

MAJOR SPORTS FACILITIES BILL 2001

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

The policy objectives of this Bill are to:

- provide a single legislative framework for the management of the State's major sports facilities; and
- create a management entity to oversee the redevelopment of Suncorp Metway Stadium.

Reasons for and Achievement of the Policy Objectives

Consistent with these objectives, the Bill:

- recognises the present legislative arrangements for major sports facilities are focussed on specific venues and do not provide a flexible mechanism for the management of other facilities acquired over time. Accordingly, the Bill establishes a Major Sports Facilities Authority as a statutory body which will manage, operate, use and promote major sports facilities placed under its control. This will include the Brisbane Cricket Ground, Suncorp Metway Stadium (once the redevelopment has been completed) and any other venues which the State may own or acquire at some point in the future.
- recognises the expertise required (and operating focus) for an entity to progress a redevelopment of the scale envisaged for Suncorp Metway Stadium is substantially different to that needed to manage, operate, use and promote established sporting facilities. The Bill therefore, establishes a Stadium Redevelopment Authority as a statutory body with a finite life, to oversee the redevelopment of Suncorp Metway Stadium. Once the redevelopment has concluded, responsibility for the stadium will transfer to the proposed Major Sports Facilities Authority.

Alternatives to the Bill

The approach adopted in this Bill is considered to be the most appropriate strategy to achieve the policy objectives. The current approach (whereby a separate legislative regime is established for each facility) is considered fragmented and inflexible in the event the State acquires additional major sports facilities. The model in this Bill provides greater flexibility and opportunities for the management of the State's major sports facilities, potentially facilitating better commercial decision making across the venues and enabling more strategic future use decisions in relation to each facility.

At the same time, placing all major sports facilities (ie. including Suncorp Metway Stadium) under the control of a single entity immediately is not supported as this would require the new entity to have specialist expertise in both the management of operating venues as well as having to oversee the redevelopment of a major facility. The creation of the Stadium Redevelopment Authority potentially overcomes this problem, while acknowledging that once it is redeveloped, Suncorp Metway Stadium should be placed under the control of an entity which has specific responsibility for managing the use of operating sports facilities.

Estimated Cost of Implementation

The establishment of the Major Sports Facilities Authority should not impact on the State Budget at this time. The financial impact of managing additional major sports facilities acquired by the Government and placed under the control of the Major Sports Facilities Authority would need to be considered by Government at the time acquisition is proposed.

The \$280M redevelopment of Suncorp Metway Stadium will be funded by loans negotiated with the Queensland Treasury Corporation, serviced through revenue derived from the Major Facilities Levy and from future revenue streams for the redeveloped facility.

Consistency with Fundamental Legislative Principles

The Bill has been drafted with regard to Fundamental Legislative Principles.

Consultation

In developing this Bill, consultation has been undertaken with the Chairpersons of the Brisbane Cricket Ground Trust and the Lang Park Trust. Consultation was also carried out with the Department of the Premier and Cabinet, Queensland Treasury, the Department of State Development and the Department of Justice and Attorney-General on specific provisions in the Bill. No objections have been made to the Bill as proposed.

NOTES ON PROVISIONS**PART 1—PRELIMINARY****Clause 1 - Short Title**

This is a formal provision which specifies the short title of the Act as the *Major Sports Facilities Act 2001*.

Clause 2 – Commencement

This clause sets the commencement arrangements for the Act as follows:

- sections 1 and 2 are to commence on the day on which the Act receives the Royal Assent, as does Part 5 (which contains the provisions relating to the Stadium Redevelopment Authority) and Part 6 Division 1 (which are the transitional provisions for the repeal of the *Lang Park Trust Act 1994*);
- Part 6 Division 3 (which are the transitional provisions for when Suncorp Metway Stadium transfers from the Stadium Redevelopment Authority to the Major Sports Facilities Authority) commences on the expiry of Part 5; and
- all other sections of the Act will commence on a day to be fixed by proclamation.

Clause 3 – Definitions

This clause specifies that the dictionary in the schedule to the Act defines words used in the Act.

