

# **Major Sports Facilities Amendment Regulation 2024**

Explanatory notes for SL 2024 No. 170

made under the

*Major Sports Facilities Act 2001*

## **General Outline**

### **Short title**

*Major Sports Facilities Amendment Regulation 2024*

### **Authorising law**

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

### **Policy objectives and the reasons for them**

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.

The Act establishes Stadiums Queensland as the statutory authority responsible for operating major sports facilities declared under section 4 of the Act. A major sports facility is a facility that has the capacity to stage national or international sports, recreational or entertainment events, or special events. Special events are defined under Schedule 2 of the Act as meaning major concerts, public assemblies or religious events. Major sport events are defined under section 30AL of the Act as meaning national or international sport events that have a crowd size of more than the number prescribed by regulation.

#### *Brisbane Stadium concert cap*

The subordinate legislation for the Act, the Major Sports Facilities Regulation 2014 (the Regulation), currently restricts the allowable number of major concerts held at Brisbane Stadium (also known as Lang Park or Suncorp Stadium) to no more than six concerts per calendar year.

The current regulatory cap of up to six concerts per calendar year at the venue was reached in March 2023, with Ministerial approval provided for six concert events of major international artists to be held from January to March 2023. A further four concert events with major international artists had been sought by promoters in 2023, however, due to the limit on concerts per year, the stadium was unable secure those events.

In late 2022, the concert cap was temporarily increased from up to six concerts per year to up to 12 concerts per year for the 2023 and 2024 calendar years only, to satisfy an increased demand for concerts generated by the relaxation and eventual lifting of COVID-19 restrictions.

Promoters have since indicated that the concert touring market is not expected to slow in the future. Consequently, Stadiums Queensland advised the Department of Tourism and Sport (DTS) that an increase in the permanent concert cap from up to six to a maximum of up to 12 concerts is warranted to meet the sustained demand for staging concerts at Brisbane's premier entertainment venue within the CBD, including to support booking of artists who may play more than one date at the venue.

The objective of the Major Sports Facilities Amendment Regulation 2024 (the Amendment Regulation) is, therefore, to permanently increase the number of concerts as a type of special event that can be held at Brisbane Stadium, from up to six to up to 12 per calendar year commencing from 2025.

A cap of 12 concerts per calendar year has been identified as the best estimate of the number warranted to meet sustained demand for concerts from significant international artists at Brisbane Stadium on an ongoing basis, particularly when taking into account some highly popular artists booking two or more concerts at the venue to meet public demand (e.g., Ed Sheeran played three sold out concerts in February 2023).

As large tours and concerts are often booked years in advance, a lack of regulatory certainty may jeopardise Queensland's ability to attract touring artists, resulting in significant and ongoing reputational damage as well as missed economic opportunity to Stadiums Queensland and the State. Additionally, regulatory uncertainty may present financial and legal risks to other entities where they are party to agreements for entertainment events held at the venue. Beyond mitigating the risks outlined above, the proposed amendment will help maximise the use of Brisbane Stadium, which will positively impact the return on public investment in the venue and supply residual economic and social benefits to the local community and the State more broadly.

On the advice of Stadiums Queensland, certainty on the proposed permanent concert cap increase is required as early as possible so that concert bookings for 2025 onwards can be accepted. This regulatory certainty is seen as essential for securing concerts for Brisbane, given the unavailability of the Brisbane Cricket Ground (the Gabba) due to the in-situ wicket block, and the reduced availability and desirability of the Queensland Sports and Athletics Centre as a concert venue.

As the Regulation specifies and limits the number of concert events permitted in a calendar year, an amendment to the Regulation is the only option to achieve the desired outcome.

*Brisbane Stadium major sport event crowd size threshold*

Under the Regulation, Brisbane Stadium is currently limited to hosting no more than 24 major sport events with a crowd size greater than 35,000 each calendar year. This constraint originates from a development approval condition set in 2001 when the stadium was redeveloped, which at the time limited Brisbane Stadium to hosting no more than 24 events with a crowd size greater than 25,000 per calendar year.

