Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

Explanatory Notes

Short title

The short title of the Bill is the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (the Bill).

Policy objectives and the reasons for them

Amendments to the Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009 and Planning and Environment Court Act 2016

The primary objective of the Bill is to amend the *Planning Act 2016* (Planning Act) to introduce a community benefit system into the Queensland planning framework providing the ability to identify, avoid, manage, mitigate and counterbalance the indirect and cumulative social impacts from specific development uses.

Local governments will be empowered to have a greater role in negotiation and decision making around community benefits from these development uses prior to development assessment regulatory processes, enabling positive legacy benefits for affected local and regional host communities.

The community benefit system frontloads the requirement to build social licence with communities before a development application is made to an assessment manager, providing certainty to industry and the community on what the minimum requirements are to advance a development assessment. The introduction of the community benefit system will require proponents to invest time and effort into building social licence with a host community and local government in advance of the formal development assessment process.

Amendments to Economic Development Act 2012

The objective of the amendments to the *Economic Development Act 2012* (ED Act) is to enhance administrative efficiency and flexibility, enabling Economic Development Queensland to effectively advance government objectives and drive meaningful progress.

The Bill also amends specific provisions in the ED Act, relating to the appointment and removal of the Chief Executive and Board members, and member representation and attendance at Economic Development Board meetings.

The Bill amends relevant sections of the ED Act to clarify the procedure for appointing and removing the Chief Executive, an Acting Chief Executive and Board members, and to introduce the capacity to delegate Government Board member attendance at Board meetings. The changes made by the Bill support the Queensland Government's commitment to refocus Economic Development Queensland on delivering homes in Priority Development Areas, to increase housing supply.

Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021

The objectives of the Bill are to:

- streamline governance arrangements of the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (Corporation) Board to support efficient and effective decision-making;
- ensure the Queensland Government has appropriate oversight of the Corporation and the Games Independent Infrastructure and Coordination Authority (Authority);
- ensure the functions and powers and composition of Games Independent Infrastructure and Coordination Authority (GIICA) are appropriate for their intended purpose;
- identify the endorsed venues and villages in line with the 2032 Games Delivery Plan;
- remove references to the 100 Day Review as this is complete;
- remove the requirements to prepare a Transport and Mobility Strategy and Games Coordination Plan as these functions will be reallocated to Government departments, being the Department of Transport and Main Roads (TMR) and Department of Sport, Racing and Olympics and Paralympic Games (DSROPG), respectively; and
- streamline the planning approvals process for the development of, or relating to, venues or villages andc games-related transport infrastructure identified in the Act.

Brisbane was elected as host of the 2032 Olympic and Paralympic Games by the International Olympic Committee (IOC) on 21 July 2021. Under the Olympic Host Contract (host contract), the IOC entrusts the Corporation, the State of Queensland, Brisbane City Council, and the Australian Olympic Committee with the planning, organising, financing, and staging of the Brisbane 2032 Olympic and Paralympic Games, in accordance with the terms of the host contract and the IOC's Olympic Charter.

The *Brisbane Olympic and Paralympic Games Arrangements Act 2021* (BOPGA Act) established the Corporation and its board on 20 December 2021 to undertake and facilitate the organisation, conduct, promotion and commercial and financial management of the Games.

On 6 June 2024, the *Brisbane Olympic and Paralympic Games Arrangements Amendment Act 2024* (BOPGA Amendment Act) amended the BOPGA Act with the primary purpose of establishing the Authority to ensure Queensland's readiness to successfully host and maximise the legacy and benefits from the Games. The Authority commenced operations on 1 July 2024, with an interim chief executive officer appointed in line with the transitional provisions of the BOPGA Act.

In November 2024, the Games Independent Infrastructure and Coordination Authority (GIICA) was established through the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Act 2024*. The amendment established the role of GIICA to conduct a comprehensive review and map out infrastructure and transport needs for Queensland and the Games within 100 days (the 100 Day Review).
The 100 Day Review was completed and issued to the Queensland Government on 8 March 2025.

On 25 March 2025, the Queensland Government released the *100 Day Review Brisbane 2032 Olympic and Paralympic Games Infrastructure Report* (100 Day Review Report) and the Government's *2032 Delivery Plan*. The 100 Day Review Report included key recommendations related to the Corporation and Authority which the Government accepted:

- establish whole-of-Games governance, including mobilising the proposed Games Leadership Group and Games Executive Group, replacing the existing Government Partners' Leadership Group and Government Partners Executive Group;
- review and streamline strategic governance groups to enhance efficiency and effectiveness of decision making, including considerations to reduce membership on the Corporation Board;
- clearly define the roles and responsibilities for villages planning, delivery and governances;
- explore delivery models that drive efficiencies and enable infrastructure delivery by the fixed timeline of the Games;
- leverage existing mechanisms to ensure that planning and other approval requirements are obtained in a timely and efficient manner as are typically utilised for major projects of State significance and public benefit; and
- secure streamlined funding approval processes and timeframes.

Following release of the 2032 Delivery Plan, the focus moves to the delivery of the venues and villages to ensure Queensland can meet its obligations as Host City for the 2032 Olympic and Paralympic Games and maximise legacy and benefits from the Games.

The Bill makes amendments to the BOPGA Act relating to governance, project delivery and planning pathways to enable implementation of the 2032 Delivery Plan in time for the games, with appropriate governance, oversight and process efficiency.

GIICA role, functions and purpose

The Bill clarifies that the core focus of the GIICA is to deliver Games venue infrastructure (new and upgrades to existing) to ensure the successful delivery of its responsibilities in time for the Games. The Bill will clarify that GIICA must:

- Seek one or more allocations of funding from the Queensland Government for each authority venue;
- Deliver authority venues in time for the 2032 Olympic and Paralympic Games in accordance with approved funding;
- Monitor delivery of other venues;

- Ensure compliance with relevant agreements to the extent they relate to the delivery of an authority venue; and
- Provide the Chief Executive (or a delegate) of the Department with information and other assistance as required.

In performing its functions, the Bill provides that GIICA must seek allocations of funding and be responsible for the construction for authority venues.

GIICA will be required to have regard to relevant financial resources; to operate in good faith and ensure cooperation with State representatives, including providing information on an ongoing basis.

The Bill provides that the Minister may appoint the Chief Executive Officer for GIICA. Amendments are also made to the composition of the Board to remove the restrictions on eligibility of members of the Board.

With the shift toward delivery, it is appropriate that some of the functions previously attributed to GIICA be undertaken by the Queensland Government. In delivering the Games, Queensland Government departments, such as the Department of State Development, Infrastructure and Planning; Department of Transport and Main Roads; and Department of Sport, Racing and Olympic and Paralympic Games will perform essential functions. The changes made through the Bill will reflect these changes.

In clarifying the future role of GIICA, GIICA is to be appropriated through the Department of State Development, Infrastructure and Planning for capital expenses consistent with funding partner investments decisions, and operational expenses through State Budget processes.

Land acquisition and planning powers

To ensure that the venues and villages identified by the 2032 Delivery Plan can be delivered on time, the Bill provides:

- Any development for Authority Venues, Other Venues, games-related transport infrastructure or Villages listed in the Bill, are lawful and not subject to compliance or approval under the *Planning Act 2016* or other relevant Acts listed.
- An alternative process for Aboriginal and Torres Strait Islander cultural heritage matters.
- All venues and villages will be required to comply with necessary building and safety requirements.

The changes made by the Bill also reflect the changing role of GIICA, with removal of the acquisition of land powers and the planning powers that were previously afforded to GIICA.

The Bill requires GIICA to obtain State Government funding for development of Authority Venues.

The Bill only lists Authority Venues and Other Venues in the Schedule at this time. It is intended that as detailed design of the villages and detail of games-related transport infrastructure progress, subsequent amendments will be undertaken for their inclusion.

The Bill includes an alternative process for Aboriginal and Torres Strait Islander cultural heritage matters. It sets out a process that incorporates engagement and consultation with relevant parties and preparation of a cultural heritage management plan.

The primary legacy use for the Villages is expected to be housing and, on this basis, villages will need to comply with the requirement to obtain necessary building works approvals, under Schedule 9 of the Planning Regulation 2017.

The Bill also includes a framework to enable a contribution to be recovered towards infrastructure costs for the development of the villages. Other existing infrastructure charging frameworks under other Acts will not apply.

The Bill removes reference to the 100 Day Review because that has now been completed. The provisions relating to the 100 Day Review are no longer required.

The Bill repeals the Brisbane Olympic and Paralympic Games Arrangements Regulation. As provision has been made for these in the BOPGA, the regulation will not be required.

