



Queensland

Major Sports Facilities and Other Legislation Amendment Act 2016

Act No. 56 of 2016

An Act to amend the Gaming Machine Act 1991, the Keno Act 1996, the Land Act 1994, the Major Sports Facilities Act 2001, the Transport Infrastructure Act 1994 and the Acts mentioned in schedule 1 for particular purposes

[Assented to 11 November 2016]



Queensland

Major Sports Facilities and Other Legislation Amendment Act 2016

Contents

| | | Page |
|---------------|---|------|
| Part 1 | Preliminary | |
| 1 | Short title | 3 |
| 2 | Commencement | 3 |
| Part 2 | Amendment of Gaming Machine Act 1991 | |
| 3 | Act amended | 3 |
| 4 | Amendment of s 312 (Gaming machine tax) | 3 |
| Part 3 | Amendment of Keno Act 1996 | |
| 5 | Act amended | 4 |
| 6 | Insertion of new ss 137A and 137B | 4 |
| | 137A Keno pooling agreements | 4 |
| | 137B Application of particular provisions to keno pooling agreements | 5 |
| 7 | Amendment of s 143 (Times of conduct of approved keno games) | 6 |
| 8 | Amendment of sch 4 (Dictionary) | 6 |
| Part 4 | Amendment of Land Act 1994 | |
| 9 | Act amended | 7 |
| 10 | Amendment of s 8 (Definitions for pt 4) | 7 |
| 11 | Insertion of new s 8A | 8 |
| | 8A Who is an adjacent owner for non-tidal watercourse land and non-tidal lake land | 8 |
| 12 | Amendment of s 13A (Land adjacent to non-tidal boundary (watercourse) or non-tidal boundary (lake) owned by State) | 9 |
| 13 | Insertion of new ss 13AA and 13AB | 9 |
| | 13AA Power to deal with non-tidal watercourse land and non-tidal lake land | 9 |
| | 13AB Leasing non-tidal watercourse land or non-tidal lake land | 10 |
| 14 | Amendment of s 13B (Power to declare and deal with former | |

Contents

| | | |
|-------------------|---|----|
| | watercourse land) | 11 |
| 15 | Amendment of sch 6 (Dictionary) | 11 |
| Part 5 | Amendment of Major Sports Facilities Act 2001 | |
| 16 | Act amended | 12 |
| 17 | Amendment of s 14 (Qualifications for appointment) | 12 |
| 18 | Insertion of new ss 17A to 17C | 12 |
| | 17A Criminal history report | 12 |
| | 17C New convictions must be disclosed | 13 |
| | 17D Confidentiality of criminal history information | 14 |
| 19 | Omission of s 25A (Authority may enter into work performance arrangements) | 15 |
| 20 | Amendment of s 30 (Delegations) | 15 |
| 21 | Omission of pt 3A (Major Sports Facilities Employing Office) | 15 |
| 22A | Amendment of pt 3B, hdg (Major sport events at Suncorp Stadium) | 15 |
| 23 | Omission of pt 3B, div 1 (Major sport events during 2011) | 16 |
| 24 | Omission of pt 3B, div 2, hdg (Major sport events after 2011) | 16 |
| 25 | Amendment of s 30AL (Definitions for div 2) | 16 |
| 26 | Amendment of s 30AM (Application of div 2) | 17 |
| 27A | Amendment of s 30AN (Use of Suncorp Stadium for major sport events) | 17 |
| 28 | Amendment of s 30D (Definitions for pt 4B) | 17 |
| 29 | Amendment of s 30F (Restriction on advertising) | 18 |
| 30 | Amendment of s 30G (Authorised advertising) | 18 |
| 31 | Omission of pt 6, div 6 (Transitional provisions for Statutory Bodies Legislation Amendment Act 2007) | 19 |
| 32 | Amendment of sch 1A (Relevant development approval condition) | 19 |
| 33 | Amendment of sch 2 (Dictionary) | 19 |
| Part 6 | Amendment of Transport Infrastructure Act 1994 | |
| 34 | Act amended | 20 |
| 35 | Amendment of s 93AA (Application of s 93 to QML network) | 20 |
| Part 7 | Other amendments | |
| 36 | Acts amended | 21 |
| Schedule 1 | Acts amended | 22 |
| | Liquor Act 1992 | 22 |
| | Planning (Consequential) and Other Legislation Amendment Act 2016 | 22 |

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Major Sports Facilities and Other Legislation Amendment Act 2016*.

