

This is a replacement of the explanatory note and was tabled on 1 September 2011

Record of Proceedings (Hansard 6 September 2011)

Major Sports Facilities Amendment Bill 2011

Explanatory Notes

Short title

The short title of the Bill is the Major Sports Facilities Amendment Bill 2011.

Policy objectives and the reasons for them

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

The MSF Act provides that a regulation may declare a facility that has the capacity to host national or international sports, recreational or entertainment events, or special events, to be a major sports facility. There are nine (9) major sports facilities in Queensland declared under the MSF Act, one of which is Suncorp Stadium.

To support this purpose the Bill seeks to allow Suncorp Stadium to legally exceed the limit on crowd size established by *Condition 42* of the Suncorp Stadium Development Approval (*Condition 42*) for the same number of events.

Condition 42 stipulates - “As referred to in Section 3.4 of the Lang Park Stadium Redevelopment Assessment Report by the Coordinator General dated August 2000 and in Section 2.6 of *Volume 1 Executive*

Summary - Draft Environmental Impact Statement by Sinclair Knight Merz dated May 2000, there are to be no more than 24 major events (crowd size exceeding 25,000 persons) per annum.”.

Condition 42 was made in 2001 at a time when the Brisbane Broncos were the only national and international team to play regularly at Suncorp Stadium and when it was not envisioned that Brisbane would have three of the most successful teams in soccer, rugby union and rugby league.

The Brisbane Broncos, Brisbane Roar and the Queensland Reds now play regularly at Suncorp Stadium. All three teams have been phenomenally successful in 2011, and this unprecedented success has attracted more fans to games for each of the three football codes, with all home games being played at Suncorp Stadium. This combined with the significant growth in population in south-east Queensland over the last ten years has required the current cap to be revised.

Achievement of policy objectives

To achieve its objectives, the Bill will:

- Allow Suncorp Stadium to lawfully host up to 24 sporting events per calendar year with crowds exceeding 35,000 from 1 January 2011 to 31 December 2011, despite *Condition 42* of the Suncorp Stadium Development Approval.
- Provide for the making of a regulation to establish limits to crowd sizes at major sporting events at Suncorp Stadium, despite *Condition 42* of the Suncorp Stadium Development Approval.

Alternative ways of achieving policy objectives

The policy objectives are unable to be achieved other than through regulatory means.

Estimated cost for government implementation

The cost to government in implementing the Bill is negligible. There are no implications for Consolidated Revenue.

Consistency with fundamental legislative principles

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

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 Suncorp Stadium Development Approval provides for the use of Suncorp Stadium. One of its Development Approval conditions is *Condition 42*, which establishes a limit on the number of major events at the stadium at 24 events with crowds exceeding 25,000.

The new Part 3B *Major sport events at Suncorp Stadium* retains the part of *Condition 42* which stipulates that there be no more than 24 major sport events each year at Suncorp Stadium. Part 3B however allows a departure from *Condition 42* in that it:

- provides, during 2011, that a major sport event has a crowd size of more than 35,000, despite *Condition 42*; and
- enables a regulation to be made to change the crowd size allowed at the 24 major sport events, despite *Condition 42*.

The Reason for Departure

Larger crowd sizes at Suncorp Stadium sporting events will have some adverse impacts on residential amenity, with some increased noise emissions, pedestrians, traffic and transport around the stadium on event nights. Suncorp Stadium already manages larger crowd sizes through conditions in its Development Approval which will continue to apply despite the amendments. While some local businesses may be adversely impacted, there will be others that will benefit economically from increased patronage.

It is necessary though to review the original cap established by *Condition 42* in 2001, to strike a balance between the competing rights and liberties of individuals in the area, and the rights and liberties of the broader community to be able to attend increasingly popular and nationally significant sporting events.

The new Part 3B Division 1 applies a limit on major sport events at Suncorp Stadium for 2011. This limit is 24 major sport events with crowds

exceeding 35,000 individuals. This amendment is required in time for the upcoming National Rugby League finals and Football Federation of Australia finals at Suncorp Stadium, commencing in early September 2011.

