

Music Festival Roundtable Terms of Reference

1. Background

The festival industry is vibrant but complex. It brings together artists, local communities, a huge range of technical workers with highly specialised expertise, health and safety workers, security, and of course festival-goers. For each festival, months of highly coordinated work and planning culminate in the event - a short concentrated period of intense activity where stakes are high and margins are very tight. With so many integral moving parts making up this festival ecosystem, collaboration and open communication between stakeholders, government, police and regulators is key.

There are a wide variety of festivals in NSW. All festivals, as with any large public gathering, carry risks. General societal trends can be magnified with the concentration of a narrow demographic profile, which can lead to increased risk. The concentration can also provide an opportunity to monitor, manage and better understand this risk.

Festivals make significant cultural and economic contributions to NSW and meaningful collaboration is the only way to ensure the continued success of the industry, and that events offer the best safety outcomes for our community.

2. Purpose of Roundtable

The Music Festival Roundtable was established under the *Music Festivals Act 2019*. The Roundtable's purpose is to give 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 will also provide 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.

The Roundtable meetings will increase effective collaboration between government and key stakeholders around music festivals held in NSW through:

- providing a forum for related information sharing;
- discussing key policy and regulatory issues, including any potential regulatory and legal gaps and overlaps;

- undertaking environment scanning so members are informed about the emerging issues for both industry and non-industry stakeholders; and
- providing a mechanism for strengthening relationships and building trust with the open lines of communication facilitated by the roundtable, government, police and the festival industry will be better able to anticipate issues (public health/law enforcement etc) before they manifest, and put in place more effective and coordinated preventative measures.

3. Function of Roundtable

The functions of the Music Festival Roundtable are:

1. to support the growth of the music festival industry in the State, and
2. to support the safety of patrons of music festivals by
 - a. CONDUCTING reviews of regulatory schemes that are relevant to music festivals, and
 - b. providing advice to government and industry about best practice in relation to the safe operation of music festivals, and
3. to conduct reviews of legislation, reports, advice and other matters that are relevant to the operation of music festivals, and
4. to address any unforeseen consequences from the enactment of this Act

4. Membership

Membership requirements for the Roundtable are specified under section 15 of the *Music Festivals Act 2019*. The members of the music festival roundtable are:

- (a) 10 members chosen by the Minister to represent the Government including:
 - a. 1 member from the Department of Premier and Cabinet,
 - b. 2 members from the Ministry of Health,
 - c. 1 member from Ambulance Service of NSW,
 - d. 1 member from the NSW Police Force,
 - e. 1 member from Liquor & Gaming NSW,
 - f. 1 member from the Department of Planning, Industry and Environment,
 - g. 1 member from Transport for NSW,
 - h. 1 member from Destination NSW,
 - i. 1 member from Create NSW, and
- (b) 10 industry representatives, being—
 - a. 4 members nominated by the Australian Festival Association, and
 - b. 1 member nominated by APRA AMCOS, and
 - c. 1 member nominated by MusicNSW, and
 - d. 1 member nominated by Live Performance Australia, and
 - e. 1 member nominated by Local Government NSW, and
 - f. 1 member nominated by the Australian Recording Industry Association (ARIA), and
 - g. 1 member nominated by Unions NSW.

Membership Consistency & Level

To maximise efficacy of the Roundtable, every effort should be made to maintain consistent participation of members and reduce the use of proxies. Should a proxy be required, the member should allocate a participant of the same (or higher), level, rank or seniority of the participant.

Other Parties

Participation in the Roundtables by other parties will be by invitation only. Other participants may consist of representatives from government agencies, the festival, music and live performance industry, industry associations, or any additional stakeholder groups or technical experts, as needed, considering the agenda and priorities of the group.

Members may recommend Other Parties to the secretariat for the co-chairs' consideration. Attendance of Other Parties may be confirmed by unanimous agreement from both co-chairs.

