THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

Legislative Assembly Chamber,
Brisbane, June 2025

Queensland

No.
A BILL for

An Act to amend the Brisbane Olympic and Paralympic Games Arrangements Act 2021, the City of Brisbane Act 2010, the Economic Development Act 2012, the Local Government Act 2009, the Planning Act 2016, the Planning and Environment Court Act 2016, the Queensland Building and Construction Commission Act 1991, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the legislation mentioned in schedule 1 for particular purposes

Queensland

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

Contents

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The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025*.

2 Commencement

The following provisions commence on a day to be fixed by proclamation—

(a) chapter 2;

(b) chapter 4, part 3;

(c) chapter 5;

(d) schedule 1.

Chapter 2 Social impact and community benefit amendments

Part 1 Amendment of City of Brisbane Act 2010

3 Act amended

This part amends the *City of Brisbane Act 2010*.

4 Amendment of s 99 (Cost-recovery fees)

(1) Section 99(2)—

insert—

(da) doing an activity mentioned in the Planning Act, section 106ZM(1); or

(2) Section 99(3), 'subsection (2)(d) or (e)'—

omit, insert—

subsection (2)(d), (da) or (e)

(3) Section 99(3)(a), 'person'—

omit, insert—

entity

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

(1) Section 100(3)—

insert—

(ca) for a cost-recovery fee under section 99(2)(da)—the activity, mentioned in the Planning Act, section 106ZM(1), to which the fee relates; or

(2) Section 100(3)(ca) and (d)—

renumber as section 100(3)(d) and (e).

Part 2 Amendment of Local Government Act 2009

6 Act amended

This part amends the *Local Government Act 2009*.

7 Amendment of s 97 (Cost-recovery fees)

(1) Section 97(2)—

insert—

(da) doing an activity mentioned in the Planning Act, section 106ZM(1); or

(2) Section 97(3), 'subsection (2)(d) or (e)'—

omit, insert—

subsection (2)(d), (da) or (e)

(3) Section 97(3)(a), 'person'—

omit, insert—

entity

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

(1) Section 98(3)—

insert—

(ca) for a cost-recovery fee under section 97(2)(da)—the activity, mentioned in the Planning Act, section 106ZM(1), to which the fee relates; or

(2) Section 98(3)(ca) and (d)—

renumber as section 98(3)(d) and (e).

Part 3 Amendment of Planning Act 2016

9 Act amended

This part amends the *Planning Act 2016*.

Note—

See also the amendments in schedule 1.

10 Amendment of s 51 (Making development applications)

(1) Section 51—

insert—

(3A) If a development application is for development requiring social impact assessment, the application must be accompanied by—

(a) a social impact assessment report for the application that complies with section 106W(1), or a notice given by the chief executive under section 106ZE(1)(a) stating that a social impact assessment report is not required for the application; and

(b) each community benefit agreement for the application required under section 106Z(1) or entered into under section 106Z(2), or a notice given by the chief executive under section 106ZE(1)(b) stating that a community benefit agreement is not required for the application.

(2) Section 51(4)(a), 'subsections (1) to (3)'—

omit, insert—

subsections (1) to (4)

(3) Section 51(4)(b), 'subsections (2) and (3)'—

omit, insert—

subsections (2) to (4)

(4) Section 51(5)—

omit, insert—

(5) A development application that complies with

subsections (1) to (4), or that the assessment manager accepts under subsection (5)(c) or (d), is a ***properly made application***.

(5) Section 51(3A) to (5)—

renumber as section 51(4) to (6).

11 Insertion of new s 52A

After section 52—

insert—

52A Changes relating to development requiring social impact assessment

(1) This section applies if—

(a) an applicant changes a development application by notice given to the assessment manager under section 52 (a ***change notice***); and

(b) the change relates to development requiring social impact assessment; and

(c) the change is not a minor change.

Note—

For changes to a social impact assessment report or community benefit agreement for a development application before the application is decided, see also sections 106X and 106ZA.

(2) If there is a social impact assessment report for the development application, the change notice must be accompanied by an amended social impact assessment report reflecting the changes to the application.

(3) If there is no social impact assessment report for the development application, the change notice must be accompanied by—

(a) a social impact assessment report for the application as changed that complies with section 106W(1); or

(b) a notice given by the chief executive under section 106ZE(1)(a) stating that a social impact assessment report is not required for the application as changed.

(4) If there is a community benefit agreement for the development application, the change notice must be accompanied by—

(a) a notice signed by the parties to the community benefit agreement stating that the parties have agreed to amend the community benefit agreement in light of the changes to the application, and a copy of the amended community benefit agreement; or

(b) a notice signed by the parties to the community benefit agreement stating that the parties have agreed not to amend the community benefit agreement in light of the changes to the application.

(5) If there is no community benefit agreement for the development application, the change notice must be accompanied by—

(a) each community benefit agreement for the application as changed required under section 106Z(1) or entered into under section 106Z(2); or

(b) a notice given by the chief executive under section 106ZE(1)(b) stating that a community benefit agreement is not required for the application as changed.

12 Amendment of s 63 (Notice of decision)

Section 63(2)(e)(ii), after 'referral agency's response'—

insert—

or a direction under section 95(1) or 106ZF(2)

13 Amendment of s 64 (Deemed approval of applications)

(1) Section 64(8)—

insert—

(ba) any conditions that the chief executive directed the assessment manager to impose under section 106ZF(2); and

(2) Section 64(8)(ba) and (c)—

renumber as section 64(8)(c) and (d).

(3) Section 64(9) and (10), 'subsection (8)(c)'—

omit, insert—

subsection (8)(d)

14 Amendment of s 65 (Permitted development conditions)

(1) Section 65, heading, 'conditions'—

omit, insert—

conditions—generally

(2) Section 65(2), 'development condition may'—

omit, insert—

development condition imposed on a development approval may

15 Insertion of new s 65AA

After section 65—

insert—

65AA Other permitted development conditions—development requiring social impact assessment

(1) This section applies in relation to a development approval for development requiring social impact assessment.

(2) A development condition imposed on the development approval may—

(a) require compliance with a community benefit agreement for the application for the approval, but only to the extent the responsibilities under the agreement attach to, and bind the owner of, premises under section 155(3), as applied by section 106Z(4); or

(b) relate to the management, mitigation or counterbalancing of a social impact of the development; or

(c) relate to the monitoring of a social impact of the development.

(3) Without limiting subsection (2)(b), a development condition imposed on the development approval may, in relation to a social impact of the development, require the provision of, or a contribution towards, infrastructure or another thing for a community in the locality of the development.

(4) However, a development condition may be imposed on the development approval under subsection (2)(b) or (3) only if—

(a) there is no community benefit agreement for the application for the approval; or

(b) the social impact of the development has materially changed since the social impact assessment report for the application for the approval was prepared or last changed.

(5) Section 65(1) does not apply in relation to a development condition imposed on the development approval under this section.

(6) However, a development condition imposed under this section, other than subsection (2)(a), must not be an unreasonable imposition on the development or the use of the premises as a consequence of the development.

(7) If a development condition requires the provision of infrastructure or another thing under subsection (3), the condition is taken to be complied with if—

(a) the entity that imposed the condition agrees in writing that a stated contribution towards the infrastructure or thing may be provided instead of the infrastructure or thing; and

(b) the contribution is provided in accordance with the agreement.

16 Amendment of s 66 (Prohibited development conditions)

Section 66(1)(c), after 'other than under'—

insert—

section 65AA(3) or

17 Amendment of s 75 (Making change representations)

(1) Section 75(1)(a)(ii), from 'made'—

omit, insert—

given by the Minister under part 6, division 2; or

(2) Section 75(1)(a)—

insert—

(iii) a development condition imposed under a direction given by the chief executive under section 106ZF(2); or

(3) Section 75(1)(b), 'section 64(8)(c)'—

omit, insert—

section 64(8)(d)

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

(1) Section 78A(4)—

omit, insert—

(4) Further, the chief executive is the responsible entity for the change application instead of the person under subsection (1) if—

(a) the change application is for a change to a development approval given or changed by the chief executive under part 6A; or

(b) the change application is for a change to a development condition that the chief executive directed be imposed under section 106ZF(2) and the P&E Court is not the responsible entity for the change application.

(2) Section 78A(7), 'subsection (4)'—

omit, insert—

subsection (4)(a)

19 Amendment of s 79 (Requirements for change applications)

(1) Section 79—

insert—

(1B) If a change application, other than a change application for a minor change to a development approval, relates to development requiring social impact assessment, the application must be accompanied by—

(a) a social impact assessment report for the application that complies with section 106W(1), or a notice given by the chief executive under section 106ZE(1)(a) stating that a social impact assessment report is not required for the application; and

(b) each community benefit agreement for the application required under section 106Z(1) or entered into under section 106Z(2), or a notice given by the chief executive under section 106ZE(1)(b) stating that a community benefit agreement is not required for the application.

(2) Section 79(2)(a), 'subsections (1) and (1A)'—

omit, insert—

subsections (1) to (3)

(3) Section 79(2)(b), 'subsection (1A)'—

omit, insert—

subsections (2) and (3)

(4) Section 79(1A) to (2)—

renumber as section 79(2) to (4).

20 Amendment of s 99 (Directions to referral agency)

Section 99(1)(a)(i), 'section 65 or 66'—

omit, insert—

section 65, 65AA or 66

21 Insertion of new ch 3, pt 6B

Chapter 3—

insert—

Part 6B Development requiring social impact assessment

Division 1 Preliminary

106R Definition for part

In this part—

social impact, in relation to development requiring social impact assessment, means the potential impact of the development on the social environment of a community in the locality of the development, including the potential impact of the development on—

(a) the physical or mental wellbeing of members of the community; and

(b) the livelihood of members of the community; and

(c) the values of the community; and

(d) the provision of services to the community, including, for example, education services, emergency services or health services.

106S References to impact

In this part, a reference to an impact in relation to development includes—

(a) a positive or negative impact of the development; and

(b) a direct or indirect impact of the development; and

(c) a cumulative impact of the development and other uses.

Division 2 Regulation about development requiring social impact assessment

106T Making regulation about development requiring social impact assessment

(1) A regulation may prescribe development that is a material change of use of premises to be development for which social impact assessment is required.

(2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) only if the Minister is satisfied the development has the potential to impact on the social environment of a community in the locality of the development.

106U Regulation about pre-existing applications

(1) This section applies in relation to a development application or change application (each a ***pre-existing application***) if, after the application is made but before it is decided, development the subject of the application is prescribed by regulation to be development for which social impact assessment is required under section 106T.

(2) The regulation may provide for the effect of the making of the regulation on the process for administering the pre-existing application.

(3) Without limiting subsection (2), the regulation may provide that—

(a) the process for administering the pre-existing application continues as if the regulation had not been made; or

(b) on the day the regulation commences—

(i) if the pre-existing application is a development application that is a properly made application—the application is taken not to be a properly made application, and is taken not to have been accepted, under section 51; or

(ii) if the pre-existing application is a change application that has been accepted under section 79(4)—the application is taken not to have been accepted under the section; or

(c) the process for administering the pre-existing application stops on the day the regulation commences; or

(d) the process for administering the pre-existing application restarts on a day, or on the happening of an event, stated in—

(i) the regulation; or

(ii) a notice given to the applicant by the Minister; or

Example of an event for paragraph (d)—

the applicant gives the assessment manager or responsible entity for the pre-existing application a social impact assessment report and a community benefit agreement for the application

(e) the process for administering the pre-existing application restarts from a point in the process stated in—

(i) the regulation; or

(ii) a notice given to the applicant by the Minister.

(4) Also, the regulation may—

(a) modify a period stated in this chapter for assessing and deciding the pre-existing application; or

(b) provide that the pre-existing application lapses after a stated period.

(5) This section does not apply in relation to a change application for a minor change to a development approval.

Division 3 Social impact assessment reports

106V Meaning of *social impact assessment report*

A ***social impact assessment report*** is a report about the social impact of development requiring social impact assessment the subject of a development application or change application.

106W Requirements for social impact assessment reports

(1) For sections 51(4)(a), 52A(3)(a) and 79(3)(a), the social impact assessment report for a development application or change application must—

(a) identify, analyse and assess the social impact of the development requiring social impact assessment the subject of the application; and

(b) comply with the requirements prescribed by regulation, including, for example, requirements about—

(i) assessing the social impact of the development requiring social impact assessment; and

(ii) consulting with the public in preparing the social impact assessment report.

(2) The chief executive may make a guideline about preparing a social impact assessment report.

(3) If the chief executive makes a guideline under subsection (2), the guideline must be published on the department's website.

106X Changes to social impact assessment reports

(1) To remove any doubt, it is declared that the

applicant for a development application or change application may, at any time before the application is decided—

(a) change a social impact assessment report for the application; and

(b) give a copy of the social impact assessment report as changed to the assessment manager or responsible entity for the application.

(2) A change to a social impact assessment report for a development application or change application is not a change to the application.

Note—

See also section 52.

Division 4 Community benefit agreements

106Y Meaning of *community benefit agreement*

(1) A ***community benefit agreement*** is an agreement, entered into under this division, about providing a benefit to a community in the locality of development requiring social impact assessment the subject of a development application or change application, including, for example—

(a) providing or contributing towards infrastructure or another thing for the community; or

Examples of infrastructure and other things for the community—

- a sports facility or library for the community

- a training program to upskill members of the community

(b) making a financial contribution to the community.

Example for paragraph (b)—

giving a donation to a fund established for the benefit of the community

(2) To remove any doubt, it is declared that a community benefit agreement is not an infrastructure agreement even if it relates to providing or funding infrastructure.

106Z Entering into community benefit agreements

(1) For sections 51(4)(b), 52A(5)(a) and 79(3)(b), a community benefit agreement for a development application or change application must be entered into with—

(a) the local government for the local government area in which the premises the subject of the application are located; and

(b) if a social impact assessment report for the application identifies a social impact for a community in another local government area—the local government for the other local government area.

(2) An entity may also enter into a community benefit agreement with a public sector entity prescribed by regulation, other than a local government mentioned in subsection (1), in relation to a social impact of development requiring social impact assessment the subject of a development application or change application.

(3) If a public sector entity, other than a local government, is a party to a community benefit

agreement under subsection (2), the public sector entity must give a copy of the agreement to the local government for the local government area to which the agreement relates.

(4) The following provisions apply in relation to a community benefit agreement as if a reference in the provision to an infrastructure agreement were a reference to the community benefit agreement—

(a) section 151;

(b) section 152, other than section 152(1)(c);

(c) section 155;

(d) section 156.

(5) A community benefit agreement must include the matters prescribed by regulation.

106ZA Amending community benefit agreements

(1) To remove any doubt, it is declared that, at any time before a development application or change application is decided—

(a) the parties to a community benefit agreement for the application may agree to amend the community benefit agreement; and

(b) the applicant may give a copy of the amended community benefit agreement to the assessment manager or responsible entity for the application.

(2) An amendment of a community benefit agreement for a development application or change application is not a change to the application.

Note—

See also section 52.

106ZB Referral to mediation

(1) This section applies if—

(a) a local government and another entity have agreed to enter into negotiations for a community benefit agreement but have not yet entered into a community benefit agreement; or

(b) a local government and another entity have agreed to enter into negotiations about changes to a community benefit agreement but have not yet agreed on changes.

(2) The chief executive may, on request by the local government and the other entity, refer the local government and the entity to mediation to seek to achieve an agreement between them.

(3) If the chief executive makes a referral under subsection (2), the chief executive must give the local government and the other entity a notice stating—

(a) the name of the person who is to conduct the mediation (the ***mediator***); and

(b) any other information prescribed by regulation.

(4) The mediator must—

(a) be independent of the local government and the other entity; and

(b) have qualifications, experience or skills relevant to conducting the mediation.

(5) In performing the mediator's functions under the

referral, the mediator has the same privileges, protection or immunity as a District Court judge performing a judicial function.

(6) The mediator must not disclose to anyone information acquired by the mediator during the mediation, other than under subsection (7).

Maximum penalty—50 penalty units.

(7) The mediator may disclose the information—

(a) with the agreement of the person to whom the information relates or someone else authorised by the person; or

(b) to the chief executive under section 106ZC(5); or

(c) for the purpose of giving effect to this section or section 106ZC; or

(d) for statistical purposes not likely to reveal the identity of a person to whom the information relates; or

(e) for an inquiry or proceeding about an offence happening during the mediation; or

(f) for a proceeding founded on fraud alleged to be connected with, or to have happened during, the mediation; or

(g) if the disclosure is authorised under an Act or another law.

106ZC Mediation process

(1) This section applies if the chief executive refers a local government and another entity to mediation under section 106ZB.

(2) Participation in the mediation is voluntary.

(3) The local government or the other entity may withdraw from the mediation at any time.

(4) The mediation ends on the earliest of the following days—

(a) if the local government or the other entity withdraws from the mediation—the day the local government or entity withdraws;

(b) if the local government and the other entity agree the mediation has ended—the day the local government and the entity agree the mediation has ended;

(c) if the local government and the other entity sign an agreement agreeing to a resolution—the day the agreement is signed.

(5) As soon as practicable after the mediation ends, the mediator must give the chief executive a certificate about the mediation in the approved form.

(5A) A regulation may prescribe matters for this section, including processes and procedures for the mediation.

(6) In this section—

mediator means the person named as the person who is to conduct the mediation in the notice given to the local government and the other entity under section 106ZB(3).

106ZD When community benefit agreements apply instead of particular instruments

(1) To the extent of any inconsistency, a community benefit agreement entered into under section 106Z(2) applies instead of a community benefit agreement entered into under section 106Z(1).

(2) To the extent of any inconsistency, a community benefit agreement that relates to a development approval for development requiring social impact assessment applies instead of—

(a) an infrastructure agreement that relates to the development approval; or

(b) the development approval; or

(c) an infrastructure charges notice that relates to the development approval.

(3) However, subsection (2)(b) does not apply if—

(a) the development approval was given or changed by the chief executive as the assessment manager or responsible entity for the application for the approval; and

(b) the chief executive imposed a condition on the development approval under section 65AA(3).

Division 5 Notices and directions by chief executive

106ZE Notices given by chief executive

(1) The chief executive may give a notice to the applicant for a development application or change application stating that—

(a) a social impact assessment report is not required for the application; or

(b) a community benefit agreement is not required for the application.

(2) However, the chief executive may give the notice only if satisfied—

(a) for a notice under subsection (1)(a)—it is appropriate in the circumstances for the development application or change application to be made without a social impact assessment report; or

(b) for a notice under subsection (1)(b)—it is appropriate in the circumstances for the development application or change application to be made without a community benefit agreement.

