

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

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, November 2024*



Queensland

**No.
A BILL for**

An Act to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Brisbane Olympic and Paralympic Games Arrangements Act 2021, the Electrical Safety and Other Legislation Amendment Act 2024, the Planning Act 2016, the Planning and Environment Court Act 2016, the Public Sector Act 2022, the Work Health and Safety Act 2011 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the Path to Treaty Act 2023



Queensland

Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*, the *Electrical Safety and Other Legislation Amendment Act 2024*, the *Planning Act 2016*, the *Planning and Environment Court Act 2016*, the *Public Sector Act 2022*, the *Work Health and Safety Act 2011* and the legislation mentioned in schedule 1 for particular purposes, and to repeal the *Path to Treaty Act 2023*

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024*.

Part 2 Amendment of Brisbane Olympic and Paralympic Games Arrangements Act 2021

2 Act amended

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

3 Amendment of long title

Long title, ‘a games venue and legacy delivery authority’—
omit, insert—

an independent games infrastructure and coordination authority

4 Amendment of s 3 (Main purposes of Act)

Section 3(b), ‘the Games Venue and Legacy Delivery Authority’—

omit, insert—

the Games Independent Infrastructure and

Coordination Authority

5 Replacement of ch 3, hdg (Games Venue and Legacy Delivery Authority)

Chapter 3, heading—

omit, insert—

Chapter 3 Games Independent Infrastructure and Coordination Authority

6 Amendment of s 53AA (Establishment)

Section 53AA, ‘Games Venue and Legacy Delivery Authority’—

omit, insert—

Games Independent Infrastructure and
Coordination Authority

7 Amendment of s 53AD (Functions)

(1) Section 53AD(1), before paragraph (a)—

insert—

(aa) to investigate and plan for potential venues and villages, and related infrastructure, for the Brisbane 2032 Olympic and Paralympic Games, including, for example—

(i) conducting investigations of sites and existing or proposed facilities; and

(ii) preparing project validation reports for the sites and facilities; and

(2) Section 53AD(1)(aa) to (c)—

renumber as section 53AD(1)(a) to (d).

8 Insertion of new s 53ADA

After section 53AD—

insert—

53ADA 100-day review

- (1) The authority must conduct a review, as directed by the Minister under section 55(1), of—
 - (a) games-related infrastructure projects; and
 - (b) other matters related to Queensland's preparation for delivering the Brisbane 2032 Olympic and Paralympic Games.
- (2) The review must be conducted within 100 days after the commencement.
- (3) The Minister must, as soon as practicable after the commencement, give the authority a direction under section 55(1) for the purposes of subsection (1).
- (4) This section does not limit section 55.
- (5) In this section—

games-related infrastructure projects means infrastructure projects related to the Brisbane 2032 Olympic and Paralympic Games, including projects for any of the following—

- (a) sites or facilities that are or may become new, upgraded or temporary venues;
- (b) sites or facilities that are or may become villages;
- (c) transport infrastructure related to a site or facility mentioned in paragraph (a) or (b).

9 Amendment of s 53AE (Requirements for performance of functions)

- (1) Section 53AE, after paragraph (a)—
insert—
- (aa) without limiting paragraph (a), ensure the games deliver legacy benefits for all of Queensland, including regional areas; and
- (2) Section 53AE(aa) to (e)—
renumber as section 53AE(b) to (f).

10 Amendment of s 53AI (Requirement to prepare transport and mobility strategy)

- (1) Section 53AI(1), ‘Within 18 months after the commencement, the’—
omit, insert—
- The
- (2) Section 53AI(4), ‘section 53AE(b)’—
omit, insert—
- section 53AE(c)

11 Amendment of s 53AM (Requirement to prepare games coordination plan)

- (1) Section 53AM(1), ‘Within 12 months after the commencement, the’—
omit, insert—
- The
- (2) Section 53AM(2), ‘section 53AD(1)(c)’—
omit, insert—
- section 53AD(1)(d)

12 Omission of s 53AN (Memorandum of understanding)

Section 53AN—

omit.

