



Major Sports Facilities Act 2001

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Major Sports Facilities Act 2001

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Major Sports Facilities Act 2001

[as amended by all amendments that commenced on or before 23 April 2007]

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, special events and for other purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Major Sports Facilities Act 2001*.

3 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

Part 2 Major sports facilities

4 Declaration of major sports facilities

- (1) A regulation may declare a facility that has the capacity to stage national or international sports, recreational or entertainment events, or special events, to be a major sports facility.
- (2) On the making of the declaration, property in the facility vests in the Authority.

- (3) However, the declaration—
 - (a) may be made only with the agreement of the person who is the owner of the facility; and
 - (b) does not affect any interest that another person had in the facility immediately before its making.

Part 3 **Major Sports Facilities Authority**

Division 1 **Establishment, functions and powers of Authority**

5 **Establishment of authority**

The Major Sports Facilities Authority is established.

6 **Legal status of Authority**

- (1) The Authority—
 - (a) is a body corporate; and
 - (b) has a seal; and
 - (c) may sue and be sued in its corporate name.
- (2) The Authority does not represent the State.

7 **Authority's functions**

- (1) The Authority's functions are to manage, operate, use and promote major sports facilities.
- (2) The Authority must perform its functions in a way that—
 - (a) is consistent with sound commercial principles; and
 - (b) has regard to the requirements of tenants of the facilities.

8 Authority's powers

- (1) The Authority has all the powers of an individual, and may, for example—
 - (a) enter into contracts; and
 - (b) acquire, hold, dispose of, and deal with property; and
 - (c) appoint agents and attorneys; and
 - (d) engage consultants; and
 - (e) charge, and fix terms for goods, services and information supplied by it; and
 - (f) do anything else necessary or convenient to be done for, or in connection with, its functions.
- (2) Without limiting subsection (1), the Authority has the powers given to it under this or another Act.
- (3) However, the power under subsection (1)(b) to acquire a sports, recreational or entertainment facility for its declaration as a major sports facility may be exercised only with the prior approval of the Governor in Council.
- (4) The Authority may exercise its powers inside or outside Queensland.
- (5) Without limiting subsection (4), the Authority may exercise its powers outside Australia.

9 Restriction on Authority's power to deal with property

- (1) Despite section 8, the Authority must not sell an estate in fee simple in facility land, without the Governor in Council's prior approval.
- (2) The Governor in Council may impose conditions on a sale approved under subsection (1).
- (3) The Authority may use its property other than for performing its functions only with the Minister's prior written approval.
- (4) The Authority's property is not distributable, whether by way of division of profits or by way of distribution of assets, among tenants of a major sports facility.

Division 2 The board of directors

10 The board

There is a board of directors of the Authority.

11 Role of board

- (1) The board is responsible for the way in which the Authority performs its functions and exercises its powers.
- (2) Without limiting subsection (1), it is the board's role—
 - (a) to decide the objectives, strategies and policies to be followed by the Authority; and
 - (b) to ensure that the Authority performs its functions in a proper, effective and efficient way.

12 Composition of board

The board consists of not more than 7 directors.

Division 3 Provisions relating to directors

13 Appointment

- (1) The Governor in Council appoints the directors.
- (2) The Governor in Council must appoint 1 of the directors as the chairperson.

14 Qualifications for appointment

A person is not qualified to be, or to continue as, a director if the person—

- (a) is an insolvent under administration; or
- (b) is, or has been, convicted of an indictable offence.

15 Duration of appointment

The appointment of a director is for the term, not longer than 3 years, stated in the director's instrument of appointment.

16 Terms of appointment

- (1) A director is appointed on a part-time basis.
- (2) Directors are entitled to be paid the remuneration and allowances decided by the Governor in Council.
- (3) A director holds office on the terms not provided in this Act that are decided by the Governor in Council.

17 Termination of appointment

The Governor in Council may, at any time, terminate the appointment of all directors, or any director, for any reason or none.

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

Subject to this division, the board may conduct its business, including its meetings, in the way it considers appropriate.

19 Times and places of meetings

- (1) Board meetings are to be held at least 12 times a year at the times and places the chairperson decides.
- (2) However, the chairperson must call a meeting if asked, in writing, to do so by at least the number of directors forming a quorum for the board.

20 Quorum

A quorum for the board is the number equal to one-half of the number of directors or, if one-half is not a whole number, the next highest whole number.

21 Presiding at meetings

- (1) The chairperson must preside at all meetings of the board at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting the director chosen by the members present must preside.

22 Departmental officer may attend board meetings

- (1) The Minister may nominate an officer of the department to attend board meetings.
- (2) The board must give the officer notice of each board meeting—
 - (a) for an ordinary meeting—5 business days before the meeting; or
 - (b) for another meeting—a reasonable time before the meeting.
- (3) The officer may take part in board meetings but must not take part in a decision of the board.

23 Conduct of meetings

- (1) A question at a board meeting is decided by a majority of the votes of the directors present.
- (2) Each director present at the meeting has a vote on each question to be decided and, if the votes are equal, the director presiding also has a casting vote.
- (3) A director present at the meeting who abstains from voting is taken to have voted for the negative.
- (4) The board may hold meetings, or allow directors to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between directors taking part in the meeting.

Example of technology allowing reasonably contemporaneous and continuous communication—

teleconferencing

- (5) A director who takes part in a board meeting under subsection (4) is taken to be present at the meeting.

