



Queensland

Brisbane Olympic and Paralympic Games Arrangements Act 2021

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Brisbane Olympic and Paralympic Games Arrangements Act 2021

Contents

		Page
Chapter 1	Preliminary	
1	Short title	9
2	Commencement	9
3	Main purposes of Act	9
4	Act binds all persons	10
5	Definitions	10
5A	Authority venues	10
5B	Other venues	10
5C	Villages	11
5D	Delivery of venues and villages	11
Chapter 2	Brisbane Organising Committee for the 2032 Olympic and Paralympic Games	
Part 1	Establishment	
6	Establishment	11
7	Legal status	12
8	Application of other Acts	12
Part 2	Functions and powers	
9	Functions	12
10	Requirements for performance of functions	13
10A	Funding agreements	15
11	Powers	15
12	Performing functions and exercising powers inside and outside Queensland	15
13	Authentication of documents	15
Part 3	Board of directors	
Division 1	Establishment, functions and powers	

Contents

14	Establishment	16
15	Functions	16
16	Powers	16
Division 2	Composition	
17	Composition	16
18	Nomination of independent directors	18
19	Nomination by Prime Minister or Premier	20
20	Nomination by Lord Mayor	20
21	Conditions of appointment	21
22	Term—nominated directors	21
23	Vacancy in office	21
24	Disqualification—nominated directors	23
Division 3	President and vice presidents	
25	President	24
26	Vice presidents	25
27	Appointment and term	26
Division 4	Criminal history	
28	Criminal history report	27
29	Changes in criminal history must be disclosed	27
30	Confidentiality of criminal history information	28
Division 5	Board meetings	
Subdivision 1	General provisions	
31	Conduct of business	29
32	Time and place of meetings	29
33	Presiding	29
34	Quorum	30
35	Voting	30
36	Minutes	30
36A	Attendance at meetings by Minister’s nominee	31
Subdivision 2	Disclosure of interests	
37	Application of subdivision	31
38	Requirement to disclose interest	32
39	Deemed disclosure in particular circumstances	32
40	Director not to participate in decision-making	32
41	Register of interests	32
42	Effect of contravention of subdivision	33

Subdivision 3	Other provisions	
43	No duty to disclose particular information acquired in particular capacities	33
44	Councillors' conflicts of interest	34
Division 6	Committees and commissions	
45	Establishment of committees	34
46	Requirement for meetings of committees	35
47	Commissions	35
Part 4	Staff of corporation	
Division 1	Chief executive officer	
48	Appointment	36
49	Term	36
50	Conditions of appointment	37
Division 2	Other staff	
51	Corporation's staff	37
Part 5	Dissolution of corporation	
52	Dissolution day	37
53	Dealing with assets and liabilities on dissolution	37
Chapter 3	Games Independent Infrastructure and Coordination Authority	
Part 1	Establishment	
53AA	Establishment	39
53AB	Legal status	39
53ABA	Authority represents the State	39
53AC	Application of other Acts	39
Part 2	Functions and powers	
53AD	Functions	40
53AE	Requirements for performance of functions	40
53AF	Powers	41
53AG	Performing functions and exercising powers inside and outside Queensland	41
53AH	Authentication of documents	41
Part 3	Provision of information and assistance to chief executive	
53AI	Authority to give chief executive information and assistance relating to delivery of venues	42
Part 5	Board of directors	
Division 1	Establishment, functions and powers	
53BC	Establishment	43

Contents

53BD	Functions	43
53BE	Powers	43
Division 2	Composition	
53BF	Composition	44
53BG	Chairperson	44
53BI	Role of president of board of corporation	45
53BJ	Conditions of appointment	45
53BK	Term of appointment	46
53BL	Vacancy in office	46
53BM	Disqualification	46
Division 3	Criminal history	
53BN	Criminal history report	47
53BO	Changes in criminal history must be disclosed	48
53BP	Confidentiality of criminal history information	48
Division 4	Board meetings	
Subdivision 1	General provisions	
53BQ	Conduct of business	49
53BR	Time and place of meetings	49
53BS	Presiding at board meetings	50
53BT	Quorum	50
53BU	Voting	50
53BV	Minutes	51
Subdivision 2	Disclosure of interests	
53BW	Application of subdivision	51
53BX	Requirement to disclose interest	51
53BY	Director not to participate in decision-making	51
53BZ	Register of interests	52
53CA	Effect of contravention of subdivision	52
Subdivision 3	Other provisions	
53CAA	No duty to disclose particular information acquired in particular capacities	52
53CAB	Councillors' conflicts of interest	53
Division 5	Committees and commissions	
53CB	Establishment of committees	54
53CC	Commissions	54
Part 6	Staff of authority	

Division 1	Chief executive officer	
53CD	Appointment	54
53CE	Term	55
53CF	Conditions of appointment	55
Division 2	Other staff	
53CG	Authority staff	56
53CH	Alternative staffing arrangements	56
53CI	Preservation of rights	56
Part 7	Dissolution of authority	
53CJ	Dissolution day	57
53CK	Dealing with assets and liabilities on dissolution	57
Part 8	Miscellaneous	
53CL	Particular entities to give information, documents or assistance to authority	58
Chapter 3A	Provisions facilitating development etc. for the games	
Part 1	Preliminary	
53DA	Purpose of chapter	59
53DB	Definitions for chapter	60
Part 2	Lawfulness of development and use etc.	
53DC	Application of part	61
53DD	Development, use or activity declared to be lawful	61
53DE	Building work—authority venues and other venues	63
53DF	Building work—villages	63
Part 3	Cultural heritage provisions	
Division 1	Preliminary	
53DG	Definitions for part	64
53DH	Operation of part	65
Division 2	Initiating development of part 3 plan	
53DI	Proponent may give cultural heritage notice	66
53DJ	Requirement for proponent to give negotiation proposal	67
53DK	Requirement for proponent to give information notice	68
53DL	Additional requirement to give negotiation proposal	70
Division 3	Negotiation of part 3 plan	
53DM	What is the negotiation period	71
53DN	Requirement to negotiate in good faith	71
53DO	Terms of part 3 plan agreed during negotiation period	72

Contents

Division 4	Mediation	
53DP	Application of division	72
53DQ	Mediation by Land Court	72
Division 5	Default plan	
53DR	Application of division	73
53DS	When default plan takes effect	74
Division 6	Other provisions	
53DT	Lawfulness of development, use or activity carried out in accordance with plan	75
53DU	Limitation on provisions about stop orders and injunctions	75
53DV	Amending or replacing part 3 plan settled by negotiating parties	76
53DW	Amending or replacing default plan that has taken effect	76
53DX	Immunity from prosecution	77
Part 4	Use of necessary games infrastructure	
53EA	Use of necessary games infrastructure	77
53EB	Requirements for particular entities that own or control necessary games infrastructure	78
Part 5	Village infrastructure charges	
53EC	Purpose of part	81
53ED	Regulation prescribing matters about village infrastructure charges	81
53EE	Imposition of village infrastructure charge	81
Part 6	Miscellaneous provisions	
53EF	Exemption from infrastructure charges under other Acts	82
53EG	Particular decisions are final	83
Chapter 4	Miscellaneous	
54	Meaning of games entities	85
55	Ministerial directions	85
55A	Games leadership group	86
56	Duty to act honestly	87
57	Use or disclosure of confidential information	87
58	Authorisation of disclosure of personal information to particular entities outside Australia	88
59	Authorisation for competition legislation	89
60	Delegations	89
61	Protection from liability	90
62	Regulation-making power	90
Chapter 5	Transitional provisions	

Part 1	Transitional provision for Brisbane Olympic and Paralympic Games Arrangements Amendment Act 2024	
63	Interim chief executive officer	91
Part 2	Transitional provisions for Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024	
64	Change in authority's name and references to Games Venue and Legacy Delivery Authority	92
65	Application of amended s 63 to interim chief executive officer of authority	92
Part 3	Transitional provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025	
Division 1	Preliminary	
66	Definitions for part	93
Division 2	Provisions for amendments relating to the authority	
67	Application of new s 53BL	94
68	Existing appointment of chief executive officer of authority	94
Schedule 1	Authority venues	95
Schedule 2	Other venues	100
Schedule 3	Villages	101
Schedule 4	Games-related transport infrastructure	102
Schedule 5	Cultural heritage—default plan	103
Schedule 6	Dictionary	128

Brisbane Olympic and Paralympic Games Arrangements Act 2021

An Act to establish an organising committee, and an independent games infrastructure and coordination authority, for the Brisbane 2032 Olympic and Paralympic Games and for related purposes

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

2 Commencement

This Act commences on 20 December 2021.