13 Amendment of s 53BF (Composition)

(1) Section 53BF(1), ‘7 persons’—

omit, insert—

9 persons

(2) Section 53BF—

insert—

(1A) At least 1 of the directors must be a person who the Minister considers represents the interests of a regional area.

(3) Section 53BF(2)—

omit, insert—

(2) The Minister may nominate a person only if—

(a) the person is appropriately qualified; and

(b) the person is not a person mentioned in subsection (4).

(4) Section 53BF(4), ‘and the members of the selection panel’—

omit.

(5) Section 53BF—

insert—

(4A) The nomination of a person as a director for the purpose of subsection (2) must state that the person is nominated for that purpose.

(6) Section 53BF(1A) to (5)—

renumber as section 53BF(2) to (7).

14 Amendment of s 53BG (Chairperson)

- (1) Section 53BG(2)—
omit.
- (2) Section 53BG(3) to (6)—
renumber as section 53BG(2) to (5).

15 Omission of s 53BH (Selection panel for nomination of directors and chairperson)

Section 53BH—
omit.

16 Amendment of s 53BI (Role of president of board of corporation)

- (1) Section 53BI(2)—
omit, insert—
- (2) For subsection (1), the president may attend a board meeting if invited by the chairperson and may participate in the board’s deliberations.
- (2A) However, the president may not vote at the board meeting.
- (2) Section 53BI(3), ‘Subsection (4)’—
omit, insert—
- Subsection (5)
- (3) Section 53BI(3)(a), after ‘meeting’—
insert—
- attended by the president under this section
- (4) Section 53BI(2A) to (5)—
renumber as section 53BI(3) to (6).

17 Amendment of s 53BL (Vacancy in office)

Section 53BL(f), ‘section 53BF(3)’—

omit, insert—

section 53BF(4)

18 Amendment of s 53CD (Appointment)

Section 53CD(1), ‘and after consulting the games delivery partners’—

omit.

19 Amendment of s 54A (Funding agreements)

Section 54A(1), note—

omit.

20 Insertion of new ch 5, pt 1, hdg

Before section 63—

insert—

Part 1

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

21 Amendment of s 63 (Interim chief executive officer)

(1) Section 63(1), ‘, after consulting the games delivery partners,’—

omit.

(2) Section 63(4)—

omit, insert—

(4) The interim chief executive officer has the functions, and may exercise the powers, of the chief executive officer.

(4A) A reference to the chief executive officer of the authority in section 53AH or 53CK or chapter 4 includes a reference to the interim chief executive officer.

22 Omission of s 64 (Requirement for authority to enter into funding agreement)

Section 64—

omit.

23 Insertion of new ch 5, pt 2

Chapter 5—

insert—

**Part 2 Transitional provisions
for Brisbane Olympic
and Paralympic Games
Arrangements and
Other Legislation
Amendment Act 2024**

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

(1) To remove any doubt, it is declared that the amendment of section 53AA by the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024* has effect only to change the name of the authority and does not establish a new authority.

(2) In an instrument, a reference to the Games Venue

and Legacy Delivery Authority may, if the context permits, be taken to be a reference to the Games Independent Infrastructure and Coordination Authority.

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

- (1) This section applies in relation to a person who, before the commencement, held office under former section 63 as the interim chief executive officer.
- (2) Amended section 63 applies, and is taken to have always applied, to the person.
- (3) Anything done by the person before the commencement in the purported performance of a function, or exercise of a power, of the interim chief executive officer is as valid as it would have been had amended section 63 been in force when the thing was done.
- (4) In this section—

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

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

24 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

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

Part 3 **Repeal of Path to Treaty Act 2023 and related provisions**

Division 1 **Amendment of Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984**

25 **Act amended**

This division amends the *Aboriginal and Torres Strait
Islander Communities (Justice, Land and Other Matters) Act
1984*.

26 **Insertion of new pt 13**

After part 12—

insert—

Part 13 **Repeal and transitional provisions for Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024**

Division 1 **Repeal of Path to Treaty Act 2023**

100 Repeal

The Path to Treaty Act 2023, No. 12 is repealed.

