



New South Wales

# 24-Hour Economy Commissioner Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023*.

## Overview of Bill

The objects of this Bill are to—

- (a) provide for the establishment and appointment of a 24-Hour Economy Commissioner (the *Commissioner*), and
- (b) prescribe the functions and powers of the Commissioner, and
- (c) set out the employment conditions of the Commissioner.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** defines the term *Commissioner* for the proposed Act.

## **Part 2 24-Hour Economy Commissioner**

### **Division 1 Establishment and appointment**

**Clause 4** provides for a 24-Hour Economy Commissioner to be appointed under the *Government Sector Employment Act 2013*.

### **Division 2 Functions of Commissioner**

**Division 2** sets out the functions of the Commissioner, which include advocating for and furthering the interests of the night-time economy in New South Wales. The Commissioner is not subject to the control and direction of the Minister or any other person in relation to the contents of advice, a report or recommendations given to the Minister. Division 2 also provides that the Minister may establish a 24-Hour Economy Advisory Council to provide advice to the Commissioner in relation to the exercise of the Commissioner's functions. Members of the Advisory Council are to be appointed by the Minister on the recommendation of the Commissioner. Division 2 also enables the Commissioner to prepare reports relating to the Commissioner's functions and provide the reports to the Minister and for tabling in each House of Parliament.

### **Division 3 Powers of Commissioner**

**Division 3** requires the Commissioner and other government agencies that provide or deal with services or issues affecting the night-time economy in the State to work in cooperation when exercising their functions. Division 3 also provides the Minister with a power to direct the Commissioner to conduct an inquiry into an issue affecting the night-time economy at any time. The power may be exercised at the request of the Commissioner or on the Minister's own initiative.



New South Wales

# 24-Hour Economy Commissioner Bill 2023

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New South Wales

# 24-Hour Economy Commissioner Bill 2023

No. , 2023

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## **A Bill for**

An Act to provide for the appointment of a 24-Hour Economy Commissioner and the functions and powers of the Commissioner; and for related purposes.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>24-Hour Economy Commissioner Act 2023</i> .	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Definition</b>	7
In this Act—	8
<b>Commissioner</b> —see section 4.	9
<b>Note</b> — The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	10
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<b>Part 2</b>	<b>24-Hour Economy Commissioner</b>	1
<b>Division 1</b>	<b>Establishment and appointment</b>	2
<b>4</b>	<b>24-Hour Economy Commissioner</b>	3
	A 24-Hour Economy Commissioner (the <i>Commissioner</i> ) must be employed under the <i>Government Sector Employment Act 2013</i> .	4 5
<b>Division 2</b>	<b>Functions of Commissioner</b>	6
<b>5</b>	<b>Functions</b>	7
(1)	The Commissioner has the following functions—	8
(a)	to advocate for, and promote the interests of, the night-time economy,	9
(b)	to advocate for policy change, legislative reforms and other improvements about the night-time economy, including by attending relevant forums and conferences and being involved in negotiations between stakeholders,	10 11 12
(c)	to drive collaboration between government agencies to address common issues, and promote better policy development, about the night-time economy,	13 14
(d)	to provide advice, recommendations and reports to the Minister, at the request of the Minister or on the Commissioner’s own initiative, about matters relating to the night-time economy,	15 16 17
(e)	to raise awareness and provide education about, and conduct programs and other activities to promote—	18 19
(i)	understanding of issues affecting the night-time economy, and	20
(ii)	compliance with legislation affecting the night-time economy, and	21
(iii)	best practice in relation to other matters affecting the night-time economy,	22 23
(f)	to encourage more collaboration across industry, local government and the NSW Government in delivery initiatives in relation to the night-time economy,	24 25 26
(g)	other functions conferred on the Commissioner by this Act or another Act.	27
(2)	The Commissioner is not subject to the control and direction of the Minister or any other person in relation to the contents of advice, a report or recommendations given to the Minister.	28 29 30
<b>6</b>	<b>Advisory Council</b>	31
(1)	The Minister may establish a 24-Hour Economy Advisory Council to provide advice to the Commissioner in relation to the exercise of the Commissioner’s functions.	32 33
(2)	The members of the Advisory Council are to be appointed by the Minister on the recommendation of the Commissioner.	34 35
(3)	If the Minister establishes the Advisory Council, the Minister may issue a charter to the Advisory Council that outlines—	36 37
(a)	the Advisory Council’s terms of reference and the way in which it is to operate, and	38 39
(b)	any requirements for the Advisory Council to report to the Minister or the Commissioner.	40 41
(4)	The Minister may abolish the Advisory Council at any time.	42

<b>7 Reports</b>	1
(1) The Commissioner may, in exercising the Commissioner's functions—	2
(a) prepare a report about a particular issue or a general matter relating to the Commissioner's functions, including a report containing forecasts about matters relating to the night-time economy, and	3 4 5
(b) give the report to the Minister.	6
(2) The Minister may provide a report given to the Minister under subsection (1)(b) to the Presiding Officer of each House of Parliament.	7 8
(3) A report provided to the Presiding Officer of a House of Parliament under subsection (2) must be laid before that House within 5 sitting days of that House after it is received by the Presiding Officer.	9 10 11
<b>Division 3 Powers of Commissioner</b>	12
<b>8 Cooperation between Commissioner and other agencies and organisations</b>	13
(1) The Commissioner and other government agencies that provide or deal with services or issues affecting the night-time economy in the State must work in cooperation in the exercise of their functions.	14 15 16
(2) Arrangements may be made by the Minister with the Minister to whom a government agency is responsible for cooperation under subsection (1), including the provision by the agency of information or access to documents required by the Commissioner in relation to the Commissioner's functions.	17 18 19 20
<b>9 Power to conduct inquiries</b>	21
(1) The Minister may direct the Commissioner to conduct an inquiry into an issue affecting the night-time economy at any time.	22 23
(2) A direction under subsection (1) may be—	24
(a) at the request of the Commissioner, or	25
(b) on the Minister's own initiative.	26
(3) Without limiting subsection (1), the Minister may direct the Commissioner to conduct an inquiry into the establishment, operation, suspension or revocation of a special entertainment precinct within the meaning of the <i>Local Government Act 1993</i> , section 202.	27 28 29 30
(4) For the purposes of an inquiry under this section, the Minister may request the attendance or advice of representatives of government agencies, including representatives of—	31 32 33
(a) agencies that deal with matters relating to public health, liquor and gaming, planning, transport or local government, and	34 35
(b) the NSW Police Force.	36
(5) As soon as practicable after conducting an inquiry under this section, the Commissioner must—	37 38
(a) prepare a report about the inquiry, and	39
(b) give a copy of the report to the Minister.	40
(6) The report must include—	41
(a) recommendations about the matter the subject of the inquiry, and	42

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| (b) | if the inquiry related to a matter referred to in subsection (3)—                    | 1 |
|     | recommendations about the establishment or future operation of the special           | 2 |
|     | entertainment precinct and the reasons for the recommendations.                      | 3 |
| (7) | The Minister may provide the report to the Presiding Officer of each House of        | 4 |
|     | Parliament.  | 5 |
| (8) | A report provided to the Presiding Officer of a House of Parliament under subsection | 6 |
|     | (7) must be laid before that House within 5 sitting days of that House after it is   | 7 |
|     | received by the Presiding Officer.   | 8 |