PART 2—MAJOR SPORTS FACILITIES**Clause 4 – Declaration of major sports facilities**

This clause provides that a regulation may declare a facility to be a major sports facility. A facility must have the capacity to stage national or international sports, recreational or entertainment events in order for it to be declared a major sports facility. A facility declared to be a major sports facility is vested in and managed by the Major Sports Facilities Authority.

In addition, the clause provides that the declaration of a facility as a major sports facility may only be made with the consent of the facility owner, although this requirement will not apply in relation to the Brisbane Cricket Ground and Suncorp Metway Stadium. This is because the vesting of these facilities in the Major Sports Facilities Authority is dealt with through transitional provisions in this Bill.

Sub-clause 3 (b) further provides that the declaration of a facility as a major sports facility and the vesting of the property in the Major Sports Facilities Authority will not affect any interest which another person had in that facility prior to its declaration.

The intent of clause 4 is consistent with the policy objective of the Bill to establish a single management body that can assume responsibility for the State's existing major sporting venues and any additional venues which it may acquire over time. The parameters established for declaring a major sports facility are designed to ensure this is undertaken in a transparent manner.

PART 3—MAJOR SPORTS FACILITIES AUTHORITY

Division 1—Establishment, functions and powers of Authority

Clause 5 – Establishment of authority

This clause establishes the Major Sports Facilities Authority (“the Authority”).

Clause 6 – Legal status of Authority

This clause confers legal status on the Authority as a body corporate, with a seal and which may sue or be sued in its corporate name. Clause 6 (2) declares that the Authority does not represent the State, thereby limiting the liability of the State in relation to actions of the Authority.

Clause 7 – Authority’s functions

This clause establishes the Authority’s functions to manage, operate, use and promote major sports facilities (declared by regulation under clause 4). The Authority is required to perform its functions in a way that is consistent with sound commercial principles, which will potentially inform decisions it takes in relation to the use and operation of specific facilities. The Authority is also required to have regard to the requirements of tenants of facilities in performing its functions.

Clause 8 – Authority’s powers

This clause specifies a range of powers necessary to enable the Authority to perform its functions under clause 7, consistent with sound commercial principles. The Authority is authorised to exercise its powers inside or outside Queensland and outside Australia.

The Authority’s power to acquire property is limited however, where it seeks to acquire a sports, recreational or entertainment facility for declaration as a major sports facility. In such instances, this power may only be exercised with the prior approval of the Governor in Council. This limitation is included in the Bill to facilitate consideration of broader State interests in any significant property acquisition decisions of the Authority.

Clause 9 – Restriction on Authority’s power to deal with property

This clause establishes the following limitations on the Authority in terms of its dealings with property:

- the Authority must obtain the prior approval of the Governor in Council before selling an estate in fee simple in facility land. In granting this approval, the Governor in Council may impose conditions on the sale;
- the Authority is required to obtain the written approval of the Minister if it proposes to use its property for a purpose other than for performing its functions; and
- the property of the Authority is not distributable among tenants of a major sports facility.

These limitations are established to enable consideration of broader State interests in any significant property decisions of the Authority, or where the proposed use of a facility is potentially inconsistent with its purpose.

Division 2—The board of directors**Clause 10 – The board**

This clause establishes a board of directors of the Major Sports Facilities Authority.

Clause 11 – Role of board

This clause specifies for the board a strategic direction and oversight role in terms of the performance of the Authority. The board will undertake a strategic governance role, with operational responsibilities for the management of major sports facilities undertaken by the Authority.

Clause 12 – Composition of board

The clause specifies that the board of directors can consist of no more than seven members, including a chairperson.

Division 3—Provisions relating to directors**Clause 13 – Appointment**

This clause provides that directors are appointed by the Governor in Council. The Governor in Council is also required to appoint one of the directors as the chairperson of the Board.

Clause 14 – Qualifications for appointment

This clause established the circumstances where a person would be ineligible for appointment (or to continue an appointment) as a director. These circumstances relate to bankruptcy action or where the person is, or has been, convicted of an indictable offence.

