



New South Wales

Screen and Digital Games Industries Bill 2025

Explanatory note

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

Overview of Bill

The objects of this Bill are to assist, promote and strengthen the screen and digital games industries in New South Wales and to establish the Screen and Digital Games Industries Advisory Committee (the *Committee*), which will give advice about the screen and digital games industries in New South Wales to the Minister for the Arts (the *Minister*).

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 defines 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 in which the proposed Act is to be administered (the *Secretary*).

Part 3 Advisory Committee

Clause 6 establishes the Committee, sets out the functions of the Committee and provides for the composition of the Committee. The Committee must consist of members appointed by the Minister.

Part 4 Assistance to screen and digital games industries

Clause 7 sets out the principles a Minister, a head of a government sector agency or a local council must comply with in making a decision in relation to screen or digital games production under the proposed Act or another Act.

Clause 8 provides for the accreditation of local councils as being screen production friendly in accordance with guidelines issued by the Minister and sets out the requirements of the guidelines.

Clause 9 requires the Secretary to keep a register of screen production friendly councils and production spaces and locations.

Part 5 Miscellaneous

Clause 10 authorises the Secretary to delegate the exercise of the Secretary's functions under the proposed Act, other than the power to delegate, to—

- (a) a person employed in the Department in which the proposed Act is administered, or
- (b) a person or class of persons prescribed by a regulation made under the proposed Act.

Clause 11 exempts a protected person from personal liability for anything done in good faith and for the purpose of exercising a function under the proposed Act and defines *done*, *liability* and *protected person* for the proposed section.

Clause 12 repeals the *Film and Television Industry Act 1988*.

Clause 13 provides the Governor with a general regulation-making power under the proposed Act.

Clause 14 gives effect to the proposed regulation set out in Schedule 2.

Schedule 1 Dictionary

Schedule 1 contains the dictionary that defines certain terms used in the proposed Act.

Schedule 2 Screen and Digital Games Industries (Advisory Committee) Regulation 2025

Schedule 2 sets out the proposed *Screen and Digital Games Industries (Advisory Committee) Regulation 2025*, which includes the requirement that at least one member of the committee must be an Aboriginal or Torres Strait Islander person.

Schedule 3 Amendment of Local Government Act 1993 No 30

Schedule 3[1] requires the fee payable for a filming proposal to be paid for each application made in the proposal. **Schedule 3[3]** makes a consequential amendment.

Schedule 3[2] provides that the maximum fee for an application for a filming proposal must be determined by the applicable filming protocol.

Schedule 3[4] provides that a council must acknowledge receipt of a filming proposal lodged with the council and notify the applicant of the fee payable within 2 business days after the day on which the proposal was lodged.

Schedule 3[5] removes the requirement that, if a council rejects an application made in a filming proposal because the application is not clear as to the approval sought or is not easily legible, the council must reject the application within 7 days after the day the proposal is lodged.

Schedule 3[6] provides that a council is not required to refund an application fee for an application made in a filming proposal if the council rejects the application because the application is not clear as to the approval sought or is not easily legible.



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Screen and Digital Games Industries Bill 2025

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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

Screen and Digital Games Industries Bill 2025

No , 2025

A Bill for

An Act to assist, promote and strengthen the screen and digital games industries in New South Wales.

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

Legislative Assembly

Clerk of the Legislative Assembly

The Legislature of New South Wales enacts—	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Screen and Digital Games Industries Act 2025</i> .	4
2 Commencement	5
This Act commences on 1 July 2025.	6
3 Definitions	7
The dictionary in Schedule 1 defines words used in this Act.	8
Note— The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	9 10
4 Object	11
The object of this Act is to assist, promote and strengthen the screen and digital games industries in New South Wales—	12 13
(a) to promote Australia’s cultural identity and acknowledge the intrinsic worth of Australian stories to community wellbeing, and	14 15
(b) to recognise and nurture screen and digital games storytelling as a public good, and	16 17
(c) to encourage the employment of Australians in all aspects of screen and digital games production, and	18 19
(d) to encourage investment in the screen and digital games industries and enhance the industries’ export potential, and	20 21
(e) to encourage innovation and enhance quality in the screen and digital games industries, and	22 23
(f) by promoting cooperation between the State, local councils and participants in the screen and digital games industries in a way that supports the screen and digital games industries.	24 25 26

