

# Major Sports Facilities and Other Legislation Amendment Bill 2025 Statement of Compatibility

## Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games make this statement of compatibility with respect to the Major Sports Facilities and Other Legislation Amendment Bill 2025 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

The Department of Sport, Racing and Olympic and Paralympic Games (DSROPG) has administrative responsibility for the *Major Sports Facilities Act 2001* (MSF Act) as well as its subordinate legislation, the *Major Sports Facilities Regulation 2014* (MSF Regulation).

The MSF Act establishes Stadiums Queensland (SQ) as the authority responsible for managing, operating, using, developing and promoting facilities in Queensland for the staging of national and international sport, recreational, entertainment or special events. SQ is established as an independent statutory authority that does not represent the State.

Nine facilities are declared as major sports facilities under the MSF Act and listed in Schedule 1 of the MSF Regulation, including Brisbane Stadium / Lang Park (referred to as Suncorp Stadium), and, on the Gold Coast, Carrara Stadium / People First Stadium (previously known as Heritage Bank Stadium) and Robina Stadium / Cbus Super Stadium.

The *Major Events Act 2014* (ME Act) provides a generic legislative framework which can be used, as required, for various major events. The ME Act provides powers to facilitate the smooth and safe delivery of declared major events, including the ability to regulate access and movement within event areas, manage advertising and commercial activities (to prevent ambush marketing), install temporary infrastructure, and streamline approvals by temporarily modifying or suspending certain laws. These powers are used to reduce red tape, protect event sponsors, support public safety, and ensure that major events can be delivered efficiently and to a high standard—helping Queensland attract and host world-class events.

The ME Act has been successfully applied to several significant events in Queensland – single and multi-day events – including the FIFA Women’s World Cup 2023, the British and Irish Lions Tour 2025 and it is used annually for the Supercars motor racing events, the Gold Coast 500 and Townsville 500.

The Bill proposes specific amendments to the MSF Act and the ME Act to support policy objectives for major events and major sports facilities that deliver social and economic benefits to Queensland, as well as statutory body best practice for governance, accountability and commercial agility.

The Bill makes the following amendments to the MSF Act:

- a) Amend section 30A of the MSF Act to provide for the lawful use of a major sports facility for special events (defined as concerts, public assemblies, religious events under the MSF Act) prescribed by regulation (under the MSF Regulation) despite: the *Liquor Act 1992* or a licence under that Act as they apply to noise from a special event; and a local law or a licence, permit or other approval under the local law to the extent they apply to noise from the use of a major sports facility for a special event. This amendment also clarifies that the *Environmental Protection Act 1994* general environmental duty is complied with in relation to noise levels for a special event at a major sports facility where conditions prescribed by regulation are met. The primary objective of the amendment is to remove liquor licensing constraints on concerts held at major sports facilities that effectively require a concert finish time of 10:00pm and allow concerts conditions to be made under the MSF Regulation for those venues to maximise the use of, and ensure commercial equity across, Stadiums Queensland venues, including for Carrara / People First Stadium and Robina / Cbus Super Stadium on the Gold Coast, to support attraction of concerts to the region;
- b) Amend section 30C(1) to particularise and increase maximum penalties for unlawful ticket reselling (i.e., ticket scalping) for individuals and bodies corporate to ensure better alignment with disincentives in other Australian jurisdictions;
- c) Remove section 30C(2) on the offence of buying tickets over 10 percent of the original purchase price to remove potential deterrents to reporting unlawful ticket reselling and harmonise with other Australian jurisdictions;
- d) Amend existing provisions relating to SQ Board appointment (including appointment of a deputy chair) and termination (including disqualification), resignation and vacancy of office;
- e) Amend Part 4B to include drones under the definition of ‘aircraft’ for unauthorised advertising provisions to contemporise terminology.

The Bill makes the following amendments to the ME Act:

- a) Amend section 31(1) to particularise and increase maximum penalties for unlawful ticket reselling (i.e., ticket scalping) for individuals and bodies corporate, in a manner consistent with the proposed amendments to the MSF Act, to ensure better alignment with other Australian jurisdictions and provide alignment across the statute book;
- b) Make minor technical and machinery in nature amendments to improve clarity and ensure consistency in how provisions of the ME Act are applied to major events, event areas, and controlled areas (noting that no relevant human rights were identified as potentially impacted due to the administrative nature of the amendments).