2 Commencement

Parts 2 and 3 commence on a day to be fixed by proclamation.

Part 2 Amendment of Gaming Machine Act 1991

3 Act amended

This part amends the *Gaming Machine Act 1991*.

4 Amendment of s 312 (Gaming machine tax)

Section 312(3) and (4)—

omit, insert—

- (3) The amount of gaming machine tax payable by the licensee in respect of each premises to which the licensee's licence relates is the amount represented by the percentage prescribed, for the category of licensed premises to which the premises belong, of the monthly taxable metered win for the premises for the month for which the tax is payable.

[s 5]

Part 3 Amendment of Keno Act 1996

5 Act amended

This part amends the *Keno Act 1996*.

6 Insertion of new ss 137A and 137B

Part 8, division 1—

insert—

137A Keno pooling agreements

- (1) A keno licensee may enter into an agreement (a *keno pooling agreement*) with an interstate entity to provide for—
 - (a) the keno licensee and the interstate entity to retain a percentage of amounts received (the *pooling contributions*) by the keno licensee and the interstate entity from the conduct of jackpot keno games; and
 - (b) how pooling contributions are applied to form part of a prize for a jackpot keno game; and
 - (c) the transfer of pooling contributions between the keno licensee and the interstate entity; and
 - (d) the coordination of the conduct of jackpot keno games by the keno licensee and the interstate entity; and
 - (e) any other matter the chief executive believes is necessary for ensuring—
 - (i) the integrity of the conduct of keno games; or
 - (ii) the public interest is not affected in an adverse and material way.

-
- (2) An interstate entity is taken not to conduct a keno game in the State because of 1 or more of the following—
 - (a) the interstate entity is a party to a keno pooling agreement;
 - (b) the interstate entity conducts a jackpot keno game in another State;
 - (c) the interstate entity pays, or is required to pay, to a person a prize for a jackpot keno game.
 - (3) A prize for a jackpot keno game that is conducted in the State must not include an amount received by an interstate entity, other than an amount that is all or part of the pooling contributions.
 - (4) A keno licensee may only pay an amount for a prize for a jackpot keno game conducted in another State if the amount is all or part of the pooling contributions.
 - (5) In this section—

interstate entity means an entity that conducts a keno game under a law of another State that provides for the conduct and playing of keno games in that other State.

jackpot keno game, in relation to a keno pooling agreement, means a keno game that is the subject of the agreement.

keno game includes a game commonly known in another State as keno.

137B Application of particular provisions to keno pooling agreements

Sections 135 to 137 apply to a keno pooling agreement as if a reference in those sections to—

[s 7]

- (a) a related agreement were a reference to a keno pooling agreement; and
- (b) termination of an agreement were a reference to a keno licensee exiting an agreement.

7 Amendment of s 143 (Times of conduct of approved keno games)

Section 143—

insert—

- (1A) A keno licensee does not commit an offence under subsection (1) if—
 - (a) the keno licensee is a party to a keno pooling agreement; and
 - (b) during a prescribed period the keno licensee—
 - (i) conducts a draw for a keno game for the purposes of the keno pooling agreement; but
 - (ii) does not pay a prize to a person who entered the keno game before the prescribed period.

8 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

keno pooling agreement see section 137A.

Part 4 Amendment of Land Act 1994

9 Act amended

This part amends the *Land Act 1994*.

10 Amendment of s 8 (Definitions for pt 4)

Section 8—

insert—

adjacent owner—

- (a) for non-tidal watercourse land—see section 8A (1) and (2); or
- (b) for non-tidal lake land—see section 8A (3) and (4).

chief executive (water) means the chief executive of the department in which the *Water Act 2000* is administered.

non-tidal lake land see section 13AA (1)(b).

non-tidal watercourse land see section 13AA (1)(a).

owner, of land, means the following—

- (a) if the land is freehold land—the registered owner of the land;
- (b) if the land is the subject of a lease registered under the *Land Title Act 1994*—the lessee of the land;
- (c) if the land is the subject of a lease registered under this Act—the lessee of the land;
- (d) if the land is a reserve—the trustee of the reserve;

[s 11]

- (e) if a person has occupation rights in relation to the land under a licence or permit—the licensee or permittee.

