

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Tourism and Sport
Name of the proposal	Major Sports Facilities Amendment Regulation 2024
Submission type	Summary IAS
Title of related legislative or regulatory instrument(s)	<i>Major Sports Facilities Act 2001</i> <i>Major Sports Facilities Regulation 2014</i>
Date of issue	12 July 2024

Regulatory Impact Analysis - Table 1

Proposal type	Details
Minor and machinery in nature	Addresses for six of the nine declared major sports facilities listed under Schedule 1 of the Major Sports Facilities Regulation 2014 (the MSF Regulation) require amendments to ensure the street addresses provided in column 2 of Schedule 1 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. This proposal is minor and technical in nature and has zero regulatory costs and as such, no further regulatory impact analysis is required.

Regulatory Impact Analysis - Table 2

What is the nature, size and scope of the problem? What are the objectives of government action?
The <i>Major Sports Facilities Act 2001</i> (MSF Act) stipulates that Brisbane Stadium (Lang Park, also known as Suncorp Stadium) can hold no more than 24 major sport events per year. Under section 30AL of the MSF Act, a major sport event is defined as a national or international sport event that has a crowd size greater than the number prescribed by regulation. Under section 4 of the MSF Regulation, the crowd size number prescribed is currently 35,000. The proposal seeks to increase the crowd size definition for major sports events at Brisbane Stadium (Lang Park/Suncorp Stadium) prescribed in the MSF Regulation from greater than 35,000 to greater 45,000. Due to population increases as well as the increasing popularity of the Brisbane Broncos and the Redcliffe Dolphins rugby league teams, Stadiums Queensland (SQ) advised the Department of Tourism and Sport (DTS) that there were 20 sports events with a crowd size of 35,000 or more in 2023. Analysis undertaken by SQ identified that if sport event attendances in 2023 at Brisbane Stadium had been as little as ten percent higher for four games in the National Rugby League (NRL) 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. If the cap had been reached on 8 September 2023, the Brisbane Broncos preliminary final game against the New Zealand Warriors on 24 September 2023 would have required a capped attendance of 35,000. This could have potentially required the game to be moved to an alternative location outside of Queensland. It could also have placed SQ at risk of being in breach of its hire agreement with the NRL. Hosting this



event outside of Brisbane would have resulted in the loss of home ground advantage for the Broncos as well as a net revenue impact to SQ if the game was not played at Brisbane Stadium, or if the game had proceeded under a 35,000-crowd cap.

Following consideration of modelling undertaken by SQ, it was agreed that an amendment to the MSF Regulation to increase the current major sport event crowd size threshold from greater than 35,000 to greater than 45,000 would be warranted, subject to undertaking community consultation on the proposed increase. The objective of the proposed amendment is, therefore, to help to satisfy existing and projected increases in the demand for, and patronage of, sporting events at Brisbane Stadium. These amendments will provide increased economic, social and community benefits whilst also supporting the long-term commercial viability of Queensland's sporting franchises.

The proposal also provides Government greater certainty in bidding for, and hosting, major national and international sporting events. There is a potential that if a major national or international sporting event was held from September 2024 onwards, the stadium may not be able to lawfully host the event (i.e., if the major sporting event cap had already been met from anchor hirer events and other regular sports events).

This proposal also seeks to avoid any potential financial, reputational, and legal risks to SQ and the State, such as the need to relocate events from Brisbane Stadium, including to other states, to avoid breaching the legislative framework.

What options were considered?

In 2011, the MSF Regulation was amended to increase the major sport event crowd size threshold from greater than 25,000 to greater than 35,000. This change was largely in response to increased sporting event demand resulting from a combination of population and spectator growth as well as the expansion and success of Brisbane's football franchises. Since this amendment, spectator demand for sporting events and the population of Queensland's southeast has increased. The *Major Sports Facilities Amendment Regulation 2024* responds to these ongoing increases and can be understood as an extension of the 2011 precedent.

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 sport events at the venue. Additionally, this option poses significant reputational as well as economic risks to the State, Stadiums Queensland and the venue operator.

An additional alternative approach to the proposed MSF Regulation amendment would be to increase the permitted number of major sport events, rather than the crowd size, at Brisbane Stadium. This approach would require amendments to be made to the MSF Act. This approach was not taken as giving effect to these amendments would likely not meet the necessary implementation timeframes required to safeguard against breaching the MSF Regulation.

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 the venue than the proposed approach. Amending the MSF 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 the stadium with appropriate operating conditions that will meet spectator demand for sporting events at the venue.

Lastly, the Amendment Regulation is consistent with the fundamental legislative principle of having sufficient regard to the institution of Parliament (section 4(5) of the *Legislative Standards Act 1992*). For example, amending the MSF Regulation is consistent with the policy objectives of the authorising law (MSF Act), which includes providing for the management, operation, use, development and promotion of facilities in Queensland for staging national or international sports events, and is within the power of the empowering Act. Given that the spectator capacity of Brisbane Stadium is 52,500, this option offers a modest and reasonable increase to the definition of a major sport event



What are the impacts?

