

Major Sports Facilities Amendment Bill 2008

Clauses and Explanatory Notes

Introduction

The Major Sports Facilities Authority (the Authority) was established on 21 December 2001 with the commencement of the *Major Sports Facilities Act 2001* (“the Act”). The Authority replaced the former Brisbane Cricket Ground Trust and the former Lang Park Trust.

The Authority is established under the Act to “*manage, operate, use and promote*” the State’s major sports facilities. The Authority presently has seven venues under its control, with an eighth currently being constructed:

- Suncorp Stadium;
- Brisbane Cricket Ground (the Gabba);
- Queensland Sport and Athletics Centre (formerly ANZ Stadium);
- The Sleeman Complex;
- Brisbane Entertainment Centre;
- Dairy Farmers Stadium in Townsville;
- Skilled Park at Robina on the Gold Coast; and
- State Tennis Centre at Tennyson in Brisbane (under construction and due for completion in December 2008).

Short Title of the Bill

The short title of the Bill is the *Major Sports Facilities Amendment Bill 2008*.

Objective of the Bill

The objective of the Bill is to amend the *Major Sports Facilities Act 2001* (the Act) to:

- (1) change the name of the Major Sports Facilities Authority to Stadiums Queensland, to more readily communicate the Authority's business and its link to the Queensland Government; and
- (2) make explicit the Authority's role in developing major sports facilities.

Reasons for the Bill

The present name of the Authority does not provide an effective link with the Queensland Government. The proposed new name, 'Stadiums Queensland', clearly identifies the role of the Authority in owning Queensland's major stadia, provides greater linkage with the Queensland Government and will be easily remembered and recognised by the industry and the public.

The proposed new name will also assist to improve the profile of the Authority and its venues and is expected to become a brand that is easily recognised within Queensland and around Australia, helping to position Queensland as a premier sporting destination.

Secondly, Crown Law has recently identified uncertainty in relation to whether the Act sufficiently allows the Authority to fulfil a development role. The *Major Sports Facilities Amendment Bill 2008* seeks to remove this uncertainty by explicitly identifying the development of major sports facilities and infrastructure associated with major sports facilities as one of the Authority's functions.

Section 8(3) of the Act provides that "*the Authority can only acquire a facility for its declaration as a major sports facility, with the prior approval of the Governor in Council*".

The Bill will amend section 8 to clarify that approval of the Governor in Council is to be obtained where land is being acquired by the Authority for the development of a facility. This will address the situation where the Authority needs to acquire land to build a facility or associated infrastructure.

Achievement of the objective

The Bill will change the name of the Major Sports Facilities Authority to Stadiums Queensland and will ensure that references in law to the Authority may, within context, be taken as references to Stadiums

Queensland. This will be achieved by amendment of section 5 of the Act and by inclusion of transitional clauses.

The Bill will amend section 7 of the Act, to include the development of major sports facilities and infrastructure associated with major sports facilities, as a function of the Authority.

The Bill will also amend section 8 of the Act, to provide that the approval of the Governor in Council is to be obtained for the acquisition of land by the Authority for the development of a facility.

Alternative method of achieving the policy objective

The objective of the Bill can only be achieved through amendment to the Act.

Estimated cost for Government implementation

The Bill will have no new or additional cost implications for Government.

Fundamental Legislative Principles

The Bill has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Major Sports Facilities Authority, Crown Law and the Department of Public Works have been consulted on the proposals in this Bill.

Clause 1 - Short title

Clause 1 provides that the short title of this Act is the *Major Sports Facilities Amendment Act 2008*.

Clause 2 - Act amended

Clause 2 provides that this Act amends the *Major Sports Facilities Act 2001*.

Clause 3 - Amendment of long title

Clause 3 amends the long title of the Act to include a reference to the Act's role in providing for the development of facilities in Queensland for staging national or international sports, recreational or entertainment events, or special events.

Clause 4 - Replacement of pt 3, hdg

The current heading of Part 3 of the Act is "Major Sports Facilities Authority".

Clause 4 changes this heading to "Stadiums Queensland".

Clause 5 - Amendment of s 5 (Establishment of authority)

Clause 5 replaces the reference in section 5 of the Act, to the Major Sports Facilities Authority, with a reference to Stadiums Queensland. The amended section 5 will now read "Stadiums Queensland (the Authority) is established."

As a result, the amended section 5 identifies the name of the Authority as being 'Stadiums Queensland' and also identifies references made in the Act to the 'Authority' as being references to Stadiums Queensland.

Clause 5 also makes a minor drafting change to the heading of section 5 by capitalising the word 'Authority'.

Clause 6 - Amendment of s 7 (Authority's functions)

Clause 6 amends section 7(1) to clarify that the Authority's functions include the development of facilities which are either already declared to be major sports facilities or are to be subsequently declared as major sports facilities and in the development of associated infrastructure. This provision allows the Authority to undertake the development of new facilities or development to upgrade existing facilities.

Clause 7 - Amendment of s 8 (Authority's powers)

Clause 7 amends section 8 by inserting a provision requiring the approval of the Governor in Council prior to the acquisition of land by the Authority, for the development of facilities. New sections 7(1) and 8 are not intended to restrict the Authority's involvement in the development of facilities and

associated infrastructure to land owned by the Authority. In some instances it is envisaged that work will be required on land not owned by the Authority, where there is agreement to the work by the owner.

Clause 8 - Insertion of new pt 6, div 7

Clause 8 introduces a new Division 7 under Part 6 of the Act, inserting transitional provisions.

The new section 82 will ensure that changing the Authority's name to Stadiums Queensland will not affect the legal personality, rights or liabilities of the Authority. This ensures there is no adverse impact on the business or dealings of Stadiums Queensland as a result of its change in name.

The new section 83 provides that references to the Authority in other Acts or documents may, where context permits, be taken to be references to Stadiums Queensland. This is designed to overcome the need to amend other Acts which may make reference to the Major Sports Facilities Authority.

The new section 84 provides that entries in the Authority's name in registers of property titles must be amended to reflect the Authority's new name if the appropriate application is made and fee paid by the Authority. For example, this will provide authority for the Registrar of Titles to amend details of the owner on the Certificates of Title for each of the venues presently owned by Stadiums Queensland, should an appropriate application be made.

These provisions clarify that the proposed change of name is intended only to alter the name by which the Authority is known, and is not intended to change the nature of the Authority itself, or its business.

Clause 9 - Amendment of sch 2 (Dictionary)

Clause 9 amends the definition for "Authority" by making reference to the amended section 5.

The amended section 5 will read "Stadiums Queensland (the Authority) is established."