

# MUSIC FESTIVAL ROUNDTABLE



## Report of the activities of the Music Festival Roundtable

Report of the Music Festival Roundtable .....	1
1. Background .....	2
2. Legislative framework .....	2
3. Review of the operation of the Roundtable .....	3
4. Meeting dates .....	3
5. Governance .....	4
6. Attendance .....	4
7. Topics discussed .....	5
8. Impact of bushfires and COVID-19 pandemic .....	6
9. Outcomes achieved .....	6
9.1 Review of the operation of the Act .....	6
9.2 Publishing Roundtable outcomes .....	7
9.3 Recovery from bushfires and COVID-19 .....	7
9.4 Understanding harm minimisation .....	7
9.5 Streamlining regulatory requirements .....	7
9.6 Increasing transparency .....	8
10. Future activities .....	8

## 1. Background

On 21 November 2019, the NSW Government commenced the Music Festivals Act 2019 (“the Act”). Under the Act, organisers of high-risk music festivals are required to prepare a Safety Management Plan that must be approved by the Independent Liquor & Gaming Authority (ILGA) before the event can take place.

Alongside this more rigorous regulatory framework, the Act additionally requires the Minister for Customer Service to establish the Music Festival Roundtable to support the growth of the music festival industry in NSW and the safety of patrons in attendance.

The Roundtable gives government agencies, lawmakers, regulators and industry stakeholders the opportunity to strengthen relationships, share information, address members’ priorities and tackle emerging issues impacting music festivals in NSW.

It also provides a forum for conducting reviews of regulatory schemes relevant to music festivals and providing strategic advice to government and industry on best practice for the safe operation of music festivals, in pursuit of optimal outcomes for patrons, the festival industry and its regulators.

## 2. Legislative framework

The Act sets out the establishment, functions, membership and operation of the Music Festival Roundtable under Part 4, Divisions 1 and 2.

Section 13 states that the Minister must establish the Music Festival Roundtable.

Under section 14, 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.

Under section 15 of the Act, the members of the Music Festival Roundtable are:

- (a) 10 members chosen by the Minister to represent the Government including:
  - (i) 1 member from the Department of Premier and Cabinet
  - (ii) 2 members from the Ministry of Health
  - (iii) 1 member from Ambulance Service of NSW
  - (iv) 1 member from the NSW Police Force

- (v) 1 member from Liquor & Gaming NSW
- (vi) 1 member from the Department of Planning, Industry and Environment
- (vii) 1 member from Transport for NSW
- 1 member from Destination NSW
- 1 member from Create NSW, and
- (b) 10 industry representatives, being:
  - (i) 4 members nominated by the Australian Festival Association
  - (ii) 1 member nominated by APRA AMCOS
  - (iii) 1 member nominated by MusicNSW
  - (iv) 1 member nominated by Live Performance Australia
  - (v) 1 member nominated by Local Government NSW
  - (vi) 1 member nominated by the Australian Recording Industry Association, and
  - (vii) 1 member nominated by Unions NSW.

Section 16 states that the Music Festival Roundtable is to be co-chaired by:

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

### **3. Report of the activities of the Roundtable**

Section 18 of the Act states:

- (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  
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.

This report outlines the activities of the Roundtable from 21 November 2019 to 30 June 2020.

### **4. Meeting dates**

Section 17 of the Act states that:

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



At commencement the Roundtable Co-Chairs and members planned for the first meeting to be held on 4 December 2019, and then four meetings in 2020 to be held on 27 March, 24 July, 12 August and 5 November 2020. However, in early 2020 with the onset of the COVID-emergency a decision was made to suspend and reschedule meeting dates.

As a result, the 27 March meeting which was planned to be face to face did not proceed. The meeting to be held in July on-site at 'Splendour In The Grass' had to be abandoned as the festival could not go ahead and was rescheduled for 29 May 2020, and held online. The 12 August and 5 November meetings went ahead as planned, online.

## 5. Governance

In the first two Music Festival Roundtables, members agreed upon, among other things the governance and administration arrangements.