In 2011, due to population increases and growing crowd sizes at the venue, the definition of a major sport event crowd size was increased from greater than 25,000 to greater than 35,000. In 2023, Stadiums Queensland advised DTS that it was becoming more probable that the cap of 24 events with a crowd size exceeding 35,000 would be reached in 2024 and likely exceeded in 2025 should even a 10 percent increase occur on 2023 attendance records.

In 2023, there were 20 sports events at Brisbane Stadium with a crowd size of greater than 35,000. Analysis undertaken by Stadiums Queensland identified that if sport event attendances had been as little as ten percent higher for four games in the National Rugby League season (such as 35,200 as opposed to 32,000), the event cap would have been reached after the qualifying final between the Brisbane Broncos and the Melbourne Storm on 8 September 2023.

As such, the current cap of 24 major sport events with a crowd size greater than 35,000 poses a realistic and significant risk to Queensland's reputation as a destination for major sport events. If the cap is not increased, the State and Stadiums Queensland may, in the future, be at risk of contractual breaches under a Stadium Hire Agreement or a Host City Agreement for a tournament.

As the Regulation specifies and limits the crowd size threshold for major sport events, an amendment to the Regulation is the only option to achieve the desired outcome.

The Amendment Regulation will help avoid any potential financial, reputational and legal risks to Stadiums Queensland and the State as well as support the ongoing attraction of high-profile major sport events to Queensland.

#### *Amendments to major sports facilities addresses*

Schedule 1 of the Regulation stipulates major sports facilities declared under section 4 of the Act and section 3 of the Regulation. Under Schedule 1 of the Regulation, column 1 provides the non-commercial, regulatory names of the facilities while column 2 provides the street addresses of those facilities.

Addresses for six of the nine declared major sports facilities require amendments to ensure they are contemporary and reflect the most accurate information available on the venues' street locations. These facilities are:

- Brisbane Cricket Ground (known as The Gabba)
- Brisbane Stadium (Lang Park) (known as Suncorp Stadium)
- Carrara Stadium (known as People First Stadium, formerly Heritage Bank Stadium)
- North Queensland Stadium (known as Queensland Country Bank Stadium)
- Robina Stadium (known as Cbus Super Stadium)
- Sleeman Sports Complex

The proposed amendment seeks to accurately reflect the location of those facilities following changes, such as reconfiguration of lots, creation of new roads and the availability of more accurate mapping, since those facilities were declared.

## **Achievement of policy objectives**

The policy objective will be achieved by amending the Regulation to: increase the Brisbane Stadium permanent concert cap from up to six to up to 12 concerts per calendar year commencing from 2025; change the prescribed crowd size for major sport events at Brisbane Stadium from greater than 35,000 to greater than 45,000; and update addresses for six of the nine declared major sports facilities.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the Act. The purpose is achieved by giving effect to the Amendment Regulation.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The option to preserve the legislative status quo was considered. This option was not recommended as it would not provide the operating conditions required for Brisbane Stadium to meet increasing spectator demand for concerts and major sport events at the venue. Additionally, this option poses significant reputational and economic risks to the State, Stadiums Queensland and the venue operator.

An alternative approach to the proposed Amendment Regulation for major sport events at Brisbane Stadium would be to increase the permitted number of major sport events, rather than the crowd size. This approach would require amendments to be made to the Act. This approach was not recommended as given existing and ongoing commitments to hosting sport events, as well as a maximum of 12 concerts per year, there are operational limitations to the number of major sports events that can be held at the venue. This approach also would not meet the purpose of meeting increasing spectator demand to attend popular major sport events at the venue. Given that Brisbane Stadium is the confirmed venue of popular showpiece events such as National Rugby League's Magic Round until 2027, State of Origin, grand final events and international sporting matches, it will also need to be able to meet its ticket sale commitments with organisers.

