



Queensland

# **Building Queensland Act 2015**

**Act No. 22 of 2015**





Queensland

# Building Queensland Act 2015

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Queensland

## **Building Queensland Act 2015**

### **Act No. 22 of 2015**

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**An Act to establish Building Queensland and to amend this Act, the Industrial Relations Regulation 2011 and the Public Service Act 2008 for particular purposes**

**[Assented to 6 November 2015]**

## **The Parliament of Queensland enacts—**

# **Part 1 Preliminary**

## **1 Short title**

This Act may be cited as the *Building Queensland Act 2015*.

## **2 Commencement**

This Act commences on a day to be fixed by proclamation.

## **3 Purpose**

The purpose of this Act is to establish Building Queensland to provide independent expert advice to the State on matters relating to infrastructure in Queensland.

## **4 Act binds all persons**

- (1) This Act binds all persons, including the State.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

## **5 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.



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## **Part 2                      Building Queensland**

### **Division 1                      Establishment of Building Queensland**

#### **6                      Establishment**

Building Queensland is established.

#### **7                      Legal status**

Building Queensland—

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

#### **8                      Relationship with State**

Building Queensland does not represent the State.

### **Division 2                      Functions**

#### **9                      Functions generally**

Subject to any Ministerial direction mentioned in section 19(3), Building Queensland has the functions set out in this division.

#### **10                      Provision of advice**

- (1) Building Queensland is to provide independent expert advice to the State and government agencies about infrastructure, including advice about the following—
  - (a) the State’s current and future needs and priorities relating to infrastructure;

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- (b) policy, pricing and regulatory issues that may impact on the use of infrastructure;
  - (c) impediments to the efficient use of infrastructure;
  - (d) options and reforms, including regulatory reforms, to make the use of infrastructure more efficient;
  - (e) emerging national and international trends in policies about infrastructure;
  - (f) the needs of users of infrastructure;
  - (g) procurement, project finance and other emerging national and international trends in the delivery of infrastructure projects;
  - (h) the delivery of an infrastructure project.
- (2) Advice about infrastructure must be based on rigorous analysis taking into account—
- (a) forecast growth; and
  - (b) economic, social and environmental sustainability; and
  - (c) cost benefit analysis; and
  - (d) community benefits, including social return on investment.
- (3) Advice about procurement or the delivery of an infrastructure project may include an evaluation of—
- (a) the project against any set targets; or
  - (b) any relevant assumptions made during procurement or the delivery of the project.

## **11 Development of framework for assessing costs and benefits of infrastructure projects**

Building Queensland is to develop a framework for assessing the costs and benefits of infrastructure projects.

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## **12 Assistance in preliminary preparation of infrastructure proposals**

- (1) Building Queensland may assist a government agency in the preliminary preparation of an infrastructure proposal if the proposal is likely to become a proposal to which section 14(1)(a) or (b) will apply.
- (2) Also, Building Queensland is to assist a government agency in the preliminary preparation of an infrastructure proposal if directed by the Minister and to the extent directed by the Minister.
- (3) Within 28 days after the end of each 6-month period after the commencement, Building Queensland is to give the Minister a summary, as approved by the board, of each infrastructure proposal it assisted with during that period.
- (4) In this section—

*preliminary preparation*, of an infrastructure proposal, means the consideration or development of the proposal before the preparation of a business case for the proposal.

## **13 Evaluation of proposals about infrastructure**

- (1) Building Queensland may evaluate proposals for investment in new infrastructure or enhancements to existing infrastructure.
- (2) Within 28 days after the end of each 6 month period after the commencement, Building Queensland is to give the Minister a summary, as approved by the board, of each proposal evaluated by it during that period.

