



Queensland

Major Sports Facilities and Other Legislation Amendment Bill 2016



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Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Gaming Machine Act 1991	
3	Act amended	4
4	Amendment of s 312 (Gaming machine tax)	4
Part 3	Amendment of Keno Act 1996	
5	Act amended	5
6	Insertion of new ss 137A and 137B	5
	137A Keno pooling agreements	5
	137B Application of particular provisions to keno pooling agreements	6
7	Amendment of s 143 (Times of conduct of approved keno games)	7
8	Amendment of sch 4 (Dictionary)	7
Part 4	Amendment of Land Act 1994	
9	Act amended	8
10	Amendment of s 8 (Definitions for pt 4)	8
11	Insertion of new s 8A	9
	8A Who is an adjacent owner for non-tidal watercourse land and non-tidal lake land	9
12	Amendment of s 13A (Land adjacent to non-tidal boundary (watercourse) or non-tidal boundary (lake) owned by State)	10
13	Insertion of new ss 13AA and 13AB	10
	13AA Power to deal with non-tidal watercourse land and non-tidal lake land	10
	13AB Leasing non-tidal watercourse land or non-tidal lake land	11
14	Amendment of s 13B (Power to declare and deal with former	

Contents

	watercourse land)	12
15	Amendment of sch 6 (Dictionary)	12
Part 5	Amendment of Major Sports Facilities Act 2001	
16	Act amended	13
17	Amendment of s 14 (Qualifications for appointment)	13
18	Insertion of new ss 17A to 17C	13
	17A Criminal history report	13
	17B Criminal history reports confidential	14
	17C New convictions must be disclosed	15
19	Omission of s 25A (Authority may enter into work performance arrangements)	16
20	Amendment of s 30 (Delegations)	16
21	Omission of pt 3A (Major Sports Facilities Employing Office)	16
22	Amendment of pt 3B, hdg (Major sport events at Suncorp Stadium)	16
23	Omission of pt 3B, div 1 (Major sport events during 2011)	16
24	Omission of pt 3B, div 2, hdg (Major sport events after 2011)	17
25	Amendment of s 30AL (Definitions for div 2)	17
26	Amendment of s 30AM (Application of div 2)	17
27	Amendment of s 30AN (Use of Suncorp Stadium for major sport events)	18
28	Amendment of s 30D (Definitions for pt 4B)	18
29	Amendment of s 30F (Restriction on advertising)	19
30	Amendment of s 30G (Authorised advertising)	19
31	Omission of pt 6, div 6 (Transitional provisions for Statutory Bodies Legislation Amendment Act 2007)	20
32	Amendment of sch 1A (Relevant development approval condition)	20
33	Amendment of sch 2 (Dictionary)	20
Part 6	Amendment of Transport Infrastructure Act 1994	
34	Act amended	21
35	Amendment of s 93AA (Application of s 93 to QML network)	21
Part 7	Other amendments	
36	Acts amended	22
Schedule 1	Acts amended	23
	Liquor Act 1992	23
	Planning (Consequential) and Other Legislation Amendment Act 2016	23

2016

A Bill

for

An Act to amend the *Gaming Machine Act 1991*, the *Keno Act 1996*, the *Land Act 1994*, the *Major Sports Facilities Act 2001*, the *Transport Infrastructure Act 1994* and the Acts mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Major Sports Facilities and Other Legislation Amendment Act 2016*. 4
5

Clause 2 Commencement 6

Parts 2 and 3 commence on a day to be fixed by proclamation. 7

Part 2 Amendment of Gaming Machine Act 1991 8
9

Clause 3 Act amended 10

This part amends the *Gaming Machine Act 1991*. 11

Clause 4 Amendment of s 312 (Gaming machine tax) 12

Section 312(3) and (4)— 13

omit, insert— 14

(3) The amount of gaming machine tax payable by 15
the licensee in respect of each premises to which 16
the licensee's licence relates is the amount 17
represented by the percentage prescribed, for the 18
category of licensed premises to which the 19
premises belong, of the monthly taxable metered 20
win for the premises for the month for which the 21
tax is payable. 22

