



New South Wales

# Sound NSW Advisory Board Bill 2024

## Explanatory note

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

## Overview of Bill

The object of this Bill is to establish the Sound NSW Advisory Board (the *Board*), which will provide advice about the contemporary music industry in New South Wales to the Minister who administers the proposed Act.

## 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** sets out the objects of the proposed Act.

### Part 2 Sound NSW Advisory Board

**Clause 5** establishes the Sound NSW Advisory Board.

**Clause 6** requires the Minister to appoint members to the Board and sets out the requirements for the constitution of the Board.

**Clause 7** sets out the functions of the Board.

**Clause 8** provides that the Minister may issue a charter to the Board that sets out additional functions for the Board or the manner in which the Board is to operate.

### **Part 3    Miscellaneous**

**Clause 9** provides the Governor with a general regulation-making power under the proposed Act.

**Clause 10** gives effect to the proposed regulation set out in proposed Schedule 2.

### **Schedule 1    Constitution and procedure of Board**

**Schedule 1** provides for the constitution and procedure of the Board.

### **Schedule 2    Sound NSW Advisory Board Regulation 2024**

**Schedule 2** sets out the proposed *Sound NSW Advisory Board Regulation 2024*.



New South Wales

# Sound NSW Advisory Board Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Sound NSW Advisory Board Bill 2024**

No           , 2024

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### **A Bill for**

An Act to establish the Sound NSW Advisory Board.

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*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*

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<b>The Legislature of New South Wales enacts—</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Sound NSW Advisory Board Act 2024</i> .	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Definitions</b>	7
In this Act—	8
<b>Board</b> —see section 5.	9
<b>chairperson</b> means the chairperson of the Board.	10
<b>charter</b> means a charter issued by the Minister under section 8.	11
<b>deputy chairperson</b> means the deputy chairperson of the Board.	12
<b>member</b> means a member of the Board appointed under section 6.	13
<b>Note</b> — The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	14 15
<b>4 Object of Act</b>	16
The object of this Act is to assist, promote and strengthen the contemporary music industry in New South Wales by establishing the Sound NSW Advisory Board to advise the Minister.	17 18 19

<b>Part 2</b>	<b>Sound NSW Advisory Board</b>	1
<b>5</b>	<b>Establishment of Board</b>	2
	The Sound NSW Advisory Board (the <i>Board</i> ) is established.	3
<b>6</b>	<b>Membership of Board</b>	4
(1)	The Board must consist of the following members appointed by the Minister—	5
(a)	a chairperson,	6
(b)	at least 8, and not more than 11, other members.	7
(2)	The regulations may provide for matters relating to the members, including eligibility and other requirements for appointment.	8 9
(3)	The Minister may appoint 1 member of the Board as the deputy chairperson of the Board.	10 11
(4)	Schedule 1 contains provisions relating to the members of the Board.	12
<b>7</b>	<b>Functions of Board</b>	13
(1)	The Board’s principal function is to provide advice to the Minister about the contemporary music industry in New South Wales.	14 15
(2)	Without limiting subsection (1), the Board’s functions include the following—	16
(a)	to identify issues affecting the contemporary music industry,	17
(b)	to provide advice to the Minister about priorities, projects and proposals relating to the contemporary music industry,	18 19
(c)	to identify opportunities to improve the contemporary music industry,	20
(d)	to provide advice to the Minister about matters relating to the intersection between the contemporary music industry and other creative industries,	21 22
(e)	to provide advice to the Minister about other issues relating to the planning, development, integration or implementation of policies and programs in the contemporary music industry,	23 24 25
(f)	other functions given to the Board under this Act or another Act, including in a charter.	26 27
<b>8</b>	<b>Minister may issue charter</b>	28
	The Minister may issue a charter to the Board that provides for—	29
(a)	additional functions of the Board, or	30
(b)	the manner in which the Board must operate.	31

<b>Part 3</b>	<b>Miscellaneous</b>	1
<b>9</b>	<b>Regulations</b>	2
	The Governor may make regulations about a matter that is—	3
	(a) required or permitted by this Act to be prescribed, or	4
	(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.	5 6
<b>10</b>	<b>Relationship between regulation and Subordinate Legislation Act 1989</b>	7
(1)	Schedule 2 is taken to be and has effect as a regulation made by the Governor under this Act.	8 9
(2)	The <i>Subordinate Legislation Act 1989</i> , Part 2 does not apply to the regulation but applies to an amendment or repeal of the regulation.	10 11
(3)	For the <i>Subordinate Legislation Act 1989</i> , section 10, the regulation is taken to have been published on the day on which this Act commenced.	12 13
(4)	The <i>Interpretation Act 1987</i> , sections 39–41 do not apply to the regulation, but apply to an amendment or repeal of the regulation.	14 15
(5)	This section and Schedule 2 are repealed on the day after this Act commences.	16
	<b>Note—</b> The continued effect of the regulation is unaffected by the repeal of this section and the schedule. See the <i>Interpretation Act 1987</i> , section 30.	17 18