## **14 Preparation of business cases for infrastructure proposals**

- (1) Building Queensland is to—
  - (a) assist in the preparation of the business case for an infrastructure proposal with an estimated capital cost more than \$50 (but less than \$100) million or if the net present value of financial commitments entered into by

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- the State for the proposal is estimated to be more than \$50 (but less than \$100) million; and
- (b) lead the preparation of the business case for an infrastructure proposal with an estimated capital cost of \$100 million or more, or if the net present value of financial commitments entered into by the State for the proposal is estimated to be \$100 million or more; and
  - (c) if directed by the Minister—
    - (i) assist in the preparation of the business case for any other infrastructure proposal; or
    - (ii) lead the preparation of the business case for any other infrastructure proposal.
- (2) If Building Queensland acts under subsection (1)(b) or (c)(ii) in relation to an infrastructure proposal it must give the Minister the following information—
- (a) details of the productivity gains that may be anticipated from the proposal, including if any complementary infrastructure may be required to maximise the productivity gains from the proposal;
  - (b) the time-frames for delivering the proposal;
  - (c) a cost-benefit analysis for the proposal.
- (3) The cost-benefit analysis for an infrastructure proposal must be prepared using a method, approved by Building Queensland, that enables any infrastructure proposals to be compared.

## 15 Preparation of infrastructure pipeline document

- (1) Building Queensland is to prepare and maintain a document (the *infrastructure pipeline document*) that is to state the following for each infrastructure proposal or infrastructure project Building Queensland considers to be a priority for the State—
- (a) the stage of development of the proposal or project;
  - (b) an estimate of the cost to deliver the proposal or project.

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- (2) Building Queensland must give a copy of the document, or an update to the document, to the Minister every 6 months after it is first prepared.

## **16 Lead procurement or delivery of particular infrastructure projects**

- (1) Building Queensland is to lead the procurement or delivery of a particular infrastructure project if directed by the Minister and to the extent directed by the Minister.
- (2) However, before giving a direction under subsection (1) in relation to an infrastructure project the Minister must consult with each responsible Minister for the project about the extent to which Building Queensland is to lead the procurement or delivery of the project.

- (3) In this section—

*responsible Minister*, for an infrastructure project, means—

- (a) for an infrastructure project of a department or an administrative unit within a department—the Minister who administers the department; or
- (b) for an infrastructure project of a government owned corporation or a subsidiary of the corporation—a shareholding Minister for the corporation under the *Government Owned Corporations Act 1993*, section 78; or
- (c) for an infrastructure project of an entity that is established under an Act—the Minister administering the provision of the Act under which the entity is established.

## **17 Publishing information and promoting public awareness**

- (1) Building Queensland is to—
- (a) publish a summary, as approved by the board, of each cost-benefit analysis mentioned in section 14(2)(c) on its website; and

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- (b) publish a summary mentioned in section 12(3) or 13(2) on its website as soon as practicable after giving the summary to the Minister; and
  - (c) publish the infrastructure pipeline document, and each update to the document, on its website within 28 days after giving the document or update to the Minister; and
  - (d) publish a direction, given by the Minister under this division, on its website within 28 days after receiving the direction; and
  - (e) promote public awareness of its functions.
- (2) Building Queensland may also publish any information relevant to its functions.
- (3) However, Building Queensland must omit any confidential information in a document before publishing it under subsection (1) or (2).
- (4) In this section—  
*infrastructure pipeline document* see section 15(1).

## 18 Other functions

In addition to the functions stated in this division, Building Queensland has the other functions given to it under this Act or another Act.

## 19 Ministerial direction about performance of functions

- (1) The Minister may give a written direction (a *Ministerial direction*) to Building Queensland about the performance of its functions.
- (2) A Ministerial direction may only be of a general nature and may not be about the particular content of any advice, policy or report prepared by Building Queensland.
- (3) However, a Ministerial direction may direct Building Queensland not to exercise its functions under section 10(1),

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13(1), 14(1)(a) or (b), or 15(1) in relation to a particular infrastructure proposal or infrastructure project.

- (4) Building Queensland must comply with a Ministerial direction given under this section.

## **Division 3                      Powers**

### **20            Powers**

- (1) Building Queensland has all the powers of an individual and may, for example—
- (a) enter into contracts; and
  - (b) acquire, hold, deal with and dispose of property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants or contractors; and
  - (e) charge a government agency a fee for service; and

*Note—*

See section 52 for how fees collected by Building Queensland may be expended.

