



Queensland

Commonwealth Games Arrangements Bill 2011



Queensland

Commonwealth Games Arrangements Bill 2011

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
3	Purpose of Act	6
4	Act binds all persons	6
5	Definitions	6
Part 2	Gold Coast 2018 Commonwealth Games Corporation	
6	Establishment	7
7	Application of other Acts	7
8	Functions	7
9	Corporation's powers	8
10	Ministerial direction	9
11	Delegation	9
Part 3	The board	
Division 1	Establishment, role and membership	
12	The board	10
13	Role of the board	10
14	Composition of board	10
15	Duration of appointment	10
16	Terms and conditions of appointment	11
17	Vacancy in office	11
18	Ineligibility of member of Parliament or councillor	11
19	Chairperson	12
20	Deputy chairperson	12
Division 2	Proceedings	
21	Time and place of meetings	12

Contents

22	Quorum	12
23	Presiding at meetings.	12
24	Conduct of meetings	13
25	Minutes and other records	13
Division 3	Duties of members	
26	Duty to act honestly and exercise care and diligence	14
27	Corporation or Minister may bring proceedings	14
28	Duty of disclosure.	15
Division 4	Immunity from proceeding	
29	Protection from liability	16
Division 5	Committees	
30	Establishment.	16
Division 6	Staff of the corporation	
Subdivision 1	Chief executive officer	
31	Chief executive officer	17
32	Restriction on appointment.	17
33	Chief executive officer employed under this Act.	17
34	Duration of office	17
35	Functions	17
36	Terms and conditions of appointment.	18
37	Vacancy in office	18
Subdivision 2	Other staff members	
38	Employment	18
Division 7	Budget and funding agreement	
39	Minister to approve budget	19
40	Corporation to enter into funding agreement	19
41	Corporation to act in accordance with budget and funding agreement	19
Part 4	Legal proceedings	
42	Application of pt 4.	20
43	Appointments and authority	20
44	Signatures	20
45	Other evidentiary aids	20
Part 5	Winding-up of corporation	
46	Dissolution day	21
47	Dealing with assets and liabilities on winding-up	21

Part 6	Miscellaneous	
48	Regulation-making power	22
Schedule	Dictionary	23

A Bill

for

**An Act to establish the Gold Coast 2018 Commonwealth
Games Corporation and for related purposes**

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
1 Short title	3
This Act may be cited as the <i>Commonwealth Games Arrangements Act 2011</i> .	4 5
2 Commencement	6
This Act commences on 1 January 2012.	7
3 Purpose of Act	8
The purpose of this Act is to establish the Gold Coast 2018 Commonwealth Games Corporation to plan, organise and deliver the Commonwealth Games, in conjunction with ACGA and Commonwealth Games Federation.	9 10 11 12
4 Act binds all persons	13
This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.	14 15 16
5 Definitions	17
The dictionary in the schedule defines particular words used in this Act.	18 19

Part 2	Gold Coast 2018 Commonwealth Games Corporation	1 2 3
6	Establishment	4
	(1) The Gold Coast 2018 Commonwealth Games Corporation is established.	5 6
	(2) The corporation—	7
	(a) is a body corporate; and	8
	(b) has a seal; and	9
	(c) may sue and be sued in its corporate name.	10
	(3) The corporation does not represent the State.	11
7	Application of other Acts	12
	(1) The corporation is a public authority under the <i>Civil Liability Act 2003</i> .	13 14
	(2) The corporation is a statutory body under the <i>Financial Accountability Act 2009</i> .	15 16
	(3) The corporation is a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	17 18
	(4) The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B explains how that Act affects the corporation’s powers.	19 20
	(5) The corporation is a relevant EEO agency under the <i>Public Service Act 2008</i> .	21 22
8	Functions	23
	(1) The functions of the corporation are as follows—	24
	(a) to undertake and facilitate the organisation, conduct, promotion and commercial and financial management of the Commonwealth Games;	25 26 27

[s 9]