Achievement of policy objectives

Amendments to the Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009 and Planning and Environment Court Act 2016

The policy objective, to introduce a community benefit system, are broadly achieved by:

- requiring a proponent to conduct a Social Impact Assessment (SIA) and enter into a Community Benefit Agreement (CBA) with the local government before lodging a development application, with both documents submitted to the assessment manager as part of a properly made application;
- providing for the Planning Regulation 2017 (Planning Regulation) to prescribe the uses which require a SIA and CBA prior to lodging a development application;
- providing a reserve power for the chief executive of the department administering the Planning Act to allow a development application to be lodged with an assessment manager without a SIA and/or CBA, as well as the authority to impose conditions for social impacts; and
- providing transitional provisions to clarify how the Planning Act and subsequent Planning Regulation amendments apply to a development application that has been made, or lodged, but not decided.

Amendments are required to the *City of Brisbane Act 2010*, *Local Government Act 2009*, *Building Act 1975* and the *Planning and Environment Court Act 2016* to give effect to the changes in the Planning Act.

The proposed regulatory changes, while focused on identifying and addressing social impacts and improving community benefit prior to assessment processes, also provides opportunity for these matters to be addressed in the development assessment process, and conditioned as a part of development approvals, to address emerging issues that may arise since the SIA was undertaken or the development application was lodged.

By ensuring social impact and community benefit are appropriately considered and assessed by a proponent before a development application is lodged under the Planning Act, the proposed changes ensure all renewable energy proponents build social licence with local and host communities prior to a development application being lodged to drive accountability, improve transparency and deliver tangible benefits for the community.

Amendments to the Economic Development Act 2012

The Bill will amend relevant sections of the ED Act to clarify procedural requirements for appointment and removal of the Chief Executive, an Acting Chief Executive and Board members, and to introduce the capacity to delegate Government Board member attendance at ED Board meetings.

With amended provisions, the Bill will promote increased administrative efficiency and flexibility and allow Economic Development Queensland to work effectively towards Government objectives.

Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021

Streamline Corporation governance arrangements

The Bill will achieve its policy objectives by streamlining the membership of the Corporation's Board, including by:

- reducing the maximum number of independent directors from five to up to three;
- reducing Queensland Government nominations from four to one;
- reducing Australian Government nominations from four to one;
- reducing the number of Australian Olympic Committee (AOC) representatives on the Board from three to two;
- reducing the number of Vice Presidents from six to one;
- ensuring the three key local government areas involved in delivering the Games, being Brisbane City Council, City of Gold Coast and the Sunshine Coast Council can each nominate one director to the Corporation's Board; and
- removing certain processes, criteria and waiting periods for the appointment of nominated directors.

Improve Games governance and ensure appropriate oversight

Improved Games governance and Queensland Government oversight will also be achieved through ensuring that both the Corporation and the Authority have regard to decisions of the Games Leadership Group, the senior-most decision-making governance body for the Games, in carrying out their respective statutory functions.

The policy objective of ensuring Queensland Government has appropriate oversight of the Corporation will be achieved by providing for a Queensland Government observer to be appointed to attend all Corporation Board meetings and Corporation Board Committee meetings. The observer will be entitled to receive all papers that another director would receive.

To ensure continuity of the Corporation Board, the Bill provides transitional provisions to provide that changes to the composition of the Corporation take effect on a date to be set by proclamation.

GIICA role, functions and purpose

To achieve its policy objectives, the Bill amends the main purposes of the Act to reflect the changed role of GIICA and its functions and powers to deliver the Authority Venues listed in the Act. The change clarifies the need for GIICA to:

- Seek one or more allocations of funding from the Queensland Government for each authority venue;
- Deliver authority venues in time for the Brisbane 2032 Olympic and Paralympic Games in accordance with approved funding;
- Monitor delivery of other venues; and
- Ensure compliance with relevant agreements to the extent they relate to the delivery of authority venues.

GIICA performance of functions

The Bill provides that the GIICA represents the State. This amendment reflects the role of GIICA to act for and behalf of the Queensland Government.

The Bill amends the composition of the Board of GIICA. The Bill provides the process for the appointment of a permanent Chief Executive Officer to be updated to be the responsibility of the Minister, in consultation with the Board of GIICA, once a recruitment process has been undertaken by GIICA.

The Bill also removes limitations on certain people who can be appointed to the Board of GIICA.

In alignment with the changed focus of GIICA to the delivery of the Authority Venues, the Bill removes the requirements of GIICA to prepare the Transport and Mobility Strategy and the Games Coordination Plan. It is intended that the Transport and Mobility Strategy will instead be prepared by the Department of Transport and Main Roads. The Games Coordination Plan will be prepared by the Department of Sport, Racing, and Olympic and Paralympic Games.

GIICA is to be appropriated through the Department of State Development, Infrastructure and Planning for capital expenses, and operational expenses through State Budget processes.

Land acquisition and planning powers

The Bill also removes the acquisition of land powers and the planning powers that were previously afforded to GIICA as existing land acquisition powers, such as under the *State Development and Public Works Organisation Act 1971*, are considered to be sufficient.

Alternative ways of achieving policy objectives

Amendments to the Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009 and Planning and Environment Court Act 2016

The policy objectives are best achieved by legislative amendment. The proposed amendments will improve the consistency of how renewable energy projects are assessed and ensure that there are positive legacy impacts for local communities.

While aspects may create new administrative costs and potentially reduce competition to some degree, it is considered that these disadvantages are outweighed by the social, economic, and potential environmental benefits of a consistent regulatory environment and greater levels of community engagement and benefit-sharing occurring prior to development assessment.

Amendments to the Economic Development Act 2012

Amending the relevant provisions of the ED Act is necessary to achieve the policy objectives related to great efficiency and flexibility in ED Board procedures.

Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021

Legislative amendment is the only suitable approach to achieve the Bill's objectives and to meet certain Government commitments in the *2032 Delivery Plan*.

Estimated cost for government implementation

Amendments to the Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009 and Planning and Environment Court Act 2016

Additional funding and resourcing may be sought for the establishment of compliance and enforcement officers within the Department for the purposes of development requiring a SIA where the Chief Executive (SARA) is the assessment manager. State financial considerations, such as operating costs, fees and funding matters, and will also be sought.

It is anticipated that some costs of administrating the changes (including facilitating referral to mediation processes and the chief executive using the discretional power to allow a development application to be lodged with an assessment manager without a SIA and/or CBA) may be met within usual departmental resourcing.

Amendments to the Economic Development Act 2012

There are no cost implications associated with the Bill as the amendments relate to Economic Development Queensland operations and procedures.

Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021

The Bill relates to the delivery of the necessary infrastructure, villages and venues for the 2032 Olympic and Paralympic Games. These costs align with the budget of $7.1 billion for delivery of Games authority venues, and $3.5 billion budget for villages.

The Bill creates increased responsibility for the Queensland Government in relation to additional coordination functions and support for the venues and villages program.

The proposed reduction in the size of the Corporation's Board is estimated to save more than $2.4 million by the time the Games are held. It will also reduce travel costs of the Corporation Board and administrative costs in the appointment process.

Consistency with fundamental legislative principles

Amendments to the *Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009 and Planning and Environment Court Act 2016*

The Bill has been prepared with due regard to the fundamental legislative principles (FLP) outlined in section 4 of the *Legislative Standards Act 1992* (LS Act). Potential breaches of fundamental legislative principles are addressed below.

Making development applications and change applications

The possible FLP inconsistency arises from the amendment to the existing provisions of the Planning Act for making development applications (section 51) and change applications (section 79) which limits the rights and liberties of individual, as a person cannot make a development application unless they have an SIA and a CBA.

To provide for procedural fairness, the proposed amendments provide that a person may make a request to the chief executive who has the reserve power to allow a development application to be lodged without a SIA and/or CBA.

Regulating pre-existing applications

The possible FLP inconsistency arises as the amendments are enabling the Planning Regulation to override the Planning Act, as it provides for the Planning Regulation to facilitate that a development application made, but not decided before the Regulation is amended to prescribe development requiring social impact assessment commences, is not a properly made application. It also enables a regulation to state changes to the process for administering the development application, or enables the chief executive to do so. These provisions are not considered retrospective, but do affect the administration and process of pre-existing applications.

Social Impact Assessment (SIA) Guideline

The possible FLP inconsistency arises regarding limiting the rights and liberties of an individual as there is no public consultation proposed on the SIA Guideline when making or amending the guideline. The SIA Guideline used for the purposes of the Planning Act is the same SIA Guideline that is made by the Coordinator-General under the section 9(4) of the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act) and is proposed to be jointly made by the chief executive. The SIA Guideline, while a statutory instrument for the SSRC Act, its does not require consultation when made or amendment.