As required by section 16 of the Act, industry and government co-chairs were nominated. Industry members unanimously nominated Ms Julia Robinson, General Manager, Australia Festivals Association, as the industry co-chair. The Minister approved Mr John Tansey, Executive Director Policy & Strategy of the Better Regulation Division as the government Co-Chair.

Terms of Reference for the Roundtable were created and endorsed by Roundtable members. These are publicly available on the Liquor & Gaming NSW website at: [https://www.liquorandgaming.nsw.gov.au/data/assets/pdf\\_file/0013/311125/Terms-of-Reference-Music-Festival-Roundtable-endorsed.pdf](https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0013/311125/Terms-of-Reference-Music-Festival-Roundtable-endorsed.pdf)

In a survey for the review of the operation of the *Music Festivals Act 2019*, Roundtable members generally reported that L&GNSW had supported the Roundtable well.

## 6. Attendance

Attendance from member organisations at the Roundtable meetings is set out below.

Member Organisation	Dec 2019 Roundtable	May 2020 Roundtable
NSW Department of Premier & Cabinet	Y	Y
NSW Ministry of Health (two representatives)	Y	Y
Ambulance Service of NSW	Y	Y
NSW Police Force	Y	Y
Liquor & Gaming NSW	Y	Y
Department of Planning, Industry & Environment	N	Y

Transport for NSW	Y	Y
Destination NSW	Y	Y
Create NSW	Y	Y
NSW Rural Fire Service*	-	Y
Australian Festivals Association (four representatives)	Y	Y
APRA AMCOS	Y	Y
MusicNSW	Y	Y
Live Performance Australia	Y	Y
Local Government NSW	Y	Y
Australian Recording Industry Association	Y	Y
Unions NSW	Y	Y

\* At the first Roundtable members additionally requested that a representative of either NSW Rural Fire Service or NSW Fire & Rescue receive a standing invitation to the Music Festival Roundtable. This invitation as extended to NSW Rural Fire Service.

## 7. Topics discussed

Member	Topic	Presenter
December 2019	Governance and administration for the Roundtable: <ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Meeting dates</li> <li>• Nomination of agenda items</li> <li>• Publication of meeting outcomes</li> <li>• Attendance of non-members</li> </ul>	Government co-chair
	Topical issues for the upcoming festivals season: <ul style="list-style-type: none"> <li>• Liquor &amp; Gaming NSW Operational Update</li> <li>• Health Operational Update</li> <li>• Police Operational Update</li> <li>• Festivals Industry Update and Issues</li> </ul>	Liquor & Gaming NSW NSW Health NSW Police Australian Festival Association
	Roundtable review under section 19 of the <i>Music Festivals Act 2019</i>	Government co-chair
May 2020	Government response to the Coroner's findings of the coronial inquest into the death of six patrons of NSW music festivals	NSW Department of Premier & Cabinet
	How to best support the future of music festivals <ul style="list-style-type: none"> <li>• Strategic planning</li> <li>• Health guidance</li> <li>• 'Gates Open' document</li> </ul>	Industry co-chair  Australian Festival Association NSW Health Australian Festival Association



Member	Topic	Presenter
	Music festivals red-tape review	Government co-chair
	Information sources for intelligence reports	Liquor & Gaming NSW
	Update on harm minimisation work of NSW Users and AIDS Association (NUAA) and DanceWize	DanceWize

## 8. Impact of bushfires and COVID-19 pandemic

The operation of the Music Festival Roundtable between 21 November 2019 and 30 June 2020 was impacted by a devastating bushfire season in 2019-2020 and then the COVID-19 pandemic in 2020.

A number of music festivals scheduled to be held in late 2019 and early 2020 were cancelled due to the NSW bushfire crisis, including some that had been deemed high-risk by ILGA. This was further compounded by the arrival of the COVID-19 pandemic, which resulted in all mass gatherings, including music festivals, being cancelled or postponed under the NSW Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 made on 23 March 2020.