(3) Without limiting subsection (2), the chief executive may give a notice under subsection (1)(b) if a social impact assessment report for the development application or change application states that the development requiring social impact assessment the subject of the application—

(a) will not have a social impact; or

(b) will have a minor social impact only.

(4) A regulation may prescribe matters for this section, including procedures for the giving of a notice under subsection (1).

106ZF Directions given by chief executive

(1) This section applies if—

(a) the chief executive gives the applicant for a development application or change application a notice under section 106ZE(1); and

(b) the chief executive is not the assessment manager for the development application or the responsible entity for the change application.

(2) The notice may direct the assessment manager for the development application or the responsible entity for the change application to impose a stated community benefit condition on any development approval given for the application.

(3) If the notice includes a direction under subsection (2)—

(a) the notice must state the reasons for giving the direction; and

(b) the chief executive must give a copy of the notice to the assessment manager for the development application or the responsible entity for the change application; and

(c) the assessment manager or responsible entity must comply with the direction.

(4) Subsection (5) applies if—

(a) the chief executive gives a direction under subsection (2) in relation to the development application or change application (the ***earlier direction***); and

(b) after the direction is given, the applicant changes the development application or change application.

(5) If the chief executive gives a direction under subsection (2) in relation to the development application, or change application, as changed, the earlier direction stops having effect.

(6) In this section—

community benefit condition means a condition mentioned in section 65AA(2)(b) or (c) or (3).

106ZG Nominating enforcement authority

If, in accordance with a direction under section 106ZF(2), a condition is imposed on a development approval—

(a) the chief executive may, by notice given to a person, nominate the person to be an enforcement authority in relation to the condition; and

(b) the nominated person is an enforcement authority in relation to the condition.

106ZH Reports about directions

(1) If the chief executive gives a direction under section 106ZF(2), the chief executive must prepare a report that—

(a) explains the nature of the direction and the matters the chief executive considered in making the direction; and

(b) includes a copy of the direction.

(2) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after the day the direction is given.

Division 6 Deciding particular applications and appeal rights

106ZI Deciding particular applications relating to development requiring social impact assessment

(1) This section applies in relation to the following

applications (each a ***relevant application***)—

(a) a development application for development requiring social impact assessment;

(b) a change application relating to development requiring social impact assessment;

(c) change representations about a development approval for development requiring social impact assessment;

(d) an extension application for a development approval for development requiring social impact assessment.

(2) The following matters are not grounds for refusing the relevant application or a part of the relevant application, or directing the assessment manager or responsible entity to refuse the relevant application or a part of the relevant application—

(a) there is no community benefit agreement for the relevant application or for an application for the development approval the subject of the relevant application;

(b) the community benefit agreement for the relevant application, or for an application for the development approval the subject of the relevant application, does not adequately manage, mitigate or counterbalance the social impacts of the development requiring social impact assessment.

(3) This section does not apply in relation to a relevant application that is called in by the Minister under part 6, division 3.

106ZJ Limitations on appeal rights

Despite section 229 and schedule 1, a person other than the applicant may not appeal against—

(a) a condition of a development approval imposed under section 65AA(2) or (3); or

(b) a condition of a development approval imposed under a direction of the chief executive under section 106ZF(2); or

(c) a failure to impose a condition on a development approval under section 65AA(2) or (3).

Division 7 Miscellaneous

106ZK Development applications and change applications accompanied by particular documents

(1) This section applies if—

(a) a person makes a development application for, or a change application relating to, development requiring social impact assessment (each a ***relevant application***); and

(b) the relevant application is accompanied by a relevant assessment document.

(2) The relevant application is taken to comply with—

(a) for a development application—section 51(4)(a); or

(b) for a change application—section 79(3)(a).

(3) Section 106W does not apply in relation to the

relevant assessment document.

(4) This Act, other than sections 51(4)(a), 79(3)(a) and 106W, applies in relation to the relevant application as if the relevant assessment document were a social impact assessment report for the application.

(5) In this section—

Coordinator-General's report see the State Development Act, schedule 2.

relevant assessment document means—

(a) a social impact assessment under the *Strong and Sustainable Resource Communities Act 2017* for a large resource project under that Act if the project involves the development requiring social impact assessment the subject of the relevant application; or

(b) an EIS or IAR under the State Development Act for a coordinated project under that Act if—

(i) the EIS or IAR contains an assessment of the effect of the coordinated project on the social environment of a community in the locality of the project; and

(ii) the EIS or IAR has been accepted by the Coordinator-General as the final EIS or IAR for the coordinated project under the State Development Act, section 34A or 34I; and

(iii) the Coordinator-General's report for the EIS or IAR has not lapsed under the State Development Act, section 35A; and

(iv) the coordinated project involves the development requiring social impact assessment the subject of the relevant application.

106ZL Use of particular amounts

(1) This section applies in relation to a financial contribution made to a local government under—

(a) a community benefit agreement; or

(b) a development condition imposed under section 65AA(3); or

(c) a development condition imposed under a direction of the chief executive under section 106ZF(2); or

(d) an agreement mentioned in section 65AA(7).

(2) If the financial contribution is made for a particular thing, the financial contribution must be used for that purpose.

(3) To remove any doubt, it is declared that the amount paid need not be held in trust by the local government.

106ZM Fees for particular matters

(1) A local government may charge an entity a fee in relation to each of the following—

(a) carrying out an activity, in relation to the preparation of a social impact assessment report by the entity, in accordance with a guideline made by the chief executive under section 106W(2);

Examples of activities for paragraph (a)—

- consulting with the entity about the process for assessing the social impact of development and the terms of reference for the assessment
- consulting with the entity, community members and other stakeholders as part of the process for assessing the social impact of development
- reviewing a draft social impact assessment report prepared by the entity and consulting with the entity about the social impacts and mitigation measures identified in the draft report

(b) considering a social impact assessment report given to the local government by the entity for the purpose of negotiating a community benefit agreement;

(c) negotiating a community benefit agreement with the entity, including participating in a mediation process in relation to the agreement.

Note—

See also the *City of Brisbane Act 2010*, section 99 and the *Local Government Act 2009*, section 97.

(2) If an entity is charged a fee under subsection (1), the fee is payable whether or not the entity prepares a social impact assessment report or enters into a community benefit agreement with the local government.

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

Section 156, after 'a public sector entity'—

insert—

or the chief executive

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

Section 157(3)(a)—

omit, insert—

(a) the infrastructure agreement relates to—

(i) a development approval given or changed by the chief executive under chapter 3, part 6A; or

(ii) a development approval for development requiring social impact assessment given or changed by the chief executive as the assessment manager or responsible entity for the application for the approval; or

(iii) a development approval that is subject to a condition imposed under a direction of the chief executive under section 106ZF(2); and

24 Insertion of new s 160A

After section 160—

insert—

160A Who is an *enforcement authority*

(1) For this chapter, an ***enforcement authority*** is—

(a) for assessable development the subject of a development approval other than a development approval mentioned in paragraph (b)—any of the following persons—

(i) the prescribed assessment manager or the chosen assessment manager for the development application;

(ii) a referral agency;

(iii) if the chief executive is the prescribed assessment manager for the development application or a referral agency—a person the chief executive nominates to be an enforcement authority under subsection (2);

(iv) if a private certifier (class A) performed private certifying functions for the application for the approval under the Building Act—the certifier or the local government; or

Note—

For the enforcement authority for development under a development approval that was a PDA development approval, see the *Economic Development Act 2012*, section 51AI.

(b) for assessable development the subject of a development approval given or changed under a call in provision or by the chief executive under chapter 3, part 6A—a person the chief executive nominates to be an enforcement authority under subsection (2); or

(c) for assessable development that is not the subject of a development approval—a person who would be an enforcement authority under paragraph (a) if a development approval was given for the development; or

(d) for building work or plumbing work carried out by or for a public sector entity—the

chief executive, however described, of the entity; or

(e) for any other matter—the local government.

Note—

See also section 106ZG.

(2) The chief executive may, by notice given to a person, nominate the person to be an enforcement authority.

(3) The notice under subsection (2) may state that the person is an enforcement authority in relation to a particular matter only.

Example—

The notice may state that the person is an enforcement authority in relation to—

(a) a particular development approval only or a particular class of development approvals only; or

(b) a particular condition of a development approval only.

(4) Despite subsection (1)—

(a) a referral agency is an enforcement authority for assessable development in relation to matters within the agency's functions for a development application for the development only; and

(b) if a notice under subsection (2) states that a person is an enforcement authority in relation to a particular matter only—the person is an enforcement authority in relation to the particular matter only.

(5) In this section—

private certifier (class A) means a private certifier whose licence under the Building Act has development approval endorsement under that

Act.

25 Amendment of s 182 (Appointment and qualifications)

Section 182(1)—

omit, insert—

(1) The chief executive may, by instrument in writing, appoint any of the following persons as an inspector—

(a) an officer of a public sector entity;

(b) another person prescribed by regulation.

26 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *enforcement authority*—

omit.

(2) Schedule 2—

insert—

community benefit agreement see section 106Y(1).

development requiring social impact assessment means development prescribed to be development for which social impact assessment is required under section 106T(1).

enforcement authority see section 160A(1).

social impact, in relation to development requiring social impact assessment, see section 106R.

social impact assessment report see section 106V.

(3) Schedule 2, definition *development condition*, paragraph (b), 'section 56 or 95(1)(d)'—

omit, insert—

section 56(1)(b)(i), 95(1)(d)(i) or 106ZF(2)

(4) Schedule 2, definition *excluded application*, paragraph (c)(ii), 'section 78A(4)'—

omit, insert—

section 78A(4)(a)

(5) Schedule 2, definition *properly made application*, 'section 51(5)'—

omit, insert—

section 51(6)

(6) Schedule 2, definition *standard conditions*, 'section 64(8)(c)'—

omit, insert—

section 64(8)(d)

Part 4 Amendment of Planning and Environment Court Act 2016

27 Act amended

This part amends the *Planning and Environment Court Act 2016*.

Note—

See also the amendments in schedule 1.

28 Amendment of s 11 (General declaratory jurisdiction)

(1) Section 11(2) and (3)—

omit, insert—

(2) However—

(a) a declaratory proceeding for a matter under the Planning Act, chapter 3, part 6, division 3 or part 6A may be started only under section 12; and

(b) a declaratory proceeding for a matter stated in section 12A may be started only under that section.

(3) Also, a person may not start a declaratory proceeding for a matter under—

(a) the Planning Act, chapter 3, part 6, division 2; or

(b) the Planning Act, section 106ZE or 106ZF.

(2) Section 11(5)(a), 'under the Planning Act'—

omit.

(3) Section 11(5)(a), 'section 106D of that Act'—

omit, insert—

the Planning Act, section 106D

(4) Section 11(6), 'subsection (2)'—

omit, insert—

subsection (2)(a)

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

Section 12, heading, 'Planning Act'—

omit, insert—

Planning Act, ch 3, pts 6 and 6A

30 Insertion of new s 12A

After section 12—

insert—

12A Declaratory jurisdiction for other particular matters under Planning Act

(1) A person may 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 for a development application or change application if the person is—

(a) the applicant; or

(b) if a development approval has been given for the application—the holder of the approval; or

(c) the assessment manager or responsible entity for the application.

(2) A person may 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 community benefit agreement if—

(a) the person is a party to the community benefit agreement; or

(b) the proceeding relates to the enforcement of a condition of a development approval for development requiring social impact assessment that requires compliance with the community benefit agreement.

(3) A person may start a proceeding in the P&E Court for a declaration about the imposition of, or a failure to impose, a condition on a development approval for development requiring social impact assessment under the Planning Act, section

65AA(2) or (3) if the person is—

(a) the applicant for or holder of the development approval; or

(b) the assessment manager or responsible entity for the application for the development approval.

(4) Subsection (3) applies subject to section 11(3)(b).

(5) A proceeding started under this section is a ***declaratory proceeding***.

(6) In this section—

community benefit agreement see the Planning Act, section 106Y(1).

development requiring social impact assessment see the Planning Act, schedule 2.

responsible entity, for a change application, see the Planning Act, section 78A.

social impact assessment report see the Planning Act, section 106V.

31 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *declaratory proceeding*—

omit.

(2) Schedule 1—

insert—

change application means a change application under the Planning Act.

declaratory proceeding see sections 11(1), 12(3) and 12A(5).

Chapter 3 Economic development amendments

32 Act amended

This chapter amends the *Economic Development Act 2012*.

33 Amendment of s 32Q (Appointment)

(1) Section 32Q, heading, after 'Appointment'—

insert—

and removal

(2) Section 32Q—

insert—

(4) The Governor in Council may, at any time, remove the CEO from office.

34 Omission of s 32V (Removal by Governor in Council)

Section 32V—

omit.

35 Amendment of s 32W (Vacancy in office)

Section 32W(d)—

omit, insert—

(d) is removed from office.

36 Amendment of s 32ZD (Acting CEO)

(1) Section 32ZD, heading, after 'CEO'—

insert—

—appointment and removal

(2) Section 32ZD—

insert—

(3) The Governor in Council may, at any time, remove the acting CEO from office.

37 Amendment of s 32ZK (Appointment)

(1) Section 32ZK, heading, after 'Appointment'—

insert—

and removal

(2) Section 32ZK—

insert—

(5) The Governor in Council may, at any time, remove the executive officer from office.

38 Omission of s 32ZP (Removal by Governor in Council)

Section 32ZP—

omit.

39 Amendment of s 32ZQ (Vacancy in office)

Section 32ZQ(d)—

omit, insert—

(d) is removed from office.

40 Amendment of s 32ZW (Acting executive officer)

(1) Section 32ZW, heading, after 'officer'—

insert—

—appointment and removal

(2) Section 32ZW—

insert—

(3) The Governor in Council may, at any time, remove the acting executive officer from office.

41 Amendment of s 134 (Terms and conditions of appointment and vacancy in office)

(1) Section 134(6)—

omit, insert—

(6) The Governor in Council may, at any time, remove an appointed board member from office.

(2) Section 134(7), 'section 132(1)(d)'—

omit, insert—

section 132(1)(c)

42 Insertion of new s 139

After section 138—

insert—

139 Attendance by proxy—particular board members

(1) A board member mentioned in section 132(1)(a) or (b) may attend a meeting of the board by proxy.

(2) The proxy holder—

(a) may participate in the meeting, and vote, on the board member's behalf; and

(b) is to be counted for the purpose of deciding whether a quorum is present under section 138.

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

Section 160(1), 'section 132(1)(d)'—

omit, insert—

section 132(1)(c)

Chapter 4 Brisbane Olympic and Paralympic Games amendments

Part 1 Preliminary

44 Act amended

This chapter amends the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

Part 2 Amendments commencing on assent

45 Amendment of s 3 (Main purposes of Act)

(1) Section 3(b), from 'to ensure'—

omit, insert—

to deliver authority venues, and monitor the delivery of other venues, in time for the games; and

(2) Section 3—

insert—

(c) to facilitate the timely delivery of authority venues, other venues and villages for the games; and

(d) to maximise the legacy benefits from the games.

46 Amendment of s 5 (Definitions)

Section 5, 'schedule 1'—

omit, insert—

schedule 6

47 Replacement of s 5A (Venues and villages)

Section 5A—

omit, insert—

5A Authority venues

(1) A site or facility mentioned in schedule 1, column 1 is an ***authority venue*** for the Brisbane 2032 Olympic and Paralympic Games.

(2) The ***games-related use*** for each authority venue is the use stated for the venue in schedule 1, column 2.

(3) The ***legacy use*** for each authority venue is the use stated for the venue in schedule 1, column 3.

5B Other venues

(1) A site or facility mentioned in schedule 2, column 1 is an ***other venue*** for the Brisbane 2032 Olympic and Paralympic Games.

(2) The ***games-related use*** for each other venue is the use stated for the venue in schedule 2, column 2.

(3) The ***legacy use*** for each other venue is the use stated for the venue in schedule 2, column 3.

5C Villages

(1) A site or facility mentioned in schedule 3, column 1 is a ***village*** for the Brisbane 2032 Olympic and Paralympic Games.

(2) The ***games-related use*** for each village is the use stated for the village in schedule 3, column 2.

(3) The ***legacy use*** for each village is the use stated for the village in schedule 3, column 3.

5D Delivery of venues and villages

Delivery, of an authority venue, other venue or village, is both of the following—

(a) completing the detailed design and construction of the venue or village for its games-related use, including any temporary structures;

(b) ensuring the venue or village is fit for its games-related use.

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

Section 10(1)—

insert—

(f) have regard to decisions and advice of the leadership group mentioned in section 55A.

48A Amendment of s 21 (Conditions of appointment)

Section 21(3)—

omit.

49 Insertion of new s 36A

After section 36—

insert—

36A Attendance at meetings by Minister's nominee

(1) Each board meeting must be attended by a Minister's nominee.

(2) A person who attends a board meeting under subsection (1)—

(a) may observe the meeting; and

(b) may speak to the board only if invited to do so by the board; and

(c) is entitled to receive the same information a director is entitled to receive relating to the meeting or other business of the board.

(3) In this section—

Minister's nominee means—

(a) a public service employee who is nominated by the Minister for the purpose of attending board meetings; or

(b) another public service employee acting on behalf of the employee mentioned in paragraph (a).

49A Amendment of s 43 (No duty to disclose particular information acquired in particular capacities)

Section 43(1)(a)(i), after 'holder'—

insert—

or public servant

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

(1) Section 46, heading, 'particular'—

omit.

(2) Section 46(1)—

omit.

(3) Section 46(2), from 'Each' to 'committee'—

omit, insert—

Each meeting of a committee of the board

(4) Section 46(3), 'subsection (2)'—

omit, insert—

subsection (1)

(5) Section 46(2) to (4)—

renumber as section 46(1) to (3).

51 Amendment of s 53AB (Legal status)

Section 53AB(2)—

omit.

52 Insertion of new s 53ABA

After section 53AB—

insert—

53ABA Authority represents the State

(1) The authority represents the State.

(2) Without limiting subsection (1), the authority has the privileges and immunities of the State.

53 Amendment of s 53AD (Functions)

Section 53AD(1)—

omit, insert—

(1) The main functions of the authority are—

(a) to seek 1 or more allocations of funding from the Queensland Government for each authority venue; and

(b) 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

(c) to monitor the delivery of other venues; and

(d) to ensure compliance with the relevant games agreements to the extent they relate to the delivery of an authority venue.

54 Omission of s 53ADA (100-day review)

Section 53ADA—

omit.

55 Replacement of s 53AE (Requirements for performance of functions)

Section 53AE—

omit, insert—

53AE Requirements for performance of functions

In performing its functions, the authority must—

(a) have regard to—

(i) the financial resources of the authority, the corporation, the State and the Commonwealth that are available for

the Brisbane 2032 Olympic and Paralympic Games; and

(ii) the financial resources of local governments involved in hosting the games; and

(iii) the legacy outcomes in relation to the authority venues, including any legacy strategy documents published by the Queensland Government from time to time; and

(b) ensure compliance with requirements about the delivery of authority venues under the relevant games agreements; and

(c) co-operate with the corporation and the chief executive of the department in good faith; and

(d) have regard to decisions and advice of the leadership group mentioned in section 55A.

