

Fact sheet FS3157

Music festival guidelines

Following the drug-related deaths of a number of young people at music festivals, an Expert Panel recommended applying a more rigorous regulatory framework to music festivals in NSW to improve their safety.

On 21 November 2019, the NSW Government commenced the *Music Festivals Act 2019* (the Act) to require high-risk music festivals to have their safety management plans approved by the Independent Liquor & Gaming Authority (ILGA).

The new scheme is designed to ensure that high-risk events face greater oversight and are able to access additional support from Government to run a safer event.

You will only need to have your safety management plans approved by ILGA if you have been directed to do so by ILGA.

This process is separate to any liquor licensing requirements that may apply to your event.

Music festivals that may not be required to have their safety management plan approved by ILGA are still encouraged to take advantage of the support offered by NSW Health, NSW Police and NSW Ambulance to festival organisers.

These guidelines provide further information on:

- ▲ who is captured by the new scheme
- ▲ how decisions are made by ILGA
- ▲ how your safety management plan will work.

What is a music festival?

A music festival is an event, other than a concert, that:

- a. is music-focused or dance-focused, and
- b. has performances by a series of persons or groups that are engaged to play or perform to live or pre-recorded music, or to provide another form of musical or live entertainment, and
- c. is held within a defined area, and
- d. is attended by 2,000 or more people (on any one day), and
- e. is a ticketed event.

What is a high-risk festival?

A high-risk music festival is a music festival that ILGA has decided would be more appropriately delivered with an approved safety management plan.

In determining whether to direct you to prepare a safety management plan, section 5 of the Act provides that ILGA may consider:

- a. any advice from the Health Secretary or the Commissioner of Police,
- b. whether a death has occurred in the State on a previous occasion at the music festival or in connection with the music festival in the last 3 years,
- c. whether a death or prescribed event[^] occurred at a music festival, or an event related to a music festival, for which the music festival organiser was the organiser, in the 3 years immediately preceding the date on which the proposed music festival is to start,
- d. any submission made to ILGA by the music festival organiser about the reasons the proposed music festival is not a high-risk festival.

ILGA will not make a determination on whether your festival is required to prepare a safety management plan until after you have had the opportunity to make a submission.

[^]A prescribed event is the death of a person, or admission to an intensive care unit, that is reasonably suspected to be -
i. because of alcohol or drug use, or ii. caused by crowd behaviour or improper safety management.

Do I need to have a safety management plan for my festival?

All music festivals are encouraged to have comprehensive plans in place to manage the risks associated with their events. Government agencies, including NSW Health, NSW Ambulance and NSW Police, are able to give you expert advice to support you in developing and implementing your safety management plans.

If you are a high-risk music festival, ILGA may require you to prepare a safety management plan and have it approved by ILGA in consultation with NSW Health, NSW Police and other relevant agencies.

What will NSW Health and NSW Police consider before giving advice to ILGA?

Before providing advice to ILGA on whether your event would be more appropriately delivered with an approved safety management plan, NSW Health and NSW Police may consider matters set out in section 5 of the Act, as well as the following event-specific risk factors:

- ▲ Whether the festival has experienced a significant year on year increase in the number of drug related medical presentations and/or admissions to hospital over the last two years of operation.
- ▲ Whether an approved safety management plan is necessary to sufficiently address the risks associated with running a high-risk music festival, including:
 - sufficient number of appropriately qualified doctors
 - correct mix of health service professionals
 - sufficient number of ambulances and/or appointment of Ambulance Forward Commander
 - broader compliance with the [NSW Health Guidelines for Music Festival Organisers: Music Festival Harm Reduction](#).
- ▲ Whether the festival is new and the festival promoters have a lack of experience running a higher risk event which may result in multiple drug and/or alcohol presentations at the event (as characterised by the general indicative risk factors outlined below).

The following general indicative risk factors of a higher risk event may also be taken into account:

- ▲ Predominant target demographic of people aged between 18-29 years

- ▲ Projected attendance of 8,000 patrons or more
- ▲ Music type being predominantly high energy and/or electronic dance music
- ▲ The event is held over a long period (i.e. eight hours or more), and/or extends past midnight
- ▲ Anticipated weather conditions, such as high temperature, particularly if the event is to be held outdoors.

All risk factors will be considered in the context of your festival, and how these risk factors interact with one another in that context.

How can I respond to any advice from NSW Health or NSW Police?

Before making a determination, ILGA will provide you with a copy of the advice from NSW Health and/or NSW Police. You will be given at least 14 days to provide a written submission to ILGA in response, should you so choose. ILGA may also invite you to appear in person to discuss your submission.

