



Queensland

Economic Development and Other Legislation Amendment Act 2024

Act No. 32 of 2024

An Act to amend the Economic Development Act 2012, the Planning Act 2016 and the Public Sector Act 2022 for particular purposes

[Assented to 18 June 2024]



Queensland

Economic Development and Other Legislation Amendment Act 2024

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Economic Development and Other Legislation Amendment Act 2024*.

2 Commencement

This Act commences on 1 July 2024.

Part 2 Amendment of Economic Development Act 2012

3 Act amended

This part and schedule 1 amend the *Economic Development Act 2012*.

4 Replacement of ss 3 and 4

Sections 3 and 4—

omit, insert—

3 Main purpose of Act

(1) The main purpose of this Act is to facilitate the following in the State—

- (a) economic development;
- (b) development for community purposes;

[s 4]

- (c) the provision of diverse housing, including, for example, social housing and affordable housing;
 - (d) the provision of premises for commercial or industrial uses.
- (2) In this section—

diverse housing means a range of housing to meet a variety of community needs, including, for example, housing of different size, type, price, built form, density, cost, adaptability and tenure.

provision, of diverse housing or premises, includes the funding, facilitation, delivery, supply and ownership of the housing or premises.

4 How main purpose is primarily achieved

- (1) The main purpose of this Act is achieved primarily by—
- (a) establishing MEDQ to plan, carry out, promote or coordinate activities to facilitate in the State the main purpose of this Act while also—
 - (i) seeking the achievement of ecological sustainability; and
 - (ii) valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition; and
 - (iii) recognising the cultural heritage significance of places; and
 - (b) providing for a streamlined planning and development framework for particular parts of the State (declared as priority development areas under this Act) to facilitate the main purpose of this Act; and

(c) providing for MEDQ to undertake strategic leadership and coordination of place renewal areas.

(2) In this section—

cultural heritage significance, of a place, means its aesthetic, architectural, historical, scientific, social or other significance to the present generation or past or future generations.

ecological sustainability means a balance that integrates—

(a) the protection of ecological processes and natural systems at local, regional, State and wider levels; and

(b) economic development; and

(c) the maintenance of the cultural, economic, physical and social wellbeing of people and communities.

5 Insertion of new ch 1, pt 2, div 1, hdg

Before section 6—

insert—

Division 1 General

6 Insertion of new ch 1, pt 2, div 2

Chapter 1, part 2—

insert—

Division 2 Key concepts for housing

7A What is *social housing*

(1) *Social housing—*

[s 7]

- (a) means housing provided to an individual for residential use based on eligibility requirements relating to the individual, including, for example, the income and assets of the individual; and
- (b) includes—
 - (i) public housing under the *Housing Act 2003*, section 8(4); and
 - (ii) crisis accommodation.
- (2) However, social housing does not include affordable housing.
- (3) In this section—

eligibility requirements means requirements prescribed under the *Housing Act 2003*, section 33(1) relating to the provision of housing services for which a funded provider under the *Housing Act 2003* receives funding.

7B What is *affordable housing*

Affordable housing is housing that is affordable to particular types of households under criteria prescribed by regulation for the particular type of household.

7 Insertion of new ch 1, pt 3

Chapter 1—

insert—

Part 3 Application of Housing Act 2003

7C Purpose of part

- (1) The purpose of this part is to ensure entities to

which MEDQ provides assistance for the purpose of providing social housing are regulated under the *Housing Act 2003* in the same way that entities to which the chief executive under the *Housing Act 2003* provides assistance for the purpose of providing a social housing service are regulated under the *Housing Act 2003*.

(2) In this section—

social housing service see the *Housing Act 2003*, section 8(2).

7D When MEDQ may provide assistance to entity

MEDQ may provide assistance to an entity for the purpose of providing social housing other than social housing mentioned in section 7A(1)(b) only if—

(a) the entity is—

- (i) a registered provider under the *Housing Act 2003*, schedule 4; or
- (ii) an exempt provider under the *Housing Act 2003*, schedule 4; and

(b) the chief executive under the *Housing Act 2003* has consented to MEDQ providing the assistance to the entity.

7E Agreement entered into by MEDQ taken to be funding agreement under Housing Act 2003

- (1) This section applies if MEDQ enters into an agreement with an entity for the purpose of providing assistance to the entity to assist the entity to provide social housing.
- (2) The agreement is taken to be a funding agreement under the *Housing Act 2003*, section 25.
- (3) The assistance is taken to be funding under the

[s 7]

Housing Act 2003, section 21(1).

- (4) The entity is taken to be a funded provider under the *Housing Act 2003*, section 21(2).

7F Asset for which MEDQ provides assistance taken to be community housing asset under Housing Act 2003

- (1) This section applies to an asset acquired by an entity using assistance provided by MEDQ for the purpose of assisting the entity to provide social housing.
- (2) If the entity is a state provider under the *Housing Act 2003*, the asset is taken to be a state community housing asset under the *Housing Act 2003*.
- (3) If the entity is a national provider under the *Housing Act 2003*, the asset is taken to be a national community housing asset under the *Housing Act 2003*.

7G Application of Housing Act 2003

- (1) Nothing in this Act prevents the *Housing Act 2003* applying to an entity to which MEDQ provides assistance for the purpose of assisting the entity to provide social housing.
- (2) Without limiting subsection (1)—
 - (a) the entity must comply with the requirements relating to the provision of housing services mentioned in the *Housing Act 2003*, section 33 to the extent the requirements apply to the entity; and
 - (b) the registrar under the *Housing Act 2003* may take action under the *Housing Act 2003*, part 4A, division 4, against the entity,

including, for example, cancellation of the entity's registration; and

- (c) a power under the *Housing Act 2003*, part 7 may be exercised against the entity.

7H CEO may disclose information to chief executive under Housing Act 2003

The CEO may disclose anything that comes to the CEO's knowledge under this Act to the chief executive under the *Housing Act 2003* if the CEO is satisfied the disclosure would assist in the performance of the functions of any of the following under the *Housing Act 2003*—

- (a) the chief executive;
- (b) the registrar;
- (c) an authorised officer.

8 Amendment of s 10 (Legal capacity)

- (1) Section 10(1)—

insert—

- (fa) provide services relating to its functions and charge fees for the services; and

Example of a service relating to MEDQ's functions—

advisory services

- (2) Section 10(1)(fa) and (g)—

renumber as section 10(1)(g) and (h).

9 Amendment of s 11 (Application of other Acts)

- (1) Section 11(1)—

omit.

- (2) Section 11(2)(a), after 'administration'—

[s 10]

insert—

under the *Crime and Corruption Act 2001*

- (3) Section 11(2)(b), before ‘*Statutory Bodies Financial Arrangements Act 1982*’—

insert—

Financial Accountability Act 2009 and the

- (4) Section 11(2) and (3)—

renumber as section 11(1) and (2).

10 Amendment of s 13 (MEDQ’s functions)

- (1) Section 13(2), from ‘facilitating’ to ‘purposes’—

omit, insert—

achieving the main purpose of this Act

- (2) Section 13(2)—

insert—

- (e) undertaking investment activities in property assets to facilitate economic development and development for community purposes.

11 Replacement of ch 2, pt 3, hdg (Matters about dealing in land or other property, or the provision of infrastructure)

Chapter 2, part 3, heading—

omit, insert—

Part 3

Special powers relating to dealings and infrastructure

12 Amendment of s 14 (Purpose of pt 3)

Section 14(1), ‘section 13(2)(a) and (b)’—

omit, insert—

section 13(2)

13 Replacement of s 15 (MEDQ to act commercially)

Section 15—

omit, insert—

15 MEDQ to act for long-term financial sustainability

MEDQ must, to the extent practicable, carry out its functions in a way that facilitates the long-term financial sustainability of MEDQ.

14 Amendment of s 17 (Dealing in land or other property generally)

(1) Section 17(a), ‘for proposed development’—

omit, insert—

to facilitate the main purpose of this Act

(2) Section 17(b), from ‘the use’ to ‘purposes’—

omit, insert—

the main purpose of this Act

15 Insertion of new ch 2, pt 3, div 3A

Chapter 2, part 3—

insert—

Division 3A Acquisition of land

20A When MEDQ may take land

- (1) MEDQ may take land for either of the following purposes—
 - (a) to provide infrastructure for the benefit of a priority development area;
 - (b) to give effect to a place renewal framework for a place renewal area.
- (2) However, MEDQ may take the land only if—
 - (a) MEDQ is satisfied the taking of the land is necessary for a purpose mentioned in subsection (1); and
 - (b) the Minister is satisfied the taking of the land is in the public interest.
- (3) MEDQ's power to take the land for a purpose mentioned in subsection (1)—
 - (a) applies even though—
 - (i) the taking of the land is for conferring rights or interests in the land on another entity; and
 - (ii) an entity may derive a measurable benefit from any action taken on the land to facilitate the purpose mentioned in subsection (1); and
 - (b) includes the power to take, from time to time as required, land for a purpose incidental to a purpose mentioned in subsection (1).
- (4) If the taking of the land is for conferring rights or interests in the land on another entity, MEDQ may take the land only if reasonable steps have been taken to obtain the agreement of the owner of the land to actions on the land that would facilitate the purpose mentioned in subsection (1) for which the land is being taken but the owner has not agreed

to the actions.

- (5) The process under the *Acquisition of Land Act 1967* for the taking of land, and the payment of compensation for taking land, applies in relation to the taking of land under this section as if the land were being taken under the *Acquisition of Land Act 1967* by—
 - (a) MEDQ as a constructing authority under the *Acquisition of Land Act 1967*; and
 - (b) the Minister as the relevant Minister under the *Acquisition of Land Act 1967*.
- (6) The *Acquisition of Land Act 1967* must be read with and subject to the modifications and adaptations necessary to give operation and effect to subsection (5).
- (7) To remove any doubt, it is declared that the taking of land under this section is not a taking of land under the *Acquisition of Land Act 1967*.

20B Power to take easements and other interests

- (1) MEDQ's power to take land for a purpose mentioned in section 20A(1) includes—
 - (a) power to take an easement, or another interest in land above or beneath the surface, without acquiring rights in the surface; and
 - (b) power to take a lease of State land or another interest in State land.
- (2) If MEDQ issues a notice of intention to resume a lease of State land, or some other interest in State land that is less than freehold, MEDQ must file a copy of the notice in the appropriate land register kept under the *Land Act 1994*.
- (3) If MEDQ amends or discontinues a resumption mentioned in subsection (2), MEDQ must

[s 15]

immediately file a notice of the amendment or discontinuance in the register.

