# **Impact Analysis Statement template**

A Summary Impact Analysis Statement (IAS) must be completed for all regulatory proposals. A Full IAS (see Box 1) must also be completed and attached for proposals that have significant impacts. Once completed, the IAS must be published.

# **Summary IAS**

#### **Details**

Lead department	Department of Sport, Racing and the Olympic and Paralympic Games	
Name of the proposal	Major Sports Facilities and Other Legislation Amendment Bill 2025	
Submission type (Summary IAS / Consultation IAS / Decision IAS)	Summary IAS	
Title of related legislative or regulatory instrument	Major Sports Facilities Act 2001 (MSF Act) Major Sports Facilities Regulation 2014 Major Events Act 2014	
Date of issue	27 May 2025	

#### For proposals noted in table below, no further analysis is required.

Proposal type	Details		
Miner and machinery in	Include unmanned aerial vehicles (e.g., drones) under the definition of 'aircraft' for unauthorised advertising provisions to contemporise terminology.		
Minor and machinery in nature	This proposal does not require further impact analysis as it updates the definition of 'aircraft' in the MSF Act to account for technological developments in unmanned aerial vehicles which may display unauthorised advertising content during events at major sports facilities		
Regulatory proposals where no RIA is required	Allow for the remuneration of SQ Board committees;		
	<ul> <li>Contemporise provisions relating to termination and resignation of SQ Board members;</li> </ul>		
	<ul> <li>Allow for Governor in Council to appoint a deputy chairperson to the SQ Board</li> </ul>		
	<ul> <li>The above three proposals relate to the internal management of a public sector entity (Stadiums Queensland) and require no regulatory impact assessment</li> </ul>		
	<ul> <li>Remove the offence of buying tickets over 10 percent of the original purchase price to remove potential deterrents to reporting unlawful ticket reselling and harmonise with other Australian jurisdictions;</li> </ul>		
	<ul> <li>The above proposal is deregulatory (removing an offence and associated maximum penalties from the MSF Act) and therefore does not require regulatory impact assessment.</li> </ul>		

<sup>\*</sup>Refer to <u>The Queensland Government Better Regulation Policy</u> for regulatory proposals not requiring regulatory impact analysis (for example, public sector management, changes to existing criminal laws, taxation).

#### Other Proposals

RIA Table 1 Amend the MSF Act to allow for prescribed special events (concerts, public assemblies, religious events) at Carrara Stadium (People First Stadium) and Robina Stadium (Cbus Super Stadium)

#### What is the nature, size and scope of the problem? What are the objectives of government action?

The Department of Sport, Racing and Olympic and Paralympic Games (DSROPG or the department) has administrative responsibility for the *Major Sports Facilities Act 2001* (MSF Act) as well as its subordinate legislation, the Major Sports Facilities Regulation 2014 (MSF Regulation).

The MSF Act establishes Stadiums Queensland (SQ) as the authority responsible for managing, operating, using, developing and promoting facilities in Queensland for the staging of national and international sport, recreational, entertainment or special events. SQ is established as an independent statutory authority that does not represent the State.

Nine SQ facilities are declared as major sports facilities under the MSF Act (and listed in Schedule 1 of the MSF Regulation), including Brisbane Stadium / Lang Park (referred to as Suncorp Stadium), and, on the Gold Coast, Carrara Stadium / People First Stadium (previously known as Heritage Bank Stadium) and Robina Stadium/ Cbus Super Stadium.

Under Schedule 2 of the MSF Act, a 'special event' means a major concert, a public assembly or a religious event. A special event is also defined as including any rehearsal, sound and light testing and other ancillary activities necessary and incidental to a major concert, public assembly or religious event.

Part 4 section 30A of the MSF Act provides for the use of a major sports facility for a special event prescribed under a regulation. Section 30A provides that the use of the facility for a special event is a lawful use of the facility despite the *Planning Act 2016* (Planning Act), local planning instruments and development approvals under the Planning Act.

Currently, only Brisbane Stadium / Suncorp Stadium is prescribed by regulation under the MSF Act to allow for staging of special events under the MSF Regulation (section 5 and Schedule 2). The MSF Regulation provides the operating hours for concerts at Brisbane Stadium (10:00am - 10:30pm) and the noise standards, alongside other conditions, that the stadium operator must comply with in the staging of special events (i.e. only concerts and religious events are prescribed for Brisbane Stadium).

