

Major Sports Facilities Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 126

made under the

Major Sports Facilities Act 2001

General Outline

Short title

Major Sports Facilities Amendment Regulation (No.1) 2015

Authorising law

Sections 4, 30A and 33 of the *Major Sports Facilities Act 2001*.

Policy objectives and the reasons for them

The objective of the *Major Sports Facilities Amendment Regulation (No.1) 2015* (the amendment regulation) is to increase the allowed number of major concerts that can be held at the Brisbane Stadium (also known as Suncorp Stadium), from 1 January 2016.

Section 5(2)(a) of the *Major Sports Facilities Regulation 2014* limits the number of concerts that can be held at Suncorp Stadium to four concerts per calendar year.

Four concerts have already been approved for Suncorp Stadium during 2015. However, Stadiums Queensland was approached by promoters seeking to hire the venue for two national tours by high profile performers. The performers were expected to attract audiences commensurate with stadium venues; however, this would have exceeded the allowable number of concerts to be held at the venue. As a result the additional concerts could not be held at Suncorp Stadium.

Prior to any proposed changes, the Department of National Parks, Sport and Racing (the department) consulted with the community via an online survey on the Government's *Get Involved* website. The survey asked whether the cap should be increased and was open from 12 April to 12 June 2015. Approximately 4,300 responses were received and 83 percent were in favour of an increase in the allowable number of concerts.

Following the results of the survey, the Acting Premier announced on 28 June 2015 that the cap would be increased from four to six in each calendar year and is set to commence in 2016.

The stadium is currently allowed to host up to 24 major sporting events with crowds exceeding 35,000 people each year, in addition to four major concerts and one religious event.

Achievement of policy objectives

The amendment regulation will amend the *Major Sports Facilities Regulation 2014* by inserting reference to a sixth major concert. This will increase the number of concerts that can be held at the stadium from 1 January 2016 from four to six.

Consistency with policy objectives of authorising law

The *Major Sports Facilities Act 2001* (the Act) provides for the management, operation, use, development and promotion of facilities in Queensland for staging national or international sports, recreational or entertainment events, special events and for other purposes.

Under Schedule 2 (Dictionary) of the Act, the term ‘special event’ includes major concerts, including any rehearsal, sound and light testing and other ancillary activities necessary and incidental to the event.

The amendment regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The *Major Sports Facilities Amendment Regulation (No.1) 2015* is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation will not incur additional costs for the government.

The hire of the stadium for concerts at times when it is not otherwise in use, increases the application of the stadium to one of its authorised uses and provides a better return on the government’s investment in the stadium.

In addition to revenues for Stadiums Queensland from the venue’s hire, the conduct of additional concerts will incur both negative and positive impacts on local businesses. Traffic and parking restrictions during events at Suncorp Stadium may impact access to some local businesses during event hours, while other businesses will enjoy increased patronage from people attending the events.

Further, it is expected the proposed concerts will attract large audiences satisfying local demand and giving Brisbane residents opportunities to enjoy concerts by world class artists.

In contrast, it is to be expected there would be community disappointment if Brisbane was to lose an opportunity to host these performers.

Overall, it is considered that an additional two concerts per calendar year, above the cap of four concerts currently allowed, will generate a net benefit for the community and local economy.

Consistency with fundamental legislative principles

The proposed amendment will incur impacts on the rights and liberties of individuals in that events at Suncorp Stadium incur traffic and parking restrictions, and increased activity and noise in the vicinity of the stadium.

The *Major Sports Facilities Regulation 2014* places conditions on the conduct of special events at Suncorp Stadium, which reduce undesirable impacts around the stadium.

Schedule 2 requires preparation of an operational management plan before each concert, including:

- identification of potential adverse impacts of the event and how the operator will address and mitigate these impacts;
- how the operator will manage noise emissions;
- the location of police presence on and around the facility;
- a public complaint response and resolution system and procedures;
- strategies and actions to appropriately manage and control crowd behaviour, including after the event to ensure it does not adversely affect the amenity of surrounding residential areas or cause a public nuisance; and
- strategies and actions to appropriately manage and control pedestrian and vehicular movements before and after the event.

Schedule 2 also:

- requires that occupiers of land around the stadium are given at least 20 business days written notice of events;
- restricts the hours of rehearsals and sound tests and their duration if noise is audible beyond the facility; and
- identifies allowable limits on noise emissions beyond the stadium.

The stadium operator is required to report to the chief executive after the event, including a summary of the number, location and type of any complaints received and detailing action taken regarding any complaints. The operator must also provide a report by an accredited acoustic consultant regarding noise emissions.

Given the regulatory requirements already in place and the continuing restriction for the number of concerts it is considered the overall impact of the proposal will be a net benefit for the wider community and local economy.

Consultation

The department consulted with the community via an online survey on the Government's *Get Involved* website. The survey asked whether the cap should be increased and was open from 12 April to 12 June 2015. The overwhelming response was in support of an increase, and this included residents and business owners in the suburbs surrounding the stadium.

The Office of Best Practice Regulation was consulted and it confirmed that a Regulatory Impact Statement would not be required for this proposal.

The department also consulted with Stadiums Queensland.

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