- (4) This division, and the process under the *Acquisition of Land Act 1967* for the taking of land and the payment of compensation for taking land, apply in relation to the easement or other interest mentioned in subsection (1) as if the easement or other interest were land.
- (5) The *Acquisition of Land Act 1967* must be read with and subject to the modifications and adaptations necessary to give operation and effect to subsections (2), (3) and (4).
- (6) To remove any doubt, it is declared that the taking of land under this section is not a taking of land under the *Acquisition of Land Act 1967*.
- (7) In this section—
easement includes a public utility easement under the *Land Act 1994* or the *Land Title Act 1994*.

20C Relationship with native title legislation

- (1) For the taking of land under section 20A and the payment of compensation for the land taken—
 - (a) the process mentioned in section 20A(5) must be carried out in a way that is consistent with the *Native Title (Queensland) Act 1993* and the *Native Title Act 1993* (Cwlth); and
 - (b) if the *Native Title (Queensland) Act 1993* or the *Native Title Act 1993* (Cwlth) states a process in relation to the taking or payment that is in addition to the process stated in the *Acquisition of Land Act 1967*, the additional process also applies to the taking or payment; and

- (c) the Land Court is the independent body for the *Native Title Act 1993* (Cwlth), section 24MD(6B).
- (2) To remove any doubt, it is declared that this Act is a compulsory acquisition Act under the *Native Title (Queensland) Act 1993*, section 144(4).

20D Vesting of land taken under s 20A

- (1) Land taken under section 20A vests in the entity stated in the gazette resumption notice for the taking of the land on the day the notice is published in the gazette.
- (2) If the land taken under section 20A is a lease of State land or another interest in State land that is less than freehold, as mentioned in section 20B, the land vests in the entity stated in the gazette resumption notice as an estate in fee simple.
- (3) The Governor in Council is authorised to grant in fee simple and so vest the land mentioned in subsection (2) subject to the reservations and conditions that are authorised or required under the *Land Act 1994*.

20E Power to use, lease or dispose of land

MEDQ may, to give effect to a purpose mentioned in section 20A, do any or all of the following—

- (a) lease, or agree to lease, to any person land taken, or proposed to be taken, under section 20A;
- (b) sign an agreement with any person to carry out, own, operate and maintain any works or development on land taken, or proposed to be taken, under section 20A;

[s 15]

- (c) sign an agreement with any person in relation to works or development for land taken, or proposed to be taken, under section 20A;
- (d) sell land taken, or agree to sell land to be taken, under section 20A.

20F Costs of taking land under s 20A

- (1) Before MEDQ takes land under section 20A, MEDQ may enter into an agreement with an entity about the costs of taking the land.
- (2) The agreement may require the person to give a guarantee or provide security to MEDQ for the costs.
- (3) If the person does not pay to MEDQ the costs of taking the land in accordance with the agreement, MEDQ may recover the costs from the person as a debt owing by the person to MEDQ.
- (4) In this section—
costs, of taking land, includes—
 - (a) operational, administrative and legal costs; and
 - (b) any compensation assessed under the *Acquisition of Land Act 1967* for the taking of the land.

20G Application of Acquisition of Land Act 1967, ss 36 and 37

The *Acquisition of Land Act 1967*, sections 36 and 37 apply in relation to exercising a power to take land under this division as if MEDQ were exercising its power to take land, as a constructing authority, under the *Acquisition of Land Act 1967*.

20H Notice of intention to dispose of land that is not required

- (1) This section applies in relation to land taken under section 20A if, within 7 years after the day the land is taken—
 - (a) the land is still held by the entity in which the land was vested under the gazette resumption notice for the taking of the land; and
 - (b) the land is no longer required by the entity; and
 - (c) the entity intends to dispose of the land.
- (2) The entity must, by notice, advise the previous owner of the land that the entity intends to offer the land to the previous owner.
- (3) The notice must state—
 - (a) that the previous owner must, within 28 days after the day the notice is given, give a notice to the entity stating whether or not the previous owner is interested in buying the land; and
 - (b) that the entity may dispose of the land to another person if—
 - (i) the entity does not receive a notice under paragraph (a); or
 - (ii) the notice under paragraph (a) states the previous owner is not interested in buying the land; and
 - (c) if the entity has taken an easement under subsection (5)—the nature and terms of the easement.
- (4) If the entity is not MEDQ, the entity must give a copy of the notice to MEDQ.
- (5) Before giving a notice under subsection (2), the

[s 15]

entity may take an easement over all or part of the land to ensure the structural and operational integrity of any development infrastructure on the land.

- (6) To remove any doubt, it is declared that this section applies despite the *Acquisition of Land Act 1967*, section 41.

20I Power to dispose of land that is not required

- (1) Subsection (2) applies if the previous owner of land taken under section 20A gives an entity a notice under section 20H(3)(a) stating that the previous owner is interested in buying the land.
- (2) The entity must, by notice, offer the land, subject to any easement over the land, for sale to the previous owner at a price decided by the entity.
- (3) Subsection (4) applies if the previous owner of land taken under section 20A—
- (a) does not give a notice under section 20H(3)(a) for the land; or
 - (b) gives a notice under section 20H(3)(a) stating that the previous owner is not interested in buying the land; or
 - (c) does not accept an offer for the sale of the land made by the entity.
- (4) The entity may dispose of the land subject to any easement over the land.
- (5) In deciding the price for which the land may be sold under subsection (2) or (4), the entity must consider—
- (a) a valuation by a valuer registered under the *Valuers Registration Act 1992*; and
 - (b) the policies and systems for the management of the entity's assets; and

-
- (c) the existence of any easement over the land.
- (6) A person contracting or otherwise dealing with an entity in relation to land is not required to ask whether section 20A or this section has been complied with.
- (7) The title of any person to land acquired from the entity is not affected by a failure to comply with section 20A or this section.
- (8) To remove any doubt, it is declared that this section applies despite the *Acquisition of Land Act 1967*, section 41.

16 Replacement of s 23 (Arrangements for facilitating economic development or development for community purposes)

Section 23—

omit, insert—

23 Arrangements to facilitate grant of appropriate lease under Land Act 1994

MEDQ may, to give effect to the main purpose of this Act, enter into arrangements to facilitate the grant of an appropriate lease to a person under the *Land Act 1994*.

17 Amendment of s 28 (Administration of the Fund)

Section 28(2) to (4)—

omit.

18 Replacement of ch 2, pt 5

Chapter 2, part 5—

omit, insert—

Part 5 Reporting and accountability

Division 1 Reporting generally

29 Quarterly reports

- (1) The board must give the Minister a report on MEDQ's operations for each quarter in a financial year.
- (2) A quarterly report must be given to the Minister—
 - (a) within 4 weeks after the end of the quarter;
or
 - (b) if another period after the end of the quarter is agreed between the board and the Minister—within the agreed period.
- (3) A quarterly report must—
 - (a) contain the information required to be given in the report under MEDQ's operational plan; and
 - (b) describe how MEDQ has achieved the main purpose of this Act during the quarter; and
 - (c) be signed by the chairperson of the board.
- (4) In this section—

quarter, in a financial year, means any of the following periods in the year—

 - (a) 1 July to 30 September;
 - (b) 1 October to 31 December;
 - (c) 1 January to 31 March;
 - (d) 1 April to 30 June.

30 Board to keep Minister informed

The board must—

- (a) keep the Minister informed of MEDQ's operations, financial performance and financial position and its achievement of the objectives in its strategic and operational plans; and
- (b) keep the Minister informed of how MEDQ is achieving the main purpose of this Act; and
- (c) give the Minister reports and information to enable the Minister to make informed assessments of matters mentioned in paragraphs (a) and (b); and
- (d) immediately inform the Minister of any matters that arise that, in the board's opinion, may—
 - (i) prevent, or significantly affect, achievement of the objectives in MEDQ's strategic and operational plans; or
 - (ii) significantly affect MEDQ's performance in delivering the outputs under its operational plan.

31 Other reporting requirements

Sections 29 and 30 do not limit the matters of which the board is required to keep the Minister informed, or limit the reports or information that the board is required, or may be required, to give under another Act.

Division 2 Annual reports

32 Definition for division

In this division—

annual report means MEDQ’s annual report under the *Financial Accountability Act 2009*.

32A Deletion of commercially sensitive matters from annual report

- (1) This section applies if the board asks the Minister to delete from the copies of an annual report (and accompanying documents) that are to be made public a matter that is of a commercially sensitive nature.
- (2) The Minister may delete the matter from the copies of the annual report (and accompanying documents) that are laid before the Legislative Assembly or otherwise made public.

Example of a matter that might be deleted—

pricing information given to MEDQ in response to an unfinished tender process

32B Annual report may include a summary of a matter

An annual report may include a summary of a matter required to be included in the annual report, rather than a full statement of the matter, if—

- (a) the summary indicates that it is a summary only; and
- (b) a full statement of the matter is laid before the Legislative Assembly at the same time as a copy of the annual report is laid before the Legislative Assembly.

32C Matters to be included in annual report

The annual report for a financial year must include the details of all directions given to MEDQ by the Minister under this part or part 6 during the financial year.

Division 3 Strategic and operational plans

32D Interaction with the Financial Accountability Act 2009

- (1) If something is required to be done under this division and the same thing, or something to the same effect, is required to be done under the *Financial Accountability Act 2009*, compliance with the *Financial Accountability Act 2009* is sufficient compliance with this division.
- (2) Otherwise, the requirements under this division are in addition to the requirements under the *Financial Accountability Act 2009*.
- (3) If there is an inconsistency between this division and the *Financial Accountability Act 2009*, the *Financial Accountability Act 2009* prevails to the extent of the inconsistency.

32E Draft strategic and operational plans

- (1) Before 31 March each year, the board must prepare, and give to the Minister for the Minister's agreement, a draft strategic plan and a draft operational plan for the next financial year.
- (2) The board and the Minister must try to reach agreement on the draft plans as soon as possible and, in any event, not later than the start of the financial year.

32F Procedures

- (1) The Minister may return the draft strategic or operational plan to the board and ask the board—
 - (a) to consider, or further consider, a stated thing and deal with the thing in the draft plan; and
 - (b) to revise the draft plan in the light of its consideration or further consideration.
- (2) The board must comply with the request as a matter of urgency.
- (3) If the draft plan has not been agreed to by the Minister by 1 month before the start of the financial year, the Minister may, by written notice, direct the board—
 - (a) to take stated steps in relation to the draft plan; or
 - (b) to make stated modifications of the draft plan.
- (4) The board must immediately comply with the direction and include a copy of the direction in the plan.