Part 3 **Amendment of Keno Act 1996** 1

Clause 5 **Act amended** 2

This part amends the *Keno Act 1996*. 3

Clause 6 **Insertion of new ss 137A and 137B** 4

Part 8, division 1— 5

insert— 6

137A Keno pooling agreements 7

- (1) A keno licensee may enter into an agreement (a *keno pooling agreement*) with an interstate entity to provide for— 8
- (a) the keno licensee and the interstate entity to retain a percentage of amounts received (the *pooling contributions*) by the keno licensee and the interstate entity from the conduct of jackpot keno games; and 11
 - (b) how pooling contributions are applied to form part of a prize for a jackpot keno game; and 16
 - (c) the transfer of pooling contributions between the keno licensee and the interstate entity; and 19
 - (d) the coordination of the conduct of jackpot keno games by the keno licensee and the interstate entity; and 22
 - (e) any other matter the chief executive believes is necessary for ensuring— 25
 - (i) the integrity of the conduct of keno games; or 27
 - (ii) the public interest is not affected in an adverse and material way. 29
- 30

[s 6]

- (2) An interstate entity is taken not to conduct a keno game in the State because of 1 or more of the following—
- (a) the interstate entity is a party to a keno pooling agreement;
 - (b) the interstate entity conducts a jackpot keno game in another State;
 - (c) the interstate entity pays, or is required to pay, to a person a prize for a jackpot keno game.
- (3) A prize for a jackpot keno game that is conducted in the State must not include an amount received by an interstate entity, other than an amount that is all or part of the pooling contributions.
- (4) A keno licensee may only pay an amount for a prize for a jackpot keno game conducted in another State if the amount is all or part of the pooling contributions.
- (5) In this section—
- interstate entity* means an entity that conducts a keno game under a law of another State that provides for the conduct and playing of keno games in that other State.
- jackpot keno game*, in relation to a keno pooling agreement, means a keno game that is the subject of the agreement.
- keno game* includes a game commonly known in another State as keno.

137B Application of particular provisions to keno pooling agreements

Sections 135 to 137 apply to a keno pooling agreement as if a reference in those sections to—

	(a) a related agreement were a reference to a keno pooling agreement; and	1 2
	(b) termination of an agreement were a reference to a keno licensee exiting an agreement.	3 4 5
Clause 7	Amendment of s 143 (Times of conduct of approved keno games)	6 7
	Section 143—	8
	<i>insert—</i>	9
	(1A) A keno licensee does not commit an offence under subsection (1) if—	10 11
	(a) the keno licensee is a party to a keno pooling agreement; and	12 13
	(b) during a prescribed period the keno licensee—	14 15
	(i) conducts a draw for a keno game for the purposes of the keno pooling agreement; but	16 17 18
	(ii) does not pay a prize to a person who entered the keno game before the prescribed period.	19 20 21
Clause 8	Amendment of sch 4 (Dictionary)	22
	Schedule 4—	23
	<i>insert—</i>	24
	<i>keno pooling agreement</i> see section 137A.	25

[s 9]

Part 4 **Amendment of Land Act 1994** 1

Clause 9 **Act amended** 2

This part amends the *Land Act 1994*. 3

Clause 10 **Amendment of s 8 (Definitions for pt 4)** 4

Section 8— 5

insert— 6

adjacent owner— 7

(a) for non-tidal watercourse land—see section 8A (1) and (2); or 8
9

(b) for non-tidal lake land—see section 8A (3) and (4). 10
11

chief executive (water) means the chief executive of the department in which the *Water Act 2000* is administered. 12
13
14

non-tidal lake land see section 13AA (1)(b). 15

non-tidal watercourse land see section 13AA (1)(a). 16
17

owner, of land, means the following— 18

(a) if the land is freehold land—the registered owner of the land; 19
20

(b) if the land is the subject of a lease registered under the *Land Title Act 1994*—the lessee of the land; 21
22
23

(c) if the land is the subject of a lease registered under this Act—the lessee of the land; 24
25