Chief executive's referral to mediation

The possible FLP inconsistency arises regarding limiting the rights and liberties of an individual as there are no criteria for the chief executive in making a decision for parties to enter into mediation and there is no ability to seek a review of a decision. It is considered this step is only entered into at the request and agreement of the local government and the proponent, additionally the proponent could seek a declaration under the Planning and Environment Court Act.

Further, the amendments are creating a new offence requiring the mediator to not disclosure to anyone the information acquired by the mediator during mediation, except where prescribed.

Chief executive's requirement for SIA or CBA and direction powers

The possible FLP inconsistency arises around the amendments providing discretionary power for the chief executive providing notice that a development application can be lodged without a SIA or CBA and the chief executive's powers for directing a community benefit condition to be imposed on any development approval given by the assessment manager. For both these actions the rights and liberties of individuals may be limited as the applicant has no ability to seek a review of a decision under these provisions. However, an applicant may seek declaratory proceedings about the notice or appeal against a condition imposed under the direction. A report about the directions must be prepared and tabled under new section 106ZH to ensure transparency.

Limitation on appeal rights

The possible FLP inconsistency arises regarding limiting the rights and liberties of individual as new section 106ZJ limits appeal rights to only the applicant, no third parties, regarding conditions of a development application regarding social impacts and a condition directed to be imposed by the chief executive or a failure to impose a condition.

Amendments to the Planning and Environment Court Act

The possible FLP inconsistency arises from the amendment to the Planning and Environment Court Act which limits the ability to seek declaratory proceedings being brought in relation to the new section around the chief executive providing notice that an application can be lodged without a SIA or CBA and the powers for directing conditions imposed by the assessment manager.

Further, amendments existing section 11 and new section 12A of the Planning and Environment Court Act limit the circumstances in which a declaratory proceeding can be brought about particular matters under the Planning Act in relation to SIA reports, CBAs and conditions for development requiring social impact assessment.

Amendments to the Economic Development Act 2012

The proposed amendments to the ED Act are consistent with fundamental legislative principles.

Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021

The proposed legislation is potentially inconsistent with the following fundamental legislative principles:

- whether the legislation has sufficient regard to the rights and liberties of individuals and, more particularly
- that the legislation does not confer immunity from proceeding without adequate justification; and
- that the legislation has sufficient regard to Aboriginal tradition and Island custom.

To the extent that the provisions in the legislation will remove the usual approval and review processes there is justification for such a position, given the need to deliver the venues for the 2032 Games and to meet existing contractual commitments in that regard. The Bill provides for an alternate regime for addressing Aboriginal and Torres Strait Islander cultural heritage matters and sets requirements to ensure building work is subject to appropriate controls.

Consultation

Amendments to the Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009 and Planning and Environment Court Act 2016

Early government consultation on the policy intent for legislative changes to the Planning Act, relating to the introduction of a community benefit system commenced in February 2025 through weekly meeting of the State Agency Working Group.

The working group included a range of state government departments ensuring different portfolio responsibilities are contemplated in the legislation changes. This working group continued to meet throughout the consultation period.

The main policy matters the working group was consulted on include:

- introduction of a community benefit system into the Planning Act that establishes the requirement for a SIA, and CBA to be conducted for prescribed development application to be a properly made application.
- the reserve power for the chief executive to give direction to impose community benefit conditions on any development approval.

- amendment to existing statutory instruments to implement the policy intents wherever applicable, including amendment to:
  - Development Assessment Rules (DA Rules); and
  - State Development Assessment Provisions (SDAP).
- creation of a new statutory instrument for the Planning Act to provide guidance for SIA, involving modifying the Coordinator-General's SIA Guideline to be fit-for-purpose.

Stakeholders were generally supportive of the policy intents of the legislative reform. Recommendations from the working group were considered and incorporated into the Amendment Bill.

Concurrently to early internal engagement, several local governments and the Local Government Association of Queensland (LGAQ) were consulted at both the officer and Mayor and Chief Executive Officer levels. For the officer level, two technical workshops were held to discuss the new policy implementation and receive feedback on the proposed community benefit system. A separate meeting for the Mayors and Chief Executive Officers was held that provided an explanation of the main policy matters.

Further, three distinct peak industry body group meetings were held to inform stakeholders of the operation of the community benefit system and alignment to overarching government policy directions.

Amendments to the Economic Development Act 2012

The Chair of the ED Board has been consulted on the proposed amendments to the ED Act.

Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021

The amendments are required to ensure timely delivery of the venues and villages for the Games, in line with the publicly released 2032 Delivery Plan. The 100 Day Review was informed by over 5,800 public submissions which assisted in the identification of the venues and villages and other matters in the 2032 Delivery Plan published on 25 March 2025.

Consistency with legislation of other jurisdictions

The amendments related to 'social impact assessment', and 'community benefit agreement' are specific to Queensland and not uniform with or complementary to legislation of the Commonwealth or another state or territory.

The provisions relating to the ED Act and the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* are specific to the State of Queensland and are not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on provisions

Chapter 1 Preliminary

Clause 1 Short title

Clause 1 states that, the Act may be cited as the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025*.

Clause 2 Commencement

Clause 2 provides that the following provisions commence on a day to be fixed by proclamation.

- Chapter 2
- Chapter 4, part 3
- Chapter 5
- Schedule 1.

Chapter 2 Social impact and community benefit amendments

Part 1 Amendment of City of Brisbane Act 2010

Clause 3 Act amended

Clause 3 provides that Part 1 amends the *City of Brisbane Act 2010* (City of Brisbane Act).

The City of Brisbane Act provides the framework for the governance, responsibilities, and powers of the Brisbane City Council.

Clause 4 Amendment of s 99 (Cost-recovery fees)

Clause 4 amends section 99 of the City of Brisbane Act to allow the council to fix a cost-recovery fee for doing an activity mentioned in the Planning Act, section 106ZM(2). This means Brisbane City Council can fix cost-recovery fees for certain activities related to the community benefit system.

Clause 5 Amendment of s 100 (Register of cost-recovery fees)

Clause 5 amends section 100 of the City of Brisbane Act to provide that the Brisbane City Council must keep a register of a cost-recovery fee for doing an activity mentioned in the Planning Act, section 106ZM(2) to mirror amendments made in section 99.

Part 2 Amendment of Local Government Act 2009

Clause 6 Act amended

Clause 6 provides that Part 2 amends the *Local Government Act 2009* (LG Act).

The LG Act provides the framework for the governance, responsibilities, and powers for local governments in Queensland.

Clause 7 Amendment of s 97 (Cost-recovery fees)

Clause 7 amends section 97 of the LG Act to allow a local government to fix a cost-recovery fee for doing an activity mentioned in the Planning Act, section 106ZM(2). This means Local Governments in Queensland can fix cost-recovery fees for certain activities related to the community benefit system.

Clause 8 Amendment of s 98 (Register of cost-recovery fees)

Clause 8 amends section 98 of the LG Act to provide a Local Government must keep a register of a cost-recovery fee for doing an activity mentioned in the Planning Act, section 106ZM(2) to mirror amendment made in section 97.

Part 3 Amendment of *Planning Act 2016*

Clause 9 Act amended

Clause 9 provides that Part 3 amends the *Planning Act 2016* (Planning Act).

Clause 10 Amendment of s 51 (Making development applications)

Clause 10 amends section 51 to provide if a development application is for development requiring social impact assessment, the application must be accompanied by a social impact assessment (SIA) report and each community benefit agreement (CBA) for the application, or a notice given by the chief executive under sections 106ZE(1)(a) or (1)(b) stating a SIA report and/or CBA is not required. This section also amends the definition of a 'properly made application' to ensure the requirements of a SIA report and CBA are required by the assessment manager prior to accepting the development applications.

Clause 11 Insertion of new s 52A (Changes relating to development requiring social impact assessment)

Clause 11 inserts new section 52A to enable an applicant to change their development application, where the change relates to development requiring SIA, at any time during the development assessment process before the application is decided.

To change a development application, a 'change notice' must be given to the assessment manager under section 52 and any applicable referral agency for the development application. New subsection (2), provides that if there was a SIA report when the development application was originally lodged, the change notice much be accompanied by an amended SIA report reflecting the changed application. New subsection (3) provides that if there was no SIA report

the change notice must be accompanied by a SIA report for the application as changed or a notice from the chief executive stating that the SIA report is not required.