32G Strategic or operational plan pending agreement

- (1) This section applies if the Minister and the board have not agreed to the draft strategic or operational plan before the start of the relevant financial year.
- (2) The draft plan given, or last given, by the board to the Minister before the start of the financial year, with any modifications made by the board, whether before or after that time, at the direction of the Minister, is taken to be MEDQ's strategic or operational plan.

- (3) Subsection (2) applies until a draft strategic or operational plan becomes MEDQ's strategic or operational plan under section 32H.

32H Strategic or operational plan on agreement

When the draft strategic or operational plan has been agreed to in writing by the Minister, it becomes MEDQ's strategic or operational plan for the relevant financial year.

32I Compliance with strategic and operational plans

MEDQ must comply with its strategic and operational plans for a financial year.

32J Modifications of strategic or operational plan

- (1) The board may modify MEDQ's strategic or operational plan only with the written agreement of the Minister.
- (2) The Minister may, by written notice, direct the board to modify MEDQ's strategic or operational plan.

32K Content of strategic plan

MEDQ's strategic plan for a financial year must include—

- (a) MEDQ's objectives and intended outcomes; and
- (b) MEDQ's capital structure; and
- (c) MEDQ's annual budget and annual forecasts of revenue; and

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- (d) MEDQ's key performance indicators relating to the achievement of the main purpose of this Act; and
- (e) an outline of the following matters—
 - (i) the nature and scope of the activities proposed to be undertaken by MEDQ during the financial year;
 - (ii) MEDQ's main undertakings for the financial year;
 - (iii) the borrowings made or proposed to be made by MEDQ;
 - (iv) MEDQ's policies for minimising or managing any risk of investments and borrowings that may adversely affect its financial stability;
 - (v) MEDQ's policies and procedures relating to the acquisition and disposal of major assets; and
- (f) an outline of the major investments proposed to be undertaken by MEDQ during the financial year.

32L Publication of strategic plan

- (1) MEDQ must publish MEDQ's strategic plan, including any modifications under section 32J, on MEDQ's website.
- (2) However, if MEDQ considers information in the strategic plan may have an adverse effect on the interests of MEDQ, or reveal information that is commercial-in-confidence, MEDQ is not required to publish the information.

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year, MEDQ must give the Minister—

- (a) an estimate of its profit for the financial year; and
 - (b) a recommendation about the amount of the dividend that may be required to be paid for the financial year.
- (2) Before the end of the financial year, the Minister may—
- (a) approve the recommendation and give MEDQ a direction to pay a dividend of that amount; or
 - (b) give MEDQ a direction to pay a dividend of a different stated amount.
- (3) The amount of the dividend for a financial year must not be more than the amount that would be allowed to be paid by a company under the Corporations Act, part 2H.5 if MEDQ were a company.

Part 7 Commonwealth tax equivalents

32P Liability for Commonwealth tax equivalents

- (1) The Treasurer may issue a manual (the *tax equivalents manual*) about deciding the tax equivalents to be paid by MEDQ and its subsidiaries.
- (2) Without limiting subsection (1), the tax equivalents manual may provide for—
 - (a) rulings by the tax assessor appointed under subsection (3) on issues about tax equivalents, including the application of

-
- rulings under a Commonwealth Act about Commonwealth tax; and
- (b) the lodging of returns by MEDQ and its subsidiaries; and
 - (c) assessing returns; and
 - (d) the functions and powers of the tax assessor appointed under subsection (3); and
 - (e) objections and appeals against assessments and rulings.
- (3) The Treasurer may appoint a person to be the tax assessor under the tax equivalents manual.
 - (4) MEDQ and its subsidiaries must, as required under the tax equivalents manual, pay tax equivalents to the Treasurer for payment into the consolidated fund.
 - (5) The Treasurer must table a copy of the tax equivalents manual, and each amendment of the manual, in the Legislative Assembly within 14 sitting days after the manual is issued or the amendment made.
 - (6) In this section—

Commonwealth tax means tax imposed under a Commonwealth Act.

tax equivalents means amounts paid by MEDQ or its subsidiaries to the Treasurer, for payment into the consolidated fund, as the value of benefits derived by MEDQ or its subsidiaries because MEDQ is not liable to pay Commonwealth tax that would be payable by MEDQ if MEDQ were not a government entity.

Part 8 Chief executive officer

32Q Appointment

- (1) The Governor in Council must appoint a chief executive officer of MEDQ (the *CEO*).
- (2) The CEO is appointed under this Act and not the *Public Sector Act 2022*.
- (3) To be appointed as the CEO, a person must have a professional qualification relevant to, and professional experience in, an area relating to the main functions of MEDQ.

32R Disqualification as CEO

A person is disqualified from being appointed, or continuing as, the CEO 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) contravenes section 32X, 32Y or 32Z.

32S Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as the CEO, the Minister may ask the police commissioner 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 police commissioner must comply with the request.
- (4) However, the duty to comply applies only to information in the possession of the police commissioner or to which the police 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.

32T Term

- (1) The CEO holds office for the term stated in the CEO's instrument of appointment.
- (2) The stated term must not be more than 5 years.
- (3) The CEO may be reappointed.

32U Remuneration and conditions

- (1) The CEO is to be paid the remuneration and other allowances decided by the Governor in Council.
- (2) The CEO holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

32V Removal by Governor in Council

The Governor in Council may, on the Minister's recommendation, remove the CEO from office if the Minister is satisfied the CEO—

- (a) has engaged in—
 - (i) inappropriate or improper conduct in an official capacity; or
 - (ii) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the office; or

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- (b) has become incapable of performing the CEO's functions; or
- (c) has neglected the CEO's duties or performed the CEO's functions incompetently; or
- (d) has become disqualified under section 32R(d) from continuing as CEO.

32W Vacancy in office

The office of the CEO becomes vacant if the CEO—

- (a) completes a term of office and is not reappointed; or
- (b) resigns office by signed notice given to the Minister; or
- (c) becomes disqualified under section 32R(a), (b) or (c) from continuing as CEO; or
- (d) is removed under section 32V as CEO.

32X CEO not to engage in other paid employment

The CEO must not, without the Minister's prior written approval—

- (a) engage in paid employment outside the responsibilities of—
 - (i) the office of the CEO; and
 - (ii) if the CEO is also appointed as executive officer of the EDQ employing office—the office of the executive officer; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on a business, outside the responsibilities of—

- (i) the office of the CEO; and
- (ii) if the CEO is also appointed as executive officer of the EDQ employing office—the office of the executive officer.

32Y CEO not to enter into contract with MEDQ

The CEO must not enter into a contract with MEDQ, other than a contract related to the CEO's employment.

32Z Conflicts of interest

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

- (a) must disclose the nature of the interest and conflict to the Minister as soon as practicable after the relevant facts come to the CEO'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 Minister.

32ZA Functions

- (1) The CEO has the function of ensuring the effective and efficient administration and operation of MEDQ and the performance of its functions.
- (2) The CEO also has the functions given to the CEO under this Act or another Act.

32ZB Powers

- (1) The CEO has the power to do anything necessary or convenient to be done for the performance of the CEO's functions.
- (2) The CEO also has the powers given to the CEO under this Act or another Act.

32ZC Delegation

- (1) The CEO may delegate the CEO's functions under this Act to an appropriately qualified person.
- (2) In this section—
functions includes powers.

32ZD Acting CEO

- (1) The Governor in Council may appoint a person to act as CEO—
 - (a) during a vacancy in the office; or
 - (b) during any period, or during all periods, when the CEO is absent from duty or from the State or is, for another reason, unable to perform the duties of the office.
- (2) The acting CEO is appointed under this Act and not the *Public Sector Act 2022*.

Part 9 EDQ employing office

Division 1 Establishment

32ZE Establishment of EDQ employing office

- (1) The Economic Development Queensland

employing office (the *EDQ employing office*) is established.

- (2) The EDQ employing office consists of—
 - (a) the executive officer; and
 - (b) the employees of the EDQ employing office.
- (3) The EDQ employing office is a separate entity from MEDQ.

32ZF EDQ employing office represents the State

- (1) The EDQ employing office represents the State.
- (2) Without limiting subsection (1), the EDQ employing office has the status, privileges and immunities of the State.

32ZG Application of other Acts

The EDQ employing office is—

- (a) a unit of public administration under the *Crime and Corruption Act 2001*; and
- (b) a statutory body under—
 - (i) the *Financial Accountability Act 2009*; and
 - (ii) the *Statutory Bodies Financial Arrangements Act 1982*.

32ZH Functions

- (1) The main functions of the EDQ employing office are—
 - (a) entering into, for the State, mobility arrangements under which an employee of the EDQ employing office performs work for or within, or duties in, MEDQ; and

[s 18]

- (b) employing, for the State, employees to perform work for or within, or duties in, MEDQ under the mobility arrangements mentioned in paragraph (a); and
 - (c) doing anything incidental to the discharge of the functions mentioned in paragraph (a) and (b).
- (2) Also, the EDQ employing office has any other function conferred on the EDQ employing office under this Act or another Act.
 - (3) In this section—
mobility arrangement see the *Public Sector Act 2022*.

32ZI Powers

- (1) The EDQ employing office has the power to do anything necessary or convenient to be done for the performance of the EDQ employing office's functions.
- (2) The EDQ employing office also has the powers given to it under this Act or another Act.

32ZJ Employees

The employees of the EDQ employing office are to be employed under the *Public Sector Act 2022*.

Division 2 Executive officer

32ZK Appointment

- (1) There is to be an executive officer of the EDQ employing office.
- (2) The executive officer is to be appointed by the

Governor in Council.

- (3) The executive officer is appointed under this Act and not the *Public Sector Act 2022*.
- (4) The executive officer may be the same person as the CEO.

32ZL Disqualification as executive officer

A person is disqualified from being appointed, or continuing, as the executive officer 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) contravenes section 32ZR or 32ZS.

32ZM Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as the executive officer, the Minister may ask the police commissioner 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 police commissioner must comply with the request.

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- (4) However, the duty to comply applies only to information in the possession of the police commissioner or to which the police 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.

32ZN Term

- (1) The executive officer holds office for the term stated in the executive officer's instrument of appointment.
- (2) The stated term must not be more than 5 years.
- (3) The executive officer may be reappointed.

32ZO Remuneration and conditions

- (1) The executive officer is to be paid the remuneration and other allowances decided by the Governor in Council.
- (2) The executive officer holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.
- (3) Despite subsection (1), if the same person is appointed as CEO and executive officer, the person is to be paid only the remuneration and other allowances payable to the person under section 32U.

32ZP Removal by Governor in Council

The Governor in Council may, on the Minister's recommendation, remove the executive officer from office if the Minister is satisfied the executive officer—

- (a) has engaged in—

- (i) inappropriate or improper conduct in an official capacity; or
- (ii) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the office; or
- (b) has become incapable of performing the executive officer's functions; or
- (c) has neglected the executive officer's duties or performed the executive officer's functions incompetently; or
- (d) has become disqualified under section 32ZL(d) from continuing as executive officer.