Division 2 Transitional provisions

101 Particular terms have meaning given under repealed Act

- (1) In this part, a term defined under the repealed Act but not under this Act has the meaning given by the repealed Act.
- (2) In this part—
repealed Act means the repealed *Path to Treaty Act 2023*.

102 Treaty Institute and Treaty Institute Council

- (1) On the commencement—
 - (a) the Treaty Institute and the Treaty Institute Council are abolished; and
 - (b) each member of the Treaty Institute Council goes out of office.
- (2) No compensation is payable to a person because of subsection (1)(b).
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

103 State is successor in law of Treaty Institute

- (1) The State is the successor in law of the Treaty Institute.
- (2) Subsection (1) is not limited by another provision of this part.

104 Assets and liabilities

On the commencement, the assets and liabilities

of the Treaty Institute immediately before the commencement become assets and liabilities of the State held in the department.

105 Records and other documents—Treaty Institute

On the commencement, the records and other documents of the Treaty Institute immediately before the commencement become records and documents of the department.

106 Contracts, agreements, undertakings, other arrangements and instruments

- (1) This section applies to a contract, agreement, undertaking or other arrangement to which the Treaty Institute was a party, or an instrument that applied to the Treaty Institute, immediately before the commencement.
- (2) The State is a party to the contract, agreement, undertaking or arrangement, or the instrument applies to the State, in place of the Treaty Institute.
- (3) Without limiting subsection (2)—
 - (a) any right, title, interest or liability of the Treaty Institute arising under or relating to the contract, agreement, undertaking, arrangement or instrument is a right, title, interest or liability of the State; and
 - (b) a current instrument, including a benefit or right provided by the contract, agreement, undertaking, arrangement or instrument, given to, by or in favour of the Treaty Institute before the commencement is taken to have been given to, by or in favour of the State; and

- (c) an application relating to the contract, agreement, undertaking, arrangement or instrument made in the name of the Treaty Institute before the commencement is taken to have been made in the name of the State; and
- (d) a current instrument under which an amount is, or may become, payable to or by the Treaty Institute is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by the Treaty Institute; and
- (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the Treaty Institute is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by the Treaty Institute.

107 Proceedings not yet started

A proceeding that, immediately before the commencement, could have been started by or against the Treaty Institute within a particular period may be started by or against the State within the period.

108 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which the Treaty Institute was a party.

- (2) On the commencement, the State becomes a party to the proceeding in place of the Treaty Institute.

109 Truth-telling and Healing Inquiry

- (1) On the commencement—
- (a) the Inquiry is abolished; and
 - (b) each member of the Inquiry goes out of office.
- (2) On the commencement, each member of the Inquiry becomes entitled to a one-off payment equivalent to 4 weeks of the member's remuneration package.
- (3) No compensation is payable to a person because of subsection (1)(b), other than the payment mentioned in subsection (2).
- (4) To remove any doubt, it is declared that subsection (3) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.
- (5) In this section—
- remuneration package*, of a member of the Inquiry, means the member's remuneration decided by the Governor in Council under section 69 of the repealed Act.

110 Records and other documents—the Inquiry

On the commencement, the records and other documents of the Inquiry immediately before the commencement become records and documents of the department.

111 Saving of operation of particular provisions of repealed Act

- (1) Sections 59, 63, 89 and 91 of the repealed Act are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.
- (2) For subsection (1), a reference in section 59(2) of the repealed Act to the Treaty Institute is taken to be a reference to the State.

112 Effect on legal relationships

- (1) Anything done under this part—
 - (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of contract or confidence; and
 - (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
 - (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument; or
 - (iv) requires a person to perform an obligation contained in an instrument; or

- (v) requires any money to be paid before its stated maturity; and
- (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this section, the advice, consent or approval of a person would be necessary to do something under this part, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If giving notice to a person would be necessary to do something under this part, the notice is taken to have been given.
- (4) A reference in this section to the State includes a reference to an employee or agent of the State.

113 Part applies despite other laws and instruments

A thing may be done under this part despite any other law or instrument.

114 References to Treaty Institute and Inquiry

In a document, a reference to the Treaty Institute or to the Inquiry is, if the context permits, taken to be a reference to the State.