Carrara Stadium / People First Stadium and Robina Stadium / Cbus Super Stadium are SQ venues located on the Gold Coast, serving primarily as venues for major sporting events, but also established as concert and large entertainment production venues. Both stadia represent significant investments made by the Queensland Government for the purpose of hosting major events on the Gold Coast.

People First Stadium is leased to the Australian Football League (AFL) under a 20-year lease that expires in 2031. Until early 2025, the stadium was operated by the Gold Coast Suns under a management agreement between the AFL and the Suns, however, the AFL are now responsible for the stadium's operation. People First Stadium was redeveloped in 2011 and since that time has hosted 10 concerts. Constructed in 2008, Cbus Super Stadium is operated by SQ and has hosted one concert (KISS) in September 2022. The stadium was set to host Green Day on 5 March 2025, however, this event was cancelled due to Cyclone Alfred.

In Queensland, provisions for managing noise from venues are provided across relevant state legislation (e.g., the *Environmental Protection Act 1994* and the *Liquor Act 1992* (Liquor Act)), local laws and development approvals. The regulation of noise from concerts across SQ venues is complex and can present challenges for stadium owners, operators and hirers, including for People First Stadium and Cbus Super Stadium.

The current minimum industry standard for conclusion of concerts is 10:30pm (for standard national tours). The 10:30pm finish time allows for a supporting act, resulting in the maximisation of ticket sales and a better commercial return. The liquor licence noise conditions for both People First Stadium and Cbus Super Stadium after 10:00pm (which are effectively impossible to meet with concert amplified music) pose an ongoing barrier for holding concerts at these two venues, with stadium licensees also held responsible for any event-related breaches that are not in their control.

In addition, the differing concert finishing times across SQ venues in the South East Queensland corner lead to commercial inequity for Gold Coast stadium operators and limit the opportunity for Gold Coast region residents to be able to attend concerts in their local area.

The regulation of amplified music for SQ venues under liquor licensing is, therefore, deemed not fit for purpose to allow for the use of major sports facilities in line with the objects of the MSF Act, including to provide facilities that may stage national or international recreational or entertainment events, and special events. In addition to the Liquor Act, local laws (i.e., in relation to light and operating hours) may also be relevant for certain aspects of the staging of special events.

In 2023, the Gold Coast Suns (who were operators of Carrara Stadium, known as Heritage Bank Stadium at that time), Office of Liquor and Gaming (OLGR) and the City of Gold Coast (the City) identified a temporary solution to allow People First Stadium to hold special events (e.g., concerts) until 10:30pm from November 2023, under its *Local Law No. 16 (Licensing) 2008* and Subordinate Local Law No. 16.3 (Entertainment Venues). This temporary arrangement was in place for the Paul McCartney concert on 4 November 2023, and the P!NK concert on 20 February 2024.

There is ongoing uncertainty, however, as to whether People First Stadium will be able to continue holding concerts beyond 10:00pm in the absence of State regulation given the complex interactions between liquor licensing and the application of local laws.

Between 16 February and 8 March 2024, the former Department of Tourism and Sport sought community feedback through written submissions and a survey on the 'Have your say' website on the proposal to regulate concerts at both People First Stadium (known as Heritage Bank Stadium at the time of consultation) and Cbus Super Stadium in a manner comparable to Brisbane Stadium / Suncorp Stadium under the MSF Act, including to allow for concerts to operate until 10:30pm at both stadia instead of the 10:00pm finish time effectively required under liquor licensing.

Consultation results demonstrated a clear majority of respondents supported the proposals, including a majority of respondents who are residents in the traffic areas of the two Gold Coast stadia. Respondents indicated that allowing both stadia to have amplified music concerts until 10:30pm will encourage more international artists to stage concerts on the Gold Coast and will provide increased economic activity for several sectors across the Gold Coast and surrounding areas.