For the time being music festivals remain restricted under the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 2020. The order states that premises may not be used for the purpose of a music festival within the meaning of the *Music Festivals Act 2019*, including those attended by more than 500, but less than 2,000, persons.

Festivals that were cancelled and had obtained a limited liquor licence have had their licence fees refunded. Festivals operating under an on-premises or caterer's licence have had their annual liquor licence fees waived. All new liquor licence fees until March 2021 have also been waived.

While music festivals make a significant contribution to NSW's entertainment scene and economy, community safety must come first and any easing of restrictions by the NSW Government is subject to expert health advice and evidence.

## 9. Outcomes achieved

Two meetings were held in the reportable period from 21 November 2019 to 30 June 2020. While acknowledging the impact of the bushfires and COVID-19, the Roundtable has some key achievements to report on.

### 9.1 Review of the operation of the Act

Section 19 of the Act requires that:

- (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.

The Music Festival Roundtable completed the review of the *Music Festivals Act 2019* and it is publicly available for download at: <https://www.parliament.nsw.gov.au/tp/files/77794/Review%20of%20the%20operation%20of%20the%20Music%20Festivals%20Act%202019.pdf>

## **9.2 Publishing Roundtable outcomes**

At the first Roundtable it was agreed that outcomes from each Roundtable would be made publicly available. These are available on the Liquor & Gaming NSW website at: <https://www.liquorandgaming.nsw.gov.au/resources/music-festival-roundtable-publications>

## **9.3 Recovery from bushfires and COVID-19**

Roundtable members agreed to continue to work closely with industry stakeholders following the bushfires and COVID-19. The Music Festival Roundtable has provided a platform for the building of these relationships and discussions on how best to support the future of music festivals. It was agreed that the Roundtable network would be utilised to assist the industry in developing a plan to ensure the safety of patrons and support the music festival sector's recovery.

## **9.4 Understanding harm minimisation**

The Roundtable has been keen to learn more about approaches to harm minimisation in the festival environment. It heard from harm reduction organisation NSW Users and AIDS Association (NUAA) about its DanceWise NSW program to reduce drug-related harms at music festivals in 2019-20.

## **9.5 Streamlining regulatory requirements**

At the Roundtable, Industry members raised concerns that there was a lack of clarity on regulatory processes and potential gaps and overlaps in the regulatory framework covering music festivals. These members advocated for a single guide that clearly outlines regulatory requirements and approval processes.

The Roundtable agreed that a Safety Management Plan template would be developed to provide additional guidance for festival organisers. It was also agreed that a regulatory mapping audit be undertaken to identify regulatory touchpoints and intersections for music festivals and potential process improvements.



These actions have been progressed in the 2020-2021 and will be reported on in the next financial year.

## **9.6 Increasing transparency**

The Roundtable discussed the information sources utilised for the identification of music festivals under the *Music Festivals Act 2019*, including the efficacy and use of media reports. It was agreed that the review of the Act would address some of these issues and to consider available information sources further at a future Roundtable meeting.

The Department of Premier and Cabinet presented the NSW Government response to the Coroner's findings of the coronial inquest into the death of six patrons of NSW music festivals, which was released shortly after the inaugural Roundtable meeting. It was resolved that the Roundtable members discuss emerging matters and issues in preparedness for any future responses and reviews relevant to the Roundtable prior to public release.

## **10. Future activities**

The themes identified by the Music Festival Roundtable in these first two meetings have been the focus of future Roundtables, and additional work and workshops have been undertaken outside of the Roundtable meetings to assist with expediting agreed actions.

As the global pandemic continues, the focus of the Roundtable is on planning for the re-emergence of music festivals in NSW in a COVID-safe way.

In addition, significant work has been undertaken to assist with streamlining regulatory requirements and developing a Safety Management Plan template.

Once the NSW Government response to the Review of the *Music Festivals Act 2019* is available, the Roundtable will consider appropriate approaches to the recommendations which are supported by the Government.

Roundtable members have expressed interest in engaging further between meetings, to establish a dialogue with each other and more two-way feedback loops.