 30.	38 39

**Schedule 1 Savings, transitional and other provisions** 1

**Part 1 General** 2

**1 Regulations** 3

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of— 4  
5  
(a) a provision of this Act, or 6  
(b) a provision amending this Act. 7
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement. 8  
9
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement. 10  
11
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before— 12  
13  
(a) for a provision of this Act—the date of assent to this Act, or 14  
(b) for a provision amending this Act—the date of assent to the amending Act. 15
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not— 16  
17  
(a) affect the rights of a person existing before the publication in a way prejudicial to the person, or 18  
19  
(b) impose liabilities on a person for anything done or omitted to be done before the publication. 20  
21
- (6) In this section— 22  
*person* does not include the State or an authority of the State. 23

**Part 2 Provisions consequent on enactment of this Act** 24

**2 Board members** 25

- (1) A person who, immediately before the repeal of the *Sound NSW Advisory Board Act 2025*, was a member of the Sound NSW Advisory Board under the repealed Act continues in office as a member of the Board under this Act as if the person had been appointed under this Act. 26  
27  
28  
29
- (2) The person continues to be a member until the earlier of the following occurs— 30  
31  
(a) the term of office specified in the member’s instrument of appointment ends, 31  
(b) the office of the member becomes vacant under this Act. 32
- (3) Subsection (2) does not prevent the person being reappointed under Schedule 2, section 1. 33  
34

**3 Resolution of disputes** 35

Part 5 does not extend to a dispute involving a disagreement or conflict that started before the commencement of the part. 36  
37

<b>Schedule 2</b>	<b>Constitution and procedure of Board</b>	1
	section 7(4)	2
<b>Part 1</b>	<b>Constitution</b>	3
<b>1</b>	<b>Terms of office of members</b>	4
(1)	Subject to this schedule or the regulations, a member holds office for the term, not more than 3 years, specified in the member's instrument of appointment.	5 6
(2)	A member is eligible, if otherwise qualified, for reappointment.	7
<b>2</b>	<b>Part-time appointments</b>	8
	Members hold office as part-time members.	9
<b>3</b>	<b>Remuneration</b>	10
	A member is entitled to be paid the remuneration, including allowances, determined by the Minister.	11 12
<b>4</b>	<b>Vacancy in office of member</b>	13
	The office of an appointed member becomes vacant if the member—	14
(a)	dies, or	15
(b)	completes a term of office and is not reappointed, or	16
(c)	resigns the office by written instrument addressed to the Minister, or	17
(d)	is removed from office by the Minister under this section, or	18
(e)	is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member, except if the member is—	19 20
(i)	on leave granted by the Minister, or	21
(ii)	excused by the chairperson for having been absent from the meetings, or	22
(f)	becomes personally insolvent, or	23
(g)	becomes a mentally incapacitated person, or	24
(h)	is convicted—	25
(i)	in New South Wales of an offence punishable by imprisonment for 12 months or more, or	26 27
(ii)	elsewhere of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more.	28 29
<b>5</b>	<b>Filling of vacancy in office of appointed member</b>	30
	If the office of a member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	31 32
	<b>Note</b> — This Act, section 7(1) provides for the Minister to appoint members.	33
<b>6</b>	<b>Vacancy in office of chairperson or deputy chairperson</b>	34
	The chairperson or deputy chairperson vacates office as chairperson or deputy chairperson if the chairperson or deputy chairperson—	35 36
(a)	is removed from office by the Minister under this section, or	37
(b)	resigns the office by written instrument addressed to the Minister, or	38
(c)	ceases to be a member of the Board.	39