32ZQ Vacancy in office

The office of the executive officer becomes vacant if the executive officer—

- (a) completes a term of office and is not reappointed; or
- (b) resigns office by signed notice given to the Minister; or
- (c) becomes disqualified under section 32ZL(a), (b) or (c) from continuing as executive officer; or
- (d) is removed under section 32ZP as executive officer.

32ZR Executive officer not to engage in other paid employment

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

- (a) engage in paid employment outside the responsibilities of—

[s 18]

- (i) the office of the executive officer; and
 - (ii) if the executive officer is also appointed as CEO—the office of the CEO; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on a business, outside the responsibilities of—
- (i) the office of the executive officer; and
 - (ii) if the executive officer is also appointed as CEO—the office of the CEO.

32ZS Conflicts of interest

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

- (a) must disclose the nature of the interest and conflict to the Minister as soon as practicable after the relevant facts come to the executive 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 Minister.

32ZT Functions

- (1) The executive officer has the function of ensuring the effective and efficient administration and operation of the EDQ employing office and the performance of its functions.
- (2) The executive officer also has the functions given to the executive officer under this Act or another

Act.

32ZU Powers

- (1) The executive officer has the power to do anything necessary or convenient to be done for the performance of the executive officer's functions.
- (2) The executive officer also has the powers given to the executive officer under this Act or another Act.

32ZV Delegation

- (1) The executive officer may delegate the executive officer's functions under this Act to another appropriately qualified employee of the EDQ employing office.
- (2) In this section—
functions includes powers.

32ZW Acting executive officer

- (1) The Governor in Council may appoint a person to act as executive officer—
 - (a) during a vacancy in the office; or
 - (b) during any period, or during all periods, when the executive officer is absent from duty or from the State or is, for another reason, unable to perform the duties of the office.
- (2) The acting executive officer is appointed under this Act and not the *Public Sector Act 2022*.

Part 10 Identity cards

[s 18]

32ZX Issue of identity card for particular employees and agents

- (1) MEDQ must issue an identity card to each individual whom MEDQ authorises to enter premises under section 123 or 123A.
- (2) The identity card must—
 - (a) contain a recent photo of the individual; and
 - (b) contain a copy of the individual's signature; and
 - (c) identify the individual as an individual who is authorised by MEDQ; and
 - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

Note—

See also section 122B in relation to the issuing, production and return of identity cards under the Planning Act, chapter 5, part 6 as applied under that section.

32ZY Production or display of identity card

- (1) In exercising a power under this Act in relation to a person in the person's presence, the individual must—
 - (a) produce the individual's identity card for the person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the individual must produce the identity card for the person's inspection at the first

reasonable opportunity.

32ZZ Return of identity card

If an individual ceases to be authorised as mentioned in section 32ZX, the individual must return the individual's identity card to MEDQ within 21 days after ceasing to be so authorised unless the individual has a reasonable excuse.

Maximum penalty—20 penalty units.

19 Amendment of s 34 (Declaration)

Section 34(2)—

omit, insert—

- (2) Before recommending to the Governor in Council the making of a regulation under subsection (1), the Minister must—
 - (a) consult with the Minister administering the Planning Act; and
 - (b) have regard to—
 - (i) the main purpose of this Act; and
 - (ii) any proposed development for land in the area; and
 - (iii) the impact the Planning Act may have on the delivery of the proposed development if the declaration regulation were not made; and
 - (iv) any State planning instrument applying to land in the area.

20 Amendment of s 36I (Other amendments)

Section 36I(4)—

insert—

[s 21]

Note—

See also part 3A which provides for the making of a temporary planning instrument that suspends or otherwise affects the operation of a provisional land use plan but does not amend it.

21 Amendment of s 37 (Declaration)

Section 37(2)—

omit, insert—

- (2) Before recommending to the Governor in Council the making of a regulation under subsection (1), the Minister must—
 - (a) consult with the Minister administering the Planning Act; and
 - (b) have regard to—
 - (i) the main purpose of this Act; and
 - (ii) any proposed development for land in the area; and
 - (iii) the impact the Planning Act may have on the delivery of the proposed development if the declaration regulation were not made; and
 - (iv) any State planning instrument applying to land in the area.

22 Amendment of s 40AB (Expiry of interim land use plan)

(1) Section 40AB(1) and (2)—

omit, insert—

- (1) An interim land use plan for a priority development area expires—
 - (a) if the declaration regulation for the area states an expiry date for the plan under section 37(3)—on the stated expiry date; or

-
- (b) otherwise—
- (i) on the day that is 1 year after the day the plan takes effect; or
 - (ii) if a later day is fixed under section 40ABA—on that day.
- (2) Section 40AB(3), ‘Also’—
omit, insert—
- However
- (3) Section 40AB(3), ‘or (2)’—
omit.
- (4) Section 40AB(4), ‘subsection (3)’—
omit, insert—
- subsection (2)
- (5) Section 40AB(3) and (4)—
renumber as section 40AB(2) and (3).

23 Insertion of new ss 40ABA and 40ABB

After section 40AB—

insert—

40ABA Extension of expiry day for interim land use plan

- (1) This section applies in relation to an interim land use plan for a priority development area if—
 - (a) the declaration regulation for the area does not state an expiry date for the plan; and
 - (b) a development scheme has not taken effect under section 64 for the area in which the plan regulates development.
- (2) On a day not later than 1 year after the day the plan takes effect, MEDQ may, by gazette notice,

[s 23]

fix a later day on which the plan expires.

- (3) The day fixed under subsection (2) may not be later than 2 years after the day the plan takes effect.

40ABB Minor administrative amendments of interim land use plan

- (1) MEDQ may make a minor administrative amendment of an interim land use plan.
- (2) If MEDQ makes a minor administrative amendment of an interim land use plan, MEDQ must—
 - (a) publish on MEDQ’s website—
 - (i) the minor administrative amendment; and
 - (ii) the interim land use plan as amended by the minor administrative amendment (the *amended interim land use plan*); and
 - (b) publish a gazette notice stating that the minor administrative amendment and the amended interim land use plan are published on MEDQ’s website.
- (3) The minor administrative amendment takes effect at the beginning of the day the gazette notice under subsection (2)(b) is published.
- (4) As soon as practicable after the minor administrative amendment takes effect, MEDQ must publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that—
 - (a) the minor administrative amendment has taken effect; and

-
- (b) the minor administrative amendment and the amended interim land use plan are published on MEDQ's website.

Note—

See also part 3A which provides for the making of a temporary planning instrument that suspends or otherwise affects the operation of an interim land use plan but does not amend it.

24 Amendment of s 40AC (Making new interim land use plan)

Section 40AC(8)—

omit, insert—

- (8) The following provisions apply to the new plan—
- (a) section 40AA;
 - (b) section 40AB other than section 40AB(1)(a);
 - (c) section 40ABB.

25 Amendment of s 40C (Declaration of PDA-associated development)

Section 40C(2)(b)(ii)(B)—

omit, insert—

- (B) gives effect to the main purpose of this Act in the State or in the region in which the priority development area is located; and

25A Replacement of s 44 (Existing development applications and change applications under Planning Act)

Section 44—

omit, insert—

[s 25B]

44 Pre-existing applications under Planning Act

- (1) This section applies if—
 - (a) an area is declared as a priority development area; and
 - (b) before the area is declared, any of the following applications were properly made under the Planning Act in relation to premises in the area—
 - (i) a development application;
 - (ii) a change application;
 - (iii) an extension application;
 - (iv) a cancellation application; and
 - (c) immediately before the area is declared, the application had not lapsed or been decided under that Act.
- (2) Despite the declaration of the priority development area, the Planning Act continues to apply in relation to the application as if the area had not been declared.

25B Replacement of s 45 (Existing development approvals under Planning Act)

Section 45—

omit, insert—

45 Particular development approvals under Planning Act

- (1) This section applies if—
 - (a) an area is declared as a priority development area; and
 - (b) a development approval under the Planning Act for development on premises in the area—

-
- (i) was in effect immediately before the declaration; or
 - (ii) is given for an application mentioned in section 44 after the declaration.
- (2) Despite the declaration of the priority development area, the development approval continues in effect for carrying out the development.
 - (3) However, only the following applications under the Planning Act may be made to the development approval—
 - (a) a change application to make a minor change under that Act;
 - (b) a cancellation application.
 - (4) To remove any doubt, it is declared that, for applying subsection (3), the Planning Act continues to apply in relation to the application as if the priority development area had not been declared.

26 Amendment of s 51AE (Process for approving plans of subdivision)

- (1) Section 51AE(1), ‘section 104(2)’—
omit, insert—
section 104(3)
- (2) Section 51AE(4), definition *plan of subdivision*, ‘section 104(3)’—
omit, insert—
section 104(4)

[s 27]

27 Amendment of s 51AF (Registering particular plans of subdivision approved before cessation)

Section 51AF(3), definition *plan of subdivision*, ‘section 104(3)’—

omit, insert—

section 104(4)

28 Amendment of s 57 (Content of development scheme)

(1) Section 57(3), before paragraph (a)—

insert—

(aa) provide for requirements relating to any of the following—

(i) the supply of social housing;

(ii) the supply of affordable housing;

(iii) the payment of an amount in lieu of the supply of social housing or affordable housing; or

(2) Section 57(4)(b)(ii)(B)—

omit, insert—

(B) gives effect to the main purpose of this Act in the State or in the region in which the priority development area is located; and

29 Amendment of s 58 (Preparation of proposed development scheme)

Section 58(3)(a), after ‘interests’—

insert—

including, for example, the objectives of the State in providing social housing for the priority development area or part of the priority development area

30 Amendment of s 66 (General power to amend)

Section 66, note—

omit, insert—

Notes—

- 1 See also part 3A which provides for the making of a temporary planning instrument that suspends or otherwise affects the operation of a development scheme but does not amend it.
- 2 See also the *Sustainable Ports Development Act 2015*, section 29 for additional requirements for amending a development scheme.

31 Insertion of new ch 3, pt 3A

Chapter 3—

insert—

Part 3A Temporary planning instruments

71AA Definitions for part

In this part—

affected instrument see section 71AB(1).

relevant area, for an affected instrument, means the area in relation to which the affected instrument operates.

temporary planning instrument see section 71AB(1).