- (6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—
- (a) a majority of the board directors gives written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by the board.

24 Minutes

The board must keep—

- (a) minutes of its meetings; and
- (b) a record of any resolutions made under section 23(6).

25 Disclosure of interests by directors

- (1) This section applies to a director if—
- (a) the director has a direct or indirect interest in an issue being considered, or about to be considered, by the board; and
 - (b) the interest could conflict with the proper performance of the director's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the director's knowledge, the director must disclose the nature of the interest to a board meeting.
- (3) Unless the board otherwise directs, the director must not—
- (a) be present when the board considers the issue; or
 - (b) take part in a decision of the board about the issue.
- (4) The director must not be present when the board is considering whether to give a direction under subsection (3).
- (5) If there is another director who must, under subsection (2), also disclose an interest in the issue, the other director must not—
- (a) be present when the board is considering whether to give a direction under subsection (3) about the director; or

- (b) take part in making the decision about giving the direction.
- (6) If—
 - (a) because of this section, a director is not present at a board meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
 - (b) there would be a quorum if the director were present; the remaining directors present are a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (7) A disclosure under subsection (2) must be recorded in the board's minutes.

Division 5 Other provisions about Authority

25A Authority may enter into work performance arrangements

- (1) The Authority may enter into, and give effect to, a work performance arrangement with—
 - (a) the employing office; or
 - (b) the appropriate authority of another government entity.
- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.
- (3) For example, a work performance arrangement may provide for—
 - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and
 - (b) the authorising of a person to exercise powers for the arrangement; and
 - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.

- (4) A person performing work for the Authority under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by the Authority; and
 - (b) remains an employee of the employing office, or an employee of the other government entity whose appropriate authority is a party to the arrangement.
- (5) To remove any doubt, it is declared that the Authority does not have power to employ a person performing work for the Authority under a work performance arrangement entered into under subsection (1).

26 Application of other Acts

- (1) The Authority is a statutory body within the meaning of the—
 - (a) *Financial Administration and Audit Act 1977*; and
 - (b) *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B, sets out the way in which the Authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

27 The Authority's seal

- (1) The Authority's seal must be kept in the custody directed by the board and may be used only as authorised by the board.
- (2) Judicial notice must be taken of the imprint of the Authority's seal appearing on a document and the document must be presumed to have been properly sealed until the contrary is proved.

28 Judicial notice of certain signatures

Judicial notice must be taken of—

- (a) the official signature of a person who is or has been the chairperson; and
- (b) the fact that the person holds or has held the office concerned.

29 Authentication of documents

- (1) A document made by the Authority, other than a document that is required to be sealed, is sufficiently made if it is signed by the chairperson or a person authorised by the Authority.
- (2) A document made by the Authority under seal is sufficiently made under seal if it is sealed in the way authorised under section 27(1) and signed by the chairperson or a person authorised by the Authority.

30 Delegations

- (1) The Authority may delegate its powers under this Act to—
 - (a) a director; or
 - (b) an appropriately qualified employee of the employing office or of another government entity who performs work for the Authority under a work performance arrangement; or
 - (c) an appropriately qualified employee of the Authority.

- (2) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

an employee's seniority level within the staff of an entity

**Part 3A Major Sports Facilities
Employing Office****Division 1 Establishment and functions of
employing office****30AA Establishment of employing office**

- (1) The Major Sports Facilities Employing Office is established.

- (2) The employing office consists of—
 - (a) the executive officer; and
 - (b) the employees of the employing office.
- (3) The employing office is a separate entity from the Authority.

30AB Employing office represents the State

- (1) The employing office represents the State.
- (2) Without limiting subsection (1), the employing office has the status, privileges and immunities of the State.

30AC Functions of employing office

- (1) The main functions of the employing office are—
 - (a) entering into, for the State, a work performance arrangement with the Authority under which employees of the employing office perform work for the Authority; and
 - (b) employing, for the State, staff to perform work for the Authority under the work performance arrangement; and
 - (c) doing anything incidental to the discharge of the functions mentioned in paragraphs (a) and (b).
- (2) Also, the employing office has any other function conferred on the employing office under this or another Act.
- (3) This section does not limit the employing office's power to enter into and give effect to a work performance arrangement under section 30AG with a government entity other than the Authority.

Division 2 Executive officer

30AD Appointment of executive officer

- (1) There is to be an executive officer of the employing office.

- (2) The executive officer is to be appointed by the Governor in Council.
- (3) The executive officer is appointed under this Act and not under the *Public Service Act 1996*.

30AE Executive officer acting for employing office

- (1) The employing office acts through the executive officer.
- (2) Anything done by the executive officer in the name of, or for, the employing office is taken to have been done by the employing office.

Division 3 Staff of employing office

30AF Employing office may employ staff

- (1) The employing office may, for the State, employ staff.
- (2) A person employed under subsection (1) is an *employee of the employing office*.
- (3) The employing office may decide the terms of employment of the employees of the employing office.
- (4) Subsection (3) applies subject to any relevant industrial instrument.
- (5) Employees of the employing office are employed under this Act and not under the *Public Service Act 1996*.

30AG Employing office may enter into work performance arrangements

- (1) The employing office may, for the State, enter into and give effect to a work performance arrangement with—
 - (a) the Authority; or
 - (b) the appropriate authority of another government entity.
- (2) A work performance arrangement may make provision for all matters necessary or convenient to be provided under the arrangement.