3 Main purposes of Act

The main purposes of this Act are—

- (a) to establish the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games to plan, organise and deliver the games in accordance with the host contract; and
- (b) to establish the Games Independent Infrastructure and Coordination Authority to deliver authority venues, and monitor the delivery of other venues, in time for the games; and
- (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.

4 Act binds all persons

This Act binds all persons, including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.

5 Definitions

The dictionary in schedule 6 defines particular words used in this Act.

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.

Chapter 2 Brisbane Organising Committee for the 2032 Olympic and Paralympic Games

Part 1 Establishment

6 Establishment

The Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (the *corporation*) is established.

7 Legal status

- (1) The corporation—
 - (a) is a body corporate; and
 - (b) has a seal; and
 - (c) may sue and be sued in its corporate name.
- (2) The corporation does not represent the State.

8 Application of other Acts

- (1) The corporation is—
 - (a) a statutory body under the *Financial Accountability Act 2009*; and
 - (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and

Note—

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the corporation's powers.

 - (c) a unit of public administration under the *Crime and Corruption Act 2001*.
- (2) However, the *Crime and Corruption Act 2001* does not apply in relation to a director who is a member of the Parliament of the Commonwealth to the extent a matter under that Act—
 - (a) involves conduct of, or in relation to, that director, or another director, in their capacity as a director of the corporation; or
 - (b) otherwise relates to the corporation or the board.

Part 2 Functions and powers

9 Functions

- (1) The main function of the corporation is to undertake and facilitate the organisation, conduct, promotion and

commercial and financial management of the Brisbane 2032 Olympic and Paralympic Games.

- (2) Without limiting subsection (1), the corporation has the following functions—
 - (a) to become a party to the host contract;
 - (b) to comply with the corporation's obligations under the host contract;
 - (c) to organise accommodation and transportation for athletes, officials and media personnel;
 - (d) to manage the preparation and operation of venues and facilities for the sports program;
 - (e) to organise events and ceremonies such as the Olympic and Paralympic torch relays, the opening and closing ceremonies and the cultural olympiad;
 - (f) to manage the ticketing program;
 - (g) to recruit, retain and organise volunteers;
 - (h) to establish a marketing program in consultation with the International Olympic Committee and the Australian Olympic Committee;
 - (i) to support the International Olympic Committee and the host broadcaster in relation to broadcasting and to make arrangements for the provision of other information services.
- (3) The corporation also has—
 - (a) the functions given to it under this Act or another Act; and
 - (b) any other function, related to its main function under subsection (1), prescribed by regulation.

10 Requirements for performance of functions

- (1) In performing its functions, the corporation must—

- (a) have regard to the financial resources of the corporation and the State available for the Brisbane 2032 Olympic and Paralympic Games; and
 - (b) have regard to, and comply with any relevant requirements in, the following documents—
 - (i) the Olympic Charter;
 - (ii) the document called ‘IPC handbook’ published by the International Paralympic Committee;
 - (iii) the document called ‘World anti-doping code’ published by the World Anti-Doping Agency;
 - (iv) the document called ‘Athletes’ rights and responsibilities declaration’ developed by the Athletes’ Commission of the International Olympic Committee;
 - (v) the document called ‘Olympic movement code on the prevention of the manipulation of competitions’ published by the International Olympic Committee; and
 - (c) use its best endeavours to avoid creating liabilities that will not be, or are likely not to have been, satisfied before the corporation is dissolved under part 5; and
 - (d) ensure goods and services are procured in accordance with the Queensland Government’s policy about procurement, including procurement from Indigenous businesses; and
 - (e) cooperate with the authority in good faith; and
 - (f) have regard to decisions and advice of the leadership group mentioned in section 55A.
- (2) For subsection (1)(d), the Queensland Government’s policy about procurement does not apply to the extent it is inconsistent with the host contract.
- (3) In this section—

World Anti-Doping Agency means the not-for-profit foundation of that name established in 1999 in Lausanne, Switzerland.

10A Funding agreements

- (1) The corporation must enter into an agreement with the Minister (a *funding agreement*).
- (2) The funding agreement must provide for the financial monitoring of the corporation by the Minister, including reporting requirements.
- (3) The corporation must comply with its obligations under the funding agreement.
- (4) This section does not limit the obligations of the corporation under the *Financial Accountability Act 2009*.

11 Powers

- (1) The corporation has all the powers of an individual.
- (2) The corporation also has any other power given to it under this Act or another Act.

12 Performing functions and exercising powers inside and outside Queensland

The corporation may perform its functions, and exercise its powers, inside or outside Queensland.

13 Authentication of documents

- (1) A document executed by the corporation, other than a document required to be sealed, is sufficiently executed if it is signed by—
 - (a) the chief executive officer; or
 - (b) the president; or
 - (c) another person authorised by the board.

- (2) A document executed by the corporation under seal is sufficiently executed if it is sealed in the way authorised by the board and signed by a person mentioned in subsection (1).

Part 3 Board of directors

Division 1 Establishment, functions and powers

14 Establishment

There is a board of directors of the corporation (the *board*).

15 Functions

The functions of the board are—

- (a) to ensure the corporation performs its functions in a proper, effective and efficient way; and
- (b) any other function given to the board under this Act.

16 Powers

- (1) The board has the power to do anything necessary or convenient to be done in performing its functions.
- (2) Anything done in the name of, or for, or with the authority of, the board is taken to have been done by the corporation.

Division 2 Composition

17 Composition

- (1) The board consists of the following persons (each a *director*)—
 - (a) the president of the Australian Olympic Committee;

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- (aa) any honorary life president of the Australian Olympic Committee;
 - (b) the president of Paralympics Australia;
 - (c) the chief executive officer of the Australian Olympic Committee;
 - (d) any person who is a member of the International Olympic Committee from Australia;
 - (e) any person who is a member of the governing board of the International Paralympic Committee residing in Australia;
 - (f) 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 for Australia at either or both of those Olympic Games, as confirmed in writing by the Australian Olympic Committee;
 - (g) 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 for Australia at either or both of those Paralympic Games, or selected by the Athletes Commission of Paralympics Australia, as confirmed in writing by Paralympics Australia;
 - (h) 5 persons who are nominated by the Minister as independent directors in accordance with section 18;
 - (i) up to 4 persons who are nominated by the Prime Minister in accordance with section 19;
 - (j) 4 persons who are nominated by the Premier in accordance with section 19;

- (k) 1 person who is nominated by the Lord Mayor in accordance with section 20;
 - (l) the Lord Mayor;
 - (m) the mayor of the Gold Coast City Council.
- (2) However, the office mentioned in subsection (1)(d) or (e) is taken not to be filled if the only person mentioned in that subsection is a director holding office under subsection (1)(a), (aa) or (b).
- (3) At least 50% of the nominated directors holding office must be women.
- (4) Each of the directors mentioned in subsection (1)(f) to (k) is a ***nominated director***.
- (5) A nominated director must be appointed by the Governor in Council.
- (6) Nothing in another Act or law prevents a person who is member of the Legislative Assembly, including, for example, a Minister, holding the office of a nominated director.
- (7) In this section—
member, of the International Olympic Committee, does not include a member of that committee who has reached the age limit for members, or the extended age limit for that member if applicable, under the Olympic Charter.

