



Night-Life Economy Commissioner Act 2024

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Queensland

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Night-Life Economy Commissioner Act 2024

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

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
 - (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 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.
- (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—

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.