

MAJOR SPORTS FACILITIES AMENDMENT BILL 2003

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Bill¹

The objectives of the Bill are to put beyond doubt that the Stadium Redevelopment Authority and the Major Sports Facilities Authority have and always have had the respective powers to enter and perform an agreement on commercial terms for the sale and purchase of land and improvements making up Suncorp Stadium, or any part of it.

Reasons for the Bill

There are differing legal views on whether or not the *Major Sports Facilities Act 2001* (the Act) empowers the Stadium Redevelopment Authority and the Major Sports Facilities Authority to transact with each other on a commercial basis in relation to any land and improvements forming part of the Suncorp Stadium. The Bill will put beyond doubt that the Stadium Redevelopment Authority and the Major Sports Facilities Authority have and always have had the respective powers to enter into, and perform, a commercial arrangement for the sale and purchase between these respective entities.

Estimated Cost of Government Implementation

The Bill adds clarity to existing legislation. There are no additional costs associated with implementing the new provisions.

1 These Explanatory Notes relate to the Bill as introduced into the Legislative Assembly. See endnotes for information about any amendments in committee and any explanatory notes tables for the amendments.

Consistency with Fundamental Legislative Principles

This legislation has the potential to retrospectively empower the Stadium Redevelopment Authority and the Major Sports Facilities Authority to change the arrangements contemplated under the Act for the disposal of Suncorp Stadium. Although there is some possibility for retrospective application, the only rights affected would be the rights of the Stadium Redevelopment Authority and Major Sports Facilities Authority, the very bodies which would be relying on the provisions to enter and perform a voluntary commercial sale arrangement. Accordingly, any potential inconsistencies with Fundamental Legislative Principles have been considered to be justified in the relevant circumstances.

Consultation

In developing this Bill, consultation has been undertaken with representatives of the Stadium Redevelopment Authority, Major Sports Facilities Authority, Queensland Treasury, Department of Innovation and Information Economy Sport and Recreation, and the Department of State Development.

No objections have been made to the Bill as proposed.

NOTES ON CLAUSES**PART 1—PRELIMINARY**

Clause 1 provides for the short title of the Act.

Clause 2 provides that the *Major Sports Facilities Act 2001* is amended.

Clause 3 inserts a new part entitled-

PART 3A—DECLARATORY PROVISIONS FOR REDEVELOPED SUNCORP STADIUM

The new clauses 30A and 30B remove any doubt that the Major Sports Facilities Authority, whether before or after the expiry of Part 5 of the Act, has and had from the date of assent to the Act the power to enter into a commercial contract to acquire, and to acquire from the Stadium Redevelopment Authority any land and improvements making up any part of Suncorp Stadium without Governor in Council approval.

The new clauses 30C and 30D remove any doubt that the Stadium Redevelopment Authority, whether before or after the expiry of Part 5 of the Act, has and had from the date of assent to the Act the power to enter into a commercial contract to dispose, and to dispose to the Major Sports Facilities Authority any land and improvements making up any part of Suncorp Stadium without Governor in Council approval. The new clauses also remove any doubt that any part of Suncorp Stadium which is acquired by the Stadium Redevelopment Authority under an agreement with the Co-ordinator-General under the *State Development and Public Works Organisation Act 1971*, section 134, may also be disposed of to the Major Sports Facilities Authority under a commercial contract. This will allow the Major Sports Facilities Authority to acquire and operate Suncorp Stadium.