



# **Brisbane Olympic and Paralympic Games Arrangements Act 2021**

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Queensland

# Brisbane Olympic and Paralympic Games Arrangements Act 2021

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# Brisbane Olympic and Paralympic Games Arrangements Act 2021

**An Act to establish an organising committee for the 2032 Olympic and Paralympic Games and for related purposes**

## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Commencement**

This Act commences on 20 December 2021.

### **3 Main purpose of Act**

The main purpose of this Act is to establish the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games to plan, organise and deliver the Olympic and Paralympic Games in accordance with the host contract.

### **4 Act binds all persons**

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

## 5 Definitions

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

# Part 2 Establishment, functions and powers of corporation

## Division 1 Establishment

### 6 Establishment

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

### 7 Legal status

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

### 8 Application of other Acts

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

*Note—*

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



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

## Division 2                      Functions and powers

### 9                      Functions

- (1) The main function of the corporation is to undertake and facilitate the organisation, conduct, promotion and commercial and financial management of the 2032 Olympic and Paralympic Games.
- (2) Without limiting subsection (1), the corporation has the following functions—
  - (a) to become a party to the host contract;
  - (b) to comply with the corporation's obligations under the host contract;
  - (c) to organise accommodation and transportation for athletes, officials and media personnel;
  - (d) to manage the preparation and operation of venues and facilities for the sports program;
  - (e) to organise events and ceremonies such as the Olympic and Paralympic torch relays, the opening and closing ceremonies and the cultural olympiad;
  - (f) to manage the ticketing program;
  - (g) to recruit, retain and organise volunteers;

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- (h) to establish a marketing program in consultation with the International Olympic Committee and the Australian Olympic Committee;
  - (i) to support the International Olympic Committee and the host broadcaster in relation to broadcasting and to make arrangements for the provision of other information services.
- (3) The corporation also has—
- (a) the functions given to it under this Act or another Act; and
  - (b) any other function, related to its main function under subsection (1), prescribed by regulation.

## **10 Requirements for performance of functions**

- (1) In performing its functions, the corporation must—
- (a) have regard to the financial resources of the corporation and the State available for the 2032 Olympic and Paralympic Games; and
  - (b) have regard to, and comply with any relevant requirements in, the following documents—
    - (i) the Olympic Charter;
    - (ii) the document called ‘IPC handbook’ published by the International Paralympic Committee;
    - (iii) the document called ‘World anti-doping code’ published by the World Anti-Doping Agency;
    - (iv) the document called ‘Athletes’ rights and responsibilities declaration’ developed by the Athletes’ Commission of the International Olympic Committee;
    - (v) the document called ‘Olympic movement code on the prevention of the manipulation of competitions’ published by the International Olympic Committee; and

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- (c) use its best endeavours to avoid creating liabilities that will not be, or are likely not to have been, satisfied before the corporation is dissolved under part 5; and
  - (d) ensure goods and services are procured in accordance with the Queensland Government's policy about procurement, including procurement from Indigenous businesses.
- (2) For subsection (1)(d), the Queensland Government's policy about procurement does not apply to the extent it is inconsistent with the host contract.
- (3) In this section—
- World Anti-Doping Agency* means the not-for-profit foundation of that name established in 1999 in Lausanne, Switzerland.