Clause 15 – Duration of appointment

This clause provides that the term of appointment of a director can be no longer than three years, with the term specified at the time of appointment.

Clause 16 – Terms of appointment

This clause provides that directors perform their role on a part-time basis and are eligible to receive remuneration decided by the Governor in Council. The Governor in Council may decide any other terms of appointment for a director which are not already provided for in the legislation.

Clause 17 – Termination of appointment

This clause establishes that the appointment of a director (or all directors) may be terminated at any time. This clause is modelled on existing sections in the *Lang Park Trust Act 1994* and the *Brisbane Cricket Ground Act 1993*.

Division 4—Business and meetings of the board**Clause 18 – Conduct of business**

This clause authorise the board to conduct its business and meetings as it considers appropriate, subject to other requirements in this Division of the Bill.

Clause 19 – Times and places of meetings

This clause requires the board to meet at least once every month at the times and places decided by the chairperson. This minimum requirement has been set as the basis for the board to effectively manage its function of overseeing the performance of the Authority. This clause also makes provision for the holding of board meetings at the written request of at least the number of directors forming a quorum of the board. This provides the opportunity for directors to seek to have significant and urgent issues of relevance to the board, considered in a timely manner.

Clause 20 – Quorum

This clause sets the quorum of the board for the purpose of conducting meetings and achieving valid resolutions in the event that all directors are not present at a board meeting.

Clause 21 – Presiding at meetings

This clause provides that the chairperson must preside at board meetings at which the chairperson is present. The clause also establishes arrangements for the board to decide which director presides at a meeting at which the chairperson is not present.

Clause 22 – Departmental officer may attend board meetings

This clause enables the Minister to nominate a departmental officer to attend board meetings. This arrangement is consistent with current practice relating to meetings of the Lang Park Board of Trustees and the Brisbane Cricket Ground Board of Trustees. It also provides the opportunity for the board to be apprised of Government policy or other decisions which may impact on the activities of the Authority.

A departmental officer nominated to attend such meetings is not to participate in decision-making by the board.

The clause also establishes minimum notification requirements on the board where a departmental officer has been nominated to attend board meetings. This is designed to provide reasonable notice for the departmental officer and to maximise the benefits for the Authority in having a departmental officer present at board meetings.

Clause 23 – Conduct of meetings

This clause provides the arrangements for voting by directors at board meetings and the making of resolutions by the board. The clause also authorises the use of technology (such as teleconferencing) to facilitate the conduct of board meetings. Clause 23 (6) also provides the basis for the making of valid resolutions by the board outside of board meetings.

Clause 24 – Minutes

This clause requires the board to keep minutes of its meetings and a record of any resolutions made outside of board meetings in line with the procedures outlined in clause 23 (6).

Clause 25 – Disclosure of interests by directors

This clause establishes arrangements for the disclosure of direct or indirect interests by directors in an issue being considered or about to be considered by the board and where the interest could conflict with the proper performance of the director's duties about the consideration of the issue.

Division 5—Other provisions about Authority

Clause 26 – Application of other Acts

This clause declares that the Authority is a statutory body and therefore subject to the accounting, audit and reporting obligations established for statutory bodies under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982*. This clause also has the effect of declaring the Authority as an excluded matter for the

Corporations Act 2001 (Cth), which is consistent with arrangements for other similar statutory bodies.

Clause 27 – The Authority’s seal

This clause establishes arrangements for the keeping, use and judicial notice of the Authority’s seal

Clause 28 – Judicial notice of certain signatures

This clause provides the basis for judicial recognition of the signature of a person who holds, or has held, the office of chairperson of the Authority.

Clause 29 – Authentication of documents

This clause provides the basis for the formal making and recognition of documents of the Authority.

Clause 30 – Delegations

This clause enables the Authority to delegate its powers under the Act to a director or an appropriately qualified employee of the Authority. The term “appropriately qualified” is defined in the Bill.

PART 4—MISCELLANEOUS PROVISIONS

Clause 31 – Park land

This clause carries forward a clause currently contained in the *Brisbane Cricket Ground Act 1993* which requires the Brisbane City Council to continue to hold the land described as Lot 2 on Registered Plan B31553, County of Stanley, Parish of South Brisbane, for public park and road purposes.

