



New South Wales

Music Bill 2026

Explanatory note

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

Overview of Bill

The object of this Bill is to assist, promote and strengthen the contemporary music industry throughout New South Wales by—

- (a) establishing the Sound NSW Advisory Board (the **Board**), and
- (b) setting out the principles that must be followed when a decision concerning the contemporary music industry is made, and
- (c) providing for the accreditation of music venues as dedicated live music venues, significant live music venues or live music venues, and
- (d) facilitating the resolution of disputes concerning dedicated live music venues and significant live music venues by requiring disputes to be submitted to mediation before the commencement of court proceedings, and
- (e) establishing the role of a registrar of disputes, who has oversight of disputes that are submitted to mediation.

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.

Clause 3 gives effect to the dictionary in proposed Schedule 3 to define certain words and expressions used in the proposed Act.

Clause 4 sets out the object of the proposed Act.

Part 2 Functions of Secretary

Clause 5 sets out the functions of the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport (the *Secretary*).

Part 3 Sound NSW Advisory Board

Clause 6 establishes the Board.

Clause 7 provides for the composition of the Board and requires the Minister for the Arts (the *Minister*) to appoint members to the Board.

Clause 8 sets out the functions of the Board. The principal function of the Board is to provide advice to the Minister about the contemporary music industry in New South Wales.

Clause 9 enables the Minister to issue a charter to the Board that sets out additional functions for the Board or how the Board must operate.

Part 4 Assistance to contemporary music industry

Clause 10 sets out the principles with which a Minister, the head of a government sector agency or a local council (a *decision-maker*) must comply when making a decision regarding the contemporary music industry. The principles operate to provide assistance to the contemporary music industry in New South Wales.

Clause 11 enables the Secretary to establish a voluntary, incentive-based scheme to accredit music venues (a *venue accreditation scheme*), which must be carried out and determined in accordance with guidelines issued by the Secretary. The purpose of the venue accreditation scheme is to—

- (a) develop and nurture world-class music venues, and
- (b) provide incentive to music venues to prioritise the regular programming of original music, which allows performing artists to build local audiences and develop performance skills, and
- (c) accredit certain music venues as dedicated live music venues, significant live music venues or live music venues.

Clause 12 enables the Secretary to make guidelines for the venue accreditation scheme. The guidelines must include the criteria used in the venue accreditation scheme, the process of assessment undertaken in the venue accreditation scheme and the period for which the accreditation of a live music venue will apply.

Clause 13 requires the Secretary to maintain a publicly available register of music venues accredited under the venue accreditation scheme.

Part 5 Resolution of disputes

Clause 14 sets out the purpose of proposed Part 5, which is to facilitate the resolution of disputes in relation to dedicated live music venues and significant live music venues through mediation.

Clause 15 defines *dispute* as a disagreement or conflict about the operation of the venue in providing live music between—

- (a) the licensee, owner or operator of a dedicated live music venue or significant live music venue, and
- (b) another person.

The proposed section clarifies that a dispute does not include a disagreement, conflict or other matter prescribed by the regulations.

Clause 16 defines the following words—

- (a) **mediation**, which encompasses formal mediation procedures, preliminary assistance and other appropriate forms of alternative dispute resolution,
- (b) **mediator**, who is a person who provides mediation.

Clause 17 requires the Minister to appoint a registrar of disputes for the proposed Act who is either the holder of a statutory office or a Public service employee. The registrar may delegate the exercise of the registrar's functions, other than the power to delegate, to any public service employee.

Clause 18 sets out the functions of the registrar, which include making arrangements to facilitate the resolution of disputes by mediation.

Clause 19 provides that a dispute may be referred to the registrar for mediation by a licensee, owner or operator of a dedicated live music venue or significant live music venue involved in the dispute, or the Minister. A mediator, when exercising a mediator's functions, has the same protection and immunities as a Judge of the Supreme Court of New South Wales.

Clause 20 provides that, prior to commencing court proceedings, a dispute must be submitted to mediation unless—

- (a) the registrar certifies, in writing, that the mediation under proposed Part 5 has failed to resolve the dispute, or
- (b) the court is satisfied that mediation is unlikely to resolve the dispute.

Court proceedings concerning an order for an injunction are exempted from this requirement.

Clause 21 provides that a statement or admission made during mediation under the proposed Act, Part 5 is not admissible in another legal proceeding.

Part 6 Miscellaneous

Clause 22 allows the Minister and the Secretary to delegate the exercise of their respective functions under the proposed Act, other than the power to delegate, to a Public Service employee or a person authorised by the regulations.

Clause 23 enables the Governor to make regulations for the proposed Act.

Clause 24 requires the Minister to review the operation of the Act, proposed section 7(2), including any regulations made under the proposed section, to evaluate the composition of the Board.

Clause 25 repeals the *Sound NSW Advisory Board Act 2025*.

Clause 26 contains machinery and transitional provisions relating to the proposed *Music Regulation 2026*, which is set out in proposed Schedule 5.

Schedule 1 Savings, transitional and other provisions

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 2 Constitution and procedure of Board

Schedule 2 provides for the constitution and procedure of the Board.

Schedule 3 Dictionary

Schedule 3 contains the dictionary that defines certain words and expressions used in the proposed Act.

Schedule 4 Amendment of Acts

4.1 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024 No 76

Schedule 4.1 repeals provisions relating to the resolution of disputes, which are made redundant by the proposed Act, Part 5.

4.2 Entertainment Industry Act 2013 No 73

Schedule 4.2[1] amends the definition of *performer* to include a DJ, a music producer and a songwriter.

Schedule 4.2[2] amends the definition of *performer representative* to distinguish between—

- (a) *performer representative class 1*, being a person who is a manager of a performer, and
- (b) *performer representative class 2*, being a person who is a booking agent of a performer.

4.3 Entertainment Industry Regulation 2020

Schedule 4.3 updates the fees of performer representatives consequent on proposed Schedule 4.2[2].

4.4 Liquor Act 2007 No 90

Schedule 4.4[1] provides for additional criteria for a venue that is located in a metropolitan or regional area that must be satisfied for the venue to be recognised as a special entertainment precinct venue. **Schedule 4.4[3]** makes a consequential amendment.

Schedule 4.4[2] provides that the 1-hour extension of a venue's trading period does not apply to the venue unless the precinct management plan for the special entertainment precinct in which the venue is located permits the extension of trading hours.

Schedule 4.4[4] and [5] amend the *Liquor Act 2007*, section 130O to—

- (a) provide that the Secretary may remove a licensed premises from the list of live music and performance venues kept by the Secretary where the venue is not, or has ceased to be, eligible because the licensee of the venue has failed to meet the requirements set out in section 130H, and
- (b) enable the making of regulations to provide for additional circumstances in which a venue may be removed from the list of live music and performance venues kept by the Secretary.

4.5 Protection of the Environment Operations Act 1997 No 156

Schedule 4.5 inserts proposed section 322A to provide that a person must, where required, use the test methodology prescribed by the regulations to test for noise from an outdoor activity for which the Environment Protection Authority is the appropriate regulatory authority.

4.6 Protection of the Environment Operations (General) Regulation 2022

Schedule 4.6[2] inserts proposed section 131A into the *Protection of the Environment Operations (General) Regulation 2022* to prescribe the test methodology that must be used for testing noise from an outdoor entertainment activity consequent on proposed Schedule 4.5. **Schedule 4.6[1]** makes a consequential amendment.

Schedule 5 Music Regulation 2026

Schedule 5 contains the proposed *Music Regulation 2026*, which sets out the eligibility requirements for members appointed to the Board by the Minister under the proposed Act, section 7.