

Major Sports Facilities Amendment Bill 2006

Explanatory Notes

Title of the Bill

Major Sports Facilities Amendment Bill 2006

Objectives of the Bill

The *Major Sports Facilities Act 2001* (‘the MSF Act’) provides for ‘the management, operation, use and promotion of facilities in Queensland for staging national or international sports, recreational or entertainment events, and for other purposes.’

To support this purpose, the Bill seeks to:

- Enable the use of major sports facilities for a special event; and
- Allow a concert to be held at Suncorp Stadium.

Reasons for the Bill

In March 2006, North Queensland was devastated by Cyclone Larry. Since then major initiatives have been introduced to rebuild the affected communities.

The Government has been approached to support a major concert to raise funds for victims of Cyclone Larry. Suncorp Stadium was announced as the venue for the major concert featuring major national and international acts to be held in the coming weeks.

The development approval for the Suncorp Stadium does not provide for the use of the facility for concerts. In addition, a condition of the development approval specifically precludes the use of the facility for major concerts, cultural or religious events. Obtaining approval for the use of a concert on the Suncorp Stadium and amending the conditions of the development approval could take several months.

Achievement of the Objectives

The objectives of the Bill have been achieved by amending the *Major Sports Facilities Act 2001*.

In this regard the Bill:

Amends the MSF Act by:

- Providing for the use of a major sports facility for one or more concerts, public assemblies or religious events; and
- Inserting a provision to enable a special event to be prescribed by a regulation;
- Inserting a provision to override the *Integrated Planning Act 1997*, the provisions of a planning scheme, a development approval or any condition of a development approval, when a special event is prescribed;
- Enabling a regulation to be made placing conditions on the use of a major sports facility for a special event.

Estimated Cost for Government Implementation

Any costs incurred as a result of these amendments, in respect to drafting and preparation of the Bill, represent a minimal cost to Government. The impact of the changes should be 'Budget neutral'. The amendments are not expected to require any additional financial resources and will be managed within existing operational, administrative and departmental processes. The effect of the amendments will be to provide for funds to be raised to rebuild North Queensland following Cyclone Larry by holding a major fund raising concert at Suncorp Stadium in April or May 2006.

Consistency with Fundamental Legislative Principles

The *Legislative Standards Act 1992* defines fundamental legislative principles ('FLPs') as 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'.

The Fundamental Legislative Principle

Section 4(3) of the *Legislative Standards Act 1992* provides that legislation should have sufficient regard to rights and liberties of individuals.

The Departure

The *Integrated Planning Act 1997*, provisions of the relevant planning scheme and development approvals including conditions of development approvals provide for the use of major sporting facilities. The new Part 4 departs from that principle, by providing that the use of a facility for a special event is a lawful use of the facility, despite the *Integrated Planning Act 1997*, a development approval and any condition attached to the approval for the facility.

The regulation-making power in s 33 currently 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.

The new s 30A(3) provides that a regulation may also prescribe the conditions for the use of a facility for a 'special event'.

The Reason for Departure

In addressing the issue of FLPs, the amendments depart from those principles by providing that any conditions that apply to the use of land for a major sports facility will be overridden. This would only be the case where a regulation prescribes a special event. The primary use of the facility would still be sport and recreation which would be regulated by the planning scheme, the development approval including any conditions and the *Integrated Planning Act 1997*.

Parliament has the ability to disallow the use of the facility for a special event through the existing rules regarding Parliamentary consideration of regulations including the preparation of regulatory impact statements under the *Statutory Instruments Act 1992* if the regulation imposes an appreciable cost on the community.

The imposition of this amendment is therefore considered appropriate.

Consultation

The following relevant organisations have been consulted:

Crown Law

Department of the Premier and Cabinet

The proposed amendments have been supported.

Notes on Provisions

Part 1 Preliminary

Clause 1 states that the short title of the Act is the *Major Sports Facilities Amendment Act 2006*.

Clause 2 defines the Act being amended as the *Major Sports Facilities Act 2001*.

Clause 3 amends the long title of the Act to include special events which are defined in Schedule 2 (Dictionary).

The long title of the *Major Sports Facilities Act 2001* is:

An Act to provide for the management, operation, use and promotion of facilities in Queensland for staging national or international sports, recreational or entertainment events, and for other purposes.

It is intended that the purpose of the Act provide for the proposed use of major sports facilities for 'special events' to encompass the possible use of a facility for concerts, public assemblies and papal visits.

Clause 4 amends s 4 (Declaration of major sports facilities) to provide that a regulation may declare a facility that has the capacity to also stage special events under s 4(1).

Clause 5 renumbers the heading of Part 4 (Miscellaneous provisions) as 'Part 5'.

Clause 6 inserts a new Part 4.

The new Part 4 (Authorisation of special events) provides for the lawful use of major sports facilities for prescribed special events.

The new s 30A(1) provides that a special event prescribed under a regulation is a lawful use of a major sports facility.

The new s 30A(2) provides that the use of the facility for a prescribed special event is a lawful use of the facility and that the *Integrated Planning Act 1997*, any provision of the relevant planning scheme, development approval for the facility and any condition attached to the development approval do not apply.

The provisions of any relevant planning scheme, development approval for a facility and any condition attached to the approval and the *Integrated Planning Act 1997* will still apply to the use of any major sports facility when the facility is not being used for a prescribed special event.

The new s 30A(3) provides that a regulation may be made to prescribe conditions on the use of the facility for special events, for example, to address issues associated with that use, such as traffic management.

Existing rules regarding Parliamentary consideration of regulations will apply to enable Parliament to consider proposed special events.

Clause 7 amends Schedule 2 (Dictionary) to insert the following definitions:

- ‘special event’ means 1 or more concerts, public assemblies or religious events; and
- ‘use’ includes use within the meaning of the *Integrated Planning Act 1997*. ‘Use’ is defined in the *Integrated Planning Act 1997* to mean ‘in relation to premises, includes any use incidental to and necessarily associated with the use of the premises.’