- (f) do anything else necessary or convenient to be done in the performance of its functions.
- (2) Building Queensland also has the other powers given to it under this Act or another Act.
- (3) Building Queensland may exercise its powers inside and outside Queensland.

### **21            Consultation by Building Queensland**

Building Queensland may, when performing its functions or exercising its power, consult with any entity it considers appropriate, including any of the following—

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- (a) the Commonwealth, a State or a local government, including any agency of the Commonwealth, a State or a local government;
- (b) commercial, industrial, consumer, academic, professional or occupational bodies or organisations;
- (c) investors in, or owners or operators of, infrastructure.

## **Part 3                      Building Queensland Board**

### **Division 1                Establishment, functions and powers**

#### **22            Establishment**

Building Queensland has a board of management (the *Building Queensland Board*).

#### **23            Functions**

The functions of the board are—

- (a) to decide the objectives, strategies and policies to be followed by Building Queensland; and
- (b) to ensure the proper, efficient and effective performance of Building Queensland's functions; and
- (c) another function given to the board under this Act.

#### **24            Powers**

- (1) The board has the power to do anything necessary or convenient to be done in the performance of its functions.
- (2) The board may give written directions to the chief executive officer about the performance of the officer's responsibilities.



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- (3) Anything done in the name of, or for, Building Queensland by the board, or with the authority of the board, is taken to have been done by Building Queensland.

## Division 2                      Membership

### 25            Membership of board

- (1) The board consists of the following 8 persons (each a *board member*)—
- (a) the chairperson;
  - (b) 4 part-time members;
  - (c) the chief executive of the department in which the *Auditor-General Act 2009* is administered, or a senior executive nominated by that chief executive;
  - (d) the chief executive of the department in which the *Financial Accountability Act 2009* is administered, or a senior executive nominated by that chief executive;
  - (e) the chief executive of the department in which this Act is administered, or a senior executive nominated by the chief executive.
- (2) A board member mentioned in subsection (1)(a) or (b) is an *appointed board member*.
- (3) A board member mentioned in subsection (1)(c), (d) or (e) is a *permanent board member*.
- (4) Appointed board members are appointed by the Governor in Council on the recommendation of the Minister.
- (5) In recommending a person to the Governor in Council for appointment to the board, the Minister must be satisfied the person has qualifications or experience in a field relevant to a function of Building Queensland.

## **26 Disqualification as board member**

A person is disqualified from becoming, or continuing as, an appointed board member if the person—

- (a) has a conviction, other than a spent conviction, for an indictable offence; or
- (b) is an insolvent under administration; or
- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
- (d) is employed by, or is a contractor of, Building Queensland.

## **27 Term of appointment**

- (1) An appointed board member holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.
- (2) Nothing in subsection (1) prevents an appointed board member from being reappointed.

## **28 Conditions of appointment**

- (1) An appointed board member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) An appointed board member holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.
- (3) The appointed board members are appointed under this Act and not the *Public Service Act 2008*.
- (4) The chairperson may be appointed on a full-time or part-time basis.

## **29 Resignation**

An appointed board member may resign by signed notice given to the Minister.

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### **30 Leave of absence**

- (1) The Minister may—
  - (a) approve a leave of absence for the chairperson; and
  - (b) appoint someone else to act in the office of the chairperson while the chairperson is absent on leave.
- (2) The chairperson may—
  - (a) approve a leave of absence for another appointed member; and
  - (b) appoint someone else to act in the office of the appointed member while the member is absent on leave.

### **31 Register of interests**

- (1) Building Queensland must keep a register of each board member's pecuniary interests.
- (2) Each appointed board member must, as soon as practicable after the member's appointment to the board, give the Minister and integrity commissioner a written summary of the member's pecuniary interests at the time of the member's appointment.
- (3) Each permanent board member must, before acting in the office of board member, give the Minister and integrity commissioner a written summary of the member's pecuniary interests.
- (4) Each board member must, within 30 days after any substantial change in the member's pecuniary interests, give the Minister and integrity commissioner notice of the change and an updated written summary of the member's pecuniary interests.
- (5) The register kept under subsection (1) must be updated at least once during each 12 month period of the board member's term of office.
- (6) In this section—

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*integrity commissioner* means the Queensland Integrity Commissioner under the *Integrity Act 2009*.

