



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, and a games venue and legacy delivery authority, for the Brisbane 2032 Olympic and Paralympic Games and for related purposes

Chapter 1 Preliminary

1 Short title

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

2 Commencement

This Act commences on 20 December 2021.

3 Main purposes of Act

The main purposes of this Act are—

- (a) to establish the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games to plan, organise and deliver the games in accordance with the host contract; and
- (b) to establish the Games Venue and Legacy Delivery Authority to ensure Queensland's readiness to successfully host, and maximise the legacy and benefits from, the games.

4 Act binds all persons

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

5 Definitions

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

5A Venues and villages

- (1) A *venue* is a site or facility, prescribed by regulation, that is to or may fulfil operational or sports-related needs for the Brisbane 2032 Olympic and Paralympic Games.
- (2) A *village* is a site or facility, prescribed by regulation, that is to provide accommodation and related facilities for competitors, team officials and other team personnel for the Brisbane 2032 Olympic and Paralympic Games.

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

Part 1 Establishment

6 Establishment

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

7 Legal status

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

8 Application of other Acts

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

Note—

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

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

Part 2 Functions and powers

9 Functions

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

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

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

10 Requirements for performance of functions

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

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

Part 3 Board of directors

Division 1 Establishment, functions and powers

14 Establishment

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

15 Functions

The functions of the board are—

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

16 Powers

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

Division 2 Composition

17 Composition

- (1) The board consists of the following persons (each a *director*)—
 - (a) the president of the Australian Olympic Committee;
 - (aa) any honorary life president of the Australian Olympic Committee;
 - (b) the president of Paralympics Australia;
 - (c) the chief executive officer of the Australian Olympic Committee;
 - (d) any person who is a member of the International Olympic Committee from Australia;
 - (e) any person who is a member of the governing board of the International Paralympic Committee residing in Australia;
 - (f) 1 person who—

- (i) has competed for Australia at either or both of the 2 Olympic Games held most recently before the person's appointment; and
 - (ii) has been elected by athletes who have competed for Australia at either or both of those Olympic Games, as confirmed in writing by the Australian Olympic Committee;
 - (g) 1 person who—
 - (i) has competed for Australia at either or both of the 2 Paralympic Games held most recently before the person's appointment; and
 - (ii) has been either elected by athletes who have competed for Australia at either or both of those Paralympic Games, or selected by the Athletes Commission of Paralympics Australia, as confirmed in writing by Paralympics Australia;
 - (h) 5 persons who are nominated by the Minister as independent directors in accordance with section 18;
 - (i) up to 4 persons who are nominated by the Prime Minister in accordance with section 19;
 - (j) 4 persons who are nominated by the Premier in accordance with section 19;
 - (k) 1 person who is nominated by the Lord Mayor in accordance with section 20;
 - (l) the Lord Mayor;
 - (m) the mayor of the Gold Coast City Council.
- (2) However, the office mentioned in subsection (1)(d) or (e) is taken not to be filled if the only person mentioned in that subsection is a director holding office under subsection (1)(a), (aa) or (b).
- (3) At least 50% of the nominated directors holding office must be women.
- (4) Each of the directors mentioned in subsection (1)(f) to (k) is a ***nominated director***.

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- (5) A nominated director must be appointed by the Governor in Council.
- (6) Nothing in another Act or law prevents a person who is member of the Legislative Assembly, including, for example, a Minister, holding the office of a nominated director.
- (7) In this section—
member, of the International Olympic Committee, does not include a member of that committee who has reached the age limit for members, or the extended age limit for that member if applicable, under the Olympic Charter.

Note—

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

18 Nomination of independent directors

- (1) This section applies in relation to the nomination of a person by the Minister for section 17(1)(h).
- (2) The person must be appropriately qualified.
- (3) The person must not be any of the following—
- (a) an elected office holder;
 - (b) a public service employee;
 - (c) an employee of a local government;
 - (d) an APS employee under the *Public Service Act 1999* (Cwlth);
 - (da) a director of the authority;
 - (e) a member of the governing body, or an employee, of any of the following entities—
 - (i) the Australian Olympic Committee;
 - (ii) Paralympics Australia;
 - (iii) the International Olympic Committee;
 - (iv) the International Paralympic Committee.