11 Insertion of new s 8A

Chapter 1, part 4, division 1—

insert—

8A Who is an *adjacent owner* for non-tidal watercourse land and non-tidal lake land

- (1) A person is an *adjacent owner* for non-tidal watercourse land if the person is the owner of land that adjoins a non-tidal boundary (watercourse) of the non-tidal watercourse land.
- (2) Also, a person is an *adjacent owner* for non-tidal watercourse land if—
 - (a) the non-tidal watercourse land extends from the non-tidal boundary (watercourse) on 1 side of the watercourse (the *subject boundary*) past the line along the middle of the bed of the watercourse; and
 - (b) the person is the owner of land that adjoins the non-tidal boundary (watercourse) of the non-tidal watercourse land on the other side of the watercourse, opposite the subject boundary.
- (3) A person is an *adjacent owner* for non-tidal lake land if the person is the owner of land that adjoins a non-tidal boundary (lake) of the non-tidal lake land.
- (4) Also, a person is an *adjacent owner* for non-tidal lake land if—
 - (a) the non-tidal lake land extends from the non-tidal boundary (lake) on 1 side of the lake (the *subject boundary*) past the centre of the lake; and

- (b) the person is the owner of land that adjoins the non-tidal boundary (lake) of the non-tidal lake land on the other side of the lake, opposite the subject boundary.

12 Amendment of s 13A (Land adjacent to non-tidal boundary (watercourse) or non-tidal boundary (lake) owned by State)

Section 13A—

insert—

- (6) If the adjacent area is the subject of a lease—
 - (a) subsection (4)(a) and (b) applies only to the extent exercising the right does not interfere with the lessee's rights and interests under the lease; and
 - (b) subsection (4)(c) does not allow the owner to bring an action against the lessee, a person acting for the lessee, or a person with a registered interest in the lease.

13 Insertion of new ss 13AA and 13AB

After section 13A—

insert—

13AA Power to deal with non-tidal watercourse land and non-tidal lake land

- (1) This section applies to—
 - (a) land that is the property of the State under section 13A(1) (*non-tidal watercourse land*); and
 - (b) land that is the property of the State under section 13A(2) (*non-tidal lake land*).
- (2) Non-tidal watercourse land and non-tidal lake land are not unallocated State land, but may be

[s 13]

leased under this Act as if the land were unallocated State land.

- (3) Subsection (2) applies subject to section 13AB.

13AB Leasing non-tidal watercourse land or non-tidal lake land

- (1) Non-tidal watercourse land or non-tidal lake land may be leased under this Act only if—
- (a) the lessee is the State; and
 - (b) each person who is an adjacent owner for the land consents to the lease; and
 - (c) the chief executive (water) consents to the lease; and
 - (d) each condition of the consent of the chief executive (water) imposed under subsection (3)—
 - (i) has been satisfied; or
 - (ii) is imposed as a condition of the lease.
- (2) In deciding whether to consent to the lease, the chief executive (water) must consider whether, and to what extent, the lease will interfere with—
- (a) the State's control or use of any part of the non-tidal watercourse land or non-tidal lake land for a purpose under the *Water Act 2000*; or
 - (b) a right of the State or a person to take or use water under the *Water Act 2000*.
- (3) The consent of the chief executive (water) may be given on conditions.
- (4) A lease of non-tidal watercourse land or non-tidal lake land may not be transferred.
- (5) Despite section 13AA (2), the granting of a lease over non-tidal watercourse land or non-tidal lake

land is not subject to any public auction, tender or ballot requirements under chapter 4, part 1, division 1.

14 Amendment of s 13B (Power to declare and deal with former watercourse land)

Section 13B(11), definitions *appropriately qualified*, *chief executive (water)* and *owner*—

omit.

15 Amendment of sch 6 (Dictionary)

(1) Schedule 6—

insert—

adjacent owner, for chapter 1, part 4, see section 8A .

chief executive (water), for chapter 1, part 4, see section 8.

non-tidal lake land, for chapter 1, part 4, see section 13AA (1)(b).

non-tidal watercourse land, for chapter 1, part 4, see section 13AA (1)(a).

(2) Schedule 6, definition *owner*, paragraphs (a) and (b)—

renumber as paragraphs (b) and (c).