## **Division 3                      Board meetings**

### **32            Board meetings**

- (1) The chairperson may convene a meeting of board members (a *board meeting*).
- (2) The chairperson must convene a board meeting—
  - (a) at least 3 times each year; and
  - (b) if requested in writing by—
    - (i) 3 or more other board members; or
    - (ii) the Minister.

### **33            Presiding at board meetings**

- (1) The chairperson presides at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent from a board meeting, another board member chosen by the members present presides.

### **34            Quorum at board meetings**

- (1) A quorum for a board meeting is 5 board members.
- (2) However, if at a board meeting a board member present at the meeting is required under this Act not to be present during deliberations, or to not take part in any decision, of the board for a particular matter, the remaining board members present at the meeting constitute a quorum for the meeting.
- (3) Despite subsections (1) and (2), there is no quorum for a board meeting if the majority of board members purportedly forming the quorum are permanent board members.

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### 35 Voting at board meetings

- (1) A question arising at a board meeting is determined by a majority of votes by the board members present at the meeting and able to vote on the question.
- (2) If there is an equality of votes at a meeting, the board member presiding at the meeting also has a casting vote.

### 36 Disclosure of interests at board meetings

- (1) This section applies to a board member if—
  - (a) a matter is being considered, or is about to be considered, at a board meeting; and
  - (b) the member has a material personal interest in the matter; and
  - (c) the material personal interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter.
- (2) A board member has a *material personal interest* in the matter if any of the following persons or entities stands to gain a benefit or suffer a loss (either directly or indirectly) because of the outcome of the consideration of the matter—
  - (a) the board member;
  - (b) a spouse of the board member;
  - (c) a parent, child or sibling of the board member;
  - (d) a partner of the board member;
  - (e) an employer (other than a government agency) of the board member;
  - (f) an entity (other than a government agency) of which the board member is an office holder.
- (3) As soon as practicable after the relevant facts come to the board member's knowledge, the member must disclose the nature of the material personal interest to the other members at the meeting.

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- (4) The board member may further participate in the meeting only if a majority of the other members at the meeting vote in favour of the member's further participation.
- (5) However, the board member can not participate in any vote on the matter at the meeting.
- (6) A disclosure under subsection (3) must be recorded in the minutes of the board meeting.
- (7) A failure to make a disclosure under subsection (3) does not, of itself, invalidate a decision of the board.

### **37 Minutes**

The board must keep minutes of all board meetings.

### **38 Conduct of meetings generally**

Subject to this Act, the board may conduct board meetings in the way it considers appropriate.

### **39 Decisions of the board without board meetings**

- (1) The board may make a decision without having a board meeting if—
  - (a) the board has previously decided the decision, or type of decision, can be made without a board meeting; and
  - (b) a majority of the members entitled to vote on the proposed decision indicate agreement with the decision, in the way previously approved by the board; and
  - (c) all board members were informed of the proposed decision, or reasonable efforts were made to inform all board members of the proposed decision.
- (2) For subsection (1)(b), a board member is not entitled to vote on a proposed decision if the member would not be entitled to vote on the decision if it had been considered at a board meeting.

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- (3) The board must keep a record of decisions made under this section.

## **Part 4 Chief executive officer**

### **40 Chief executive officer**

- (1) Building Queensland must, in consultation with the Minister, appoint a chief executive officer.
- (2) The chief executive officer—
- (a) is an employee of Building Queensland; and
  - (b) is appointed under this Act and not under the *Public Service Act 2008*.