(d) if the land is a reserve—the trustee of the reserve; 26
27

	(e) if a person has occupation rights in relation to the land under a licence or permit—the licensee or permittee.	1 2 3
Clause 11	Insertion of new s 8A	4
	Chapter 1, part 4, division 1—	5
	<i>insert—</i>	6
	8A Who is an <i>adjacent owner</i> for non-tidal watercourse land and non-tidal lake land	7 8
	(1) A person is an <i>adjacent owner</i> for non-tidal watercourse land if the person is the owner of land that adjoins a non-tidal boundary (watercourse) of the non-tidal watercourse land.	9 10 11 12
	(2) Also, a person is an <i>adjacent owner</i> for non-tidal watercourse land if—	13 14
	(a) the non-tidal watercourse land extends from the non-tidal boundary (watercourse) on 1 side of the watercourse (the <i>subject boundary</i>) past the line along the middle of the bed of the watercourse; and	15 16 17 18 19
	(b) the person is the owner of land that adjoins the non-tidal boundary (watercourse) of the non-tidal watercourse land on the other side of the watercourse, opposite the subject boundary.	20 21 22 23 24
	(3) A person is an <i>adjacent owner</i> for non-tidal lake land if the person is the owner of land that adjoins a non-tidal boundary (lake) of the non-tidal lake land.	25 26 27 28
	(4) Also, a person is an <i>adjacent owner</i> for non-tidal lake land if—	29 30
	(a) the non-tidal lake land extends from the non-tidal boundary (lake) on 1 side of the lake (the <i>subject boundary</i>) past the centre of the lake; and	31 32 33 34

[s 12]

	(b) the person is the owner of land that adjoins the non-tidal boundary (lake) of the non-tidal lake land on the other side of the lake, opposite the subject boundary.	1 2 3 4
Clause 12	Amendment of s 13A (Land adjacent to non-tidal boundary (watercourse) or non-tidal boundary (lake) owned by State)	5 6 7
	Section 13A—	8
	<i>insert—</i>	9
	(6) If the adjacent area is the subject of a lease—	10
	(a) subsection (4)(a) and (b) applies only to the extent exercising the right does not interfere with the lessee’s rights and interests under the lease; and	11 12 13 14
	(b) subsection (4)(c) does not allow the owner to bring an action against the lessee, a person acting for the lessee, or a person with a registered interest in the lease.	15 16 17 18
Clause 13	Insertion of new ss 13AA and 13AB	19
	After section 13A—	20
	<i>insert—</i>	21
	13AA Power to deal with non-tidal watercourse land and non-tidal lake land	22 23
	(1) This section applies to—	24
	(a) land that is the property of the State under section 13A(1) (<i>non-tidal watercourse land</i>); and	25 26 27
	(b) land that is the property of the State under section 13A(2) (<i>non-tidal lake land</i>).	28 29
	(2) Non-tidal watercourse land and non-tidal lake land are not unallocated State land, but may be	30 31

leased under this Act as if the land were 1
unallocated State land. 2

(3) Subsection (2) applies subject to section 13AB. 3

**13AB Leasing non-tidal watercourse land or 4
non-tidal lake land 5**

- (1) Non-tidal watercourse land or non-tidal lake land 6
may be leased under this Act only if— 7
- (a) the lessee is the State; and 8
 - (b) each person who is an adjacent owner for 9
the land consents to the lease; and 10
 - (c) the chief executive (water) consents to the 11
lease; and 12
 - (d) each condition of the consent of the chief 13
executive (water) imposed under subsection 14
(3)— 15
 - (i) has been satisfied; or 16
 - (ii) is imposed as a condition of the lease. 17
- (2) In deciding whether to consent to the lease, the 18
chief executive (water) must consider whether, 19
and to what extent, the lease will interfere with— 20
- (a) the State’s control or use of any part of the 21
non-tidal watercourse land or non-tidal lake 22
land for a purpose under the *Water Act* 23
2000; or 24
 - (b) a right of the State or a person to take or use 25
water under the *Water Act 2000*. 26
- (3) The consent of the chief executive (water) may be 27
given on conditions. 28
- (4) A lease of non-tidal watercourse land or non-tidal 29
lake land may not be transferred. 30
- (5) Despite section 13AA (2), the granting of a lease 31
over non-tidal watercourse land or non-tidal lake 32