## **11 Powers**

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

## **12 Performing functions and exercising powers inside and outside Queensland**

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

## **13 Authentication of documents**

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

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

## **Part 3 Board of directors**

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

#### **14 Establishment**

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

#### **15 Functions**

The functions of the board are—

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

#### **16 Powers**

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

### **Division 2 Composition**

#### **17 Composition**

- (1) The board consists of the following persons (each a *director*)—

- (a) 1 of the following persons nominated by the Australian Olympic Committee—
  - (i) the president of that committee;
  - (ii) an honorary life president of that committee;
- (b) the president of Paralympics Australia;
- (c) the chief executive officer of the Australian Olympic Committee;
- (d) any person who is a member of the International Olympic Committee from Australia;
- (e) any person who is a member of the governing board of the International Paralympic Committee residing in Australia;
- (f) 1 person who—
  - (i) has competed for Australia at either or both of the 2 Olympic Games held most recently before the person's appointment; and
  - (ii) has been elected by athletes who have competed for Australia at either or both of those Olympic Games, as confirmed in writing by the Australian Olympic Committee;
- (g) 1 person who—
  - (i) has competed for Australia at either or both of the 2 Paralympic Games held most recently before the person's appointment; and
  - (ii) has been either elected by athletes who have competed for Australia at either or both of those Paralympic Games, or selected by the Athletes Commission of Paralympics Australia, as confirmed in writing by Paralympics Australia;
- (h) 5 persons who are nominated by the Minister as independent directors in accordance with section 18;
- (i) up to 4 persons who are nominated by the Prime Minister in accordance with section 19;

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- (j) 4 persons who are nominated by the Premier in accordance with section 19;
  - (k) 1 person who is nominated by the Lord Mayor in accordance with section 20;
  - (l) the Lord Mayor.
- (2) However, the office mentioned in subsection (1)(d) or (e) is taken not to be filled if the only person mentioned in that subsection is a director holding office under subsection (1)(a) or (b).
- (3) At least 50% of the nominated directors holding office must be women.
- (4) Each of the directors mentioned in subsection (1)(a) and (f) to (k) is a *nominated director*.
- (5) A nominated director must be appointed by the Governor in Council.
- (6) Nothing in another Act or law prevents a person who is member of the Legislative Assembly, including, for example, a Minister, holding the office of a nominated director.
- (7) In this section—
- member*, of the International Olympic Committee, does not include a member of that committee who has reached the age limit for members, or the extended age limit for that member if applicable, under the Olympic Charter.

*Note—*

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

## 18 Nomination of independent directors

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

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

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

*joint nomination process* means a process for the nomination of persons for section 17(1)(h) agreed to, and implemented jointly, by the Minister and the Commonwealth Government.

## 19 Nomination by Prime Minister or Premier

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

## 20 Nomination by Lord Mayor

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



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

## 21 Conditions of appointment

- (1) A director who is an elected office holder or a public servant is not entitled to be paid any remuneration or allowances.
- (2) A director holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.
- (3) In this section—

*public servant* means—

  - (a) a public service employee; or
  - (b) an APS employee under the *Public Service Act 1999* (Cwlth).

## 22 Term—nominated directors

- (1) A nominated director holds office for the term stated in the director’s instrument of appointment.
- (2) The stated term must not be longer than 4 years.
- (3) A nominated director may be reappointed.
- (4) Subsection (2) does not apply in relation to the nominated director mentioned in section 17(1)(a).

## **23 Vacancy in office**

- (1) A nominated director's office becomes vacant if—
- (a) the director completes a term of office and is not reappointed; or
  - (b) the director resigns office by signed notice given to the Minister; or
  - (c) the director is disqualified from continuing as a nominated director under section 24; or
  - (d) the director is removed from office; or
  - (e) the director is absent without permission of the board from 3 consecutive board meetings of which proper notice has been given; or
  - (f) for a nominated director mentioned in section 17(1)(a), (f), (g), (i) or (k)—the nominating entity gives the Minister a written notice stating that the entity wishes to vacate the director's office; or
  - (g) for a nominated director mentioned in section 17(1)(h)—the director no longer meets the requirements under section 18(3); or
  - (h) for a nominated director mentioned in section 17(1)(i) who was, when the director was nominated for the purpose of that section, a member of the Commonwealth Parliament—
    - (i) the director stops being a member of the Commonwealth Parliament; or
    - (ii) the relevant political party stops being recognised in the House of Representatives of that parliament as being in government; or
  - (i) for a nominated director mentioned in section 17(1)(j) who was, when the director was nominated for the purpose of that section, a member of the Legislative Assembly—
    - (i) the director stops being a member of the Legislative Assembly; or

- (ii) the relevant political party stops being recognised in the Legislative Assembly as being in government.
- (2) To remove any doubt, it is declared that the office of a director, other than a nominated director, is vacated if the person holding office stops occupying the position that constitutes the director's office.