The Bill also makes the following amendments to Schedule 1 of the *State Penalties Enforcement Regulation 2014* (SPER):

- a) Increase the penalty infringement notice (PIN) value for unlawful ticket reselling under section 30C(1) of the MSF Act to 13 penalty units (which equates to a value of less than 10 percent of the proposed new maximum penalty for individuals);
- b) Remove the PIN for buying tickets over 10 per cent of the original purchase price under section 30C(2) of the MSF Act.

## Human Rights Issues

### Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

*Amend section 30A of the MSF Act for lawful use of major sports facilities for special events:*

- Freedom of movement – a right to move freely within Queensland and leave and enter it and freedom to choose where to live (s19) (potentially limits)
- Right to peaceful assembly and freedom of association with others including the right to form and join trade unions (s22) (promotes)
- Right not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with and right not to have reputation unlawfully attacked (s25) (potentially limits)
- Right to own property and not be arbitrarily deprived of property (s24) (potentially limits)

*Amend section 30C of the MSF Act, section 31(1) of the ME Act and Schedule 1 of the SPER to strengthen deterrents for unlawful ticket reselling (i.e. ticket scalping) and remove disincentives for reporting unlawful ticket reselling:*

- Right to own property and not be arbitrarily deprived of property (s24) (potentially limits and potentially promotes)

*Contemporise provisions relating to Stadiums Queensland Board termination and disqualification*

- Right to participate in the conduct of public affairs including a right to vote (s23) (potential promotes for termination and potentially limits for disqualification)

*Amend definition of 'aircraft' to include drones:*

- Freedom of expression which includes the right to hold an opinion and the freedom to seek, receive and impart information and ideas of all kinds (s21) (potentially limits)

*Minor technical and machinery in nature amendments to the ME Act*

- No relevant human rights are identified as potentially impacted due to the administrative nature of the amendments.

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)**

### Freedom of movement (s19)

*Amendments to section 30A of the MSF Act:*

- (a) the nature of the right

Section 19 of the *Human Rights Act 2019* (the HR Act) provides that every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it and has the freedom to choose where to live. This clause is modelled on article 12 of the International Covenant on Civil and Political Rights (ICCPR). It reflects the negative obligation on the State under article 12 of the ICCPR to not act in a way that would unduly restrict the freedom of movement but is not intended to impose positive obligations on the State to take positive actions to promote free movement (e.g. the provision of free public transport services).

The proposal to amend section 30A to allow for special events to be a lawful use of major sports facilities provides a head of power under the MSF Act to allow for concerts to not be limited by the Liquor Act licensing noise conditions that means concerts must stop by 10pm and allows for the future prescription of conditions for concerts under the MSF Regulation. As such, the Bill itself does not limit this human right, but rather enables the prescription of regulatory conditions which may limit this right. The future prescription of conditions for regulation of special events as enabled by the Bill could potentially limit the right to freedom of movement by increasing the number of special events (or concerts) held at SQ major sports facilities and the hours of special event operation. This, in turn could result in an increased frequency of the restriction of the movement of local residents and concert attendees, as some streets would be closed or blocked to manage traffic and pedestrian movement on the day of a concert.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the potential limitation on freedom of movement is to provide for public and resident safety through the control of traffic and pedestrian movement on the day of the concert to ensure the event can be delivered efficiently, safely and effectively. This involves closure of some roads and walkways near the stadium to ensure a safe level of separation between cars and foot traffic, as well as broader safety for pedestrians.