- (3) For example, a work performance arrangement may provide for—
 - (a) the appointment of a person to an office, and the holding of the office by the person, for the arrangement; and
 - (b) the authorising of a person to exercise powers for the arrangement; and
 - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) A person performing work for the Authority or other government entity under a work performance arrangement entered into under subsection (1)—
 - (a) is not employed by the Authority or other government entity; and
 - (b) remains an employee of the employing office.
- (5) To remove any doubt, it is declared that the Authority or another government entity does not have power to employ a person performing work for the Authority or other government entity under a work performance arrangement entered into under subsection (1).

Division 4 Other provisions

30AH Employing office is statutory body

- (1) The employing office is a statutory body under—
 - (a) the *Financial Administration and Audit Act 1977*; and
 - (b) the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) For applying the *Financial Administration and Audit Act 1977* to the employing office as a statutory body—
 - (a) the executive officer is taken to be the chairperson of the employing office; and
 - (b) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general's report mentioned in

the subsection as soon as practicable after they are received by the employing office; and

- (c) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.

Part 4 Authorisation of special events

30A Lawful use for major sports facilities for prescribed special events

- (1) This section applies to the use of a major sports facility for a special event prescribed under a regulation.
- (2) The use of the facility for the event is a lawful use of the facility, despite the *Integrated Planning Act 1997*, any provision of the relevant planning scheme, any development approval relating to the facility and any condition attached to the approval.
- (3) A regulation may prescribe conditions on the use of the facility for the event.

Part 4A Resale or purchase of tickets

30B Definitions for pt 4A

In this part—

authorised ticket agent, for a major sports facility event, means an entity authorised by the event's organiser to sell tickets to the event to the public.

non-profit organisation means an organisation that is not carried on for the profit or gain of its individual members.

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Examples of entities that may be non-profit organisations—

a charity, church, club or environmental protection society

original ticket price, of a ticket to a major sports facility event, means—

- (a) if the ticket was originally obtained from the event's organiser—the price at which the organiser sells, to the public, tickets of the same type for the event; or
- (b) if the ticket was originally obtained from an authorised ticket agent for the event—the price at which the agent sells, to the public, tickets of the same type for the event, including any fee, whatever called, charged by the agent for the sale and included in the purchase price.

public sale forum means a newspaper, auction house, internet website or other venue or medium that, in the ordinary course of business or commerce, is generally made available to members of the public to sell to, or purchase from, other members of the public, all, or broad categories of, property and services.

resell, a ticket to a major sports facility event, means to sell the ticket—

- (a) at any time after it has been obtained from the event's organiser or an authorised ticket agent for the event; and
- (b) before the event takes place.

sell includes offer for sale.

ticket, to a major sports facility event, means a docket, token or another item that entitles the person holding the docket, token or item to attend the event on the day and at the time indicated on the docket, token or item.

30C Restriction on resale or purchase of tickets

- (1) A person must not, within or outside Queensland, resell a ticket to a major sports facility event at a price greater than 10% above the original ticket price of the ticket.

Maximum penalty—20 penalty units.

- (2) A person must not, within or outside Queensland, purchase a ticket to a major sports facility event from a person, other than

the event's organiser or an authorised ticket agent for the event, at a price greater than 10% above the original ticket price of the ticket.

Maximum penalty—5 penalty units.

- (3) Subsection (1) or (2) does not apply to the resale or purchase of a ticket, to a major sports facility event, by or from a non-profit organisation, or someone acting for the organisation, for fundraising.
- (4) This section does not authorise the resale of a ticket to a major sports facility event.
- (5) A person does not contravene subsection (1) or (2) merely because the person provides, or assists someone else to provide, a public sale forum that is used in contravention of subsection (1) or (2).

Part 4B Advertising

30D Definitions for pt 4B

In this part—

advertisement includes the following—

- (a) skywriting or sign-writing by an aircraft;
- (b) a banner or other sign attached to—
 - (i) an aircraft, or a hang-glider, parachute, paraglider or similar device; or
 - (ii) a person suspended from an aircraft, or a hang-glider, parachute, paraglider or similar device;
- (c) matter on an aircraft, or a hang-glider, parachute, paraglider or similar device, other than matter not intended for advertising;
- (d) matter on a building or other structure, or a banner or other sign attached to a building or other structure, other than matter not intended for advertising;

- (e) matter on a flag, other than a state or national flag, that has an area of more than 5m², other than matter not intended for advertising;
- (f) any laser or digital projection of advertising.

aircraft includes airship, blimp, helicopter and hot-air balloon.

declared event means a major sports facility event declared to be a declared event for this part under section 30E.

declared period, for a major sports facility, means a period declared under section 30E as a period for which this part applies to the facility in relation to the staging, at the facility, of a declared event.

display includes cause to be displayed.

30E Declaration of events and periods for this part

- (1) The Governor in Council may, by gazette notice, declare—
 - (a) a major sports facility event as a declared event for this part; and
 - (b) the period for which this part applies, in relation to the declared event, to the major sports facility at which the declared event is to be staged.
- (2) The declaration must be made at least 28 days before the start of the period mentioned in subsection (1)(b).

30F Restriction on advertising

- (1) A person must not display an advertisement in airspace, or on a building or other structure, that is within sight of a major sports facility during a declared period for the facility, unless the display is authorised under section 30G.

Maximum penalty—700 penalty units.