Note—

See rules 16.3.3.1 and 16.3.3.2 of the Olympic Charter as in effect on the commencement.

18 Nomination of independent directors

- (1) This section applies in relation to the nomination of a person by the Minister for section 17(1)(h).
- (2) The person must be appropriately qualified.
- (3) The person must not be any of the following—
 - (a) an elected office holder;

-
- (b) a public service employee;
 - (c) an employee of a local government;
 - (d) an APS employee under the *Public Service Act 1999* (Cwlth);
 - (da) a director of the authority;
 - (e) a member of the governing body, or an employee, of any of the following entities—
 - (i) the Australian Olympic Committee;
 - (ii) Paralympics Australia;
 - (iii) the International Olympic Committee;
 - (iv) the International Paralympic Committee.
- (4) The Minister may nominate the person only if—
- (a) the Minister has consulted the following persons about the proposed nomination—
 - (i) the Lord Mayor;
 - (ii) the president of the Australian Olympic Committee;
 - (iii) the president of Paralympics Australia; and
 - (b) the Minister has acted in accordance with a joint nomination process; and
 - (c) the Minister has given the Prime Minister notice of the proposed nomination; and
 - (d) the Prime Minister has not, within 14 days after receiving notice of the nomination, advised the Minister that the Prime Minister objects to the proposed nomination.
- (5) In considering the proposed nomination, the Minister and each person consulted or notified under this section must have regard to—
- (a) the person's skills, knowledge and experience in areas relevant to the performance of the board's functions; and

- (b) the diversity of the skills, knowledge and experience of the board's directors relevant to the board's functions; and
 - (c) each of the following—
 - (i) the requirement under section 17(3);
 - (ii) the gender diversity of the board's directors;
 - (iii) the Queensland Government's policy about gender equity on boards.
- (6) At least 1 director nominated for section 17(1)(h) must be an Aboriginal or Torres Strait Islander person.
- (7) In this section—
joint nomination process means a process for the nomination of persons for section 17(1)(h) agreed to, and implemented jointly, by the Minister and the Commonwealth Government.

19 Nomination by Prime Minister or Premier

- (1) This section applies in relation to the nomination of a person—
 - (a) by the Prime Minister for section 17(1)(i); or
 - (b) by the Premier for section 17(1)(j).
- (2) In considering the proposed nomination, the Prime Minister or Premier must have regard to each of the following—
 - (a) the requirement under section 17(3);
 - (b) the gender diversity of the board's directors;
 - (c) the Queensland Government's policy about gender equity on boards.

20 Nomination by Lord Mayor

- (1) This section applies in relation to the nomination of a person by the Lord Mayor for section 17(1)(k).

- (2) The Lord Mayor must consult Council of Mayors (SEQ) Pty Ltd about the proposed nomination.
- (3) In considering the proposed nomination, the Lord Mayor and the entity consulted under this section must have regard to each of the following—
 - (a) the requirement under section 17(3);
 - (b) the gender diversity of the board's directors;
 - (c) the Queensland Government's policy about gender equity on boards.

21 Conditions of appointment

- (1) A director who is an elected office holder or a 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.

22 Term—nominated directors

- (1) A nominated director holds office for the term stated in the director's instrument of appointment.
- (2) The stated term must not be longer than 4 years.
- (3) A nominated director may be reappointed.

23 Vacancy in office

- (1) A nominated director's office becomes vacant if—
 - (a) the director completes a term of office and is not reappointed; or
 - (b) the director resigns office by signed notice given to the Minister; or
 - (c) the director is disqualified from continuing as a nominated director under section 24; or

- (d) the director is removed from office; or
 - (e) the director is absent without permission of the board from 3 consecutive board meetings of which proper notice has been given; or
 - (f) for a nominated director mentioned in section 17(1)(f), (g), (i) or (k)—the nominating entity gives the Minister a written notice stating that the entity wishes to vacate the director's office; or
 - (g) for a nominated director mentioned in section 17(1)(h)—the director no longer meets the requirements under section 18(3); or
 - (h) for a nominated director mentioned in section 17(1)(i) who was, when the director was nominated for the purpose of that section, a member of the Commonwealth Parliament—
 - (i) the director stops being a member of the Commonwealth Parliament; or
 - (ii) the relevant political party stops being recognised in the House of Representatives of that parliament as being in government; or
 - (i) for a nominated director mentioned in section 17(1)(j) who was, when the director was nominated for the purpose of that section, a member of the Legislative Assembly—
 - (i) the director stops being a member of the Legislative Assembly; or
 - (ii) the relevant political party stops being recognised in the Legislative Assembly as being in government.
- (2) To remove any doubt, it is declared that the office of a director, other than a nominated director, is vacated if the person holding office stops occupying the position that constitutes the director's office.

Example—

for the director mentioned in section 17(1)(c)—the person holding office stops being the chief executive officer of the Australian Olympic Committee

(3) In this section—

nominating entity means—

- (a) for a nominated director mentioned in section 17(1)(f)—the Australian Olympic Committee; or
- (b) for a nominated director mentioned in section 17(1)(g)—Paralympics Australia; or
- (c) for a nominated director mentioned in section 17(1)(i)—the Prime Minister; or
- (d) for a nominated director mentioned in section 17(1)(k)—the Lord Mayor.

relevant political party, in relation to a nominated director mentioned in section 17(1)(i) or (j), means the political party of which the person who nominated the director was a member when the nomination was made.

24 Disqualification—nominated directors

- (1) A person is disqualified from becoming, or continuing in office as, a nominated director if the person—
 - (a) has a conviction, other than a spent conviction, for an indictable offence, including an indictable offence against the law of another State or the Commonwealth, unless the Minister has given the person an approval under subsection (4); or
 - (b) is an insolvent under administration unless the Minister has given the person an approval under subsection (4); or
 - (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

[s 25]

- (2) Also, a person is disqualified from becoming, or continuing in office as, a nominated director if the person does not consent to the Minister requesting a report about the person's criminal history under division 4.
- (3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so, having regard to—
 - (a) the circumstances of an offence of which a person has been convicted; or
 - (b) the circumstances under which a person became an insolvent under administration.
- (4) If the person was not a nominated director when the person was convicted or became an insolvent under administration, the Minister may give written approval for the person to become a nominated director despite the conviction or being an insolvent under administration.