Further, increasing the total number of major sport events permitted at Brisbane Stadium could foreseeably have a greater impact on the human rights of those living or owning/operating businesses within the vicinity of Brisbane Stadium than the proposed approach. Amending the Regulation to lawfully allow for larger crowds at major sport events (rather than increasing the total number of major sport events permitted at the venue) is therefore considered both a less restrictive and reasonably available way to achieve the purpose of providing Brisbane Stadium

with appropriate operating conditions that will meet spectator demand for sporting events at the venue.

An alternative approach to the proposed concert cap amendment to count a concert series from one artist as one event at Brisbane Stadium was considered. The community was consulted on this approach, however, despite broad support for the proposal, this approach provides no clear upper limit for how many concerts could be held at the venue per calendar year. As section 4 of the *Legislative Standards Act 1992* requires Queensland legislation to be drafted in a sufficiently clear and precise way, it is anticipated that the ambiguity regarding the total number of concerts that would be allowed per year under this proposal would not satisfy this fundamental legislative principle and therefore is not proposed to proceed.

The only approach available to ensure the addresses of declared major sports facilities are accurate within the Regulation is to make an amendment to those addresses in Schedule 1 of the Regulation.

## **Benefits and costs of implementation**

### *Brisbane Stadium concert cap*

The Amendment Regulation proposal to permanently increase the number of concerts allowable at Brisbane Stadium may have potential negative impacts on the communities neighbouring the stadium. These impacts may include, but are not limited to, increases in noise, traffic, lighting, and other general nuisances. These impacts also have implications for the human rights of residents in the areas surrounding Brisbane Stadium.

Under existing provisions in the Regulation, operators and hirers of Brisbane Stadium are required to ensure that concerts comply with relevant conditions for lighting, building, operating hours and notification requirements and for transport and operational management plans. These stakeholders are also required to submit summarised details of the event including the number, location and type of any complaints received, as well as details on noise measurements and other information relevant to the consideration of negative impacts from the event on the residents of neighbouring communities.

The Amendment Regulation will retain the existing provisions which work to mitigate the negative impacts experienced by residents neighbouring Brisbane Stadium and will continue to ensure that operators and hirers comply with appropriate operating standards.

Results of community consultation on this proposal, including less supportive responses to categorical and open-ended survey questions from local residents, have been shared with Stadiums Queensland and the stadium operator to ensure relevant feedback can inform enhancement of transport and other operational management plans, wherever possible.

The Amendment Regulation may also have positive economic and social impacts such as an increase in attraction of touring artists and special events to Brisbane, leading to increases in tourism, employment opportunities, and revenue for local businesses.

As an example, using an assessment model provided by the Brisbane Economic Development Agency (BEDA) in 2022, ASM Global, in its capacity as manager of Brisbane Stadium on

behalf of Stadiums Queensland, has estimated that the nine concerts held at Brisbane Stadium between November 2022 and December 2023 generated approximately \$171.3 million in economic activity.

Additionally, this proposal may further enhance Brisbane's global reputation as a premier destination for national and international touring artists.

There would be no compliance costs for local businesses, community or government resulting from the Amendment Regulation. Any regulation costs of complying with mitigation strategies set out in the Regulation for special events at Brisbane Stadium are borne by the venue hirer or promoter.

As an example, increased police presence will be required as a result of the increased numbers of concerts. Police presence depends on several factors considered in a risk assessment done by the Queensland Major Events Policing division within the Queensland Police Service. The cost of police is passed through to the concert promoter or hirer. This cost is not borne by government, Stadiums Queensland nor the stadium operator. Furthermore, concerts at Brisbane Stadium are profitable and are not supported or subsidised by taxpayer funds. Potential exceptions to this would include charity events such as the Fire Fight Australia Concert for National Bushfire Relief that was held at the then ANZ Stadium in Sydney in February 2020.

Finally, all Brisbane Stadium events use integrated ticketing, meaning the cost for transport services is included in the ticket price. Transport costs are then recouped from the hirer at event settlement.