- (4) The Minister may nominate the person only if—
 - (a) the Minister has consulted the following persons about the proposed nomination—
 - (i) the Lord Mayor;
 - (ii) the president of the Australian Olympic Committee;
 - (iii) the president of Paralympics Australia; and
 - (b) the Minister has acted in accordance with a joint nomination process; and
 - (c) the Minister has given the Prime Minister notice of the proposed nomination; and
 - (d) the Prime Minister has not, within 14 days after receiving notice of the nomination, advised the Minister that the Prime Minister objects to the proposed nomination.
- (5) In considering the proposed nomination, the Minister and each person consulted or notified under this section must have regard to—
 - (a) the person’s skills, knowledge and experience in areas relevant to the performance of the board’s functions; and
 - (b) the diversity of the skills, knowledge and experience of the board’s directors relevant to the board’s functions; and
 - (c) each of the following—
 - (i) the requirement under section 17(3);
 - (ii) the gender diversity of the board’s directors;
 - (iii) the Queensland Government’s policy about gender equity on boards.
- (6) At least 1 director nominated for section 17(1)(h) must be an Aboriginal or Torres Strait Islander person.
- (7) In this section—

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

19 Nomination by Prime Minister or Premier

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

20 Nomination by Lord Mayor

- (1) This section applies in relation to the nomination of a person by the Lord Mayor for section 17(1)(k).
- (2) The Lord Mayor must consult Council of Mayors (SEQ) Pty Ltd about the proposed nomination.
- (3) In considering the proposed nomination, the Lord Mayor and the entity consulted under this section must have regard to each of the following—
 - (a) the requirement under section 17(3);
 - (b) the gender diversity of the board’s directors;
 - (c) the Queensland Government’s policy about gender equity on boards.

21 Conditions of appointment

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

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

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- (f) for a nominated director mentioned in section 17(1)(f), (g), (i) or (k)—the nominating entity gives the Minister a written notice stating that the entity wishes to vacate the director’s office; or
 - (g) for a nominated director mentioned in section 17(1)(h)—the director no longer meets the requirements under section 18(3); or
 - (h) for a nominated director mentioned in section 17(1)(i) who was, when the director was nominated for the purpose of that section, a member of the Commonwealth Parliament—
 - (i) the director stops being a member of the Commonwealth Parliament; or
 - (ii) the relevant political party stops being recognised in the House of Representatives of that parliament as being in government; or
 - (i) for a nominated director mentioned in section 17(1)(j) who was, when the director was nominated for the purpose of that section, a member of the Legislative Assembly—
 - (i) the director stops being a member of the Legislative Assembly; or
 - (ii) the relevant political party stops being recognised in the Legislative Assembly as being in government.
- (2) To remove any doubt, it is declared that the office of a director, other than a nominated director, is vacated if the person holding office stops occupying the position that constitutes the director’s office.

Example—

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

- (3) In this section—

nominating entity means—

[s 24]

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

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

24 Disqualification—nominated directors

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

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- (a) the circumstances of an offence of which a person has been convicted; or
 - (b) the circumstances under which a person became an insolvent under administration.
- (4) If the person was not a nominated director when the person was convicted or became an insolvent under administration, the Minister may give written approval for the person to become a nominated director despite the conviction or being an insolvent under administration.

Division 3 President and vice presidents

25 President

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a nominated director holding office under section 17(1)(h) to be the president of the board.
- (2) The Minister may recommend the nominated director for appointment as president only if—
 - (a) the director is appropriately qualified; and
 - (b) the Minister has consulted with the following persons about the proposed recommendation—
 - (i) the Lord Mayor;
 - (ii) the president of the Australian Olympic Committee;
 - (iii) the president of Paralympics Australia; and
 - (c) the Minister has acted in accordance with a joint nomination process; and
 - (d) the Minister has given the Prime Minister notice of the proposed recommendation; and
 - (e) the Prime Minister has not, within 14 days after receiving notice of the proposed recommendation,

advised the Minister that the Prime Minister objects to the proposed recommendation.

- (3) The president's role includes—
- (a) acting as chairperson for board meetings at which the president is present; and
 - (b) working with, and providing leadership to, the chief executive officer; and
 - (c) participating on particular committees of the board as a member or the chairperson; and
 - (d) representing the corporation, and developing relationships, with the corporation's national and international stakeholders; and

Examples of the corporation's national and international stakeholders—

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

- (e) performing any other function given to the president under this Act.
- (4) In this section—

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

26 Vice presidents

- (1) The following directors are vice presidents of the board—
- (a) the president of Paralympics Australia;
 - (b) the Lord Mayor;
 - (c) the directors holding office under section 17(1)(a) and (aa).
- (2) Also, the Governor in Council must, on the recommendation of the Minister, appoint the following directors as vice presidents of the board—

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

27 Appointment and term

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

Division 4 Criminal history

28 Criminal history report

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

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

29 Changes in criminal history must be disclosed

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

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

30 Confidentiality of criminal history information

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

Maximum penalty—100 penalty units.