71AB MEDQ may make temporary planning instrument

- (1) This section provides for the making of an instrument (a *temporary planning instrument*) that affects the operation of any of the following (the *affected instrument*) in a stated way—

[s 31]

- (a) a provisional land use plan;
 - (b) an interim land use plan;
 - (c) a development scheme.
- (2) MEDQ may make a temporary planning instrument if—
- (a) MEDQ considers—
 - (i) there is a risk, or potential risk, of serious adverse cultural, economic, environmental or social conditions happening in the relevant area for the affected instrument; or
 - (ii) for an interim land use plan or development scheme—it is necessary or desirable to align the affected instrument with the place renewal framework for a place renewal area in the relevant area; and
 - (b) MEDQ is satisfied it is necessary or desirable to immediately affect the operation of the affected instrument, in the way stated in the temporary planning instrument, for the reason mentioned in paragraph (a)(i) or (ii).
- (3) The temporary planning instrument does not amend or repeal the affected instrument.
- (4) In this section—
affect includes suspend.

71AC Publication

After making a temporary planning instrument, MEDQ must—

- (a) publish the instrument in the gazette and on MEDQ's website; and

- (b) give a copy of the instrument to the relevant local government for the relevant area.

71AD Commencement

A temporary planning instrument commences on the day it is published in the gazette or on any later day of commencement stated in it.

71AE Expiry

A temporary planning instrument expires on the earliest of the following days to occur—

- (a) the day that is 2 years after the day it commences;
- (b) a day of expiry stated in it;
- (c) a day on which the affected instrument expires or is repealed.

71AF Repeal

- (1) A temporary planning instrument may be repealed by an instrument, of the same type as the affected instrument, made under part 2 or 3.
- (2) A provision of an affected instrument may repeal a temporary planning instrument under subsection (1) despite a suspension of the operation of the affected instrument under this part.
- (3) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 24AA.

32 Amendment of s 77 (Exemption for particular development approvals and designations under Planning Act)

Section 77(1)(a)—

[s 33]

omit, insert—

- (a) a development approval under the Planning Act for development on premises in a priority development area—
 - (i) given for an application mentioned in section 44; or
 - (ii) continued in effect under section 45; and

33 Insertion of new s 84G

After section 84F—

insert—

84G Consultation

In deciding the application—

- (a) MEDQ need not consult with any entity; but
- (b) may consult with any entity in the way it considers appropriate.

34 Amendment of s 87 (Matters to be considered in making decision)

Section 87(1)—

insert—

- (g) if the application is for development in a place renewal area—
 - (i) a place renewal framework in effect for the area under part 4A when the application is decided; and
 - (ii) any advice sought by MEDQ in relation to the place renewal framework or the application.

35 Amendment of s 88 (PDA development conditions)

(1) Section 88—

insert—

- (f) relate to any of the following for any priority development area—
 - (i) the supply of social housing on the relevant land for the PDA development approval;
 - (ii) the supply of affordable housing on the relevant land for the PDA development approval;
 - (iii) the payment of an amount in lieu of the supply of social housing or affordable housing.

(2) Section 88—

insert—

- (2) However, a PDA development condition mentioned in subsection (1)(f) may be imposed only if the relevant development instrument for the priority development area for which the PDA development approval has been granted provides for requirements relating to the condition.

36 Insertion of new s 88A

After section 88—

insert—

88A Use of amounts paid in lieu of supply of social housing or affordable housing

- (1) This section applies if a PDA development condition of a PDA development approval imposed under section 88(1)(f)(iii) requires the payment of an amount in lieu of the supply of social housing or affordable housing on the

[s 37]

relevant land for the PDA development approval.

- (2) The amount may be used by MEDQ for the provision of social housing or affordable housing in the local government area in which the relevant land for the PDA development approval is situated.

37 Amendment of s 104 (Plans of subdivision)

- (1) Section 104—

insert—

(1A) An application for the approval given to MEDQ must—

- (a) comply with the requirements prescribed by regulation; and
(b) be accompanied by the application fee decided by MEDQ.

- (2) Section 104(1A) to (3)—

renumber as section 104(2) to (4).

38 Insertion of new ch 3, pt 4A

Chapter 3—

insert—

Part 4A Place renewal areas

Division 1 Preliminary

104AA Definitions for part

In this part—

place renewal area means land declared under section 104AC to be a place renewal area.

place renewal area declaration see section 104AC(1).

place renewal framework, for a place renewal area, means a place renewal framework that takes effect for the area under section 104AK.

104AB References to particular terms in relation to place renewal areas

- (1) A reference in this part to the relevant local government, in relation to a place renewal area, is a reference to—
 - (a) the relevant local government for the priority development area to which the place renewal area relates; and
 - (b) if the place renewal area includes land wholly or partly located in the area of another local government—the other local government.
- (2) For this part, a place renewal area relates to a priority development area if—
 - (a) land in the place renewal area is in the priority development area; or
 - (b) land in the place renewal area is PDA-associated land for the priority development area.

Division 2 Declaration of place renewal areas

104AC Declaration

- (1) MEDQ may, by instrument (a *place renewal area declaration*), declare land to be a place renewal area if—

[s 38]

- (a) the land is in a priority development area, other than a provisional priority development area; or
 - (b) the land is PDA-associated land for a priority development area, other than a provisional priority development area.
- (2) A place renewal area declaration may be made only if MEDQ is satisfied that—
- (a) the planning and development of the proposed place renewal area involves, or is likely to involve, a State interest; and
 - (b) action should be taken under this part to give effect to the State interest.
- (3) For applying subsection (1), more than 1 place renewal area declaration may be made relating to the same priority development area if the declarations relate to different parts of the priority development area or PDA-associated land.
- (4) In making a place renewal area declaration, MEDQ—
- (a) must consult the relevant local government in the way MEDQ considers appropriate; but
 - (b) need not consult any other person.
- (5) A place renewal area declaration must include the following information—
- (a) the priority development area in relation to which the declaration is made;
 - (b) a description of the land the subject of the declaration;
 - (c) any other information prescribed by regulation.

104AD When place renewal area declaration has effect

A place renewal area declaration—

- (a) takes effect at the beginning of the day the gazette notice under section 104AE(1)(b) is published; and
- (b) remains in effect until the earliest of the following days—
 - (i) if a place renewal framework for the place renewal area is not made within the period provided under section 104AG(2) and (3)—the day after the last day of the period;
 - (ii) the day the declaration is revoked;

Note—

See also section 104AO in relation to revocation of a place renewal area declaration.

- (iii) the day all of the land in the place renewal area ceases to be land in a priority development area or PDA-associated land.

104AE MEDQ must give notice of place renewal area declaration

- (1) After making a place renewal area declaration, MEDQ must—
 - (a) publish the declaration on MEDQ’s website; and
 - (b) publish a gazette notice stating that the declaration has taken effect and is published on MEDQ’s website.
- (2) As soon as practicable after a place renewal area declaration takes effect, MEDQ must—

[s 38]

- (a) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that the declaration has taken effect and is published on MEDQ's website; and
- (b) give the relevant local government a notice stating that the declaration has taken effect.

Division 3 Amendment of place renewal area declarations

104AF Amendment of place renewal area declaration—boundary change affecting priority development area

- (1) This section applies if—
 - (a) a place renewal area declaration is in effect in relation to a priority development area; and
 - (b) the declaration regulation for the priority development area is amended under section 37 or part 2, division 2B to exclude land from the priority development area; and
 - (c) the place renewal area includes all or part of the land excluded from the priority development area.

Note—

See section 104AD(b)(iii) in relation to a place renewal area ceasing to have effect if all of the land in the area ceases to be land in a priority development area or PDA-associated land.

- (2) The place renewal area declaration is amended to exclude, from the description of the land the subject of the declaration, any land that is excluded from the priority development area.

- (3) The amendment of the place renewal area declaration under subsection (2) takes effect on the commencement of the amendment of the declaration regulation.
- (4) As soon as practicable after the amendment of the declaration regulation commences, MEDQ must—
 - (a) publish the place renewal area declaration, as amended under subsection (2), on MEDQ’s website; and
 - (b) publish a gazette notice stating the amended description of the land the subject of the declaration.

Note—

See also section 104AO in relation to MEDQ’s power to amend or revoke a place renewal area declaration.

Division 4 Place renewal frameworks

104AG Place renewal framework required

- (1) MEDQ must, by instrument, make a place renewal framework for a place renewal area within the period mentioned in subsections (2) and (3).
- (2) The place renewal framework must be made within the period—
 - (a) starting on the day (the *declaration day*) the place renewal area declaration is made for the place renewal area; and
 - (b) ending on—
 - (i) the day that is 12 months after the declaration day; or

[s 38]

- (ii) if MEDQ publishes, within the 12-month period mentioned in subparagraph (i), a notice on its website stating that the period is extended by a further 6 months—the day that is 18 months after the declaration day.
- (3) However, if a caretaker period begins at any time before the day mentioned in subsection (2)(b), the period within which the framework must be made is extended by the number of days equal to the length of the caretaker period plus 20 business days.
- (4) For working out the length of a caretaker period for subsection (3), the day the caretaker period ends is taken to be a whole day.
- (5) The place renewal framework is a statutory instrument.

104AH Content of place renewal framework

- (1) The place renewal framework for the place renewal area must—
 - (a) state the vision, objectives and outcomes for the place renewal area; and
 - (b) include an implementation plan to achieve the vision, objectives and outcomes for the area.
- (2) The vision, objectives and outcomes stated in the place renewal framework must be consistent with the main purpose of this Act.
- (3) The place renewal framework may identify actions that MEDQ proposes to take under this Act to achieve the vision, objectives and outcomes for the place renewal area.

104AI Requirement to consult before making place renewal framework

Before making the place renewal framework, MEDQ must consult, in the way it considers appropriate, with—

- (a) the relevant local government; and
- (b) any of the following entities MEDQ considers are likely to be affected by the proposed place renewal framework—
 - (i) a government entity or GOC;
 - (ii) another person or entity.

104AJ MEDQ must give notice of place renewal framework

- (1) After making the place renewal framework, MEDQ must—
 - (a) publish the framework on MEDQ’s website; and
 - (b) publish a gazette notice stating that the framework is published on MEDQ’s website.
- (2) As soon as practicable after the place renewal framework takes effect, MEDQ must—
 - (a) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that the framework has taken effect and is published on MEDQ’s website; and
 - (b) give the relevant local government a notice stating that the framework has taken effect.

104AK When place renewal framework takes effect

The place renewal framework takes effect at the

[s 38]

beginning of the day the gazette notice under section 104AJ(1)(b) is published or on any later day stated in the framework.

104AL Period for which place renewal framework has effect

The place renewal framework has effect until the place renewal area declaration for the place renewal area stops having effect under section 104AD.