New subsections (4) provides that if there was a CBA when the development application was originally lodged, the change notice much be accompanied by a notice signed by the parties to the CBA either stating that they agree to amend the CBA and provide a copy of the amended CBA, or that they have agreed not to amend the CBA. New subsection (5) provides that if there was no CBA the change notice must be accompanied by a CBA for the application as changed or a notice from the chief executive stating that the CBA is not required.

This clause provides that a minor change to the development application is not relevant to this section.

Clause 12 Amendment of s 63 (Notice of decision)

Clause 12 amends s63(2)(e) to provide that a decision notice must state where a community benefit condition is imposed at the direction of the chief executive under section 106ZF.

Clause 13 Amendment of s 64 (Deemed approval of applications)

Clause 13 amends section 64(8) to ensure any deemed approval is taken to include any conditions that the chief executive has directed the assessment manager to impose under section 106ZF(2), following the chief executive's decision to give a notice about requiring a SIA report or CBA to be a properly made application.

Clause 14 Amendment of s 65 (Permitted development conditions)

Clause 14 amends section 65 to ensure consistency and clarity of subsection following insertion of new section 65AA.

Clause 15 Insertion of new s 65AA (Other permitted development conditions—development requiring social impact assessment)

Clause 15 inserts a new section 65AA to outline the permitted conditions to be imposed on development requiring SIA. New subsection (2) provides these include conditions requiring compliance with a CBA. An assessment manager may also impose a condition related to the management, mitigation, or counterbalancing of social impacts of a development or relate to the monitoring. Conditions related to management, mitigation, counterbalancing or monitoring of social impacts are only permitted to be imposed where there was not CBA provided when the development application was lodged with the assessment manager or the social impact has material changed since the SIA report was for the application was prepared or last changed.

A development condition imposed may, in relation to the social impact of the development, require the provision of, or a contribution (including monetary contribution) towards infrastructure or another thing for a community in the locality of the development.

This clause provides that the limitations of s 65(1) normally placed on development conditions including the relevant or reasonable requirement does not apply to conditions under section 65AA, however a development condition imposed (except where required compliance with a

CBA) must not be an unreasonable imposition on the development or the use of the premises as a consequence of the development.

The development condition, where requiring the provision of infrastructure or another thing, the condition is taken to be complied with if the entity who imposed the condition agrees in writing that a stated contribution towards the infrastructure or thing may be provided instead of the actual infrastructure or thing.

Clause 16 Amendment of s 66 (Prohibited development conditions)

Clause 16 amends section 66 to ensure a condition under new section 65AA(3) requiring a monetary payment is not a prohibited development condition.

Clause 17 Amendment of s 75 (Making change representations)

Clause 17 amends section 75 provides that an applicant cannot make change representations during the appeal period for a development condition that the chief executive has directed the assessment manager to impose under section 106ZF(2), following the chief executive's decision to give a notice about requiring a SIA report or CBA to be a properly made application. This also corrects a drafting error regarding reference to the chapter.

Clause 18 Amendment of s 78A (Responsible entity for change applications)

Clause 18 amends section 78A to clarify the chief executive is the responsible entity in circumstances where the change application is for a change to a development approval given or changed by the chief executive, or the change application is for a change application that the chief executive directed be imposed under section 106ZF(2) and the P&E Court is not the responsibly entity.

Clause 19 Amendment of s 79 (Requirements for change applications)

Clause 19 amends section 79 to provide that when a change application is for development requiring SIA, and not a minor change, the application must be accompanied by a SIA report and each CBA for the application, or a notice given by the chief executive under sections 106ZE(1)(a) or (1)(b) stating a SIA report and/or CBA is not required.

Clause 20 Amendment of s 99 (Directions to referral agency)

Clause 20 amends section 99 to clarify that where the Minister directs a referral agency to reissue their response if the Minister is satisfied a referral agency's condition does not comply with new section 65AA stating the permitted development conditions for development requiring SIA.

Clause 21 Insertion of new ch 3, pt 6B (Development requiring social impact assessment)

Clause 21 inserts new provisions for development requiring social impact assessment. The purpose of these new provisions is to introduce a community benefit system into the planning framework. The new system is intended to frontload the existing development assessment system.

Division 1 Preliminary

Sections 106R and 106S provide clarification on specific terms relevant to the new Part 6B.

New section 106R (Definition for part) provides a definition of what a 'social impact' can be on a community in the locality of the development in relation to a development requiring impact assessment including:

- the physical or mental wellbeing of members of the community;
- the livelihood of members of the community;
- the values of the community; and
- the provision of services to the community, including, for example, education services, emergency services or health services.

New section 106S (References to impact) specifies the following outcomes as an 'impact' in relation to development:

- a positive or negative impact of the development;
- a direct or indirect impact of the development; and
- a cumulative impact of the development and other uses.

Division 2 Regulation about development requiring social impact assessment

New section 106T (Making regulation about development requiring social impact assessment) provides that the Planning Regulation 2017 may specify types of material change of use development that requires social impact assessment. It also includes that the Minister may only recommend to the Governor in Council to include material change of use development that require social impact assessment where satisfied that the development has potential to impact on the social environment of the community.

New section 106U (Regulation about pre-existing applications) enables the regulation to specify the process for administering a development application or change applications after an application is made but before it is decided and is now development requiring social impact assessment.

This section applies for development applications made but not yet decided, relevant to section 60. It is considered that development applications in a change representation period, appeal period or appeal, deemed approval or deemed refusal can all continue outside section 106U as they would have been 'decided'. These applications can continue to progress unaffected by these provisions.

This section does not apply to change applications for a minor change or a change application or development application that has been called in by the Planning Minister. This section does not exclude proposed call ins.

Division 3 Social impact assessment reports

New section 106V (meaning of *social impact assessment report*) defines *social impact assessment report* for the purposes of development requiring social impact assessment.

New section 106W (Requirements for social impact assessment reports) clarifies the requirements for a social impact assessment report and provides that the social impact assessment report must also comply with the requirements prescribed by regulation.

The chief executive may make a guideline about preparing a social impact assessment report and publish it on the department's website.

New section 106X (Changes to social impact assessment reports) clarifies that an applicant may amend a social impact assessment report for a development application any time before the development application is decided, and such change is not classified as a change to the application.

Division 4 Community benefit agreements

New section 106Y (Meaning of *community benefit agreement*) defines community benefit agreement by stating what it is, and what it is not. Subsection (1) defines community benefit agreement required by a development application, specifically for development requiring social impact assessment. The definition of community benefit agreement also provides examples of infrastructure and other things for a community that may form part of a community benefit agreement. Subsection (2) makes clear that a community benefit agreement is not an infrastructure agreement, even if it relates to providing or funding infrastructure.

New section 106Z (Entering into community benefit agreements) provides a community benefit agreement must include the matters prescribed by regulation and be entered into with the relevant local government. The relevant local government includes the local government where the premises subject the subject of the application is located and any local government identified as being subject to impacts through a social impact assessment. For example, an adjoining local government area may experience impacts of the similar scale as the local government where the development is located. As such, the impacted local government/s may also enter into a community benefit agreement with the development proponent.

If a community benefit agreement was entered into with a public sector entity, a copy of the agreement must be given to the local government.

New section 106ZA (Amending community benefit agreements) clarifies a community benefit agreement may be amended at any time before the application is decided and must be provided to the assessment manager or responsible entity. This amendment is not classified as a change to the application.

New section 106ZB (Referral to mediation) provides the chief executive, on request, may refer the entities to mediation to seek to reach an agreement where the local government and another entity have been unable to agree on a community benefit agreement. The chief executive gives a notice stating the name of the person to conduct the mediation. The mediator has the same privileges, protection or immunity as a District Court judge performing a judicial function.

This section also clarifies the use and disclosure of information the mediator acquires during the mediation process.

New section 106ZC (Mediation process) provides participation in the mediation process is voluntary and under which timeframes this process ends.

New section 106ZD (When community benefit agreements apply instead of particular instruments) clarifies that in the event of any inconsistency between various approval documents related to a development application, the community benefit agreements apply instead of other instruments. This section also clarifies that a community benefit agreement entered into by a public sector entity prevails to the extent of any inconsistency over a community benefit agreement entered into by a local government.

This section also clarifies that for a development approval, where the chief executive as the assessment manager or responsible entity imposed a condition on the development approval, this condition prevails.