Clause 32 – Offences

This clause establishes the following offences:

- disorderly conduct and creating a disturbance on facility land; or
- without the Authority's approval, entering that part of facility land usually used by persons engaged in sport or entertainment; or
- interfering with a person engaged in sport or entertainment on facility land.

The maximum penalty associated with these offences is 20 penalty units. This is consistent with similar offence provisions in other legislation.

This clause provides the basis for dealing with certain offences committed at major sports facilities, such as persons creating disturbances during events, persons entering the playing field during an event and/or interfering with players during an event. This provision is considered appropriate in terms of regulating aspects of crowd behaviour at events staged at major sports facilities.

Clause 33 – Regulation—making power

This clause provides the regulation making power. The clause also provides that a regulation may provide for all matters necessary for the implementation of a declaration, or the revocation of a declaration, of a major sports facility under clause 4. This enables a regulation to deal with assets, liabilities, property, staff, contractual arrangements or other matters when a facility is declared a major sports facility and thereby vested in the Authority.

PART 5—STADIUM REDEVELOPMENT AUTHORITY

Division 1—Establishment, functions and powers of Redevelopment Authority

Clause 34 – Establishment of Redevelopment Authority

This clause establishes the Stadium Redevelopment Authority, referred to subsequently in the Bill as the Redevelopment Authority.

Clause 35 – Legal status of Redevelopment Authority

This clause confers legal status on the Redevelopment Authority as a body corporate, with a seal and which may sue or be sued in its corporate name.

Clause 36 – Redevelopment Authority represents State

This clause establishes that the Redevelopment Authority represents the State and has all the privileges and immunities of the State. This arrangement is considered appropriate given the Redevelopment Authority's function in overseeing the redevelopment of a major piece of public infrastructure.

Clause 37 – Redevelopment Authority's function

This clause establishes the Redevelopment Authority's function, which is to oversee the redevelopment of Suncorp Metway Stadium. The clause has been structured in this way to recognise that the Department of Public Works has been appointed as Project Manager for construction. The Redevelopment Authority will assume a strategic monitoring and governance role for the redevelopment project and matters associated with preparing for the commissioning of the stadium when the redevelopment is completed.

Clause 38 – Redevelopment Authority's powers

This clause specifies a range of powers necessary to enable the Redevelopment Authority to perform its function under clause 37. The Redevelopment Authority is authorised to exercise its powers inside or outside Queensland and outside Australia.

These powers are necessary as the Redevelopment Authority will need to enter into loan arrangements for the purpose of the redevelopment and will need to be a party to any contracts or agreements entered into with future tenants and suppliers.

Clause 39 – Restriction on Redevelopment Authority's power to deal with property

This clause establishes the following limitations on the Redevelopment Authority in terms of its dealings with property:

- the Redevelopment Authority must obtain the prior approval of the Governor in Council before selling an estate in fee simple in facility land. In granting this approval, the Governor in Council may impose conditions on the sale;
- the Redevelopment Authority is required to obtain the written approval of the Minister if it proposes to use its property for a purpose other than for performing its function; and
- the property of the Redevelopment Authority is not distributable among its tenants.

These limitations are established to enable consideration of broader State interests in any significant property decisions of the Redevelopment Authority during the term of the redevelopment, or where the proposed use of the property is potentially inconsistent with its purpose during the redevelopment period.

Clause 40 – Minister may give directions to Redevelopment Authority

This clause enables the Minister to issue directions to the Redevelopment Authority in relation to the carrying out of its function, and the Redevelopment Authority is required to comply with any direction given by the Minister. This clause has been included as the Redevelopment Authority will represent the State and is overseeing a redevelopment of State significance.

Division 2—Control of Redevelopment Authority

Clause 41 – Chief executive officer of Redevelopment Authority

This clause establishes the role of chief executive officer of the Redevelopment Authority and the responsibilities and powers of the chief executive officer.