<b>Schedule 1</b>	<b>Constitution and procedure of Board</b>	1
	section 6(4)	2
<b>Part 1</b>	<b>Constitution</b>	3
<b>1</b>	<b>Terms of office of members</b>	4
(1)	Subject to this schedule or the regulations, a member holds office for the term, not more than 3 years, specified in the instrument of appointment.	5 6
(2)	A member is eligible, if otherwise qualified, for re-appointment.	7
<b>2</b>	<b>Part-time appointments</b>	8
	Members hold office as part-time members.	9
<b>3</b>	<b>Remuneration</b>	10
	A member is entitled to be paid the remuneration, including allowances, determined by the Minister.	11 12
<b>4</b>	<b>Vacancy in office of member</b>	13
	The office of an appointed member becomes vacant if the member—	14
(a)	dies, or	15
(b)	completes a term of office and is not re-appointed, or	16
(c)	resigns the office by written instrument addressed to the Minister, or	17
(d)	is removed from office by the Minister under this section, or	18
(e)	is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member, except if the member is—	19 20
(i)	on leave granted by the Minister, or	21
(ii)	excused by the chairperson for having been absent from the meetings, or	22
(f)	becomes personally insolvent, or	23
(g)	becomes a mentally incapacitated person, or	24
(h)	is convicted—	25
(i)	in New South Wales of an offence punishable by imprisonment for 12 months or more, or	26 27
(ii)	elsewhere of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more.	28 29
<b>5</b>	<b>Filling of vacancy in office of appointed member</b>	30
	If the office of a member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	31 32
<b>6</b>	<b>Vacancy in office of chairperson and deputy chairperson</b>	33
	The chairperson or deputy chairperson vacates office as chairperson or deputy chairperson if the chairperson or deputy chairperson—	34 35
(a)	is removed from office by the Minister under this section, or	36
(b)	resigns office by written instrument addressed to the Minister, or	37
(c)	ceases to be a member of the Board.	38



<b>7 Disclosure of pecuniary interests</b>	1
(1) This section applies if—	2
(a) a member has a direct or indirect pecuniary interest in a matter that is being considered or is about to be considered at a meeting of the Board, and	3 4
(b) the interest appears to raise a conflict with the proper performance of the member’s duties in relation to the consideration of the matter.	5 6
(2) The member must, as soon as practicable after becoming aware of the relevant facts, disclose the nature of the interest at a meeting of the Board.	7 8
(3) Particulars of a disclosure made under this section must be recorded by the Board.	9
(4) The record must be made available to a person for inspection at all reasonable hours.	10
(5) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Board otherwise determines—	11 12
(a) be present during a deliberation of the Board about the matter, or	13
(b) take part in a decision of the Board about the matter.	14
(6) For the purpose of the making of a determination by the Board under subsection (5), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—	15 16 17
(a) be present during any deliberation of the Board for the purpose of making the determination, or	18 19
(b) take part in the making of the determination.	20
(7) A contravention of this section does not invalidate a decision of the Board.	21
<b>8 Effect of certain other Acts</b>	22
(1) The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	23 24
(2) If by or under any Act provision is made for either of the following, the provision does not operate to disqualify a person from holding the office and also the office of a member, or from accepting and retaining remuneration payable to the person under this Act as a member—	25 26 27 28
(a) requiring a person who is the holder of a specified office to devote the whole of the person’s time to the duties of the office,	29 30
(b) prohibiting the person from engaging in employment outside the duties of the office.	31 32
<b>9 Personal liability</b>	33
A matter or thing done or omitted to be done by the Board or a member does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Act or another Act, subject a member personally to an action, liability, claim or demand.	34 35 36 37
<b>Part 2 Procedure</b>	38
<b>10 General procedure</b>	39
The procedure for the calling of meetings of the Board and for the conduct of business at the meetings must, subject to this Act, the regulations and the charter, be determined by the Board.	40 41 42

## Schedule 2 Sound NSW Advisory Board Regulation 2024 1

### Part 1 Preliminary 2

#### 1 Name of regulation 3

This regulation is the *Sound NSW Advisory Board Regulation 2024*. 4

#### 2 Commencement 5

This regulation commences on the day on which the Act commences. 6

#### 3 Definition 7

In this regulation— 8

*the Act* means the *Sound NSW Advisory Board Act 2024*. 9

**Note**— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation. 10  
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### Part 2 Board membership 12

#### 4 Eligibility requirements for members of Board 13

Of the members appointed under the Act, section 6(1)(b)— 14

(a) at least 1 member must be a professional music creator, and 15

(b) at least 1 member must reside or work in regional New South Wales, or have demonstrated experience as an advocate for regional New South Wales, and 16  
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(c) at least 1 member must have knowledge of, or experience in, contemporary music artist management, and 18  
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(d) at least 1 member must have experience in a not-for-profit contemporary music organisation based in New South Wales, and 20  
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(e) at least 1 member must be an Aboriginal or Torres Strait Islander person, and 22

(f) at least 1 member must have experience in community radio, and 23

(g) the other members must have skills or experience the Minister considers relevant to the functions of the Board. 24  
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