Division 5 Notices and directions by chief executive

New section 106ZE (Notices given by chief executive) provides under which circumstances the chief executive may give a notice to the applicant for a development application or change application stating that a social impact assessment report or a community benefit assessment is not required. This notice is used to accompany the development application to enable it to be considered a properly made application. The regulation may prescribe the matters the chief executive considers in deciding to issue this notice or procedural matters.

This section also provides for the chief executive to give a notice that community benefit assessment is not required, where the social impact assessment report has started the development application or change application will have no, or only minor social impact.

New section 106ZF (Directions given by chief executive) provides for the chief executive, where not the assessment manager or responsible entity, to make a direction the assessment manager or responsible entity to impose a stated community benefit condition on any development approval given for the application. Where the chief executive gives a further direction, this part states that the earlier direction no longer has effect.

This section also defines the term of *community benefit condition*. Where the chief executive directs to impose a community benefit condition, the notice must state the reasons for doing so.

New section 106ZG (Nominating enforcement authority) provides that where the chief executive has stated a community benefit condition on any development approval given for the application, an enforcement authority may be nominated in relation to the condition.

New section 106ZH (Reports about directions) provides the chief executive must prepare a report that explains the nature of the direction and include a copy of the direction. The report must be tabled in the Legislative Assembly within 14 days after the day the direction is given.

Division 6 Deciding particular applications and appeal rights

New section 106ZI (Deciding particular applications relating to development requiring social impact assessment) provides for applications relating to development requiring social impact assessment, the grounds on which the application cannot be refused. A relevant application cannot be refused if the refusal is solely based on the omission of a community benefit agreement, or where the community benefit agreement provided does not adequately managing, mitigating or counterbalancing the social impacts of the development. The decision to enter into a community benefit agreement and what that community benefit agreement relates to is agreed between the parties, most often the local government and the proponent. These parties agree what community benefit is relevant for the community.

A relevant application that is called in, the Minister may consider the community benefit agreement as part of their decision making process.

New section 106ZJ (Limitations on appeal rights) limits the appeal rights of a person other than the applicant. This clause limits that a person, other than the applicant, may not appeal against a condition of the development approval related to social impacts or a failure to impose a condition on a development approval.

Division 7 Miscellaneous

New section 106ZK (Development applications and change application accompanied by particular documents) provides for consideration of specified documents prepared under other Acts for development applications requiring social impact assessment (a *relevant application*).

This section provides for a relevant application that has gone through a process outside the Planning Act, is able to use a relevant assessment document as the basis for negotiating and entering into a community benefit agreement (CBA). Where a relevant application has gone through a coordinated project process, a relevant assessment document is taken to be a Coordinator-General's report such as a social impact assessment (SIA) as produced under the *Strong and Sustainable Resource Communities Act 2017* or an environmental impact statement (EIS) evaluation report or impact assessment report (IAR) under the *State Development and Public Works Organisation Act 1971*.

New section 106ZL (Use of particular amounts) the financial contribution made to the local government under subsection (1) must be used for that purpose.

New section 106ZM (Fees for particular matters) provides the local government may charge a fee for considering the social impact assessment report and for negotiating a community benefit agreement with the entity. The fee is payable whether or not a community benefit agreement is entered into.

Clause 22 Amendment of s 156 (Exercise of discretion unaffected by infrastructure agreement)

Clause 22 clarifies that infrastructure agreements are valid and can be entered into, even where the chief executive must make a decision on an existing or future development application.

Clause 23 Amendment of s 157 (Infrastructure agreement applies instead of approval and charges notice)

Clause 23 specifies in the event of any inconsistency, under which circumstances the infrastructure agreement applies instead of approval and charges notice, where an infrastructure agreement relates to a development approval requiring social impact assessment or where a development approval is subject to direction of the chief executive under section 106Z(2),

Clause 24 Insertion of new s 160A (Who is an *enforcement authority*)

Clause 24 defines who is an *enforcement authority* and a *private certifier*. This new section provides the chief executive with greater flexibility to nominate multiple enforcement authorities for particular technical matters under a development approval or where development may have been carried out without an approval.

Clause 25 Amendment of s 182 (Appointment and qualifications)

Clause 25 provides for public sector entities, as well as another person prescribed by regulation, to be appointed as inspectors. This change is intended to reflect the range of persons that the chief executive may considers with the requisite technical expertise to investigate potential enforcement and compliance matters.

Clause 26 Amendment of sch 2 (Dictionary)

Clause 26 amends Schedule 2 to include the definitions of *community benefit agreement*, *development requiring social impact assessment. enforcement authority, social impact*, *social impact assessment report,* and amends internal references to existing definitions to include reference to new sections. It also removes the definition for *enforcement authority* as it is defined in new section 160A.

Part 4 Amendment of Planning and Environment Court Act 2016

Clause 27 Act amended

Clause 27 provides that Part 4 amends the *Planning and Environment Court Act 2016* (P&E Court Act).

Clause 28 Amendment of s 11 (General declaratory jurisdiction)

Clause 28, amends section 11(2) and (3) and to include references to the new section 12A, the Planning Act 106ZE, and 106ZF. The effect of new section 11(2)(b) is to limit the ability for declaratory proceedings to be brought in relation to matters stated in section 12A. If a matter is not stated in section 12A, a declaratory proceeding can still be brought.

Clause 29 Amendment of s 12, hdg (Declaratory jurisdiction for particular matters under Planning Act)

Clause 29 amends the heading of the section.

Clause 30 Insertion of new 12A (Declaratory jurisdiction for other particular matters under Planning Act)

Clause 30 inserts a new section 12A to outline who or which entity has the right to start a proceeding in the P&E Court for a declaration about a matter stated in, to be stated in or that should have been stated in a social impact assessment report or a community benefit agreement, or about the imposition of, or a failure to impose a condition on a development approval under the Planning Act. While these provisions limit who can bring declaratory proceedings about these matters, the amendments do not prevent a person from bringing a declaration about other matters outside what is covered in section 12A.

Clause 31 Amendment of Sch 1 (Dictionary)

Clause 31 amends Schedule 1 to include the definition of *change application* and *declaratory proceeding* and omit the existing definition of *declaratory proceeding.*

Chapter 3 Economic Development Act amendments

Clause 32 Act amended

Clause 32 states that this part amends the *Economic Development Act 2012* (ED Act).

Clause 33 Amendment of s32Q (Appointment)

Clause 33 amends section 32Q of the ED Act to provide for the removal of the Chief Executive Officer of MEDQ by the Governor in Council at any time.

Clause 34 Omission of s32V (Removal by Governor in Council)

Clause 34 omits section 32V of the ED Act.

Clause 35 Amendment of s32W (Vacancy in office)

Clause 35 amends section 32W(d) of the ED Act to provide for the office of the Chief Executive Officer of MEDQ being vacant where the Chief Executive Officer is removed from office.

Clause 36 Amendment of s32ZD (Acting CEO)

Clause 36 amends section 32ZD of the ED Act to provide for the removal of the Acting Chief Executive Officer of MEDQ by Governor in Council at any time.

Clause 37 Amendment of s32ZK (Appointment)

Clause 37 amends section 32ZK of the ED Act to provide that the Governor in Council may remove the Chief Executive Officer at any time.

Clause 38 Omission of s32ZP (Removal by Governor in Council)

Clause 38 omits section 32ZP of the ED Act as the requirements are no longer required.

Clause 39 Amendment of s32ZQ (Vacancy in office)

Clause 39 amends section 32ZQ of the ED Act to provide that the office of the executive officer becomes vacant if the chief executive officer is removed from office. The reference to section 32ZP is removed from this clause as it is omitted above.

Clause 40 Amendment of s32W (Acting executive officer)

Clause 40 amends section 32ZW of the ED Act to include that the Governor may at any time, remove the acting executive officer.

Clause 41 Amendment of s134 (Terms and conditions of appointment and vacancy in office)

Clause 41 amends section 134 of the ED Act to provide for the removal of an appointed board member by Governor in Council at any time.

Clause 41 also makes a correction to section 134(7) of the ED Act.

Clause 42 Insertion of new s139

Clause 42 inserts a new section 139 Attendance by proxy—particular board members into the ED Act. The new section provides for a proxy for the board members mentioned in section 132(1)(a) and 132(1)(b) of the ED Act, and provides for the proxy to attend and vote at MEDQ Board meetings, and in instances where a proxy attends a MEDQ Board meeting the proxy is counted for the purposes of whether a quorum is present.

Clause 43 Amendment of s 160 (Report about person's criminal history for particular appointments)

Clause 43 makes a correction to section 160 of the ED Act.