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

criminal history information means information contained in—

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

disclose includes give access to.

Division 5 Board meetings

Subdivision 1 General provisions

31 Conduct of business

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

32 Time and place of meetings

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

33 Presiding

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

34 Quorum

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

35 Voting

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

36 Minutes

The board must keep—

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

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

- (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

-
- (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

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

49 Term

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

50 Conditions of appointment

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

Division 2 Other staff

51 Corporation's staff

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

Part 5 Dissolution of corporation

52 Dissolution day

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

53 Dealing with assets and liabilities on dissolution

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

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

Chapter 3 Games Venue and Legacy Delivery Authority

Part 1 Establishment

53AA Establishment

The Games Venue and Legacy Delivery Authority (the *authority*) is established.

53AB Legal status

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

53AC Application of other Acts

The authority is—

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

Note—

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

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

Part 2 Functions and powers

53AD Functions

- (1) The main functions of the authority are—
 - (a) to deliver venues in time for the Brisbane 2032 Olympic and Paralympic Games and within budget allocations, including managing effects on users of venues during their development; and
 - (b) to monitor and ensure the delivery of villages in time for the games; and
 - (c) to co-ordinate and integrate the planning and delivery of State, Commonwealth and local government obligations under, or related to, the host contract.
- (2) The authority also has—
 - (a) the functions given to it under this Act or another Act; and
 - (b) any other function, related to its main functions under subsection (1), prescribed by regulation.

53AE Requirements for performance of functions

In performing its functions, the authority must—

- (a) seek to maximise the legacy and benefits, for Queensland, Australia and the Oceania region, of the Brisbane 2032 Olympic and Paralympic Games; and
- (b) have regard to—
 - (i) the financial resources of the authority, the corporation, the State and the Commonwealth that are available for the games; and
 - (ii) the financial resources of local governments involved in the delivery of the games; and
 - (iii) the document called ‘Elevate 2042: Brisbane 2032 Olympic and Paralympic Games Legacy Strategy’ prepared by the games delivery partners and published by the Queensland Government in 2023; and
 - (iv) the requirements under the host contract; and
 - (v) requirements under agreements entered into by the State to enable it to enter into the host contract; and
 - (vi) requirements under agreements entered into by the Commonwealth and the State for the primary purpose of supporting the delivery of the games; and
- (c) use its best endeavours to avoid creating liabilities that will not be, or are likely not to have been, satisfied before the authority is dissolved under part 7; and
- (d) ensure goods and services are procured in accordance with the Queensland Government’s policy about procurement, including procurement from Indigenous businesses, to the extent the policy applies to the authority as a statutory body under the *Financial Accountability Act 2009*; and
- (e) co-operate with the corporation in good faith.

53AF Powers

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

53AG Performing functions and exercising powers inside and outside Queensland

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

53AH Authentication of documents

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

Part 3 Games governance and planning documents

Division 1 Transport and mobility strategy

53AI Requirement to prepare transport and mobility strategy

- (1) Within 18 months after the commencement, the authority must make a document called ‘Brisbane 2032 Transport and Mobility Strategy’ (the *transport and mobility strategy*).
- (2) The transport and mobility strategy must—

-
- (a) identify transport infrastructure projects that are critical for delivery in time for the Brisbane 2032 Olympic and Paralympic Games; and
 - (b) describe measures to ensure the transport infrastructure projects mentioned in paragraph (a) are prioritised and integrated with other transport infrastructure projects.
- (3) The transport and mobility strategy may include other matters the authority considers necessary for ensuring readiness to host the Brisbane 2032 Olympic and Paralympic Games.
- (4) Without limiting section 53AE(b), in preparing the transport and mobility strategy the authority must have regard to the host contract.
- (5) The authority must publish the transport and mobility strategy—
- (a) on the authority’s website; and
 - (b) with the approval of the games delivery partners.
- (6) In this section—
- transport infrastructure project* means a project involving works relating to infrastructure, including infrastructure for any of the following—
- (a) busways;
 - (b) rail or light rail;
 - (c) roads;
 - (d) pedestrian or bicycle paths;
 - (e) ferries.

