

24-HOUR ECONOMY COMMISSIONER BILL 2023

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The proposed Bill supports the NSW Government's vibrancy agenda as a permanent government priority by establishing the appointment of the 24-Hour Economy Commissioner under the *Government Sector Employment Act 2013*, as well as expanding the Commissioner's program remit from Greater Sydney to also include Newcastle, Wollongong and the Central Coast.

Data supports the economic need for the statutory appointment of the 24-Hour Economy Commissioner. Sydney's night-time economy is estimated to be worth \$27 billion per year; however, the city is missing out on a further \$16 billion in potential uplift (Deloitte Access Economics).

By establishing the position in statute, the Commissioner will have the authority to advocate and further the interests of the night-time economy in New South Wales by collaborating across Government agencies, councils and private sector businesses.

A single, coherent approach with an appropriate level of authority is required to resolve cross-government challenges by providing oversight, coordination, and an evidence-based perspective on the function of the night-time economy to enable the best targeting of government investment and policy, and to engage successfully with industry and councils.

The new Act would entail functions and powers to strengthen the Commissioner's advocacy and coordination role, including empowering the Commissioner to provide independent advice to Government on matters affecting the night-time economy, requiring cooperation between the Commissioner and departments on the night-time economy, and empowering the Commissioner to hold inquiries and make reports to the Government on the night-time economy, including a function to review and make recommendations on the establishment and performance of Special Entertainment Precincts.

Objectives: What is the policy's objective couched in terms of the public interest?

The State's night-time economy intersects with disparate functions of the NSW Government and has historically been affected by highly variable agendas.

The Bill to establish the 24-Hour Economy Commissioner ensures a single, coherent approach with an appropriate level of authority to resolve cross-government challenges regarding NSW's 24-hour economy.

The Bill will provide the Commissioner with the authority to provide oversight, coordination, and an evidence-based perspective on the function of the night-time economy across public and private agencies.

This will enable government to better target both investment and policy interventions to support a productive and safe night-time economy that meets the needs and expectations of the community, and allow government to engage more effectively with industry and councils on night-time economy issues.

Options: What alternative policies and mechanisms were considered in advance of the bill?

New South Wales is the first state or territory government in the world to appoint a 24-Hour Economy Commissioner. Establishing this position as a permanent function through a statutory framework is a key government commitment to ensure the longevity and prioritisation of the work performed by the Commissioner.

Several legislative approaches were canvassed including: establishing a stand-alone agency to support the Commissioner; varying governance arrangements for the Commissioner's position ranging from a Governor-appointed position not accountable to the Minister to a position established under the *Government Sector Employment Act 2013 No 40*; and varying levels of independence and functions and special powers. Non-legislative approaches were also considered including the maintenance of the status quo.

The Bill's provisions are modelled on other establishing legislation for state commissioner roles which perform similar coordinating, advocacy and advisory functions. They provide the Commissioner with powers, accountabilities and functions proportionate to the government's expectation for the role.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Options relating to the appointment, tenure, remuneration and functions of the Commissioner were considered. Similar statutory appointments such as the Advocate for Children and Young People, Point-to-Point Transport Commissioner, Small Business Commissioner and the Privacy Commissioner, Soil Conservation Commissioner, Surveyor-General and Commissioner of the State Emergency Service were used as reference points.

A 'light-touch' approach has been proposed, with the primary role of the Commissioner to be advocacy and advisory. The Commissioner is empowered to cooperate and share information with other departments in the NSW Government and conduct reviews and reports to the Minister which may be tabled in NSW Parliament, but the Commissioner does not have an investigative or regulatory function.

The 2023-24 Budget provided funding of \$26.8 million in 2023-24 for the delivery of an expanded remit of the Office of the 24-Hour Economy Commissioner.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Act will be administered by the Office of the 24-Hour Economy Commissioner within the Department of Enterprise, Investment and Trade. The Bill will be introduced to the NSW Parliament in the week of 17 October 2023.

Following the Act's commencement, implementation will commence immediately, including the delivery of a refreshed 24-Hour Economy Strategy in the first half of 2024.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The development of the policy has received input from the NSW Vibrancy Reforms Steering Committee, comprising members of The Cabinet Office, Liquor and Gaming NSW, NSW Health, Transport for NSW, NSW Police Force, Department of Planning and Environment and the Office of Local Government.

Over 35 individual targeted consultations have been facilitated by the Office of the 24-Hour Economy Commissioner, outlining the proposed statutory appointment of the Commissioner for comments and feedback.

Stakeholder feedback was sought across government departments and agencies, industry bodies and relevant interest groups, as well as a webinar reaching councils across the State. The feedback received was formally captured, considered and concluded as non-controversial.