

c2019-194D  
OPP--OPPOSITION

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**LEGISLATIVE COUNCIL**

**Music Festivals Bill 2019**

**First print**

**Proposed amendments**

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- No. 1      **Consequential amendment—meaning of music festival**  
Page 2, proposed section 3, lines 13–15. Omit all words on those lines.
- No. 2      **Nominated festival**  
Page 2, proposed section 3, line 21. Omit “high-risk”. Insert instead “nominated”.
- No. 3      **Nominated festivals**  
Page 2, proposed section 3, lines 23 and 24. Omit all words on those lines.
- No. 4      **Meaning of music festival**  
Page 2, proposed section 3, lines 33–40. Omit all words on those lines. Insert instead—  
*music festival* means an event—  
(a) that has performances by at least 6 acts, being a series of persons or groups that are engaged to—  
    (i) play or perform to live or pre-recorded music, or  
    (ii) provide another form of musical or live entertainment, and  
(b) that is held within a defined area, and  
(c) that is held on at least 1 full day, being advertised as no less than 8 hours in duration, and  
(d) that requires a stage to be erected, or a performance area to be created, specifically for the event, and  
(e) for which the staging of the event and all associated advertising is not dependent on 1 or 2 headline acts.
- No. 5      **Meaning of music festival organiser**  
Page 2, proposed section 3, lines 41 and 42. Omit all words on those lines. Insert instead—  
*music festival organiser*, for a music festival, means the person or other entity noted on the public liability insurance policy provided to—  
(a) the owner or other person in charge of the premises on which the festival is to be held, or  
(b) the local council for the area in which the festival is to be held.  
*music festival roundtable*—see Part 4.

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- No. 6      **Nominated festivals**  
Page 2, proposed section 3. Insert after line 42—  
*nominated festival* means a music festival that, under section 5, ILGA decides would be more appropriately delivered with an approved safety management plan.
- No. 7      **Consequential amendment—meaning of music festival**  
Page 3, proposed section 3, line 1. Omit all words on the line.
- No. 8      **Nominated festivals**  
Page 4, proposed section 5, line 3. Omit “high-risk”. Insert instead “nominated”.
- No. 9      **Nominated festivals**  
Page 4, proposed section 5, line 4. Omit “is a high-risk festival”. Insert instead “would be more appropriately delivered with a safety management plan under this Act”.
- No. 10     **Nominated festivals**  
Page 4, proposed section 5, line 7. Omit “is a high-risk festival”. Insert instead “would be more appropriately delivered with a safety management plan under this Act”.
- No. 11     **Consultation with music festival roundtable**  
Page 4, proposed section 5. Insert after line 8—  
(b) any advice from the music festival roundtable,
- No. 12     **Nominated festivals**  
Page 4, proposed section 5, line 16. Omit “is not a high-risk festival”. Insert instead “would be more appropriately delivered without a safety management plan under this Act”.
- No. 13     **Nominated festivals**  
Page 4, proposed section 6, line 26. Omit “high-risk”. Insert instead “nominated”.
- No. 14     **Nominated festivals**  
Page 5, proposed section 6, line 12. Omit “high-risk”. Insert instead “nominated”.
- No. 15     **Timeliness of approval of safety management plans**  
Page 5, proposed section 6, line 15. Insert “, at least 14 days before the festival is to be held,” after “ILGA must”.
- No. 16     **Nominated festivals**  
Page 5, proposed section 6, line 17. Omit “high-risk”. Insert instead “nominated”.
- No. 17     **Delegation of ILGA’s functions**  
Page 5, proposed section 6. Insert after line 19—  
**Note.** Under section 13 of the *Gaming and Liquor Administration Act 2007*, ILGA may delegate the exercise of any of its functions to a member of ILGA, certain Public Service employees, a committee of ILGA or a person of a class prescribed by the regulations.
- No. 18     **Nominated festivals**  
Page 5, proposed section 7, line 21. Omit “high-risk”. Insert instead “nominated”.
- No. 19     **Nominated festivals**  
Page 5, proposed section 8, line 28. Omit “high-risk”. Insert instead “nominated”.
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- No. 20      **Nominated festivals**  
Page 5, proposed section 8, line 30. Omit “high-risk”. Insert instead “nominated”.
- No. 21      **Nominated festivals**  
Page 5, proposed section 9, line 38. Omit “high-risk”. Insert instead “nominated”.
- No. 22      **Nominated festivals**  
Page 6, proposed section 10, line 3. Omit “high-risk”. Insert instead “nominated”.
- No. 23      **Nominated festivals**  
Page 6, proposed section 10, line 8. Omit “high-risk”. Insert instead “nominated”.
- No. 24      **Nominated festivals**  
Page 6, proposed section 10, lines 23. Omit “high-risk”. Insert instead “nominated”.
- No. 25      **Nominated festivals**  
Page 6, proposed section 11, line 25. Omit “high-risk”. Insert instead “nominated”.
- No. 26      **Nominated festivals**  
Page 6, proposed section 11, line 30. Omit “high-risk”. Insert instead “nominated”.
- No. 27      **Requirement to keep incident register**  
Page 7, proposed section 11. Insert after line 16—  
    (5) To avoid doubt, the requirement to keep an incident register under this section for a nominated festival is in addition to any requirement under the following Acts to keep an incident register in relation to the festival—  
        (a) the *Liquor Act 2007*,  
        (b) the *Security Industry Act 1997*.
- No. 28      **Music festival roundtable**  
Page 8. Insert after line 16—