53AJ Consultation

- (1) In preparing the transport and mobility strategy, the authority must consult the following persons—
- (a) the chief executive officer of each relevant local government;
 - (b) the chief executive officer of the corporation;

[s 53AK]

- (c) the chief executive of the department responsible for administering this Act;
 - (d) the chief executive of the department responsible for administering the *Transport Infrastructure Act 1994*;
 - (e) Stadiums Queensland;
 - (f) the police commissioner;
 - (g) the Secretary of the Commonwealth department administered by the Commonwealth land transport Minister;
 - (h) any other games delivery partner.
- (2) In this section—

Commonwealth land transport Minister means the Commonwealth Minister who administers the *National Land Transport Act 2014* (Cwlth).

relevant local government means a local government in whose area—

- (a) an event that is proposed to be part of the sports program for the Brisbane 2032 Olympic and Paralympic Games will be held; or
- (b) a transport infrastructure project mentioned in section 53AI is located or proposed to be located.

53AK Authority may amend transport and mobility strategy

The authority may amend the transport and mobility strategy in accordance with the requirements under sections 53AI and 53AJ.

53AL Direction to particular entities to provide or maintain critical transport infrastructure

- (1) This section applies in relation to the following entities—
- (a) a government agency, other than—

-
- (i) a department, or an administrative unit within a department, of the Commonwealth Government; and
 - (ii) a statutory body representing the Commonwealth;
 - (b) any other local government.
 - (2) The authority may give the entity a written direction to take stated actions to provide or maintain critical transport infrastructure identified in the transport and mobility strategy under section 53AI(2)(a).
 - (3) However, the direction may be given to the entity only if—
 - (a) the authority has made reasonable endeavours, but has been unable, to reach agreement with the entity about the actions to be taken by the entity to provide or maintain the infrastructure; and
 - (b) the authority is satisfied the actions are necessary to ensure readiness to host the Brisbane 2032 Olympic and Paralympic Games; and
 - (c) the transport and mobility strategy has been published under section 53AI(5).
 - (4) Before giving the proposed direction, the authority must give the entity an opportunity of at least 30 business days to give a written submission to the authority about the direction.
 - (5) If the entity gives a written submission to the authority within the period mentioned in subsection (4), the authority must—
 - (a) consider the submission; and
 - (b) if a direction is given by the authority—publish the direction and the authority’s response to the submission on its website.
 - (6) The direction may state conditions on which the critical transport infrastructure must be provided or maintained.
 - (7) The entity—
 - (a) must comply with the direction; and
 - (b) may publish a copy of the direction on its website.

[s 53AM]

- (8) Subsection (7)(a) applies only if the authority has complied with subsection (5).
- (9) Subsection (6) applies despite any other Act or law.

Division 2 Other documents

53AM Requirement to prepare games coordination plan

- (1) Within 12 months after the commencement, the authority must make a document called ‘Games Coordination Plan’ (the *coordination plan*).
- (2) The purpose of the coordination plan is to provide assurance for games delivery partners in relation to the authority’s function mentioned in section 53AD(1)(c).
- (3) The coordination plan must—
 - (a) identify the obligations of the State, the Commonwealth and local governments under, or related to, the host contract; and
 - (b) provide for the allocation and coordination of the performance of the obligations mentioned in paragraph (a).
- (4) In making the coordination plan, the authority must—
 - (a) consult Stadiums Queensland and games delivery partners; and
 - (b) ensure the plan does not—
 - (i) impose an obligation on a games delivery partner that is materially different to a commitment made by the partner under a relevant agreement; or
 - (ii) materially limit or adversely affect a right of a games delivery partner under a relevant agreement.
- (5) In this section—

relevant agreement means—

 - (a) the host contract; or

-
- (b) an agreement entered into by the State to enable it to enter into the host contract.

53AN Memorandum of understanding

- (1) The chairperson must, within 12 months after the commencement, enter into a memorandum of understanding with games delivery partners.
- (2) The purpose of the memorandum of understanding is to provide assurance for games delivery partners in relation to the authority's functions mentioned in section 53AD(1).
- (3) The memorandum of understanding must outline the governance principles supporting collaboration between the authority and the games delivery partners in the performance of State, Commonwealth and local government obligations under, or related to, the host contract.