5. Role of Participants

To achieve Roundtable objectives, participants are expected to:

- contribute honestly and in the spirit of open and effective collaboration;
- have reasonable expectations about the opportunities and limitations embodied by the Roundtable
- acknowledge that the NSW Government may make decisions that do not align with the views of each stakeholder, and that government members may not be able to express views about merits of certain policy proposals without first seeking the views of the NSW Government
- be prepared for meetings by reading/reviewing all relevant documentation

6. Role of the Co-Chairs, and Secretariat

Role of the Co-Chairs

The Roundtable will be co-chaired by a government representative and a nominated industry representative. The Co-Chairs are members of the Roundtable that are responsible for:

- holding meetings in line with requirements under the *Music Festivals Act 2019* and the Roundtable's Terms of Reference
- approving each Roundtable agenda and ensuring all items are discussed
- ensuring each Roundtable meeting runs on time
- leading the group and facilitating discussion when required
- inviting and approving any non-member participants to Roundtable meetings (for example, relevant advisors or experts involved in discussion of agenda items)
- providing final approval of any publicly distributed reports or other documentation from the meeting
- providing any advice to ILGA under the *Music Festivals Act 2019* regarding the identification of high-risk festivals
- reviewing the minutes before being circulated to the broader group.

Role of the Secretariat

Meeting support and administration will be provided and managed by NSW Government. This will include:

- the preparation of meeting briefing documents using submissions by Co-Chairs on behalf of members
- circulation of meeting briefing documents not less than seven (7) days prior to the scheduled meeting date*
- meeting scheduling and venue coordination including catering and technical requirements
- post-meeting reporting and paperwork preparation using submissions by Co-Chairs on behalf of members
- preparation of annual reporting documents based on submissions by Co-Chairs on behalf of members

* When this is not possible, participants will be informed of the estimated delivery date of the documents as soon as is practicable.

7. Meetings

The Roundtable meetings will:

- Be hosted by a government agency, and at least once a year by an industry representative at a music festival site
- Be held in March and August and on at least 2 other occasions in each year
- Provide at least four weeks' notice of time, date and location to attendees
- Only proceed with a quorum of 70% of attendees, and the specific attendance of Liquor & Gaming NSW, NSW Police, NSW Health and the AFA
- Allow for attendance by proxy if previously agreed by the Co-Chairs

8. Outcomes

Potential outcomes include:

1. Strengthened relationships and effective information sharing between government and industry
2. Improved health outcomes for festival-goers
3. Sustainable and stable music festival industry
4. NSW festivals seen as national and international leaders in terms of vibrancy and patron safety
5. Potential issues foreseen and effective advance mitigation strategies developed and implemented through Roundtable collaboration
6. Greater awareness of music festival related issues amongst Members of the NSW Parliament

9. Key Deliverables

Key deliverables include:

1. Report on the outcome of the review under section 19 of the *Music Festivals Act 2019* of the operation of the Act in relation to music festivals held between 21 November 2019 and 30 April 2020.

2. Within four months after 30 June each year, report on the activities of the Roundtable during each year ended that 30 June, for provision to the Minister for Customer Service. The Minister is to ensure a copy of the report is published on an appropriate government website and tabled in each House of Parliament within one month of receiving it.

Any other potential deliverables from the Roundtable are to be agreed by the Co-Chairs, in consultation with Roundtable members and in the context of the Roundtable's specified functions under the *Music Festivals Act 2019*.

10. Confidentiality

Certain information obtained or received by members of the roundtable will be confidential in nature. All meetings, issues and positions discussed at meetings are strictly confidential and may not be disclosed except in the following circumstances:

- a) the relevant member providing the information specifies that the information is not confidential and may be disclosed;
- b) it is required by law;
- c) the disclosure is to a legal or other professional adviser;
- d) the written consent of the relevant government agency or industry organisation to which the proposed disclosure relates is obtained in advance. The agency may give or withhold its consent to such a disclosure in its absolute discretion; or
- e) if the information is in the public domain due to a disclosure by the relevant government agency or industry organisation.