It could be seen that increasing the current crowd size threshold for major sports events at Brisbane Stadium from greater than 35,000 to greater than 45,000 may have potential negative consequences for communities neighbouring the stadium. These impacts may include, but are not limited to, increased noise and traffic as well as other general disturbances.

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. These factors include, but are not limited to:

- the ongoing popularity of Queensland's sporting franchises;
- Queensland Government decisions to participate in major event bids; and
- the attractiveness and appeal of the staged events.

Despite this, it is acknowledged that changing the regulatory settings 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 MSF 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. It should also be noted that Brisbane Stadium regularly hosts events with crowds greater than 45,000 spectators.

The impacts of these 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 and which are approved by the Suncorp Stadium Management Advisory Committee (SSMAC).

SSMAC 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 retain 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 on minimising impacts from these events.

It is also expected that the proposal may have many positive impacts on the local area. Increasing the crowd size threshold may, for example, positively impact the visitor economy and increase revenue for local businesses, while also providing additional employment opportunities for the local population.

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

The Amendment Regulation does not impose compliance costs for local businesses, community or government. Any costs of complying with mitigation strategies set out in the Regulation for special events at Brisbane Stadium will be borne by the venue hirer or promoter. Costs of integrated ticketing to Brisbane Stadium events are recouped from the hirer at event settlement.



Who was consulted?

Between 16 February and 12 March 2024, statewide consultation on the regulatory amendments was undertaken through a survey hosted on the *Get Involved* website, including the option to provide a 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 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
- direct email to Brisbane Stadium's mailing list.

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

Consultation responses demonstrated that 84.1% of respondents either agreed or strongly agreed 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 (an area surrounding the venue designated by Brisbane City Council for events) strongly agreed or agreed 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 or strongly disagreed with the proposal. This compares with 8.5% of responses across the total sample who either disagreed or strongly disagreed with increasing the current prescribed crowd size at the stadium. 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, where possible.

What is the recommended option and why?

Following community consultation, the recommended option is to amend the relevant section under the MSF Regulation to allow for the definition of a major sport event at Brisbane Stadium to be a crowd size greater than 45,000 instead of greater than 35,000.

Community consultation revealed that increasing the crowd size threshold will provide for a fuller utilisation of the venue, while also offering Brisbane additional opportunities to attract major event particularly in the lead up to the Brisbane 2032 Olympic and Paralympic Games. Additionally, as the population of South East Queensland continues to increase, so too will the patronage at sporting events. It is necessary, therefore, to ensure that the Queensland's premier sporting venue is enabled to accommodate this increasing demand.

Impact assessment

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



Regulatory Impact Analysis - Table 3

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

Under the MSF Regulation, Brisbane Stadium is limited to hosting up to six concerts each calendar year. In 2022, the concert cap was temporarily increased to up to 12 concerts per calendar year for 2023 and 2024 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, SQ advised that an increase in the permanent concert cap from six to a maximum of 12 concerts would be 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 proposal therefore seeks to increase the Brisbane Stadium permanent concert cap under the MSF Regulation from up to six concerts per calendar year to up to 12 concerts per calendar year commencing from 2025.

As bookings for large tours and concerts are often negotiated years in advance, a lack of regulatory certainty may jeopardise Queensland's ability to attract touring artists, resulting in significant and ongoing reputational damage to SQ and the state. Not increasing the concert cap would jeopardise the commercial viability of bookings made by artists who can sell several concert dates (e.g. Ed Sheeran, P!NK, Adele and Beyonce). These artists may consider not bringing a tour to Brisbane if they were unable to book more than one or two shows. 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 to 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 surrounding communities.

On the advice of SQ, 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.

What options were considered?

Following community consultation undertaken in 2022, the MSF Regulation was amended to temporarily increase the number of major concerts that could be held at Brisbane Stadium from up to six to up to 12 per calendar year for 2023 and 2024 only. While this interim arrangement has satisfied some demand for the staging of concerts at the venue, the regulatory uncertainty around this temporary solution may be a deterrent to touring artists booking future events at the stadium.

An alternative approach to Amendment Regulation would be to make no changes to the current legislative framework and for the current concert cap at Brisbane Stadium to revert to six concerts per calendar year once the interim arrangements expire on 1 January 2025. This option was not recommended as it does not provide the operating conditions required to meet increased demand for concerts at Brisbane Stadium. Additionally, this option may result in the foregoing of social, economic, and reputational benefits that staging concerts at the venue provide.

Another additional approach would be to permanently increase the number of major concerts that could be held at the venue from up to six to a number greater than 12. This approach would satisfy the desired outcomes of the Amendment Regulation and would be in line with the 60.4% of all responses and 56.7% of responses from those residing within the Lang Park Traffic Area who indicated, during the most recent consultation, that their preferred number of concerts at Brisbane Stadium would be greater than 12. Despite this, SQ advised DTS that, given the existing and ongoing commitments to hosting sport events, there are operational limitations on how many concerts the stadium can host each calendar year. According to this



advice, 12 concerts per calendar year may be approaching the limit of concerts for the venue considering current market factors (e.g., the number of acts who can book more than one concert at a stadium).