Division 5 Other provisions

104AM Particular entities to give information or assistance to MEDQ

- (1) This section applies in relation to each of the following entities—
 - (a) a distributor-retailer;
 - (b) a government entity;
 - (c) a local government.
- (2) It is the duty of the entity to give MEDQ the information or assistance MEDQ reasonably requires to make or implement a place renewal framework.
- (3) Without limiting subsection (2), MEDQ may give the entity a written direction requiring the entity to give MEDQ stated information or assistance MEDQ reasonably requires to perform its functions, or exercise its powers, in relation to a place renewal framework.
- (4) The entity must do everything reasonably necessary to comply with the direction.
- (5) This section does not limit section 126A, 127 or

128.

(6) In this section—

assistance does not include the provision of funds or other assets to MEDQ.

information includes a document.

104AN Consultation

(1) In performing a function or exercising a power under this part, MEDQ—

(a) need not consult any entity; but

(b) may consult any entity in the way MEDQ considers appropriate.

(2) Subsection (1)(a) applies subject to a requirement to consult a particular entity that is expressly provided for under this part.

104AO MEDQ's power to amend or revoke place renewal instruments

Nothing in this part limits the application of the *Acts Interpretation Act 1954*, section 24AA for—

(a) amending or revoking a place renewal area declaration; or

(b) amending a place renewal framework.

39 Insertion of new ch 3, pt 6, div 4

Chapter 3, part 6—

insert—

Division 4

Remission of amounts paid for infrastructure charges

117A Definitions for division

In this division—

change, to a development approval, does not include a minor change.

development approval means a development approval under the Planning Act.

infrastructure charges notice—

- (a) for a development approval, means an infrastructure charges notice under the Planning Act; or
- (b) for a water approval, means an infrastructure charges notice under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

minor change see the Planning Act, schedule 2.

relevant approval see section 117C.

relevant infrastructure amount see section 117B.

trunk infrastructure—

- (a) in relation to a development approval—see the Planning Act, schedule 2; or
- (b) in relation to a water approval—see the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, schedule.

117B Relevant infrastructure amounts

A *relevant infrastructure amount* is an amount paid or payable to a local government or distributor-retailer—

- (a) under a relevant approval, in relation to trunk infrastructure; or

- (b) under an infrastructure charges notice given for a relevant approval.

117C Relevant approvals

- (1) A development approval or water approval given for premises is a *relevant approval* if—
 - (a) the premises are on land in a priority development area; and
 - (b) the approval is given after—
 - (i) the day the priority development area is declared; or
 - (ii) the day the land becomes part of the priority development area, if that happens after the priority development area is declared.
- (2) A development approval or water approval given for premises is also a *relevant approval* if—
 - (a) the premises are on land in a priority development area (whether the priority development area is declared, or the land becomes part of the priority development area, before or after the approval is given); and
 - (b) the approval is changed or amended after—
 - (i) the day the priority development area is declared; or
 - (ii) the day the land becomes part of the priority development area, if that happens after the priority development area is declared.

Note—

See sections 44, 45, 247 and 248 for when a development approval under the Planning Act may or

[s 39]

may not be changed after a priority development area is declared.

117D MEDQ may require information about relevant infrastructure amounts

- (1) MEDQ may, by notice given to a local government or distributor-retailer, ask for particulars about relevant infrastructure amounts paid or payable to the local government or distributor-retailer.
- (2) The local government or distributor-retailer must comply with the notice.

117E MEDQ may require remission of relevant infrastructure amounts

- (1) This section applies if MEDQ is satisfied a relevant infrastructure amount may be used for the supply of infrastructure for the priority development area or PDA-associated land to address the impacts of development in the area or on the land (whether or not the infrastructure also has another function or purpose).
- (2) MEDQ may, by notice given to the local government or distributor-retailer to whom the relevant infrastructure amount has been paid or is payable, require the local government or distributor-retailer to remit the amount to MEDQ.
- (3) However, the amount that must be remitted to MEDQ under the notice does not include any part of the relevant infrastructure amount that is an excluded amount under subsection (4).
- (4) For subsection (3), an amount paid to the local government or distributor-retailer in relation to an approval is an *excluded amount* if—
 - (a) the approval was given before—

-
- (i) the day the priority development area was declared; or
 - (ii) the day the land became part of the priority development area, if that happened after the priority development area is declared; and
- (b) the approval was changed or amended after the day mentioned in paragraph (a)(i) or (ii); and
- (c) the amount was paid to the local government or distributor-retailer before the approval was changed or amended.
- (5) An amount that the local government or distributor-retailer is required to remit to MEDQ under the notice may be recovered as a debt owed to MEDQ by the local government or distributor-retailer.

40 Insertion of new ch 3, pt 7A

Chapter 3—

insert—

Part 7A Housing agreements relating to priority development areas

122AA Application of part

- (1) This part applies if a PDA development condition of a PDA development approval is imposed under section 88(1)(f)(iii) that requires the payment of an amount in lieu of the supply of social housing or affordable housing on the relevant land for the PDA development approval.
- (2) MEDQ may enter into an agreement (a *housing*

[s 40]

agreement) with an entity to waive payment of the amount in exchange for the supply of social housing or affordable housing on—

- (a) the relevant land for the PDA development approval; or
 - (b) land other than the relevant land for the PDA development approval.
- (3) To remove any doubt, it is declared that the land mentioned in subsection (2)(b) may be located in or out of the priority development area the subject of the PDA development approval.

122AB Obligation to negotiate in good faith

- (1) This section applies if—
 - (a) MEDQ proposes to another entity that they enter into a housing agreement; or
 - (b) another entity proposes to MEDQ that they enter into a housing agreement.
- (2) The entity (the *recipient*) to whom the proposal is made must, in writing, tell the entity making the proposal if the recipient agrees to entering into negotiations for a housing agreement.
- (3) When negotiating a housing agreement, the entities must act in good faith.

Examples of actions that subsection (3) requires—

- disclosing to the other party to the negotiations in a timely way information relevant to entering into the proposed agreement
- considering and responding in a timely way to the other party's proposals about the proposed agreement
- giving reasons for each response

122AC Content of housing agreement

- (1) A housing agreement must—
 - (a) if responsibilities under the agreement would be affected by a change in the ownership of premises that are the subject of the agreement—include a statement about how the responsibilities must be fulfilled in that event; and
 - (b) if the fulfilment of responsibilities under the agreement depends on development entitlements that may be affected by a planning change—include a statement about—
 - (i) refunding or reimbursing amounts paid under the agreement; and
 - (ii) changing or cancelling the responsibilities if the development entitlements are changed without the consent of the person required to fulfil the responsibilities; and
 - (c) include any other matter prescribed by regulation.
- (2) A housing agreement may require the provision of security to MEDQ to secure compliance with the agreement.

122AD Copy of housing agreement must be given to local government

If MEDQ enters into a housing agreement for a priority development area situated in a local government area, MEDQ must give a copy of the agreement to the local government for the area.

122AE When housing agreement binds successors in title

- (1) This section applies if the owner of relevant land for a PDA development approval to which a housing agreement relates—
 - (a) is a party to the agreement; or
 - (b) consents to the responsibilities under the agreement being attached to the relevant land.
- (2) The responsibilities under the housing agreement attach to the relevant land and bind the owner of the relevant land and the owner's successors in title.
- (3) If the owner's consent under subsection (1)(b) is given but not endorsed on the agreement, the owner must give a copy of the document evidencing the owner's consent to the local government for the relevant land to which the consent applies.
- (4) Despite subsection (3), subsections (5) and (6) apply if—
 - (a) the housing agreement states that if the relevant land is subdivided, part of the relevant land is to be released from the responsibilities; and
 - (b) the relevant land is subdivided.
- (5) The part is released from the responsibilities.
- (6) The responsibilities are no longer binding on the owner of the part.

122AF Exercise of discretion unaffected by housing agreement

A housing agreement is not invalid merely because its fulfilment depends on the exercise of

a discretion by a public sector entity about an existing or future PDA development application.

122AG Housing agreement applies instead of PDA development condition requiring payment of amount

- (1) This section applies if MEDQ enters into a housing agreement with an entity to waive the payment of an amount required under a PDA development condition of a PDA development approval imposed under section 88(1)(f)(iii) in exchange for the supply of social housing or affordable housing on—
 - (a) the relevant land for the PDA development approval; or
 - (b) land other than the relevant land for the PDA development approval.
- (2) To the extent of any inconsistency, the housing agreement applies instead of the PDA development condition.
- (3) Subsections (4), (5) and (6) apply if—
 - (a) the relevant land for the PDA development approval ceases to be in, or to be PDA-associated land for, a priority development area; and
 - (b) the PDA development condition becomes a condition of a Planning Act approval under chapter 3, part 2, division 4, subdivision 2, even if, as mentioned in section 51AI, the condition could not be imposed under the Planning Act (the *transitional payment condition*).
- (4) The housing agreement—
 - (a) continues to have effect according to the terms of the housing agreement; and

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- (b) MEDQ continues to be a party to the housing agreement; and
 - (c) MEDQ's rights and responsibilities under the housing agreement continue; and
 - (d) to the extent of any inconsistency, the housing agreement applies instead of the transitional payment condition.
- (5) Subsection (4) applies even if the terms of the housing agreement could not be imposed under the Planning Act and the housing agreement could not be entered into under the Planning Act.
- (6) If the housing agreement is terminated or of no effect, any amount required to be paid under the transitional payment condition is payable to MEDQ as a debt.

41 Amendment of s 122A (Definitions for part)

Section 122A, definition *MEDQ employee*—
omit, insert—

EDQ employee means an employee of the EDQ employing office who performs work for or within, or duties in, MEDQ under a mobility arrangement mentioned in section 32ZH.

42 Amendment of s 122B (Powers for investigation and enforcement of PDA development offences and related matters)

Section 122B(b), 'MEDQ employee'—
omit, insert—

EDQ employee

43 Amendment of s 123 (Application of local government entry powers for MEDQ's functions or powers)

Section 123(6), definition *authorised employee or agent*—
omit, insert—

authorised employee or agent, of MEDQ, means an EDQ employee or MEDQ agent whom MEDQ authorises to exercise powers under this section.