115 Transitional regulation

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the repealed Act; and
 - (b) this part does not provide or sufficiently provide.

- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire on the day that is 1 year after the day this section commences.

Division 2 Other amendments

27 Legislation amended

Schedule 1 amends the legislation it mentions.

Part 4 Other amendments

Division 1 Amendment of Electrical Safety and Other Legislation Amendment Act 2024

28 Act amended

This division amends the *Electrical Safety and Other Legislation Amendment Act 2024*.

29 Omission of s 2 (Commencement)

Section 2—
omit.

30 Omission of pt 5, div 3 (Amendments commencing on 1 January 2025)

Part 5, division 3—

omit.

Editor's note—

Legislation ultimately amended—

- *Work Health and Safety Act 2011*

Division 2 Amendment of Planning Act 2016

31 Act amended

This division amends the *Planning Act 2016*.

32 Amendment of s 106B (Definitions for part)

Section 106B, definition *application period*—

omit, insert—

application period, in relation to a relevant application, means—

- (a) the period stated in a declaration notice for the application under section 106F(1)(g)(i); or
- (b) if the period mentioned in paragraph (a) is extended or shortened under section 106HA—the period as extended or shortened.

33 Amendment of s 106F (Content of declaration notice)

Section 106F(1)(g)(i), '(the *application period*)'—

omit.

34 Amendment of s 106G (Period of declaration)

Section 106G—

insert—

Note—

For the revocation of a declaration, see division 2B.

35 Insertion of new ch 3, pt 6A, divs 2A and 2B

Chapter 3, part 6A—

insert—

Division 2A Amending declarations

106HA Amending declaration

- (1) The Minister may, by notice given to the applicant for the relevant application (an ***amendment notice***), amend a declaration made under section 106D in relation to the application that is in effect.

Note—

For when a declaration stops having effect, see section 106G.

- (2) Without limiting subsection (1), the Minister may amend the declaration—
 - (a) to change the restarting point for the relevant application; or
 - (b) to extend or shorten the application period for the relevant application.
- (3) However, an amendment mentioned in subsection (2)(b) can not—
 - (a) be made after the application period for the relevant application ends; or
 - (b) state that the application period for the relevant application ends on a day that is

before the day the amendment notice is given.

- (4) The amendment notice must state—
 - (a) the day the notice is given; and
 - (b) details of the relevant application; and
 - (c) details of the amendment being made; and
 - (d) the reasons for making the amendment; and
 - (e) any other matter prescribed by regulation.
- (5) The amendment takes effect on the day the amendment notice is given.
- (6) The Minister must—
 - (a) give a copy of the amendment notice to each entity to which the declaration notice for the declaration was given; and
 - (b) publish a copy of the amendment notice on the department's website.
- (7) If the declaration is amended to change the restarting point for the relevant application, the process for administering the application starts again from the restarting point as changed.

106HB Notice of proposed amendment

- (1) This section applies if—
 - (a) the relevant application was made to the decision-maker for the application before the declaration was made; or
 - (b) an application that is not substantially different from the relevant application has been made to the chief executive within the application period for the application.
- (2) Before amending the declaration under section 106HA, the Minister must—

- (a) give a notice to each entity mentioned in section 106C(2)(a) to (d) that states—
 - (i) that the Minister is proposing to amend the declaration; and
 - (ii) the day the notice is given; and
 - (iii) details of the relevant application; and
 - (iv) details of the proposed amendment; and
 - (v) the reasons for making the proposed amendment; and
 - (vi) that the entity to which the notice is given may make representations to the Minister about the proposed amendment within the stated period of at least 5 business days after the day the notice is given; and
 - (vii) any other matter prescribed by regulation; and
 - (b) consider any representations about the proposed amendment made during the period stated in the notice.
- (3) Subsection (4) applies if the notice given under subsection (2)(a) states that the process for administering the application is suspended until a stated day.
- (4) Subject to section 106HA(7), the process for administering the application stops on the day the notice is given and restarts on the stated day from the point in the process at which it stopped.