[s 14]

	land is not subject to any public auction, tender or ballot requirements under chapter 4, part 1, division 1.	1 2 3
Clause 14	Amendment of s 13B (Power to declare and deal with former watercourse land)	4 5
	Section 13B(11), definitions <i>appropriately qualified, chief executive (water)</i> and <i>owner</i> —	6 7
	<i>omit.</i>	8
Clause 15	Amendment of sch 6 (Dictionary)	9
(1)	Schedule 6—	10
	<i>insert</i> —	11
	<i>adjacent owner</i> , for chapter 1, part 4, see section 8A .	12 13
	<i>chief executive (water)</i> , for chapter 1, part 4, see section 8.	14 15
	<i>non-tidal lake land</i> , for chapter 1, part 4, see section 13AA (1)(b).	16 17
	<i>non-tidal watercourse land</i> , for chapter 1, part 4, see section 13AA (1)(a).	18 19
(2)	Schedule 6, definition <i>owner</i> , paragraphs (a) and (b)—	20
	<i>renumber</i> as paragraphs (b) and (c).	21
(3)	Schedule 6, definition <i>owner</i> —	22
	<i>insert</i> —	23
	(a) for chapter 1, part 4, see section 8; or	24

Part 5	Amendment of Major Sports Facilities Act 2001	1
		2
Clause 16	Act amended	3
	This part amends the <i>Major Sports Facilities Act 2001</i> .	4
Clause 17	Amendment of s 14 (Qualifications for appointment)	5
	Section 14(a), after ‘administration’—	6
	<i>insert—</i>	7
	under the Corporations Act, section 9	8
Clause 18	Insertion of new ss 17A to 17C	9
	Part 3, division 3—	10
	<i>insert—</i>	11
	17A Criminal history report	12
	(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—	13
		14
		15
	(a) a written report about the criminal history of the person; and	16
		17
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	18
		19
		20
	(2) However, the chief executive may make the request only if the person has given the chief executive written consent for the request.	21
		22
		23
	(3) The commissioner of the police service must comply with the request.	24
		25
	(4) However, the duty to comply applies only to information in the commissioner’s possession or to which the commissioner has access.	26
		27
		28

[s 18]

- (5) After receiving the report, the chief executive must— 1
2
- (a) disclose the contents of the report to the person; and 3
4
- (b) allow the person a reasonable opportunity to make written representations to the chief executive about the report. 5
6
7
- (6) The chief executive must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested. 8
9
10
11
- (7) In this section— 12
- 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. 13
14
15
16
17
18
- spent conviction* means a conviction— 19
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and 20
21
22
- (b) that is not revived as prescribed by section 11 of that Act. 23
24

17B Criminal history reports confidential 25

- (1) This section applies to a person who possesses a report, or information contained in a report, given under section 17A because the person is or was an officer, employee or agent of the department. 26
27
28
29
- (2) The person must not, directly or indirectly, disclose the report or information to any other person unless the disclosure is permitted under subsection (3). 30
31
32
33

Maximum penalty—100 penalty units.	1
(3) The person is permitted to disclose the report or information to another person—	2 3
(a) to the extent necessary to perform the person’s functions under this Act; or	4 5
(b) if the disclosure is authorised under an Act; or	6 7
(c) if the disclosure is otherwise required or permitted by law; or	8 9
(d) if the person to whom the disclosure relates consents to the disclosure; or	10 11
(e) if the disclosure is in a form that does not identify the person to whom the information relates; or	12 13 14
(f) if the information is, or has been, lawfully accessible to the public.	15 16
17C New convictions must be disclosed	17
(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.	18 19 20
(2) The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the chief executive.	21 22 23
Maximum penalty—100 penalty units.	24
(3) The notice must include all of the following—	25
(a) the existence of the conviction;	26
(b) when the offence was committed;	27
(c) details adequate to identify the offence;	28
(d) the sentence imposed on the person.	29

[s 19]