44 Insertion of new s 123A

After section 123—

insert—

123A Powers to remedy contravention of enforcement notice

- (1) This section applies if a person fails to comply with an enforcement notice given to the person by MEDQ under the Planning Act, chapter 5, part 3 as applied by section 104A.
- (2) An authorised employee or agent may—
 - (a) enter the relevant land without the permission of the occupier; and
 - (b) take the action that is required under the enforcement notice.
- (3) At least 7 days before entering the relevant land, the authorised employee or agent (or another EDQ employee or MEDQ agent) must give any occupier of the relevant land a notice stating—
 - (a) that an authorised employee or agent proposes to enter the relevant land; and
 - (b) the reason for the proposed entry; and
 - (c) the day and time of the proposed entry.
- (4) If the occupier of the relevant land is present, the authorised employee or agent must do, or make a

[s 45]

reasonable attempt to do, the following things before entering the relevant land—

- (a) identify themselves to the occupier by complying with section 32ZY;
 - (b) tell the occupier the purpose of the entry;
 - (c) seek the consent of the occupier to the entry;
 - (d) tell the occupier that the authorised employee or agent is permitted under this Act to enter the place without the occupier's consent and take the action required under the enforcement notice.
- (5) MEDQ may recover the amount that MEDQ properly and reasonably incurs in taking the action as a debt payable by the person who failed to take the action.
- (6) In this section—

authorised employee or agent means an EDQ employee or MEDQ agent who has, under section 32ZX, been issued with an identity card that is still in force.

relevant land, in relation to an enforcement notice—

- (a) means the premises where the action is required to be taken under the enforcement notice; and
- (b) does not include a home.

Note—

See also the Planning Act, section 173, as it applies under section 104A of this Act.

45 Insertion of new s 126A

After section 126—

insert—

126A Direction to particular entities to provide information

- (1) This section applies in relation to the following entities—
 - (a) a distributor-retailer;
 - (b) a government entity;
 - (c) a local government.
- (2) MEDQ may give a written direction to the entity to give stated information to MEDQ by a stated time and in a stated way.
- (3) However, the direction may be given only if MEDQ is satisfied it needs the information for the proper and orderly planning, development and management of a priority development area or PDA-associated land.
- (4) The entity must comply with the direction.
- (5) In this section—
information includes a document.

46 Replacement of ss 127 and 128

Sections 127 and 128—

omit, insert—

127 Direction to particular entities to accept transfer

- (1) This section applies in relation to the following entities—
 - (a) a distributor-retailer;
 - (b) a government entity;
 - (c) a local government.
- (2) MEDQ may give a written direction to the entity to accept the transfer to it of—

[s 46]

- (a) stated land in a priority development area, or stated PDA-associated land for a priority development area, owned by MEDQ; or
 - (b) a stated amount from the Fund for providing or maintaining infrastructure relating to stated land in a priority development area, or stated PDA-associated land for a priority development area, owned by MEDQ.
- (3) However, the direction may be given only if MEDQ is satisfied the transfer is reasonably necessary for the main purpose of this Act.
 - (4) At least 20 business days before giving the direction, MEDQ must give written notice of the proposed transfer to the entity.
 - (5) If the entity raises concerns or other issues relating to the proposed transfer and MEDQ proceeds with giving the direction, the direction must include an explanation of how the concerns or other issues have been considered.
 - (6) The direction may include—
 - (a) conditions on which the transfer must be made; and
 - (b) particular actions that the entity must take to give effect to the transfer.
 - (7) The entity must do every thing reasonably necessary to comply with the direction.
 - (8) If the entity is a local government, on the making of the transfer, the stated land is taken to be land that the local government holds on trust in fee simple to which the Planning Act, section 159 applies.

128 Direction to particular entities to provide or maintain infrastructure

- (1) This section applies in relation to the following

entities—

- (a) a distributor-retailer;
 - (b) a government entity;
 - (c) a local government.
- (2) MEDQ may give a written direction to the entity to provide or maintain stated infrastructure—
- (a) in, or relating to, a stated priority development area; or
 - (b) on, or related to, PDA-associated land.
- (3) However, the direction may be given only if—
- (a) MEDQ is satisfied the provision or maintenance of the infrastructure by the entity is necessary for the proper and orderly planning, development and management of the priority development area or PDA-associated land; and
 - (b) MEDQ has taken reasonable steps to secure the provision or maintenance of the infrastructure by agreement with the entity.
- (4) At least 20 business days before giving the direction, MEDQ must give written notice of the proposed direction to the entity.
- (5) If the entity raises concerns or other issues relating to the proposed provision or maintenance of the infrastructure and MEDQ proceeds with giving the direction, the direction must include an explanation of how the concerns or other issues have been considered.
- (6) The direction may include—
- (a) conditions on which the provision or maintenance of the infrastructure must be carried out; and

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- (b) particular actions that the entity must take to give effect to the provision or maintenance of the infrastructure.
- (7) The entity must comply with the direction.
- (8) If a thing required to be done under the direction would, apart from this section, require a water approval, the thing may be done without a water approval.
- (9) Subsections (7) and (8) apply despite any other Act or law.

47 Amendment of s 129 (Application fees)

- (1) Section 129(3), ‘costs of making or amending the relevant development instrument’—

omit, insert—

associated planning and regulatory costs

- (2) Section 129(3)—

insert—

- (c) an application for an approval mentioned in section 104.

- (3) Section 129—

insert—

- (4) In this section—

associated planning and regulatory costs means—

- (a) costs of making or amending the relevant development instrument; and
- (b) costs associated with the proper and orderly planning, development and management of the priority development area or PDA-associated land.

48 Amendment of ch 4, hdg (Establishment etc. of other entities)

Chapter 4, heading, from ‘etc.’—

omit, insert—

of board and committees

49 Replacement of s 131 (Board’s functions)

Section 131—

omit, insert—

131 Board’s functions

- (1) The board has the following functions—
- (a) to decide the objectives, strategies and policies to be followed by MEDQ;
 - (b) to ensure MEDQ substantially complies with its strategic plan and operational plan under the *Financial Accountability Act 2009* for a financial year;
 - (c) to perform the functions of MEDQ that are—
 - (i) identified in a document mentioned in paragraph (b); and
 - (ii) delegated by MEDQ to the board under section 169(1)(c);
 - (d) to ensure MEDQ adopts best practice corporate governance, financial management and accountability arrangements;
 - (e) to monitor, and report to MEDQ about, the performance of MEDQ’s functions and the exercise of MEDQ’s powers;
 - (f) to ensure MEDQ complies with its obligations under this Act or another law.

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- (2) The board also has any other function given to the board under this Act or another Act.

131A Board's powers

- (1) The board has the power to do anything necessary or convenient to be done for the performance of the board's functions.
- (2) The board also has the powers given to the board under this Act or another Act.

50 Amendment of s 132 (Membership of the board)

- (1) Section 132(1)(b) to (d)—

omit, insert—

- (b) the under-Treasurer;
- (c) at least 3 but not more than 6 other members appointed by the Governor in Council.

- (2) Section 132(2)(a)—

insert—

- (vii) business or financial management;

- (3) Section 132—

insert—

- (2A) The CEO, or executive officer of the EDQ employing office, is not eligible for appointment under subsection (1)(c).

- (4) Section 132(2), (3) and (4), 'subsection (1)(d)'—

omit, insert—

- subsection (1)(c)

- (5) Section 132—

insert—

- (5) In this section—

treasury department means the department in which the *Financial Accountability Act 2009* is administered.

under-Treasurer means the chief executive of the treasury department.

- (6) Section 132(2A) to (5)—
renumber as section 132(3) to (6).

51 Replacement of s 133 (Chairperson and deputy chairperson)

Section 133—

omit, insert—

133 Chairperson and deputy chairperson

- (1) The Governor in Council may appoint—
 - (a) a board member to be the chairperson of the board; and
 - (b) another board member to be the deputy chairperson of the board.
- (2) A board member may be appointed as the chairperson or deputy chairperson at the same time the person is appointed as a board member.
- (3) A person holds office as chairperson or deputy chairperson for the term, ending not later than the person's term of appointment as a board member, stated in the person's appointment as chairperson or deputy chairperson.
- (4) The deputy chairperson must act as chairperson—
 - (a) during a vacancy in the office of chairperson; and
 - (b) during all periods when the chairperson is absent from duty or for another reason can not perform the duties of the office.

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- (5) A member chosen by a majority of the members of the board present must act as chairperson—
 - (a) during a vacancy in both the office of the chairperson and office of the deputy chairperson; and
 - (b) during all periods when both the chairperson and deputy chairperson are absent from duty or for another reason can not perform the duties of the office.

52 Amendment of s 134 (Terms and conditions of appointment etc.)

- (1) Section 134, heading—

omit, insert—

134 Terms and conditions of appointment and vacancy in office

- (2) Section 134(2), ‘5 years’—

omit, insert—

4 years

- (3) Section 134(6)—

insert—

- (ea) is not eligible to be a member of the board; or
- (eb) is absent from 3 consecutive meetings of the board without leave of the board or the chairperson and without reasonable excuse; or
- (ec) engages in inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the office of board member; or

- (4) Section 134(6)(ea) to (h)—

renumber as section 134(6)(f) to (k)

53 Replacement of s 135 (Disclosure of interests)

Section 135—

omit, insert—

135 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 board member has a material personal interest in the matter; and
 - (c) the material personal interest could conflict with the proper performance of the board member's duties in relation to the consideration of the matter.
- (2) For subsection (1), a board member has a ***material personal interest*** in a matter if any of the following 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) the board member's spouse;
 - (c) a parent, child or sibling of the board member;
 - (d) an employer, other than a government entity, of the board member;
 - (e) an entity, other than a government entity, of which the board member is an office holder.
- (3) As soon as practicable after the relevant facts come to the knowledge of the board member, the board member must disclose the nature of the material personal interest to the other board 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 board members at the meeting vote in favour of the board member's further participation.
- (5) However, the board member may 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 meeting.
- (7) A failure to make a disclosure under subsection (3) does not, of itself, invalidate a decision of the board.

54 Replacement of ss 137 and 138

Sections 137 and 138—

omit, insert—

137 Board meetings

- (1) The chairperson may convene a meeting of the board members.
- (2) The chairperson must convene a board meeting—
 - (a) at least 6 times each year; and
 - (b) if asked, in writing, by—
 - (i) at least half of the board members for the time being; or
 - (ii) the Minister.

138 Quorum at board meetings

- (1) A quorum for a board meeting is a majority of the board members for the time being.
- (2) However, the majority under subsection (1) must include a board member mentioned in section 132(1)(a) or (b).

-
- (3) Also, if at a board meeting a board member present at the meeting is required under section 135 not to be present during deliberations, or not to 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.

55 Omission of s 139 (Attendance by proxy)

Section 139—

omit.

56 Amendment of s 159C (Membership)

Section 159C(1)(a)—

omit, insert—

- (a) the CEO or a senior executive nominated by the CEO;

57 Amendment of s 169 (Delegations)

- (1) Section 169(1), before ‘chapter 5, part 3B’—

insert—

chapter 2, part 3, division 3A or

- (2) Section 169(1)(a)—

omit, insert—

- (a) the CEO;
(aa) the executive officer;

- (3) Section 169(1)(h)—

omit, insert—

- (h) an appropriately qualified employee of the EDQ employing office who performs work for or within, or duties in, MEDQ under a

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mobility arrangement mentioned in section 32ZH.