This is consistent with a free and democratic society based on human dignity, equality and freedom as these temporary restrictions on freedom of movement are necessary to ensure public safety during special events and to support the successful delivery of special events.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The potential limitation on freedom of movement from future regulatory prescriptions enabled by the Bill will provide for public and resident safety at concerts. This purpose will support efficient, effective and safe delivery of special events at major sports facilities and aligns with the objectives of the MSF Act to provide facilities that have the capacity to stage national and international recreational or entertainment events and special events, such as concerts.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to efficiently, effectively and safely deliver special events in major sports facilities.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Any temporary inconveniences for both local residents and concert attendees are considered to be outweighed by the broader benefits resulting from ensuring public safety at special events and supporting the effective and efficient delivery of concerts at SQ venues. These benefits include the opportunity for residents to attend concerts in their local area, as well as the economic, social and cultural benefits that concerts bring to the regions in which they occur. Further, not having public safety measures in place before, during and after concerts would potentially result in more significant breaches of human rights than those temporary, minor limitations imposed by regulatory conditions.

- (f) any other relevant factors

Nil.

**Right not to have privacy, family, home or correspondence unlawfully or arbitrarily interfered with and right not to have reputation unlawfully attacked (s25)**

*Amendments to section 30A of the MSF Act:*

- (a) the nature of the right

Section 25 (b) of the HR Act provides that every person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The scope of the right to privacy is very broad. It protects privacy in the narrower sense including personal information, data collection and correspondence, but also extends to an individual's private life more generally. For example, the right to privacy protects the individual against interference with their physical and mental integrity; freedom of thought and conscience; legal personality; individual identity, including appearance, clothing and gender; sexuality; family and home. This provision contains internal limitations. The protection against interference with privacy, family, home or correspondence is limited to unlawful or arbitrary interference. The notion of arbitrary interference extends to those interferences which may be lawful, but are unreasonable, unnecessary and disproportionate.

The proposed amendment potentially limits the right to privacy for residents in the areas surrounding stadiums because it would enable concerts at these stadiums to be regulated in a manner which would allow them to finish at a later time than is currently permitted. This, in turn could potentially attract more concerts to the venues, which may have additional or extend existing impacts in relation to noise, lighting, traffic congestion and parking issues, crowd and pedestrian movements and antisocial behaviour.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation imposed by the Bill is to remove Liquor Act constraints on the operation of concerts and to regulate concerts in a consistent manner across all SQ venues to enhance event attraction and delivery.

In particular, the purpose of the limitation is to make it possible for concerts at Robina and Carrara Stadiums to be regulated in a manner commensurate with Brisbane Stadium, to provide for commercial equity across key South East Queensland major sports facilities and provide equal social and economic opportunities to the Gold Coast region through the attraction of entertainment events. The purpose of the limitation is therefore consistent with a free and democratic society based on human dignity, equality and freedom as any limitations would be temporary and result in economic, commercial and recreational opportunities for the Gold Coast region and other communities where major sports facilities are located.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The temporary limitation on the right to privacy helps to achieve the purpose of the proposed legislative amendments and the objectives of the MSF Act to provide facilities capable of hosting national or international recreation, entertainment and special events (alongside national and international sporting events).

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

A less restrictive and reasonably available means of achieving the purpose of the Bill to provide a head of power to regulate concerts in a consistent manner across SQ venues has not been identified.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Prescribing conditions (e.g., for noise) enables the government to mitigate disruptions to local residents while ensuring stadiums can operate equitably. Without regulatory consistency across stadiums, the ability to host special events at Gold Coast venues and other major sports facilities is compromised, disadvantaging the region economically and socially. Regulatory conditions are intended to include safeguards such as public notification and event reporting to protect local residents and uphold transparency.

The benefits of enhancing the Gold Coast's capability to attract concerts—including social, cultural and economic benefits—outweigh limited and temporary disruptions to the right to privacy in relation to the quiet enjoyment of residents' homes in the local area.

- (f) any other relevant factors

Nil.

### **Right to own property and not be arbitrarily deprived of property (s24)**

*Amendments to:*

- *Section 30A of the MSF Act*
- *Section 30C of the MSF Act*
- *Section 31 of the ME Act*
- *Schedule 1 of the SPER*

(a) the nature of the right

Section 24 (1) of the HR Act 2019 provides that all persons have the right to own property alone or in association with others. The right to property includes real and personal property of any description, including amenity and quiet enjoyment of one's property. The value underlying the right to property is the dignity in possessing 'things.' Section 24 (2) also provides that a person must not be arbitrarily deprived of their property. However, the right to property will only be limited if the deprivation of amenity is 'arbitrary'. In this context, arbitrary means, capricious, unpredictable, unjust or unreasonable in the sense of not being proportionate to a legitimate aim sought.