Division 2B Revoking declarations

106HC Revoking declaration

- (1) The Minister may, by notice given to the applicant for the relevant application (a *revocation notice*), revoke a declaration made under section 106D in relation to the application that is in effect.

Note—

For when a declaration stops having effect, see section 106G.

- (2) However, the Minister may revoke the declaration only if the Minister—
 - (a) is satisfied that section 106D(2)(a), (b) or (c) does not apply in relation to the relevant application; or
 - (b) considers that the declaration is no longer appropriate in all the circumstances.
- (3) The revocation notice must state—
 - (a) that the declaration is revoked; and
 - (b) the day the notice is given; and
 - (c) details of the relevant application; and
 - (d) the reasons for revoking the declaration; and
 - (e) the effect of the revocation under section 106HE, 106HF or 106HG; and
 - (f) for a relevant application in relation to which section 106HF applies—the point in the process for administering the application from which the process must restart; and
 - (g) any other matter prescribed by regulation.
- (4) In deciding the point mentioned in subsection (3)(f), the Minister may have regard to any matter the Minister considers relevant.
- (5) The revocation takes effect on the day the revocation notice is given.
- (6) The Minister must—

- (a) give a copy of the revocation notice to each entity to which the declaration notice for the declaration was given; and
- (b) publish a copy of the revocation notice on the department's website.

106HD Notice of proposed revocation

- (1) This section applies if—
 - (a) the relevant application was made to the decision-maker for the application before the declaration was made; or
 - (b) an application that is not substantially different from the relevant application has been made to the chief executive within the application period for the application.
- (2) Before revoking the declaration under section 106HC, the Minister must—
 - (a) give a notice to each entity mentioned in section 106C(2)(a) to (d) that states—
 - (i) that the Minister is proposing to revoke the declaration; and
 - (ii) the day the notice is given; and
 - (iii) details of the relevant application; and
 - (iv) the reasons for the proposed revocation; and
 - (v) the effect of the revocation under section 106HE, 106HF or 106HG; and
 - (vi) that the entity to which the notice is given may make representations to the Minister about the proposed revocation within the stated period of at least 5 business days after the day the notice is given; and

- (vii) any other matter prescribed by regulation; and
- (b) consider any representations about the proposed revocation made during the period stated in the notice.
- (3) Subsection (4) applies if the notice given under subsection (2)(a) states that the process for administering the application is suspended until a stated day.
- (4) Subject to sections 106HE to 106HG, the process for administering the application stops on the day the notice is given and restarts on the stated day from the point in the process at which it stopped.

106HE Effect of revocation—relevant application made and decided before declaration made

- (1) This section applies if—
 - (a) a declaration in relation to the relevant application is revoked under section 106HC; and
 - (b) the relevant application was made to the decision-maker for the application before the declaration was made.
- (2) Subsections (3) to (5) apply if, before the declaration was made, the decision-maker for the relevant application had decided the relevant application, and given a decision notice for the relevant application to at least 1 entity under—
 - (a) if the relevant application is a development application—section 63(1), 64(6) or 76(2); or
 - (b) if the relevant application is a change application—section 64(6), 76(2) or 83(1) or (2).
- (3) On the day the revocation takes effect, section

106H(2)(a) stops applying in relation to the decision.

- (4) The decision notice is taken to have been given to the entity by the decision-maker on the day the revocation takes effect.
- (5) A decision notice given in relation to the decision is not invalid merely because the decision notice is given, or taken to have been given, to an entity after any period for giving the notice under this Act or the development assessment rules has ended.
- (6) Subsection (7) applies if, before the declaration was made—
 - (a) the applicant had given a deemed approval notice to the decision-maker for the relevant application under section 64; and
 - (b) the decision-maker had not given a decision notice for the relevant application to the applicant under section 64(6).
- (7) The decision-maker for the relevant application is taken to have given a deemed approval to the applicant on the day the revocation takes effect.
- (8) Subsection (9) applies if, before the declaration was made—
 - (a) a person's appeal period for an appeal in relation to the decision or deemed approval had ended; and
 - (b) the person had not started an appeal in relation to the decision or deemed approval.
- (9) Despite section 229, the person may not appeal against the decision or deemed approval.

