

Major Sports Facilities (Prescribed Events) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 50

made under the

Major Sports Facilities Act 2001

General Outline

Short title

Major Sports Facilities (Prescribed Events) Amendment Regulation 2017

Authorising law

Sections 30D and 33 of the *Major Sports Facilities Act 2001*

Policy objectives and the reasons for them

The primary objective of the *Major Sports Facilities (Prescribed Events) Amendment Regulation 2017* (the amendment regulation) is to prescribe events as allowed by recent amendments to section 30D of the *Major Sports Facilities Act 2001* (as effected by the *Major Sports Facilities and Other Legislation Amendment Act 2016*). This will ensure that events regularly held at Major Sports Facilities can be protected from unauthorised advertising.

The amendments to the *Major Sports Facilities Act 2001* provide for an additional, alternative process for designating restricted advertising events at Major Sports Facilities. The additional process streamlines the regulation of advertising for regular venue hirers. The current declaration process requires a lead time of over eight weeks — comprising the statutory 28 day notification period, Governor in Council approval and processing by the department responsible for administering the *Major Sports Facilities Act 2001*. This lead time can be impractical on occasions when late scheduling or rescheduling of events is unavoidable due, for example, to weather or unforeseeable events. This sometimes means that certain events could not be protected from unauthorised advertising.

The new prescribed event process will allow for minor rescheduling of events by event organisers whilst reducing the potential regulatory burden on advertisers that are not event sponsors.

Prescribed events will be ticketed events organised, scheduled or endorsed by the bodies listed in schedule 3 at the corresponding venues listed against that body. Under the *Major Sports Facilities Act 2001*, the restricted advertising period for a prescribed event starts at 6a.m. and ends at midnight on the day of the event.

It is not intended that the prescribed event process will operate to capture any type of event which may be held at a major sports facility. The declaration process will still apply for events which are not regularly scheduled or are one-off events.

The amendment regulation also effects changes made during consideration in detail of the *Major Sports Facilities and Other Legislation Amendment Act 2016* to rename Brisbane Stadium to 'Brisbane Stadium (Lang Park)'.

Achievement of policy objectives

The primary policy objective is achieved by inserting section 5A in the regulation, which defines 'prescribed event' in the regulation as applying to section 30D of the Act.

In effect this will allow for restricted advertising coverage of regular events hosted by key tenants of Major Sports Facilities. It is intended that the prescribed event provisions will apply to regular events at major sports facilities and include, amongst others, events such as NRL games, AFL games, Cricket Australia matches and Tennis Australia tournaments.

To achieve the objective of effecting changes made during consideration in detail of the *Major Sports Facilities and Other Legislation Amendment Act 2016*, the amendments ensure that references in the Regulation which refer to 'Brisbane Stadium' are updated to 'Brisbane Stadium (Lang Park)'.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Major Sports Facilities Act 2001*, which is to ensure that events held at Major Sports Facilities can be protected from unauthorised advertising.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments to the *Major Sports Facilities Act 2001* streamline the processes behind the regulation of advertising for regular venue hirers whilst reducing the potential regulatory burden on advertisers that are not event sponsors.

There are no significant costs associated with the amendment regulation.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation has been undertaken with Stadiums Queensland, the Queensland Government statutory body responsible for managing the state's Major Sports Facilities. Stadiums Queensland supports the amendments.

Consultation has also been undertaken with regular hirers of Major Sports Facilities which are proposed to be listed in the amendment regulation as well as associated bodies. No concerns were raised by regular venue hirers during the consultation process.

The Department of the Premier and Cabinet, Queensland Treasury and the Department of Tourism, Major Events, Small Business and the Commonwealth Games were consulted and support the amendments.

In accordance with the new Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the amendment regulation. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category a – Regulatory proposals that make consequential amendments).

No changes to the amendment regulation were required as a result of the consultation.