- (b) to do all the things necessary for or in connection with a matter mentioned in paragraph (a). 1
2
- (2) The corporation's functions also include any other function given to the corporation under this Act. 3
4
- (3) In this section— 5
- Commonwealth Games* includes events and programs associated with the Commonwealth Games. 6
7
- 9 Corporation's powers** 8
- (1) The corporation has all the powers of an individual, and may, for example— 9
10
- (a) enter into contracts; and 11
- (b) acquire, hold, deal with and dispose of property; and 12
- (c) appoint agents and attorneys; and 13
- (d) engage consultants; and 14
- (e) charge a fee for its services; and 15
- (f) do anything else necessary or convenient to be done in the performance of its functions. 16
17
- (2) Without limiting subsection (1), the corporation has the powers given to it under this Act or another Act. 18
19
- (3) However, the powers of the corporation do not include the following— 20
21
- (a) making a loan to a member, member's spouse, relative of a member or relative of a member's spouse; 22
23
- (b) giving a guarantee, or providing security, in connection with a loan made, or to be made, by another person to a member, member's spouse, relative of a member or relative of a member's spouse; 24
25
26
27
- (c) exempting, or indemnifying, a member from or against any liability for a breach of duty relating to the corporation. 28
29
30
- (4) Subsection (3)(c) is subject to section 29. 31

10	Ministerial direction	1
(1)	The Minister may give the corporation a written direction about the performance of its functions or the exercise of its powers if the Minister is satisfied it is reasonably necessary to give the direction.	2 3 4 5
(2)	Without limiting subsection (1), the Minister may give the corporation a written direction—	6 7
(a)	to give the Minister a document or information held by or in the control of the corporation; or	8 9
(b)	to submit to the Minister a document for the Minister’s approval.	10 11
(3)	The corporation must ensure a direction given under this section is complied with.	12 13
(4)	The corporation—	14
(a)	must include in its annual report, prepared under the <i>Financial Accountability Act 2009</i> , section 63, details of any direction given by the Minister under subsection (1) during the financial year to which the report relates; and	15 16 17 18
(b)	may include in the report a comment about the effect on the corporation’s activities of complying with the direction.	19 20 21
11	Delegation	22
(1)	The corporation may delegate its functions to—	23
(a)	a member; or	24
(b)	an appropriately qualified officer or employee of the corporation.	25 26
(2)	In this section—	27
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate to exercise the power.	28 29
	<i>Example of standing for an officer or employee of the corporation—</i>	30
	the classification level in the corporation of the officer or employee	31

[s 12]

function includes power. 1

Part 3 The board 2

Division 1 Establishment, role and membership 3 4

12 The board 5

The corporation has a board of members. 6

13 Role of the board 7

(1) The board is responsible for the way the corporation performs its functions and exercises its powers. 8
9

(2) Without limiting subsection (1), it is the board's role to ensure the corporation performs its functions in an appropriate, effective and efficient way. 10
11
12

14 Composition of board 13

(1) The board consists of at least 8 members. 14

(2) The Minister must consult with ACGA about the appointment of each member. 15
16

(3) Each member must be appointed by the Governor in Council. 17

15 Duration of appointment 18

(1) Subject to this division, a member holds office for the period stated in the member's instrument of appointment. 19
20

(2) The period of appointment can be a period ending no later than the dissolution day. 21
22

(3)	If otherwise qualified, a member who completes a period of office may be reappointed.	1 2
16	Terms and conditions of appointment	3
(1)	A member may be paid the remuneration and allowances decided by the Governor in Council.	4 5
(2)	A member holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.	6 7 8
17	Vacancy in office	9
(1)	The office of a member becomes vacant if the member—	10
(a)	completes a period of office; or	11
(b)	resigns office by signed notice given to the Minister; or	12
(c)	is removed from office by the Governor in Council under subsection (2); or	13 14
(d)	is convicted of an indictable offence; or	15
(e)	is a person who is an insolvent under administration under the Corporations Act, section 9; or	16 17
(f)	becomes employed by, or becomes a contractor of, the corporation.	18 19
(2)	The Governor in Council may at any time remove a member from office for any reason or none.	20 21
18	Ineligibility of member of Parliament or councillor	22
	A member of the Commonwealth Parliament or a State Parliament or a councillor of a local government is not eligible for appointment as a member.	23 24 25

[s 19]

19	Chairperson	1
	The chairperson is a member nominated by the Minister after consultation with ACGA.	2 3
20	Deputy chairperson	4
	(1) There is to be a deputy chairperson of the board.	5
	(2) If the president of ACGA is a member, the president is the deputy chairperson.	6 7
	(3) If the president stops being the president of ACGA—	8
	(a) the president ceases to be the deputy chairperson; and	9
	(b) the deputy chairperson is a member nominated by the Minister after consultation with ACGA.	10 11
Division 2	Proceedings	12
21	Time and place of meetings	13
	(1) The board may hold its meetings when and where it decides.	14
	(2) However, the board must meet at least twice each year.	15
	(3) The chairperson—	16
	(a) may at any time call a meeting of the board; and	17
	(b) must call a meeting if asked by at least 4 other members.	18
22	Quorum	19
	A quorum for a meeting of the board is at least half of the members.	20 21
23	Presiding at meetings	22
	(1) The chairperson presides at all meetings of the board at which the chairperson is present.	23 24
	(2) If the chairperson is absent, the deputy chairperson presides.	25

