

I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.

Legislative Assembly Chamber, The Clerk of the Parliament.

Brisbane,

23 August

20 24

In the name and on behalf of the King, I assent to this Bill.

V. Bowtell

Government House,

Brisbane,

23 August

2024



Queensland

No. 39 of 2024

A BILL for

An Act to establish the office of night-life economy commissioner and for
related purposes



Queensland

Night-Life Economy Commissioner Bill 2024

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2024

A Bill

for

An Act to establish the office of night-life economy commissioner and for related purposes

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Night-Life Economy Commissioner Act 2024*.

2 Main object

The main object of this Act is to establish the office of night-life economy commissioner to—

- (a) work with night-life businesses, including businesses operating live music venues and businesses located in entertainment precincts, to create a vibrant and safe night-life environment; and
- (b) support, promote and advocate for key aspects of the night-life economy, with an emphasis on partnerships that encourage the growth, sustainability and vibrancy of night-life businesses.

3 Definitions

In this Act—

commissioner means the night-life economy commissioner appointed under part 2.

night-life business means a business that relies on the night-life economy in the State to ensure the financial viability of the business.

Example—

entertainment venue, festival, hospitality venue, live music venue, theatre, venue promoting the arts

night-life economy means the economic activities occurring at establishments that provide services, mainly from 6p.m. to 6a.m., to persons for engaging in entertainment or leisure activities.

Part 2 **Night-life economy commissioner**

Division 1 **Establishment**

4 **Night-life economy commissioner**

There is to be a night-life economy commissioner.

5 **Functions**

The main functions of the commissioner are—

- (a) to provide a central point of contact in relation to matters affecting the night-life economy; and
- (b) to provide information and advice to night-life businesses and to refer night-life businesses to entities that provide advisory or support services; and
- (c) to raise awareness about—
 - (i) issues affecting the night-life economy; and
 - (ii) compliance with legislation affecting the night-life economy; and
 - (iii) best practice in relation to other matters affecting the night-life economy; and
- (d) to conduct inquiries as the Minister directs into matters affecting the night-life economy; and
- (e) to advocate on behalf of night-life businesses to—
 - (i) the State, the Commonwealth, another State or a local government; or

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- (ii) any other entity involved in administering a matter relevant to the night-life economy; and
- (f) to work collaboratively with other persons appointed on behalf of the State who are involved in administering matters relevant to night-life businesses; and
 - Examples of other persons—*
 - the commissioner under the *Gaming Machine Act 1991*
 - the commissioner under the *Small Business Commissioner Act 2022*
- (g) to work collaboratively with the equivalent of the commissioner in other States or the Commonwealth to enhance conditions for night-life businesses; and
- (h) to report to the Minister about a particular issue or a general matter relating to the night-life economy or the commissioner's functions; and
- (i) to perform any other function given to the commissioner under this or another Act.

6 Powers

The commissioner has power to do anything necessary or convenient to be done for the performance of the commissioner's functions.

7 Extraterritoriality

The commissioner may perform the commissioner's functions inside and outside Queensland.

8 Delegation

The commissioner may delegate a power of the commissioner under this Act or another Act to a public service officer who is appropriately qualified to exercise the power delegated.

Division 2 Appointment

9 Appointment

- (1) The commissioner is appointed by the Governor in Council on the recommendation of the Minister.
- (2) The Minister may recommend a person only if the person is appropriately qualified to perform the functions of the commissioner.

10 Term of appointment

- (1) The commissioner holds office for the term, of not more than 3 years, stated in the commissioner's instrument of appointment.
- (2) A person may be re-appointed as commissioner only once for a further term of not more than 3 years.

11 Conditions of appointment

- (1) The commissioner is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) A person holds office as the commissioner on the conditions decided by the Governor in Council.
- (3) The commissioner is appointed under this Act and not the *Public Sector Act 2022*.