- (2) Subsection (1) does not apply to the following—
 - (a) an advertisement that is a logo, symbol or similar matter displayed on a building or other structure on more than a temporary basis;

- (b) an advertisement displayed on an aircraft within sight of the major sports facility if the aircraft is in transit as part of a scheduled commercial flight.

30G Authorised advertising

- (1) The Authority may, on written application by a person, authorise the display of an advertisement in airspace, or on a building or other structure, within sight of a major sports facility during a declared period for the facility.
- (2) However, the Authority may authorise the display only if the Authority is satisfied the display is appropriate for the declared event to which the declared period relates, having regard to the following—
 - (a) any effect of the advertisement on the organisation or staging of the event;
 - (b) whether or not there are any commercial arrangements about the advertisement with the Authority or the event's organiser;
 - (c) whether or not the advertisement is consistent with other advertisements approved for the event and the arrangements mentioned in paragraph (b);
 - (d) any effect of the advertisement on how the facility is perceived by persons intending or likely to stage events at the facility in the future.
- (3) The Authority may impose conditions on the display of the advertisement under the authorisation, including, for example, conditions about the following—
 - (a) the period for which the display is authorised under the approval;
 - (b) the circumstances in which the display is authorised under the approval;
 - (c) the persons who are authorised to display the advertisement under the approval;
 - (d) the types of advertisements that are authorised to be displayed under the approval.

Part 5 **Miscellaneous provisions**

31 **Park land**

The Brisbane City Council must 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 and for no other purpose.

32 **Conduct on facility land**

A person must not—

- (a) be disorderly or create a disturbance on facility land; or
- (b) without the Authority's approval, enter on the part of facility land usually used by persons engaged in sport or entertainment; or
- (c) interfere with a person engaged in sport or entertainment on facility land.

Maximum penalty—

- (a) for paragraph (a)—20 penalty units;
- (b) for paragraph (b)—40 penalty units;
- (c) for paragraph (c)—80 penalty units.

32A **Control of traffic on facility land**

Schedule 1 has effect.

33 **Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) 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.

Part 6 Repeals and transitional provisions

Division 1 Repeal, and transitional provisions for repeal, of Lang Park Trust Act 1994

Subdivision 1 Repeal

54 Act repealed

The *Lang Park Trust Act 1994* is repealed.

Subdivision 2 Transitional provisions for repeal of Lang Park Trust Act 1994

55 Definitions for sdiv 2

In this subdivision—

former authority means the former Lang Park Trust.

Redevelopment Authority means the Stadium Redevelopment Authority established under section 34.

repeal means the repeal of the *Lang Park Trust Act 1994*.

repealed Act means the repealed *Lang Park Trust Act 1994*.

56 References to repealed Act and former authority

- (1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.
- (2) A reference in an Act or document to the former authority may, if the context permits, be taken as a reference to the Redevelopment Authority.

57 Redevelopment Authority is legal successor

- (1) The Redevelopment Authority is the successor in law of the former authority that ceased to exist on the repeal.
- (2) Sections 58 to 61 do not limit subsection (1).

58 Assets and liabilities etc.

- (1) On the repeal—
 - (a) assets and liabilities of the former authority immediately before the repeal vest in the Redevelopment Authority; and
 - (b) any contracts entered into by or on behalf of the former authority and all guarantees, undertakings and securities given by or on behalf of the former authority, in force immediately before the repeal, are taken to have been entered into or given by or to the Redevelopment Authority and may be enforced against or by the Redevelopment Authority.
- (2) On and from the repeal, property that immediately before the repeal was held on trust by the former authority is vested in the Redevelopment Authority free from the trust.
- (3) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Redevelopment Authority, record the vesting of the property under this section in the Redevelopment Authority.

59 Employee's rights and entitlements

- (1) This section applies to a person who immediately before the repeal was an employee of the former authority.
- (2) On the repeal, the person is taken to be employed by the Redevelopment Authority on the same conditions on which the person was employed by the former authority.
- (3) Also, the person—
 - (a) keeps all rights accrued or accruing to the person as an employee of the former authority; and

- (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former authority; and
- (c) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.
- (4) Without limiting subsection (2), if an industrial instrument under the *Industrial Relations Act 1999* applies to the person immediately before the repeal, the instrument continues to apply to the person.
- (5) Subsection (4) has effect subject to the *Industrial Relations Act 1999*.

60 Proceedings

A proceeding that could have been started or continued by or against the former authority before the repeal may be started or continued by or against the Redevelopment Authority.

61 Particular interests continue

Subject to section 58(2), this Act does not affect any interest that a person had in the property of the former authority immediately before the repeal.

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

Subdivision 1 **Repeal**

62 **Act repealed**

The Brisbane Cricket Ground Act 1993 is repealed.

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

63 **Definitions for sdiv 2**

In this subdivision—

former authority means the former Brisbane Cricket Ground Trust.

repeal means the repeal of the *Brisbane Cricket Ground Act 1993*.

repealed Act means the repealed *Brisbane Cricket Ground Act 1993*.

64 **References to repealed Act and former authority**

- (1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.
- (2) A reference in an Act or document to the former authority may, if the context permits, be taken as a reference to the Authority.

65 **Authority is legal successor**

- (1) The Authority is the successor in law of the former authority that ceased to exist on the repeal.
- (2) Sections 66 to 69 do not limit subsection (1).