*Example—*

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

- (3) In this section—

***nominating entity*** means—

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

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

## 24 Disqualification—nominated directors

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

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

## **Division 3                      President and vice presidents**

### **25            President**

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

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

*Examples of the corporation's national and international stakeholders—*

the International Olympic Committee, the International Paralympic Committee, national and international sporting federations

- (4) In this section—

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

## 26 Vice presidents

- (1) The following directors are vice presidents of the board—

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- (a) the president of Paralympics Australia;
  - (b) the Lord Mayor;
  - (c) any director holding office under section 17(1)(d) who is a vice president of the International Olympic Committee;
  - (d) if there is no director mentioned in paragraph (c)—the director holding office under section 17(1)(a).
- (2) Also, the Governor in Council must, on the recommendation of the Minister, appoint the following directors as vice presidents of the board—
- (a) 1 of the Prime Minister’s nominated directors holding office under section 17(1)(i), if any;
  - (b) 1 of the Premier’s nominated directors holding office under section 17(1)(j).
- (3) The Minister may recommend a nominated director for appointment under subsection (2)(a) only if—
- (a) the Minister has given the Prime Minister notice of the proposed recommendation; and
  - (b) the Prime Minister has not, within 14 days after receiving notice of the proposed recommendation, advised the Minister that the Prime Minister objects to the proposed recommendation.
- (4) Each vice president’s role is decided by the president.

## **27 Appointment and term**

- (1) A nominated director may be appointed under section 25 as the president, or appointed under section 26(2) as a vice president, at the same time as the person is appointed as a director.
- (2) The president or vice president holds office for the term stated in the person’s instrument of appointment as president or vice president.

- (3) However, the person's appointment as president or vice president ends if the person stops being a nominated director.
- (4) If a person resigns from the office of president or vice president, the person may continue to be a nominated director for the remaining term of appointment under section 22.

## Division 4 Criminal history

### 28 Criminal history report

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

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

### 29 Changes in criminal history must be disclosed

- (1) This section applies if a person who is a nominated director is convicted of an indictable offence, including an indictable offence against the law of another State or the Commonwealth.

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- (2) The person must, unless the person has a reasonable excuse, immediately give notice to the Minister about the conviction.  
Maximum penalty—100 penalty units.
- (3) The notice must state—
  - (a) the existence of the conviction; and
  - (b) when the offence was committed; and
  - (c) details adequate to identify the offence; and
  - (d) the sentence imposed on the person.

### 30 Confidentiality of criminal history information

- (1) This section applies to a person who possesses criminal history information because the person is or has been a director or another person involved in administering this Act.
- (2) The person must not disclose the criminal history information to anyone, or use the criminal history information, other than under subsection (3).  
Maximum penalty—100 penalty units.
- (3) The person may disclose or use the criminal history information—
  - (a) in the performance of a function or exercise of a power under this Act; or
  - (b) with the consent of the person to whom the criminal history information relates; or
  - (c) to the extent the disclosure or use is otherwise required or permitted by law.

- (4) In this section—

***criminal history information*** means information contained in—

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

***disclose*** includes give access to.



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## **Division 5            Board meetings**

### **Subdivision 1        General provisions**

#### **31        Conduct of business**

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

#### **32        Time and place of meetings**

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

#### **33        Presiding**

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

### **34 Quorum**

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

### **35 Voting**

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

### **36 Minutes**

The board must keep—

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

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## **Subdivision 2      Disclosure of interests**

### **37      Application of subdivision**

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

### **38      Requirement to disclose interest**

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

### **39      Deemed disclosure in particular circumstances**

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

#### **40 Director not to participate in decision-making**

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

#### **41 Register of interests**

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

#### **42 Effect of contravention of subdivision**

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

### **Subdivision 3 Other provisions**

#### **43 No duty to disclose particular information acquired in particular capacities**

- (1) This section applies to a director who—
  - (a) is—
    - (i) an elected office holder; or
    - (ii) the president, or an honorary life president, of the Australian Olympic Committee; or

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- (iii) a member of the International Olympic Committee; or
- (iv) a member of the governing board of the International Paralympic Committee; and
- (b) has acquired or has access to information that—
- (i) is of a confidential nature; and
- (ii) has been given to the director in confidence in the director's capacity as a person mentioned in paragraph (a)(i), (ii), (iii) or (iv); and
- (iii) is relevant to a matter being considered, or about to be considered, by the board.