Ultimately, an increase in the Brisbane Stadium concert cap will provide economic and social benefits at local, regional and state levels, satisfy demand for large concert events, support the recovering entertainment industry post the COVID-19 pandemic, and represent the views and support from the community gathered during consultation, including local community members and local business owners and operators.

#### *Brisbane Stadium major sport event crowd size threshold*

While the Amendment Regulation will lawfully allow for up to 24 major sport events with a crowd size of more than 45,000, there is no direct causal relationship between these regulatory conditions and increased crowd sizes at events hosted at the venue. This means that, although Brisbane Stadium would be permitted to host up to 24 major sport events with a crowd size of more than 45,000 spectators per calendar year, the actual size of crowds that these events attract will depend on market and individual factors, which include, but are not limited to:

- the ongoing popularity of Queensland's sporting franchises;
- Queensland Government decisions to participate in major event bids (e.g. 2027 & 2029 Men's and Women's Rugby World Cups); and
- the attractiveness and appeal of the staged events.

Despite this, it is acknowledged that changing the regulatory settings as proposed will allow for up to 24 major sport events with a crowd size of more than 45,000, which may be seen as an additional impact on the local community (e.g. noise, traffic, and pedestrian movement) than would otherwise occur should the Regulation remain unchanged. It is anticipated, however, that the impacts from a crowd size of greater than 45,000 are unlikely to be significantly

different to impacts from a crowd size of greater than 35,000, noting that the capacity of the stadium is 52,500.

For example, increasing the major sports event crowd size threshold from greater than 35,000 to greater than 45,000 will not have any impact on the application of traffic restrictions surrounding Brisbane Stadium. The venue operates under a Traffic Management Plan, which considers a range of event factors including crowd attendance, demographics for the event, ingress time (including curtain raiser events), planned traffic network disruptions, security information and weather.

Under the crowd criteria for Brisbane Stadium's Traffic Management Plan, a high stage plan applies for crowds between 28,000 and 45,000, and a major stage plan applies for crowds over 45,000. There are no additional road closures or parking restrictions for events managed under a major stage plan when compared to a high stage plan. There are additional mitigation measures put in place under a major stage plan, for example, additional Queensland Police Service and traffic management resources to assist with efficient movement of traffic and people, that are designed specifically to address the impacts of crowds over and above the 45,000 threshold and manage these impacts more effectively. It should also be noted that under the current Regulation, Brisbane Stadium regularly hosts events with crowds greater than 45,000 spectators.

However, the Amendment Regulation may have many positive impacts on the local area. Increasing the crowd size threshold will enhance capacity to meet demand and host popular major sport events and, in turn, increase attractiveness of the venue and Brisbane as a potential host for future major national and international sport events and competitions, particularly in the leadup to the Brisbane 2032 Olympic and Paralympic Games. This will positively impact the visitor economy and increase revenue for local businesses, while also providing additional employment opportunities for the local population.

Brisbane Stadium is the only venue in Queensland large enough to meet the hosting requirements for many national and international major sports events. Not increasing the crowd size threshold will limit the government's ability to bid for major sport events in the future.

#### *Amendments to major sports facilities addresses*

The technical correction of declared major sport facility addresses is minor in nature, with zero regulatory costs and will provide more accurate descriptions of the location of the facilities.

## **Consistency with fundamental legislative principles**

Section 4 of the *Legislative Standards Act 1992* (the LS Act) outlines principles that require legislation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament. Fundamental legislative principles have been reviewed to ensure adequate safeguards have been provided. The Amendment Regulation is consistent with the policy objectives of the Act, which includes providing for the management, operation, use, development and promotion of facilities in Queensland for staging concerts and major sport events, and is within the power of the empowering Act. The Amendment Regulation has also been drafted in an unambiguous, sufficiently clear and precise manner, in accordance with the LS Act.

The Amendment Regulation may incur minor impacts on the rights and liberties of individuals, as an anticipated increased number of concert events at Brisbane Stadium will result in increased noise, traffic and parking restrictions, and increased activity around the stadium in the lead up, during, and post the event day.