Chapter 4 Brisbane Olympic and Paralympic Games amendments

Part 1 Preliminary

Clause 44 Act amended

Clause 44 states that this Bill amends the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

Part 2 Amendments commencing on assent

Clause 45 Amendment of s3 (Main purposes of Act)

Clause 45 amends section 3(b) to reflect the changed role of the Games Independent Infrastructure and Coordination Authority to deliver authority venues, and monitor the delivery of other venues, in time for the games.

Clause 45 also inserts new section (c) and (d) to the purpose of the Act.

New section (c) provides that a purpose of the Act is to facilitate the timely delivery of authority venues, other venues and villages for the games.

New section (d) provides that a purpose of the Act is to maximise the legacy benefits from the games.

Clause 46 Amendment of s5 (Definitions)

Clause 46 amends section 5 to provide that the dictionary is in schedule 6.

Clause 47 Replacement of s5A (Venues and Villages)

Clause 47 amends section 5A to include a new section 5A relating to authority venues for the games.

New section 5A provides that a site or facility listed in Schedule 1 is an authority venue for the Brisbane 2032 Olympic and Paralympic Games. Section 5A also provides that the table in Schedule 1 will identify the games-related use and the legacy use for the authority venue.

Clause 47 also inserts new sections 5B relating to other venues for the games and new section 5C villages for the Games.

New section 5B provides that a site or facility mentioned in Schedule 2 is an other venue for the Brisbane 2032 Olympic and Paralympic Games. Section 5B provides that the table in Schedule 2 will identify the games related use and the legacy use for the venue.

New section 5C provides that a site or facility listed in Schedule 3 is a village for the Brisbane 2032 Olympic and Paralympic Games. Section 5C provides that the table in Schedule 3 will identify the games related use and the legacy use for the venue.

Clause 47 also includes new section 5D relating to Delivery of venues and villages.

Clause 48 Amendment of s 10 (Requirements for performance of functions)

Clause 48 amends section 10(1) to insert new section 10(1)(f) to reflect an additional requirement for performance of the Corporation's functions to 'have regard to decisions and advice of the leadership group mentioned in section 55A'.

Clause 49 Insertion of new s 36A

Clause 49 inserts new section 36A titled 'Attendance at meetings by Minister's nominee' after section 36 to reflect that each board meeting must be attended by a Minister's nominee and the role and entitlements of the Minister's nominee. Additionally, this clause states that in this section the Minister's nominee means 36A(3)(a) a public service employee who is nominated by the Minister for the purpose of attending board meetings; or 36A(3)(b) another public service employee acting on behalf of the employee mentioned in paragraph (a).

Clause 50 Amendment of s 46 (Requirement for meetings of particular committees)

Clause 50 amends the heading of section 46 to omit 'particular' to reflect 'Requirements for meetings of committees'. Additionally, *Clause 6* removes section 46(1), amends section 46(2) to insert 'Each meeting of a committee of the board', amends section 46(3) to omit 'subsection (2)' and insert 'subsection (1), and renumbers Section 46(2) to (4) as 46(1) to (3).

Clause 51 Amendment of s53AB (Legal status)

Clause 51 omits section 53AB(2).

Clause 52 Insertion of new s53ABA

Clause 52 inserts new section 53ABA Authority represents the State. The new section provides that the Games Independent Infrastructure and Coordination Authority represents the State and has the privileges and immunities of the State.

Clause 53 Amendment of s53AD (Functions)

Clause 53 amends the functions of the authority in s53AD(1). The new section 53AD(1) sets out the main functions of the authority.

In relation to authority venues, section 53AD(1), sets out the main functions of the authority. These are:

- to seek 1 or more allocations of funding from the Queensland Government for each authority venue; and.
- to deliver each authority venue in time for the Brisbane 2032 Olympic and Paralympic Games in accordance with the allocated funding for the authority venue; and
- to monitor the delivery of the other venues; and
- to ensure compliance with the relevant games agreements to the extent they relate to the delivery of an authority venue.

Clause 54 Omission of s53ADA (100-day review)

Clause 54 omits section 53ADA 100-day review.

Clause 55 Amendment of s53AE (Requirements for performance of functions)

Clause 55 replaces existing 53AE.

Clause 55 inserts a new subclause (a) that the authority, in performing its functions must have regard to.

Clause 55 inserts a new subclause (b) that provides that the authority must ensure compliance with requirements about the delivery of authority venues under the relevant Games agreements.

Clause 55 inserts new subsection (c) to require that the authority must co-operate with the chief executive of the department in good faith.

Clause 55 insert new section (d) to reflect additional requirement for performance on the authority's functions to 'have regard to decisions and advice of the leadership group mentioned in section 55A.

Clause 56 Replacement of ch3, pt 3 (Games governance and planning documents)

Clause 56 replaces Chapter 3, part 3 and renames part 3 to Provision of information and assistance to chief executive. Replacing the existing chapter 3, part 3 removes the requirement for the Authority to prepare a transport and mobility strategy and provisions associated with the transport and mobility strategy. Clause 56 also removes the requirements for the authority to prepare a games coordination plan.

Clause 56 includes new section 53AI provides that the chief executive of the department may ask the authority to give the chief executive information held or controlled by the authority, that relates to the delivery of an authority venue or other venue. The new section also provides for the chief executive of the department to ask the authority to make arrangements for any of the following within a stated reasonable period:

- inspection by the chief executive of an authority venue to assess the progress made in delivering authority venues.
- attendance by the chief executive at a meeting with the authority to discuss progress made in delivering 1 or more authority venues or other venues
- Attendance by the chief executive at each meeting held by the authority at which progress made in delivering authority venues and other venues is discussed.

S53AI(3) provides that the authority must comply with a request included in subsection (1) or (2).

Clause 57 Omission of ch3, pt 4 (Provisions facilitating development for venues or villages)

Clause 57 omits the provisions contained in existing Chapter 3, part 4.

Clause 58 Amendment of s53BF (Composition)

Clause 58 amends section 53BF(3) to provide that the Minister may nominate a person only if the person is appropriately qualified.

Clause 58 omits 53BF(4).

Clause 58 inserts new subsection 53BF(8) which provides that nothing in another Act or law prevents a person who is a member of the Legislative Assembly, including, for example, a Minister, holding the office of a director.

Clause 58 also renumbers s53BF to reflect the amendments.

Clause 59 Replacement of s53BJ (Conditions of appointment)

Clause 59 replaces s53BJ and provides that a director who is an elected office holder or public service employee is not entitled to be paid any remuneration or allowances.

Section 53BJ(2) provides that a director holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council. New s53BJ(3) includes a definition for the section.

Clause 60 Amendment of s53BL (Vacancy in office)

Clause 60 omits s53BL(f).

Clause 61 Insertion of new ch3, pt 5, div 4, sdiv 3

Clause 61 inserts new subdivision 3 Other provisions. It includes new section 53CAA about no duty to disclose particular information acquired in particular capacities. It also includes new section 53CAB about Councillors' conflicts of interest.

Clause 62 Amendment of s53CD (Appointment)

Clause 62 amends Part 6, Division 1, section 53CD (1) Appointment to provide that the Minister may, after consulting with the board, appoint a chief executive officer. New subsection 1A provides that the board must give the Minister a list of recommended nominees identified following a recruitment process undertaken by the board, and a person appointed by the Minister must be a nominee recommended by the board.

Clause 62 also inserts new subclause 53CD(5) which provides that for the *Public Sector Act 2022,* section 12, the chief executive officer is not a public sector employee.

Clause 63 Amendment of s53CE (Term)

Clause 63 omits section 53CE(2) which provided that the stated term of the chief executive officer must not be longer than 4 years and renumbers the section.

Clause 64 Amendment of s53CF (Conditions of appointment)

Clause 64 amends s53CF (1) to provide that the chief executive officer is to be paid the remuneration and allowances decided by the Minister.

Clause 64 amends s53CF(2) to provide that the chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the Minister.

Clause 65 Amendment of s53CL (Particular entities to give information, documents or assistance to authority)

Clause 65 amends s53CL(1) to include a distributor retailer and any other government entity within the meaning of section 53EB.

Clause 65 also inserts new subsection s53CL(4) to provide that, without limiting subsection (2), the entity must co-operate with the authority in relation to delivery of an other venue the entity is responsible for delivering.

Clause 66 Insertion of new ch3A

Clause 66 inserts a new Chapter 3A Provisions facilitating development etc. for the games

New Part 1 Preliminary
New section 53DA sets out that the purpose of the chapter is to facilitate the timely delivery of development for or relating to authority venues, other venues and villages and the construction of games-related transport infrastructure.