The City has indicated support for the proposal and has committed to working with the Queensland Government to provide that both stadia be regulated under the State's legislation, noting that it would streamline and reduce administrative burden, achieve consistent operating hours between SQ venues in Brisbane and on the Gold Coast, as well as potentially attract more artists to perform on the Gold Coast.

#### What options were considered?

**Option 1 Status quo:** Continuing to allow liquor licence conditions to regulate noise/amplified music at the two Gold Coast stadia was considered. However, as noted above, this option does not allow for a minimum industry standard concert finishing time of 10.30pm, which may deter event promoters from booking these venues. The temporary solution, also noted above, was designed to allow specific events to go ahead at Carrara Stadium / People First Stadium but does not provide regulatory certainty for either the stadium

operator nor event promoters and venue hirers, with the complexity of the approach undermining the principle of regulatory simplicity. The status quo option also does not align with the objects of the Major Sports Facilities Act to provide venues that have the capacity to stage national and international recreational or entertainment events and special events and does not provide commercial equity across South East Queensland venues.

As also noted above, the City agreed to accept responsibility for monitoring noise at People First Stadium under Local Law No. 16 (Licensing) 2008 for a period of 12 months with this temporary arrangement also being supported by OLGR. The City has advised, however, that this is an interim arrangement while the Queensland Government is expected to establish a longer-term solution to regulate noise and other community impacts at the venue.

**Option 2 Amend the MSF Act:** The second option considered is amendment to the MSF Act to allow for regulation of special events at both Gold Coast stadiums despite the Liquor Act and the Liquor Regulation 2002, and any local law that would otherwise apply to the conditions for the staging of special events (e.g., in relation to noise, light or any other conditions that a local law may regulate for special events such as concerts), to promote commercial equity and regulatory consistency across all SQ South East Queensland stadiums. The provision will allow for concert conditions to be stipulated in the MSF Regulation for the two Gold Coast stadia in a manner similar to concert conditions provided for Suncorp Stadium / Brisbane Stadium, including to allow concerts to operate for an additional 30 minutes until 10.30pm.

Should this option be approved, consultation with relevant stakeholders, such as the local community, stadium owners and operators, and the City of Gold Coast, would occur on the regulatory conditions for each venue that should be stipulated in the Major Sports Facilities Regulation, with the intent of reflecting existing appropriate event and venue management practices, wherever possible, and which may include consideration of concert caps, should that be warranted for the specific stadium in question.

For instance, the Cbus Super Stadium development approval currently limits the venue to holding up to three concerts per year. While the existing provision under section 30A of the MSF Act provides an override of any development under the Planning Act, consultation on whether this or any other cap should be considered for Cbus Super Stadium or People First Stadium would be subject to the outcomes of consultation and decision making by Executive Government.

#### What are the impacts?

For Option 2 (amend the MSF Act to allow for prescribed special events at the two Gold Coast stadiums, including to allow concerts to finish at 10.30pm instead of 10.00pm) the proposed 30 minute extension of concert finishing times at the two Gold Coast venues may have potential impacts for communities neighbouring the stadiums due to additional noise, traffic, lighting, and other disturbances, such as temporary road closures.

Pending approval of the Bill, and consultation with key stakeholders such as Stadiums Queensland, venue operators, the City and local community, any additional impacts will be managed and mitigated by event conditions for each venue to be stipulated in the MSF Regulation.

It is proposed that noise conditions will to be established by the Regulation and will include criteria confirmed by acoustic consultants, developed with regard to existing regulatory approaches to managing noise from live music events, such as those held at Suncorp Stadium / Brisbane Stadium (see Schedule 2, MSF Regulation) and the existing Noise Management Plans for the two Gold Coast venues.

Under the current regulatory environment, both stadiums are required to have in place Noise Management Plans (NMPs). The NMPs provide that the stadiums must meet a noise limit at "noise sensitive receptors", and both NMPs identify the locations for noise monitoring during the event. The noise levels prescribed by current NMPs for the two Gold Coast Stadiums are similar but differ slightly in technical specifications due

to the different regulatory regimes in place for the two stadiums. The current NMPs for both venues set noise management levels at 70bB(A) at identified noise sensitive receptors, which is similar to the criteria for open air events established in the *Environmental Protection Act 1994* and criteria for Suncorp Stadium in Schedule 2 of the MSF Regulation 2014.