(3) Schedule 6, definition *owner*—

insert—

(a) for chapter 1, part 4, see section 8; or

[s 16]

Part 5 Amendment of Major Sports Facilities Act 2001

16 Act amended

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

17 Amendment of s 14 (Qualifications for appointment)

Section 14(a), after ‘administration’—

insert—

under the Corporations Act, section 9

18 Insertion of new ss 17A to 17C

Part 3, division 3—

insert—

17A Criminal history report

- (1) To decide if a person is qualified to be or continue as a director, the chief executive may ask the commissioner of the police service for—
 - (a) a written report about the criminal history of the person; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the chief executive may make the request only if the person has given the chief executive written consent for the request.
- (3) The commissioner of the police service must comply with the request.
- (4) However, the duty to comply applies only to information in the commissioner’s possession or to which the commissioner has access.

- (5) After receiving the report, the chief executive must—
- (a) disclose the contents of the report to the person; and
 - (b) allow the person a reasonable opportunity to make written representations to the chief executive about the report.
- (6) In this section—

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986* to the extent the criminal history relates to convictions for indictable offences, other than spent convictions.

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

17C New convictions must be disclosed

- (1) This section applies if a person who is a director is convicted of an indictable offence during the term of the director's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the chief executive.

Maximum penalty—100 penalty units.

- (3) The notice must include all of the following—
 - (a) the existence of the conviction;
 - (b) when the offence was committed;
 - (c) details adequate to identify the offence;

[s 18]

(d) the sentence imposed on the person.

17D Confidentiality of criminal history information

- (1) This section applies to a person who possesses either of the following because the person is or was an officer, employee or agent of the department—
 - (a) a report or information given to the chief executive under section 17A;
 - (b) a notice or information given to the chief executive under section 17C.
- (2) The report, notice or information is *criminal history information*.
- (3) The person must not, directly or indirectly, disclose criminal history information to any other person unless the disclosure is permitted under subsection (4).

Maximum penalty—100 penalty units.

- (4) The person is permitted to disclose the criminal history information to another person—
 - (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.

- (5) The chief executive must ensure a document containing criminal history information is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

19 Omission of s 25A (Authority may enter into work performance arrangements)

Section 25A—

omit.

20 Amendment of s 30 (Delegations)

- (1) Section 30(1)(b)—

omit.

- (2) Section 30(1)(c)—

renumber as section 30(1)(b).

- (3) Section 30(2), definition *appropriately qualified*, example, ‘an entity’—

omit, insert—

the Authority

21 Omission of pt 3A (Major Sports Facilities Employing Office)

Part 3A—

omit.

22A Amendment of pt 3B, hdg (Major sport events at Suncorp Stadium)

Part 3B, heading, ‘Suncorp Stadium’—

omit, insert—

Brisbane Stadium (Lang Park)

[s 23]

23 Omission of pt 3B, div 1 (Major sport events during 2011)

Part 3B, division 1—

omit.

24 Omission of pt 3B, div 2, hdg (Major sport events after 2011)

Part 3B, division 2, heading—

omit.

25 Amendment of s 30AL (Definitions for div 2)

(1) Section 30AL, heading, ‘for div 2’—

omit, insert—

for part

(2) Section 30AL, ‘division’—

omit, insert—

part

(3) Section 30AL, definitions *relevant development approval* and *relevant development approval condition*—

omit.

(4) Section 30AL—

insert—

relevant development approval means the development approval relating to the major sports facility called Brisbane Stadium issued under the *Integrated Planning Act 1997* on 6 July 2001 and continued as a development approval under the *Sustainable Planning Act 2009*.

relevant development approval condition means condition 42 of the relevant development approval, a copy of which is set out in schedule 1A.

26 Amendment of s 30AM (Application of div 2)

- (1) Section 30AM, heading, ‘div 2’—

omit, insert—

part

- (2) Section 30AM, ‘division’—

omit, insert—

part

- (3) Section 30AM, ‘Suncorp Stadium’—

omit, insert—

Brisbane Stadium (Lang Park)

27A Amendment of s 30AN (Use of Suncorp Stadium for major sport events)

- (1) Section 30AN, heading, ‘Suncorp Stadium’—

omit, insert—

Brisbane Stadium (Lang Park)

- (2) Section 30AN(1), ‘Suncorp Stadium’—

omit, insert—

Brisbane Stadium (Lang Park)

28 Amendment of s 30D (Definitions for pt 4B)

- (1) Section 30D, definition *declared period*—

omit.