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

Chapter 3, part 3—

omit, insert—

Part 3 Provision of information and assistance to chief executive

53AI Authority to give chief executive information and assistance relating to delivery of venues

(1) The chief executive of the department may ask the

authority to give the chief executive stated information that—

(a) is held or controlled by the authority and is reasonably required by the chief executive; and

(b) relates to the delivery of an authority venue or other venue.

(2) Also, the chief executive may ask the authority to make arrangements for any of the following within a stated reasonable period—

(a) inspection by the chief executive of an authority venue to assess the progress made in delivering the authority venue;

(b) 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;

(c) attendance by the chief executive at each meeting held by the authority at which progress made in delivering authority venues or other venues is discussed.

(3) The authority must comply with a request under subsection (1) or (2).

(4) Subsection (3) applies despite section 57 or any other obligation of the authority under an Act or law about confidentiality of the stated information.

(5) The chief executive may delegate a function or power of the chief executive under this section to an appropriately qualified person.

(6) In this section—

information includes a document.

57 Omission of ch 3, pt 4 (Provisions facilitating development for venues and villages)

Chapter 3, part 4—

omit.

58 Amendment of s 53BF (Composition)

(1) Section 53BF(3) and (4)—

omit, insert—

(3) The Minister may nominate a person only if the person is appropriately qualified.

(2) Section 53BF—

insert—

(8) 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.

(3) Section 53BF(5) to (8)—

renumber as section 53BF(4) to (7).

59 Replacement of s 53BJ (Conditions of appointment)

Section 53BJ—

omit, insert—

53BJ Conditions of appointment

(1) A director who is an elected office holder or public servant is not entitled to be paid any remuneration or allowances.

(2) A director holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

60 Amendment of s 53BL (Vacancy in office)

Section 53BL(f)—

omit.

61 Insertion of new ch 3, pt 5, div 4, sdiv 3

Chapter 3, part 5, division 4—

insert—

Subdivision 3 Other provisions

53CAA No duty to disclose particular information acquired in particular capacities

(1) This section applies to a director who—

(a) is—

(i) an elected office holder or public servant; or

(ii) a member of the Australian Olympic Committee; or

(iii) a member of the International Olympic Committee; or

(iv) a member of the governing board of the International Paralympic Committee; and

(b) has acquired or has access to information that—

(i) is of a confidential nature; and

(ii) has been given to the director in confidence in the director's capacity as a person mentioned in paragraph (a)(i), (ii), (iii) or (iv); and

(iii) is relevant to a matter being considered, or about to be considered, by the board.

Examples of information in relation to which this section might apply—

- if the director is a Minister—documents related to Cabinet considerations or operations, or State or Commonwealth budgetary processes
- if the director is a councillor of a local government—documents related to the local government's budgetary processes
- if the director is a member of the International Olympic Committee—documents of a confidential nature related to that committee

(2) The director does not owe a duty to the authority to disclose the information.

53CAB Councillors' conflicts of interest

(1) This section applies in relation to a councillor who holds office as a director.

(2) The conflict of interest provisions do not apply in relation to the councillor's conflict of interest in a matter relating to the authority that arises solely because of the councillor holding office as a director.

(3) In this section—

conflict of interest provisions means—

(a) for a councillor of the Brisbane City Council—the *City of Brisbane Act 2010*, chapter 6, part 2, division 5A; or

(b) for another councillor—the *Local Government Act 2009*, chapter 5B.

62 Amendment of s 53CD (Appointment)

(1) Section 53CD(1)—

omit, insert—

(1) The Minister may, after consulting with the board, appoint a chief executive officer.

(1A) For subsection (1)—

(a) the board must give the Minister a list of recommended nominees identified by the board after conducting a recruitment process; and

(b) the person appointed by the Minister must be a nominee recommended by the board.

(2) Section 53CD—

insert—

(5) For the *Public Sector Act 2022*, section 12, the chief executive officer is not a public sector employee.

(3) Section 53CD(1A) to (5)—

renumber as section 53CD(2) to (6).

63 Amendment of s 53CE (Term)

(1) Section 53CE(2)—

omit.

(2) Section 53CE(3)—

renumber as section 53CE(2).

64 Amendment of s 53CF (Conditions of appointment)

Section 53CF(1) and (2), from ‘decided’ to ‘Minister’—

omit, insert—

decided by the Minister

65 Amendment of s 53CL (Particular entities to give information, documents or assistance to authority)

(1) Section 53CL(1)(e)—

omit, insert—

(e) a distributor-retailer;

(f) any other government entity within the meaning of section 53EB.

(2) Section 53CL—

insert—

(4) 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.

(5) The *Government Owned Corporations Act 1993*, section 117 does not limit the application of this section in relation to a government owned corporation.

66 Insertion of new ch 3A

After chapter 3—

insert—

Chapter 3A Provisions facilitating development etc. for the games

Part 1 Preliminary

53DA Purpose of chapter

The purpose of this chapter is—

(a) to facilitate—

(i) the timely delivery of development for or relating to authority venues, other venues and villages; and

(ii) the construction of games-related transport infrastructure; and

(b) to protect the public interest in ensuring the State is—

(i) ready to host the Brisbane 2032 Olympic and Paralympic Games; and

(ii) able to perform its obligations under relevant games agreements about authority venues, other venues and villages; and

(c) to facilitate legacy uses of authority venues, other venues and villages after the games.

53DB Definitions for chapter

In this chapter—

development see the *Planning Act 2016*.

games-related transport infrastructure means transport infrastructure that—

(a) has been identified, by the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered, as being required for the purpose mentioned in section 53DA(b); and

(b) is mentioned in schedule 4.

infrastructure includes land, roads, railways, facilities, services and works.

necessary games infrastructure means infrastructure that is prescribed by regulation for this chapter.

transport infrastructure means—

(a) active transport infrastructure within the meaning of the *Transport Planning and Coordination Act 1994*, section 8A(3); or

(b) air transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*; or

(c) busway transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*; or

(d) light rail transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*; or

(e) miscellaneous transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*, section 416; or

(f) other rail infrastructure within the meaning of the *Transport Infrastructure Act 1994*; or

(g) public marine transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*; or

(h) public passenger transport infrastructure within the meaning of the *Transport Planning and Coordination Act 1994*; or

(i) rail transport infrastructure within the meaning of the *Transport Infrastructure Act 1994*; or

(j) a road on State toll road corridor land within the meaning of the *Transport Infrastructure Act 1994*; or

(k) a State-controlled road within the meaning of the *Transport Infrastructure Act 1994*.

use, of an authority venue, other venue or village, has the meaning given under the *Planning Act 2016*.

Part 2 Lawfulness of development and use etc.

53DC Application of part

This part applies to the following—

(a) development, carried out after the commencement, for the construction of—

(i) 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

(ii) games-related transport infrastructure;

(b) a games-related use or legacy use of an authority venue, other venue or village;

(c) an activity carried out by a person for the purpose of development mentioned in paragraph (a).

53DD Development, use or activity declared to be lawful

(1) The development, use or activity is taken to be lawful despite the following Acts (each a ***relevant Act***)—

(a) the *City of Brisbane Act 2010*;

(b) the *Coastal Protection and Management Act 1995*;

(c) the *Economic Development Act 2012*;

(d) the *Environmental Offsets Act 2014*;

(e) the *Environmental Protection Act 1994*;

(f) the *Fisheries Act 1994*;

(g) the *Integrated Resort Development Act 1987*;

(h) the *Local Government Act 2009*;

(i) the *Nature Conservation Act 1992*;

(j) the *Planning Act 2016*;

(k) the *Queensland Heritage Act 1992*;

(l) the *Regional Planning Interests Act 2014*;

(m) the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*;

(n) the *Vegetation Management Act 1999*;

(o) the *Water Supply (Safety and Reliability) Act 2008*.

(2) 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

Examples—

- a requirement under a relevant Act to obtain a licence, permit, agreement or other approval in relation to the development, use or activity
- a requirement under a relevant Act to notify or consult other persons in relation to the development, use or activity
- a requirement under a relevant Act to comply with the principles of procedural fairness in relation to the development, use or activity

(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.

(3) Also, a civil proceeding arising out of the development, use or activity may not be started to the extent the relief sought would have the direct effect of prohibiting, restricting or limiting the carrying out of the development, use or activity.

(3A) Subsection (3) does not limit, and is not limited by, section 53EG.

(4) This section applies subject to sections 53DE and 53DF.

53DE Building work—authority venues and other venues

(1) This 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*.

(2) The building work must comply with the relevant provisions for the building work.

(3) In this section—

relevant provisions, for building work under the *Building Act 1975*, see section 21(5) of that Act.

53DF Building work—villages

(1) This section 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*.

(2) If, but for this chapter, the building work would be categorised as assessable development under the *Planning Regulation 2017*, schedule 9, a development permit must be obtained for the building work.

(3) In this section—

development permit see the *Planning Act 2016*.

Part 3 Cultural heritage provisions

Division 1 Preliminary

53DG Definitions for part

In this part—

Aboriginal cultural heritage see the *Aboriginal*

Cultural Heritage Act 2003.

Aboriginal party, for a project area, has the meaning given under the *Aboriginal Cultural Heritage Act 2003*.

chief executive (cultural heritage) means the chief executive of the department in which the cultural heritage Acts are administered.

cultural heritage Act means—

(a) the *Aboriginal Cultural Heritage Act 2003*; or

(b) the *Torres Strait Islander Cultural Heritage Act 2003*.

cultural heritage notice see section 53DI(1).

default plan means the plan set out in schedule 5.

games project means development, or a use or activity, mentioned in section 53DC(a), (b) or (c).

harm—

(a) to Aboriginal cultural heritage, see the *Aboriginal Cultural Heritage Act 2003*; or

(b) to Torres Strait Islander cultural heritage, see the *Torres Strait Islander Cultural Heritage Act 2003*.

negotiating party, for a part 3 plan for a project area, means the following persons—

(a) the proponent;

(b) each Aboriginal party or Torres Strait Islander party for the area, or part of the area, who has given the proponent a participation notice in response to a negotiation proposal.

negotiation period, for a part 3 plan, see section

53DM.

negotiation proposal, in relation to a part 3 plan, see section 53DJ(3), including as applied by section 53DL(2).

part 3 plan, for a project area for a games project—

(a) means a document developed under this part that sets out the process to be followed in the project area to minimise the risk of harm to Aboriginal cultural heritage or Torres Strait Islander cultural heritage being caused by the games project; and

(b) includes a default plan that takes effect for the project area under section 53DS.

participation notice see section 53DJ(3)(f).

project area, for a games project, means the area within which the development, use or activity that is the subject of the project is to be carried out.

proponent, for a games project, means the person carrying out, or proposing to carry out, the development, use or activity that is the subject of the project.

Torres Strait Islander cultural heritage see the *Torres Strait Islander Cultural Heritage Act 2003*.

Torres Strait Islander party, for a project area, has the meaning given by the *Torres Strait Islander Cultural Heritage Act 2003*.

53DH Operation of part

This part modifies the operation of the cultural heritage Acts in relation to a games project by—

(a) providing for an alternative process for development of a cultural heritage management plan (known as a part 3 plan) by the proponent for the games project; and

(b) providing for the part 3 plan to be an approved cultural heritage management plan for the purposes of the cultural heritage Acts; and

(c) 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

53DI Proponent may give cultural heritage notice

(1) The proponent for a games project may give the chief executive of the department written notice (a ***cultural heritage notice***) of the proponent's intention to develop a part 3 plan for the project area for the project.

(2) The notice must—

(a) identify the authority venue, other venue or village, or the games-related transport infrastructure, that is the subject of the games project; and

(b) be accompanied by a map or other description of the project area for the games project.

(3) On the giving of the cultural heritage notice by the

proponent—

(a) no other cultural heritage notice may be given, by the same or another proponent, in relation to the same games project; and

(b) a part 3 plan for the project area must be—

(i) 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

(ii) if division 5 applies, the default plan for the project area.

53DJ Requirement for proponent to give negotiation proposal

(1) This section applies if—

(a) the proponent gives the chief executive of the department a cultural heritage notice for a games project; and

(b) either—

(i) an Aboriginal party for the project area, or part of the project area, for the project is a native title party within the meaning of the *Aboriginal Cultural Heritage Act 2003*; or

(ii) a Torres Strait Islander party for the project area, or part of the project area, for the project is a native title party within the meaning of the *Torres Strait Islander Cultural Heritage Act 2003*.

(2) As soon as practicable after giving the cultural heritage notice, the proponent must give the Aboriginal party or Torres Strait Islander party a negotiation proposal.

(3) For this section, a ***negotiation proposal*** is a written notice that—

(a) includes a map or other description of the project area; and

(b) if the person is an Aboriginal party or Torres Strait Islander party for part but not all of the project area—identifies the part of the project area for which the person is an Aboriginal party or Torres Strait Islander party; and

(c) states that the proponent seeks to negotiate a part 3 plan with the person under this part; and

(d) if there is more than 1 Aboriginal party or Torres Strait Islander party for the project area—

(i) identifies each other Aboriginal party or Torres Strait Islander party for the project area; and

(ii) states that the proponent seeks to negotiate a single part 3 plan for the project area with which all Aboriginal parties and Torres Strait Islander parties for the project area agree; and

(e) offers to pay the person's reasonable costs of negotiating the part 3 plan up to a stated maximum amount; and

(f) asks the person to give the proponent a written notice (a ***participation notice***) within a stated period if the person is willing to negotiate for a part 3 plan for the project area.

(4) For subsection (3)(e), the maximum amount stated must not be more than the amount

prescribed by regulation.

(5) For subsection (3)(f), the stated period must be—

(a) at least 14 days from the day the negotiation proposal is given to the person; but

(b) if a maximum period is prescribed by regulation—not longer than the maximum period.

53DK Requirement for proponent to give information notice

(1) This section applies if—

(a) the proponent gives the chief executive of the department a cultural heritage notice for a games project; and

(b) both of the following apply—

(i) there is no Aboriginal party for the project area, or part of the project area, for the games project who is a native title party within the meaning of the *Aboriginal Cultural Heritage Act 2003*;

(ii) there is no Torres Strait Islander party for the project area, or part of the project area, for the games project who is a native title party within the meaning of the *Torres Strait Islander Cultural Heritage Act 2003*.

(2) As soon as practicable after giving the cultural heritage notice, the proponent must give the representative body for the project area, or any part of the project area, a written notice (an ***information notice***) asking the representative body to give the proponent, within a stated period, the name and contact details of any person—

(a) who is an Aboriginal party or Torres Strait Islander party for the area or part of the area; or

(b) whom the representative body reasonably believes may be a party mentioned in paragraph (a).

(3) For subsection (2), the stated period must be—

(a) at least 14 days from the day the information notice is given to the representative body; but

(b) if a maximum period is prescribed by regulation—not longer than the maximum period.

(4) The proponent must also—

(a) if there is an Aboriginal cultural heritage body or Torres Strait Islander cultural heritage body for the project area, or part of the project area—give the cultural heritage body a copy of the information notice; and

(b) publish a notice stating that—

(i) the proponent is seeking to negotiate, under this part, a part 3 plan for the project area; and

(ii) each Aboriginal party or Torres Strait Islander party for the project area or part of the project area is invited to give the proponent written notice, within a stated period, if the party wishes to participate in the negotiations.

(5) For subsection (4)(b), the notice must be published—

(a) on the department's website; and

(b) on the website of the department in which the cultural heritage Acts are administered; and

(c) in 1 or more newspapers circulating generally in the project area and in which notices affecting Aboriginal persons and Torres Strait Islander persons are regularly published.

Example of a newspaper for paragraph (c)—

the Koori Mail

(6) For subsection (4)(b)(ii), the stated period must be—

(a) at least 14 days from the day the notice is published; but

(b) if a maximum period is prescribed by regulation—not longer than the maximum period.

(7) In this section—

Aboriginal cultural heritage body, for a project area, has the meaning given under the *Aboriginal Cultural Heritage Act 2003*.

representative body see the *Native Title Act 1993* (Cwlth), section 253.

Torres Strait Islander cultural heritage body, for a project area, has the meaning given under the *Torres Strait Islander Cultural Heritage Act 2003*.

53DL Additional requirement to give negotiation proposal

(1) This section applies if the proponent—

(a) has given an information notice under section 53DK; and

(b) receives—

(i) the name and contact details of an Aboriginal party or Torres Strait Islander party for the project area or part of the project area under section 53DK(2) (an ***identified party***); or

(ii) a written notice from an Aboriginal party or Torres Strait Islander party for the project area or part of the project area under section 53DK(4)(b)(ii) (also an ***identified party***).

(2) The proponent must give a negotiation proposal under section 53DJ to each identified party.

Division 3 Negotiation of part 3 plan

53DM What is the negotiation period

(1) The ***negotiation period***, for a part 3 plan for a project area, starts on the day after the following day—

(a) if there is 1 Aboriginal party or Torres Strait Islander party for the project area—the day the proponent receives a participation notice from the party;

(b) if there is more than 1 Aboriginal party or Torres Strait Islander party for the project area—the day the proponent receives the last participation notice.

(2) The ***negotiation period*** for the part 3 plan ends on the day that is 60 days after the day mentioned in

subsection (1).

(3) If no Aboriginal party or Torres Strait Islander party is given a negotiation proposal under this part, there is no negotiation period for the part 3 plan.

53DN Requirement to negotiate in good faith

(1) During the negotiation period for a part 3 plan, the negotiating parties must negotiate the terms of the plan in good faith.

(2) 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.

53DO Terms of part 3 plan agreed during negotiation period

(1) If, during the negotiation period for the part 3 plan, the negotiating parties agree on all of the terms of the plan—

(a) the plan must be signed by each negotiating party; and

(b) the proponent must give a copy of the signed plan to—

(i) the chief executive of the department; and

(ii) the chief executive (cultural heritage).

(2) On the day subsection (1)(b) is complied with, the signed plan takes effect as, and is taken to be—

(a) an approved cultural heritage management plan under the *Aboriginal Cultural Heritage*

Act 2003 applying to all Aboriginal cultural heritage in the project area; and

(b) 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

53DP Application of division

This 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—

(a) have not agreed on all of the terms of a part 3 plan for the project area; but

(b) agree there is a reasonable prospect of all of the terms being agreed by mediation by the Land Court.

53DQ Mediation by Land Court

(1) The negotiating parties may make a joint request to the Land Court for it to provide mediation to resolve the terms of the part 3 plan.