Both Gold Coast stadia currently have in place best practice Transport and Traffic Management Plans (TTMPs) and other Operational (event) Management Plans (noting that a NMP is a type of Operational Management Plan) and it is proposed that the MSF Regulation would require that stadiums continue to have these plans in place. TTMPs will continue to be developed by certified traffic management designers, with oversight by event transport committees with representation that includes the Department of Transport and Main Roads, the City, transport providers and the Queensland Police Service. Existing Operational Management Plans are in place at both venues providing the plans and processes for compliance with laws, standards, approvals, and other conditions to manage events, including community impacts, and this is expected to continue should special events conditions for these venues be prescribed in the MSF Regulation. Operational Management Plans include plans and procedures for compliance with relevant lighting, building, safety (e.g. evacuation plans, plans and requirements for security and Police), and operating hours conditions. Under the MSF Regulation, Operational Management Plans (inclusive of NMPs) would continue to provide for community notification of events and complaints management procedures (e.g. community event hotlines, patron security text hotlines).

Further, submission of reports summarising 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 noise impact from the event on residents, would continue to be required under the regulatory conditions.

It is, therefore, proposed that the above current processes adopted by both stadia to mitigate impacts from concerts will be stipulated under the Major Sports Facilities Regulation and continue to remain in operation.

It is also anticipated that the proposal will have positive impacts on the Gold Coast such as an increase in concerts leading to positive outcomes for the region including event-based tourism, employment, revenue for local businesses and enhanced visibility of the Gold Coast as a destination on a regional and national scale.

#### Who was consulted?

Key stakeholders including SQ, the City of Gold Coast, People First Stadium Management (previously the Gold Coast Suns, now AFL), OLGR and the Department of Environment, Science and Innovation were consulted and support the proposal.

The previous Department of Tourism and Sport (now DSROPG) undertook community consultation between 16 February 2024 and 8 March 2024 to seek feedback on proposed regulatory changes for People First Stadium and Cbus Super Stadium. Feedback was provided via an online survey and written submissions.

Consistent with the Queensland Government Better Regulation Policy, consultation was promoted through various channels to ensure that interested stakeholders had reasonable opportunity to engage with and respond to the survey. This promotion included but was not limited to;

- Targeted social media advertising.
- Ministerial media statement.
- Physical letter box drops to local residents.
- Advertisement in the Gold Coast Bulletin.

During the three-week (21 calendar day) consultation period, 170 responses were received. This included 163 online survey responses and seven written submissions.

A clear majority of 66.8% of total respondents agreed or strongly agreed that that there should be consistent concert noise curfews for Gold Coast stadiums and Suncorp Stadium. Additionally, 77.3% of respondents agreed or strongly agreed with the proposal to extend concert curfews at these Gold Coast stadiums. Respondents indicated that the proposed regulatory change would help to attract both touring international artists and major Australian acts to the Gold Coast and this will spur greater economic activity across the Gold Coast region.

Despite broad support across the total sample, those who indicated that they lived within or in the vicinity of People First Stadium's controlled traffic areas emphasised more strongly the negative impacts associated with permitting the stadium to have a 10:30pm curfew for concert performances – such as noise, traffic congestion, and anti-social patron behaviour. Despite this, 78.1% of these local respondents still strongly agreed or agreed with the proposal to permit concerts at People First Stadium to be held until 10:30pm.

Additionally, 80.6% of respondents who indicated that they live within or in the vicinity of the Cbus Super Stadium controlled traffic area either agreed or strongly agreed with the proposal to extend the stadium's concert curfew by 30 minutes.

#### What is the recommended option and why?

The recommended option is to regulate noise and other community impacts from prescribed special events under the MSF Act at People First Stadium and Cbus Super Stadium and conditions of use for special events at those venues to be prescribed by regulation under the MSF Regulation, including to allow concerts to operate until 10:30pm. This will ensure that these Gold Coast major sports facilities are able to be used as intended under the MSF Act including to provide facilities capable of staging national or international recreational or entertainment events, and special events.

The results of community consultation reveal broad support for the proposal. Across all samples, most responses indicated that the economic and social benefits which are anticipated to accompany increases in the number of major artists staging concerts at these Gold Coast stadiums will outweigh the potential negative impacts.