106HF Effect of revocation—relevant application made but not decided before declaration made

- (1) This section applies if—
 - (a) a declaration in relation to the relevant application is revoked under section 106HC; and
 - (b) the relevant application was made to the decision-maker for the application before the declaration was made; and
 - (c) the decision-maker for the relevant application had not, before the declaration was made, given a decision notice for the application to at least 1 entity under—
 - (i) if the relevant application is a development application—section 63(1), 64(6) or 76(2); or
 - (ii) if the relevant application is a change application—section 64(6), 76(2) or 83(1) or (2); and
 - (d) the applicant had not, before the declaration was made, given a deemed approval notice to the decision-maker for the relevant application under section 64.
- (2) Subject to subsection (3), the decision-maker for the relevant application must assess and decide the application under parts 1 to 5.
- (3) The process for administering the relevant application starts again from the point stated in the notice revoking the declaration.

106HG Effect of revocation—other applications

- (1) This section applies if—

- (a) a declaration in relation to the relevant application is revoked under section 106HC; and
 - (b) an application that is not substantially different from the relevant application has been made to the chief executive within the application period for the application.
- (2) The application made to the chief executive is taken to have been withdrawn.

36 Insertion of new s 106IAA

After section 106I—

insert—

106IAA Reference to matter stated in declaration notice

In this division, a reference to a matter stated in the declaration notice for the relevant application is, if the declaration is amended under section 106HA in relation to the matter, a reference to the matter as amended.

37 Insertion of new ss 106MA and 106MB

After section 106M—

insert—

106MA Request to change application

- (1) Before the application is decided under this division, the Minister may, by notice given to the applicant, ask the applicant to change the application.
- (2) However, the Minister may make the request only if—

- (a) the Minister is satisfied that section 106D(2)(a), (b) and (c) applies in relation to the application as changed; and
 - (b) the change does not include prohibited development; and
 - (c) the change is not a change of applicant.
- (3) The request must state—
- (a) each change the applicant is requested to make to the application; and
 - (b) the reasons for making the request; and
 - (c) that the application may lapse at the end of the reasonable period stated in the request under section 106MB(2); and
 - (d) any other matter prescribed by regulation.
- (4) The Minister must—
- (a) give a copy of the request to each entity to which the declaration notice for the declaration was given; and
 - (b) publish a copy of the request on the department's website.
- (5) When exercising a power under this section, the Minister need not—
- (a) give notice to anyone other than under this section; or
 - (b) consult with anyone; or
 - (c) consider any material given to the Minister by anyone in relation to the exercise or proposed exercise of the power.

106MB Effect of request under s 106MA

- (1) This section applies if the Minister asks the applicant to change the application under section

106MA.

- (2) The application lapses at the end of the reasonable period stated in the request unless the applicant gives the chief executive—
 - (a) the application including each requested change; and
 - (b) if section 52(2)(b) would apply in relation to the change if the change were made under that section—the written consent of the owner of the premises the subject of the application as changed to the making of the change.
- (3) Subsection (4) applies if—
 - (a) the applicant gives the chief executive the things mentioned in subsection (2) within the period stated in the request; and
 - (b) the request states that the process for administering the application as changed will start again from a stated point in the process.
- (4) The process for administering the application starts again from the stated point.
- (5) In deciding the point mentioned in subsection (3)(b), the Minister may have regard to any matter the Minister considers relevant.
- (6) To remove any doubt, it is declared that a change to the application under section 106MA and this section does not affect the application or operation of the declaration or this division in relation to the application.

38 Amendment of sch 2 (Dictionary)

Schedule 2, definition *application period*—
omit, insert—

application period, in relation to a relevant application, for chapter 3, part 6A, see section 106B.