Clause 19	Omission of s 25A (Authority may enter into work performance arrangements)	1 2
	Section 25A—	3
	<i>omit.</i>	4
Clause 20	Amendment of s 30 (Delegations)	5
	(1) Section 30(1)(b)—	6
	<i>omit.</i>	7
	(2) Section 30(1)(c)—	8
	<i>renumber</i> as section 30(1)(b).	9
	(3) Section 30(2), definition <i>appropriately qualified</i> , example, ‘an entity’—	10 11
	<i>omit, insert</i> —	12
	the Authority	13
Clause 21	Omission of pt 3A (Major Sports Facilities Employing Office)	14 15
	Part 3A—	16
	<i>omit.</i>	17
Clause 22	Amendment of pt 3B, hdg (Major sport events at Suncorp Stadium)	18 19
	Part 3B, heading, ‘Suncorp’—	20
	<i>omit, insert</i> —	21
	Brisbane	22
Clause 23	Omission of pt 3B, div 1 (Major sport events during 2011)	23
	Part 3B, division 1—	24
	<i>omit.</i>	25

Clause 24	Omission of pt 3B, div 2, hdg (Major sport events after 2011)	1 2
	Part 3B, division 2, heading—	3
	<i>omit.</i>	4
Clause 25	Amendment of s 30AL (Definitions for div 2)	5
(1)	Section 30AL, heading, ‘for div 2’—	6
	<i>omit, insert—</i>	7
	for part	8
(2)	Section 30AL, ‘division’—	9
	<i>omit, insert—</i>	10
	part	11
(3)	Section 30AL, definitions <i>relevant development approval</i> and <i>relevant development approval condition</i> —	12 13
	<i>omit.</i>	14
(4)	Section 30AL—	15
	<i>insert—</i>	16
	<i>relevant development approval</i> means the development approval relating to the major sports facility called Brisbane Stadium issued under the <i>Integrated Planning Act 1997</i> on 6 July 2001 and continued as a development approval under the <i>Sustainable Planning Act 2009</i> .	17 18 19 20 21 22
	<i>relevant development approval condition</i> means condition 42 of the relevant development approval, a copy of which is set out in schedule 1A.	23 24 25 26
Clause 26	Amendment of s 30AM (Application of div 2)	27
(1)	Section 30AM, heading, ‘div 2’—	28
	<i>omit, insert—</i>	29

[s 27]

	part	1
(2)	Section 30AM, ‘division’—	2
	<i>omit, insert—</i>	3
	part	4
(3)	Section 30AM, ‘Suncorp’—	5
	<i>omit, insert—</i>	6
	Brisbane	7
Clause 27	Amendment of s 30AN (Use of Suncorp Stadium for major sport events)	8
		9
(1)	Section 30AN, heading, ‘Suncorp’—	10
	<i>omit, insert—</i>	11
	Brisbane	12
(2)	Section 30AN(1), ‘Suncorp’—	13
	<i>omit, insert—</i>	14
	Brisbane	15
Clause 28	Amendment of s 30D (Definitions for pt 4B)	16
(1)	Section 30D, definition <i>declared period</i> —	17
	<i>omit.</i>	18
(2)	Section 30D—	19
	<i>insert—</i>	20
	<i>prescribed event</i> means a major sports facility event that is—	21
		22
	(a) of a type prescribed by regulation; and	23
	(b) organised, scheduled or endorsed by a national or international body prescribed by regulation for the type of event; and	24
		25
		26

	(c) held at a major sports facility prescribed by regulation for the type of event.	1 2
	<i>restricted advertising event</i> means—	3
	(a) a declared event; or	4
	(b) a prescribed event.	5
	<i>restricted advertising period</i> , for a major sports facility, means—	6 7
	(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	8 9 10 11
	(b) the period starting at 6a.m. and ending at midnight on a day that a prescribed event is held at the facility.	12 13 14
Clause 29	Amendment of s 30F (Restriction on advertising)	15
	Section 30F(1), ‘declared period’—	16
	<i>omit, insert</i> —	17
	restricted advertising period	18
Clause 30	Amendment of s 30G (Authorised advertising)	19
	(1) Section 30G(1), ‘declared period’—	20
	<i>omit, insert</i> —	21
	restricted advertising period	22
	(2) Section 30G(2), ‘declared event to which the declared period’—	23 24
	<i>omit, insert</i> —	25
	restricted advertising event to which the restricted advertising period	26 27