66 Assets and liabilities etc.

- (1) On the repeal—
 - (a) assets and liabilities of the former authority immediately before the repeal vest in the Authority; and
 - (b) any contracts entered into by or on behalf of the former authority and all guarantees, undertakings and securities given by or on behalf of the former authority, in force immediately before the repeal, are taken to have been entered into or given by or to the Authority and may be enforced against or by the Authority.
- (2) On and from the repeal, property that immediately before the repeal was held on trust by the former authority is vested in the Authority free from the trust.
- (3) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Authority, record the vesting of the property under this section in the Authority.

67 Employee's rights and entitlements

- (1) This section applies to a person who immediately before the repeal was an employee of the former authority.
- (2) On the repeal, the person is taken to be employed by the Authority on the same conditions on which the person was employed by the former authority.
- (3) Also, the person—
 - (a) keeps all rights accrued or accruing to the person as an employee of the former authority; and
 - (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former authority; and
 - (c) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and

- (ii) the person's membership of the scheme is not affected.
- (4) Without limiting subsection (2), if an industrial instrument under the *Industrial Relations Act 1999* applies to the person immediately before the repeal, the instrument continues to apply to the person.
- (5) Subsection (4) has effect subject to the *Industrial Relations Act 1999*.

68 Proceedings

A proceeding that could have been started or continued by or against the former authority before the repeal may be started or continued by or against the Authority.

69 Particular rights and interests continue

This Act does not affect—

- (a) any membership rights that a person had to the Brisbane Cricket Ground immediately before the repeal; and
- (b) subject to section 66(2), any interest that a person had in the property of the former authority immediately before the repeal.

70 Declaration of Brisbane Cricket Ground as major sports facility

Section 4(3) does not apply to the declaration of the Brisbane Cricket Ground as a major sports facility.

Division 3 Transitional provisions for expiry of part 5

71 Definition for div 3

In this division—

former authority means the former Stadium Redevelopment Authority.

72 References to former authority

A reference in an Act or document to the former authority may, if the context permits, be taken as a reference to the Authority.

73 Authority is legal successor

- (1) The Authority is the successor in law of the former authority that ceased to exist on the expiry of part 5.
- (2) Sections 74 to 76 do not limit subsection (1).

74 Assets and liabilities etc.

- (1) On the expiry of part 5—
 - (a) assets and liabilities of the former authority immediately before the expiry vest in the Authority; and
 - (b) any contracts entered into by or on behalf of the former authority and all guarantees, undertakings and securities given by or on behalf of the former authority, in force immediately before the expiry, are taken to have been entered into or given by or to the Authority and may be enforced against or by the Authority.
- (2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Authority, record the vesting of the property under this section in the Authority.

75 Employee's rights and entitlements

- (1) This section applies to a person who immediately before the expiry of part 5 was an employee of the former authority.
- (2) On the expiry, the person is taken to be employed by the Authority on the same conditions on which the person was employed by the former authority.
- (3) Also, the person—
 - (a) keeps all rights accrued or accruing to the person as an employee of the former authority; and

- (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former authority; and
- (c) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.

76 Proceedings

A proceeding that could have been started or continued by or against the former authority before the expiry of part 5 may be started or continued by or against the Authority.

77 Declaration of Suncorp Metway Stadium as major sports facility

Section 4(3)(a) does not apply to the declaration of the Suncorp Metway Stadium as a major sports facility.

Division 4 Transitional provision for Major Sports Facilities Amendment Act 2005**78 Effect of regulation amendment**

The amendment of the *State Penalties Enforcement Regulation 2000* by the *Major Sports Facilities Amendment Act 2005* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

Division 5 **Transitional provision for Major Sports Facilities Amendment Act (No. 2) 2006**

79 **Effect of regulation amendment**

The amendment of the *State Penalties Enforcement Regulation 2000* by the *Major Sports Facilities Amendment Act (No. 2) 2006* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.

Division 6 **Transitional provisions for Statutory Bodies Legislation Amendment Act 2007**

80 **Rights and entitlements of particular employees**

- (1) This section applies to a person who—
 - (a) becomes an employee of the employing office; and
 - (b) was an employee of the Authority—
 - (i) immediately before the commencement of this section; and
 - (ii) immediately before becoming an employee of the employing office.
- (2) On becoming an employee of the employing office, the person is taken to be employed under section 30AF on the conditions on which the person would have been employed by the Authority, immediately before the person became an employee of the employing office, if the Authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- (3) Also—
 - (a) the person keeps all rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, that—

Major Sports Facilities Act 2001

- (i) have accrued or were accruing to the person as an employee of the Authority; and
 - (ii) would have accrued to the person if the Authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth); and
- (b) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.
- (4) Without limiting subsection (3), for working out the person's rights and entitlements, including entitlements to receive long service, recreation and sick leave and any similar entitlements, employment of the person by the employing office is a continuation of employment of the person by the Authority.
- (5) If the person was a seconded employee immediately before becoming an employee of the employing office, the arrangement under which the person was performing work for a government entity other than the Authority may continue until the arrangement ends, and, if the arrangement does continue—
 - (a) subsection (2) does not apply to the person; and
 - (b) on the ending of the arrangement, the person is taken to be employed under section 30AF on the conditions on which the person would have been employed by the Authority, on the ending of the arrangement, if—
 - (i) the person had continued to be an employee of the Authority; and
 - (ii) the Authority had never become an employer under the *Workplace Relations Act 1996* (Cwlth).
- (6) Subsections (2) and (5)(b) do not limit section 30AF(3) and (4).
- (7) In this section—
employee of the Authority includes a seconded employee.

seconded employee means an employee of the Authority performing work for another government entity under an arrangement entered into, before the commencement of this section, by the Authority with the appropriate authority of the other government entity.