Division 3 Amendment of Planning and Environment Court Act 2016

39 Act amended

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

40 Amendment of s 11 (General declaratory jurisdiction)

Section 11—

insert—

- (5) Subsections (6) and (7) apply if—
 - (a) a development application or change application under the Planning Act is declared to be an application for State facilitated development under section 106D of that Act; and
 - (b) the declaration is revoked under section 106HC of that Act.
- (6) Despite subsection (2), a person may start a declaratory proceeding in relation to the effect of the revocation under the Planning Act, section 106HE, 106HF or 106HG.
- (7) Also, to remove any doubt, it is declared that a person may start a declaratory proceeding in relation to the process for administering the development application or change application under the Planning Act.

Division 4 Amendment of Public Sector Act 2022

41 Act amended

This division amends the *Public Sector Act 2022*.

42 Amendment of s 215 (Remuneration and conditions)

(1) Section 215(1) to (3)—

omit, insert—

- (1) The commissioner is entitled to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The Governor in Council may remove the commissioner from office only if the commissioner—
 - (a) has engaged in misconduct; or
 - (b) has become incapable of performing the commissioner’s functions because of mental or physical incapacity; or
 - (c) has neglected the commissioner’s duties or performed the commissioner’s functions incompetently.

(2) Section 215(5), ‘Minister’—

omit, insert—

Governor in Council

(3) Section 215—

insert—

(6) Despite section 38, chapter 3, part 8, divisions 3 and 5 do not apply to the commissioner.

(7) In this section—

misconduct means—

- (a) inappropriate or improper conduct in an official capacity; or
 - (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the office of commissioner.
- (4) Section 215(4) to (7)—
renumber as section 215(3) to (6).

43 Replacement of s 216 (Vacancy in office)

Section 216—

omit, insert—

216 Vacancy in office

The office of the commissioner becomes vacant if—

- (a) the commissioner—
 - (i) completes a term of office and is not reappointed; or
 - (ii) resigns by signed notice, giving at least 1 month's notice, given to the Minister; or
 - (iii) becomes a disqualified person; or
 - (iv) is removed from office under section 215(2); or
- (b) the office otherwise becomes vacant under the instrument of appointment or under the terms and conditions mentioned in section 215(4).

44 Amendment of ch 9, pt 2, hdg (Savings and transitional provisions)

Chapter 9, part 2, heading, after 'provisions'—

insert—

for Act No. 34 of 2022

45 Insertion of new ch 9, pt 3

Chapter 9—

insert—

Part 3

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

327 Definitions for part

In this part—

current commissioner means the commissioner appointed before the commencement.

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

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

328 Remuneration and conditions of commissioner

- (1) New section 215 applies to a commissioner only if the commissioner is appointed or reappointed after the commencement.
- (2) Former section 215 continues to apply to the current commissioner in relation to the term stated in the current commissioner's original instrument

of appointment.

- (3) However, in relation to the current commissioner—
 - (a) the appointment and written contract of employment between the current commissioner and the Minister may not be terminated under former section 215(3); and
 - (b) the current commissioner may be removed from office only under new section 215(2); and
 - (c) new section 215(5) applies to the current commissioner.
- (4) If the current commissioner is removed from office under new section 215(2), the appointment and written contract of employment between the current commissioner and the Minister is taken to be terminated.
- (5) Subsection (3) and (4) apply despite anything in the appointment and written contract of employment between the current commissioner and the Minister, or in the terms and conditions mentioned in former section 215(5).
- (6) However, a term of the written contract of employment between the current commissioner and the Minister that enables the current commissioner and the Minister to terminate the contract by mutual agreement continues to apply in relation to the current commissioner.

329 Vacancy in office of commissioner

- (1) New section 216(a) applies to a commissioner whether the commissioner is appointed before or after the commencement.
- (2) Also, the office of the commissioner held by the current commissioner becomes vacant if the

office becomes vacant under the written contract of employment between the current commissioner and the Minister or under the terms and conditions mentioned in former section 215(5).

Division 5 Amendment of Work Health and Safety Act 2011

46 Act amended

This division amends the *Work Health and Safety Act 2011*.

47 Amendment of s 85 (Health and safety representative may direct that unsafe work cease)

(1) Section 85(1)—

omit, insert—

(1) A health and safety representative may, by giving a written notice stating the matters mentioned in section 85A (a *cease work notice*) to a worker, direct the worker to cease work if—

(a) the worker is in a work group represented by the health and safety representative; and

(b) the health and safety representative has a reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

(2) Section 85(2)(a), after 'undertaking'—

insert—

for whom the worker is carrying out work

(3) Section 85—

insert—

(2A) As soon as practicable after giving a cease work notice under subsection (1), the health and safety representative must—

- (a) give the person conducting the business or undertaking a copy of the cease work notice; and
- (b) display, in a prominent way in an area used by the workers who are in the work group, a copy of the cease work notice.

(4) Section 85(7) and (8)—

omit.

(5) Section 85(9)—

renumber as section 85(7).

48 Amendment of s 85A (Contents of cease work notice)

Section 85A(d)(i)—

omit, insert—

- (i) if the direction is given under section 85(1)—the notice is given to the worker; or

49 Amendment of s 118 (Rights that may be exercised while at workplace)

Section 118, notes—

omit, insert—

Note—

The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988* of the Commonwealth.

50 Replacement of s 119 (Notice of entry)

Section 119—

omit, insert—

119 Notice of entry

- (1) Before entering a workplace under section 117, a WHS entry permit holder must give notice of the proposed entry and the suspected contravention of this Act or the *Electrical Safety Act 2002* to—
 - (a) the relevant person conducting a business or undertaking; and
 - (b) the person with management or control of the workplace.
- (2) The notice must comply with a regulation made for this section.
- (3) The notice must be given during usual working hours at that workplace at least 24 hours, but not more than 14 days, before the entry.
- (4) Subsection (5) applies if a WHS entry permit holder reasonably believes that a relevant worker is exposed to a serious risk to their health and safety, emanating from an immediate or imminent exposure to a hazard.
- (5) Despite subsections (1) and (3), the WHS entry permit holder may give the notice to the persons mentioned in subsection (1) as soon as reasonably practicable after entering the workplace.
- (6) A notice given or purported to be given under this section is not invalid only because of—
 - (a) a formal defect or irregularity in the notice; or
 - (b) a failure to use the correct name of a person or relevant union mentioned in the notice if the notice sufficiently identifies the person or union.

51 Insertion of new pt 16, div 10

Part 16—

insert—

**Division 10 Transitional provisions for
Brisbane Olympic and
Paralympic Games
Arrangements and Other
Legislation Amendment
Act 2024**

362 Definitions for division

In this division—

amendment Act means the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024*.

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

363 Existing directions to cease unsafe work given under former s 85(1)

- (1) This section applies if, before the commencement, a health and safety representative gave a direction under former section 85(1).
- (2) Former section 85 continues to apply in relation to the direction as if the amendment Act, section 47 had not commenced.

364 Entry to workplace before commencement

- (1) This section applies if—

- (a) a WHS entry permit holder entered a workplace under section 117 before the commencement; and
 - (b) immediately before the commencement, the WHS permit holder had not given notice of the entry and the suspected contravention under former section 119.
- (2) Former section 119 continues to apply in relation to the entry as if the amendment Act, section 50 had not commenced.

Schedule 1 Other amendments

section 27

Information Privacy and Other Legislation Amendment Act 2023

**1 Schedule 1, part 2, amendments of the *Path to Treaty Act*
2023—**

omit.

Public Records Act 2023

1 Section 24(7), examples, second dot point—

omit.

2 Schedule 3—

insert—

Aboriginal law means the body of culturally embedded principles and practices that governs a community or group of Aboriginal peoples.

Aboriginal tradition—

(a) means the body of customs, traditions, observances and beliefs of Aboriginal peoples generally or of a particular community or group of Aboriginal peoples; and

- (b) includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

Ailan Kastom—

- (a) means the body of customs, traditions, observances and beliefs of Torres Strait Islander peoples generally or of a particular community or group of Torres Strait Islander peoples; and
- (b) includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

Torres Strait Islander law means the body of culturally embedded principles and practices that governs a community or group of Torres Strait Islander peoples.

3 Schedule 3, definition *culturally sensitive information*, ‘, as defined in the *Path to Treaty Act 2023*’—

omit.

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