Part 2	Functions of Secretary	1
5	Secretary's functions	2
(1)	The Secretary has the following functions under this Act—	3
(a)	to provide financial and other assistance to the screen and digital games industries in carrying out the industries' activities in New South Wales and to disseminate information about the activities,	4 5 6
(b)	to provide financial and other assistance for persons whose work in the screen and digital games industries merits encouragement, including directors, producers, actors, writers, technicians and game developers,	7 8 9
(c)	to provide financial and other assistance for script, game or other project development for screen or digital games production,	10 11
(d)	to contribute, financially and otherwise, to the work of screen or digital games festivals and other events and markets,	12 13
(e)	to assist in—	14
(i)	the promotion of public interest in screen and digital games as mediums of communication and as art forms, and	15 16
(ii)	the development of informed and critical screen and digital games audiences,	17 18
(f)	to provide policy and support services and advice to Government agencies on screen and digital games production,	19 20
(g)	to undertake screen and digital games production for the State or for other persons, bodies or organisations, including Government agencies,	21 22
(h)	to carry out obligations and responsibilities required for the maintenance and administration of the screen or digital games catalogue vested in the State.	23 24
(2)	The Secretary has the power to do anything necessary or convenient to be done for or in connection with the exercise of the Secretary's functions, including the power to impose charges or fees for access to, or use of, resources, facilities or services of the Department as the Secretary considers appropriate.	25 26 27 28

Part 3	Advisory Committee	1
6	Advisory Committee	2
(1)	The Screen and Digital Games Industries Advisory Committee is established.	3
(2)	The Advisory Committee consists of members appointed by the Minister.	4
(3)	The composition of the Advisory Committee must be determined by the regulations.	5
(4)	The Advisory Committee has the following functions—	6
(a)	to advise the Minister on the operation of the screen and digital games industries in New South Wales,	7
		8
(b)	any other functions—	9
(i)	prescribed by the regulations, or	10
(ii)	agreed between the Minister and the Advisory Committee.	11
(5)	The regulations may prescribe matters about the members and procedure of the Advisory Committee.	12
		13

Part 4	Assistance to screen and digital games industries	1
Division 1	Principles	2
7	Principles to be applied to assist screen and digital games industries	3
(1)	This section applies if a decision-maker is making a decision in relation to screen or digital games production including under this Act or another Act.	4
(2)	The decision-maker must ensure the following principles are complied with in making the decision—	6
(a)	applications for access to locations, services and approvals for screen or digital games production must be decided within—	8
(i)	timeframes provided in—	10
(A)	a policy published by the decision-maker making the decision, or	11
(B)	the applicable filming protocol, or	12
(ii)	if a timeframe for deciding the application is not provided in a policy or protocol referred to in subparagraph (i)—a reasonable timeframe,	13
(b)	access to locations and services for screen or digital games production must be supported whenever practicable, taking into account public amenity, safety, security and other operational requirements,	15
(c)	fees for access to locations, services from government sector agencies or other approvals for screen or digital games production must be kept to a minimum and reflect only the cost of the access, service or approval being provided.	18
(3)	In this section—	21
	<i>decision-maker</i> means the following—	22
(a)	a Minister,	23
(b)	the head of a government sector agency,	24
(c)	a local council.	25
Division 2	Screen production friendly local councils	26
8	Accreditation of local councils as screen production friendly	27
(1)	A local council may be accredited as a screen production friendly local council.	28
(2)	Accreditation of local councils will be carried out and determined in accordance with guidelines issued by the Minister.	29
(3)	Without limiting subsection (2), the guidelines must provide for the process for accreditation, including—	31
(a)	the criteria to be considered in determining whether a local council will be accredited, and	33
(b)	other matters relating to the determination of whether a local council will be accredited.	35
9	Register of screen production friendly local councils and production spaces and locations	37
(1)	The Secretary must keep a register of—	39
(a)	local councils that have been accredited under section 8, and	40
(b)	spaces and other locations accessible for screen production.	41
(2)	The register must be made available on a website of the Department.	42

Part 5 Miscellaneous

10 Delegation

The Secretary may delegate the exercise of the Secretary's functions under this Act, other than this power of delegation, to—

- (a) a person employed in the Department, or
- (b) a person, or a class of persons, prescribed by the regulations.

