



New South Wales

# Music Festivals Bill 2019

## Explanatory note

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

## Overview of Bill

The objects of this Bill are as follows—

- (a) to provide that the Independent Liquor and Gaming Authority (*ILGA*) may direct music festival organisers for high-risk festivals to prepare a safety management plan for the proposed festivals for approval by ILGA,
- (b) to make it an offence for music festival organisers for high-risk festivals to hold the festival unless there is an approved safety management plan for the festival,
- (c) to impose other obligations on music festival organisers for high-risk festivals, including to provide briefings for health service providers, to keep records relating to incidents that occur at festivals or in their vicinity and to make the approved safety management plan available to police officers and other persons if requested to do so,
- (d) to provide for the enforcement of the proposed Act,
- (e) to provide for other related matters.

## 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 on the date of assent to the proposed Act.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** makes it clear that notes included in the proposed Act do not form part of the proposed Act.

## **Part 2 Obligations on music festival organisers**

**Clause 5** provides that if, in ILGA's opinion, a music festival is a high-risk festival, ILGA may direct the music festival organiser to prepare and give ILGA a safety management plan for the festival. Matters ILGA may have regard to in forming an opinion that a music festival is a high-risk festival include, but are not limited to—

- (a) advice from the Health Secretary or the Commissioner of Police, or
- (b) whether a death has occurred in the State on a previous occasion at the music festival, or
- (c) whether a death or admission to an intensive care unit as a result of alcohol or drug use, crowd behaviour or improper safety management has occurred at a music festival for which the music festival organiser was the organiser in the previous 3 years, or
- (d) any submission made to ILGA by the music festival organiser.

ILGA may approve the safety management plan, with or without changes, or refuse to approve the plan.

**Clause 6** provides for the contents of a safety management plan, including information about the health services and harm reduction areas and initiatives for the festival.

**Clause 7** makes it an offence for a music festival organiser for a high-risk festival to hold the festival without an approved safety management plan for the music festival, or to fail to ensure the festival is delivered in accordance with the approved safety management plan. The maximum penalty is 100 penalty units or imprisonment for 12 months, or both.

**Clause 8** makes it an offence for a music festival organiser for a high-risk festival to fail to keep a copy of the approved safety management plan on the premises on which the festival is being held or to fail to make a copy available to a police officer, inspector, health officer or emergency services officer if requested. The maximum penalty is 100 penalty units.

**Clause 9** provides that a music festival organiser for a high-risk festival may request a change to the approved safety management plan. The proposed change does not take effect until it is approved by ILGA.

**Clause 10** requires a music festival organiser for a high-risk festival to hold a briefing for persons providing health services at the festival if requested to do so. Failure to conduct the briefing in the way required is an offence for which the maximum penalty is 100 penalty units.

**Clause 11** requires a music festival organiser for a high-risk festival to keep an incident register that records details of particular incidents that occur at or in the vicinity of the festival, including an incident that results in death or a requirement for medical assistance or involves violence or anti-social behaviour. Failure to keep the register appropriately or to allow a police officer, inspector or health officer to inspect it is an offence for which the maximum penalty is 100 penalty units.

## **Part 3 Enforcement**

**Clause 12** enables the proposed Act to be considered gaming and liquor legislation for the purposes of the *Gaming and Liquor Administration Act 2007* so that inspectors under that Act may be appointed for the purposes of the proposed Act and for other enforcement purposes.

## **Part 4 Miscellaneous**

**Clause 13** enables the Governor to make regulations for the purposes of the proposed Act.

## **Part 5 Transitional provision**

**Clause 14** inserts a transitional provision to apply proposed Part 2 to certain music festival organisers.