12 Preservation of rights of commissioner

- (1) This section applies if a person who is a public service officer is appointed as commissioner.
- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the commissioner were a continuation of service as a public service officer.
- (3) At the end of the person's term of office or resignation as commissioner, the person's service as the commissioner is

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taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

13 Vacancy in office of commissioner

The office of commissioner becomes vacant if the commissioner—

- (a) resigns under section 14; or
- (b) is removed by the Governor in Council under section 15.

14 Resignation

- (1) The commissioner may resign the commissioner's office by giving the Minister a signed letter of resignation.
- (2) The resignation takes effect when the Minister receives the resignation or, if a later day is stated in the letter, the later day.

15 Removal

- (1) The Governor in Council may, at any time, remove a person from office as the commissioner on the recommendation of the Minister.
- (2) The Minister may recommend the removal of the person from office as the commissioner if the Minister is satisfied the person—
 - (a) is guilty of misconduct of a type that could warrant dismissal from the public service if the commissioner were an officer of the public service; or
 - (b) is incapable of performing the functions of the commissioner; or
 - (c) has neglected the duties of the commissioner, or performed the duties of the commissioner incompetently.
- (3) This section does not otherwise limit the *Acts Interpretation Act 1954*, section 25.

16 Acting commissioner

The Minister may appoint a person to act in the office of commissioner during—

- (a) a vacancy in the office of commissioner; or
- (b) a period when the commissioner is absent from duty, or can not, for another reason, perform the functions of the office.

Division 3 Role of Minister and reporting requirements

17 Ministerial direction

- (1) The Minister may give the commissioner a written direction about a matter relevant to the performance of the commissioner's functions.
- (2) The commissioner must comply with a direction given under subsection (1).
- (3) The commissioner must include details, in the commissioner's annual report prepared under section 21, of—
 - (a) any direction given by the Minister under subsection (1) during the financial year to which the report relates; and
 - (b) the actions taken by the commissioner as a result of the direction.

18 Direction by Minister to conduct inquiry

- (1) Without limiting section 17, the Minister may at any time give the commissioner a written direction to conduct an inquiry into a particular issue or a general matter relating to the night-life economy.
- (2) A direction under subsection (1) may be—
 - (a) at the request of the commissioner; or
 - (b) on the Minister's own initiative.

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- (3) For the purposes of an inquiry under this section, the Minister may request the attendance or advice of representatives of government agencies.
- (4) As soon as practicable after conducting an inquiry under this section, the commissioner must—
 - (a) prepare a report about the inquiry; and
 - (b) give the Minister a copy of the report.

19 Statement of expectations

- (1) The Minister may give the commissioner a written statement (a *statement of expectations*) about the Minister's expectations for the performance of the commissioner's functions.
- (2) Without limiting subsection (1), the statement of expectations may—
 - (a) state a particular period for which the statement applies; and
 - (b) provide for the nature and scope of the commissioner's activities for a particular period.
- (3) The commissioner must have regard to the statement of expectations in performing the commissioner's functions.

20 Reporting to Minister

The commissioner must—

- (a) keep the Minister reasonably informed about the functions performed by the commissioner; and
- (b) comply with a reasonable request by the Minister to give the Minister stated information at a stated time about the functions performed by the commissioner.

21 Annual report

- (1) The commissioner must prepare and give to the Minister, within 3 months after the end of each financial year, a report on the functions performed by the commissioner during the financial year.
- (2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.

Part 3 Miscellaneous

22 Confidentiality

- (1) This section applies to a person who—
 - (a) is, or has been, performing functions under or relating to the administration of this Act; and
 - (b) in that capacity, has acquired or has access to personal information about another person.
- (2) The person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—50 penalty units.

- (3) The person may disclose or use the information—
 - (a) to the extent the disclosure or use is—
 - (i) necessary to perform a function under or relating to the administration of this Act; or
 - (ii) otherwise required or permitted under this Act or another law; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—

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disclose includes give access to.

information includes a document.

personal information means information about a person's affairs.

23 Review of Act

- (1) The Minister must review the effectiveness of this Act as soon as practicable after the day that is 3 years after the commencement.
- (2) As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.

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