An additional approach could be to count a concert series from one artist as one event at Brisbane Stadium. The community was consulted on this approach. However, despite broad support for the proposal, it became clear that this proposal provides no clear upper limit on the number of concerts that could be held at the venue per 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 per year that would be allowed by this proposal will not satisfy this fundamental legislative principle and therefore is not proceeding.

Further, the trend of international artists performing multiple concurrent concerts over several days at the same venue (e.g., Ed Sheeran, Taylor Swift and P!NK) means that SQ requires flexibility and the ability to hold multiple concerts at Brisbane Stadium to entice international artists to bring their events to Brisbane as well as to enable SQ to better allocate concert events around regular sporting fixtures. A permanent cap of 12 concerts per year would provide the necessary operational capacity under current market conditions to satisfy these requirements while also providing impacted residents with certainty regarding the total number of concerts that could be held at the venue per calendar year.

What are the impacts?

Increasing the permanent number of concerts allowable at Brisbane Stadium per calendar year from up to six to up to 12 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 the venue.

Under existing provisions in the MSF Regulation, operators as well as hirers of Brisbane Stadium are required to ensure that concerts comply with relevant conditions for lighting, building, operating hours, and notification requirements and with 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 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 impacts on the local area, such as an increase in touring artists and special events to Brisbane, leading to increases in tourism, employment opportunities, and revenue for local businesses. Additionally, this proposal may further enhance Brisbane's global reputation as a premier destination for national and international touring artists.

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 SQ, has estimated that the nine concerts held at the venue between November 2022 and December 2023 generated approximately \$171.3 million in economic activity.

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 MSF Regulation for special events (in order to moderate the impacts of events on the surrounding community) will be borne by the venue hirer or promoter. For example, increased police presence will be required as a result of the increased numbers of concerts. Police presence depends on a number of 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.

Furthermore, all Brisbane Stadium events use integrated ticketing. The cost for transport services is included in the ticket price. Transport costs are then recouped from the hirer at event settlement. Any additional costs due to an increase in the amount of concerts at Suncorp Stadium are borne by the hirer or promoter whether that be additional transport costs or the cost of an increased police presence.

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.

Who was consulted?

In 2022, community consultation was undertaken on the temporary increase to Suncorp Stadium's concert cap from six to 12 concerts per year, for the two years of 2023 and 2024 only. At this time, the consultation process attracted 236 responses with 78.4% of all respondents either strongly agreeing (57.2%) or agreeing (21.2%) to temporarily increase the cap. Of the Lang Park Local Traffic Area respondents, 76.8% strongly agreed (51.4%) or agreed (25.4%) with the proposal while a minority of local respondents (13%) strongly disagreeing.

On 25 July 2022, Government approved consultation on a permanent increase of the concert cap for Brisbane Stadium from six to eight concerts per year from 2025 onwards, with this consultation to be informed by a review of the cap increase during the 2023 and 2024 calendar years. However, due to ongoing demand for concerts at the stadium since that government decision, DTS sought community views on a range of options for a concert cap at Brisbane Stadium, 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.

Between 16 February and 12 March 2024, statewide consultation on the concert cap proposal 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.

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 stadium's playing surface should concert numbers increase as well as the impacts associated with noise and changed traffic conditions caused by concerts.

During consultation, respondents were also asked to reflect on whether they had been impacted by concerts in 2023 following the temporary increase to the concert cap made for the years 2023 and 2024.

78.1% of all respondents indicated that positive impacts (such as economic benefits for and increased attraction of world class acts to the Brisbane region, and being able to attend more concerts) 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 stronger 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 (e.g. public urination and intoxication, vomiting, littering) and impacted street access for residents and their visitors.

Results of consultation, including feedback from local residents on noise, traffic and other impacts from concerts, such as anti-social behaviour of patrons, have been shared with SQ and the stadium operator to ensure relevant feedback can support enhancement of transport and other operational management plans for concerts, wherever possible.

What is the recommended option and why?

Following the results of community consultation as well as consultation with SQ, the recommended option is to permanently increase the prescribed number of concerts allowable at Brisbane Stadium year from up to six to up to 12 concerts per calendar year commencing from 2025. This proposal is seen as a sensible option which allows for more concerts to be held at Brisbane Stadium while also providing affected parties with clarity as to the total number of concerts permitted at the venue per calendar year.

The proposal to increase permanent concert cap for Brisbane Stadium will also allow the venue to meet current and future demand for concerts, help to maximise the use of, and return on, investment in the stadium as well as deliver positive tourism and economic benefits for the region. Additionally, providing a clear boundary on the number of possible concerts permitted at the venue per calendar year will help ensure that the regulation change is compatible with fundamental legislative principles and human rights legislation.

**Impact assessment**

	First full year	First 10 years
Direct costs – <i>Compliance costs</i>	See impacts above	See impacts above
Direct costs – <i>Government costs</i>	0	0

Signed

Andrew Hopper

Director-General

Date: 12.08.2024

Hon. Michael Healy MP

Minister for Tourism and Sport

Date: 12.08.2024