## **Part 4    Music festival roundtable**

### **Division 1    Establishment, functions and membership**

#### **13    Minister must establish music festival roundtable**

The Minister must establish a music festival roundtable.

#### **14    Functions of music festival roundtable**

The functions of the music festival roundtable are—

- (a) to support the growth of the music festival industry in the State, and
- (b) to support the safety of patrons of music festivals by—
  - (i) conducting reviews of regulatory schemes that are relevant to music festivals, and
  - (ii) providing advice to government and industry about best practice in relation to the safe operation of music festivals, and
- (c) to conduct reviews of legislation, reports, advice and other matters that are relevant to the operation of music festivals, and
- (d) to address any unforeseen consequences from the enactment of this Act.

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## **15 Membership of music festival roundtable**

The members of the music festival roundtable are—

- (a) 10 members chosen by the Minister to represent the Government including, for example, members chosen to represent the following—
  - (i) the Department of Premier and Cabinet,
  - (ii) the Ministry of Health,
  - (iii) Ambulance Service of NSW,
  - (iv) the NSW Police Force,
  - (v) Liquor and Gaming NSW,
  - (vi) the Department of Planning, Industry and Environment,
  - (vii) Transport for NSW,
  - (viii) Destination NSW,
  - (ix) Create NSW, and
- (b) 10 industry representatives, being—
  - (i) 4 members nominated by the Australian Festival Association, and
  - (ii) 1 member nominated by APRA AMCOS, and
  - (iii) 1 member nominated by MusicNSW, and
  - (iv) 1 member nominated by Live Performance Australia, and
  - (v) 1 member nominated by Local Government NSW, and
  - (vi) 1 member nominated by the Australian Recording Industry Association (ARIA), and
  - (vii) 1 member nominated by Unions NSW.

## **Division 2 Operation of music festival roundtable**

### **16 Co-chairs of music festival roundtable**

The music festival roundtable is to be co-chaired by—

- (a) a member referred to in section 15(a) chosen by the Minister, and
- (b) a member referred to in section 15(b) chosen by the industry representatives referred to in that paragraph.

### **17 Meetings**

- (1) The music festival roundtable is to meet—
  - (a) in March and August in each year, and
  - (b) on at least 2 other occasions in each year.
- (2) At least 1 meeting of the music festival roundtable in a year is to be held at a music festival site.

### **18 Reporting**

- (1) The music festival roundtable must, within 4 months after 30 June in each year—
  - (a) prepare a report on the activities of the roundtable during the year ended on that 30 June, and
  - (b) give the report to the Minister.
- (2) The Minister must ensure a copy of the report is—
  - (a) published on an appropriate government website, and
  - (b) tabled in each House of Parliament within 1 month after receiving it.

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**19 Review of operation of Act**

- (1) The music festival roundtable is to review the operation of this Act in relation to music festivals held between the commencement of this Act and 30 April 2020.
- (2) The review is to be undertaken as soon as practicable after 30 April 2020.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament by 30 June 2020.

No. 29 **Review of objectives of Act**

Page 9. Insert before line 2—

**13 Review of objectives of Act**

- (1) The Minister is to review this Act to determine whether—
  - (a) the policy objectives of the Act remain valid, and
  - (b) the terms of the Act remain appropriate for securing the objectives.
- (2) The review is to be undertaken as soon as practicable after the period of 5 years from the commencement of this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

No. 30 **Long title**

Omit “high-risk”. Insert instead “nominated”.