81 Application of industrial instruments

The employing office is taken to be bound by the industrial instruments that bound the Authority immediately before it became an employer under the *Workplace Relations Act 1996* (Cwlth).

Schedule 1 Control of traffic on facility land

section 32A

Part 1 Authorised persons

1 Appointment

The Authority may, in writing, appoint a person who the Authority is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.

2 Limitation of authorised person's powers

- (1) The powers of an authorised person may be limited—
 - (a) under a condition of appointment; or
 - (b) by written notice of the Authority given to the authorised person.
- (2) Notice under subsection (1)(b) may be given orally, but must be confirmed in writing as soon as possible.

3 Terms of appointment

- (1) An authorised person holds office on the conditions stated in the instrument of appointment.
- (2) An authorised person—
 - (a) if the appointment provides for a term of appointment—ceases to hold office as an authorised person at the end of the term; and
 - (b) may resign by signed notice given to the Authority.

4 Identity cards

- (1) The Authority must issue an identity card to each authorised person.

Schedule 1 (continued)

- (2) The identity card must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be in a form approved by the Authority; and
 - (c) be signed by the authorised person.
- (3) A person who ceases to be an authorised person must, as soon as practicable, return the person's identity card to the Authority, unless the person has a reasonable excuse for not returning it.

Maximum penalty for subsection (3)—10 penalty units.

5 Proof of authority

- (1) An authorised person may exercise a power under this Act in relation to someone else only if the authorised person—
 - (a) first produces his or her identity card for inspection by the other person; or
 - (b) has his or her identity card displayed so that it is clearly visible.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person must produce the identity card for inspection by the person at the first reasonable opportunity.
- (3) If subsection (2) is relevant and is complied with by an authorised person, the exercise of a power in relation to someone else by the authorised person is not invalid merely because of subsection (1).

Schedule 1 (continued)

Part 2 Traffic control**6 Persons authorised to control traffic on facility land**

- (1) An authorised person may control traffic on facility land and, for this purpose, may give directions to persons on the land.
- (2) A person must not fail to comply with a direction given under subsection (1), unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (2)—10 penalty units.

7 Regulatory notice

- (1) The Authority may erect or display at or near any vehicular entrance to facility land, a notice (a *regulatory notice*) regulating the driving, parking or standing of vehicles on the land, including, for example—
 - (a) fixing a maximum speed limit; or
 - (b) indicating a pedestrian crossing; or
 - (c) indicating a place where the driving, parking or standing of a vehicle is restricted or prohibited.
- (2) A person on facility land must comply with a regulatory notice, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

- (3) A regulatory notice—
 - (a) must state the limits of the area to which the notice applies; and
 - (b) may state that a contravention of a requirement of the notice is an offence against the Act and the penalty for the offence.
- (4) Without limiting subsection (1), the Authority may erect and display regulatory notices in the form of official traffic signs.

Schedule 1 (continued)

- (5) Evidence that a notice purporting to be a regulatory notice was erected or displayed at a place mentioned in subsection (1) is evidence that the notice was a regulatory notice erected or displayed by the Authority.
- (6) A regulatory notice erected or displayed under this section must be easily visible to passers-by.

8 Information notices

- (1) This section applies if a regulatory notice does not state that a contravention of a requirement of the notice is an offence against this Act and the penalty for the offence.
- (2) The Authority must erect or display at or near each vehicular entrance to facility land to which the regulatory notice relates, and other places the Authority considers appropriate, information notices stating that a contravention of a requirement of a regulatory notice is an offence and the penalty for the offence.
- (3) An information notice may contain any other information the Authority considers appropriate.
- (4) An information notice erected or displayed under this section must be easily visible to passers-by.
- (5) In this section—
regulatory notice does not include an official traffic sign.

9 Removal and detention of illegally parked or abandoned vehicles

- (1) An authorised person may seize, remove and hold a vehicle that the authorised person believes on reasonable grounds—
 - (a) is parked in contravention of a regulatory notice; or
 - (b) is abandoned.
- (2) The vehicle must be held at a safe place.
- (3) An authorised person may exercise the powers given under subsection (1)(a) only if—

Schedule 1 (continued)

- (a) the authorised person believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle having regard to the safety and convenience of traffic on facility land; and
- (b) the authorised person—
 - (i) can not immediately locate the driver of the vehicle; or
 - (ii) believes on reasonable grounds that the driver of the vehicle is not willing or able to remove the vehicle immediately.
- (4) As soon as is practicable and no later than 14 days after the vehicle is seized, the Authority must give to the owner of the vehicle a written notice stating how the owner may recover the vehicle.
- (5) If the owner can not be ascertained or located within 14 days after the vehicle is seized, the notice may be given by publishing it in a newspaper circulating generally in the State.
- (6) If the vehicle was parked in contravention of a regulatory notice, the owner of the vehicle must pay to the Authority the amount demanded by it for the cost of seizing, removing, holding and returning the vehicle.
- (7) In this section—

vehicle includes a part of the vehicle and anything attached to, or contained in, the vehicle.