ILGA will not make a determination until after you have had the opportunity to make a submission.

ILGA will hold its meeting with you in an informal manner, without any requirement for you to be legally represented or to make formal oral submissions. It is an opportunity for you to put before the ILGA members any further information which you believe is important for them to understand in assessing your situation.

Copies of all submissions may be made publicly available by [ILGA](#).

I am a good operator, why am I being required to have my plans approved by ILGA?

We know that most festival organisers have been working hard to run safer events and wish to emphasise that a high-risk rating is not a reflection of your commitment to safety or your professionalism.

The music festival market is dynamic and constantly evolving and circumstances can change from one year to the next. The music festival scheme is designed to make sure that organisers get access to the right health expertise and advice should that happen. The primary objective of the scheme is to allow events to go ahead with better planning and risk mitigation strategies in place.

How can I get my safety management plan approved?

NSW Health

NSW Health's [Guidelines for Music Festival Organisers: Music Festival Harm Reduction](#) describes medical services expectations and harm reduction strategies to support event organisers to deliver safer music festivals in NSW. You are encouraged to use these Guidelines to ensure you will have appropriate medical services in place to effectively respond to any incidents that may occur during the festival.

Event organisers, as well as medical services providers, should read these guidelines so that both parties have a similar understanding of the expectations of medical services at the event.

Engaging with NSW Health

Please contact the NSW Health music festivals team at moh-musicfestivals@health.nsw.gov.au. This team can provide you with specific information on how you can make your festival safer, in consultation with the Local Health District and NSW Ambulance.

NSW Police

You are encouraged to engage with NSW Police before you finalise your safety management plan to determine whether they can assist you in ensuring the safety and security of your event. This may include police asking you to enter into an agreement with NSW Police for user pays police. If you enter into an agreement with NSW Police for [user pays police](#):

- ▲ you will not be required to pay for drug detection dog activities unless you have expressly requested this service from NSW Police, and
- ▲ the user pays agreement will be endorsed by the Police Regional Commander.

Submission of safety management plan to ILGA

When you submit your safety management plan, you must also complete and send back the [FM2029 'Request for approval of music festival safety management plan' form](#).

Submit the form, safety management plan and any accompanying documentation (e.g. site plan) to music.festivals@liquorandgaming.nsw.gov.au.

How will my safety management plan be assessed?

Before approving a safety management plan, ILGA must be satisfied that the risks associated with the high-risk festival are suitably addressed by the safety management plan.

The [FM2029 'Request for approval of music festival safety management plan' form](#) includes a useful checklist of areas against which your safety management plan will be assessed.

In undertaking the assessment, ILGA will provide a copy of your safety management plan to the following bodies for advice:

- ▲ NSW Police
- ▲ Fire and Rescue NSW or the Rural Fire Service
- ▲ NSW Health
- ▲ your local council.

If any agency provides comments or suggested changes to your safety management plan, ILGA will provide you a copy of those comments and provide you with an opportunity to respond or amend your safety management plan. Following this consultation process, a copy of your updated safety management plan, and any outstanding submissions from agencies or you, will be considered by ILGA.

ILGA may:

- ▲ approve the safety management plan, with or without changes,
- ▲ request additional information from you or an agency about your safety management plan, or
- ▲ refuse to approve the plan.

ILGA will make a decision regarding your safety management plan not less than 14 days before your music festival is due to be held.

The primary objective of the music festival framework is to allow events to go ahead with better planning and risk mitigation strategies in place.

Do I still need to apply for a liquor licence?

If your event will be selling or supplying liquor, you are required to have a liquor licence.

You are able to operate under an existing licence or apply for a Limited Licence – Special Event.

Normal licensing processes will apply.

Music festival guidelines

What help will I get to run my event?

The NSW Health [Guidelines for Music Festival Organisers: Music Festival Harm Reduction](#) describes harm reduction strategies to support event organisers to deliver safe music festivals in NSW. You are encouraged to use these Guidelines to ensure that you have an appropriate mix of health service professionals to effectively respond to any incidents that may occur during the festival.

Your Local Health District and NSW Ambulance are also available to provide you with specific information on how you can make your festival safer. You are encouraged to engage with these agencies when you are developing your safety management plan.

You are also encouraged to engage with NSW Police before you finalise your safety management plan to determine whether NSW Police can assist you in ensuring the safety and security of your event.

Need more information?

@ music.festivals@liquorandgaming.nsw.gov.au

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