### **41 Role of chief executive officer**

- (1) The chief executive officer is responsible for the day-to-day administration of Building Queensland, including—
- (a) employing persons under section 48(1); and
  - (b) arranging for the services of officers or employees of the department under section 49(1); and
  - (c) engaging contractors of Building Queensland.
- (2) In carrying out the chief executive officer's responsibilities, the chief executive officer must act in compliance with the written policies and directions of the board.
- (3) The chief executive officer is accountable to the board.

### **42 Disqualification as chief executive officer**

A person is disqualified from becoming, or continuing as, the chief executive officer if the person—

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- (a) has a conviction, other than a spent conviction, for an indictable offence; or
- (b) is an insolvent under administration; or
- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
- (d) is a contractor of Building Queensland; or
- (e) contravenes section 46 or 47.

#### **43 Term of appointment**

- (1) The chief executive officer is appointed for the term, not longer than 5 years, stated in the officer's instrument of appointment.
- (2) Nothing in subsection (1) prevents a person being reappointed as chief executive officer.

#### **44 Conditions of employment**

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

#### **45 Resignation**

The chief executive officer may resign by signed notice given to the board.

#### **46 Chief executive officer not to engage in other paid employment**

The chief executive officer must not, without the board's prior written approval—

- (a) engage in paid employment outside the responsibilities of the office of the chief executive officer; or



- (b) actively take part in the activities of a business, or in the management of a corporation carrying on business.

#### **47 Conflicts of interest**

If the chief executive officer has an interest that conflicts, or may conflict, with the discharge of the officer's responsibilities, the officer—

- (a) must disclose the nature of the interest and conflict to the board as soon as practicable after the relevant facts come to the officer's knowledge; and
- (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the board.

## **Part 5 Other staff**

#### **48 Building Queensland staff**

- (1) Building Queensland may employ other staff it considers appropriate to perform its functions.
- (2) The other staff are to be employed under the *Public Service Act 2008*.

#### **49 Alternative staffing arrangements**

- (1) Building Queensland may, with the agreement of the chief executive of a department, arrange for the services of officers or employees of the department to be made available to Building Queensland.
- (2) An officer or employee whose services are made available under subsection (1)—
  - (a) continues to be an officer or employee of the department; and

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- (b) continues to be employed or otherwise engaged by the department on the same terms and conditions applying to the officer or employee before the services were made available; and
  - (c) is, for the period the services are made available and for the performance of Building Queensland's functions, taken to be a member of the staff of Building Queensland.
- (3) Nothing in subsection (1) requires a chief executive of a department to enter into an arrangement mentioned in that subsection.

## **Part 6 Administration**

### **50 Annual budgets and financial management policies**

- (1) Before 31 March each year—
- (a) Building Queensland must prepare a budget—
    - (i) of estimated costs of Building Queensland for the next financial year; and
    - (ii) consistent with the strategic priorities of Building Queensland; and
  - (b) the board members must approve the budget and Building Queensland's financial management policies; and
  - (c) Building Queensland must give the approved budget and financial management policies to the Minister.
- (2) The Minister must approve, or refuse to approve, the budget and financial management policies by 30 April each year.
- (3) However, a failure by the Minister to act under subsection (2) does not prevent the Minister approving, or refusing to

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approve, a budget or financial management policy at a later time.

- (4) A budget or financial management policy has no effect until it has been approved by the Minister.
- (5) During a financial year Building Queensland may prepare amendments to the budget for that year.
- (6) An amendment to a budget has no effect until it has been approved by—
  - (a) for a minor amendment—the chairperson in consultation with the other board members; or
  - (b) otherwise—the Minister on the recommendation of the chairperson in consultation with the other board members.
- (7) If the chairperson and the other board members differ about what should be recommended to the Minister for an approval under this section, the Minister may still give the approval.
- (8) In this section—

*financial management policies* means the policies to be observed in financial and performance management by Building Queensland.

*Note—*

Under the *Financial Accountability Act 2009*, section 57 Building Queensland must comply with a provision of a financial and performance standard that applies to Building Queensland as a statutory body.

*minor amendment*, of an annual budget, means an amendment of a minor nature that does not change the total of the estimated costs mentioned in the budget.