11 Personal liability

- (1) A protected person is not personally subject to liability for anything done—

- (a) in good faith, and
 - (b) for the purpose of exercising a function under this Act.

- (2) The liability instead attaches to the Crown.

- (3) In this section—

done includes omitted to be done.

liability means civil liability and includes action, claim or demand.

protected person means—

- (a) the Secretary, or
 - (b) a member of the Advisory Committee, or
 - (c) a person acting under the direction of the Secretary or a member of the Advisory Committee.

12 Repeal

The *Film and Television Industry Act 1988* No 18 is repealed.

13 Regulations

The Governor may make regulations about a matter that is—

- (a) required or permitted by this Act to be prescribed, or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

14 Relationship between regulation and Subordinate Legislation Act 1989

- (1) Schedule 2 is taken to be and has effect as a regulation made by the Governor under this Act.
- (2) The *Subordinate Legislation Act 1989*, Part 2 does not apply to the regulation but applies to an amendment or repeal of the regulation.
- (3) For the *Subordinate Legislation Act 1989*, section 10, the regulation is taken to have been published on the day on which this Act commenced.
- (4) The *Interpretation Act 1987*, sections 39–41 do not apply to the regulation but apply to an amendment or repeal of the regulation.
- (5) This section and Schedule 2 are repealed on the day after this Act commences.

Note— The continued effect of the regulation is unaffected by the repeal of this section and the schedule. See the *Interpretation Act 1987*, section 30.

Schedule 1	Dictionary	1
	section 3	2
<i>Advisory Committee</i>	means the Screen and Digital Games Industries Advisory Committee established under section 6(1).	3 4
<i>Department</i>	means the department in which this Act is administered.	5
<i>digital games production</i>	means the process of creating games in electronic form using a variety of media, including animation, sound, music and cinematography.	6 7
<i>government sector agency</i>	has the same meaning as in the <i>Government Sector Employment Act 2013</i> .	8 9
<i>head</i> , of a government sector agency,	has the same meaning as in the <i>Government Sector Employment Act 2013</i> .	10 11
<i>screen production</i>	means the process of aggregating moving images with or without sounds that can be viewed on a screen, including, for example, a film or television program or content.	12 13
<i>Secretary</i>	means the Secretary of the Department.	14

Schedule 2 Screen and Digital Games Industries (Advisory Committee) Regulation 2025

Part 1 Preliminary

1 Name of regulation

This regulation is the *Screen and Digital Games Industries (Advisory Committee) Regulation 2025*.

2 Commencement

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

3 Definitions

In this regulation—

chairperson means the member appointed to the Advisory Committee as chairperson of the Advisory Committee.

deputy chairperson means the member appointed to the Advisory Committee as deputy chairperson of the Advisory Committee.

member means a member of the Advisory Committee.

the Act means the *Screen and Digital Games Industries Act 2025*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Composition and functions

4 Composition of Advisory Committee—the Act, s 6(3)

- (1) The Advisory Committee must consist of not more than 10 members.
- (2) One member must be appointed chairperson by the member's instrument of appointment.
- (3) The chairperson must have significant experience or expertise in the screen or digital games industry.
- (4) One member may be appointed deputy chairperson by the member's instrument of appointment.
- (5) The deputy chairperson must not have significant experience or expertise in the screen or digital games industry.
- (6) At least 1 member must have experience in the digital games industry.
- (7) At least 1 member must be an Aboriginal or Torres Strait Islander person.
- (8) The other members must have relevant experience or expertise in the screen or digital games industry.