(2) The Land Court may mediate the matter if the court considers it is suitable for mediation.

(3) If, during the mediation period for the part 3 plan, the negotiating parties agree on all of the terms of the plan—

(a) the plan must be signed by each negotiating party; and

(b) the proponent must give a copy of the signed plan to—

(i) the chief executive of the department; and

(ii) the chief executive (cultural heritage).

(4) On the day subsection (3)(b) is complied with, the signed plan takes effect as, and is taken to be—

(a) an approved cultural heritage management plan under the *Aboriginal Cultural Heritage Act 2003* applying to all Aboriginal cultural heritage in the project area; and

(b) 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.

(5) If subsection (3) does not apply, the mediation ends on the last day of the mediation period for the plan.

(6) In this section—

mediation period, for a part 3 plan, means the period—

(a) starting on the day the joint request is made under subsection (1); and

(b) ending on the day the negotiation period for the plan ends.

Division 5 Default plan

53DR Application of division

This division applies if—

(a) the proponent gives the chief executive of the department a cultural heritage notice for a games project; and

(b) any of the following apply—

(i) no Aboriginal party or Torres Strait Islander party for any part of the project area for the project has been given a negotiation proposal under division 2;

(ii) no Aboriginal party or Torres Strait Islander party for the area has given the proponent a participation notice in response to a negotiation proposal and the period for giving a participation notice has ended;

(iii) the negotiation period for a part 3 plan for the area ends without the negotiating parties agreeing on all of the terms of the plan.

53DS When default plan takes effect

(1) On the relevant day, the default plan takes effect as, and is taken to be—

(a) an approved cultural heritage management plan under the *Aboriginal Cultural Heritage Act 2003* applying to all Aboriginal cultural heritage in the project area; and

(b) 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.

(2) However, if section 53DR(b)(i) applies, the default plan does not apply to the extent it would

otherwise require the proponent to notify or consult an Aboriginal party or Torres Strait Islander party for the project area, or part of the project area.

(3) The proponent must give a written notice to each other negotiating party stating that, under this division, the default plan has taken effect as the approved cultural heritage management plan for the project area for the purposes of the cultural heritage Acts.

(3A) Also, the proponent must give a copy of the notice mentioned in subsection (3) to—

(a) the chief executive of the department; and

(b) the chief executive (cultural heritage).

(4) In this section—

relevant day means—

(a) if section 53DR(b)(i) applies—the day after the period stated in the information notice under section 53DK(2) ends; or

(b) if section 53DR(b)(ii) applies—the day after the last period for giving a participation notice ends; or

(c) if section 53DR(b)(iii) applies—the day after the negotiation period ends.

Division 6 Other provisions

53DT Lawfulness of development, use or activity carried out in accordance with plan

(1) This section applies if a part 3 plan, for the project area for a games project, has taken effect under

section 53DO(2), 53DQ(4) or 53DS(1).

(2) A person carrying out development, or a use or activity, for the games project in accordance with the plan does not commit an offence against a cultural heritage Act.

53DU Limitation on provisions about stop orders and injunctions

(1) This 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.

(2) A stop order must not be given under a cultural heritage Act for an activity that is part of the games project.

(3) A group, or a member of a group, can not apply to the Land Court for an injunction under the *Land Court Act 2000*, section 32H to stop the doing of an act that is part of the games project.

53DV Amending or replacing part 3 plan settled by negotiating parties

(1) A part 3 plan that has taken effect under section 53DO(2) or 53DQ(4) may be amended or replaced by the negotiating parties by a written agreement (the ***amending agreement***) that is signed by each negotiating party.

(2) The proponent must give a copy of the amending agreement to—

(a) the chief executive of the department; and

(b) the chief executive (cultural heritage).

53DW Amending or replacing default plan that has taken effect

(1) This section applies if the default plan has taken effect under section 53DS(1).

(2) The default plan can not be amended or replaced by the negotiating parties.

(3) Subsection (4) applies if, after the relevant day within the meaning of section 53DS, an Aboriginal party or Torres Strait Islander party for the project area becomes a native title party for the area or part of the area.

(4) Without limiting subsection (2)—

(a) the proponent is not required to give the Aboriginal party or Torres Strait Islander party a negotiation proposal; and

(b) the default plan continues in effect for the purposes mentioned in section 53DS(1).

53DX Immunity from prosecution

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.

Part 4 Use of necessary games infrastructure

53EA Use of necessary games infrastructure

(1) This section applies in relation to—

(a) development mentioned in section 53DC(a); or

(b) a use mentioned in section 53DC(b).

(2) A relevant entity is entitled to access or connect to, or otherwise use, any necessary games infrastructure for the purposes of the development or use.

(3) If a thing done under subsection (2) would, but for this section, require an authorisation under another Act—

(a) the authorisation is taken to have been given or made under that Act; and

(b) the thing is taken to be done in accordance with the authorisation.

(4) In this section—

authorisation, under another Act, includes an approval, licence, permit, agreement or other authorisation under that Act, however described.

relevant entity means—

(a) the authority; or

(b) another entity carrying out the development or use mentioned in subsection (1); or

(c) an entity for whom the development or use mentioned in subsection (1) is being carried out.

53EB Requirements for particular entities that own or control necessary games infrastructure

(1) This section applies if necessary games infrastructure is owned or controlled by any of the following entities (each an ***infrastructure entity***)—

(a) a distributor-retailer;

(b) a government entity;

(c) a local government.

(2) The Minister may give the infrastructure entity a written notice asking the entity to give the Minister stated information about the necessary games infrastructure, including information about the provision or maintenance of the infrastructure.

(3) The infrastructure entity must comply with the request within a reasonable period.

(4) Also, the Minister may give a written direction to the infrastructure entity to provide or maintain the necessary games infrastructure.

(5) However, a direction may be given under subsection (4) only if the Minister considers—

(a) both of the following apply—

(i) a relevant entity is entitled to access, connect to or otherwise use the necessary games infrastructure under section 53EA;

(ii) the infrastructure entity has not given the relevant entity access or connection to, or the opportunity to use, the infrastructure; or

(b) the necessary games infrastructure is otherwise required for the delivery of an authority venue, other venue or village or the construction of games-related transport infrastructure.

(6) The direction may include—

(a) conditions on which the provision or maintenance of the necessary games infrastructure must be carried out; and

(b) particular actions the infrastructure entity must take to give effect to the provision or maintenance of the infrastructure.

(7) The infrastructure entity must—

(a) comply with the direction; and

(b) unless the direction states otherwise, bear any costs of complying with the direction.

(8) Subsection (7) applies despite any other Act or law.

(8A) If the infrastructure entity is a government owned corporation or a prescribed authority—

(a) a direction may be given to the entity under subsection (4) only by the Minister acting jointly with the entity's relevant Ministers; and

(b) before the direction is given, the Minister and the relevant Ministers must consult with the entity's board about the proposed direction.

(8B) For subsection (8A), subsections (4) and (5) apply as if a reference in the subsections to the Minister were a reference to the Minister acting jointly with the entity's relevant Ministers.

(9) If a direction is given under this section to an infrastructure entity that is a government owned corporation—

(a) without limiting subsection (8), it is declared that the *Government Owned Corporations Act 1993*, section 117 does not

limit the giving of a direction to the entity under this section; and

(b) the entity's obligation under subsection (7) to comply with the direction applies even if the direction is contrary to the entity's statement of corporate intent under that Act.

(10) This section does not limit section 53EA.

(11) In this section—

government entity means—

(a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or

(b) a government owned corporation.

prescribed authority means—

(a) the Queensland Bulk Water Supply Authority; or

(b) the Queensland Rail Transit Authority.

Queensland Bulk Water Supply Authority means the Queensland Bulk Water Supply Authority established under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

Queensland Rail Transit Authority means the Queensland Rail Transit Authority established under the *Queensland Rail Transit Authority Act 2013*, section 6.

relevant entity see section 53EA.

relevant Ministers, in relation to a government owned corporation or prescribed authority, means—

(a) for a government owned corporation—the shareholding Ministers of the entity under

the *Government Owned Corporations Act 1993*, section 78; or

(b) for the Queensland Bulk Water Supply Authority—the responsible Ministers under the *South East Queensland Water (Restructuring) Act 2007*; or

(c) for the Queensland Rail Transit Authority—the responsible Ministers under the *Queensland Rail Transit Authority Act 2013*.

Part 5 Village infrastructure charges

53EC Purpose of part

The purpose of this part is to enable a contribution to be recovered, from the owners of land on which villages are located, towards infrastructure costs in relation to each of the following—

(a) development for villages to which part 2 applies;

(b) uses of villages to which part 2 applies;

(c) access or connection to, or other use of, necessary games infrastructure for the purposes of development mentioned in paragraph (a) or uses mentioned in paragraph (b).

53ED Regulation prescribing matters about village infrastructure charges

A regulation may prescribe any of the following matters—

(a) development for, or a use of, a village to which part 2 applies in relation to which a village infrastructure charge may be imposed under this part;

(b) necessary games infrastructure for which a village infrastructure charge may be imposed under this part;

(c) the amount of a village infrastructure charge, or the way the amount of the charge must be worked out;

(d) the entities to which a village infrastructure charge may be payable.

53EE Imposition of village infrastructure charge

(1) This section applies if—

(a) development prescribed for section 53ED(a) is being or has been carried out for a village; or

(b) there is or has been a use of a village prescribed for section 53ED(a); or

(c) necessary games infrastructure prescribed for section 53ED(b) is being or has been accessed, connected to or otherwise used in relation to a village.

(2) The Minister may impose a charge (a ***village infrastructure charge***) on the owner of land on which all or part of the village is located.

(3) The village infrastructure charge must be worked out and imposed in accordance with a regulation made under section 53ED.

(4) The Minister must give the owner of the land a notice stating each of the following matters in relation to the village infrastructure charge—

(a) the amount of the charge;

(b) how the charge has been worked out;

(c) the land on which the village is located to which the charge relates;

(d) when the charge is payable;

(e) the entity to which the charge is payable;

(f) any other information prescribed by regulation.

(5) The village infrastructure charge—

(a) is payable by the owner of the land; and

(b) attaches to the land on which the village is located.

Part 6 Miscellaneous provisions

53EF Exemption from infrastructure charges under other Acts

(1) This section applies in relation to an infrastructure charge that would, but for this section, be payable by an entity in relation to—

(a) development mentioned in section 53DC(a); or

(b) a use mentioned in section 53DC(b); or

(c) connection or access to, or other use of, necessary games infrastructure under section 53EA.

(2) The entity is not liable to pay the infrastructure charge.

(3) In this section—

***infrastructure charge*—**

(a) means—

(i) a charge, however described, in relation to infrastructure under the *Economic Development Act 2012*; or

(ii) a charge, however described, in relation to infrastructure under the *Planning Act 2016*; or

(iii) a charge, however described, in relation to infrastructure under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*; or

(iv) any other financial contribution or charge, however described, in relation to infrastructure provided for under another Act; but

(b) does not include a charge for the ongoing provision of water, gas, electricity or another service using the infrastructure.

Example—

a charge payable, under the *Water Supply (Safety and Reliability) Act 2008*, for the ongoing supply of water

53EG Particular decisions are final

(1) Unless the Supreme Court decides a relevant decision is affected by jurisdictional error, the decision—

(a) is final and conclusive; and

(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.

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

(3) In this section—

relevant decision means a decision or purported decision of an administrative character that—

(a) is related to—

(i) the delivery of an authority venue, other venue or village; or

(ii) the construction of games-related transport infrastructure; or

(iii) the making of a part 3 plan under part 3; and

(b) is either—

(i) made, proposed to be made, or required to be made, under this chapter, whether or not in the exercise of a discretion; or

(ii) made or proposed to be made, under a non-statutory scheme or program involving payment of money for the purposes of delivery of an authority venue, other venue or village, by—

(A) the Minister; or

(B) the chief executive of the department; or

(C) the authority; or

(D) the board or a director of the authority; or

(E) the chief executive officer or a member of the authority's staff.

67 Amendment, relocation and renumbering of s 54A (Funding agreements)

(1) Section 54A(1), 'Each games entity'—

omit, insert—

The corporation

(1A) Section 54A(1), 'each'—

omit.

(2) Section 54A(2) to (4), 'games entity'—

omit, insert—

corporation

(3) Section 54A—

relocate and *renumber* as section 10A.

68 Insertion of new s 55A

After section 55—

insert—

55A Games leadership group

(1) There is to be a group called the Games Leadership Group.

(2) Subject to subsection (3), the membership of the group is to be decided by the Minister.

(3) The group must include—

(a) at least 1 representative of the Queensland Government; and

(b) at least 1 representative of the Commonwealth Government; and

(c) at least 1 representative of the Brisbane City Council; and

(d) at least 1 representative of the corporation; and

(e) at least 1 representative of the authority.

(4) The main functions of the group are—

(a) to provide strategic direction in relation to the delivery of the Brisbane 2032 Olympic and Paralympic Games, including compliance with obligations under the host contract; and

(b) to facilitate collaborative decision-making by the games entities and help resolve critical issues; and

(c) to provide oversight and advice to the games entities in relation to matters affecting both games entities.

(5) The Minister must ensure a games entity is notified of any decision or advice of the group that relates to the performance of a function by the games entity.

68A Amendment of s 57 (Use or disclosure of confidential information)

(1) Section 57(1)(a)—

insert—

(iiia)the chief executive of the department;

(2) Section 57(1)(a)(iiia) and (iv)—

renumber as section 57(1)(a)(iv) and (v).

69 Amendment of s 63 (Interim chief executive officer)

(1) Section 63(3)(a), 'by the board of the authority'—

omit, insert—

by the Minister

(2) Section 63(4A), 'or 53CK'—

omit, insert—

, 53CK or 53EG

70 Insertion of new ch 5, pt 3

Chapter 5—

insert—

Part 3 Transitional provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025

Division 1 Preliminary

66 Definitions for part

In this part—

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

new, in relation to a provision of this Act, means the provision as in force on the commencement of the transitional provision in which the term is used.

transitional provision means a provision of this part.

Division 2 Provisions for amendments relating to the authority

67 Application of new s 53BL

New section 53BL applies in relation to a director holding office after the commencement, whether the director was appointed before or after the commencement.

68 Existing appointment of chief executive officer of authority

(1) This section applies if, immediately before the commencement, a person held office under former section 53CD as the chief executive officer of the authority.

(2) The person is taken to be appointed by the Minister under new section 53CD on the same terms and conditions that were decided by the board under former section 53CF.

71 Amendment and renumbering of sch 1 (Dictionary)

(1) Schedule 1, definitions *acquisition land*, *development*, *transport and mobility strategy*, *venue* and *village*—

omit.

(2) Schedule 1—

insert—

Aboriginal cultural heritage, for chapter 3A, part 3, see section 53DG.

Aboriginal party, for a project area, for chapter 3A, part 3, see section 53DG.

authority venue see section 5A(1).

chief executive (cultural heritage), for chapter 3A, part 3, see section 53DG.

cultural heritage Act, for chapter 3A, part 3, see section 53DG.

cultural heritage notice, for chapter 3A, part 3, see section 53DI(1).

default plan, for chapter 3A, part 3, see section 53DG.

delivery, of an authority venue, other venue or village, see section 5D.

development, for chapter 3A, see section 53DB.

distributor-retailer means a distributor-retailer established under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

games project, for chapter 3A, part 3, see section 53DG.

games-related transport infrastructure, for chapter 3A, see section 53DB.

games-related use—

(a) for an authority venue, see section 5A(2); or

(b) for an other venue, see section 5B(2); or

(c) for a village, see section 5C(2).

harm, to Aboriginal cultural heritage or Torres Strait Islander cultural heritage, for chapter 3A, part 3, see section 53DG.

infrastructure, for chapter 3A, see section 53DB.

legacy use—

(a) for an authority venue, see section 5A(3); or

(b) for an other venue, see section 5B(3); or

(c) for a village, see section 5C(3).

necessary games infrastructure, for chapter 3A, see section 53DB.

negotiating party, for a part 3 plan for a project area, for chapter 3A, part 3, see section 53DG.

negotiation period, for a part 3 plan, for chapter 3A, part 3, see section 53DM.

negotiation proposal, in relation to a part 3 plan, for chapter 3A, part 3, see section 53DG.

other venue see section 5B(1).

part 3 plan, for a project area for a games project, for chapter 3A, part 3, see section 53DG.

participation notice, for chapter 3A, part 3, see section 53DG.

project area, for a games project, for chapter 3A, part 3, see section 53DG.

proponent, for a games project, for chapter 3A, part 3, see section 53DG.

public servant means—

(a) a public service employee; or

(b) an APS employee under the *Public Service Act 1999* (Cwlth).

relevant games agreement means—

(a) the host contract; or

(b) an agreement entered into by the State to enable it to enter into the host contract; or

(c) an agreement entered into for the primary purpose of supporting the delivery of authority venues.

Torres Strait Islander cultural heritage, for chapter 3A, part 3, see section 53DG.

Torres Strait Islander party, for a project area, for chapter 3A, part 3, see section 53DG.

transport infrastructure, for chapter 3A, see section 53DB.

use, of an authority venue, other venue or village, for chapter 3A, see section 53DB.

village see section 5C(1).

village infrastructure charge see section 53EE(2).

(3) Schedule 1—

renumber as schedule 6.