Division 3 President and vice presidents

25 President

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a nominated director holding office under section 17(1)(h) to be the president of the board.
- (2) The Minister may recommend the nominated director for appointment as president only if—
 - (a) the director is appropriately qualified; and
 - (b) the Minister has consulted with the following persons about the proposed recommendation—
 - (i) the Lord Mayor;
 - (ii) the president of the Australian Olympic Committee;
 - (iii) the president of Paralympics Australia; and

- (c) the Minister has acted in accordance with a joint nomination process; and
 - (d) the Minister has given the Prime Minister notice of the proposed recommendation; and
 - (e) the Prime Minister has not, within 14 days after receiving notice of the proposed recommendation, advised the Minister that the Prime Minister objects to the proposed recommendation.
- (3) The president's role includes—
- (a) acting as chairperson for board meetings at which the president is present; and
 - (b) working with, and providing leadership to, the chief executive officer; and
 - (c) participating on particular committees of the board as a member or the chairperson; and
 - (d) representing the corporation, and developing relationships, with the corporation's national and international stakeholders; and

Examples of the corporation's national and international stakeholders—

- the International Olympic Committee, the International Paralympic Committee, national and international sporting federations
 - (e) performing any other function given to the president under this Act.
- (4) In this section—

joint nomination process means a process for the nomination of a person as president agreed to, and implemented jointly, by the Minister and the Commonwealth Government.

26 Vice presidents

- (1) The following directors are vice presidents of the board—
- (a) the president of Paralympics Australia;

- (b) the Lord Mayor;
 - (c) the directors holding office under section 17(1)(a) and (aa).
- (2) Also, the Governor in Council must, on the recommendation of the Minister, appoint the following directors as vice presidents of the board—
 - (a) 1 of the Prime Minister's nominated directors holding office under section 17(1)(i), if any;
 - (b) 1 of the Premier's nominated directors holding office under section 17(1)(j).
- (3) The Minister may recommend a nominated director for appointment under subsection (2)(a) only if—
 - (a) the Minister has given the Prime Minister notice of the proposed recommendation; and
 - (b) the Prime Minister has not, within 14 days after receiving notice of the proposed recommendation, advised the Minister that the Prime Minister objects to the proposed recommendation.
- (4) Each vice president's role is decided by the president.

27 Appointment and term

- (1) A nominated director may be appointed under section 25 as the president, or appointed under section 26(2) as a vice president, at the same time as the person is appointed as a director.
- (2) The president or vice president holds office for the term stated in the person's instrument of appointment as president or vice president.
- (3) However, the person's appointment as president or vice president ends if the person stops being a nominated director.
- (4) If a person resigns from the office of president or vice president, the person may continue to be a nominated director for the remaining term of appointment under section 22.

Division 4 Criminal history

28 Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as a nominated director, the Minister may ask the commissioner of the police service for—
 - (a) a written report about the criminal history of the person; and
 - (b) a brief description of the circumstances of a conviction mentioned in the history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The commissioner must comply with the request.
- (4) However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.
- (5) In this section—

criminal history, for a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

29 Changes in criminal history must be disclosed

- (1) This section applies if a person who is a nominated director is convicted of an indictable offence, including an indictable offence against the law of another State or the Commonwealth.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice to the Minister about the conviction.
Maximum penalty—100 penalty units.
- (3) The notice must state—
 - (a) the existence of the conviction; and
 - (b) when the offence was committed; and

- (c) details adequate to identify the offence; and
- (d) the sentence imposed on the person.

30 Confidentiality of criminal history information

- (1) This section applies to a person who possesses criminal history information because the person is or has been a director or another person involved in administering this Act.
- (2) The person must not disclose the criminal history information to anyone, or use the criminal history information, other than under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the criminal history information—
 - (a) in the performance of a function or exercise of a power under this Act; or
 - (b) with the consent of the person to whom the criminal history information relates; or
 - (c) to the extent the disclosure or use is otherwise required or permitted by law.
- (4) In this section—

criminal history information means information contained in—

- (a) a report given to the Minister under section 28; or
- (b) a notice given to the Minister under section 29.

disclose includes give access to.

Division 5 Board meetings

Subdivision 1 General provisions

31 Conduct of business

Subject to this division, the board may conduct its business, including its board meetings, in the way it considers appropriate.

32 Time and place of meetings

The board may hold its meetings when and where decided by the board.

33 Presiding

- (1) The president of the board is to preside at all board meetings at which the president is present.
- (2) If the president is absent from a board meeting, a vice president appointed under section 26(2) is to preside.
- (3) However—
 - (a) the vice president appointed under section 26(2)(b) is to preside at the first board meeting to which subsection (2) applies; and
 - (b) to the extent practicable, presiding at board meetings to which subsection (2) applies is to be rotated between the vice presidents appointed under section 26(2).
- (4) Despite subsection (2), if the president and the vice presidents appointed under section 26(2) are all absent from a board meeting, another vice president chosen by the directors present is to preside.

34 Quorum

A quorum for a board meeting is the number equal to two-thirds of the number of directors holding office or, if two-thirds is not a whole number, the next highest whole number, including the president or a vice president.

35 Voting

- (1) A question at a board meeting must be decided by a majority of the votes of the directors present at the meeting and able to vote on the question.
- (2) Each director present at the board meeting has a vote on each question to be decided.
- (3) If the votes of the directors present at the board meeting are equal, the president or vice president who is presiding at the meeting has a casting vote.
- (4) The board may hold board meetings, and directors may take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between directors taking part in the meetings.
- (5) A director who takes part in a board meeting under subsection (4) is taken to have been present at the meeting.
- (6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—
 - (a) notice of the resolution is given under the procedures approved by the board; and
 - (b) a majority of directors agree in writing to the resolution.

36 Minutes

The board must keep—

- (a) minutes of its board meetings; and
- (b) a record of its decisions and resolutions.

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).

Subdivision 2 Disclosure of interests

37 Application of subdivision

- (1) This subdivision applies if—
 - (a) a director has a direct or indirect interest in a matter being considered, or about to be considered, at a board meeting; and
 - (b) the interest could conflict with the proper performance of the director's duties about the consideration of the matter.
- (2) However, if the director is an elected office holder this subdivision does not apply in relation to an interest of the director held in the director's capacity as an elected office holder.

38 Requirement to disclose interest

As soon as practicable after the relevant facts come to the director's knowledge, the director must disclose the nature of the interest at a board meeting.

39 Deemed disclosure in particular circumstances

- (1) This section applies if the director has disclosed at a board meeting that the director—
 - (a) is a member or partner of, or is employed by, a stated company or other entity; or
 - (b) has another stated interest relating to a stated company or other entity.
- (2) The director is taken to have complied with section 38 in relation to the director's interest in any matter relating to the company or other entity arising after the day the disclosure was made.

40 Director not to participate in decision-making

- (1) Unless the board otherwise directs, the director must not—
 - (a) be present when the board considers the matter; or
 - (b) take part in making a decision of the board about the matter.
- (2) The director must not be present when the board is considering whether to give a direction under subsection (1).
- (3) The directors present are a quorum for making a decision mentioned in subsection (1)(b).

41 Register of interests

A disclosure mentioned in section 38 or 39(1) must be recorded in a register of interests kept by the board.

42 Effect of contravention of subdivision

- (1) A contravention of this subdivision does not invalidate a decision of the board.
- (2) However, if the board becomes aware a director contravened this subdivision, the board must reconsider a decision made by the board in which the director took part in contravention of this subdivision.

Subdivision 3 Other provisions

43 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) the president, or an honorary life president, 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

[s 44]

- 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 corporation to disclose the information.

44 Councillors’ conflicts of interest

- (1) This section applies in relation to the Lord Mayor or another 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 corporation 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.

Division 6 Committees and commissions

45 Establishment of committees

- (1) The board may, from time to time, establish 1 or more committees to assist in the performance of the board’s functions.
- (2) The members of a committee of the board are the directors decided by the board.
- (3) Subject to section 46 and the directions of the board, a committee of the board may conduct its proceedings, including its meetings, as it considers appropriate.