Division 3—Provisions about chief executive officer***Subdivision 1—Appointment of chief executive officer*****Clause 42 – How appointed**

This clause provides that the chief executive officer may be appointed by the Governor in Council under this legislation or under the *Public Service Act 1996*, whichever may be appropriate given the existing employment arrangements for the person nominated for appointment.

Subdivision 2—Appointment under this Act**Clause 43 – Application of sdiv 2**

This clause provides that subsequent clauses 44-46 apply if the Governor in Council determines that the chief executive officer is to be appointed under the *Major Sports Facilities Act 2001*. Clauses 44-46 would not apply if the appointment is made under the *Public Service Act 1996*, as that Act already includes arrangements for appointment and employment conditions.

Clause 44 – Qualifications for appointment

This clause establishes the minimum considerations to be taken into account in determining whether a person is qualified to be appointed as or continue as, the chief executive officer of the Redevelopment Authority. These considerations are considered to be directly relevant to the capacity of the person to perform the role in an effective and accountable manner.

Clause 45 – Duration of appointment

This clause provides that the term of appointment of the chief executive officer of the Redevelopment Authority is specified in the instrument of appointment, but cannot be a term which goes beyond 30 September 2003. This clause has been drafted in this way to achieve consistency with clause 53, which provides for the expiry of the clauses relating to the Stadium Redevelopment Authority.

Clause 46 – Conditions of appointment

This clause enables the Minister to set any other conditions of appointment for the chief executive officer of the Redevelopment Authority which are not already provided for in the legislation.

Subdivision 3—Miscellaneous provisions**Clause 47 – Vacation of office**

This clause establishes the circumstances under which the office of chief executive officer of the Redevelopment Authority becomes vacant. This clause also provides the process required for the person appointed as chief executive officer to resign from office if that person has been appointed under this legislation.

Division 4—Other provisions about Redevelopment Authority**Clause 48 – Application of other Acts**

This clause declares that the Redevelopment Authority is a statutory body and therefore subject to the accounting, audit and reporting obligations established for statutory bodies under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982*. This clause also has the effect of declaring the Redevelopment Authority as an excluded matter for the *Corporations Act 2001* (Cth), which is consistent with arrangements for other similar statutory bodies.

Clause 49 – The Redevelopment Authority’s seal

This clause establishes arrangements for the keeping, use and judicial notice of the Redevelopment Authority’s seal

Clause 50 – Judicial notice of certain signatures

This clause provides the basis for judicial recognition of the signature of a person who holds, or has held, the office of chief executive officer of the Redevelopment Authority.

Clause 51 – Authentication of documents

This clause provides the basis for the formal recognition of documents of the Redevelopment Authority.

Clause 52 – Delegations

This clause enables the Redevelopment Authority to delegate its powers under the Act to an appropriately qualified employee of the Authority or employee of the department. The term “appropriately qualified” is defined in the Bill. The scope to enable the Redevelopment Authority to delegate its powers to an employee of the department has been provided in the event that the Redevelopment Authority does not possess the expertise necessary to deal with a particular matter. In such instances, the Department may be well placed to support the Redevelopment Authority in dealing with the matter.

Division 5—Expiry of part 5**Clause 53 – Expiry of pt 5**

This clause provides that Part 5 (ie. clauses 34-53) expire on 30 September 2003 or at an earlier time established by regulation. The capacity to set an earlier date by regulation has been included so that responsibility for the operation and management of Suncorp Metway Stadium can transfer from the Redevelopment Authority to the Major Sports Facilities Authority as soon as practicable following the completion of the redevelopment. Transitional arrangements associated with the expiry of Part 5 are established in Part 6 Division 3 of the Bill.

PART 6—REPEALS AND TRANSITIONAL PROVISIONS***Division 1—Repeal, and transitional provisions for the repeal, of Lang Park Trust Act 1994.******Subdivision 1—Repeal*****Clause 54 – Act repealed**

This clause repeals the *Lang Park Trust Act 1994*. Under clause 2, this and the other clauses in Part 6 Division 1 commence on the date of Royal Assent.

