



Queensland

# Major Sports Facilities Amendment Act 2022

Act No. 26 of 2022

---

An Act to amend the Major Sports Facilities Act 2001 for particular purposes

[Assented to 31 October 2022]





Queensland

# Major Sports Facilities Amendment Act 2022

## Contents

---

		Page
1	Short title .....	3
2	Act amended .....	3
3	Amendment of s 7 (Authority's functions) .....	3
4	Amendment of s 8 (Authority's powers) .....	4
5	Amendment of s 9 (Restriction on Authority's power to deal with property) .....	4
6	Insertion of new s 9A .....	5
	9A Ministerial directions .....	5
7	Replacement of s 14 (Qualifications for appointment) .....	5
	14 Qualifications for appointment .....	5
8	Amendment of s 17A (Criminal history report) .....	6
9	Amendment of s 19 (Times and places of meetings) .....	6
10	Insertion of new pt 6, div 8 .....	6
	Division 8 Transitional provisions for Major Sports Facilities Amendment Act 2022	
	85 Existing Governor in Council approvals .....	7
	86 Existing requests for Governor in Council approval .	7
	87 Existing directors .....	8
11	Amendment of sch 2 (Dictionary) .....	8



---

**The Parliament of Queensland enacts—**

**1 Short title**

This Act may be cited as the *Major Sports Facilities Amendment Act 2022*.

**2 Act amended**

This Act amends the *Major Sports Facilities Act 2001*.

**3 Amendment of s 7 (Authority's functions)**

(1) Section 7(1)(a), after 'facilities'—

*insert—*

and facility land, including for a community purpose

(2) Section 7(1)—

*insert—*

(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

[s 4]

---

- 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

(3) Section 7(2)(b), after ‘facilities’—

*insert—*

or land

(4) Section 7—

*insert—*

- (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).

#### **4 Amendment of s 8 (Authority’s powers)**

Section 8(3) and (3A), ‘approval of the Governor in Council’—

*omit, insert—*

written approval of the Minister

#### **5 Amendment of s 9 (Restriction on Authority’s power to deal with property)**

(1) Section 9(1), ‘land, without the Governor in Council’s prior approval’—

*omit, insert—*

land without the prior written approval of the Minister

(2) Section 9(2), ‘Governor in Council’—

*omit, insert—*

Minister

## 6 Insertion of new s 9A

After section 9—

*insert—*

### 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.

## 7 Replacement of s 14 (Qualifications for appointment)

Section 14—

*omit, insert—*

### 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—

[s 8]

---

- (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.

**8 Amendment of s 17A (Criminal history report)**

Section 17A(6), definition *spent conviction*—  
*omit.*

**9 Amendment of s 19 (Times and places of meetings)**

Section 19(1), ‘12’—  
*omit, insert—*

9

**10 Insertion of new pt 6, div 8**

Part 6—  
*insert—*



---

## **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—
  - (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).

## 11 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

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

***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.

© State of Queensland 2022