5 Functions of Advisory Committee—the Act, s 6(4)

For the Act, section 6(4), the following functions are prescribed—

- (a) to advise the Secretary in relation to the annual allocation of program funding between screen or digital games industry funding programs administered by the Secretary,
- (b) to consider recommendations relating to screen or digital games production funding and advise the Secretary in relation to the recommendations,

- (c) to advise the Secretary in relation to individual screen or digital games industry funding programs administered by the Secretary and, if appropriate, recommend changes to existing funding programs and guidelines, 1
2
3
- (d) to advise the Minister and Secretary, on request, about submissions from local councils seeking accreditation under the Act, section 8, 4
5
- (e) to advise the Minister and Secretary about matters relating to spaces and other locations accessible for screen or digital games production, 6
7
- (f) to advise the Minister about the strategic direction of the screen and digital games industries in the State, 8
9
- (g) to advocate for and promote awareness of the intellectual property rights of persons employed in the screen and digital games industries in relation to emerging technologies and evolving distribution platforms. 10
11
12

6 Subcommittees 13

- (1) The Advisory Committee may establish subcommittees to assist with the Committee's functions. 14
15
- (2) Without limiting subsection (1), a subcommittee may be established to manage the allocation of funding to participants in the screen and digital games production industries. 16
17
18
- (3) To avoid doubt, a subcommittee need not consist of all members of the Advisory Committee, including the chairperson of the Advisory Committee. 19
20
- (4) The chairperson of a subcommittee has— 21
 - (a) a deliberative vote, and 22
 - (b) if there is an equality of votes—a second or casting vote. 23
- (5) Subject to this regulation, the other procedures of a subcommittee must be decided by the Advisory Committee. 24
25

Part 3 Membership of Advisory Committee—the Act, s 6(5) 26

7 Terms of office of members 27

- (1) A member holds office for the period, not more than 3 years, specified in the member's instrument of appointment. 28
29
- (2) A person who holds or has held office as a member is eligible for reappointment or appointment to a further term— 30
31
 - (a) unless the person has held office for more than 6 years, consecutively or not, and 32
33
 - (b) if otherwise qualified. 34
- (3) For subsection (2)(a), an appointment does not constitute, and is taken never to have constituted, an appointment to a term of office if the person is appointed— 35
36
 - (a) under section 9 to fill the office of a member that has become vacant other than by the expiration of the member's term of office, and 37
38
 - (b) for the balance of the term of office of the person's predecessor. 39

8 Remuneration 40

A member is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Minister from time to time in consultation with the Public Service Commissioner. 41
42
43

9 Vacancy in office of member

The office of a member becomes vacant if the member—

- (a) dies, or
- (b) completes a term of office and is not reappointed, or
- (c) resigns the office by written instrument addressed to the Minister, or
- (d) is removed from office by the Minister under this section, or
- (e) is absent from 4 consecutive meetings of the Advisory Committee of which reasonable notice has been given to the member personally or by post or email, except—
 - (i) on leave granted by the Committee, or
 - (ii) before the expiration of 4 weeks after the last of the 4 meetings, the member is excused by the Committee for having been absent from the meetings, or
- (f) is personally insolvent, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence punishable in the same way.

10 Filling of vacancy in office of member

- (1) If the office of a member becomes vacant, the Minister may, subject to this regulation and the Act, appoint a person to fill the vacancy.
- (2) Despite subsection (1), if the office of a member becomes vacant, the Secretary may appoint a person to fill the vacancy on a temporary basis for a period no longer than 6 months.

11 Disclosure of pecuniary interests

- (1) Subsection (2) applies if—
 - (a) a member of the Advisory Committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Committee, and
 - (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.
- (2) The member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Advisory Committee.
- (3) A member may disclose at a meeting of the Advisory Committee that the member—
 - (a) is a member of, or employed by, a specified company or another body, or
 - (b) is a partner of, or employed by, a specified person, or
 - (c) has some other specified interest relating to the specified company, body or person.
- (4) The disclosure under subsection (3) is a sufficient disclosure by the member of the nature of the interest in a matter relating to that company or other body and the member is not required to repeat the disclosure for later meetings of the Advisory Committee.