Subdivision 2—Transitional provisions for the repeal of Lang Park Trust Act 1994.**Clause 55 – Definitions for sdiv 2**

This clause defines certain terms used in clauses 55-61 as part of the transitional arrangements.

Clause 56 – References to repealed Act and former authority

This clause provides that a reference in an Act or a document to the *Lang Park Trust Act 1994* is – if the context permits - to be taken as a reference to the *Major Sports Facilities Act 2001*. Similarly, the clause provides that any reference in an Act or a document to the Lang Park Trust is – if the context permits - to be taken as a reference to the Stadium Redevelopment Authority.

Clause 57 – Redevelopment Authority is legal successor

This clause establishes that the Redevelopment Authority is the successor in law to the Lang Park Trust and that this clause is not limited by the transitional arrangements for the assets and liabilities, employee's rights and conditions, proceedings and particular interests contained in clauses 58-61 of the Bill.

Clause 58 – Assets and liabilities etc.

This clause vests all assets and liabilities of the Lang Park Trust prior to the repeal of the *Lang Park Trust Act 1994*, in the Redevelopment Authority. The clause also provides that all contracts entered into, and undertakings, securities and guarantees given by, the Lang Park Trust are to be taken as being entered into or given by the Redevelopment Authority.

In addition, the clause vests in the Redevelopment Authority all property held on trust by the Lang Park Trust and provides arrangements for recording the vesting of the property in the register of dealings in property maintained by the Department of Natural Resources and Mines.

Clause 59 – Employee’s rights and entitlements

This clause provides that on the repeal of the *Lang Park Trust Act 1994*, staff of the Lang Park Trust become staff of the Redevelopment Authority, with no detrimental impact on their employment conditions or accrued entitlements.

Clause 60 – Proceedings

This clause provides arrangements for the continuation of any proceedings started or continued by or against the Lang Park Trust, after the repeal of the *Lang Park Trust Act 1994*.

Clause 61 – Particular interests continue

This clause establishes that subject to the vesting of the property of the Lang Park Trust in the Stadium Redevelopment Authority as provided for in clause 58 (2), any interest that a person may have had in the property of the Lang Park Trust is not affected by the repeal of the *Lang Park Trust Act 1994*.

***Division 2—Repeal, and transitional provisions for the repeal of
Brisbane Cricket Ground Act 1993.***

Subdivision 1—Repeal

Clause 62 – Act repealed

This clause repeals the *Brisbane Cricket Ground Act 1993*. Under clause 2, this and the other clauses in Part 6 Division 2 commence on a date to be fixed by proclamation.

***Subdivision 2—Transitional provisions for the repeal of Brisbane Cricket
Ground Act 1993.***

Clause 63 – Definitions for sdiv 2

This clause defines certain terms used in clauses 63-70 as part of the transitional arrangements.

Clause 64 – References to repealed Act and former authority

This clause provides that a reference in an Act or a document to the *Brisbane Cricket Ground Act 1993* is – if the context permits - to be taken as a reference to the *Major Sports Facilities Act 2001*. Similarly, the clause provides that any reference in an Act or a document to the Brisbane Cricket Ground Trust is – if the context permits - to be taken as a reference to the Major Sports Facilities Authority.

Clause 65 – Authority is legal successor

This clause establishes that the Authority is the successor in law to the Brisbane Cricket Ground Trust and that this clause is not limited by the transitional arrangements for the assets and liabilities, employee's rights and conditions, proceedings, membership rights and other interests contained in clauses 66-69 of the Bill.

Clause 66 – Assets and liabilities etc.

This clause vests all assets and liabilities of the Brisbane Cricket Ground Trust prior to the repeal of the *Brisbane Cricket Ground Act 1993*, in the Authority. The clause also provides that all contracts entered into, and undertakings, securities and guarantees given by, the Brisbane Cricket Ground Trust are to be taken as being entered into or given by the Authority.

In addition, the clause vests in the Authority all property held on trust by the Brisbane Cricket Ground Trust and provides arrangements for recording the vesting of the property in the register of dealings in property maintained by the Department of Natural Resources and Mines.

