



*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

31 October 2022

In the name and on behalf of the King, I assent to this Bill.

*Government House,
Brisbane,*

[Signature]

31 October

2022



Queensland

No. 26 of 2022

A BILL for

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



Queensland

Major Sports Facilities Amendment Bill 2022

Contents

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

2022

A Bill

for

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

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

- 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—

- (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