10 Disposal of unclaimed vehicles

- (1) This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 9(4) or (5).
- (2) After publishing a notice in a newspaper circulating generally in the State, the Authority may sell the vehicle by public auction.
- (3) The notice must—
 - (a) identify the vehicle; and

Schedule 1 (continued)

- (b) state that the vehicle is to be sold by auction; and
 - (c) state how the owner may recover the vehicle before the auction; and
 - (d) state the time and place of the auction.
- (4) Compensation is not recoverable against the Authority because of the sale of a vehicle under this section.
- (5) In this section—
vehicle includes a part of the vehicle and anything attached to, or contained in, the vehicle.

11 Application of proceeds of sale

- (1) The proceeds of the sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in the sale;
 - (b) in payment of the reasonable cost of seizing, removing and holding the vehicle;
 - (c) if there is an amount owing to a person under a security interest registered for the vehicle under the *Motor Vehicles and Boats Securities Act 1986*—in payment of the amount owing to the holder of the security interest;
 - (d) in payment of any balance to the owner.
- (2) Compensation is not recoverable against the Authority because of a payment under this section.

Schedule 2 Dictionary

section 3

advertisement, for part 4B, see section 30D.

aircraft, for part 4B, see section 30D.

authorised person means a person appointed as an authorised person under schedule 1, section 1.

authorised ticket agent, for part 4A, see section 30B.

Authority means the Major Sports Facilities Authority established under section 5.

board means the board of directors of the Authority.

declared event, for part 4B, see section 30D.

declared period, for part 4B, see section 30D.

director means a director of the Authority.

display, for part 4B, see section 30D.

employee of the employing office see section 30AF(2).

employing office means the Major Sports Facilities Employing Office established under section 30AA.

executive officer means the executive officer of the employing office appointed under section 30AD.

facility land means land on which there is a major sports facility.

government entity see the *Public Service Act 1996*, section 21.

industrial instrument see the *Industrial Relations Act 1999*, schedule 5.

insolvent under administration means insolvent under administration as defined under the Corporations Act, section 9.

major sports facility means a facility declared under section 4 to be a major sports facility.

Schedule 2 (continued)

major sports facility event means a national or international sport, recreational or entertainment event, or special event, staged at a major sports facility.

national or international, sport event, includes, for example—

- (a) a sport event that is organised at a national or international level or by a national or international body; and
- (b) a sport event between a team representing 1 State or country and a team representing another State or country; and

Example—

the rugby league ‘State of Origin’ series

- (c) a sport event between a team representing a State, or a part of a State, and a team representing another country, or a part of another country.

Examples—

- a game of cricket between a team representing Queensland and a team representing England
- the rugby union ‘Super 14’ competition

non-profit organisation, for part 4A, see section 30B.

official traffic sign has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

organiser, of a major sports facility event, means the entity that—

- (a) is responsible for organising the event; and
- (b) will receive revenue from the sale of tickets to the event.

original ticket price, for part 4A, see section 30B.

owner, of a vehicle, includes the person registered as the owner of the vehicle under—

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) the corresponding law of another State or a Territory.

Schedule 2 (continued)

public sale forum, for part 4A, see section 30B.

regulatory notice see schedule 1, section 7.

resell, for part 4A, see section 30B.

sell, for part 4A, see section 30B.

special event—

1 *Special event* means—

- (a) a major concert; or
- (b) a public assembly; or
- (c) a religious event.

2 *Special event* includes any rehearsal, sound and light testing and other ancillary activities necessary and incidental to an event mentioned in item 1.

ticket, for part 4A, see section 30B.

use, for section 30A, includes—

- (a) use within the meaning of the *Integrated Planning Act 1997*; and
- (b) the carrying out of building work, within the meaning of the *Integrated Planning Act 1997*, necessary for a special event.

vehicle has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

work performance arrangement means an arrangement under which an employee of a government entity performs work for another government entity.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 April 2007. Future amendments of the Major Sports Facilities Act 2001 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	21 December 2001	11 January 2002

Reprint No.	Amendments included	Effective	Notes
1A	2003 Act No. 33	29 May 2003	
1B rv	—	31 May 2003	provs exp 30 May 2003
1C	2005 Act No. 6	18 March 2005	
1D	2006 Act No. 14	24 April 2006	
1E	2006 Act No. 53	7 December 2006	R1E withdrawn, see R2
2	—	7 December 2006	
2A	2007 Act No. 20	23 April 2007	

5 List of legislation

Major Sports Facilities Act 2001 No. 84

date of assent 3 December 2001

ss 1–2 commenced on date of assent

pt 6, div 3 commenced 30 May 2003 (see ss 2(2), 53 and 2002 SL No. 130 s 3 (as ins 2003 SL No. 104 s 4))

remaining provisions commenced 21 December 2001 (2001 SL No. 271)

amending legislation—

Major Sports Facilities Amendment Act 2003 No. 33

date of assent 29 May 2003

commenced on date of assent

Major Sports Facilities Amendment Act 2005 No. 6 pts 1–2

date of assent 18 March 2005

commenced on date of assent

Major Sports Facilities Amendment Act 2006 No. 14

date of assent 24 April 2006

commenced on date of assent

Major Sports Facilities Amendment Act (No. 2) 2006 No. 53 pts 1–2

date of assent 7 December 2006

commenced on date of assent

Statutory Bodies Legislation Amendment Act 2007 No. 20 pts 1, 4

date of assent 23 April 2007

commenced on date of assent

6 List of annotations

Title amd 2006 No. 14 s 3

Commencement

s 2 om 2005 No. 6 s 3

Definitions

s 3 amd 2005 No. 6 s 4

Declaration of major sports facilities

s 4 amd 2006 No. 14 s 4

Qualifications for appointment

s 14 amd 2005 No. 6 s 5

Times and places of meetings

s 19 amd 2005 No. 6 s 6

Authority may enter into work performance arrangements

s 25A ins 2007 No. 20 s 29

Delegations

s 30 amd 2007 No. 20 s 30

PART 3A—MAJOR SPORTS FACILITIES EMPLOYING OFFICE

pt hdg prev pt 3A hdg ins 2003 No. 33 s 3
om 2005 No. 6 s 7
pres pt 3A hdg ins 2007 No. 20 s 31