(3)	If the chairperson and deputy chairperson are absent, a member chosen by the members present presides.	1 2
24	Conduct of meetings	3
(1)	Subject to this division, the board may conduct its proceedings, including its meetings, as it considers appropriate.	4 5 6
(2)	The board may conduct its proceedings by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the proceedings.	7 8 9 10
(3)	A member who takes part in a meeting of the board under subsection (2) is taken to be present at the meeting.	11 12
(4)	A question at a meeting of the board is to be decided by a majority of the votes of the members present at the meeting.	13 14
(5)	If the votes are equal, the chairperson has a casting vote.	15
(6)	A resolution is a valid resolution of the board, even though it is not passed at a meeting of the board, if—	16 17
(a)	at least half the members give written agreement to the resolution; and	18 19
(b)	notice of the resolution is given in accordance with procedures approved by the board.	20 21
25	Minutes and other records	22
	The board must keep—	23
(a)	minutes of its meetings; and	24
(b)	a record of any of its decisions and resolutions.	25

[s 26]

Division 3	Duties of members	1
26	Duty to act honestly and exercise care and diligence	2
(1)	A member must act honestly, and must exercise a reasonable degree of care and diligence, when performing the member's functions and exercising the member's powers.	3 4 5
(2)	A member or former member must not make improper use of information acquired because of the member's position as a member—	6 7 8
(a)	to gain, directly or indirectly, an advantage for the member or for any other person; or	9 10
(b)	to cause detriment to the corporation.	11
(3)	A member must not make improper use of the member's position as a member—	12 13
(a)	to gain, directly or indirectly, an advantage for the member or for any other person; or	14 15
(b)	to cause detriment to the corporation.	16
(4)	This section—	17
(a)	has effect in addition to, and not in derogation of, any law relating to the civil or criminal liability of a member of the governing body of a corporation; and	18 19 20
(b)	does not prevent the starting of a civil or criminal proceeding in respect of civil or criminal liability.	21 22
27	Corporation or Minister may bring proceedings	23
(1)	If a member contravenes section 26, the corporation or the Minister may recover from the member as a debt due to the corporation either or both of the following—	24 25 26
(a)	if the member or any other person made a profit as a result of the contravention—an amount equal to the profit;	27 28 29

-
- (b) if the corporation has suffered loss or damage as a result of the contravention—an amount equal to the loss or damage. 1
2
3
 - (2) A proceeding mentioned in subsection (1) may be— 4
 - (a) brought in the name of the corporation; and 5
 - (b) started in a court of competent jurisdiction. 6

28 Duty of disclosure 7

- (1) If— 8
 - (a) a member has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered at a meeting of the board; and 9
10
11
 - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter; 12
13
14

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board. 15
16
17
- (2) Particulars of any disclosure made under this section must be recorded by the board in a register of interests kept for the purpose. 18
19
20
- (3) After a member has disclosed the nature of an interest in any matter, the member must not— 21
22
 - (a) be present during any deliberation of the board about the matter; or 23
24
 - (b) take part in any decision of the board about the matter. 25
- (4) For the making of a decision by the board under subsection (3), a member who has a direct or indirect pecuniary or other interest in a matter to which the disclosure relates must not— 26
27
28
 - (a) be present during any deliberation of the board for the purpose of making the decision; or 29
30
 - (b) take part in the making of the decision by the board. 31

[s 29]

- (5) A contravention of this section does not invalidate any decision of the board. 1
2
- (6) However, if the board becomes aware a member contravened this section, the board must reconsider any decision made by the board in which the member took part in contravention of this section. 3
4
5
6
- (7) A member may have regard to, or may act in, the interests of the entity that nominated the member for section 14. 7
8
- (8) However, a member may not act in a way that is contrary to the interests of the corporation. 9
10
- (9) A reference to an interest or to a conflict of interest is a reference to a matter within its ordinary meaning under the general law, and, in relation to an interest, the definition in the *Acts Interpretation Act 1954*, section 36 does not apply. 11
12
13
14

Division 4 Immunity from proceeding 15

29 Protection from liability 16

- (1) A member does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act. 17
18
19
- (2) If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the corporation. 20
21

