

Report on the activities of the Music Festival Roundtable for the year ending 30 June 2021

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1. Background

On 21 November 2019, the NSW Government commenced the *Music Festivals Act 2019* (“the Act”). Under the Act, organisers of some 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 (“the Roundtable”) to support the growth of the music festival industry in NSW and the safety of patrons in attendance. The Act sets out the establishment, functions, membership and operation of the Roundtable. (See Appendix A for legislative provisions relevant to the Roundtable).

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.

This report outlines the activities of the Roundtable from 1 July 2020 to 30 June 2021 (“the reporting period”), as required by section 18 of the Act.

2. Impact of the COVID-19 pandemic

Both the music festival sector and the operation of the Roundtable were impacted by the COVID-19 pandemic and the NSW Government’s Public Health Orders throughout the reporting period.

Almost all music festivals throughout the period were cancelled or rescheduled, including throughout the normally busy Summer period. As locally transmitted COVID-19 case numbers in NSW reduced during early 2021, restrictions under the Public Health Orders eased and some large scale public events were held. Event organisers could apply to NSW Health for, and obtain, exemptions from public gathering limits to hold an event under an approved COVID-Safe plan. This was an additional requirement to the pre-COVID regulatory requirements that still applied to music festivals. Few music festivals were held during the remaining months of the reporting period, given the long lead time to organise music festivals and the ongoing risk of further COVID-19 outbreaks.

The Roundtable discussed two music festivals during this period. After obtaining an exemption from NSW Health, Bluesfest was cancelled on 31 March 2021, one day prior to its scheduled commencement, following COVID-19 transmission in the Byron Bay area. Yours & Owls obtained an exemption and successfully held their event in Wollongong on 17-18 April 2021, segregating the audience into four separate zones to limit risk of COVID-19 transmission.

Despite the limited number of music festivals being held during the reporting period, the Roundtable continued to meet. There was a significant focus on COVID-19, including addressing the future of music festivals post-COVID-19. Roundtable members noted the very significant, detrimental impact of COVID-19 on the sector, noted the differences in restrictions between states and territories and that confidence amongst music festival organisers and patrons was affected. The Roundtable noted that discussions were occurring between industry and Government to consider how festivals may be able to operate in 2021 while COVID-19 is still present in the community.

In June 2021, the outbreak of the highly transmissible Delta COVID-19 variant in Sydney resulted in the reimposition of significant restrictions in Public Health Orders (including stay-at-home orders for Sydney), resulting in the cancellation, rescheduling or relocation of most large-scale public events planned for the remainder of 2021.

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. The NSW Government has indicated vaccination rates are critical to recommencing large scale public events such as music festivals.

3. Governance

There were no significant changes to the co-chairs under section 16 of the Act or other Governance arrangements introduced in the previous reporting period. Mr John Tansey from the Better Regulation Division of the Department of Customer Service (representing Liquor & Gaming NSW) remained as the Government co-chair and Ms Julia Robinson from Australian Festival Association remained as the industry co-chair.

The Terms of Reference for the Roundtable were unchanged during the reporting period and are publicly available on the Liquor & Gaming NSW website at https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0010/868420/Terms-of-Reference-Music-Festival-Roundtable-endorsed.pdf.

4. Meeting dates & attendance

There were four Roundtable meetings held during the reporting period, as required by section 17 of the Act:

- 12 August 2020 (online)
- 19 March 2021 (online)
- 5 November 2020 (online)
- 19 May 2021 (online and face-to-face)

Due to the COVID-19 pandemic and related Public Health Order restrictions impacting members' ability to meet in person, all meetings were held online with the final meeting involving some members meeting in person. It was not possible to hold a meeting at a music festival site, as required by section 17(2) of the Act. Attendance by member organisations (listed in section 15 of the Act) at the Roundtable meetings is set out Appendix B.

5. Topics discussed

| Meeting | Topic | Presenter |
|-----------------|---|---|
| 12 August 2020 | Safety Management Plan template | Liquor & Gaming NSW |
| | Process for determining a festival as 'high risk' | Independent Liquor & Gaming Authority |
| | Key trends in health-related data and harm reduction measures | NSW Health |
| | COVID-safe framework and roadmap for the return of music festivals | Industry co-chair – Australian Festival Association |
| 5 November 2020 | Consultation for Safety Management Plan | Liquor & Gaming NSW |
| | Drug use in Australia including trends among young people | NSW Health |
| | NSW Festival Landscape Research project | Industry co-chair – Australian Festival Association |
| | Future of music festivals 'post-COVID' | Industry co-chair – Australian Festival Association |
| | Regulatory Mapping Workshop | Government co-chair – Liquor & Gaming NSW |
| 12 March 2021 | NSW Government Response to the review of the Music Festivals Act 2019 | Government co-chair – Liquor & Gaming NSW |
| | Live Entertainment Business Interruption Fund | Live Performance Australia |
| | Collaboration with 24hr Economy Commissioner | Local Government NSW |
| | Development of Planning Guide for the music festival industry | Government co-chair – Liquor & Gaming NSW |
| | Liquor Licensing for festival organisers | Liquor & Gaming NSW |
| | Safety Management Plan templates | Liquor & Gaming NSW |
| 19 May 2021 | 'Yours & Owls' presentation on impact of COVID-19 | Yours & Owls |
| | Sexual health and safety at music festivals | Industry co-chair – Australian Festival Association |
| | Skills shortage in the industry | Industry co-chair – Australian Festival Association |
| | International artists and quarantine requirements | Live Performance Australia |
| | COVID-19 restrictions roadmap | NSW Health |
| | Safety management plan templates – industry consultation | Liquor & Gaming NSW |
| | Guide for music festival organisers | Liquor & Gaming NSW |

At the first Roundtable it was agreed that outcomes from each Roundtable would be made publicly available. This continued during the reporting period. Roundtable outcomes are available on the Liquor & Gaming NSW website at:

<https://www.liquorandgaming.nsw.gov.au/resources/music-festival-roundtable-publications>

6. Outcomes achieved

While acknowledging the impact of COVID-19, the Roundtable has some key achievements to report on.