#### Impact assessment

#### All proposals - complete [do not delete]:

	First full year	First 10 years**
Direct costs - Compliance costs*	See impacts above	See impacts above
Direct costs - Government costs	0	0

<sup>\*</sup> The direct costs calculator tool (available at <a href="mailto:qpc.qid.gov.au/best-practice-regulation">qpc.qid.gov.au/best-practice-regulation</a>) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. \*\*Agency to note where a longer or different timeframe may be more appropriate.

RIA Table 2 Amend existing provisions within the MSF Act for unlawful ticket reselling (i.e. ticket scalping) to particularise and increase maximum penalties for individuals and bodies corporate to ensure better alignment with other Australian jurisdictions, with consequential amendments to maximum penalties for existing unlawful ticket reselling under the Major Events Act 2014 to retain consistency across the statute book

#### What is the nature, size and scope of the problem? What are the objectives of government action?

Ticket security is an important element that promoters of major events look for in terms of brand protection. Disincentivising ticket reselling at unreasonably elevated prices (i.e., ticket scalping) helps to provide better commercial protections for event organisers and their affiliates and helps to decrease reputational risk where unsanctioned ticket reselling platforms may be perceived as associated with the event and its brand.

Part 4A of the MSF Act sets out restrictions on resale or purchase of tickets to a major sports facility event in Queensland and currently provides a maximum of 20 penalty units (PUs), providing for a maximum penalty value of \$3,338 (20 x \$166.90 (current value of PU)) for natural persons. As maximum penalties for bodies corporate are not specified in the MSF Act, and section 181B(3) of the Penalties and Sentences Act 1982 (PS Act) provides for five times the maximum PUs for an offence under those circumstances, the current maximum penalty for bodies corporate in the MSF Act for unlawful ticket reselling is \$16,690 (5 x 20 PUs x \$166.90).

The value of maximum penalties for unlawful ticket reselling under the MSF Act are significantly lower than what would apply for the same offence for individuals or bodies corporate in New South Wales (NSW) (\$22,000 and \$110,000 respectively) and South Australia (\$20,000 and \$100,000 respectively). Queensland may, therefore, be risking its competitiveness for attracting major sporting and entertainment events by not providing sufficient disincentives to unlawful ticket reselling, particularly in comparison with NSW, which is considered one of Queensland's biggest competitors in attracting sporting and special events.

Subdivision 2 section 31 of the Major Events Act 2014 (ME Act) sets out restrictions on resale of tickets to a major event in Queensland, including the associated maximum penalty units for persons reselling at a price greater than 10 percent above the original ticket price of the ticket (20 PUs).

Queensland is also the only Australian jurisdiction which penalises buyers of unlawfully resold tickets, with these provisions potentially disincentivising reporting of unlawful ticket reselling.

In 2024, the Office of Fair Trading (OFT) within the then Department of Justice and Attorney-General (DJAG) provided the department with data analysis on complaints related to ticket scalping (from 1 July 2020 to 28 September 2023) where only a small number (11) of complaints were received in relation to specific ticket resellers, likely to due to under reporting that may conceal scale of the issue.

In 2024, Queensland Police Service (QPS) advised the department that while there were negligible occurrences of ticket scalping by an individual or online platform between 2013 to 2023, review of these instances indicates that:

- the threshold for investigating individual ticket scalping includes that the offence is reported to police, and that there exists evidence that a ticket is being sold, or has been sold, by an individual, for a price above that permitted by section 30 of the MSF Act;
- factors that may impact the prosecution of individual unlawful ticket reselling offences include the sufficiency of evidence, whether a suspect can be located by police, and whether the suspect is eligible for a caution; and
- factors that may impact the prosecution of platform ticket scalping offences include the sufficiency of evidence, and whether the business is located within Australia or overseas.

The department is of the view that the current offence relating to purchasing an unlawfully resold ticket may disincentivise reporting of ticket scalping and that while offences prosecuted under the provisions of the MSF Act may be low or negligible, the significantly lower maximum penalties for ticket scalping in Queensland do not serve as a sufficient deterrent for this practice and may jeopardise Queensland's competitiveness in attracting and retain major event content to the state.