- (4) Section 169(1)(aa) to (h)—
renumber as section 169(1)(b) to (i).
- (5) Section 169(2)—
omit, insert—
- (2) The CEO may subdelegate a function or power of MEDQ delegated to the CEO under subsection (1) to an appropriately qualified employee of the EDQ employing office who performs work for or within, or duties in, MEDQ under a mobility arrangement mentioned in section 32ZH.
- (2A) The executive officer may subdelegate a function or power of MEDQ delegated to the executive officer under subsection (1) to an appropriately qualified employee of the EDQ employing office who performs work for or within, or duties in, MEDQ under a mobility arrangement mentioned in section 32ZH.
- (6) Section 169(4), ‘subsection (3)’—
omit, insert—
subsection (4)
- (7) Section 169(5), ‘officer or employee of a department’—
omit, insert—
employee of the EDQ employing office who performs work for or within, or duties in, MEDQ under a mobility arrangement mentioned in section 32ZH
- (8) Section 169(7), ‘subsection (6)’—
omit, insert—
subsection (7)
- (9) Section 169(2A) to (8)—

renumber as section 169(3) to (9).

58 Amendment of s 171K (Delegations)

Section 171K, from ‘an’—

omit, insert—

any of the following—

- (a) the CEO;
- (b) the executive officer;
- (c) an appropriately qualified employee of the EDQ employing office who performs work for or within, or duties in, MEDQ under a mobility arrangement mentioned in section 32ZH.

59 Amendment of s 172 (Registers)

(1) Section 172(1)—

insert—

- (ea) each extension to an interim land use plan given under section 40ABA;

(2) Section 172(1)—

insert—

- (ma) place renewal area declarations;
- (mb) place renewal frameworks;
- (mc) temporary planning instruments;
- (md) a description of the land to which each housing agreement entered into by MEDQ applies;

(3) Section 172(1)(q), ‘sections 127’—

omit, insert—

sections 126A, 127

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- (4) Section 172(1)(ea) to (q)—
renumber as section 172(1)(f) to (v).

60 Omission of s 174 (Matters to be included in department's annual report)

Section 174—
omit.

61 Insertion of new ch 7, pt 4

Chapter 7—
insert—

Part 4 Transitional and validation provisions for Economic Development and Other Legislation Amendment Act 2024

238 Definitions for part

In this part—

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

239 Initial employees

- (1) This section applies to—
- (a) a person (an *initial employee*) who is employed as an employee of the EDQ

employing office if the person was a public service employee employed by the department, other than on a fixed term contract, immediately before being employed by the EDQ employing office; and

- (b) a person (also an *initial employee*) who is employed as an employee of the EDQ employing office if the person was not, immediately before being employed by the EDQ employing office, a public service employee to whom this section applies under paragraph (a).
- (2) The terms and conditions of employment of the initial employee are the terms and conditions that applied, immediately before the commencement, to public service employees employed by the department under the existing instruments.
- (3) However, subsection (2) stops applying to the initial employee if a new certified agreement, covering the person as an employee of the EDQ employing office, takes effect.
- (4) This section applies despite any other Act.
- (5) In this section—

certified agreement see the *Industrial Relations Act 2016*, schedule 5.

existing instruments means the following instruments as they were in effect immediately before the commencement—

- (a) the Queensland Public Service Officers and Other Employees Award—State 2015;
- (b) the State Government Entities Certified Agreement 2023;
- (c) a public sector directive.

new certified agreement means a certified

[s 61]

agreement made after the commencement.

public sector directive—

- (a) means a directive under the *Public Sector Act 2022*, schedule 2; and
- (b) includes—
 - (i) a joint directive made under section 226 of that Act; and
 - (ii) a directive continued under section 307 or 308 of that Act.

240 Initial employee employed on fixed term contract by department before commencement

- (1) This section applies to a person (an *initial employee*) who is employed after the commencement as an employee of the EDQ employing office if the person was employed by the department on a fixed term contract immediately before being employed by the EDQ employing office.
- (2) Nothing in this part affects the operation of the fixed term contract.

241 MEDQ's first strategic and operational plans

- (1) This section applies to MEDQ's first strategic and operational plans.
- (2) The period within which the board must prepare and give to the Minister a draft of each plan under new section 32E is 2 months after the commencement or another period agreed between the board and the Minister.
- (3) If a draft plan has not been agreed to within 2 months after the board has given it to the Minister, the Minister may give a direction under new

section 32F(3) about the draft plan.

- (4) The period for which the strategic or operational plan applies is—
 - (a) the remainder of the financial year in which it is agreed to by the Minister; and
 - (b) if MEDQ and the Minister agree the plan is also to apply for the following financial year, for that financial year.

242 MEDQ's first quarterly report

New section 29 does not apply to MEDQ in relation to a quarter before the quarter in which its first operational plan is agreed to by the Minister.

243 Existing board member

A person who, immediately before the commencement, holds appointment as a board member under former section 132(1)(b) or (d) is taken to be a board member under new section 132 until the board member's office is vacated under new section 134.

244 References to department before commencement

- (1) This section applies if—
 - (a) a former provision mentioned the department; and
 - (b) a provision of this Act that provides for the same, or substantially the same, matter as the former provision mentions MEDQ.
- (2) In a document made under or relating to the former provision, a reference to the department, if the context permits, is taken to be a reference to MEDQ.

245 Publication on MEDQ’s website

- (1) This section applies if—
 - (a) under a former provision of this Act, a thing was required to be published on the department’s website for or within a period; and
 - (b) under the provision as in force from the commencement, the thing is required to be published on MEDQ’s website for or within a period.
- (2) The period for which the thing is published on MEDQ’s website is taken to include any period before the commencement for which the thing was published on the department’s website.

246 Validation of particular extension and cancellation applications under Planning Act

- (1) This section applies if, before the commencement—
 - (a) an extension application or a cancellation application was made or purportedly made under the Planning Act in relation to premises in an area; and
 - (b) the area was subsequently declared as a priority development area.
- (2) The application, and anything done in relation to the application, is taken to be, and always to have been, as valid and lawful as it would have been if new section 44 had applied to the application at the time it was made.

247 Validation of particular applications and decisions under Planning Act

- (1) This section applies if, before the commencement—

- (a) an area was declared as a priority development area; and
 - (b) a change application, an extension application or a cancellation application was subsequently made or purportedly made under the Planning Act in relation to premises in the area; and
 - (c) the application was decided or purportedly decided under that Act.
- (2) The application, and anything done in relation to the application, is taken to be, and always to have been, as valid and lawful as it would have been if the priority development area had not been declared.

248 Continued consideration of particular applications under Planning Act

- (1) This section applies if—
- (a) before the commencement, an area was declared as a priority development area; and
 - (b) before the commencement, a change application, an extension application or a cancellation application was subsequently made or purportedly made under the Planning Act in relation to premises in the area; and
 - (c) immediately before the commencement, the application had not lapsed or been decided under that Act.
- (2) Despite new section 45, the Planning Act continues to apply in relation to the application as if the priority development area had not been declared.

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62 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *MEDQ employee*—
omit.
- (2) Schedule 1—
insert—

affected instrument, for chapter 3, part 3A, see section 71AB(1).

affordable housing see section 7B.

annual report, for chapter 2, part 5, division 2, see section 32.

CEO see section 32Q(1).

change, for chapter 3, part 6, division 4, see section 117A.

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

development approval, for chapter 3, part 6, division 4, see section 117A.

EDQ employee, for chapter 3, part 8, see section 122A.

EDQ employing office see section 32ZE(1).

executive officer means the executive officer of the EDQ employing office appointed under section 32ZK(1).

gazette resumption notice see the *Acquisition of Land Act 1967*, schedule 2.

housing agreement see section 122AA(2).

infrastructure charges notice, for chapter 3, part 6, division 4, see section 117A.

minor change, for chapter 3, part 6, division 4, see section 117A.

operational plan means MEDQ’s operational plan made under chapter 2, part 5, division 3.

place renewal area see section 104AA.

place renewal area declaration, for chapter 3, part 4A, see section 104AC(1).

place renewal framework see section 104AA.

relevant approval, for chapter 3, part 6, division 4, see section 117A.

relevant area, for an affected instrument, for chapter 3, part 3A, see section 71AA.

relevant infrastructure amount, for chapter 3, part 6, division 4, see section 117A.

social housing see section 7A.

State land means—

- (a) unallocated State land; or
- (b) land held from the State under an interest less than fee simple.

State planning instrument see the *Planning Act 2016*, section 8(2).

strategic plan means MEDQ’s strategic plan made under chapter 2, part 5, division 3.

temporary planning instrument see section 71AB(1).

trunk infrastructure, for chapter 3, part 6, division 4, see section 117A.

unallocated State land see the *Land Act 1994*, schedule 6.

- (3) Schedule 1, definition *minor administrative amendment*, ‘or development scheme’—

omit, insert—

, interim land use plan or development scheme

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Part 3 Amendment of Planning Act 2016

63 Act amended

This part amends the *Planning Act 2016*.

64 Amendment of s 36 (Criteria for making or amending designations)

Section 36(7)(ca)—

omit, insert—

- (ca) if the premises are in a priority development area, or on PDA-associated land for a priority development area, under the *Economic Development Act 2012*—
 - (i) any development scheme for the priority development area under that Act; and
 - (ii) any place renewal framework for a place renewal area in which the premises are located that is in effect under that Act; and

Part 4 Amendment of Public Sector Act 2022

65 Act amended

This part amends the *Public Sector Act 2022*.

66 Amendment of sch 1 (Public service entities under section 9(b))

Schedule 1—

insert—

EDQ employing office under the
Economic Development Act 2012

executive officer of the
EDQ employing office
under the *Economic
Development Act 2012*

Schedule 1 Other amendments

section 3

Each of the following provisions is amended by omitting ‘the department’s website’ and inserting ‘MEDQ’s website’—

- section 36A
- section 36E(3)
- section 36G
- section 36H(2) and (4)
- section 36I(2) and (4)
- section 40
- section 40AC(3), (5) and (7)
- section 40E
- section 40M(1)
- section 42L
- section 59
- section 63(2) and (3)
- section 65
- section 69
- section 71B(3)
- section 84(4)
- section 171N(2) and (4)
- section 171O(2) and (4)
- section 172(4)
- section 185(2)
- section 196(4)
- schedule 1, definition *proposer’s website*

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