6.1 Streamlining regulatory requirements

At previous Roundtable meetings, 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 held two out-of-session workshops on 18 September 2020 and 23 November 2020 to map the music festival regulatory requirements and approval processes across government agencies. It also assisted member to understand the regulatory landscape as an initial step towards making the process as smooth as possible for the music festival industry.

The Better Regulation Division of the Department of Customer Service (Liquor & Gaming NSW) has commenced drafting the guide to the regulatory processes to support the music festival industry. The Roundtable and stakeholders will have the opportunity to provide feedback. The final guide will be published online and circulated to Roundtable members and stakeholders.

The Roundtable also identified the need for a template for the Safety Management Plan (SMP) to assist organisers of music festivals subject to the requirement to prepare a SMP for approval by the Independent Liquor & Gaming Authority (ILGA) before the event can take place. The Better Regulation Division of the Department of Customer Service (Liquor & Gaming NSW) is developing the SMP template, incorporating industry and stakeholder feedback under a consultation plan, which included formal industry consultation via an online forum hosted by Liquor & Gaming NSW on 15 June 2021 and an online survey.

The Roundtable's Review of the *Music Festivals Act 2019* was formally tabled in the NSW Parliament by Minister Dominello on 30 June 2020, including recommendations for further streamlining regulatory requirements. The Review of the *Music Festivals Act 2019* 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>

During the reporting period, Roundtable members were updated as work progressed on the Government response. Members were also provided the opportunity to provide out of session feedback on the draft response to the recommendations prior to being put forward to

government for formal consideration. Resulting actions to streamline regulatory requirements will be progressed during 2021-22 and will be reported in the next financial year.

6.2 Liquor licencing for festival organisers

To support the industry, festivals cancelled due to COVID-19 which 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 were also waived.

At the March 2021 Roundtable meeting, Liquor & Gaming NSW outlined a new approach for liquor licencing for festival organisers. It was noted that consolidated licence conditions apply for new, on-premises (catering services) licences. It was noted this will reduce cost, duplication of processes and simplify the process for music festival organisers.

6.3 Yours & Owls Festival presentation

At the May 2021 Roundtable meeting Adam Smith and Ben Tillman from Yours and Owls presented a case study of their festival on 17-18 April 2021 and the impact of COVID-19 restrictions. Adam and Ben shared a timeline for the lead up to the festival which involved many changes to their event in response to the changing COVID-19 pandemic. Their COVID-safe festival format involved four independent mini festivals zones within the larger festival site to keep the crowd separate and minimise opportunities for large-scale COVID-19 transmission. There were two central rotating stages which could be viewed by all attendees. Crowds had allocated seating and were allowed to dance in front of their chair.

Industry's learnings from the case study included the need for more interdepartmental discussion for the return of large festivals to resolve conflicting regulatory requirements. The industry also proposed Government-backed insurance for festivals. Positive outcomes from the festival included stakeholder support, medical statistics showing the number of transportations was lower than in previous years and a renewed confidence in the community to purchase tickets and attend music festivals.

7. Future activities

As the global pandemic continues, the immediate focus of the Roundtable is on planning for the re-emergence of music festivals in NSW in a COVID-safe way. The outbreak of the Delta COVID-19 variant throughout Sydney and many parts of NSW has significantly impacted the music festival sector's ability to hold events during the 2021-2022 festival season and has also impacted on the Roundtable's ability to meet.

Nonetheless, the Roundtable expects to finalise work on the guide outlining regulatory requirements and approval processes, the work on the Safety Management Plan template and to consider further opportunities for streamlining regulatory requirements.

When the NSW Government's response to the Review of the *Music Festivals Act 2019* is settled, the Roundtable is expected to be involved in implementation of supported actions.

Appendix A – *Music Festival Act 2019* relevant provisions

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.

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.

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.

Appendix B – Meeting attendance

All members receive the meeting agendas and minutes, even if they are unable to attend a meeting.

| Member Organisation | Aug 2020 | Nov 2020 | March 2021 | May 2021 |
|--|----------|----------|----------------|----------|
| NSW Department of Premier and Cabinet | Y | Y | Y | Y |
| NSW Ministry of Health (two representatives) | Y | Y | Y | Y |
| Ambulance Service of NSW | Y | Y | Y | Y |
| NSW Police Force | Y | Y | Y | Y |
| Liquor & Gaming NSW | Y | Y | Y | Y |
| NSW Department of Planning, Industry and Environment | N | N | N | Y |
| Transport for NSW | N | N | N | N |
| Destination NSW | Y | Y | Y | Y |
| Create NSW | Y | Y | Y | Y |
| NSW Rural Fire Service* | N | N | N | Y |
| Australian Festival Association (four representatives) | Y | Y | Y (three only) | Y |
| APRA AMCOS | Y | Y | Y | Y |
| MusicNSW | Y | N | Y | Y |
| Live Performance Australia | Y | Y | Y | Y |
| Local Government NSW | Y | Y | Y | Y |
| Australian Recording Industry Association | Y | Y | Y | N |
| Unions NSW | Y | Y | Y | N |

* 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. An invitation is extended to NSW Rural Fire Service.