<b>7 Disclosure of pecuniary interests</b>	1
(1) This section applies if—	2
(a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and	3 4
(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.	5 6
(2) The member must, as soon as practicable after becoming aware of the relevant facts, disclose the nature of the interest at a meeting of the Board.	7 8
(3) Particulars of a disclosure made under this section must be recorded by the Board.	9
(4) The record must be made available to a person for inspection at all reasonable hours.	10
(5) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Board otherwise determines—	11 12
(a) be present during a deliberation of the Board about the matter, or	13
(b) take part in a decision of the Board about the matter.	14
(6) For the purpose of the making of a determination by the Board under subsection (5), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—	15 16 17
(a) be present during a deliberation of the Board for the purpose of making the determination, or	18 19
(b) take part in the making of the determination.	20
(7) A contravention of this section does not invalidate a decision of the Board.	21
<b>8 Effect of certain other Acts</b>	22
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	23 24
(2) If by or under any Act provision is made for either of the following, the provision does not operate to disqualify a person from holding the office and also the office of a member, or from accepting and retaining remuneration payable to the person under this Act as a member—	25 26 27 28
(a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of the office,	29 30
(b) prohibiting the person from engaging in employment outside the duties of the office.	31 32
<b>9 Personal liability</b>	33
A matter or thing done or omitted to be done by the Board or a member does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Act or another Act, subject a member personally to an action, liability, claim or demand.	34 35 36 37
<b>Part 2 Procedure</b>	38
<b>10 General procedure</b>	39
The procedure for the calling of meetings of the Board and for the conduct of business at the meetings must, subject to this Act, the regulations and the charter, be determined by the Board.	40 41 42

## Schedule 3 Dictionary

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<b>Schedule 4</b>	<b>Amendment of Acts</b>	1
<b>4.1</b>	<b>24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024 No 76</b>	2
		3
	<b>Schedule 1 Amendment of 24-Hour Economy Commissioner Act 2023 No 54</b>	4
	Omit the schedule.	5
<b>4.2</b>	<b>Entertainment Industry Act 2013 No 73</b>	6
<b>[1]</b>	<b>Section 4 Definitions</b>	7
	Omit section 4(1), definition of <i>performer</i> . Insert in alphabetical order—	8
	<i>performer</i> means a person who enters into an entertainment industry agreement with a performer representative, including the following persons—	9
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	(a) an acrobat,	11
	(b) an actor,	12
	(c) a dancer,	13
	(d) a DJ,	14
	(e) a musician,	15
	(f) a music producer,	16
	(g) a singer,	17
	(h) a songwriter.	18
<b>[2]</b>	<b>Section 5</b>	19
	Omit the section. Insert instead—	20
	<b>5 Performer representative</b>	21
	(1) In this Act, a <i>performer representative</i> is a person who is—	22
	(a) a performer representative class 1, known as a manager, or	23
	(b) a performer representative class 2, known as a booking agent.	24
	(2) A <i>performer representative class 1</i> means a person who, for financial benefit, provides or agrees to provide broad-based career and business management services to a performer, including advising on decisions relating to strategic planning, recording, publishing, touring, content creation, branding, merchandise and administration.	25
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	(3) A <i>performer representative class 2</i> means a person who, for financial benefit, provides or agrees to provide services for the negotiation or arrangement of performance engagements or endorsement agreements but does not provide ongoing broad-based management services.	30
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<b>4.3</b>	<b>Entertainment Industry Regulation 2020</b>	34
	<b>Section 4 Fees of performer representatives</b>	35
	Omit clause 4(1)(a) and (b). Insert instead—	36
	(a) for a performer representative class 1—	37
	(i) for a performance involving live theatre or a live musical or variety performance, being an engagement that does not involve	38
		39