46 Requirement for meetings of committees

- (1) Each meeting of a committee of the board must be attended by a Minister's nominee.
- (2) A person who attends a meeting of the committee under subsection (1)—
 - (a) may observe the meeting; and
 - (b) may speak to the committee only if invited to do so by the committee; and
 - (c) is entitled to receive the same information a member of the committee is entitled to receive relating to the meeting or other business of the committee.
- (3) In this section—

Minister's nominee, in relation to a committee of the board, means—

- (a) a public service employee who is nominated by the Minister for the purpose of attending meetings of the committee; or
- (b) another public service employee acting on behalf of the employee mentioned in paragraph (a).

47 Commissions

- (1) The board may, from time to time, establish 1 or more commissions to advise the board on matters referred to the commission by the board.
- (2) The members of a commission established under subsection (1) are the directors or other appropriately qualified persons decided by the board.
- (3) Subject to the directions of the board, a commission established under subsection (1) may conduct its proceedings, including its meetings, as it considers appropriate.

Part 4 Staff of corporation

Division 1 Chief executive officer

48 Appointment

- (1) The board may appoint a chief executive officer.
- (2) However, the board may make an appointment under subsection (1) only if—
 - (a) the Premier has consented to the proposed appointment; and
 - (b) the board has given the Prime Minister notice of the proposed appointment; and
 - (c) the Prime Minister has not, within 14 days after being notified of the proposed appointment, advised the board that the Prime Minister objects to the proposed appointment.
- (3) For subsection (2)(a) and (b), the board must give the Premier and the Prime Minister sufficient information obtained by the board to establish the suitability of the proposed appointee.
- (4) The chief executive officer is—
 - (a) an employee of the corporation; and
 - (b) appointed under this Act and not the *Public Sector Act 2022*.
- (5) The chief executive officer is responsible for the day-to-day administration of the corporation's operations in accordance with the priorities set by the board.
- (6) The chief executive officer is accountable to the board.

49 Term

- (1) The chief executive officer is appointed for the term stated in the officer's instrument of appointment.

- (2) The stated term must not be longer than 4 years.
- (3) The chief executive officer may be reappointed.

50 Conditions of appointment

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the board with the written approval of the Minister.
- (2) The chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the board with the written approval of the Minister.

Division 2 Other staff

51 Corporation's staff

- (1) The corporation may employ other staff it considers appropriate for performing its functions.
- (2) The staff are employed under this Act and not the *Public Sector Act 2022*.

Part 5 Dissolution of corporation

52 Dissolution day

- (1) A regulation may prescribe a day as the dissolution day.
- (2) Before recommending the making of a regulation under subsection (1), the Minister must consult the International Olympic Committee about the proposed dissolution day.

53 Dealing with assets and liabilities on dissolution

- (1) On the dissolution day under section 52—
 - (a) the corporation is dissolved; and

- (b) the directors who held office immediately before the dissolution day go out of office; and
 - (c) the appointments of the following persons end—
 - (i) the chief executive officer;
 - (ii) any other staff employed by the corporation.
- (2) On the dissolution day, the State becomes the successor in law of the corporation.
- (3) Without limiting subsection (2), on the dissolution day—
 - (a) the assets, rights, duties and liabilities of the corporation become assets, rights, duties and liabilities of the State; and
 - (b) the State is substituted for the corporation as a party to—
 - (i) any contract, lease or other instrument to which the corporation was a party immediately before the dissolution day; or
 - (ii) any current legal proceeding to which the corporation was a party immediately before the dissolution day.
- (4) To remove any doubt, it is declared that subsection (3)(a) does not affect the State's obligations under the host contract.

Chapter 3 Games Independent Infrastructure and Coordination Authority

Part 1 Establishment

53AA Establishment

The Games Independent Infrastructure and Coordination Authority (the *authority*) is established.

53AB Legal status

The authority—

- (a) is a body corporate; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

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.

53AC Application of other Acts

The authority is—

- (a) a statutory body under the *Financial Accountability Act 2009*; and
- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and

Note—

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the authority's powers.

- (c) a unit of public administration under the *Crime and Corruption Act 2001*.

Part 2 Functions and powers

53AD Functions

- (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.
- (2) The authority also has—
 - (a) the functions given to it under this Act or another Act; and
 - (b) any other function, related to its main functions under subsection (1), prescribed by regulation.

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.

53AF Powers

- (1) The authority has all the powers of an individual.
- (2) The authority also has any other power given to it under this Act or another Act.

53AG Performing functions and exercising powers inside and outside Queensland

The authority may perform its functions, and exercise its powers, inside or outside Queensland.

53AH Authentication of documents

- (1) A document executed by the authority, other than a document required to be sealed, is sufficiently executed if it is signed by—
 - (a) the chief executive officer; or
 - (b) the chairperson; or
 - (c) another person authorised by the board.

- (2) A document executed by the authority under seal is sufficiently executed if it is sealed in the way authorised by the board and signed by a person mentioned in subsection (1).

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.

Part 5 Board of directors

Division 1 Establishment, functions and powers

53BC Establishment

There is a board of directors of the authority (the *board*).

53BD Functions

The functions of the board are—

- (a) to ensure the authority performs its functions in a proper, effective and efficient way; and
- (b) any other function given to the board under this Act.

53BE Powers

- (1) The board has the power to do anything necessary or convenient to be done in performing its functions.
- (2) Anything done in the name of, or for, or with the authority of, the board is taken to have been done by the authority.

Division 2 Composition

53BF Composition

- (1) The board consists of not more than 9 persons (each a *director*) nominated by the Minister.
- (2) At least 1 of the directors must be a person who the Minister considers represents the interests of a regional area.
- (3) The Minister may nominate a person only if the person is appropriately qualified.
- (4) In considering a 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.
- (5) The nomination of a person as a director for the purpose of subsection (2) must state that the person is nominated for that purpose.
- (6) A director must be appointed by the Governor in Council.
- (7) 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.

53BG Chairperson

- (1) The Governor in Council may appoint a director recommended by the Minister to be the chairperson of the board.
- (2) A person may be appointed as the chairperson at the same time as the person is appointed as a director.

- (3) The chairperson holds office for the term stated in the person's instrument of appointment as chairperson.
- (4) However, the person's appointment as chairperson ends if the person stops being a director.
- (5) If a person resigns from the office of chairperson, the person's appointment as a director ends.

53BI Role of president of board of corporation

- (1) The president of the board of the corporation is responsible for helping the board of the authority perform its functions.
- (2) For subsection (1), the president may attend a board meeting if invited by the chairperson and may participate in the board's deliberations.
- (3) However, the president may not vote at the board meeting.
- (4) Subsection (5) applies if—
 - (a) the president has a direct or indirect interest in a matter being considered, or about to be considered, at a board meeting attended by the president under this section; and
 - (b) the interest could conflict with the performance of the president's functions under subsection (1).
- (5) As soon as practicable after the relevant facts come to the president's knowledge, the president must disclose the nature of the interest at the board meeting.
- (6) The president is not entitled to be paid any additional remuneration or allowances for performing a function under this section.

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.

[s 53BK]

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

53BK Term of appointment

- (1) A director holds office for the term stated in the director's instrument of appointment.
- (2) The stated term must not be longer than 4 years.
- (3) A director may be reappointed.

53BL Vacancy in office

A director's office becomes vacant if the director—

- (a) completes a term of office and is not reappointed; or
- (b) resigns office by signed notice given to the Minister; or
- (c) is disqualified from continuing as a director under section 53BM; or
- (d) is removed from office; or
- (e) is absent without permission of the board from 3 consecutive board meetings of which proper notice has been given.