The new Part 3B Division 2 provides that a regulation can establish the cap on crowd size for major sport events at Suncorp Stadium after 2011, to reflect changes to the popularity and success of all of the football codes.

Consultation

Community consultation on the proposed amendments to the *Major Sports Facilities Act 2001* was conducted by the Treasurer and Minister for State Development in the Mt Coot-tha electorate on Saturday 13th August 2011. Amongst those invited were 2000 local residents, community and business representatives of the Suncorp Management Advisory Committee.

Also invited were Queensland government agencies providing services in and around the stadium during event nights including Translink, Queensland Fire and Rescue Service, Queensland Ambulance Service and the Queensland Police Service.

Recent media articles report some concerns from residents and businesses in the vicinity of Suncorp Stadium that the proposed increases in crowd sizes would adversely impact residential amenity by increasing traffic and pedestrians to the area and increasing noise emissions.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on provisions

Part 1 Preliminary

Clause 1 states that the short title of the Act is the Major Sports Facilities Amendment Act 2011.

Clause 2 provides that the Act commences on 8 September 2011.

Clause 3 provides that the Act amends the *Major Sports Facilities Act 2001*.

Clause 4 inserts a new part 3B.

Part 3B **Major sport events at Suncorp Stadium**

The new Part 3B (Major sport events at Suncorp Stadium) provides for the lawful use of Suncorp Stadium for no more than 24 major sport events each year.

Division 1 **Major sport events during 2011**

The new Division 1 provides for major sport events during 2011.

s30AI applies the following definitions for Division 1:

- ‘**major sport event**’ - is defined as a national or international sport event that has a crowd size of more than 35,000 individuals.
- ‘**relevant development approval**’ - is defined as the development approval relating to the major sports facility called ‘Suncorp 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**’ - is defined as *Condition 42* of the relevant development approval, a copy of which is set out in schedule 1A of the Act.

s30AJ applies Division 1 to major sport events at Suncorp Stadium between 1 January 2011 and 31 December 2011.

s30AK provides for the use of Suncorp Stadium for major sport events.

s30AK (1) provides, subject to compliance with the conditions of the development approval, other than *Condition 42*, for the lawful use of

Suncorp Stadium for no more than 24 major sport events between 1 January 2011 and 31 December 2011. This section makes *Condition 42* redundant however it retains the principle established by *Condition 42* by capping the number of major sport events held at Suncorp Stadium at up to 24 events. The remaining conditions of the Suncorp Stadium Development Approval continue to apply.

s30AK (2) provides that subsection (1) applies despite *Condition 42* and other relevant planning instruments relating to the facility specifically - the *Sustainable Planning Act 2009*, any provision of the Brisbane City Council Planning scheme, or any approval or compliance permit under the *Sustainable Planning Act 2009*.

Division 2 Major sport events after 2011

The new Division 2 to major sports events from 1 January 2012.

s30AL applies the following definitions for Division 2:

- ‘**major sport event**’ - which means a national or international sport event that has a crowd size of more than the number prescribed by regulation. This definition is different to that of section 30AI.
- **relevant development approval** - has the same meaning as in section 30AI.
- **relevant development approval condition** - has the same meaning as in section 30AI.

s30AM applies Division 2 to major sport events held at Suncorp Stadium.

s30AN provides for the use of Suncorp Stadium for major sport events

s30AN (1) provides for the lawful use of Suncorp Stadium for no more than 24 major sport events each year, despite *Condition 42* of the Suncorp Stadium Development Approval. The use of the stadium for the 24 major sport events must still be compliant with the other development approval conditions (ie. other than *Condition 42*).

S30AN (2) provides that subsection (1) applies despite *Condition 42* and other relevant planning instruments relating to the facility specifically - the *Sustainable Planning Act 2009*, any provision of the Brisbane City Council

Planning scheme, or any approval or compliance permit under the *Sustainable Planning Act 2009*.

Clause 5 inserts a new Schedule 1A.

Schedule 1A Relevant Development Approval Condition

Schedule 1A describes the relevant development approval condition. This is *Condition 42* of the Suncorp Stadium Development Approval, which states that “there are to be no more than 24 major events (crowd size exceeding 25,000 persons) per annum.

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