## 51 Annual report

- (1) Building Queensland must include in its annual report prepared under the *Financial Accountability Act 2009*, section 63—

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- (a) details of the functions performed by Building Queensland during the year, including details of the relevant infrastructure projects and infrastructure proposals; and
  - (b) information about how efficiently and effectively Building Queensland has performed its functions, including identifying key achievements and financial and non-financial performance; and
  - (c) details of—
    - (i) each direction given by the Minister under part 2, division 2, during the financial year to which the report relates; and
    - (ii) action taken by Building Queensland because of the direction.
- (2) The details mentioned in subsection (1) may include statistics.
- (3) The board must approve the report before it is given to the Minister.
- (4) The report must not be prepared in a way that discloses confidential information.

## **52 Fee for services**

If Building Queensland charges a fee for a service provided by it to a government agency any amounts collected must only be used in payment of—

- (a) the costs, expenses and other obligations incurred by Building Queensland in the performance of its functions and the exercise of its powers; or
- (b) any remuneration or allowance payable under this Act, or the *Public Service Act 2008*, for a board member, the chief executive officer or other staff of Building Queensland; or
- (c) an amount payable under an arrangement, mentioned in section 49(1), for the services of officers or employees of the department.

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### **53 Delegations**

- (1) Building Queensland may delegate any of its functions to a board member or the chief executive officer.
- (2) The board may delegate any of its functions to a board member or the chief executive officer.
- (3) The chief executive officer may delegate any of the officer's responsibilities to appropriately qualified staff of Building Queensland.
- (4) In this section—  
*function* includes power.

## **Part 7 Offences and legal proceedings**

### **Division 1 Offences**

#### **54 Duty to act honestly**

- (1) This section applies to each of the following persons—
  - (a) a board member;
  - (b) the chief executive officer;
  - (c) staff of Building Queensland;
  - (d) a contractor of Building Queensland.
- (2) The person must at all times act honestly in the performance of a function and the exercise of a power under this Act.  
Maximum penalty—200 penalty units.

[s 55]

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## **55 New convictions must be disclosed**

- (1) This section applies if a person who is an appointed board member is convicted of an indictable offence during the term of the member's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the Minister.  
Maximum penalty—100 penalty units.
- (3) The notice must include all of the following information—
  - (a) the existence of the conviction;
  - (b) when the offence was committed;
  - (c) sufficient details to identify the offence;
  - (d) the sentence imposed on the person.

## **56 Use of confidential information**

- (1) This section applies to a person who—
  - (a) is, or has been, a board member, the chief executive officer, staff or a contractor of Building Queensland; and
  - (b) obtains confidential information in administering, or performing a function under, this Act.
- (2) The person must not, whether directly or indirectly, disclose the confidential information unless the disclosure is—
  - (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
  - (c) otherwise required or permitted by law.Maximum penalty—200 penalty units.

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## **Division 2                      Evidentiary provisions**

### **57            Summary offences**

An offence against this Act is a summary offence.

### **58            Limitation on time for starting proceeding for summary offence**

A summary proceeding under the *Justices Act 1886* for an offence against this Act must start within whichever is the longer of the following—

- (a) 1 year after the commission of the offence;
- (b) 6 months after the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

### **59            Appointments and authority**

In a proceeding, the following must be presumed unless a party to the proceeding, by reasonable notice, requires proof of it—

- (a) the appointment under this Act of a board member or the chief executive officer;
- (b) the authority of a board member, the chief executive officer or staff or a contractor of Building Queensland to do anything under this Act.

### **60            Signatures**

A signature purporting to be the signature of a board member or the chief executive officer is evidence of the signature it purports to be.

[s 61]

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## **61 Other evidentiary aids**

- (1) In a proceeding, a certificate purporting to be that of the chairperson stating any of the following matters is evidence of the matter—
  - (a) a stated document is an appointment made under this Act;
  - (b) a stated document is a document made by, or given to, Building Queensland;
  - (c) a stated document is a copy of a document mentioned in paragraph (a) or (b).
- (2) A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant's knowledge.