53BM Disqualification

- (1) A person is disqualified from becoming, or continuing in office as, a director if the person—
 - (a) has a conviction, other than a spent conviction, for an indictable offence, including an indictable offence against the law of another State or the Commonwealth, unless the Minister has given the person an approval under subsection (4); or
 - (b) is an insolvent under administration unless the Minister has given the person an approval under subsection (4); or

- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.
- (2) Also, a person is disqualified from becoming, or continuing in office as, a nominated director if the person does not consent to the Minister requesting a report about the person's criminal history under division 3.
- (3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so, having regard to—
 - (a) the circumstances of an offence of which a person has been convicted; or
 - (b) the circumstances under which a person became an insolvent under administration.
- (4) If the person was not a director when the person was convicted or became an insolvent under administration, the Minister may give written approval for the person to become a director despite the conviction or being an insolvent under administration.

Division 3 Criminal history

53BN Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as a director, the Minister may ask the commissioner of the police service for—
 - (a) a written report about the criminal history of the person; and
 - (b) a brief description of the circumstances of a conviction mentioned in the history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The commissioner must comply with the request.

[s 53BO]

- (4) However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.
- (5) In this section—
criminal history, for a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

53BO Changes in criminal history must be disclosed

- (1) This section applies if a person who is a director is convicted of an indictable offence, including an indictable offence against the law of another State or the Commonwealth.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice to the Minister about the conviction.
Maximum penalty—100 penalty units.
- (3) The notice must state—
 - (a) the existence of the conviction; and
 - (b) when the offence was committed; and
 - (c) details adequate to identify the offence; and
 - (d) the sentence imposed on the person.

53BP Confidentiality of criminal history information

- (1) This section applies to a person who possesses criminal history information because the person is or has been a director or another person involved in administering this Act.
- (2) The person must not disclose the criminal history information to anyone, or use the criminal history information, other than under subsection (3).
Maximum penalty—100 penalty units.
- (3) The person may disclose or use the criminal history information—

- (a) in the performance of a function or exercise of a power under this Act; or
- (b) with the consent of the person to whom the criminal history information relates; or
- (c) to the extent the disclosure or use is otherwise required or permitted by law.

(4) In this section—

criminal history information means information contained in—

- (a) a report given to the Minister under section 53BN; or
- (b) a notice given to the Minister under section 53BO.

disclose includes give access to.

Division 4 Board meetings

Subdivision 1 General provisions

53BQ Conduct of business

Subject to this division, the board may—

- (a) conduct its business, including its board meetings, in the way it considers appropriate; and
- (b) invite relevant observers to its meetings from time to time, subject to any arrangements it considers appropriate.

53BR Time and place of meetings

The board may hold its meetings when and where decided by the board.

53BS Presiding at board meetings

- (1) The chairperson is to preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting, the director chosen by the directors present is to preside.

53BT Quorum

A quorum for a board meeting is the number equal to one-half of the number of directors holding office or, if one-half is not a whole number, the next highest whole number, including the chairperson.

53BU Voting

- (1) A question at a board meeting must be decided by a majority of the votes of the directors present at the meeting and able to vote on the question.
- (2) Each director present at the board meeting has a vote on each question to be decided.
- (3) If the votes of the directors present at the board meeting are equal, the director who is presiding at the meeting has a casting vote.
- (4) The board may hold board meetings, and directors may take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between directors taking part in the meetings.
- (5) A director who takes part in a board meeting under subsection (4) is taken to have been present at the meeting.
- (6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—
 - (a) notice of the resolution is given under the procedures approved by the board; and
 - (b) a majority of directors agree in writing to the resolution.

53BV Minutes

The board must keep—

- (a) minutes of its board meetings; and
- (b) a record of its decisions and resolutions.

Subdivision 2 Disclosure of interests

53BW Application of subdivision

This subdivision applies if—

- (a) a director has a direct or indirect interest in a matter being considered, or about to be considered, at a board meeting; and
- (b) the interest could conflict with the proper performance of the director's duties about the consideration of the matter.

53BX Requirement to disclose interest

As soon as practicable after the relevant facts come to the director's knowledge, the director must disclose the nature of the interest at a board meeting.

53BY Director not to participate in decision-making

- (1) Unless the board otherwise directs, the director must not—
 - (a) be present when the board considers the matter; or
 - (b) take part in making a decision of the board about the matter.
- (2) The director must not be present when the board is considering whether to give a direction under subsection (1).
- (3) The directors present are a quorum for making a decision mentioned in subsection (1)(b).

53BZ Register of interests

A disclosure mentioned in section 53BX must be recorded in a register of interests kept by the board.

53CA Effect of contravention of subdivision

- (1) A contravention of this subdivision does not invalidate a decision of the board.
- (2) However, if the board becomes aware a director contravened this subdivision, the board must reconsider a decision made by the board in which the director took part in contravention of this subdivision.

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.

Division 5 Committees and commissions

53CB Establishment of committees

- (1) The board may, from time to time, establish 1 or more committees to assist in the performance of the board's functions.
- (2) The members of a committee of the board are the directors decided by the board.
- (3) Subject to the directions of the board, a committee of the board may conduct its proceedings, including its meetings, as it considers appropriate.

53CC Commissions

- (1) The board may, from time to time, establish 1 or more commissions to advise the board on matters referred to the commission by the board.
- (2) The members of a commission established under subsection (1) are the directors or other appropriately qualified persons decided by the board.
- (3) Subject to the directions of the board, a commission established under subsection (1) may conduct its proceedings, including its meetings, as it considers appropriate.

Part 6 Staff of authority

Division 1 Chief executive officer

53CD Appointment

- (1) The Minister may, after consulting with the board, appoint a chief executive officer.
- (2) 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.
- (3) The chief executive officer is—
 - (a) an employee of the authority; and
 - (b) appointed under this Act and not the *Public Sector Act 2022*.
- (4) The chief executive officer is responsible for the day-to-day administration of the authority's operations in accordance with the priorities set by the board.
- (5) The chief executive officer is accountable to the board.
- (6) For the *Public Sector Act 2022*, section 12, the chief executive officer is not a public sector employee.

53CE Term

- (1) The chief executive officer is appointed for the term stated in the officer's instrument of appointment.
- (2) The chief executive officer may be reappointed.

53CF Conditions of appointment

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the Minister.
- (2) The chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the Minister.

Division 2 Other staff

53CG Authority staff

- (1) The authority may employ other staff it considers appropriate to perform its functions.
- (2) The staff are employed under this Act and not the *Public Sector Act 2022*.

53CH Alternative staffing arrangements

- (1) The authority may, with the agreement of the chief executive of a government agency, arrange for the services of officers or employees of the agency to be made available to the authority.
- (2) An officer or employee whose services are made available under subsection (1)—
 - (a) continues to be an officer or employee of the government agency; and
 - (b) continues to be employed or otherwise engaged by the government agency on the same terms and conditions applying to the officer or employee immediately before the services were made available; and
 - (c) is, for the period the services are made available and for the performance of the authority's functions, taken to be a member of the authority's staff.
- (3) Nothing in subsection (1) requires the chief executive of a government agency to enter into an arrangement mentioned in that subsection.

53CI Preservation of rights

- (1) This section applies to a person if—
 - (a) immediately before the commencement, the person was a public sector employee; and

- (b) within 3 months after the day of the commencement, the person's services are made available to the authority under an arrangement mentioned in section 53CH(1); and
 - (c) the person becomes an employee of the authority within 15 months after the day of the commencement.
- (2) The person is entitled to retain all accrued and accruing rights as a public sector employee as if service as an employee of the authority were a continuation of the person's service as a public sector employee.