The proposed amendments to s30C of the MSF Act, s31 of the ME Act and Schedule 1 of the SPER to strengthen deterrents for unlawful ticket reselling could be considered a limit of this human right as they may increase the cost of penalties imposed upon those charged with unlawful ticket reselling. However, the proposed amendments also increase deterrents to unlawful ticket reselling, which would support fair ticket prices and ensure buyers receive valid tickets, thereby promoting this right.

In addition, amending s30A of the MSF Act to allow for prescribing of regulatory conditions for special events at SQ venues may indirectly result in additional impacts or extend existing impacts caused by concerts in relation to noise, access to property due to traffic control measures, traffic congestion and parking issues, crowd and pedestrian movements and anti-social behaviour. These impacts may, therefore, affect a person's right to not be arbitrarily deprived of their property by restricting access to their home in the local area due to event-related road closures, congestion or parking issues or by impacting a person's quiet enjoyment of their home.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation in relation to the proposed amendments to strengthen deterrents for unlawful ticket reselling is to provide stronger disincentives for both individuals and bodies corporate to engage in this activity. This is consistent with a free and democratic society based on human dignity, equality and freedom as it would only impact individuals breaking the law and would protect the commercial interests and contractual rights of event organisers and sponsors as well as strengthening protections for consumers in relation to fair ticket prices.

As previously mentioned, the purpose of the proposed amendment to s30A of the MSF Act is to allow for concerts at SQ venues to not be restricted to ceasing operation by 10pm under liquor licensing and to allow for concert conditions to be set in the MSF Regulation (including regulation of Carrara Stadium and Robina Stadium in a manner commensurate with Brisbane Stadium). Future possible limitations on this right based on regulatory changes made possible by this amendment would be temporary in nature and result in economic, commercial and recreational opportunities for the Gold Coast region and are therefore consistent with a free and democratic society based on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on the right to own property resulting from increased fines for ticket scalping helps to achieve the broader objectives of the MSF Act and the ME Act. It provides a contemporary regulatory framework for unlawful ticket reselling that appropriately penalises persons who engage in unlawful ticket reselling, including alignment of the maximum penalties with other Australian jurisdictions (which in turn supports the competitiveness of Queensland in attracting and retaining major events). These amendments also help protect the commercial interests and contractual rights of event organisers and sponsors, in line with the objects of the MSF and ME Acts while also enhancing consumer protections for fair ticket pricing.

The potential limitation on the peaceful enjoyment of property for residents near stadiums holding concerts and other special events also contributes to the intended objective of the Bill to enable majors sports facilities to be regulated in a consistent manner for these events.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

Regarding provisions relating to ticket scalping, awareness raising and behaviour change initiatives could be seen as alternative, non-regulatory approaches to disincentivising unlawful ticket reselling. However, given they are effectively unenforceable methods of achieving the policy objective, these approaches are unlikely to discourage offending as cost-effectively as the establishment of proportionate maximum penalties, and are perhaps better viewed as complementary to the proposed regulatory approach. As such, an equally effective but less restrictive means of achieving these purposes in the Bill has not been identified.

A less restrictive and reasonably available means of achieving the purpose of the Bill to provide a head of power to regulate concerts in a consistent manner across SQ venues has not been identified.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Unlawful ticket reselling undermines fair access to events and inflates ticket prices. Stronger deterrents help protect consumers and event integrity by making unlawful reselling less attractive. Only those engaging in unlawful behaviour are affected. The general public benefits from fairer ticket distribution and valid ticket access. The economic and social benefits of fair access to events outweigh the financial penalties imposed on those breaking the law.

