



Queensland

# **Major Sports Facilities Amendment Act (No. 2) 2006**

**Act No. 53 of 2006**









Queensland

# **Major Sports Facilities Amendment Act (No. 2) 2006**

## **Act No. 53 of 2006**

---

**An Act to amend the *Major Sports Facilities Act 2001*, and for  
other purposes**

**[Assented to 7 December 2006]**

The Parliament of Queensland enacts—

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Major Sports Facilities Amendment Act (No. 2) 2006*.

## Part 2 Amendment of Major Sports Facilities Act 2001

### 2 Act amended in pt 2

This part amends the *Major Sports Facilities Act 2001*.

### 3 Insertion of new pts 4A and 4B

After part 4—

*insert—*

## ‘Part 4A Resale or purchase of tickets

### ‘30B Definitions for pt 4A

‘In this part—

*authorised ticket agent*, for a major sports facility event, means an entity authorised by the event’s organiser to sell tickets to the event to the public.

*non-profit organisation* means an organisation that is not carried on for the profit or gain of its individual members.

*Examples of entities that may be non-profit organisations—*

a charity, church, club or environmental protection society

***original ticket price***, of a ticket to a major sports facility event, means—

- (a) if the ticket was originally obtained from the event's organiser—the price at which the organiser sells, to the public, tickets of the same type for the event; or
- (b) if the ticket was originally obtained from an authorised ticket agent for the event—the price at which the agent sells, to the public, tickets of the same type for the event, including any fee, whatever called, charged by the agent for the sale and included in the purchase price.

***public sale forum*** means a newspaper, auction house, internet website or other venue or medium that, in the ordinary course of business or commerce, is generally made available to members of the public to sell to, or purchase from, other members of the public, all, or broad categories of, property and services.

***resell***, a ticket to a major sports facility event, means to sell the ticket—

- (a) at any time after it has been obtained from the event's organiser or an authorised ticket agent for the event; and
- (b) before the event takes place.

***sell*** includes offer for sale.

***ticket***, to a major sports facility event, means a docket, token or another item that entitles the person holding the docket, token or item to attend the event on the day and at the time indicated on the docket, token or item.

### **'30C Restriction on resale or purchase of tickets**

- '(1) A person must not, within or outside Queensland, resell a ticket to a major sports facility event at a price greater than 10% above the original ticket price of the ticket.

Maximum penalty—20 penalty units.

- '(2) A person must not, within or outside Queensland, purchase a ticket to a major sports facility event from a person, other than the event's organiser or an authorised ticket agent for the

event, at a price greater than 10% above the original ticket price of the ticket.

Maximum penalty—5 penalty units.

- ‘(3) Subsection (1) or (2) does not apply to the resale or purchase of a ticket, to a major sports facility event, by or from a non-profit organisation, or someone acting for the organisation, for fundraising.
- ‘(4) This section does not authorise the resale of a ticket to a major sports facility event.
- ‘(5) A person does not contravene subsection (1) or (2) merely because the person provides, or assists someone else to provide, a public sale forum that is used in contravention of subsection (1) or (2).

## ‘Part 4B Advertising

### ‘30D Definitions for pt 4B

‘In this part—

*advertisement* includes the following—

- (a) skywriting or sign-writing by an aircraft;
- (b) a banner or other sign attached to—
  - (i) an aircraft, or a hang-glider, parachute, paraglider or similar device; or
  - (ii) a person suspended from an aircraft, or a hang-glider, parachute, paraglider or similar device;
- (c) matter on an aircraft, or a hang-glider, parachute, paraglider or similar device, other than matter not intended for advertising;
- (d) matter on a building or other structure, or a banner or other sign attached to a building or other structure, other than matter not intended for advertising;



- (e) matter on a flag, other than a state or national flag, that has an area of more than 5m<sup>2</sup>, other than matter not intended for advertising;
- (f) any laser or digital projection of advertising.

*aircraft* includes airship, blimp, helicopter and hot-air balloon.

*declared event* means a major sports facility event declared to be a declared event for this part under section 30E.

*declared period*, for a major sports facility, means a period declared under section 30E as a period for which this part applies to the facility in relation to the staging, at the facility, of a declared event.

*display* includes cause to be displayed.

### **‘30E Declaration of events and periods for this part**

- ‘(1) The Governor in Council may, by gazette notice, declare—
  - (a) a major sports facility event as a declared event for this part; and
  - (b) the period for which this part applies, in relation to the declared event, to the major sports facility at which the declared event is to be staged.
- ‘(2) The declaration must be made at least 28 days before the start of the period mentioned in subsection (1)(b).