72 Insertion of new schs 1–5

After chapter 5—

insert—

Schedule 1 Authority venues

section 5A

Column 1	Column 2	Column 3
Description of site or facility	**Games-related use**	**Legacy use**
a stadium to be located on land within the precinct known as Victoria Park, Herston Road, Herston 4006	a new stadium with seating for approximately 60,000 people, including a warm-up track and associated facilities	stadium with permanent seating for approximately 63,000 people and associated facilities
a facility to be known as the National Aquatic Centre, to be located on land within the precinct known as Victoria Park, Gregory Terrace, Spring Hill 4006	a new national aquatic centre, including main and secondary indoor pools, with seating for approximately 25,000 people	national aquatic centre, including main and secondary indoor pools, with permanent seating for approximately 8,000 people
a facility to be known as Logan Indoor Sports Centre to be located on land at Democracy Way, Logan Central 4114	a new indoor venue with 9 multipurpose courts and seating for approximately 7,000 people	indoor multisport and event venue with seating for approximately 600 people

Column 1	Column 2	Column 3
Description of site or facility	**Games-related use**	**Legacy use**
a facility to be known as Moreton Bay Indoor Sports Centre to be located on land within The Mill at Moreton Bay Priority Development Area under the *Economic Development Act 2012*	a new indoor venue with 12 multipurpose courts and seating for approximately 10,000 people	indoor multisport and event venue
a facility known as the Sunshine Coast Stadium located at 320 Nicklin Way, Bokarina 4575	an upgraded stadium with seating for up to 20,000 people, including associated facilities	a stadium with permanent seating for approximately 10,000 people, including associated facilities
a facility to be known as the Sunshine Coast Mountain Bike Centre to be located on land at Parklands Conservation Park, 348 Yandina Bli Bli Road, Parklands 4560	a new facility for mountain bike training and competitions	a facility for mountain biking and nature-based recreational activities

Column 1	Column 2	Column 3
Description of site or facility	**Games-related use**	**Legacy use**
a facility to be known as the Redland Whitewater Centre to be located at Old Cleveland Road East, Birkdale 4159	a new facility for whitewater sports training and competitions with temporary seating for approximately 8,000 people, including an integrated warm-up channel	a facility for outdoor recreation, water-based activities, whitewater sports and emergency response training activities
a facility known as the Queensland Tennis Centre located at King Arthur Terrace, Tennyson 4105	an upgraded facility including 1 additional show court, training courts and associated facilities for tennis competitions and training	tennis centre for competitions and training
a facility known as the Toowoomba Showgrounds located at Harvey Road, Glenvale 4350	an upgraded facility comprising arenas, fields and associated facilities for equestrian competitions and training	showgrounds, including use for equestrian competitions and training
a facility known as the Brisbane International Shooting Centre located at 1485 Old Cleveland Road, Belmont 4153	an upgraded facility comprising 4 shooting ranges and associated facilities for shooting competitions and training	venue for shooting competitions and training, including complementary multipurpose facility

Column 1 Description of site or facility	Column 2 Games-related use	Column 3 Legacy use
a facility known as the Brisbane Aquatic Centre located at Sleeman Sports Complex, 1699 Old Cleveland Road, Chandler 4155	an upgraded aquatic venue	aquatic venue for community and high performance use
a facility for parasport to be located at Sleeman Sports Complex, 1699 Old Cleveland Road, Chandler 4155	a new venue dedicated to parasport for competitions and training	dedicated parasport venue for community and high performance use
a facility known as the Chandler Sports Precinct located at Sleeman Sports Complex, 1699 Old Cleveland Road, Chandler 4155	an upgraded facility including works ensuring connectivity and accessibility between venues within the Chandler Sports Precinct	sports precinct
a facility known as the Anna Meares Velodrome located at Sleeman Sports Complex, 1699 Old Cleveland Road, Chandler 4155	an existing venue comprising an international competition-standard velodrome and associated facilities	international competition-standard velodrome and associated facilities

Column 1	Column 2	Column 3
Description of site or facility	**Games-related use**	**Legacy use**
a facility known as the Brisbane SX International BMX Centre located at Sleeman Sports Complex, 1699 Old Cleveland Road, Chandler 4155	an existing venue comprising an international competition-standard BMX centre	international competition-standard BMX centre
a facility known as Barlow Stadium Park located on land bounded by Scott Street, Spence Street and Severin Street, Parramatta Park 4870	an upgraded stadium with seating for 20,000 people and associated facilities	stadium with permanent seating for approximately 5,000 people and associated facilities
a facility for rowing located on the Fitzroy River and adjacent land near Rockhampton Fitzroy Rowing Club, 30 Harman Street, Wandal 4700	an upgraded land and water-based rowing facility, and associated facilities	rowing facilities

Schedule 2 Other venues

section 5B

Column 1	Column 2	Column 3
Description of site or facility	**Games-related use**	**Legacy use**
a facility to be known as the Gold Coast Arena to be located at Carey Park, Marine Parade, Southport 4215	a new indoor entertainment and sport venue with seating for 12,000 to 15,000 people	indoor entertainment and sport venue with seating for 12,000 to 15,000 people
a facility known as the Gold Coast Hockey Centre located at Musgrave Avenue, Labrador 4215	an upgraded hockey centre and associated facilities	hockey centre and associated facilities

Schedule 3 Villages

section 5C

Editor's note—

This schedule deliberately left blank.

Schedule 4 Games-related transport infrastructure

section 53DB, definition *games-related transport infrastructure*

Editor's note—

This schedule deliberately left blank.

Schedule 5 Cultural heritage—default plan

section 53DG, definition *default plan*

DEFAULT PLAN

CONTENTS

1. Definitions

1.1 In this Plan:

Aboriginal cultural heritage has the meaning given to that term in the *Aboriginal Cultural Heritage Act 2003*.

Aboriginal party, for an area, has the meaning given to that term in the *Aboriginal Cultural Heritage Act 2003*.

Aboriginal tradition has the meaning given to that term in the *Acts Interpretation Act 1954*, schedule 1.

acceptance day, for an offer, means the day that is 10 business days after the offer is given to the cultural heritage party under clause 17.2.

access track means a road or track used for access to and from the project area, including a construction site in the project area.

Authority means the Games Independent Infrastructure and Coordination Authority established under the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

Authority venue has the meaning given to that term in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

buffer zone means an area around a find or suspected cultural heritage-human remains in which high impact activities are temporarily suspended to protect the find or suspected cultural heritage-human remains from harm.

business day means a day that is not a Saturday, Sunday, bank holiday or public holiday in Brisbane, Queensland.

chief executive means the chief executive of the department in which the provisions of chapter 3A, part 3 of the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* are administered.

clearance notice means a notice given by the coordinator to the site manager of a construction site stating that high impact activities may resume in an area for which a buffer zone was previously in place.

construction activity:

(a) means an activity, including a high impact activity, related to the alteration, building, construction, demolition or installation of project infrastructure; and

(b) includes site preparation works and the construction, installation, maintenance or use of access tracks.

construction services means the construction, maintenance or repair of the project infrastructure, including site preparation works and the construction, installation, maintenance or use of access tracks.

construction site:

(a) means a part of the project area where construction activity is being carried out; and

(b) includes:

(i) any access tracks, site offices, laydown areas and storage areas necessary for carrying out construction activities; and

(ii) a part of the project area where construction activities are, or are scheduled to be, carried out intermittently, even if no construction activity is presently being carried out.

construction worker means a person performing construction activities in the project area for a contractor.

contractor*:*

(a) means a person providing construction services for the project; and

(b) includes any agent, employee, consultant, contractor or subcontractor engaged by the person mentioned in paragraph (a) of this definition to assist the person in providing the construction services.

coordinator means the person appointed under clause 5.

cultural heritage means either or both of the following:

(a) Aboriginal cultural heritage;

(b) Torres Strait Islander cultural heritage.

cultural heritage-human remains has the meaning given to that term in the Queensland Government's *Guidelines for the discovery, handling and management of human remains*.

cultural heritage identification and management presentation means a presentation providing information about:

(a) the types of finds that may be identified when high impact activities are being carried out in the project area;

(b) how to identify a find;

(c) the procedures required to be observed if a find is identified; and

(d) the cultural heritage protection measures for the project and how they operate to protect any culturally significant objects that may be located when high impact activities are carried out in the project area.

cultural heritage induction presentation means a presentation providing information about:

(a) the cultural heritage party or cultural heritage parties for the project area or part of the project area and their connection, to the project area or part of the project area, under Aboriginal tradition or Island custom and any more recent historical connection;

(b) the importance of protecting and preserving cultural heritage generally;

(c) how this Plan operates to protect and preserve cultural heritage in the project area;

(d) any known culturally significant areas in the project area or part of the project area; and

(e) the types of culturally significant objects known, or expected, to be located in the project area or part of the project area.

cultural heritage party means:

(a) an Aboriginal party or Torres Strait Islander party for the project area, or part of the project area, who is a native title party; or

(b) if there is no native title party for the project area, or part of the project area—a person or persons who has or have been identified as an Aboriginal party or a Torres Strait Islander party for the project area, or the part of the project area, as a result of the process described in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*, section 53DK.

cultural heritage protection measures, for the project, means the strategies and procedures to be used to protect cultural heritage in the project area and minimise the risk of harm to it when carrying out high impact activities.

cultural heritage study means the study described in clause 6.

cultural heritage training means:

(a) the cultural heritage induction presentation; and

(b) the cultural heritage identification and management presentation.

cultural heritage training materials means the documents describing the content of:

(a) the cultural heritage induction presentation; and

(b) the cultural heritage identification and management presentation.

culturally significant area means an area that is:

(a) a significant Aboriginal area under the *Aboriginal Cultural Heritage Act 2003;* or

(b) a significant Torres Strait Islander area under the *Torres Strait Islander Cultural Heritage Act 2003*.

culturally significant object means an object that is:

(a) a significant Aboriginal object under the *Aboriginal Cultural Heritage Act 2003;* or

(b) a significant Torres Strait Islander object under the *Torres Strait Islander Cultural Heritage Act 2003*.

default plan has the meaning given to that term in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021,* section 53DG.

department means the department in which the provisions of chapter 3A, part 3 of the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* are administered.

design consultant means:

(a) means a person providing design services for the project; and

(b) includes any agent, employee, consultant, contractor or subcontractor engaged by the person mentioned in paragraph (a) of this definition to assist it in providing the design services for the project.

design services means the design of the project infrastructure.

draft report means the draft report documenting the findings and recommendations of the cultural heritage study.

draft masterplan means the draft version of the masterplan mentioned in clause 12.1.

draft cultural heritage training materials means the documents mentioned in clause 20.2.

electronic meeting means a meeting conducted through an audiovisual meeting system.

final report means the final report documenting the findings and recommendations of the cultural heritage study.

find means an object, or partial object, other than cultural heritage-human remains, that is or may be a culturally significant object.

Games project has the meaning given to that term in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*, section 53DG.

ground disturbance means any, all or some of the following:

(a) disturbance by machinery of the topsoil or surface rock layer of the ground, such as ploughing, drilling or dredging;

(b) the removal of native vegetation by disturbing root systems and exposing underlying soil.

harm has the meaning given to that term in the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*.

high impact activity means any or all of the following activities:

(a) ground disturbance;

(b) geotechnical investigations and works;

(c) tree clearing.

high potential area means a part of the project area identified in the cultural heritage study as a place where culturally significant objects are likely to be located.

information notice means a written notice that:

(a) includes the information mentioned in clause 3; and

(b) is given by the cultural heritage coordinator to a cultural heritage party under any of clauses 6.5, 12.1 or 20.3.

information notice response means a written notice that:

(a) includes the information mentioned in clause 4; and

(b) is given by a cultural heritage party in response to an information notice given by the cultural heritage coordinator under any of clauses 6.5, 12.1 or 20.3.

keeping place means a place where culturally significant objects that are located during high impact activities in the project area and removed for protection and preservation can be safely and securely stored.

masterplan means the design, or suite of designs, of the major project infrastructure for the project area.

meeting transcript means a written transcript of a recording made of an electronic meeting or in-person meeting during which a cultural heritage party makes an oral submission to the coordinator.

metropolitan area means any of the following:

(a) Brisbane;

(b) Bundaberg;

(c) Cairns;

(d) Gold Coast;

(e) Mackay;

(f) Maroochydore;

(g) Rockhampton;

(h) Toowoomba;

(i) Townsville.

native title party means:

(a) an Aboriginal party for an area that is a native title party for the project area, or part of the project area, under the *Aboriginal Cultural Heritage Act 2003*;

(b) a Torres Strait Islander party for an area that is a native title party for the project area, or part of the project area, under the *Torres Strait Islander Cultural Heritage Act 2003*.

negotiation period, for an offer, means 40 business days after the offer is given to the cultural heritage party under clause 17.2.

notice day, for an information notice, means the day on which the coordinator gives the information notice to a cultural heritage party.

offer means an offer in writing given by the coordinator to a cultural heritage party under clause 17.2.

other venue has the meaning given to that term in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

Plan means this default plan.

project means the Games project to be carried out in the project area.

project area means the area for which this Plan is taken under the *Brisbane Olympic and Paralympic Games Arrangement Act 2021*, section 53DS, to be an approved cultural heritage management plan for either or both the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*.

project infrastructure means:

(a) any Authority venue, other venue or village that is or will be constructed in the project area; and

(b) any other facility or infrastructure (including but not limited to, roads, pipes and transmission lines) in the project area that is required for the design, construction, operation, use, maintenance and repair of the Authority venue, other venue, or village.

proponent means the person responsible for delivering the project.

proposed protection measures, for the project, means the measures the coordinator proposes to adopt to manage the impact of high impact activities on culturally significant

objects and other cultural heritage in the project area.

register means the record of information about finds in the project area the coordinator is required to maintain under clause 5.2.

response day, for an information notice, means the day that is 10 business days after the notice day for the information notice.

site preparation works means works done to prepare a construction site, or to create access to a construction site, so that construction activities may be carried out.

submission period, for an information notice, means 40 business days after the notice day for the information notice.

suitably qualified means a person who has academic qualifications in archaeology or a related discipline, or who has demonstrated practical experience in the management and protection of cultural heritage.

Torres Strait Islander cultural heritage has the meaning given to that term in the *Torres Strait Islander Cultural Heritage Act 2003*.

Torres Strait Islander party, for an area, has the meaning given to that term in the *Torres Strait Islander Cultural Heritage Act 2003*.

vegetation modification means vegetation lopping, pruning or clearing that does not involve ground disturbance.

village has the meaning given to that term in the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

2. Interpretation

2.1 In this Plan, except where the context otherwise requires:

(a) the singular includes the plural and vice versa, and a gender includes other genders;

(b) another grammatical form of a defined word or expression has a corresponding meaning;

(c) notice means written notice;

(d) a reference to a clause or schedule is to a clause or schedule to this Plan;

(e) a reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time;

(f) a reference to time is to Queensland time;

(g) a reference to a person includes a natural person, partnership, body corporate, association, governmental or local authority or agency or other entity;

(h) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;

(i) the meaning of general words is not limited by specific examples introduced by ‘including, for example’ or similar expressions; and

(j) if a day on or by which an obligation must be performed or an event must occur is

not a business day, the obligation must be performed, or the event must occur on or by the next business day.

3. Information notice—required content

3.1 An information notice must:

(a) identify the notice day for the information notice;

(b) identify the response day for the information notice

(c) state that if the cultural heritage party receiving the information notice intends to make a submission about the subject matter of the information notice it must, on or before the response day, give the coordinator an information notice response:

(i) advising that it intends to make a submission in relation to the subject matter of the information notice; and

(ii) identifying whether it intends to make a written submission or an oral submission;

(d) include a schedule listing the amounts the proponent will pay to a cultural heritage party that makes a submission to cover the cultural heritage party's costs of making the submission;

(e) state that if the cultural heritage party does not give its information notice response on or before the response day, the proponent may, in its absolute discretion, make decisions about the subject matter of the information notice without further communication or engagement with the cultural heritage party;

(f) state that any submission in relation to the subject matter of the information notice must be given to the coordinator before the submission period ends;

(g) state that an oral submission may be made at either an electronic meeting or an in-person meeting;

(h) state that in-person meetings will be held only in a metropolitan area;

(i) state that in-person meetings will be recorded and a meeting transcript prepared;

(j) state that the cultural heritage party will be provided with a copy of the recording and meeting transcript; and

(k) state that the proponent may reproduce or use all or part of the recording or the meeting transcript for the purposes of the project unless the cultural heritage party expressly requests otherwise.

3.2 An information notice must also state that if the cultural heritage party gives an information notice response stating that it intends to make an oral submission, the cultural heritage party must, in its information notice response:

(a) identify at least 2 days during the submission period on which the cultural heritage party is available to meet;

(b) state whether the cultural heritage party wishes to attend an electronic meeting or an in-person meeting; and

(c) if the preference is for an in-person meeting—identify the metropolitan area in which

the cultural heritage party is able to attend.

4. Information notice response—required information

4.1 An information notice response must include the following:

(a) whether the cultural heritage party intends to make a written submission or an oral submission in relation to the subject matter of the information notice;

(b) if the cultural heritage party states that it intends to make an oral submission—whether the cultural heritage party's preference is for an electronic meeting or an in-person meeting;

(c) if the cultural heritage party's preference is for an in-person meeting:

(i) 2 days within the submission period during which the cultural heritage party is available to meet the cultural heritage coordinator; and

(ii) the metropolitan area or areas in which the cultural heritage party is available to meet.

5. Coordinator

5.1 The proponent must appoint a suitably qualified person to be the coordinator for the project.

5.2 The coordinator's functions include:

(a) undertaking the cultural heritage study;

(b) preparing the draft report and final report;

(c) giving information notices and making offers to cultural heritage parties;

(d) receiving information notice responses and submissions from cultural heritage parties;

(e) negotiating agreements with a cultural heritage party under clause 19;

(f) developing the proposed protection measures for the project;

(g) developing, or arranging for the development of, the cultural heritage training materials;

(h) delivering, or arranging the delivery of, the cultural heritage training in accordance with clause 25;

(i) establishing and maintaining the register;

(j) establishing and maintaining the keeping place; and

(k) any other function agreed between the proponent and the coordinator.

5.3 The coordinator may engage other suitably qualified persons to assist it in performing the functions mentioned in clause 5.2.

5.4 As soon as reasonably practicable after appointing the coordinator, the proponent must give a notice stating the coordinator's name and contact details to:

(a) the chief executive;

(b) if the proponent is not the Authority—the Authority;

(c) each cultural heritage party for the project area; and

(d) each design consultant and contractor for the project.

5.5 The chief executive must publish the coordinator's contact details on the department's website.

5.6 As soon as reasonably practicable after the proponent engages a new design consultant or contractor for the project, the proponent must give the new design consultant or contractor a notice stating the coordinator's name and contact details.

5.7 If the coordinator changes, the proponent must give a notice stating the new coordinator's name and contact details to:

(a) the chief executive;

(b) if the proponent is not the Authority—the Authority;

(c) each cultural heritage party for the project area; and

(d) each design consultant and contractor for the project.

5.8 The chief executive must publish the new coordinator's contact details on the department's website.

6. Cultural heritage study

6.1 The coordinator must undertake a study of the cultural heritage values in the project area.

6.2 The study must commence as soon as reasonably practicable after a coordinator is first appointed under clause 5.1.

6.3 The purpose of the study is to identify and document the cultural heritage values of the project area, which includes identifying the part of the project area:

(a) that is, or may be, a culturally significant area;

(b) in which culturally significant objects are known to be situated; and

(c) in which there is evidence to suggest that culturally significant objects are likely to be situated.

6.4 If there is no cultural heritage party for any part of the project area, the coordinator must prepare the final report as soon as practicable after the study is complete.

6.5 However, if there is a cultural heritage party for the project area or part of the project area, the coordinator must:

(a) prepare the draft report;

(b) give each cultural heritage party for the project area an information notice for the draft report and a copy of the draft report; and

(c) comply with whichever of clauses 7, 8 or 9 applies.