Division 5 Committees 22

30 Establishment 23

- (1) The board may establish committees to assist it in performing its functions. 24
25
- (2) The board may decide on the membership and functions of a committee established under subsection (1). 26
27

(3)	Unless the board decides otherwise, a committee established under subsection (1) may conduct its proceedings, including its meetings, as it considers appropriate.	1 2 3
Division 6	Staff of the corporation	4
Subdivision 1	Chief executive officer	5
31	Chief executive officer	6
	The Governor in Council may appoint a chief executive officer for the corporation who is nominated by the Minister and approved by ACGA.	7 8 9
32	Restriction on appointment	10
	A member of the board must not be appointed as chief executive officer.	11 12
33	Chief executive officer employed under this Act	13
	The chief executive officer is employed under this Act and not under the <i>Public Service Act 2008</i> .	14 15
34	Duration of office	16
(1)	Subject to this subdivision, the chief executive officer holds office for the period stated in the officer's instrument of appointment.	17 18 19
(2)	The period of office can be a period ending no later than the dissolution day.	20 21
35	Functions	22
	The functions of the chief executive officer are to ensure—	23

[s 36]

(a)	the corporation is managed as required by the priorities of the board; and	1 2
(b)	the efficient and effective administration and operation of the corporation.	3 4
36	Terms and conditions of appointment	5
(1)	The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.	6 7
(2)	The chief executive officer holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.	8 9 10
37	Vacancy in office	11
(1)	The office of the chief executive officer becomes vacant if the chief executive officer—	12 13
(a)	completes a term of office; or	14
(b)	resigns office by signed notice given to the Minister; or	15
(c)	is removed from office by the Governor in Council under subsection (2); or	16 17
(d)	is convicted of an indictable offence; or	18
(e)	is a person who is an insolvent under administration under the Corporations Act, section 9.	19 20
(2)	The Governor in Council may at any time remove the chief executive officer from office for any reason or none.	21 22
Subdivision 2	Other staff members	23
38	Employment	24
(1)	The corporation may employ other staff it considers appropriate to perform its functions.	25 26

(2)	The other staff are to be employed under this Act and not the <i>Public Service Act 2008</i> .	1 2
Division 7	Budget and funding agreement	3
39	Minister to approve budget	4
(1)	The corporation must, for each financial year, develop, adopt and submit to the Minister a budget by the day the Minister directs.	5 6 7
(2)	A budget has no effect until approved by the Minister.	8
(3)	During a financial year, the corporation may develop, adopt and submit to the Minister amendments to its approved budget for the financial year.	9 10 11
(4)	An amendment has no effect until approved by the Minister.	12
(5)	The Minister's approval under this section may only be given with the consent of the Minister administering the <i>Financial Accountability Act 2009</i> .	13 14 15
(6)	A budget, or amendment of a budget, that has not received the approval of the Minister under this section must not be made available to the public.	16 17 18
40	Corporation to enter into funding agreement	19
(1)	The corporation must, for each financial year, enter into an agreement (the <i>funding agreement</i>) with the department.	20 21
(2)	The funding agreement for a financial year must provide for the way funding for the financial year is to be expended.	22 23
41	Corporation to act in accordance with budget and funding agreement	24 25
	The corporation must, for a financial year, act in accordance with—	26 27

[s 48]

- | | | |
|------|---|--------|
| (i) | any contract, lease or other instrument to which the corporation is a party; or | 1
2 |
| (ii) | any current legal proceeding to which the corporation is a party. | 3
4 |

Part 6 **Miscellaneous** 5

48 **Regulation-making power** 6

	The Governor in Council may make regulations under this Act.	7 8
--	--	--------

Schedule	Dictionary	1
	section 5	2
	<i>ACGA</i> means Australian Commonwealth Games Association Inc. A01596.	3 4
	<i>board</i> means the board of the corporation.	5
	<i>chief executive officer</i> means the chief executive officer of the corporation.	6 7
	<i>closing ceremony</i> means the last day of the official sports program for the Commonwealth Games.	8 9
	<i>Commonwealth Games</i> means the XXI Commonwealth Games to be held at the Gold Coast in 2018.	10 11
	<i>corporation</i> means Gold Coast 2018 Commonwealth Games Corporation.	12 13
	<i>dissolution day</i> means the dissolution day under section 46.	14
	<i>funding agreement</i> see section 40.	15
	<i>member</i> means a member of the board appointed under section 14(3).	16 17