The purpose of this chapter is also to protect the public interest in ensuring the State is ready to host the Brisbane 2032 Olympic and Paralympic Games and perform its obligations under relevant games agreements about authority venues, other venues and villages, and facilitate legacy uses after the games.

New section 53DB inserts new definitions for the chapter.

New Part 2 Lawfulness of development and use etc.
New section 53DC provides for the development, uses and activities to which this part applies.

In relation to development, as defined by the *Planning Act 2016*, for the construction of an authority venue, other venue or village to the extent the development is for, or in relation to a games-related use of the venue or village or games-related transport infrastructure.

In relation to use, it is the games-related use or legacy use of an authority venue, other venue or village, as provided by the Bill.

In relation to activity, it is an activity done by a person for the purpose of the development included in subsection (a).

New section 53DD provides that the development, uses and activity is taken to be lawful despite any of the Relevant Acts listed in s53DD. The Relevant Acts are the identified Acts.

S53DD(2) states that without limiting subsection (1), it is declared that:

(a) a requirement under a relevant Act that would otherwise have to be complied with for the development, use or activity to be lawful is taken to have been complied with; and

(b) a provision of a relevant Act, or action taken under a relevant Act, that would otherwise prohibit, restrict or limit the carrying out of the development, use or activity does not apply in relation to the development, use or activity; and

(c) a person carrying out the development, use or activity does not commit an offence against a relevant Act.

S53DD(3) provides that a civil proceeding may not be started against a person in relation to the development, use or activity if there is a reasonable prospect that the proceeding will prevent:

- the timely delivery of an authority venue, other venue or village for the Brisbane 2032 Olympic and Paralympic Games; or
- the timely completion of games-related transport infrastructure.

s53DD(4) provides that the section applies subject to s53DE and and s53DF.

New section 53DE relates to Building work for authority venue or other venues. The section applies to building work within the meaning of the *Planning Act 2016* for or relating to an authority venue or other venue, to the extent the building work is building work under the *Building Act 1975*. Subsection (2) states that the building work must comply with the relevant provisions for the building work.

New section 53DF relates to building work for villages. Section 53DF applies to building work within the meaning of the *Planning Act 2016* for or relating to a village, to the extent the building work is building work under the *Building Act 1975*. Subsection (2) states that if, but for this chapter, the building works would be categorised as assessable development under the Planning Regulation 2017 schedule 9, a development permit must be obtained for the building work.

New Part 3 Provisions for cultural heritage provisions
Division 1 Preliminary

New section 53DG inserts new definitions for the part.

New section 53DH includes the operation of part. Section 53DH identifies that part modifies the operation of the *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Cultural Heritage Act 2003* in relation to a games project by:

- providing an alternative process for making a cultural heritage management plan (known as a part 3 plan) in relation to those areas; and
- providing for the part 3 plan to be an approved cultural heritage management plan for the purposes of the cultural heritage Acts; and
- ensuring a person carrying out development or a use or activity mentioned in section 53DC in accordance with the part 3 plan does not commit an offence against a cultural heritage Act.

Division 2 Initiating development of part 3 plan
New section 53DI provides that a proponent may give a cultural heritage notice of the proponent's intention to develop a part 3 plan for the project area for the project. Subsection 53DI(2) provides what the notice must include. Subsection 53DI(3) provides that, on giving of the cultural heritage notice by the proponent:

- no other cultural heritage notice may be given, by the same or another proponent, in relation to the same games project; and
- a part 3 plan for the project area must be:
  - a plan negotiated under this part by the proponent and any Aboriginal party or Torres Strait Islander party for the project area or part of the area; or
  - if division 5 applies, the default plan for the project area.

New section 53DJ relates to the requirement for the proponent to give a negotiation proposal to the Aboriginal party or Torres Strait Islander party. The section provides that a negotiation proposal is a written notice and sets out what needs to be included in the negotiation proposal.

New section 53DK relates to the requirement for the project proponent to give an information notice. This section applies if the proponent gives the chief executive of the department a cultural heritage notice for a games project and:

- there is no Aboriginal party for the area, or part of the area, who is a native title party within the meaning of the *Aboriginal Cultural Heritage Act 2003*; and
- there is no Torres Strait Islander party for the area, or part of the area, who is a native title party within the meaning of the *Torres Strait Islander Cultural Heritage Act 2003*.

The section provides that, as soon as practicable after the chief executive receives a cultural heritage notice, the proponent must give the representative body written notice asking the representative body to give the proponent the name and contact details of any person that the representative body reasonably believes is the Aboriginal or Torres Strait Islander party for the area or part of the area.

Section 53DK also requires the proponent to provide the information notice to an Aboriginal cultural heritage body or Torres Strait Islander body for the area. The section also requires the proponent to publish a notice advising that the proponent is seeking to negotiate under this part and inviting each Aboriginal party or Torres Strait Islander party to give the proponent written notice if the party wishes to participate in the negotiations. The section also provides that the notice must be published on the department's website and on the website of the department in which the cultural heritage acts are administered.

Section 53DK provides that where no Aboriginal or Torres Strait Islander Parties as defined in the Cultural Heritage Acts can be identified by the proponents through the provisions outlined in Clauses 53DM(3) and 53DR, that the default plan automatically applies to ensure any cultural heritage located in the project area during construction will be protected.
New section 53DL sets out additional requirements to give a negotiation proposal when an information notice has been given under section 53DK.

Division 3 Negotiating of part 3 plan
New section 53DM provides for the negotiation period for a part 3 plan.

As noted above, section 53DK provides that where no Aboriginal or Torres Strait Islander Parties as defined in the Cultural Heritage Acts can be identified by the proponents through the provisions outlined in section 53DM(3) and 53DR, that the default plan automatically applies to ensure any cultural heritage located in the project area during construction will be protected.

New section 53DN provides that negotiating parties must negotiate the terms of the plan in good faith. It provides that if there are different Aboriginal parties and Torres Strait Islander parties for parts of the project area, all negotiating parties must negotiate with the aim of agreeing on the terms of a single part 3 plan for the whole project area.

New section 53DO applies if the negotiating parties agree on the terms of a part 3 plan for the project area during the negotiating period for the plan. The section provides that the part 3 plan must be signed by each negotiating party. The proponent must give copies of the signed plan to the chiefs executive (department and cultural heritage).

Section 53DO(2) provides that on the day under subsection (1)(b) is complied with, the signed plan takes effect as, and is taken to be:

- an approved cultural heritage management plan under the *Aboriginal Cultural Heritage Act 2003* applying to all Aboriginal cultural heritage in the project area; and
- an approved cultural heritage management plan under the *Torres Strait Islander Cultural Heritage Act 2003 applying to all Torres Strait Islander cultural heritage in the project area.*

Division 4 Mediation
New section 53DP provides that the division applies if, after the 40th day of the negotiation period for a part 3 plan, but before the period has ended, the negotiating parties have not agreed on all of the terms of a part 3 plan, but agree there is a reasonable prospect of all terms being agreed by mediation by the Land Court.

New section 53DQ sets out the process for requesting mediation to the Land Court for it to provide mediation to resolve the terms of the part 3 plan.

Division 5 Default plan
New section 53DR provides for how this division applies.
As noted above, section 53DK provides that where no Aboriginal or Torres Strait Islander Parties as defined in the Cultural Heritage Acts can be identified by the proponents through the provisions outlined in section 53DM(3) and 53DR, that the default plan automatically applies to ensure any cultural heritage located in the project area during construction will be protected.

New section 53DS provides for when the default plan takes effect.

Division 6 Other provisions
New section 53DT sets out the provisions for the lawfulness of development, use or activity carried out in accordance with plan.

New section 53DU provides for limitations on stop orders or injunctions. The section applies if the proponent for a games project has given the chief executive for the department a cultural heritage notice, whether or not a part 3 plan for the project area for the games project has taken effect.

New section 53DV sets out that a part 3 plan may be amended or replaced by the negotiating parties by written agreement. It provides that the proponent must give copies of the amending agreement to the chiefs executive (department and cultural heritage).

New section 53DW provides that if the default plan has taken effect under section 53DS(1), the default plan cannot be amended or replaced by the negotiating parties.

New section 53DX provides that nothing in this part makes the State liable to prosecution under an Act for acts or omissions under this part in relation to harm caused to Aboriginal cultural heritage or Torres Strait Islander cultural heritage.

New Part 4 Use of necessary games infrastructure
New section 53EA provides that a relevant entity is entitled to access connect to or otherwise use any necessary games infrastructure associated for the purposes of the development or use. The section applies to development under section 53DC(a) or a use mentioned in 53DC(b), being the construction of Games related use or legacy use of an authority venue, other venue or a village.