## **Part 8 Other matters**

### **62 Criminal history report**

- (1) To decide if a person is disqualified from becoming or continuing as an appointed board member, 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 criminal 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 of the police service 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) The Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.
- (6) 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.

### **63 Application of other Acts to Building Queensland**

- (1) Building Queensland is—
  - (a) a unit of public administration under the *Crime and Corruption Act 2001*; and
  - (b) a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects Building Queensland's powers.

### **64 Regulation-making power**

The Governor in Council may make regulations under this Act.

## **Part 9**                      **Amendments of Legislation**

### **Division 1**                      **Amendment of this Act**

#### **65**      **Act amended**

This division amends this Act.

#### **66**      **Amendment of long title**

Long title, from ‘and to amend’ to ‘purposes’—  
*omit.*

### **Division 2**                      **Amendment of Industrial Relations Regulation 2011**

#### **67**      **Regulation amended**

This division amends the *Industrial Relations Regulation 2011*.

#### **68**      **Insertion of new s 145J**

Part 13A—

*insert—*

#### **145J Declaration for Act, s 692—Building Queensland**

For section 692(3) of the Act, Building Queensland established under the *Building Queensland Act 2015* is declared not to be a national system employer for the purposes of the Commonwealth Act, section 14(2).

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**Division 3**                      **Amendment of Public Service Act  
2008**

**69**      **Act amended**

This division amends the *Public Service Act 2008*.

**70**      **Amendment of sch 1 (Public service offices and their  
heads)**

Schedule 1—

*insert—*

Building Queensland under the *Building  
Queensland Act 2015*

chief executive officer under  
the *Building Queensland Act  
2015*

## Schedule 1 Dictionary

### section 5

*appointed board member* see section 25(2).

*board* means the Building Queensland Board.

*board meeting* see section 32(1).

*board member* see section 25(1).

*Building Queensland* means Building Queensland established under section 6.

*Building Queensland Board* see section 22.

*chairperson* means the person appointed as chairperson under section 25.

*chief executive officer* means the person appointed as the chief executive officer under section 40.

*confidential information*—

- (a) means any 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; or
  - (iv) could compromise the security of a public facility; 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 individual to whom it relates.

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**contractor**, of Building Queensland, means a person, other than staff of Building Queensland, who performs services for Building Queensland—

- (a) under a contract between the person and Building Queensland; or
- (b) under an arrangement between Building Queensland and another person.

**delivery**, of an infrastructure project, includes the construction and commissioning of the infrastructure project for its intended use.

**government agency**—

- (a) means each of the following—
  - (i) a department or an administrative unit within a department;
  - (ii) a government owned corporation or a subsidiary of the corporation;
  - (iii) an entity that is established under an Act and represents the State;
  - (iv) an entity that is established under an Act, does not represent the State and is prescribed by regulation;
  - (v) Stadiums Queensland established under the *Major Sports Facilities Act 2001*, section 5;
  - (vi) the Queensland Rail Transit Authority or a subsidiary of the Authority;
  - (vii) Queensland Bulk Water Supply Authority established under the *South East Queensland Water (Restructuring) Act 2007*, section 6; but
- (b) does not include an entity mentioned in paragraph (a)(i), (ii) or (iii) prescribed by regulation.

**infrastructure** means any infrastructure in which initial or further investment is likely to have a significant economic, environmental or social impact in the State or any region of the State.

***infrastructure project*** means a project of a government agency that has a purpose of establishing infrastructure.

***infrastructure proposal*** means a proposal of a government agency for an infrastructure project.

***insolvent under administration*** see the Corporations Act, section 9.

***permanent board member*** see section 25(3).

***procurement*** means the process of obtaining the goods and services necessary to deliver an infrastructure project.

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

***spent conviction*** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

***subsidiary***—

- (a) of a government owned corporation, means a subsidiary under the *Government Owned Corporations Act 1993*; and
- (b) of the Queensland Rail Transit Authority, means a body corporate that would be a subsidiary of the Authority under the Corporations Act, part 1.2, division 6 if the Authority were a body corporate within the meaning of that Act.