Clause 67 – Employee’s rights and entitlements

This clause provides that on the repeal of the *Brisbane Cricket Ground Act 1993*, staff of the Brisbane Cricket Ground Trust become staff of the Authority, with no detrimental impact on their employment conditions or accrued entitlements.

Clause 68 – Proceedings

This clause provides arrangements for the continuation of any proceedings started or continued by or against the Brisbane Cricket Ground Trust, after the repeal of the *Brisbane Cricket Ground Act 1993*.

Clause 69 – Particular rights and interests continue

This clause establishes that any membership rights to the Brisbane Cricket Ground and – subject to clause 66 (2) - any particular interest that a person may have had in the property of the Brisbane Cricket Ground Trust, are not affected by the repeal of the *Brisbane Cricket Ground Act 1993*. Existing membership rights and interests will continue to apply to the Brisbane Cricket Ground.

Clause 70 – Declaration of Brisbane Cricket Ground as major sports facility

This clause provides that section 4 (3) does not apply to the declaration of the Brisbane Cricket Ground as a major sports facility. The application of clause 4 (3) is not relevant in the case of the declaration of the Brisbane

Cricket Ground as a major sports facility as the vesting of this facility in the Authority and the continuation of any interest in the property of the Brisbane Cricket Ground Trust are dealt with through transitional provisions in this Bill in order to achieve the legislation's objectives.

Division 3—Transitional provisions for expiry of part 5.

Clause 71 – Definition for div 3

This clause defines the term “former authority” for the purpose of the division as the Stadium Redevelopment Authority. Clauses 71-77 deal with the transitional arrangements needed when part 5 (which relates to the Stadium Redevelopment Authority) expires. Clauses 71-77 will facilitate the transfer of the redeveloped Suncorp Metway Stadium to the Major Sports Facilities Authority.

Clause 72 – References to former authority

This clause provides that a reference in an Act or a document to the Stadium Redevelopment Authority is – if the context permits - to be taken as a reference to the Major Sports Facilities Authority.

Clause 73 – Authority is legal successor

This clause establishes that the Authority is the successor in law to the Stadium Redevelopment Authority and that this clause is not limited by the transitional arrangements for the assets and liabilities, employee's rights and conditions and proceedings contained in clauses 74-76 of the Bill.

Clause 74 – Assets and liabilities etc.

This clause vests all assets and liabilities of the Stadium Redevelopment Authority prior to the expiry of part 5, in the Major Sports Facilities Authority. The clause also provides that all contracts entered into, and undertakings, securities and guarantees given by, the Stadium Redevelopment Authority are to be taken as being entered into or given by the Major Sports Facilities Authority.

In addition, the clause provides arrangements for recording the vesting of the property in the register of dealings in property maintained by the Department of Natural Resources and Mines.

Clause 75 – Employee’s rights and entitlements

This clause provides that on the expiry of part 5, staff of the Stadium Redevelopment Authority become staff of the Major Sports Facilities Authority, with no detrimental impact on their employment conditions or accrued entitlements. In addition, as the Stadium Redevelopment Authority will represent the State, this clause enables any staff member of the Stadium Redevelopment Authority who may be a member of the Q-Super scheme to continue as a member of that scheme after the expiry of part 5.

Clause 76 – Proceedings

This clause provides arrangements for any proceedings started or continued by or against the Stadium Redevelopment Authority, after the expiry of part 5.

Clause 77 – Declaration of Suncorp Metway Stadium as major sports facility

This clause provides that section 4 (3) (a) does not apply to the declaration of Suncorp Metway Stadium as a major sports facility, which will need to occur when the redeveloped facility is transferred to the Major Sports Facilities Authority on the expiry of part 5. Clause 4 (3) (a) provides that a declaration may only be made with the agreement of the owner of the facility. The application of clause 4 (3) (a) is not relevant in the case of the declaration of Suncorp Metway Stadium as a major sports facility as the vesting of this facility in the Major Sports Facilities Authority is dealt with through transitional provisions in this Bill in order to achieve the legislation’s objectives.

SCHEDULE

The schedule contains a dictionary of a number of terms used throughout the Bill. The basis for the schedule is provided by clause 3.