- (2) Section 30D—

insert—

prescribed event means a major sports facility event that is—

- (a) of a type prescribed by regulation; and

[s 29]

- (b) organised, scheduled or endorsed by a national or international body prescribed by regulation for the type of event; and
- (c) held at a major sports facility prescribed by regulation for the type of event.

restricted advertising event means—

- (a) a declared event; or
- (b) a prescribed event.

restricted advertising period, for a major sports facility, means—

- (a) a period declared under section 30E(1) as a period for which this part applies to the facility in relation to the staging, at the facility, of a declared event; or
- (b) the period starting at 6a.m. and ending at midnight on a day that a prescribed event is held at the facility.

29 Amendment of s 30F (Restriction on advertising)

Section 30F(1), ‘declared period’—

omit, insert—

restricted advertising period

30 Amendment of s 30G (Authorised advertising)

- (1) Section 30G(1), ‘declared period’—

omit, insert—

restricted advertising period

- (2) Section 30G(2), ‘declared event to which the declared period’—

omit, insert—

restricted advertising event to which the restricted

advertising period

- 31 Omission of pt 6, div 6 (Transitional provisions for Statutory Bodies Legislation Amendment Act 2007)**
Part 6, division 6—
omit.
- 32 Amendment of sch 1A (Relevant development approval condition)**
Schedule 1A, authorising provision, ‘section 30AI’—
omit, insert—
section 30AL
- 33 Amendment of sch 2 (Dictionary)**
- (1) Schedule 2, definitions *declared period, employee of the employing office, employing office, executive officer, government entity, insolvent under administration* and *work performance arrangement—*
omit.
- (2) Schedule 2—
insert—
- major sport event*, for part 3B, see section 30AL.
prescribed event, for part 4B, see section 30D.
relevant development approval see section 30AL.
relevant development approval condition see section 30AL.
restricted advertising event, for part 4B, see section 30D.
restricted advertising period, for part 4B, see section 30D.

[s 34]

- (3) Schedule 2, definition *national or international*, paragraph (c), examples, 'Super 14'—

omit, insert—

Super Rugby

Part 6 **Amendment of Transport Infrastructure Act 1994**

34 Act amended

This part amends the *Transport Infrastructure Act 1994*.

35 Amendment of s 93AA (Application of s 93 to QML network)

- (1) Section 93AA(1)—

omit, insert—

- (1) The Minister may make a declaration under section 93 for a toll road that is part of the QML network only if the Minister is satisfied each matter for the toll road included in the declaration—

- (a) is consistent with the original declaration; or
- (b) otherwise, is necessary and appropriate to facilitate the carrying out of the Logan Motorway Enhancement Project.

- (2) Section 93AA(3)—

insert—

Logan Motorway Enhancement Project means the market-led proposal of that name prepared by the QML network operator in 2016 for the development of particular road transport infrastructure on, or to service, the QML network.

original declaration means the declaration made under section 93 in relation to the QML network that was in effect immediately before 31 December 2011.

QML network operator means the toll road operator for the toll roads comprising the QML network.

Part 7 Other amendments

36 Acts amended

Schedule 1 amends the Acts it mentions.

Schedule 1 Acts amended

section 36

Liquor Act 1992

1 Section 142AE(4)(b)(ii), ‘Suncorp Stadium’—

omit, insert—

Brisbane Stadium (Lang Park)

Planning (Consequential) and Other Legislation Amendment Act 2016

1 Section 322, hdg, ‘s 30AI (Definitions for div 1)’—

omit, insert—

s 30AL (Definitions for part)

Editor’s note—

Legislation ultimately amended—

- *Major Sports Facilities Act 2001*

2 Section 322, ‘Section 30AI’—

omit, insert—

Section 30AL

Editor’s note—

Legislation ultimately amended—

- *Major Sports Facilities Act 2001*

3 Section 323, hdg, ‘Suncorp Stadium’—

omit, insert—

Brisbane Stadium (Lang Park)

Editor’s note—

Legislation ultimately amended—

- *Major Sports Facilities Act 2001*

© State of Queensland 2016