Part 4 Provisions facilitating development for venues and villages

Division 1 Preliminary

53AO Purpose of part

The purpose of this part is to facilitate the timely delivery of development for venues and villages in accordance with the host contract by—

- (a) enabling the authority to facilitate the making of timely and efficient decisions under the *Planning Act 2016* or the *Economic Development Act 2012* relevant to the development; and
- (b) providing for a process to declare the development to be accepted development under the *Planning Act 2016* or

[s 53AP]

PDA accepted development under the *Economic Development Act 2012*; and

- (c) enabling land to be acquired for a venue or village.

53AP Definitions for part

In this part—

acquisition land means land declared under section 53AU(2) to be acquisition land for a venue or village.

development means development within the meaning of the *Planning Act 2016* or the *Economic Development Act 2012*.

53AQ References to development for a venue or village

- (1) For this part, a reference to development for a venue or village includes a reference to development that provides infrastructure for the purposes of the venue or village, whether or not the infrastructure—
- (a) is located within, or wholly or partly outside, the venue or village; or
 - (b) also has another purpose.
- (2) In this section—
- infrastructure* includes land, roads, railways, facilities, services and works, including building, operational, plumbing and drainage work.

Division 2 Facilitating planning decisions

Subdivision 1 Information powers etc.

53AR Direction to give information, documents or assistance to facilitate planning decisions

- (1) This section applies if the authority is satisfied it is necessary to exercise powers under this section to facilitate efficient and timely decision-making in relation to—
 - (a) an application for a relevant planning approval for development for a venue or village; or
 - (b) the making or amendment by the Minister of a designation for premises under the *Planning Act 2016*, if the development the subject of the designation is development for a venue or village.
- (2) The authority may give a person a written notice requiring the person to give the authority information, documents or assistance the authority reasonably requires in relation to the decision.
- (3) The notice must state—
 - (a) the information, documents or assistance the person is directed to give; and
 - (b) the period within which the person is required to comply with the notice.
- (4) The person to whom the notice is given must take all reasonable steps to comply with the direction within the period stated in the notice.
- (5) In this section—

relevant planning approval, for development for a venue or village, means—
 - (a) a development approval under the *Planning Act 2016*; or

[s 53AS]

- (b) a PDA development approval under the *Economic Development Act 2012*.

Subdivision 2 Declaration of accepted development or PDA accepted development

53AS Declaration of accepted development or PDA accepted development

- (1) A regulation may declare development for a venue or village to be the following category of development—
 - (a) for development under the *Planning Act 2016*—accepted development under that Act;
 - (b) for development under the *Economic Development Act 2012*—PDA accepted development under that Act.
- (2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) only if the Minister is satisfied—
 - (a) the Act mentioned in subsection (1)(a) or (b), or another Act regulating the development, may have an adverse effect on the timely delivery of the venue or village; and
 - (b) the making of the declaration is necessary to facilitate the timely delivery of the venue or village; and
 - (c) the authority has made reasonable endeavours to consult, in the way the authority considers appropriate, the following persons in relation to the proposed declaration—
 - (i) the chief executive of the department responsible for administering the *Planning Act 2016*;
 - (ii) MEDQ established under the *Economic Development Act 2012*;
 - (iii) the Coordinator-General;

- (iv) the chief executive of a local government in whose area the development is or will be located.
- (3) Before recommending the making of the regulation, the Minister must have regard to—
 - (a) the Act mentioned in subsection (1)(a) or (b); and
 - (b) the *State Development and Public Works Organisation Act 1971*; and
 - (c) any other Act regulating the development.

53AT Effect of declaration

- (1) While a regulation under section 53AS(1) is in effect, the development is the declared category of development.
- (2) Subject to subsection (1), other Acts of the State or the Commonwealth continue to apply in relation to the development.

Division 3 Acquisition of land for venues and villages

53AU Declaration of acquisition land

- (1) This section applies if the Minister is satisfied that—
 - (a) land is required for a venue or village; and
 - (b) it is necessary to enable the authority to take land to facilitate the timely delivery of the venue or village.
- (2) A regulation may declare the land to be acquisition land for the venue or village.
- (3) Before recommending to the Governor in Council the making of the regulation, the Minister must be satisfied the authority has made reasonable endeavours to consult, in the way the authority considers appropriate, the Coordinator-General in relation to the proposed recommendation.

[s 53AV]

- (4) The Minister and the authority are not required to consult any other person, including an owner of the land, before the Minister recommends the making of the regulation.