### **‘30F Restriction on advertising**

- ‘(1) A person must not display an advertisement in airspace, or on a building or other structure, that is within sight of a major sports facility during a declared period for the facility, unless the display is authorised under section 30G.

Maximum penalty—700 penalty units.

- ‘(2) Subsection (1) does not apply to the following—
  - (a) an advertisement that is a logo, symbol or similar matter displayed on a building or other structure on more than a temporary basis;

- (b) an advertisement displayed on an aircraft within sight of the major sports facility if the aircraft is in transit as part of a scheduled commercial flight.

### **‘30G Authorised advertising**

- ‘(1) The Authority may, on written application by a person, authorise the display of an advertisement in airspace, or on a building or other structure, within sight of a major sports facility during a declared period for the facility.
- ‘(2) However, the Authority may authorise the display only if the Authority is satisfied the display is appropriate for the declared event to which the declared period relates, having regard to the following—
  - (a) any effect of the advertisement on the organisation or staging of the event;
  - (b) whether or not there are any commercial arrangements about the advertisement with the Authority or the event’s organiser;
  - (c) whether or not the advertisement is consistent with other advertisements approved for the event and the arrangements mentioned in paragraph (b);
  - (d) any effect of the advertisement on how the facility is perceived by persons intending or likely to stage events at the facility in the future.
- ‘(3) The Authority may impose conditions on the display of the advertisement under the authorisation, including, for example, conditions about the following—
  - (a) the period for which the display is authorised under the approval;
  - (b) the circumstances in which the display is authorised under the approval;
  - (c) the persons who are authorised to display the advertisement under the approval;
  - (d) the types of advertisements that are authorised to be displayed under the approval.’.

**4 Amendment of s 32 (Offences)**

Section 32, heading—

*omit, insert—*

**‘32 Conduct on facility land’.****5 Renumbering of pt 6, second div 3 (Transitional provision for Major Sports Facilities Amendment Act 2005)**

Part 6, division 3, second mention—

*renumber* as division 4.

**6 Insertion of new pt 6, div 5**

Part 6—

*insert—*

**‘Division 5 Transitional provision for Major Sports Facilities Amendment Act (No. 2) 2006****‘79 Effect of regulation amendment**

‘The amendment of the *State Penalties Enforcement Regulation 2000* by the *Major Sports Facilities Amendment Act (No. 2) 2006* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

**7 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

*‘advertisement*, for part 4B, see section 30D.

*aircraft*, for part 4B, see section 30D.

*authorised ticket agent*, for part 4A, see section 30B.

*declared event*, for part 4B, see section 30D.

*declared period*, for part 4B, see section 30D.

**display**, for part 4B, see section 30D.

**major sports facility event** means a national or international sport, recreational or entertainment event, or special event, staged at a major sports facility.

**national or international**, sport event, includes, for example—

- (a) a sport event that is organised at a national or international level or by a national or international body; and
- (b) a sport event between a team representing 1 State or country and a team representing another State or country; and

*Example—*

the rugby league ‘State of Origin’ series

- (c) a sport event between a team representing a State, or a part of a State, and a team representing another country, or a part of another country.

*Examples—*

- a game of cricket between a team representing Queensland and a team representing England
- the rugby union ‘Super 14’ competition

**non-profit organisation**, for part 4A, see section 30B.

**organiser**, of a major sports facility event, means the entity that—

- (a) is responsible for organising the event; and
- (b) will receive revenue from the sale of tickets to the event.

**original ticket price**, for part 4A, see section 30B.

**public sale forum**, for part 4A, see section 30B.

**resell**, for part 4A, see section 30B.

**sell**, for part 4A, see section 30B.

**ticket**, for part 4A, see section 30B.?

## Part 3 Amendment of State Penalties Enforcement Regulation 2000

### 8 Regulation amended in pt 3

This part amends the *State Penalties Enforcement Regulation 2000*.

### 9 Amendment of sch 5 (Other legislation)

(1) Schedule 5, entry for the *Major Sports Facilities Act 2001*—  
*insert*—

‘s 30C(1) ..... 2  
s 30C(2) ..... 1/2’.

(2) Schedule 5, entry for the *Major Sports Facilities Act 2001*, entry for authorised person for service of infringement notices—  
*omit, insert*—

#### ‘Authorised person for service of infringement notices—

- (a) for an offence against section 30C(1) or (2)—a police officer;  
or
- (b) for an offence against another provision—an authorised person appointed under the *Major Sports Facilities Act 2001*, schedule 1, section 1<sup>1</sup>.

---

1 *Major Sports Facilities Act 2001*, schedule 1 (Control of traffic on facility land), section 1 (Appointment)