Division 1—Establishment and functions of employing office

div 1 (ss 30AA–30AC) ins 2007 No. 20 s 31

Division 2—Executive officer

div 2 (ss 30AD–30AE) ins 2007 No. 20 s 31

Division 3—Staff of employing office

div 3 (ss 30AF–30AG) ins 2007 No. 20 s 31

Division 4—Other provisions

div 4 (s 30AH) ins 2007 No. 20 s 31

PART 4—AUTHORISATION OF SPECIAL EVENTS

pt hdg ins 2006 No. 14 s 6

Lawful use for major sports facilities for prescribed special events

s 30A prev s 30A ins 2003 No. 33 s 3
om 2005 No. 6 s 7
pres s 30A ins 2006 No. 14 s 6

PART 4A—RESALE OR PURCHASE OF TICKETS

pt hdg ins 2006 No. 53 s 3

Definitions for pt 4A

s 30B prev s 30B ins 2003 No. 33 s 3
om 2005 No. 6 s 7
pres s 30B ins 2006 No. 53 s 3

Restriction on resale or purchase of tickets

s 30C prev s 30C ins 2003 No. 33 s 3
om 2005 No. 6 s 7
pres s 30C ins 2006 No. 53 s 3

PART 4B—ADVERTISING

pt hdg ins 2006 No. 53 s 3

Definitions for pt 4B

s 30D prev s 30D ins 2003 No. 33 s 3
om 2005 No. 6 s 7
pres s 30D ins 2006 No. 53 s 3

Declaration of events and periods for this part

s 30E ins 2006 No. 53 s 3

Restriction on advertising

s 30F ins 2006 No. 53 s 3

Authorised advertising

s 30G ins 2006 No. 53 s 3

PART 5—MISCELLANEOUS PROVISIONS

pt 5 prev pt 5 (ss 34–53) exp 30 May 2003 (see s 53(b) and Major Sports Facilities
Regulation 2002 s 3)
pres pt 5 (ss 31–33) (prev pt 4) renum 2006 No. 14 s 5

Conduct on facility land

prov hdg sub 2006 No. 53 s 4
s 32 amd 2005 No. 6 s 8

Control of traffic on facility land

s 32A ins 2005 No. 6 s 9

PART 6—REPEALS AND TRANSITIONAL PROVISIONS**Division 4—Transitional provision for Major Sports Facilities Amendment Act 2005**

div hdg (prev div 3 hdg) ins 2005 No. 6 s 10
renum 2006 No. 53 s 5

Effect of regulation amendment

s 78 ins 2005 No. 6 s 10

Division 5—Transitional provision for Major Sports Facilities Amendment Act (No. 2) 2006

div 5 (s 79) ins 2006 No. 53 s 6

Division 6—Transitional provisions for Statutory Bodies Legislation Amendment Act 2007

div 6 (ss 80–81) ins 2007 No. 20 s 32

SCHEDULE 1—CONTROL OF TRAFFIC ON FACILITY LAND

ins 2005 No. 6 s 12

SCHEDULE 2—DICTIONARY

(prev sch) renum 2005 No. 6 s 11(2)
def “**advertisement**” ins 2006 No. 53 s 7

def “**aircraft**” ins 2006 No. 53 s 7
def “**authorised person**” ins 2005 No. 6 s 11(1)
def “**authorised ticket agent**” ins 2006 No. 53 s 7
def “**declared event**” ins 2006 No. 53 s 7
def “**declared period**” ins 2006 No. 53 s 7
def “**display**” ins 2006 No. 53 s 7
def “**employee of the employing office**” ins 2007 No. 20 s 33
def “**employing office**” ins 2007 No. 20 s 33
def “**executive officer**” ins 2007 No. 20 s 33
def “**government entity**” ins 2007 No. 20 s 33
def “**industrial instrument**” ins 2007 No. 20 s 33
def “**insolvent under administration**” ins 2005 No. 6 s 11(1)
def “**major sports facility event**” ins 2006 No. 53 s 7
def “**national or international**” ins 2006 No. 53 s 7
def “**non-profit organisation**” ins 2006 No. 53 s 7
def “**official traffic sign**” ins 2005 No. 6 s 11(1)
def “**organiser**” ins 2006 No. 53 s 7
def “**original ticket price**” ins 2006 No. 53 s 7
def “**owner**” ins 2005 No. 6 s 11(1)
def “**public sale forum**” ins 2006 No. 53 s 7
def “**regulatory notice**” ins 2005 No. 6 s 11(1)
def “**resell**” ins 2006 No. 53 s 7
def “**sell**” ins 2006 No. 53 s 7
def “**special event**” ins 2006 No. 14 s 7
def “**ticket**” ins 2006 No. 53 s 7
def “**use**” ins 2006 No. 14 s 7
def “**vehicle**” ins 2005 No. 6 s 11(1)
def “**work performance arrangement**” ins 2007 No. 20 s 33