



Major Sports Facilities Amendment Bill 2022



Queensland

Major Sports Facilities Amendment Bill 2022

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2022

A Bill

for

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

The Parliament of Queensland enacts— 1

Clause 1 Short title 2

This Act may be cited as the *Major Sports Facilities Amendment Act 2022*. 3
4

Clause 2 Act amended 5

This Act amends the *Major Sports Facilities Act 2001*. 6

Clause 3 Amendment of s 7 (Authority’s functions) 7

(1) Section 7(1)(a), after ‘facilities’— 8

insert— 9

and facility land, including for a community 10
purpose 11

(2) Section 7(1)— 12

insert— 13

(c) to provide services in relation to the 14
operation and management of other 15
facilities or land held or administered by the 16
department and used for— 17

(i) sport, recreational or entertainment 18
purposes or events; or 19

(ii) special events. 20

*Examples of facilities or land held or administered 21
by the department—* 22

- freehold land owned by the State acting 23
through the department and occupied by 24
another entity or department under a lease or 25
other arrangement 26

- land administered by the department on 27
behalf of another department under an 28
arrangement 29

	• land for which the State acting through the department is the trustee under the <i>Land Act 1994</i>	1 2 3
	• a facility occupied or leased by the State acting through the department	4 5
(3)	Section 7(2)(b), after ‘facilities’—	6
	<i>insert</i> —	7
	or land	8
(4)	Section 7—	9
	<i>insert</i> —	10
	(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).	11 12 13 14
Clause 4	Amendment of s 8 (Authority’s powers)	15
	Section 8(3) and (3A), ‘approval of the Governor in Council’—	16 17
	<i>omit, insert</i> —	18
	written approval of the Minister	19
Clause 5	Amendment of s 9 (Restriction on Authority’s power to deal with property)	20 21
(1)	Section 9(1), ‘land, without the Governor in Council’s prior approval’—	22 23
	<i>omit, insert</i> —	24
	land without the prior written approval of the Minister	25 26
(2)	Section 9(2), ‘Governor in Council’—	27
	<i>omit, insert</i> —	28
	Minister	29

Clause 6	Insertion of new s 9A	1
	After section 9—	2
	<i>insert—</i>	3
	9A Ministerial directions	4
	(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.	5 6 7 8 9
	(2) Without limiting subsection (1), the direction may require the Authority to give the Minister information, including commercial-in-confidence information.	10 11 12 13
	(3) Before giving the direction, the Minister must consult with the board about the direction.	14 15
	(4) The Authority must comply with the direction.	16
	(5) The Authority must include in its annual report, prepared under the <i>Financial Accountability Act 2009</i> , section 63, for a financial year—	17 18 19
	(a) a summary of each direction given during the year; and	20 21
	(b) a statement about how the Authority has complied with each direction given during the year.	22 23 24
Clause 7	Replacement of s 14 (Qualifications for appointment)	25
	Section 14—	26
	<i>omit, insert—</i>	27
	14 Qualifications for appointment	28
	(1) A person may be appointed as a director only if the person—	29 30
	(a) holds a qualification, or has at least 3 years experience, in 1 or more of the following—	31 32

	(i) asset management;	1
	(ii) building and construction;	2
	(iii) commercial enterprise operations;	3
	(iv) event promotion;	4
	(v) financial administration;	5
	(vi) law;	6
	(vii) property development;	7
	(viii) sports administration; or	8
	(b) has other knowledge and experience the Governor in Council considers appropriate.	9 10
	(2) However, a person is not qualified to be, or to continue as, a director if the person—	11 12
	(a) is an insolvent under administration under the Corporations Act, section 9; or	13 14
	(b) has a conviction, other than a spent conviction, for an indictable offence.	15 16
Clause 8	Amendment of s 17A (Criminal history report)	17
	Section 17A(6), definition <i>spent conviction</i> —	18
	<i>omit.</i>	19
Clause 9	Amendment of s 19 (Times and places of meetings)	20
	Section 19(1), ‘12’—	21
	<i>omit, insert</i> —	22
	9	23
Clause 10	Insertion of new pt 6, div 8	24
	Part 6—	25
	<i>insert</i> —	26

Division 8	Transitional provisions for	1
	Major Sports Facilities	2
	Amendment Act 2022	3
85	Existing Governor in Council approvals	4
(1)	This section applies if—	5
(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	6 7 8 9
(b)	immediately before the commencement—	10
(i)	the Governor in Council’s approval was still in effect; and	11 12
(ii)	the power had not been exercised.	13
(2)	On the commencement, the Governor in Council’s approval is taken to be an approval given by the Minister.	14 15 16
86	Existing requests for Governor in Council approval	17 18
(1)	This section applies if—	19
(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	20 21 22 23
(b)	immediately before the commencement, the request had not been decided.	24 25
(2)	The Governor in Council may continue to decide the request.	26 27
(3)	If the Governor in Council approves the request, the approval is taken to be an approval given by the Minister.	28 29 30

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).

Clause 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.