New section 53EB sets out requirements for particular entities that own or control necessary games infrastructure.

New part 5 Village infrastructure charges
New section 53EC sets out that the purpose of the part is to enable a contribution to be recovered from the owners of the land on which villages are located towards infrastructure costs.

New section 53ED sets out what a regulation may prescribe in relation to village infrastructure charges.

S53EE Imposition of village infrastructure charge sets out how a village infrastructure charge may be imposed.

New part 6 Miscellaneous provisions
New section 53EF sets out exemptions from infrastructure charges under other Acts.

New section 53EG provides that unless the Supreme Court decides a relevant decision is affected by jurisdictional error:

a) the decision is final and conclusive,

b) can not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and

c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

Subsection 53EG(2) provides that the *Judicial Review Act 1991*, part 5 applies to a relevant decision only to the extent it is affected by a jurisdictional error.

Clause 67 Amendment, relocation and renumbering of s54A (Funding agreements)

Clause 67 amends section 54A relating to funding agreements. The clause also provides for section 54A to be relocated and renumbered as section 10A.

Clause 68 Insertion of new s 55A

Clause 68 inserts new section 55A after section 55 to state there is to be a group call the Games Leadership Group. Subject to subsection 55A(3), the membership of the group is to be decided by the Minister. The Minister must also ensure a Games entity is notified of any decisions or advice of the group that relates to the performance of a function by the Games entity. Subsection 55A(3) provides that the group must include 55A(3)(a) at least 1 representative of the Queensland Government; and 55A(3)(b) at least 1 representative of the Commonwealth Government; and 55A(3)(c) at least 1 representative of the Brisbane City Council. Subsection 55A(4) states the main functions of the group, including to provide strategic direction in relation to the delivery of the Games and compliance with obligations under the OHC, to facilitate collaborative decision-making by Games entities (such as Games Delivery Partners), and to provide oversight and advice to Games entities.

Clause 69 Amendment of s63 (Interim chief executive officer)

Clause 69 amends s63(3)(a) to provide that appointment of an interim chief executive officer ends sooner if a chief executive officer is appointed by the Minister under section 53CD.

Clause 69 amends 63(4A) to include reference to new section s53EG.

Clause 70 Insertion of new ch 5, pt 3

Clause 70 inserts new part 3 Transitional provisions for *Brisbane Olympics and Paralympics Games Arrangements Amendment Act 2025*.

New Part 3 includes Division 1 Preliminary.
This includes new section 66 Definitions for part.

Division 2 provides provision for amendments relating to the authority.

New section 67 relates to the application of new s53BL. It states that new section 53BL applies in relation to a director holding office after the commencement, whether the director was appointed before or after the commencement.

New section 68 about existing appointment of chief executive officer of authority.

Clause 71 Amendment and renumbering of sch 1 (Dictionary)

Clause 71 omits the definitions of acquisition land, development, transport and mobility strategy, venue and village. Clause 24 also inserts new definitions

Clause 72 Insertion of new schs1-5

Clause 72 inserts the new schedules referenced in the Bill:

- Schedule 1 Authority venues
- Schedule 2 Other venues
- Schedule 3 Villages
- Schedule 4 Games-related transport infrastructure
- Schedule 5 Cultural heritage – default plan

Schedules 1, 2 and 3 provide a description of the site or facility, identifies the games-related use and the legacy use for authority venues, other venues and villages.

Schedule 4 will relate to Game-related transport infrastructure.

Schedule 5 includes the default plan for section 53DG.

Part 3 Amendments commencing by proclamation

Clause 73 Amendment of s 17 (Composition)

Clause 73 amends section 17(1) to (4) to replace the composition of the board to reflect the reduced membership, with the purpose of streamlining the governance arrangements to sufficiently support efficient and effective decision-making. The clause also provides that the office mentioned in subsection (1)(l) or (m) is taken not to be filled if the only person mentions in that subsection is a director holding officer under subsection (1)(i), (j) or (k). In this section each of the directors mentioned in subsection (1)(a) to (h) is a *nominated director*. Section 17(5) to (7) is renumbered as 17(4) to (6).

Clause 74 Amendment of s 18 (Nomination of independent directors)

Clause 74 amends section 18 to replace a reference to 'section 17(1)(h)' with 'section 17(1)(c)' to reflect the renumbering in Clause 9. The clause also replaces section 18(4) to (7) with section 18(4) to outline that in considering the proposed nomination, the Minister much have regard to a nominee's skills, knowledge and experience, diversity of skills, knowledge and experience and of the board, and of Queensland Government policy about gender equity on boards.

Clause 75 Amendment of ss 19 and 20

Clause 75 omits current sections of 19 and 20 to insert new section 19 to list the requirements for particular nominations. This subsection also defines the term *nominating entity*.

Clause 76 Amendment of s 23 (Vacancy in office)

Clause 76 replaces subsections 23(1)(f) and (g). This clause also renumbers section 17(1)(i) to section 17(1)(c) and section 17(1)(j) to section 17(1)(b) to reflect the renumbering in Clause 9. Section 23(1)(i) was relocated and renumber as section 23(1)(ga). This clause also amends section 23(2), to reflect the renumbering in Clause 9.

Clause 77 Amendment of s 25 (President)

Clause 77 amends section 25(1) to reflect the renumbering in Clause 9, omits section (2) and (4) to remove the requirement of the joint nomination process for the nomination of the president. This clause also renumbers section 25(3) as section 25(2).

Clause 78 Replacement of s 26 (Vice presidents)

Clause 78 replaced section 26 to reflect that a director holding officer under section 17(1)(b) is the vice president of the board and clarifies that the role of the vice president is decided by the president.

Clause 79 Amendment, relocation and renumbering of s 27 (Appointment and term)

Clause 79 amends, relocates and renumbers section 27 to reflect amendments to section 26 in Clause 14 and the renumbering in Clause 9.

Clause 80 Amendment of s 33 (Presiding)

Clause 80 replaces reference to 'section 26(2)' with 'section 26' to reflect renumbering in Clause 14. This clause also omits section 33(3) and (4) and inserts new section 33(3) to clarify the process in the scenario that the president and vice president are both absent from a board meeting, that a director is chosen by the directors present to preside.

Clause 81 Amendment of s 34 (Quorum)

Clause 81 replaces a reference to 'a vice president' with 'the vice president' to reflect the amendments in Clause 14.

Clause 82 Amendment of s 35 (Voting)

Clause 82 amends section 35(3) to replace reference to 'president or vice president' with 'director' to reflect amendments in Clause 16.

Clause 83 Amendment of s44 (Councillors' conflict of interest)

Clause 83 amends this section to provide that it applies in relation to a councillor.

Clause 84 Insertion of new ch 5, pt 3, div 3 (Provision for corporation)

Clause 84 inserts a new Chapter 5, part 3 as inserted by this Act titled 'Division 3 Provision for corporation'.

Clause 85 Amendment to sch 1 (Dictionary)

Clause 85 amends Schedule 1, definition *nominated director*, to omit reference to 'section 17(4)' and insert 'section 17(3)'.

Chapter 5 Other amendments

Clause 86 Legislation amended

Clause 86 provides that Schedule 1 amends the legislation it mentions.

Building Act 1975

Clauses 1 to *3* makes minor amendments are made to Schedule 2 to update sectional references and omit an outdated editor's note.

Planning Act 2016

Clauses 1 to *13* inserts notes on development application, change application, or limitations on appeal rights of development requiring social impact assessment to sections 52(1), 56(1), 60, 76(1), 81A(2), 82(2), 87(2), 229(1), and Schedule section 1(1).

The note inserted under section 52(1) refers the reader to the new section 106X Changes to social impact assessment reports which seeks to remove any doubt that changes to a social impact assessment report do not constitute a change to a development application or change application.

The notes inserted under sections 56(1), 60, 76(1), 81A(2), 82(2) and 87(2) refers the reader to the new section 106ZI for specific guidance on development applications requiring a social impacts assessment.

The notes inserted under section 229(1) and Schedule 1 section 1(1) refers the reader to the proposed amended section 106ZJ Limitations on appeal rights which clarifies what a person other than the applicant may not appeal against.

Minor amendments are made to sections 68(2)(a), 81(2)(e), 82(3)(d), and 82(6) to update sectional references.

Planning and Environment Court Act 2016

Clauses 1 and *2* outline minor amendments to subsections 45(2), and 46(4) to provide clarity with regard to the cross references to the Planning Act.