Part 7 Dissolution of authority

53CJ Dissolution day

A regulation may prescribe a day as the dissolution day.

53CK Dealing with assets and liabilities on dissolution

- (1) On the dissolution day under section 53CJ—
 - (a) the authority is dissolved; and
 - (b) the directors who held office immediately before the dissolution day go out of office; and
 - (c) the appointments of the following persons end—
 - (i) the chief executive officer;
 - (ii) any other staff employed by the authority.
- (2) On the dissolution day, the State becomes the successor in law of the authority.
- (3) Without limiting subsection (2), on the dissolution day—
 - (a) the assets, rights, duties and liabilities of the authority become assets, rights, duties and liabilities of the State; and
 - (b) the State is substituted for the authority as a party to—

- (i) any contract, lease or other instrument to which the authority was a party immediately before the dissolution day; or
 - (ii) any current legal proceeding to which the authority was a party immediately before the dissolution day.
- (4) To remove any doubt, it is declared that subsection (3)(a) does not affect the State's obligations under the host contract.

Part 8 Miscellaneous

53CL Particular entities to give information, documents or assistance to authority

- (1) This section applies in relation to the following entities—
 - (a) a chief executive;
 - (b) a rail government entity under the *Transport Infrastructure Act 1994*;
 - (c) a local government;
 - (d) any other statutory body under the *Statutory Bodies Financial Arrangements Act 1982*, other than the corporation;
 - (e) a distributor-retailer;
 - (f) any other government entity within the meaning of section 53EB.
- (2) It is the duty of the entity to give the authority the information, documents or assistance, on request, the authority reasonably requires to perform its functions.
- (3) However, this section does not require the entity to disclose information or a document if the disclosure would contravene a duty of secrecy or confidentiality imposed on a person under an Act or law.

- (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.

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.

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- (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.

Chapter 4 Miscellaneous

54 **Meaning of *games entities***

In this chapter, the corporation and the authority are the *games entities*.

55 **Ministerial directions**

- (1) The Minister may give a games entity a written direction about the performance of its functions or the exercise of its powers if the Minister is satisfied it is reasonably necessary to give the direction.
- (2) Without limiting subsection (1), the Minister may give the games entity a direction under that subsection—
 - (a) to give the Minister information held or controlled by the games entity; or
 - (b) to submit a document to the Minister for the Minister's approval; or
 - (c) to give the Minister a report about a matter relevant to the games entity's functions.
- (3) In deciding whether to give a direction under subsection (1), the Minister must consider the games entity's obligations under the host contract.
- (4) Before a direction is given under subsection (1), the Minister is to give the Commonwealth Government notice of the proposed direction.
- (5) If a direction is given under subsection (1), the games entity—
 - (a) must ensure the direction is complied with; and

[s 55A]

- (b) must include details of the direction in its annual report, prepared under the *Financial Accountability Act 2009*, section 63, for the financial year during which the direction is given; and
- (c) may include in the annual report a comment about the effect on the games entity's activities of complying with the direction.

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.

56 Duty to act honestly

- (1) This section applies to a person who is—
 - (a) a director of a games entity; or
 - (b) the chief executive officer of a games entity.
- (2) The person must act honestly in the performance of the person's functions and the exercise of the person's powers under this Act.

Maximum penalty—100 penalty units.

57 Use or disclosure of confidential information

- (1) This section applies to a person who—
 - (a) is, or has been, any of the following persons—
 - (i) a director of a games entity;
 - (ii) the chief executive officer of a games entity;
 - (iii) a member of a commission established under section 47(1) or 53CC(1);
 - (iv) the chief executive of the department;
 - (v) another person involved in administering this Act; and
 - (b) obtains confidential information in administering, or performing a function under, this Act.
- (2) The person must not disclose the confidential information to anyone, or use the confidential information, other than under this section.

Maximum penalty—100 penalty units.
- (3) The person may disclose or use the confidential information—
 - (a) in the performance of a function or exercise of a power under this Act; or
 - (b) with the consent of the person to whom the information relates; or

[s 58]

- (c) to the extent the disclosure or use is otherwise required or permitted by law.
- (4) In this section—
 - confidential information***—
 - (a) means information that—
 - (i) could identify an individual; or
 - (ii) is about a person’s current financial position or financial background; or
 - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
 - (b) does not include—
 - (i) information that is publicly available; or
 - (ii) statistical or other information that could not reasonably be expected to result in the identification of the person to whom it relates.

disclose includes give access to.

information includes a document.

58 Authorisation of disclosure of personal information to particular entities outside Australia

- (1) This section applies for the *Information Privacy Act 2009*, section 33(b).
- (2) The corporation is authorised to disclose an individual’s personal information to the International Olympic Committee or the International Paralympic Committee, if the information is disclosed in the performance of the corporation’s functions under this Act.
- (3) In this section—

personal information see the *Information Privacy Act 2009*, section 12.

59 Authorisation for competition legislation

- (1) The following things are specifically authorised by this Act for the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b) and the Competition Code of Queensland—
 - (a) an agreement entered into by a games entity in the performance of a function under this Act;
 - (b) conduct of a party in entering into or performing an agreement mentioned in paragraph (a).
- (2) In this section—
agreement includes a contract, arrangement or understanding.

60 Delegations

- (1) A games entity may delegate its functions under this Act to—
 - (a) the chief executive officer of the entity; or
 - (b) a committee of the entity's board; or
 - (c) for the authority—any other appropriately qualified person.
- (2) The chief executive officer of the games entity may, with the written approval of the entity's board, subdelegate a function delegated to the officer under subsection (1) to an appropriately qualified member of the entity's staff.
- (3) The chief executive officer of the games entity may delegate the officer's functions under this Act to—
 - (a) an appropriately qualified member of the entity's staff;
or
 - (b) a committee of the entity's board.
- (4) Despite sections 13 and 53AH, an instrument of delegation under this section must be signed by—
 - (a) for the corporation—the president of the board of the corporation or another person authorised by the corporation's board; or

- (b) for the authority—the chairperson of the authority or another person authorised by the authority’s board.
- (5) In this section—
function includes power.

61 Protection from liability

- (1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the relevant games entity.
- (3) Subsection (1) does not apply to an official who is a prescribed person under the *Public Sector Act 2022*, section 267.

Note—

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 267, see the *Public Sector Act 2022*, section 269.

- (4) In this section—
official means—
 - (a) a director of a games entity; or
 - (b) the chief executive officer of a games entity; or
 - (c) any other employee of a games entity.

62 Regulation-making power

The Governor in Council may make regulations under this Act.

Chapter 5 Transitional provisions

Part 1 Transitional provision for Brisbane Olympic and Paralympic Games Arrangements Amendment Act 2024

63 Interim chief executive officer

- (1) The Minister may appoint a person as an interim chief executive officer of the authority.
- (2) The period of the appointment is the period stated in the instrument of appointment but must not be longer than 12 months after the date the appointment takes effect.
- (3) However, the appointment ends sooner if—
 - (a) a chief executive officer is appointed by the Minister under section 53CD; or
 - (b) the appointment is ended by the Minister; or
 - (c) the interim chief executive officer resigns by written notice given to the Minister.
- (4) The interim chief executive officer has the functions, and may exercise the powers, of the chief executive officer.
- (4A) A reference to the chief executive officer of the authority in section 53AH, 53CK or 53EG or chapter 4 includes a reference to the interim chief executive officer.
- (5) The board of the authority may delegate a function it has under this Act to the interim chief executive officer.
- (6) The interim chief executive officer is—
 - (a) an employee of the authority; and
 - (b) appointed under this Act and not the *Public Sector Act 2022*.