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

- if the director is a Minister—documents related to Cabinet considerations or operations, or State or Commonwealth budgetary processes
  - if the director is a councillor of a local government—documents related to the local government's budgetary processes
  - if the director is a member of the International Olympic Committee—documents of a confidential nature related to that committee
- (2) The director does not owe a duty to the corporation to disclose the information.

#### **44 Councillors' conflicts of interest**

- (1) This section applies in relation to the Lord Mayor or another councillor who holds office as a director.
- (2) The conflict of interest provisions do not apply in relation to the councillor's conflict of interest in a matter relating to the corporation that arises solely because of the councillor holding office as a director.
- (3) In this section—

***conflict of interest provisions*** means—

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

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

## **Division 6                      Committees and commissions**

### **45            Establishment of committees**

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

### **46            Requirement for meetings of particular committees**

- (1) This section applies in relation to a committee of the board if the committee performs a function related to any of the following matters—
  - (a) audit;
  - (b) risk management;
  - (c) financial management.
- (2) Each meeting of the committee must be attended by a Minister's nominee.
- (3) A person who attends a meeting of the committee under subsection (2)—
  - (a) may observe the meeting; and
  - (b) may speak to the committee only if invited to do so by the committee; and
  - (c) is entitled to receive the same information a member of the committee is entitled to receive relating to the meeting or other business of the committee.

(4) In this section—

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

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

## 47 Commissions

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

# Part 4 Staff of corporation

## Division 1 Chief executive officer

### 48 Appointment

- (1) The board may appoint a chief executive officer.
- (2) However, the board may make an appointment under subsection (1) only if—
  - (a) the Premier has consented to the proposed appointment; and

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- (b) the board has given the Prime Minister notice of the proposed appointment; and
  - (c) the Prime Minister has not, within 14 days after being notified of the proposed appointment, advised the board that the Prime Minister objects to the proposed appointment.
- (3) For subsection (2)(a) and (b), the board must give the Premier and the Prime Minister sufficient information obtained by the board to establish the suitability of the proposed appointee.
- (4) The chief executive officer is—
- (a) an employee of the corporation; and
  - (b) appointed under this Act and not the *Public Service Act 2008*.
- (5) The chief executive officer is responsible for the day-to-day administration of the corporation's operations in accordance with the priorities set by the board.
- (6) The chief executive officer is accountable to the board.

## **49 Term**

- (1) The chief executive officer is appointed for the term stated in the officer's instrument of appointment.
- (2) The stated term must not be longer than 4 years.
- (3) The chief executive officer may be reappointed.

## **50 Conditions of appointment**

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



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## **Division 2                    Other staff**

### **51            Corporation's staff**

- (1) The corporation may employ other staff it considers appropriate for performing its functions.
- (2) The staff are employed under this Act and not the *Public Service Act 2008*.

## **Part 5                            Dissolution of corporation**

### **52            Dissolution day**

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

### **53            Dealing with assets and liabilities on dissolution**

- (1) On the dissolution day under section 52—
  - (a) the corporation is dissolved; and
  - (b) the directors who held office immediately before the dissolution day go out of office; and
  - (c) the appointments of the following persons end—
    - (i) the chief executive officer;
    - (ii) any other staff employed by the corporation.
- (2) On the dissolution day, the State becomes the successor in law of the corporation.
- (3) Without limiting subsection (2), on the dissolution day—
  - (a) the assets, rights, duties and liabilities of the corporation become assets, rights, duties and liabilities of the State; and

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

## Part 6 Miscellaneous

### 54 Corporation to enter into funding agreement

- (1) The corporation must, within 6 months after the commencement, enter into an agreement (the *funding agreement*) with the Minister.
- (2) The funding agreement must provide for the financial monitoring of the corporation by the Minister, including reporting requirements.
- (3) The corporation must comply with its obligations under the funding agreement.
- (4) This section does not limit the corporation's obligations under the *Financial Accountability Act 2009*.

### 55 Ministerial directions

- (1) The Minister may give the corporation a written direction about the performance of its functions or the exercise of its powers if the Minister is satisfied it is reasonably necessary to give the direction.
- (2) Without limiting subsection (1), the Minister may give the corporation a direction under that subsection—

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- (a) to give the Minister information held or controlled by the corporation; or
  - (b) to submit a document to the Minister for the Minister's approval; or
  - (c) to give the Minister a report about a matter relevant to the corporation's functions.
- (3) In deciding whether to give a direction under subsection (1), the Minister must consider the corporation's obligations under the host contract.
  - (4) Before a direction is given under subsection (1), the Minister is to give the Commonwealth Government notice of the proposed direction.
  - (5) If a direction is given under subsection (1), the corporation—
    - (a) must ensure the direction is complied with; and
    - (b) must include details of the direction in its annual report, prepared under the *Financial Accountability Act 2009*, section 63, for the financial year during which the direction is given; and
    - (c) may include in the annual report a comment about the effect on the corporation's activities of complying with the direction.

## **56 Duty to act honestly**

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

Maximum penalty—100 penalty units.

## 57 Use or disclosure of confidential information

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

Maximum penalty—100 penalty units.

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

***confidential information***—

  - (a) means information that—
    - (i) could identify an individual; or
    - (ii) is about a person’s current financial position or financial background; or

- (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
  - (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the person to whom it relates.

*disclose* includes give access to.

*information* includes a document.

## 58 Authorisation of transfer of personal information to particular overseas entities

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

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

## 59 Authorisation for competition legislation

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

- (2) In this section—  
*agreement* includes a contract, arrangement or understanding.

## 60 Delegations

- (1) The corporation may delegate its functions under this Act to—
- (a) the chief executive officer; or
  - (b) a committee of the board.
- (2) The chief executive officer may, with the written approval of the board, subdelegate a function delegated to the officer under subsection (1) to an appropriately qualified member of the corporation's staff.
- (3) The chief executive officer may delegate the officer's functions under this Act to—
- (a) an appropriately qualified member of the corporation's staff; or
  - (b) a committee of the board.
- (4) Despite section 13, an instrument of delegation under this section must be signed by the president or another person authorised by the board.
- (5) In this section—  
*function* includes power.

## 61 Protection from liability

- (1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the corporation.
- (3) This section does not apply to an official if the official is a State employee within the meaning of the *Public Service Act 2008*, section 26B(4).

*Note—*

For protection from civil liability in relation to State employees—see the *Public Service Act 2008*, section 26C.

(4) In this section—

***official*** means—

- (a) a director; or
- (b) the chief executive officer; or
- (c) any other employee of the corporation.

## **62 Regulation-making power**

The Governor in Council may make regulations under this Act.

## Schedule 1 Dictionary

### section 5

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

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

**Australian Olympic Committee** means Australian Olympic Committee Incorporated.

**board** see section 14.

**board meeting** means a meeting of the board.

**chief executive officer** means the chief executive officer of the corporation holding office under section 48.

**committee**, of the board, means a committee established by the board under section 45(1).

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

**corporation** see section 6.

**director** see section 17(1).

**elected office holder** means—

- (a) a member of—
  - (i) the Legislative Assembly; or
  - (ii) the Parliament of another State or of the Commonwealth; or
- (b) the Lord Mayor or another councillor; or
- (c) a councillor (however described) of a local government of another State.

**host contract** means the contract between the International Olympic Committee, the State of Queensland, the Brisbane



City Council and the Australian Olympic Committee dated 21 July 2021.

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

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

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

***Lord Mayor*** means the mayor of the Brisbane City Council.

***nominated director*** see section 17(4).

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

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

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

***spent conviction*** means—

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