However, the current Regulation places significant conditions on the conduct of special events at Brisbane Stadium which reduce undesirable impacts on the community and local businesses. These conditions, which the Amendment Regulation retains, are namely:

- Schedule 2 of the Regulation requires that an operator (the person who manages the facility for Stadiums Queensland) has prepared, and given to the chief executive, a Transport Management Plan that states the operational transport management actions required for the event, including, but not limited to, a car parking scheme, details of road and street closures, details of train, bus and coach services, pedestrian and traffic controls, emergency services and access for disabled persons.
- The operator of the stadium must give a copy of the proposed Transport Management Plan for comment to the transport coordination group for the facility and the stadium management advisory committee for the facility, and arrange for the regulation of the traffic area around the facility to be carried out by the Brisbane City Council under its relevant local law.
- Before the event begins, Stadiums Queensland must ensure that the operator has prepared, and given to the chief executive, an operational management plan which identifies potential adverse impacts of the use of the facility for the event and details the measures to be adopted to mitigate and manage these impacts. These include noise control, event building and construction work, entertainment activities associated with the event (such as fireworks, helicopters, blimps or public address systems), pedestrian and traffic movement, and crowd behaviour.
- Schedule 2 of the Regulation requires compliance with AS 4282-1997 for Control of the Obtrusive Effects of Outdoor Lighting and provides several constraints regarding the operating hours for events, to minimise impact on the local community.
- Schedule 2 of the Regulation details a range of noise monitoring requirements for the operator, including that noise measurements comply with the Queensland Government's Noise Measurement Manual.
- Stadiums Queensland must also take all reasonable and practical measures to ensure that occupiers of land who are likely to be significantly impacted by the event, including occupiers of land in the Lang Park Traffic Area, are given at least 20 business days written notice of the event, including for when sound tests and rehearsals are carried out.

Given the existing significant regulatory requirements in place to minimise adverse impacts for the local community, amending the Regulation to increase the concert cap from up to six to up to 12 concerts per calendar year is considered to be consistent with fundamental legislative principles.

#### *Brisbane Stadium major sport event crowd size threshold*

Given that the spectator capacity of Brisbane Stadium is 52,500, the Amendment Regulation offers a modest and reasonable increase to the definition of a major sport event.



The impacts of major sport events are currently mitigated by transport and operational management plans that provide for the efficient movement of pedestrians and traffic to minimise impacts on residents and local businesses and ensure public safety. These plans must be approved by the Suncorp Stadium Management Advisory Committee (the Committee).

The Committee was established as a requirement of the development approval for the redevelopment of Brisbane Stadium and is required for stakeholder and community relations, with membership including the councillor for the ward and member for the state electorate for the stadium, local community and business representatives, Queensland Police Service, Translink, Queensland Fire and Emergency Services and Queensland Ambulance Service.

The Amendment Regulation will not change the requirement for the stadium operator to deliver major sport events in line with these management plans while also being responsive to stakeholder and community sentiment.

Although there may be perceived additional impacts as a result of an increase to the crowd size threshold on the local community, the impacts from a crowd size of greater than 45,000 are unlikely to be significantly different to impacts from a crowd size of greater than 35,000. This is because, for example, under the crowd criteria for Brisbane Stadium's Traffic Management Plan, a major stage plan (greater than 45,000 spectators) does not include any additional road closures or parking restrictions over and above a high stage plan (28,000-45,000 spectators).

Amending the Regulation to increase the crowd size threshold for a major sport event to greater than 45,000 is, therefore, considered to be consistent with fundamental legislative principles.

## Consultation

Between 16 February and 12 March 2024, statewide consultation on the regulatory amendments to increase the Brisbane Stadium concert cap and major sport event crowd size threshold was undertaken through a survey hosted on the *Get Involved* website, including the option to provide a written submission. Direct invitation to other stakeholders, including local governments, was also provided. Consistent with the *Queensland Government Better Regulation Policy*, consultation was promoted through various channels to ensure that the local community and other interested stakeholders had reasonable opportunity to engage with and respond to the survey.

