



New South Wales

24-Hour Economy Commissioner Act 2023 No 54

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24-Hour Economy Commissioner Act 2023 No 54

Act No 54, 2023

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. [Assented to 12 December 2023]

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *24-Hour Economy Commissioner Act 2023*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Definition

In this Act—

Commissioner—see section 4.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

Part 2 24-Hour Economy Commissioner

Division 1 Establishment and appointment

4 24-Hour Economy Commissioner

A 24-Hour Economy Commissioner (the *Commissioner*) must be employed under the *Government Sector Employment Act 2013*.

Division 2 Functions of Commissioner

5 Functions

- (1) The Commissioner has the following functions—
 - (a) to advocate for, and promote the interests of, the night-time economy State-wide,
 - (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,
 - (c) to drive collaboration between government agencies to address common issues, and promote better policy development, about the night-time economy,
 - (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,
 - (e) to raise awareness and provide education about, and conduct programs and other activities to promote—
 - (i) understanding of issues affecting the night-time economy, and
 - (ii) compliance with legislation affecting the night-time economy, and
 - (iii) best practice in relation to other matters affecting the night-time economy,
 - (f) to promote and enhance multiculturalism as part of the night-time economy,
 - (g) to advocate for a mix of diverse cultural, social and business activities and experiences as part of the night-time economy,
 - (h) to encourage more collaboration across industry, local government and the NSW Government in delivery initiatives in relation to the night-time economy,
 - (i) other functions conferred on the Commissioner by this Act or another Act.
- (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.

6 Advisory Council

- (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.
- (2) The members of the Advisory Council are to be appointed by the Minister on the recommendation of the Commissioner.
- (3) The members of the Advisory Council must include at least one person who, in the Minister's opinion, represents the interests of regional New South Wales, whether because the person—
 - (a) resides or works in, or advocates for, regional New South Wales, or

- (b) represents an organisation that works in, represents or advocates for regional New South Wales.
- (4) If the Minister establishes the Advisory Council, the Minister may issue a charter to the Advisory Council that outlines—
 - (a) the Advisory Council’s terms of reference and the way in which it is to operate, and
 - (b) any requirements for the Advisory Council to report to the Minister or the Commissioner.
- (5) The Minister may abolish the Advisory Council at any time.

7 Reports

- (1) The Commissioner may, in exercising the Commissioner’s functions—
 - (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
 - (b) give the report to the Minister.
- (2) The Minister may provide a report given to the Minister under subsection (1)(b) to the Presiding Officer of each House of Parliament.
- (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.

Division 3 Powers of Commissioner

8 Cooperation between Commissioner and other agencies and organisations

- (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.
- (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.

9 Power to conduct inquiries

- (1) The Minister may direct the Commissioner to conduct an inquiry into an issue affecting the night-time economy at any time.
- (2) A direction under subsection (1) may be—
 - (a) at the request of the Commissioner, or
 - (b) on the Minister’s own initiative.
- (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 *Local Government Act 1993*, section 202.
- (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 agencies that deal with matters relating to the following—
 - (a) public health,
 - (b) liquor and gaming,

- (c) arts and culture,
 - (d) planning,
 - (e) multiculturalism,
 - (f) policing,
 - (g) transport,
 - (h) local government.
- (5) As soon as practicable after conducting an inquiry under this section, the Commissioner must—
- (a) prepare a report about the inquiry, and
 - (b) give a copy of the report to the Minister.
- (6) The report must include—
- (a) recommendations about the matter the subject of the inquiry, and
 - (b) if the inquiry related to a matter referred to in subsection (3)— recommendations about the establishment or future operation of the special entertainment precinct and the reasons for the recommendations.
- (7) The Minister may provide the report to the Presiding Officer of each House of Parliament.
- (8) A report provided to the Presiding Officer of a House of Parliament under subsection (7) must be laid before that House within 5 sitting days of that House after it is received by the Presiding Officer.

[Second reading speech made in—
Legislative Council on 19 October 2023
Legislative Assembly on 29 November 2023]