Regarding amendments to s30A of the MSF Act, temporary impacts on residents near major sports facilities hosting concerts in terms of peaceful enjoyment of one's home (e.g. due to impacts from light or sound during events) are necessary to stage high-quality public events. Without this regulatory capacity to set concert conditions, event quality, safety, and regional equity in hosting events would be undermined. Impacts are not permanent and are mitigated through event operational plans such as for traffic and transport management, and noise management. There is no deprivation of ownership—only temporary interference with property use or the enjoyment of one's home.

Property rights are preserved, and temporary disruptions are proportionate and not arbitrary and are to be offset by regulatory requirements to mitigate impacts of special events on local residents in the vicinity of stadiums and the cultural and regional economic development benefits delivered by the staging of special events at major sports facilities.

(f) any other relevant factors

Nil.

### **Right to participate in the conduct of public affairs including a right to vote (s23)**

*Contemporise provisions relating to Stadiums Queensland Board disqualification*

(a) the nature of the right

Section 23 of the HR Act provides that every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives. This means that every person has the right to vote in state and local council elections (if they are 18 or older and live in Queensland), stand for election to government and apply for work in government.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The Bill will provide that a person is disqualified from becoming or continuing as a director of SQ Board if they are disqualified from managing corporations because of the *Corporations Act 2001* (Cth) part 2D.6.

The purpose of the limitation is to provide for effective, efficient, transparent and accountable Board governance by ensuring only qualified and suitable individuals are appointed to or can remain as directors, consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The proposed amendment potentially limits the right to participate in public affairs on the basis of being disqualified from managing corporations because of the *Corporations Act* part 2D.6. However, the limitation to be imposed by the Bill will align the MSF Act with similar provisions for statutory bodies across Queensland's statute book that seek to ensure only fit and proper persons are able to serve as directors on statutory boards.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

A less restrictive means of achieving this purpose of the Bill has not been identified.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The SQ Board is responsible for the way in which SQ performs its functions and exercises its powers, including by deciding SQ objectives, strategies and policies and ensuring it is governed in a proper, effective and efficient way. The proposed amendment ensures that directors of the SQ Board are fit and proper persons suitable for driving the direction of a statutory authority responsible for a significant portfolio of public assets.

Any potential limitation on the human right to take part in public through serving on a statutory board is balanced by improvements in accountability, good governance and risk mitigation for the SQ Board.

### **Freedom of expression (s21)**

*Amendments to Part 4B of the MSF Act:*

(a) the nature of the right

Section 21 (2) of the HR Act provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether— (a) orally; or (b) in writing; or (c) in print; or (d) by way of art; or (e) in another medium chosen by the person.

The proposed amendment to the definition of ‘aircraft’ to include drones could be considered a limitation on freedom of expression as it prevents aerial advertising using drones over SQ venues during prescribed or declared special events.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to clarify that drones fall under the definition of ‘aircraft’ for the provisions related to unauthorised advertising the MSF Act and therefore may not be used to display unauthorised advertising during a declared or prescribed event.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

This purpose aligns with the broader purpose of the unauthorised advertising provisions in the MSF Act.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

A less restrictive means of achieving these purposes in the Bill has not been identified.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Preventing unauthorised drone advertising protects event sponsors and maintains the commercial value of events. Ambush marketing can deter sponsors, endangering the financial viability of major events and Queensland’s ability to attract them.

The restriction is narrow, temporary (applies only during event times), and focused on protecting legitimate commercial rights. The short-term and event-specific limitation on freedom of expression is proportionate to the significant economic and reputational benefit of protecting authorised event sponsorship.

This limitation is therefore considered reasonable and justifiable and consistent with a free and democratic society based on human dignity, equality and freedom as it is simply clarifying the definition of aircraft in unauthorised advertising provisions in the MSF Act to ensure it remains contemporary and up to date with the emergence of new technologies.

(f) any other relevant factors

Nil.

## Conclusion

In my opinion, the Major Sports Facilities and Other Legislation Amendment Bill 2025 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

TIM MANDER MP  
MINISTER FOR SPORT AND RACING AND  
MINISTER FOR THE OLYMPIC AND PARALYMPIC GAMES

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