film, television or electronic media—20% for a period up to 5 weeks and then 5% for a period after 5 weeks, and	1
(ii) otherwise—20%,	2
(b) for a performer representative class 2—	3
(i) for a performance involving live theatre or a live musical or variety performance, being an engagement that does not involve film, television or electronic media—10% for a period up to 5 weeks and then 5% for a period after 5 weeks, and	4
(ii) otherwise—10%.	5
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<b>4.4 Liquor Act 2007 No 90</b>	10
<b>[1] Section 130H Special entertainment precinct venues</b>	11
Omit section 130H(b). Insert instead—	12
(b) for a venue in a metropolitan area—at least 10 relevant events are held at the venue during a month, and	13
(c) for a venue in a regional area—at least 104 relevant events are held at the venue during a year.	14
	15
	16
<b>[2] Section 130L Special entertainment precinct venues and incentivised event venues</b>	17
Omit section 130L(3)(a). Insert instead—	18
(a) the precinct management plan for the special entertainment precinct in which the venue is located permits the extended trading hours, and	19
	20
<b>[3] Section 130L(4)</b>	21
Omit the subsection.	22
<b>[4] Section 130O Listed live music and performance venues</b>	23
Insert after section 130O(1)—	24
(1A) The Secretary may remove a venue from the list if the Secretary is satisfied the venue is not, or has ceased to be, eligible under section 130H.	25
	26
<b>[5] Section 130O(2)(c)</b>	27
Omit “the circumstances”. Insert instead “other circumstances”.	28
<b>4.5 Protection of the Environment Operations Act 1997 No 156</b>	29
<b>Section 322A</b>	30
Insert after section 322—	31
<b>322A Testing methodology for noise from certain outdoor entertainment activities</b>	32
(1) This section applies if a person is required by or under the following to test for noise from an outdoor entertainment activity for which the EPA is the appropriate regulatory authority under the regulations—	33
(a) the environment protection legislation,	34
(b) a licence or notice under the legislation,	35
(c) a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> .	36
	37
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(2)	The person must use the test methodology prescribed by the regulations for this section.	1 2
(3)	If a development consent in relation to premises on which an outdoor entertainment activity is conducted includes a condition specifying a test methodology to be used to conduct a test for noise to which this section applies, the condition ceases to have effect on the commencement of this section.	3 4 5 6 7
<b>4.6</b>	<b>Protection of the Environment Operations (General) Regulation 2022</b>	8
<b>[1]</b>	<b>Section 131 Pollution—testing methodology—the Act, Sch 2, cl 12</b>	9
	Omit section 131(3). Insert instead—	10
(3)	This section does not apply—	11
(a)	to testing referred to in section 131A, or	12
(b)	to a person who is acting in the administration or execution of the environment protection legislation.	13 14
<b>[2]</b>	<b>Section 131A</b>	15
	Insert after section 131—	16
<b>131A</b>	<b>Testing methodology for outdoor entertainment activities—the Act, s 322A</b>	17
(1)	For the Act, section 322A(2), the test methodology is a methodology specified in the Approved Methods that—	18 19
(a)	requires the measurement of the LAeq at periods of 5 minutes as a minimum, and	20 21
(b)	uses any other noise measurement descriptor.	22
(2)	In this section—	23
	<i>Approved Methods</i> means the <i>Approved Methods for the Measurement and Analysis of Environmental Noise in NSW</i> , prepared by the EPA and published in the Gazette, as in force from time to time.	24 25 26

## Schedule 5 Music Regulation 2026 1

### Part 1 Preliminary 2

#### 1 Name of regulation 3

This regulation is the *Music Regulation 2026*. 4

#### 2 Commencement 5

This regulation commences on the day on which the Act commences. 6

#### 3 Definition 7

In this regulation— 8

*the Act* means the *Music Act 2026*. 9

**Note**— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation. 10  
11

### Part 2 Board membership 12

#### 4 Eligibility requirements for members of Board 13

(1) Of the members appointed under the Act, section 7(1)(b)— 14

(a) at least 2 members must be artists, and 15

(b) at least one member must reside or work in regional New South Wales, or have demonstrated experience as an advocate for regional New South Wales, and 16  
17

(c) at least one member must have knowledge of, or experience in, contemporary music artist management, and 18  
19

(d) at least one member must have experience in a not-for-profit contemporary music organisation based in New South Wales, and 20  
21

(e) at least one member must be an Aboriginal or Torres Strait Islander person, and 22  
23

(f) at least one member must have experience in community radio, and 24

(g) the other members must have skills or experience the Minister considers relevant to the functions of the Board. 25  
26

(2) At least one of the members must be a current member of the Media, Entertainment and Arts Alliance. 27  
28

(3) In this section— 29

*artist* means a professional songwriter, musician, DJ or recording artist who— 30

(a) has at least 3 years professional experience in the creation, performance or recording of music, and 31  
32

(b) either— 33

(i) has a demonstrable body of work as a professional songwriter, musician, DJ or recording artist, or 34  
35

(ii) has otherwise made a significant contribution to the contemporary music industry. 36  
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## **Part 3    Miscellaneous**

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### **5    Meaning of “dispute”—the Act, s 15**

2

For the Act, section 15(2), a dispute does not include the following—

3

(a)    the issuing of a penalty notice,

4

(b)    the prosecution of an offence.

5