#### What options were considered?

**Option 1 Status Quo:** Retaining the status quo was considered, however, given Queensland's maximum penalties for unlawful ticket reselling are significantly lower than those that apply in the New South Wales, a key competitor to Queensland for attracting major events, retaining the status quo is not viable or sustainable as it threatens Queensland's interests in delivering economic and social benefits from major event attraction and retention into the future. The status quo option also involves retaining the offence within the MSF Act for purchasing tickets resold at more than 10% above the original sale price for events at major sports facilities with Part 4A of the MSF Act providing for maximum penalty units for a person purchasing a ticket at a price greater than 10 percent above the original ticket price of the ticket (5 PUs). Queensland is the only jurisdiction in Australia which penalises buyers of scalped tickets, a practice which arguably disincentivises reporting of ticket scalping.

**Option 2: Amend the MSF Act and ME Act:** Option 2 proposes to particularise and increase maximum penalties for natural persons and bodies corporate. Specifically, it is proposed to amend the MSF Act and the ME Act to specify different maximum penalties for individuals (135 PUs for a maximum penalty value of \$22,531) and bodies corporate (680 PUs for a maximum value of \$113,492) to better align with jurisdictions such as New South Wales, a major competitor to Queensland for major event attraction.

Queensland is also the only Australian jurisdiction which penalises buyers of scalped tickets. It is therefore proposed that the provision in the MSF Act making it an offence to purchase unlawfully resold tickets be removed from the Act to reduce deterrents to reporting ticket scalping activities and provide for national harmonisation.

#### What are the impacts?

Projected impacts of the proposed amendments include:

- a. Strengthening deterrents to unlawful ticket reselling in Queensland;
- b. aligning Queensland's maximum ticket scalping penalties with maximum penalties currently imposed in jurisdictions such as NSW;
- c. ensuring consistency across the Queensland statute book.

Penalties increase incentives to comply with an existing requirement. As penalties do not arise where people and companies do comply with these requirements, there are no compliance costs associated with penalties included in the impact assessment. Penalties are not included in the calculation of costs of compliance, as they relate to non-compliance.

As the value of penalty units is indexed (usually yearly) in Queensland, it is likely that Queensland's maximum penalties will exceed those of New South Wales in the future.

While it could be argued that increasing maximum penalties for individuals may disproportionately impact alleged perpetrators from relatively disadvantaged socio-economic backgrounds, it is taken as given that judicial discretion in the application of penalties, based on the nature of offending and the individual's specific circumstances, appropriately temper the potential negative impacts from option 2.

#### Who was consulted?

Queensland Police Service and Office of Fair Trading within the Department of Justice were consulted and were generally supportive of the proposal to particularise and increase maximum penalties for unlawful ticket reselling, in the interests of consumer protection.

The Strategic Policy and Legal Services division within the Department of Justice is generally supportive of the proposal to increase the maximum penalties and remove the offence of buying an unlawfully resold ticket.

#### What is the recommended option and why?

The recommended option is to amend the MSF Act and ME Act to particularise and increase the maximum penalty units for individuals and bodies corporate for ticket reselling which will: ensure that Queensland's ticket scalping provisions and penalties are consistent with other Australian and international jurisdictions; strengthen bids for future large scale domestic and international events such as the 2026 AFC Women's Asian Cup; demonstrate the State's capacity to host major/mega events and to support any host city obligations as well as expectations for transparency in ticket sales, fair pricing and ensuring patrons receive valid tickets; establish further protections on unethical practices in the secondary market; enforce transparency in pricing, fees and ticket availability; and help to provide enhanced commercial protections for event organisers and their affiliates.

# Impact assessment

### All proposals - complete [do not delete]:

	First full year	First 10 years**
Direct costs - Compliance costs*	0	0
Direct costs - Government costs	0	0

<sup>\*</sup> The direct costs calculator tool (available at <a href="mailto:qpc.qld.gov.au/best-practice-regulation">qpc.qld.gov.au/best-practice-regulation</a>) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. \*\*Agency to note where a longer or different timeframe may be more appropriate.

# **Signed**

Director-General	Minister
Date:	Date: