



Major Sports Facilities Act 2001

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Queensland

Major Sports Facilities Act 2001

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Major Sports Facilities Act 2001

An Act to provide for the management, operation, use, development 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 Stadiums Queensland

Division 1 Establishment, functions and powers of Authority

5 Establishment of Authority

Stadiums Queensland (the *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—
 - (a) to manage, operate, use and promote major sports facilities and facility land, including for a community purpose; and
 - (b) to undertake development of any of the following—
 - (i) major sports facilities;
 - (ii) sports, recreational or entertainment facilities for declaration as major sports facilities;
 - (iii) infrastructure associated with major sports facilities or proposed major sports facilities; and

-
- (c) to provide services in relation to the operation and management of other facilities or land held or administered by the department and used for—
- (i) sport, recreational or entertainment purposes or events; or
 - (ii) special events.

Examples of facilities or land held or administered by the department—

- freehold land owned by the State acting through the department and occupied by another entity or department under a lease or other arrangement
 - land administered by the department on behalf of another department under an arrangement
 - land for which the State acting through the department is the trustee under the *Land Act 1994*
 - a facility occupied or leased by the State acting through the department
- (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 or land.
- (3) Also, the Authority must perform its functions under subsection (1)(c) in a way that does not adversely affect the performance of its functions under subsection (1)(a) or (b).

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 written approval of the Minister.
- (3A) Also, the power under subsection (1)(b) to acquire freehold land to undertake the development of a sports, recreational or entertainment facility for its declaration as a major sports facility may be exercised only with the prior written approval of the Minister.
- (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 prior written approval of the Minister.
- (2) The Minister 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.

9A Ministerial directions

- (1) The Minister may give the Authority a written direction about the performance of the Authority's functions or the exercise of the Authority's powers if satisfied it would be in the public interest to give the direction.
- (2) Without limiting subsection (1), the direction may require the Authority to give the Minister information, including commercial-in-confidence information.
- (3) Before giving the direction, the Minister must consult with the board about the direction.
- (4) The Authority must comply with the direction.
- (5) The Authority must include in its annual report, prepared under the *Financial Accountability Act 2009*, section 63, for a financial year—
 - (a) a summary of each direction given during the year; and
 - (b) a statement about how the Authority has complied with each direction given during the year.

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

- (1) A person may be appointed as a director only if the person—
 - (a) holds a qualification, or has at least 3 years experience, in 1 or more of the following—
 - (i) asset management;
 - (ii) building and construction;
 - (iii) commercial enterprise operations;
 - (iv) event promotion;
 - (v) financial administration;
 - (vi) law;
 - (vii) property development;
 - (viii) sports administration; or
 - (b) has other knowledge and experience the Governor in Council considers appropriate.
- (2) However, a person is not qualified to be, or to continue as, a director if the person—
 - (a) is an insolvent under administration under the Corporations Act, section 9; or

- (b) has a conviction, other than a spent conviction, for 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.

17A Criminal history report

- (1) To decide if a person is qualified to be or continue as a director, the chief executive may ask the commissioner of the police service for—
 - (a) a written report about the criminal history of the person; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the chief executive may make the request only if the person has given the chief executive written consent for the request.
- (3) The commissioner of the police service must comply with the request.

[s 17C]

- (4) However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.
- (5) After receiving the report, the chief executive must—
 - (a) disclose the contents of the report to the person; and
 - (b) allow the person a reasonable opportunity to make written representations to the chief executive about the report.
- (6) In this section—

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986* to the extent the criminal history relates to convictions for indictable offences, other than spent convictions.

17C New convictions must be disclosed

- (1) This section applies if a person who is a director is convicted of an indictable offence during the term of the director's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the chief executive.

Maximum penalty—100 penalty units.

- (3) The notice must include all of the following—
 - (a) the existence of the conviction;
 - (b) when the offence was committed;
 - (c) details adequate to identify the offence;
 - (d) the sentence imposed on the person.

17D Confidentiality of criminal history information

- (1) This section applies to a person who possesses either of the following because the person is or was an officer, employee or agent of the department—
 - (a) a report or information given to the chief executive under section 17A;
 - (b) a notice or information given to the chief executive under section 17C.
- (2) The report, notice or information is *criminal history information*.
- (3) The person must not, directly or indirectly, disclose criminal history information to any other person unless the disclosure is permitted under subsection (4).

Maximum penalty—100 penalty units.

- (4) The person is permitted to disclose the criminal history information to another person—
 - (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (5) The chief executive must ensure a document containing criminal history information is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.

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 9 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

26 Application of other Acts

- (1) The Authority is a statutory body within the meaning of the—
- (a) *Financial Accountability Act 2009*; 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 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 the Authority

Part 3B Major sport events at Brisbane Stadium (Lang Park)

30AL Definitions for part

In this part—

major sport event means a national or international sport event that has a crowd size of more than the number prescribed by regulation.

relevant development approval means the development approval relating to the major sports facility called Brisbane Stadium issued under the *Integrated Planning Act 1997* on 6 July 2001 and continued as a development approval under the repealed *Sustainable Planning Act 2009* and the *Planning Act*.

relevant development approval condition means condition 42 of the relevant development approval, a copy of which is set out in schedule 1A.

30AM Application of part

This part applies to major sport events held at the major sports facility called ‘Brisbane Stadium (Lang Park)’.