[s 64]

- (7) The interim chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the Minister.
- (8) This section applies despite chapter 3, part 6, division 1.

Part 2

Transitional provisions for Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024

64 Change in authority's name and references to Games Venue and Legacy Delivery Authority

- (1) To remove any doubt, it is declared that the amendment of section 53AA by the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024* has effect only to change the name of the authority and does not establish a new authority.
- (2) In an instrument, a reference to the Games Venue and Legacy Delivery Authority may, if the context permits, be taken to be a reference to the Games Independent Infrastructure and Coordination Authority.

65 Application of amended s 63 to interim chief executive officer of authority

- (1) This section applies in relation to a person who, before the commencement, held office under former section 63 as the interim chief executive officer.
- (2) Amended section 63 applies, and is taken to have always applied, to the person.
- (3) Anything done by the person before the commencement in the purported performance of a function, or exercise of a power,

of the interim chief executive officer is as valid as it would have been had amended section 63 been in force when the thing was done.

(4) In this section—

amended section 63 means section 63 as amended by the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024*.

former section 63 means section 63 as it was in force immediately before the commencement.

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.

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

Schedule 1

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 <i>Economic Development Act 2012</i>	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

Schedule 1

Column 1	Column 2	Column 3
Description of site or facility	Games-related use	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	2
2. Interpretation	7
3. Information notice—required content	8
4. Information notice response—required information	9
5. Coordinator	9
6. Cultural heritage study	10
7. No response to information notice given under clause 6.5	10
8. Written submission in relation to draft report	11
9. Oral submission in relation to draft report	11
10. Final report to be given to proponent	12
11. Design consultant must consider submissions.....	13
12. Information notice for draft masterplan	13
13. No response to information notice given under clause 12.1	13
14. Written submission in relation to draft masterplan	13
15. Oral submission in relation to draft masterplan	14
16. Draft masterplan submissions to be considered.....	14
17. Cultural heritage training, etc—where single cultural heritage party for project area ...	14
18. If cultural heritage party does not accept offer.....	16
19. If cultural heritage party accepts offer	16
20. Cultural heritage training, etc—where multiple cultural heritage parties for project area	16
21. No response to information notice given under clause 20.3	17
22. Written submission in relation to draft training materials etc.....	17
23. Oral submission in relation to draft training materials etc.	18
24. Participation in delivery of cultural heritage training.....	19
25. Mandatory cultural heritage training.....	19
26. Management of finds	19
27. Management of cultural heritage-human remains	21
28. Cultural heritage party may access register and keeping place.....	21
29. Reimbursement for cultural heritage party's costs.....	22
30. Notices	22
31. Intellectual property	23
32. Confidentiality.....	23

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:

Schedule 5

- (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

Schedule 5

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:

Schedule 5

- (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.

Schedule 5

- 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

Schedule 5

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;

Schedule 5

- (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:

Schedule 5

- (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 it 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

Schedule 5

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.

Schedule 6 Dictionary

section 5

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.

Australian Olympic Committee means Australian Olympic Committee Incorporated.

authority see section 53AA.

authority venue see section 5A(1).

board—

- (a) of the corporation—see section 14; or
- (b) of the authority—see section 53BC.

board meeting means—

- (a) for chapter 2—a meeting of the corporation’s board; or
- (b) for chapter 3—a meeting of the authority’s board.

Brisbane 2032 Olympic and Paralympic Games means the following summer games to be held principally in Brisbane—

- (a) the Games of the XXXV Olympiad 2032;
- (b) the 2032 Paralympic Games.

chairperson means the chairperson of the board of the authority holding office under section 53BG.

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

chief executive officer—

- (a) of the corporation, means the chief executive officer of the corporation holding office under section 48; or

- (b) of the authority, means the chief executive officer of the authority holding office under section 53CD.

committee—

- (a) of the board of the corporation, means a committee established by the board under section 45(1); or
- (b) of the board of the authority, means a committee established by the board under section 53CB.

conviction means a finding of guilt or acceptance of a plea of guilty by a court, regardless of whether a conviction is recorded.

corporation see section 6.

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.

director—

- (a) of the board of the corporation, see section 17(1); or
- (b) of the board of the authority, see section 53BF.

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

elected office holder means—

- (a) a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Parliament of another State or of the Commonwealth; or
- (b) the Lord Mayor or another councillor; or

- (c) a councillor (however described) of a local government of another State.

games delivery partners means the following—

- (a) the Queensland Government;
- (b) the Commonwealth Government;
- (c) the Brisbane City Council;
- (d) the corporation;
- (e) the Sunshine Coast Regional Council;
- (f) the Gold Coast City Council;
- (g) the Australian Olympic Committee;
- (h) Paralympics Australia;
- (i) Council of Mayors (SEQ) Pty Ltd.

games entity, for chapter 4, see section 54.

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).

government agency—

- (a) means—
 - (i) a department or administrative unit within a department; or
 - (ii) a government owned corporation or a subsidiary of the corporation; or
 - (iii) an entity that is established under an Act and represents the State; or

- (iv) an entity that is established under an Act, does not represent the State and is prescribed by regulation; or
 - (v) Stadiums Queensland; or
 - (vi) the Queensland Rail Transit Authority established under the *Queensland Rail Transit Authority Act 2013*, section 6 or a subsidiary of the authority; or
 - (vii) the Queensland Bulk Water Supply Authority established under the *South East Queensland Water (Restructuring) Act 2007*, section 6; or
 - (viii) a department, or an administrative unit within a department, of the Commonwealth Government; or
 - (ix) a statutory body representing the Commonwealth; or
 - (x) the Brisbane City Council; or
 - (xi) a corporation owned by the Brisbane City Council; or
 - (xii) the Gold Coast City Council; or
 - (xiii) the Sunshine Coast Regional Council; or
 - (xiv) an entity that conducts a beneficial enterprise or business activity, within the meaning of the *City of Brisbane Act 2010*, in participation with or for the Brisbane City Council; but
- (b) does not include an entity mentioned in paragraph (a)(i), (ii), (iii), (viii), (ix), (xi) or (xiv) prescribed by regulation.

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

host contract means the contract between the International Olympic Committee, the State of Queensland, the Brisbane City Council and the Australian Olympic Committee dated 21 July 2021.

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

interstate rehabilitation law means a law applying, or that applied, in another State or the Commonwealth that provides, or provided, for the same matter as the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

interstate spent conviction means a conviction for an offence committed by a person against a law of another State or the Commonwealth that the person is not required to disclose under an interstate rehabilitation law because—

- (a) a rehabilitation period prescribed under that law for the conviction has expired; and
- (b) the conviction has not been revived under that law.

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).

Lord Mayor means the mayor of the Brisbane City Council.

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.

nominated director see section 17(4).

Olympic Charter means the Olympic Charter, published by the International Olympic Committee, as in force from time to time.

other venue see section 5B(1).

Paralympics Australia means Paralympics Australia Ltd ABN 41 810 234 213.

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.

president means the president of the board of the corporation holding office under section 25.

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).

regional area means a part of the State outside south-east Queensland.

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.

spent conviction means—

- (a) a conviction—
 - (i) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
 - (ii) that is not revived as prescribed under section 11 of that Act; or
- (b) an interstate spent conviction.

Stadiums Queensland means Stadiums Queensland established under the *Major Sports Facilities Act 2001*.

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).