The government sought community views on the proposal to increase the crowd size threshold for a major sport event to greater than 45,000 and a range of options for the Brisbane Stadium concert cap, namely:

- no change (up to six concerts per year)
- up to eight concerts per year
- up to 10 concerts per year
- up to 12 concerts per year
- more than 12 concerts per year.

During the consultation period, 442 responses were received comprising 434 online survey responses and eight written submissions.

A clear majority of respondents (81.3%) either agreed (9.9%) or strongly agreed (71.4%) that Brisbane Stadium should be permitted to hold up to 12 concerts per year on a permanent basis from 2025 onwards. Respondents indicated that concerts were an important part of Brisbane's cultural fabric and international reputation. Most respondents (60.4%) also specified their preference for the cap to be greater than 12. Importantly, 75.6% of respondents living in the Lang Park Traffic Area also supported the proposal that Brisbane Stadium should be permitted to hold up to 12 concerts per calendar year.

Despite this strong support, 19.5% of respondents living within the Lang Park Traffic Area either disagreed (6.7%) or strongly disagreed (12.8%) with the proposal. This compares with 13.7% of responses from those who indicated they live outside the Lang Park Traffic Area who either disagreed (2.6%) or strongly disagreed (11.1%), and 15.9% of responses across the total sample who disagreed (4.1%) or strongly disagreed (11.8%). These respondents were mostly concerned about the state of the Brisbane Stadium playing surface should concert numbers increase and the impacts associated with noise and changed traffic conditions caused by concerts.

Respondents were also asked to reflect on impacts from concerts in 2023 following the temporary increase to the concert cap made for the years 2023 and 2024, with 78.1% of all respondents indicating that positive impacts (such as increased economic activity) had resulted from the temporary increase in concerts in 2023. Furthermore, a clear majority of all responses (83.2%), as well as those who live within the Lang Park Traffic Area (71.3%) indicated that they had not experienced any impacts from concert noise during this period, with 74% of overall respondents and 57.3% of respondents who live in the Lang Park Traffic Area indicating no impacts from changed traffic conditions during 2023 (despite greater engagement with this consultation compared to the consultation undertaken in 2022). Additionally, 81.6% of all respondents and 77.4% of respondents who live in the Lang Park Traffic Area indicated they had not experienced any other impacts from concerts during 2023.

However, a minority of respondents from the Lang Park Traffic Area identified they were impacted by concert noise (26.8%), changed traffic conditions (41.5%) and other impacts (19.5%) such as anti-social patron behaviour and impacted street access for residents and their visitors.

Consultation responses demonstrated that 84.1% of respondents either agreed (16.4%) or strongly agreed (67.7%) with increasing the current prescribed crowd size for major sport events at Brisbane Stadium from greater than 35,000 to greater than 45,000. Importantly, 75.6% of respondents who live within the Lang Park Traffic Area either strongly agreed (56.1%) or agreed (19.5%) with the proposal. Many of these respondents indicated that this increase will further support Queensland's already strong sporting culture and will help to meet the increasing demand for sports spectatorship in Queensland's southeast.

Despite this broad support, 15.2% of respondents living within the Lang Park Traffic area either disagreed (3%) or strongly disagreed (12.2%) with the proposal. This compares with 8.5% of responses across the total sample who either disagreed (2.3%) or strongly disagreed (6.2%) with the proposal. These unsupportive responses emphasised more strongly the negative impacts associated with larger crowd sizes such as noise, traffic congestion, and antisocial behaviour from patrons.

Results of consultation, including less supportive responses to categorical and open-ended survey questions from local residents, have been shared with Stadiums Queensland and the stadium operator to ensure relevant feedback can inform enhancement of transport and other operational management plans, wherever possible.

Stadiums Queensland was consulted on proposed amendments to addresses for six major sports facilities. Stadiums Queensland noted the addresses in the Regulation are intended to be generally descriptive of the location of the major sports facility that they refer to.