7. No response to information notice given under clause 6.5

7.1 This clause applies if:

(a) the coordinator gives an information notice and copy of the draft report under clause 6.5; and

(b) no cultural heritage party gives the coordinator an information notice response on or before the response day.

7.2 The coordinator may, in its absolute discretion, complete the final report and provide it under clause 10.1 without further consultation or engagement with the cultural heritage party or cultural heritage parties.

8. Written submission in relation to draft report

8.1 This clause applies if a cultural heritage party:

(a) is given an information notice under clause 6.5; and

(b) on or before the response day for the information notice—gives the coordinator an information notice response stating that the cultural heritage party intends to make a written submission in relation to the draft report.

8.2 The coordinator must consider any written submission received from the cultural heritage party within the submission period.

8.3 The coordinator must, after considering all written submissions received:

(a) prepare the final report as soon as reasonably practicable; and

(b) unless the cultural heritage party has requested otherwise—include a copy of the submission as a schedule to the final report.

8.4 However, if the submission period for the information notice ends and the coordinator has not received a written submission from the cultural heritage party, the coordinator may in its absolute discretion complete the final report without further communication or engagement with the cultural heritage party.

9. Oral submission in relation to draft report

9.1 This clause applies if a cultural heritage party:

(a) is given an information notice under clause 6.5; and

(b) on or before the response day for the information notice—gives the coordinator an information notice response stating that it intends to make an oral submission in relation to the draft report.

9.2 The coordinator must use its best endeavours to arrange a meeting with the cultural heritage party:

(a) on 1 of the days nominated by the cultural heritage party in its information notice response; and

(b) if the cultural heritage party stated in the information notice response that it would prefer an in-person meeting and is available to attend a meeting in a metropolitan area—in the nominated metropolitan area.

9.3 The coordinator is not required to agree to an in-person meeting at a place that is not

located in a metropolitan area.

9.4 The coordinator must:

(a) record the meeting;

(b) prepare the meeting transcript;

(c) give the cultural heritage party a copy of the recording and the meeting transcript; and

(d) ask the cultural heritage party to confirm in writing, within a stated period, whether it objects to the meeting transcript, or part of it, being included as a schedule to the final report.

9.5 Clause 9.6 applies if the meeting has not occurred by the day that is 10 business days before the submission period for the information notice ends.

9.6 The coordinator must give the cultural heritage party a notice:

(a) nominating 2 days before the end of the submission period on which the coordinator is available to have an electronic meeting with the cultural heritage party to receive the cultural heritage party's oral submission; and

(b) stating that if the cultural heritage party would now prefer to make a written submission instead of an oral submission—the coordinator will consider any written submission received from the cultural heritage party before the submission period ends.

9.7 The coordinator must consider any oral submission made by the cultural heritage party, or a written submission received under clause 9.6(b), before the submission period ends.

9.8 After the submission period ends and the coordinator has considered any submission made under this clause, the coordinator must:

(a) prepare the final report as soon as reasonably practicable; and

(b) unless the cultural heritage party has requested otherwise in accordance with clause 9.4(d)—include a copy of the meeting transcript or written submission as a schedule to the final report.

9.9 However, if the submission period ends and the coordinator has not received a submission under this clause, the coordinator may in its absolute discretion prepare the final report without with further communication or engagement with the cultural heritage party.

10. Final report to be given to proponent

10.1 As soon as reasonably practicable after preparing the final report, the coordinator must give a copy of it to:

(a) the proponent; and

(b) if the proponent is not the Authority—the Authority; and

(c) each cultural heritage party for the project area.

10.2 The proponent must give a copy of the final report to each design consultant for the project, whether the design consultant is engaged before or after the proponent receives the final report under clause 10.1.

11. Design consultant must consider submissions

11.1 Each design consultant must consider the final report in developing design recommendations or design proposals for the project infrastructure.

12. Information notice for draft masterplan

12.1 When the draft masterplan for project infrastructure in the project area is significantly advanced, but before it is finalised, the coordinator must give each cultural heritage party an information notice about the draft masterplan.

12.2 In addition to the information mentioned in clause 3, an information notice given under clause 12.1 must:

(a) include an overview of the draft masterplan;

(b) identify 2 days within the first 10 business days of the submission period for the information notice on which the coordinator will hold online or in-person information sessions about the draft masterplan;

(c) invite the cultural heritage party to attend an information session.

13. No response to information notice given under clause 12.1

13.1 This clause applies if:

(a) the coordinator gives an information notice under clause 12.1 in relation to the draft masterplan; and

(b) no cultural heritage party gives the coordinator an information notice response on or before the response day for the information notice.

13.2 The proponent may, in its absolute discretion, finalise the masterplan without further consultation or engagement with the cultural heritage party or cultural heritage parties.

14. Written submission in relation to draft masterplan

14.1 This clause applies if a cultural heritage party:

(a) is given an information notice under clause 12.1; and

(b) on or before the response day for the information notice—gives the coordinator an information notice response stating that it intends to make a written submission in relation to the draft masterplan.

14.2 The coordinator must give the proponent each written submission received within the submission period for the information notice.

14.3 However, if the submission period ends and the coordinator has not received a written submission from the cultural heritage party, the proponent may, in its absolute discretion, finalise the masterplan without further communication or engagement with the cultural heritage party.

15. Oral submission in relation to draft masterplan

15.1 This clause applies if a cultural heritage party:

(a) is given an information notice under clause 12.1; and

(b) on or before the response day for the information notice—gives the coordinator an information notice response stating that it intends to make an oral submission in relation to the draft masterplan.

15.2 The coordinator must use its best endeavours to arrange a meeting with the cultural heritage party:

(a) on 1 of the days nominated by the cultural heritage party in its information notice response; and

(b) if the cultural heritage party stated in its information notice response that it would prefer an in-person meeting and is available to attend a meeting in a metropolitan area—in the nominated metropolitan area.

15.3 The coordinator must:

(a) record the meeting with the cultural heritage party;

(b) prepare the meeting transcript;

(c) give a copy of the recording and the meeting transcript to the cultural heritage party and the proponent.

15.4 Clause 15.5 applies if the meeting has not occurred by the day that is 10 business days before the end of the submission period for the information notice.

15.5 The coordinator must give the cultural heritage party a notice:

(a) nominating 2 days before the end of the submission period on which the coordinator is available to attend an electronic meeting with the cultural heritage party to receive the cultural heritage party's oral submission; and

(b) stating that if the cultural heritage party would now prefer to make a written submission instead of an oral submission—the coordinator will consider any written submission received within the submission period from the cultural heritage party under this clause.

16. Draft masterplan submissions to be considered

16.1 As soon as reasonably practicable after the end of the submission period for an information notice given under clause 12.1 , the proponent must consider each submission made in relation to the draft masterplan and discuss it with the design consultants.

16.2 The proponent, and the design consultants, must not finalise the masterplan until each submission has been considered and discussed in accordance with clause 16.1.

17. Cultural heritage training, etc—where single cultural heritage party for project area

17.1 This clause applies if there is a single cultural heritage party for all parts of the project

area in which high impact activities are proposed to be carried out.

17.2 Before any high impact activities commence in the project area, the coordinator must:

(a) prepare the proposed protection measures for the project; and

(b) make a written offer to the cultural heritage party.

17.3 The offer must invite the cultural heritage party to enter into negotiations for an agreement under which the cultural heritage party do any or all of the following:

(a) develop the cultural heritage training materials;

(b) develop the cultural heritage protection measures for the project;

(c) deliver the cultural heritage training.

17.4 The offer must:

(a) include a map showing the locations within the project area where high impact activities are proposed to be carried out;

(b) describe the high impact activities proposed to be carried out;

(c) state that the coordinator is responsible for preparing cultural heritage training and cultural heritage protection measures to help preserve and protect cultural heritage in the project area from the effects of the proposed high impact activities;

(d) include a copy of the proposed protection measures;

(e) state the acceptance day for the offer; and

(f) state that the cultural heritage party must accept the offer on or before the acceptance day, if the cultural heritage party wishes to do any or all of the following:

(i) agree the cultural heritage protection measures for the project;

(ii) develop some or all of the cultural heritage training materials;

(iii) deliver some or all of the cultural heritage training;

(g) state that:

(i) if the cultural heritage party does not accept the offer on or before the acceptance day; or

(ii) if the cultural heritage party accepts the offer on or before the acceptance day, but the parties are unable to reach an agreement within the negotiation period for the offer,

the coordinator may in its absolute discretion and without further communication or engagement with the cultural heritage party do any or all of the following after the negotiation period for the offer ends:

(iii) adopt the proposed protection measures as the cultural heritage protection measures for the project;

(iv) develop the cultural heritage training materials;

(v) deliver the cultural heritage training;

(h) include a schedule listing the amounts the proponent will pay to a cultural heritage

party to cover the cultural heritage party's costs of negotiating for an agreement; and

(i) state the day on which the negotiation period for the offer ends.

18. If cultural heritage party does not accept offer

18.1 If the cultural heritage party does not accept an offer on or before the acceptance day, the coordinator may, in its absolute discretion:

(a) finalise the cultural heritage training materials without further communication or engagement with the cultural heritage party; and

(b) adopt the proposed protection measures as the cultural heritage protection measures for the project.

19. If cultural heritage party accepts offer

19.1 If the cultural heritage party accepts an offer on or before the acceptance day, the coordinator must use its best endeavours to negotiate in good faith with the cultural heritage party for an agreement under which the cultural heritage party does any or all of the following:

(a) agrees the cultural heritage protection measures for the project;

(b) develops all or part of the cultural heritage training;

(c) delivers all or part of the cultural heritage training;

19.2 If the coordinator and the cultural heritage party reach agreement, anything done by the coordinator or a contractor in reliance on the cultural heritage training or cultural heritage protection measures developed or delivered by the cultural heritage party is taken to be done under this Plan.

19.3 If the negotiation period ends and the contractor and the cultural heritage party have not reached agreement, the coordinator may, in its absolute discretion and without further communication or engagement with the cultural heritage parties:

(a) finalise the cultural heritage training materials;

(b) deliver the cultural heritage training; and

(c) adopt the proposed protection measures as the cultural heritage protection measures for the project.

20. Cultural heritage training, etc—where multiple cultural heritage parties for project area

20.1 This clause and clauses 21, 22, 23 and 24 apply if there is more than one cultural heritage party for the parts of the project area in which high impact activities are proposed to be carried out.

20.2 Before high impact activities are first scheduled to commence in the project area, the coordinator must prepare:

(a) a draft cultural heritage induction presentation;

(b) a draft cultural heritage identification and management presentation,

(together, the ***draft cultural heritage training materials***).

20.3 As soon as reasonably practicable after the coordinator has prepared the draft cultural heritage training materials, the coordinator must give each cultural heritage party for a part of the project area in which high impact activities are proposed to be carried out:

(a) an information notice relating to the draft cultural heritage training materials and proposed protection measures;

(b) a copy of the draft cultural heritage training materials; and

(c) a copy of the proposed protection measures.

20.4 The information notice given under clause 20.3 must include, in addition to the information mentioned in clause 3, a statement that the cultural heritage party should to identify in its information notice response whether it wishes to participate in the delivery of the cultural heritage training.

21. No response to information notice given under clause 20.3

21.1 This clause applies if the coordinator gives an information notice under clause 20.3 and no cultural heritage party gives an information notice response on or before the response day for the information notice.

21.2 The coordinator may, without further communication or engagement with any cultural heritage party:

(a) finalise the cultural heritage training materials; and

(b) adopt the proposed protection measures as the cultural heritage protection measures for the project.

22. Written submission in relation to draft training materials etc.

22.1 This clause applies if a cultural heritage party:

(a) is given an information notice under clause 20.3; and

(b) on or before the response day for the information notice—gives the coordinator an information notice response stating that it intends to make a written submission in relation to either or both the draft cultural heritage training materials and the proposed protection measures.

22.2 The coordinator must consider any written submission provided by a cultural heritage party within the submission period for the information notice before:

(a) finalising the cultural heritage training materials; or

(b) adopting the proposed protection measures as the cultural heritage protection measures for the project.

22.3 However, if the coordinator does not receive a written submission from the cultural heritage party within the submission period, the coordinator may, without further communication or engagement with the cultural heritage party:

(a) finalise the cultural heritage training materials; and

(b) adopt the proposed protection measures (including as modified by any submission made by another cultural heritage party) as the cultural heritage protection measures for the project.

23. Oral submission in relation to draft training materials etc.

23.1 This clause applies if a cultural heritage party:

(a) is given an information notice under clause 20.3; and

(b) on or before the response day for the information notice—gives the coordinator an information notice response stating that it intends to make an oral submission in relation to either or both the draft cultural heritage training materials or the proposed protection measures.

23.2 The coordinator must use its best endeavours to arrange a meeting with the cultural heritage party:

(a) on 1 of the days nominated by the cultural heritage party in its information notice response; and

(b) if the cultural heritage party stated in its information notice response that it would prefer an in-person meeting and is available to attend a meeting in a metropolitan area—in the nominated metropolitan area.

23.3 The coordinator must:

(a) record the meeting with the cultural heritage party;

(b) prepare the meeting transcript; and

(c) give a copy of the recording and the meeting transcript to the cultural heritage party and the proponent.

23.4 Clause 23.5 applies if the meeting has not occurred by the day that is 10 business days before the end of the submission period for the information notice.

23.5 The coordinator must give the cultural heritage party a notice:

(a) nominating 2 days before the end of the submission period on which the coordinator is available to attend an electronic meeting with the cultural heritage party at which the cultural heritage party can make its oral submission; and

(b) stating that if the cultural heritage party would now prefer to make a written submission instead of an oral submission—the coordinator will consider any written submission received from the cultural heritage party within the submission period.

23.6 The coordinator must consider any submission made by the cultural heritage party under this clause before finalising the cultural heritage training materials or deciding the cultural heritage protection measures for the project.

23.7 However, if the submission period ends without the coordinator receiving a submission under this clause, the coordinator may, without further communication or engagement with the cultural heritage party:

(a) finalise the cultural heritage training materials; and

(b) adopt the proposed protection measures (including as modified by any submission

made by another cultural heritage party) for the project.

24. Participation in delivery of cultural heritage training

24.1 This clause applies if, on or before the response day for an information notice given under 20.3, a cultural heritage party gives the coordinator an information notice response stating that the cultural heritage party wishes to participate in delivering the cultural heritage training.

24.2 The coordinator must use its best endeavours to negotiate in good faith with the cultural heritage party for an agreement under which the cultural heritage party will assist the coordinator to deliver those parts of the cultural heritage training relevant to the cultural heritage party.

24.3 The cultural heritage party must agree to a cultural heritage party for another part of the project area assisting in the delivery of training relevant to the other party in the event the coordinator negotiates an agreement of the kind mentioned in clause 24.2 with the other party.

24.4 If the contractor and the cultural heritage party do not reach agreement within submission period for the information notice, the coordinator is not required after the submission period ends to further communicate or engage with the cultural heritage party regarding delivery of the cultural heritage training.

25. Mandatory cultural heritage training

25.1 The senior executives of the proponent and each contractor must attend a cultural heritage induction presentation before any high impact activities are carried out in the project area.

25.2 If a contractor (***new contractor***) is engaged for the project after high impact activities are first carried out in the project area, the new contractor's senior executives must attend a cultural heritage induction presentation as soon as reasonably practicable after the new contractor is engaged.

25.3 All persons who propose to enter a construction site must attend a cultural heritage induction presentation before entry.

25.4 However, before a construction worker starts work on a construction site in the project area, the construction worker must attend both:

(a) a cultural heritage induction presentation; and

(b) a cultural heritage identification and management presentation.

26. Management of finds

26.1 If a construction worker carrying out a high impact activity in the project area identifies or locates a find:

(a) the construction worker must immediately inform the worker's supervisor;

(b) the supervisor must immediately inform the site manager; and

(c) the site manager must immediately inform the coordinator.

26.2 The coordinator must consider the cultural heritage protection measures for the project to determine whether high impact activities should be temporarily suspended, and a buffer zone established, in the relevant part of the project area to minimise the risk of harm to the find.

26.3 If the coordinator advises the site manager that high impact activities should be temporarily suspended:

(a) the site manager must immediately establish a buffer zone for the find in accordance with the cultural heritage protection measures for the project; and

(b) the site manager must ensure that no high impact activities are carried out in the buffer zone until the coordinator has given the site manager a clearance notice under clause 26.5(a) or clause 26.7(a).

26.4 As soon as practicable after being informed by the site manager of a find, the coordinator must:

(a) attend the construction site and examine the find; and

(b) if the coordinator considers it necessary to consult with a suitably qualified technical adviser to determine if the find is a culturally significant object—the site manager must ensure the exclusion zone is maintained while the coordinator consults with the technical adviser.

26.5 If the coordinator determines that the find is not a culturally significant object, the coordinator must, as soon as reasonably practicable:

(a) give the site manager a clearance notice; and

(b) enter the following information in the register:

(i) the day and time the find was located;

(ii) the location of the find, including GPS coordinates;

(iii) photographs of the find;

(iv) a written description of the find;

(v) the name of any technical adviser the coordinator consulted in relation to the find; and

(vi) the reasons why the coordinator (and any technical advisor the coordinator consulted) is satisfied the find is not a culturally significant object; and

(c) give a notice including the information mentioned in clause 26.5(b) to the cultural heritage party for the area in which the find was located.

26.6 If the coordinator determines that a find is or may be a culturally significant object, the coordinator must:

(a) decide which of the cultural heritage protection measures for the project must be applied to protect the object; and

(b) must apply the cultural heritage protection measures as soon as practicable.

26.7 As soon as reasonably practicable after applying the cultural heritage protection measures, the coordinator must:

(a) give the site manager a clearance notice; and

(b) enter the following information in the register:

(i) the day and time the culturally significant object was located;

(ii) the location where the object was found, including GPS coordinates;

(iii) photographs of the object;

(iv) a written description of the object including the site type, material and other identifying features;

(v) the name of any technical adviser the coordinator consulted in relation to the find;

(vi) the reasons why the coordinator (and any technical adviser the coordinator consulted) is satisfied the object is a culturally significant object;

(vii) the cultural heritage protection measures taken to protect the object including, if the object has been relocated, the place to which is has been located; and

(c) give a notice including the information mentioned in clause 26.7(b) to the cultural heritage party for the area in which the object was located.

27. Management of cultural heritage-human remains

27.1 If a construction worker carrying out a high impact activity identifies or locates material the worker suspects is or may be cultural heritage-human remains:

(a) the worker must immediately inform the worker's supervisor; and

(b) the supervisor must immediately:

(i) establish a buffer zone in accordance with the cultural heritage protection measures for the project; and

(ii) inform the site manager of the presence of the cultural heritage-human remains; and

(c) the site manager must immediately inform the coordinator.