(5)	Particulars of a disclosure made under this section must be recorded by the Advisory Committee in a document kept for the purpose.	1 2
(6)	The document must be made available at all reasonable hours for inspection by a person on payment of the reasonable fee determined by the Advisory Committee.	3 4
(7)	After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Advisory Committee otherwise determines—	5 6
(a)	be present during a deliberation of the Committee about the matter, or	7
(b)	take part in a decision of the Committee about the matter.	8
(8)	For the purposes of making a determination by the Advisory Committee under subsection (7), a member who has a direct or indirect pecuniary or other interest in a matter to which a disclosure relates must not—	9 10 11
(a)	be present when the Committee is making the determination, or	12
(b)	take part in the making of the determination.	13
(9)	A contravention of this section does not invalidate a decision of the Advisory Committee.	14 15
(10)	In this section, a reference to the Advisory Committee is taken to include a reference to a subcommittee of the Advisory Committee.	16 17
12	Effect of certain other Acts	18
(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.	19 20
(2)	The following provisions in an Act or instrument do not operate to disqualify a person from holding an office and also being an appointed member—	21 22
(a)	a provision 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,	23 24
(b)	a provision prohibiting the person from engaging in employment outside the duties of the office.	25 26
(3)	For any Act, the office of a member is not an office or place of profit under the Crown.	27 28
Part 4	Procedure of Advisory Committee—the Act, s 6(5)	29
13	General procedure	30
	The procedure for calling Advisory Committee meetings and conducting business at Committee meetings must, subject to the regulations, be determined by the Committee.	31 32 33
14	Quorum	34
(1)	The quorum for a meeting of the Advisory Committee is 4 members.	35
(2)	One of the members must be the chairperson.	36
15	Presiding member	37
(1)	The chairperson must preside at a meeting of the Advisory Committee.	38
(2)	The chairperson has—	39
(a)	a deliberative vote, and	40
(b)	if there is an equality of votes—a second or casting vote.	41

16	Voting	1
	A decision supported by a majority of the votes cast at an Advisory Committee meeting at which a quorum is present is the decision of the Committee.	2 3
17	Transaction of business outside meetings or by telecommunication	4
(1)	The Advisory Committee may, if it thinks fit, transact its business—	5
(a)	by the circulation of papers, by email or other electronic means, among all members, or	6 7
(b)	at a meeting at which all or some members participate by telephone or other electronic means, but only if a member who speaks on a matter at the meeting can be heard by the other members.	8 9 10
(2)	If the Advisory Committee transacts its business by the circulation of papers under subsection (1)(a), a written resolution approved in writing by a majority of the members of the Committee is taken to be a decision of the Committee made at a Committee meeting.	11 12 13 14
(3)	The chairperson and each other member of the Advisory Committee have the same voting rights as at an ordinary Committee meeting for—	15 16
(a)	a meeting held in accordance with subsection (1)(b), or	17
(b)	an approval of a resolution under subsection (2).	18
(4)	A resolution approved under subsection (2) must be recorded in the minutes of the Advisory Committee meeting.	19 20

Schedule 3	Amendment of Local Government Act 1993 No 30	1
[1] Section 116 Form of, and security deposits, bonds, fees and charges for, filming proposal		2
		3
Omit “, if at the time of lodging the proposal the amount of that fee can be determined” from section 116(2).		4
		5
[2] Section 116(4)		6
Omit “regulations”. Insert instead “applicable filming protocol”.		7
[3] Section 116(5)		8
Omit the subsection.		9
[4] Section 117 Acknowledgment of application and notification of fees		10
Omit “7 days” from section 117(1). Insert instead “2 business days”.		11
[5] Section 117(2)		12
Omit “within 7 days after the day on which the filming proposal is lodged”.		13
[6] Section 117(3)		14
Omit the subsection.		15