30AN Use of Brisbane Stadium (Lang Park) for major sport events

- (1) Subject to compliance with the conditions of the relevant development approval, other than the relevant development approval condition, the use of Brisbane Stadium (Lang Park) for no more than 24 major sport events each year is a lawful use of the facility.
- (2) Subsection (1) applies despite the following—
 - (a) the relevant development approval condition;
 - (b) the Planning Act;
 - (c) any local planning instrument made under the Planning Act applying to the land on which the facility is;
 - (d) any development approval under the Planning Act relating to the facility.

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 following—
 - (a) the Planning Act;

[s 30B]

- (b) any local planning instrument made under the Planning Act applying to the land on which the facility is;
 - (c) any development approval under the Planning Act relating to the facility.
- (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.

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.

display includes cause to be displayed.

prescribed event means a major sports facility event that is—

- (a) of a type prescribed by regulation; and
- (b) organised, scheduled or endorsed by a national or international body prescribed by regulation for the type of event; and
- (c) held at a major sports facility prescribed by regulation for the type of event.

restricted advertising event means—

- (a) a declared event; or
- (b) a prescribed event.

restricted advertising period, for a major sports facility, means—

- (a) a period declared under section 30E(1) as a period for which this part applies to the facility in relation to the staging, at the facility, of a declared event; or
- (b) the period starting at 6a.m. and ending at midnight on a day that a prescribed event is held at the facility.

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 restricted advertising 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 restricted advertising period for the facility.
- (2) However, the Authority may authorise the display only if the Authority is satisfied the display is appropriate for the restricted advertising event to which the restricted advertising 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.

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- (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 7 Transitional provisions for Major Sports Facilities Amendment Act 2008

82 Change of name does not affect legal personality etc.

- (1) The change of name of the Authority from ‘Major Sports Facilities Authority’ to ‘Stadiums Queensland’ does not—
 - (a) affect the entity’s legal personality or identity; or
 - (b) affect a right, entitlement or liability of the Authority or anyone else; or
 - (c) make legal proceedings by or against the Authority defective.
- (2) Without limiting subsection (1), the change of name of the Authority does not affect any right, entitlement, liability or benefit the Authority would have had or enjoyed apart from the change of name.
- (3) In addition, but without limiting subsection (1), a legal proceeding that could have been started or continued by or against the Authority under its former name may be started or continued by or against it under its new name.

83 References to Major Sports Facilities Authority

A reference in an Act or document to the Major Sports Facilities Authority may, if the context permits, be taken as a reference to Stadiums Queensland.

84 Recording Authority's changed name in register

- (1) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Authority in the appropriate form, and on payment of any fee, record in the register, for any property vested in the Authority, the change of the name of the Authority from 'Major Sports Facilities Authority' to 'Stadiums Queensland'.
- (2) In this section—
registrar of titles means a public official or authority responsible for registering title to land and dealings affecting land.

Division 8 Transitional provisions for Major Sports Facilities Amendment Act 2022

85 Existing Governor in Council approvals

- (1) This section applies if—
 - (a) before the commencement, the Governor in Council approved the Authority exercising a power mentioned in section 8(3) or (3A) or 9(1); and
 - (b) immediately before the commencement—
 - (i) the Governor in Council's approval was still in effect; and
 - (ii) the power had not been exercised.
- (2) On the commencement, the Governor in Council's approval is taken to be an approval given by the Minister.

86 Existing requests for Governor in Council approval

- (1) This section applies if—

[s 87]

- (a) before the commencement, the Authority asked the Governor in Council for approval to exercise a power mentioned in section 8(3) or (3A) or 9(1); and
 - (b) immediately before the commencement, the request had not been decided.
- (2) The Governor in Council may continue to decide the request.
 - (3) If the Governor in Council approves the request, the approval is taken to be an approval given by the Minister.

87 Existing directors

A person who holds office as a director immediately before the commencement may continue as a director after the commencement despite section 14(1).

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.

- (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).

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.
- (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—
 - (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

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- (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—
- identify the vehicle; and
 - state that the vehicle is to be sold by auction; and
 - state how the owner may recover the vehicle before the auction; and
 - 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 *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing to the holder of the security interest;
- (d) in payment of any balance to the owner.

(2) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (1)(a) or (b).

(3) Compensation is not recoverable against the Authority because of a payment under this section.

(4) In this section—

secured party has the meaning given by the *Personal Property Securities Act 2009* (Cwlth), section 10.

Schedule 1A Relevant development approval condition

section 30AL, definition *relevant development approval condition*

Actions	Time to complete actions
42 As referred to in Section 3.4 of the <i>Lang Park Stadium Redevelopment Assessment Report</i> by The Coordinator General dated August 2000 and in Section 2.6 of <i>Volume 1 Executive Summary - Draft Environmental Impact Statement</i> 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.	To be maintained.

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 see section 5.

board means the board of directors of the Authority.

conviction means a finding of guilt or acceptance of a plea of guilty by a court, regardless of whether a conviction is recorded.

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

director means a director of the Authority.

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

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

industrial instrument see the *Industrial Relations Act 2016*, schedule 5.

major sport event, for part 3B, see section 30AL.

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

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 Rugby’ 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.

Planning Act means the *Planning Act 2016*.

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

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

regulatory notice see schedule 1, section 7.

relevant development approval see section 30AL.

relevant development approval condition see section 30AL.

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

restricted advertising event, for part 4B, see section 30D.

restricted advertising period, for part 4B, see section 30D.

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.

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

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

use, for section 30A, includes—

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

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