27.2 The suspected cultural heritage-human remains must be managed in accordance with the Queensland Government's *Guidelines for the discovery, handling and management of human remains*.

28. Cultural heritage party may access register and keeping place

28.1 A cultural heritage party for the project area may at any time give the coordinator a notice requesting access to the register or the keeping place.

28.2 As soon as reasonably practicable after receiving a notice under clause 28.1, the coordinator must contact the cultural heritage party to arrange access to the register or the keeping place, as applicable.

28.3 The coordinator may fulfil a request made by a cultural heritage party under this clause for access to the register by giving an electronic or printed copy of the register to the cultural heritage party.

29. Reimbursement for cultural heritage party's costs

29.1 This clause applies if a cultural heritage party incur costs in:

(a) preparing an information notice response;

(b) preparing a written submission;

(c) preparing an oral submission and attending a meeting to give the oral submission;

(d) reviewing a meeting transcript;

(e) considering with to accept an offer; or

(f) negotiating for agreement of the kind described in clause 19.

29.2 The cultural heritage party may submit a claim to the coordinator seeking to be reimbursed for the costs incurred.

29.3 The claim must:

(a) identify the amount of costs claimed (***claimed amount***) for each individual activity (as mentioned in clause 29.1) undertaken by the cultural heritage party for this Plan;

(b) include supporting documentation such as tax invoices or time logs for each claimed amount; and

(c) nominate a bank account into which claimed amounts can be paid to, or for the benefit of, the cultural heritage party if they are certified under this clause (***nominated account***).

29.4 The coordinator must review the claim and determine if each claimed amount is consistent with the schedule of rates:

(a) included with the information notice in relation to which the cultural heritage party undertook the activity to which the claimed amount relates; or

(b) If the cultural heritage party incurred the claimed amount as a result of negotiating for an agreement under clause 19—included with the offer,

(each, an ***applicable schedule***).

29.5 If the coordinator is satisfied that a claimed amount is consistent with the applicable schedule, the coordinator must certify in writing to the proponent that the claimed amount is suitable to be paid (***certified amount***).

29.6 Within 10 business days after receiving certification under clause 29.5, the proponent must pay the certified amount or certified amounts into the nominated account.

30. Notices

30.1 A notice may be given under this Plan by any of the following methods:

(a) hand delivery to the recipient;

(b) prepaid post;

(c) email.

30.2 A notice takes effect when taken to be received (or at a later time specified in it), and is

taken to be received:

(a) if hand delivered—on delivery;

(b) if sent by prepaid post—on the fifth business day after the date of posting; or

(c) if sent by email, upon the sender sending the email unless the sender receives a notification that the email was undeliverable or has not otherwise been received,

but if the delivery, receipt or transmission is not on a business day or is after 5.00pm on a business day, the notice is taken to be received at 9.00am on the next business day.

30.3 A cultural heritage party must send all notices and other written communications with the coordinator (including any written submissions made under this Plan) to the contact details for the coordinator at addresses published on the department's website.

31. Intellectual property

31.1 Nothing in this Plan affects or alters the ownership of any existing intellectual property rights in material:

(a) included in any written submission or oral submission made by a cultural heritage party under this plan; or

(b) otherwise regarding the cultural heritage values of the project area.

31.2 To avoid doubt, nothing in this Plan affects the application of the provisions of:

(a) part 2 of the *Aboriginal Cultural Heritage Act 2003* dealing with ownership, custodianship and possession of Aboriginal cultural heritage in the project area; or

(b) part 2 of the *Torres Strait Islander Cultural Heritage Act 2003* dealing with ownership, custodianship and possession of Torres Strait Islander cultural heritage in the project area.

31.3 If a cultural heritage party enters into an agreement with the coordinator under clause 19.1, intellectual property rights in training materials or other materials developed by the cultural heritage party, either individually or jointly with the coordinator, will be dealt with in the agreement.

31.4 If a cultural heritage party makes a submission under this Plan, the proponent and the cultural heritage party will address the ownership and licensing of the intellectual property rights in the material that may be created or collected as a result of making the submission in a separate agreement made before the submission is made.

31.5 If a cultural heritage party gives the coordinator information for developing the cultural heritage training materials or the cultural heritage protection measures for the project under clause 22 or clause 23, the proponent and the cultural heritage party will address the ownership and licensing of the information in a separate agreement made before the information is created or collected.

32. Confidentiality

32.1 If a cultural heritage party requests that information it provides to the coordinator or proponent under this Plan be kept confidential (for example, because the information is culturally sensitive), the coordinator or proponent must maintain confidentiality in the

information to the extent possible but subject to:

(a) the need to share the information with the Authority, contractors, design consultants, professional advisors and State government personnel in connection with the project or for the administration of the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*;

(b) any legal obligation to disclose the information;

(c) any disclosure required for Queensland government reporting and accountability purposes; and

(d) the information entering the public domain other than as a result of a breach of any obligation of confidentiality under this clause.

Part 3 Amendments commencing by proclamation

73 Amendment of s 17 (Composition)

(1) Section 17(1) to (4)—

omit, insert—

(1) The board consists of the following persons (each a ***director***)—

(a) up to 3 persons nominated by the Minister as independent directors in accordance with section 18;

Note—

See also section 25 in relation to the president of the board.

(b) 1 person nominated by the Minister as a representative of the Queensland Government in accordance with section 19;

Note—

See also section 26 in relation to the vice presidents of the board.

(c) 1 person nominated by the Prime Minister in accordance with section 19;

Note—

See also section 26 in relation to the vice presidents of the board.

(d) 1 person nominated by the Lord Mayor in accordance with section 19;

(e) 1 person nominated by the mayor of the Gold Coast City Council in accordance with section 19;

(f) 1 person nominated by the mayor of the Sunshine Coast Regional Council in accordance with section 19;

(g) 1 person who—

(i) has competed for Australia at either or both of the 2 Olympic Games held most recently before the person's appointment; and

(ii) has been elected by athletes who have competed at either or both of those Olympic Games, as confirmed in writing by the Australian Olympic Committee;

(h) 1 person who—

(i) has competed for Australia at either or both of the 2 Paralympic Games held most recently before the person's appointment; and

(ii) has been either elected by athletes who have competed at either or both of

those Paralympic Games or selected by the Paralympics Australia Athletes' Commission, as confirmed in writing by Paralympics Australia;

(i) the president of the Australian Olympic Committee;

(j) either—

(i) if a person holds office as an honorary life president of the Australian Olympic Committee—the honorary life president; or

(ii) otherwise—the chief executive officer of the Australian Olympic Committee;

(k) the president of Paralympics Australia;

(l) any person who is a member of the International Olympic Committee from Australia;

(m) any person who is a member of the governing board of the International Paralympic Committee residing in Australia.

(2) However, the office mentioned in subsection (1)(l) or (m) is taken not to be filled if the only person mentioned in that subsection is a director holding office under subsection (1)(i), (j) or (k).

(3) Each of the directors mentioned in subsection (1)(a) to (h) is a ***nominated director***.

(2) Section 17(5) to (7)—

renumber as section 17(4) to (6).

74 Amendment of s 18 (Nomination of independent directors)

(1) Section 18(1), 'section 17(1)(h)'—

omit, insert—

section 17(1)(a)

(2) Section 18(4) to (7)—

omit, insert—

(4) In considering the proposed nomination, the Minister must have regard to each of the following—

(a) the person's skills, knowledge and experience in areas relevant to the performance of the board's functions;

(b) the diversity of the skills, knowledge and experience of the board's directors relevant to the board's functions;

(c) the Queensland Government's policy about gender equity on boards;

(d) the diversity of the board's directors.

75 Replacement of ss 19 and 20

Sections 19 and 20—

omit, insert—

19 Requirements for particular nominations

(1) This section applies in relation to the nomination of a person for section 17(1)(b) to (f).

(2) The person must be appropriately qualified.

(3) In considering the proposed nomination, the nominating entity must have regard to each of the following—

(a) the person's skills, knowledge and experience in areas relevant to the performance of the board's functions;

(b) the diversity of the skills, knowledge and experience of the board's directors relevant to the board's functions;

(c) the Queensland Government's policy about gender equity on boards;

(d) the diversity of the board's directors.

(4) In this section—

nominating entity means—

(a) for a nomination for section 17(1)(b)—the Minister; or

(b) for a nomination for section 17(1)(c)—the Prime Minister; or

(c) for a nomination for section 17(1)(d)—the Lord Mayor; or

(d) for a nomination for section 17(1)(e) or (f)—the mayor.

76 Amendment of s 23 (Vacancy in office)

(1) Section 23(1)(f) and (g)—

omit, insert—

(f) for a nominated director mentioned in section 17(1)(a)—the director no longer meets the requirement under section 18(3); or

(g) for a nominated director mentioned in section 17(1)(c), (d), (e), (f), (g) or (h)—the nominating entity gives the Minister a written notice stating that the nominating

entity wishes to vacate the director's office; or

(2) Section 23(1)(h), 'section 17(1)(i)'—

omit, insert—

section 17(1)(c)

(3) Section 23(1)(i), 'section 17(1)(j)'—

omit, insert—

section 17(1)(b)

(4) Section 23(1)(i)—

relocate and *renumber* as section 23(1)(ga).

(5) Section 23(2), example, from 'section 17(1)(c)' to 'chief executive officer'—

omit, insert—

section 17(1)(i)–the person holding office stops being the president

(6) Section 23(3), definition *nominating entity*—

omit, insert—

nominating entity means—

(a) for a nominated director mentioned in section 17(1)(c)—the Prime Minister; or

(b) for a nominated director mentioned in section 17(1)(d)—the Lord Mayor; or

(c) for a nominated director mentioned in section 17(1)(e) or (f)—the mayor; or

(d) for a nominated director mentioned in section 17(1)(g)—the Australian Olympic Committee; or

(e) for a nominated director mentioned in section 17(1)(h)—Paralympics Australia.

(7) Section 23(3), definition *relevant political party*, 'section 17(1)(i) or (j)'—

omit, insert—

section 17(1)(b) or (c)

77 Amendment of s 25 (President)

(1) Section 25(1), 'section 17(1)(h)'—

omit, insert—

section 17(1)(a)

(2) Section 25(2) and (4)—

omit.

(3) Section 25(3)—

renumber as section 25(2).

78 Replacement of s 26 (Vice presidents)

Section 26—

omit, insert—

26 Vice presidents

(1) The nominated directors holding office under section 17(1)(b) and (c) are the vice presidents of the board.

(2) Each vice president's role is decided by the president.

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

(1) Section 27(1), from ', or appointed' to 'vice president,'—

omit.

(2) Section 27(2) to (4), 'or vice president'—

omit.

(3) Section 27(3), after 'nominated director'—

insert—

holding office under section 17(1)(a)

(4) Section 27—

relocate and *renumber* as section 25A.

80 Amendment of s 33 (Presiding)

(1) Section 33(2), 'appointed under section 26(2)'—

omit.

(2) Section 33(3)(a), 'appointed under section 26(2)(b)'—

omit, insert—

who is the nominated director holding office under section 17(1)(b)

(3) Section 33(3)(b), 'appointed under section 26(2)'—

omit.

(4) Section 33(4)—

omit.

83 Amendment of s 44 (Councillors' conflicts of interest)

Section 44(1), 'the Lord Mayor or another councillor'—

omit, insert—

a councillor

84 Insertion of new ch 5, pt 3, div 3

Chapter 5, part 3, as inserted by this Act—

insert—

Division 3 Provision for corporation

69 Board of corporation—particular directors vacate office

(1) This section applies to a person who, immediately before the commencement, held office as a director of the board of the corporation under section 17(1)(c), (h), (i), (j), (k), (l) or (m) as in force immediately before the commencement.

(2) On the commencement, the person goes out of office.

(3) No compensation is payable to the person because of subsection (2).

85 Amendment of sch 6 (Dictionary)

(1) Schedule 6—

insert—

vice president means a vice president of the board of the corporation holding office under section 26(1).

(2) Schedule 6, definition *nominated director*, 'section 17(4)'—

omit, insert—

section 17(3)

Chapter 4A Regional planning amendments

85A Act amended

This chapter amends the *Planning Act 2016*.

85B Amendment of s 10 (Making or amending State planning instruments)

(1) Section 10(3)(c), '60 business days'—

omit, insert—

30 business days

(2) Section 10(3)(d), '30 business days'—

omit, insert—

20 business days

Chapter 4B Development control plan amendments

85C Act amended

This chapter amends the *Planning Act 2016*.

85D Amendment of s 275ZB (Restrictions on starting development in structure plan area)

Section 275ZB(5)(b)—

insert—

(iv) the development relates to infrastructure under a designation.

85E Amendment of s 316 (Development control plans)

Section 316, note—

omit, insert—

Note—

See also part 9, division 2 and part 11, division 1.

85F Insertion of new ch 8, pt 11

Chapter 8—

insert—

Part 11 Transitional and validation provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025

Division 1 Provisions relating to development control plans

366 Definition for division

In this division—

development control plan see section 358.

367 Validation of particular development and uses

(1) This section applies if—

(a) before the commencement, development in relation to infrastructure under a designation was carried out on premises; and

(b) when the development was carried out, a development control plan applied to the premises.

(2) It is declared that the carrying out of the development, and any use of the premises that is a natural and ordinary consequence of the development, is taken to be, and to have always been, as valid and lawful as it would be or would have been if—

(a) a process in the development control plan for making and approving plans, however called, with which development must comply had been complied with in relation to the development; and

(b) the development had complied with the plans in the way stated in the development control plan.

(3) Subsection (2) applies despite—

(a) section 316(2); and

(b) the old Act, section 857(5); and

(c) the repealed *Integrated Planning Act 1997*, section 6.1.45A(2); and

(d) the development control plan.

(4) Subsection (5) applies if the development was carried out under a development approval on premises in—

(a) a community residential designation or an open space designation; or

(b) a town centre designation; or

(c) a conservation designation or a regional transport corridor designation.

(5) Despite section 275ZB, it is declared that the carrying out of the development, and any use of the premises that is a natural and ordinary

consequence of the development, is taken to be, and to have always been, as valid and lawful as it would be or would have been had the development complied with—

(a) for development on premises in a community residential designation or an open space designation—section 275ZB(1); or

(b) for development on premises in a town centre designation—section 275ZB(2); or

(c) for development on premises in a conservation designation or a regional transport corridor designation—section 275ZB(3).

(6) In this section—

community residential designation see section 275T.

conservation designation see section 275T.

designation includes a designation of land for community infrastructure under the old Act or the repealed *Integrated Planning Act 1997*.

open space designation see section 275T.

regional transport corridor designation see section 275T.

town centre designation see section 275T.

368 Development in development control plan areas

(1) This section applies if—

(a) on or after the commencement, development in relation to infrastructure under a designation is carried out on premises; and

(b) a development control plan applies to the premises.

(2) Despite section 316(2), the old Act, section 857(5) and the development control plan—

(a) a process in the development control plan for making and approving plans, however called, with which development must comply does not apply in relation to the development; and

(b) the development is not required to comply with the plans in the way stated in the development control plan.

Chapter 4C Infrastructure charging amendments

Part 1 Amendment of Planning Act 2016

85G Act amended

This part amends the *Planning Act 2016*.

85H Amendment of s 113 (Adopting charges by resolution)

(1) Section 113(3), after 'be for'—

insert—

trunk infrastructure that relates to

(2) Section 113(3)(a), 'use'—

omit, insert—

a use

(3) Section 113(3)—

insert—

(e) development prescribed by regulation.

85I Replacement of s 120 (Limitation of levied charge)

Section 120—

omit, insert—

120 Levied charge

(1) A levied charge under an infrastructure charges notice for a development approval may be for extra demand placed on trunk infrastructure that will be generated by the development the subject of the approval (the ***approved development***).

(2) In working out extra demand, the demand on trunk infrastructure generated by a prescribed development or use may also be included if—

(a) an infrastructure requirement given or imposed in relation to the prescribed development or use has not been complied with; or

(b) the prescribed development or use has not been carried out on the premises and either of the following apply—

(i) the approved development is for or relates to the prescribed development or use and the demand on trunk infrastructure generated by the prescribed development or use has not been included in working out extra

demand for another infrastructure requirement;

Example of approved development that is for or relates to a prescribed development or use—

The approved development is building work for a multiple dwelling. A material change of use of the premises for the multiple dwelling is accepted development. The building work is for the material change of use, and the use of the premises for the multiple dwelling.

(ii) an infrastructure requirement applying to the premises on which the prescribed development or use will be carried out was given or imposed on the basis of development or a use of a lower scale or intensity being carried out on the premises.

(3) In this section—

infrastructure requirement means an infrastructure charges notice, or a condition of a development approval, that requires infrastructure or a payment in relation to demand on infrastructure.

prescribed development or use, in relation to the development approval mentioned in subsection (1), means—

(a) development that may be carried out on the premises without a development permit; or

Example of development that may be carried out without a development permit—

accepted development

(b) development that is the subject of another development approval for the premises; or

(c) an existing use of the premises that is lawful and is already being carried out on the premises; or

(d) a previous use of the premises that is no longer being carried out on the premises if the use was lawful when it was carried out; or

(e) another use of the premises that—

(i) is a natural and ordinary consequence of the approved development or of development mentioned in paragraph (a) or (b); or

(ii) is or is taken to be a lawful use of the premises under this Act or another Act.

85J Amendment of s 307 (Infrastructure conditions—change or extension approval)

(1) Section 307(2), 'section 120(3)(a) and (b)'—

omit, insert—

section 120(2)(a) and (b)(ii)

(2) Section 307(4), 'sections 99BRCJ(3) and (3A)'—

omit, insert—

section 99BRCJ(2)(b) and (3)(a) and (b)(ii) of that Act

85K Insertion of new ch 8, pt 11, div 2

Chapter 8, part 11, as inserted by this Act—

insert—

Division 2 Provisions relating to infrastructure charges notices

369 Definitions for division

In this division—

given includes purportedly given.

infrastructure charges notice includes an infrastructure charges notice under the old Act.

levied charge includes a levied charge under the old Act.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

370 Infrastructure charges notices—former s 120

(1) This section applies in relation to an infrastructure charges notice given for a development approval before the commencement if—

(a) former section 120 applied in relation to the levied charge under the notice; and

(b) the levied charge did not comply with former section 120 when the notice was given.

(2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120 been in force when the notice was given.

(3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it

would be or would have been had new section 120 been in force when the notice was given.

(4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—

(a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but

(b) new section 120 applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the development approval.

(5) In this section—

former section 120 means section 120 as in force from time to time before the commencement.

371 Infrastructure charges notices—old Act, s 636 as in force from 7 November 2014

(1) This section applies in relation to an infrastructure charges notice given for a development approval before the commencement if—

(a) the old Act, section 636 as in force from 7 November 2014 (the ***relevant provision***) applied in relation to the levied charge under the notice; and

(b) the levied charge did not comply with the relevant provision when the notice was given.