[s 31]

Clause 31	Omission of pt 6, div 6 (Transitional provisions for Statutory Bodies Legislation Amendment Act 2007)	1 2
	Part 6, division 6—	3
	<i>omit.</i>	4
Clause 32	Amendment of sch 1A (Relevant development approval condition)	5 6
	Schedule 1A, authorising provision, ‘section 30AI’—	7
	<i>omit, insert—</i>	8
	section 30AL	9
Clause 33	Amendment of sch 2 (Dictionary)	10
(1)	Schedule 2, definitions <i>declared period, employee of the employing office, employing office, executive officer, government entity, insolvent under administration and work performance arrangement—</i>	11 12 13 14
	<i>omit.</i>	15
(2)	Schedule 2—	16
	<i>insert—</i>	17
	<i>major sport event</i> , for part 3B, see section 30AL.	18
	<i>prescribed event</i> , for part 4B, see section 30D.	19
	<i>relevant development approval</i> see section 30AL.	20
	<i>relevant development approval condition</i> see section 30AL.	21 22
	<i>restricted advertising event</i> , for part 4B, see section 30D.	23 24
	<i>restricted advertising period</i> , for part 4B, see section 30D.	25 26
(3)	Schedule 2, definition <i>national or international</i> , paragraph (c), examples, ‘Super 14’—	27 28
	<i>omit, insert—</i>	29

	Super Rugby	1
Part 6	Amendment of Transport Infrastructure Act 1994	2 3
Clause 34	Act amended	4
	This part amends the <i>Transport Infrastructure Act 1994</i> .	5
Clause 35	Amendment of s 93AA (Application of s 93 to QML network)	6 7
	(1) Section 93AA(1)—	8
	<i>omit, insert—</i>	9
	(1) The Minister may make a declaration under section 93 for a toll road that is part of the QML network only if the Minister is satisfied each matter for the toll road included in the declaration—	10 11 12 13 14
	(a) is consistent with the original declaration; or	15
	(b) otherwise, is necessary and appropriate to facilitate the carrying out of the Logan Motorway Enhancement Project.	16 17 18
	(2) Section 93AA(3)—	19
	<i>insert—</i>	20
	<i>Logan Motorway Enhancement Project</i> means the market-led proposal of that name prepared by the QML network operator in 2016 for the development of particular road transport infrastructure on, or to service, the QML network.	21 22 23 24 25
	<i>original declaration</i> means the declaration made under section 93 in relation to the QML network that was in effect immediately before 31 December 2011.	26 27 28 29

[s 36]

QML network operator means the toll road operator for the toll roads comprising the QML network. 1
2
3

Part 7 **Other amendments** 4

Clause 36 **Acts amended** 5
Schedule 1 amends the Acts it mentions. 6

Schedule 1	Acts amended	1
	section 36	2
Liquor Act 1992		3
1 Section 142AE(4)(b)(ii), ‘Suncorp’—		4
<i>omit, insert—</i>		5
Brisbane		6
Planning (Consequential) and Other Legislation Amendment Act 2016		7
		8
1 Section 322, hdg, ‘s 30AI (Definitions for div 1)’—		9
<i>omit, insert—</i>		10
s 30AL (Definitions for part)		11
<i>Editor’s note—</i>		12
Legislation ultimately amended—		13
• <i>Major Sports Facilities Act 2001</i>		14
2 Section 322, ‘Section 30AI’—		15
<i>omit, insert—</i>		16
Section 30AL		17
<i>Editor’s note—</i>		18
Legislation ultimately amended—		19
• <i>Major Sports Facilities Act 2001</i>		20

3	Section 323, hdg, ‘Suncorp’—	1
	<i>omit, insert—</i>	2
	Brisbane	3
	<i>Editor’s note—</i>	4
	Legislation ultimately amended—	5
	• <i>Major Sports Facilities Act 2001</i>	6

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