(2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had

new section 120 been in force when the notice was given.

(3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120 been in force when the notice was given.

(4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—

(a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but

(b) new section 120 applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the development approval.

(5) For subsections (2) to (4), new section 120 applies as if a reference in the section to a term that is defined under this Act and the old Act includes a reference to the term as defined under the old Act.

372 Infrastructure charges notices—old Act, s 636 as in force between 4 July 2014 and 6 November 2014

(1) This section applies in relation to an infrastructure charges notice given for a development approval before the commencement if—

(a) the old Act, section 636 as in force between 4 July 2014 and 6 November 2014 (the ***relevant provision***) applied in relation to the levied charge under the notice; and

(b) the levied charge did not comply with the relevant provision when the notice was given.

(2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120, other than new section 120(2)(b)(ii), been in force when the notice was given.

(3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120, other than new section 120(2)(b)(ii), been in force when the notice was given.

(4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—

(a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but

(b) new section 120 applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the development approval.

(5) For subsections (2) to (4), new section 120 applies as if a reference in the section to a term that is defined under this Act and the old Act includes a reference to the term as defined under the old Act.

Part 2 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

85L Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

85M Amendment of s 99BRCF (Power to adopt charges by board decision)

(1) Section 99BRCF(2)(c), after 'be for'—

insert—

trunk infrastructure that relates to

(2) Section 99BRCF(2)(c)(i), from 'trunk infrastructure' to 'use'—

omit, insert—

work or a use

(3) Section 99BRCF(2)(c)(ii), (iii) and (iv), 'trunk infrastructure related to'—

omit.

(4) Section 99BRCF(2)(c)—

insert—

(v) public housing; or

(vi) development prescribed by regulation.

(5) Section 99BRCF(4)—

insert—

***public housing*—**

(a) means housing—

(i) provided by, or for, the State or a statutory body representing the State; and

(ii) for short or long term residential use; and

(iii) that is totally or partly subsidised by the State or a statutory body representing the State; and

(b) includes services provided mainly for residents of the housing.

85N Replacement of s 99BRCJ (Limitation of levied charge)

Section 99BRCJ—

omit, insert—

99BRCJ Levied charge

(1) A levied charge under an infrastructure charges notice for a water approval for premises may be for additional demand placed on trunk infrastructure that will be generated by the connection the subject of the approval (the ***approved connection***).

(2) In working out additional demand, any existing demand for a water service or wastewater service may be included if—

(a) the existing demand is not the subject of another water approval for the premises; or

(b) the existing demand is the subject of another water approval for the premises and an infrastructure requirement given or imposed in relation to the other water approval has not been complied with.

(3) Also, the demand on trunk infrastructure generated by a prescribed development or use may be included if—

(a) an infrastructure requirement given or imposed in relation to the prescribed development or use has not been complied with; or

(b) the prescribed development or use has not been carried out on the premises and either of the following apply—

(i) the approved connection is for or relates to the prescribed development or use and the demand on trunk infrastructure generated by the prescribed development or use has not been included in working out additional demand for another infrastructure requirement;

Example of an approved connection that is for or relates to a prescribed development or use—

The approved connection is for a multiple dwelling. A material change of use of the premises for the multiple dwelling is accepted development under the Planning Act. The approved connection is for the material change of use, and the use of the premises for the multiple dwelling.

(ii) an infrastructure requirement applying to the premises on which the prescribed development or use will be carried out was given or imposed on the basis of development or a use of a lower scale or intensity being carried out on the premises.

(4) In this section—

charges notice means—

(a) an infrastructure charges notice under this Act or the Planning Act; or

(b) a notice mentioned in the repealed SPA, section 977(1).

development see the Planning Act, schedule 2.

infrastructure requirement means a charges notice, a water approval condition or a condition of a development approval if the notice or condition requires infrastructure or a payment in relation to demand on infrastructure.

prescribed development or use, in relation to the water approval mentioned in subsection (1), means—

(a) development that may be carried out on the premises to which the water approval relates without a development permit under the Planning Act; or

Example of development that may be carried out without a development permit under the Planning Act—

accepted development under the Planning Act

(b) development that is the subject of a development approval for the premises; or

(c) an existing use of the premises that is lawful and is already being carried out on the premises; or

(d) a previous use of the premises that is no longer being carried out on the premises if the use was lawful when it was carried out; or

(e) another use of the premises that—

(i) is a natural and ordinary consequence of development mentioned in paragraph (a) or (b); or

(ii) is or is taken to be a lawful use of the premises under the Planning Act or another Act.

85O Insertion of new ch 6, pt 16

Chapter 6—

insert—

Part 16 Validation provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025

159 Definitions for part

In this part—

given includes purportedly given.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

160 Infrastructure charges notices—s 99BRCJ as in force from 5 December 2014

(1) This section applies in relation to an infrastructure charges notice given for a water approval before the commencement if—

(a) section 99BRCJ as in force from 5 December 2014 until the commencement of

this section (the ***relevant provision***) applied in relation to the levied charge under the notice; and

(b) the levied charge did not comply with the relevant provision when the notice was given.

(2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ been in force when the notice was given.

(3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ been in force when the notice was given.

(4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—

(a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but

(b) new section 99BRCJ applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the water approval.

(5) For subsections (2) to (4), new section 99BRCJ applies as if—

(a) a reference in the section to the Planning Act includes a reference to the repealed SPA; and

(b) a reference in the section to a term that is defined under the Planning Act and the repealed SPA includes a reference to the term as defined under the repealed SPA.

161 Infrastructure charges notices—s 99BRCJ as in force before 5 December 2014

(1) This section applies in relation to an infrastructure charges notice given for a water approval before the commencement if—

(a) section 99BRCJ as in force before 5 December 2014 (the ***relevant provision***) applied in relation to the levied charge under the notice; and

(b) the levied charge did not comply with the relevant provision when the notice was given.

(2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ, other than new section 99BRCJ(3)(b)(ii), been in force when the notice was given.

(3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ, other than new section 99BRCJ(3)(b)(ii), been in force when the notice was given.

(4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—

(a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but

(b) new section 99BRCJ applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the water approval.

(5) For subsections (2) to (4), new section 99BRCJ applies as if—

(a) a reference in the section to the Planning Act includes a reference to the repealed SPA; and

(b) a reference in the section to a term that is defined under the Planning Act and the repealed SPA includes a reference to the term as defined under the repealed SPA.

Chapter 4D Queensland home warranty scheme eligibility amendments

85P Act amended

This chapter amends the *Queensland Building and Construction Commission Act 1991*.

85Q Amendment of s 67WA (Definitions for pt 5)

Section 67WA—

insert—

contract, for the carrying out of residential work,

see section 67WBA.

85R Insertion of new s 67WBA

After section 67WB—

insert—

67WBA References to *contract* for carrying out of residential construction work

A reference in this part to a ***contract*** that is a contract for the carrying out of residential construction work includes a reference to an arrangement that but for the operation of schedule 1B, section 13(5) or 14(10) would have effect as a contract for the carrying out of residential construction work.

Example of an arrangement for this section—

an arrangement between a licensed contractor and a person, reached through an exchange of emails, under which the contractor will carry out residential construction work for the person

85S Insertion of new sch 1, pt 19

Schedule 1—

insert—

Part 19 Declaratory and validation provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025

89 Definitions for part

In this part—

affirmative decision, in relation to residential construction work, see section 91 of this schedule.

binding declaration—

(a) means a declaration made by the tribunal under the QCAT Act, section 60(1); and

(b) includes an order made by the tribunal under the QCAT Act, section 60(2) to give effect to the declaration.

consumer—

(a) has the meaning given under section 67WA of the Act; and

(b) includes the following persons—

(i) a defrauded person under section 68H(1)(c) of the Act;

(ii) a person declared to be, or to have been, a consumer under section 93 of this schedule.

essential requirements, for a contract for the carrying out of residential construction work, see section 90 of this schedule.

non-compliant arrangement see section 92(1) of this schedule.

rectification decision, in relation to residential construction work, means a decision about the scope of works to be undertaken under the statutory insurance scheme to rectify or complete the work.

review decision means a decision made by the tribunal under the QCAT Act, section 24(1)(a) or (b).

termination decision, in relation to residential

construction work carried out under a non-compliant arrangement, means a decision—

(a) that the arrangement was terminated in circumstances that, had the arrangement been a contract, would have constituted a valid termination of the contract; and

(b) that had the consequence of allowing a claim for non-completion of the work under the statutory insurance scheme.

90 Meaning of *essential requirements* for a contract for residential construction work

The ***essential requirements*** for a contract for the carrying out of residential construction work are that the contract must be in writing and dated and signed by or for each party to the contract.

91 Meaning of *affirmative decision* in relation to residential construction work

Each of the following decisions of the commission is an ***affirmative decision*** in relation to residential construction work—

(a) a rectification decision relating to the work;

(b) a termination decision relating to the work;

(c) a decision to allow a claim for the work under the statutory insurance scheme;

(d) a decision to pay an amount for a claim for the work under the statutory insurance scheme;

(e) a decision under section 71 of the Act to recover an amount for the work.

92 Effect of non-compliant arrangement

(1) This section applies in relation to an arrangement, entered into before the commencement, for the carrying out of residential construction work (a ***non-compliant arrangement***) that—

(a) did not comply with the essential requirements for a contract for the carrying out of the work; but

(b) would have had effect as a contract for the carrying out of the work if the arrangement had complied with the essential requirements for a contract for the carrying out of the work.

(2) This section applies whether or not the non-compliant arrangement remains in effect on the commencement.

(3) Despite schedule 1B, sections 13(5) and 14(10), the non-compliant arrangement is taken to be, and always to have been, a contract for the carrying out of the residential construction work under part 5 of the Act.

93 Declaration about consumer for residential construction work under non-compliant arrangement

(1) This section applies to a person who, but for schedule 1B, section 13(5) or 14(10), would be, or would have been, a consumer for residential construction work that is, or was, the subject of a non-compliant arrangement.

(2) It is declared that the person is, or was, a consumer for the residential construction work as if the non-compliant arrangement were, and had always been, a contract for the carrying out of the work under part 5 of the Act.

94 Validation of particular decisions of commission

(1) This section applies if, before the commencement, the commission made an affirmative decision in relation to residential construction work that was the subject of a non-compliant arrangement.

(2) However, this section does not apply in relation to a rectification decision or termination decision relating to the residential construction work if, before the commencement, the tribunal made a review decision or binding declaration affecting the rectification decision or termination decision.

(3) The affirmative decision is taken to be, and to always have been, as valid as it would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.

(4) Any action, or purported action, taken in reliance on the affirmative decision is taken to be as lawful and valid as it would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.

95 Validation of particular actions of commission

(1) This section applies if, before the commencement—

(a) the commission did any of the following things (each a ***supportive action***) in relation to residential construction work—

(i) accepted an insurance premium for the work;

(ii) issued a notice of cover for the work;

(iii) recovered or attempted to recover the amount of an unpaid insurance premium under section 68H(4) of the Act for cover under the statutory insurance scheme for the work;

(iv) recovered or attempted to recover, under section 71 of the Act, an amount paid by the commission for a claim for cover under the statutory insurance scheme for the work;

(v) sought or accepted a tender for building work to rectify or complete the work;

(vi) authorised the carrying out of building work to rectify or complete the work;

(vii) paid a claim for the work under the statutory insurance scheme; and

(b) the work was the subject of a non-compliant arrangement.

(2) However, this section does not apply if the supportive action related to a rectification decision or termination decision mentioned in section 94(2) of this schedule.

(3) The supportive action is taken to be, and to always have been, as valid as the action would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.

96 Review of particular decisions of commission

(1) This section applies if, before the commencement—

(a) a person entered into an arrangement for the carrying out of residential construction work; and

(b) the commission made either of the following decisions (each a ***rejection decision***), whether in the first instance or as an internal review decision, in relation to the work—

(i) a decision to disallow a claim for the work under the statutory insurance scheme wholly or in part (a ***disallowance decision***);

(ii) a decision to the effect that the arrangement could not be validly terminated under the statutory insurance scheme (a ***non-termination decision***); and

(c) the rejection decision was made wholly or partly because the commission considered the arrangement did not comply with the essential requirements for a contract for the carrying out of the work.

(2) However, this section does not apply in relation to a disallowance decision if, before the commencement, the tribunal made a review decision or binding declaration affecting the disallowance decision.

(3) A consumer for the residential construction work affected by the rejection decision may, within 6 months after the commencement, apply to the commission for review of the decision.

(4) For an application for review of the rejection decision under subsection (3), each of the following decisions is taken to be a reviewable decision under part 7, division 3, subdivision 1 of the Act—

(a) a disallowance decision made as an internal review decision;

(b) a non-termination decision.

(5) Section 86C(1) of the Act applies in relation to an application for review of the rejection decision under subsection (3) as if the application were an internal review application made under section 86B of the Act.

(6) Subject to subsections (3) to (5), part 7, division 3, subdivision 1 of the Act, other than sections 86A and 86B(b), applies in relation to an application for review under subsection (3).

97 Preservation of effect of particular tribunal decisions

(1) This section applies if, before the commencement—

(a) a person entered into a non-compliant arrangement for the carrying out of residential construction work; and

(b) the tribunal made any of the following decisions, declarations or orders (each an ***affirmative tribunal decision***)—

(i) a review decision or binding declaration that—

(A) was consistent with a rectification decision relating to the work; or

(B) confirmed a termination decision relating to the work;

(ii) an order under section 93(2) of the Act for the payment of an amount under section 71 of the Act relating to the work;

(iii) another decision, declaration or order made on the basis that the non-compliant arrangement was a contract for the carrying out of the work.

(2) The rights, interests and liabilities of all persons affected by the affirmative tribunal decision or related action for the decision are the same, and are taken to have always been the same, as they would be or would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.

(3) In this section—

related action, for an affirmative tribunal decision, means action, or purported action, taken in reliance on the decision.

98 Reopening of particular proceedings of tribunal

(1) This section applies if, before the commencement—

(a) a person entered into an arrangement for the carrying out of residential construction work; and

(b) the tribunal made either of the following decisions—

(i) a decision to disallow a claim for the work under the statutory insurance scheme wholly or in part;

(ii) a decision to the effect that the arrangement could not be validly terminated under the statutory insurance scheme; and

(c) the decision was made wholly or partly because the tribunal considered the arrangement did not comply with the essential requirements for a contract for the carrying out of the work.

(2) A consumer for the residential construction work

affected by the decision may, within 6 months after the commencement, apply to the tribunal, under the QCAT Act, section 138, to reopen the proceeding for which the decision was made (the ***reopening application***).

(3) The QCAT Act, section 138(2) does not apply to the reopening application.

(4) Despite the QCAT Act, section 139(4), the tribunal may grant the reopening application if the tribunal considers—

(a) subsection (1)(c) applies to the decision; and

(b) the decision may not have been made if the arrangement had complied with the essential requirements for a contract for the carrying out of the residential construction work.

(5) The QCAT Act, section 140, applies in relation to hearing and deciding the issues in the reopened proceeding as if the tribunal had decided the proceeding should be reopened under section 139 of that Act.

(6) Subject to subsections (2) to (5), the QCAT Act, chapter 2, part 7, division 7 applies in relation to reopening the proceeding and hearing and deciding the issues in the proceeding.

99 No compensation payable

(1) No compensation is payable by the State or the commission to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.

(2) This section applies despite any other Act or law.

(3) In this section—

relevant amendment means an amendment of the

Act by the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025*, chapter 4D.

85T Amendment of sch 1B, s 1 (Definitions for sch 1B)

Schedule 1B, section 1, definition *written form*—

omit.

85U Amendment of sch 1B, s 13 (Requirements for contract—level 1 regulated contract)

Schedule 1B, section 13(2), 'in a written form,'—

omit, insert—

in writing and

85V Amendment of sch 1B, s 14 (Requirements for contract—level 2 regulated contract)

Schedule 1B, section 14(2), 'in a written form,'—

omit, insert—

in writing and

85W Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *contract* and *written form*—

omit.

(2) Schedule 2—

insert—

***contract*—**

(a) for the carrying out of residential construction work, for part 5, see section 67WBA; or

(b) for part 7, means a contract for carrying out tribunal work.

Chapter 5 Other amendments

86 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 86

Building Act 1975

1 Schedule 2, definition *properly made application*, paragraph (a)(i), 'section 79(2)(a)'—

omit, insert—

section 79(4)(a)

2 Schedule 2, definition *properly made application*, paragraph (a)(ii), 'section 79(2)(c) or (d)'—

omit, insert—

section 79(4)(c) or (d)

3 Schedule 2, definition *properly made application*, paragraph (a)(ii), editor's note—

omit.

Environmental Offsets Act 2014

1 Schedule 2, definition *administering agency*, paragraph (a)(i)(B), 'the Planning Act, schedule 2, definition *enforcement authority*, paragraph (a)(iii)'—

omit, insert—

section 160A(2) of that Act

2 Schedule 2, definition *administering agency*, paragraph (a)(ii)(A), 'schedule 2 of that Act, definition *enforcement authority*, paragraph (b)'—

omit, insert—

section 160A(2) of that Act

Planning Act 2016

1 Section 52(1)—

insert—

Note—

For changes to a social impact assessment report or community benefit agreement for a development application before the application is decided, see also sections 106X and 106ZA.

2 Section 56(1)—

insert—

Note—

For a development application for development requiring social impact assessment, see also section 106ZI.

3 Section 60—

insert—

Note—

For a development application for development requiring social impact assessment, see also section 106ZI.

4 Section 68(2)(a), 'section 51(5)'—

omit, insert—

section 51(6)

5 Section 76(1)—

insert—

Note—

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

6 Section 81(2)(e), 'section 78A(4)'—

omit, insert—

section 78A(4)(a)

7 Section 81A(2)—

insert—

Note—

For a change application relating to development requiring social impact assessment, see also section 106ZI.

8 Section 82(2)—

insert—

Note—

For a change application relating to development requiring social impact assessment, see also section 106ZI.

9 Section 82(3)(d), 'section 78A(4)'—

omit, insert—

section 78A(4)(a)

10 Section 82(6), definition *relevant provisions*, paragraph (c), '64(8)(c)'—

omit, insert—

64(8)(d)

11 Section 87(2)—

insert—

Note—

For an extension application for a development approval for development requiring social impact assessment, see also section 106ZI.

12 Section 229(1)—

insert—

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

13 Schedule 1, section 1(1)—

insert—

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

Planning and Environment Court Act 2016

1 Section 45(2), 'under the Planning Act'—

omit.

2 Section 46(4), 'under the Planning Act, section 78,'—

omit.