53AV Power to take acquisition land

- (1) The authority may take acquisition land for the purpose of delivering the venue or village to which the acquisition land relates.
- (2) However, the authority may take the acquisition land only if the authority is satisfied the taking of the acquisition land is necessary for the purpose mentioned in subsection (1).
- (3) The authority's power to take acquisition land for the 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 delivery of the venue or village; and
 - (b) includes the power to take, from time to time as required, the land for another purpose incidental to the purpose mentioned in subsection (1).
- (4) If the taking of the acquisition land is for conferring rights or interests in the land on another entity, the authority 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, whether or not the owner has 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 to the taking of acquisition land under this section as if—

- (a) the acquisition land were being taken under the *Acquisition of Land Act 1967* by the authority as a constructing authority under that Act; and
 - (b) the Minister were the relevant Minister under that Act.
- (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 acquisition land under this section is not a taking of land under the *Acquisition of Land Act 1967*.

53AW Power to take easements and other interests

- (1) The authority's power to take land for the purpose mentioned in section 53AV(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 the authority issues a notice of intention to resume a lease of State land, or some other interest in State land that is less than freehold, the authority must file a copy of the notice in the appropriate land register kept under the *Land Act 1994*.
- (3) If the authority amends or discontinues a resumption mentioned in subsection (2), the authority must 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.

[s 53AX]

- (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*.

53AX Relationship with native title legislation

- (1) For the taking of land under section 53AV and the payment of compensation for the land taken—
 - (a) the process mentioned in section 53AV(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).

53AY Vesting of land taken under s 53AV

- (1) Land taken under section 53AV 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.

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- (2) If the land taken under section 53AV is a lease of State land or another interest in State land that is less than freehold, as mentioned in section 53AW, 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*.
 - (4) In this section—
gazette resumption notice see the *Acquisition of Land Act 1967*, schedule 2.

53AZ Power to use, lease or dispose of land

The authority may, to give effect to the purpose mentioned in section 53AV(1), 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 53AV;
- (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 53AV;
- (c) sign an agreement with any person in relation to works or development for land taken, or proposed to be taken, under section 53AV;
- (d) sell land taken, or agree to sell land to be taken, under section 53AV.

53BA 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 the authority were exercising its power to take land, as a constructing authority, under the *Acquisition of Land Act 1967*.

Division 4 Miscellaneous provisions

53BB Decisions under part are final

- (1) Unless the Supreme Court decides a relevant decision is affected by jurisdictional error, the decision—
 - (a) is final and conclusive; and
 - (b) can not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.
- (2) The *Judicial Review Act 1991*, part 5 applies to a relevant decision to the extent it is affected by jurisdictional error.
- (3) For the removal of doubt, it is declared that this section does not limit the Land Court's ability to decide a claim for compensation for the taking of land under division 3.
- (4) In this section—

relevant decision means a decision made under this part by the authority or the Minister.

Part 5 Board of directors

Division 1 Establishment, functions and powers

53BC Establishment

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

53BD Functions

The functions of the board are—

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

53BE Powers

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

Division 2 Composition

53BF Composition

- (1) The board consists of not more than 7 persons (each a *director*) nominated by the Minister.
- (2) The Minister may nominate a person only if the person—
 - (a) is stated to be preferred as, or suitable to be, a director in a list made by the selection panel under section 53BH(2)(a) or (b); and
 - (b) is appropriately qualified; and
 - (c) is not a person mentioned in subsection (3).
- (3) A nominated 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 director of the corporation;

[s 53BG]

- (f) 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) In considering a proposed nomination, the Minister and the members of the selection panel must have regard to each of the following—
 - (a) the person’s skills, knowledge and experience in areas relevant to the performance of the board’s functions;
 - (b) the diversity of the skills, knowledge and experience of the board’s directors relevant to the board’s functions;
 - (c) the Queensland Government’s policy about gender equity on boards;
 - (d) the diversity of the board’s directors.
- (5) A director must be appointed by the Governor in Council.

53BG Chairperson

- (1) The Governor in Council may appoint a director recommended by the Minister to be the chairperson of the board.
- (2) The Minister may only recommend a person who is stated to be preferred as, or suitable to be, the chairperson in a list made by the selection panel under section 53BH(2)(a) or (c).
- (3) A person may be appointed as the chairperson at the same time as the person is appointed as a director.
- (4) The chairperson holds office for the term stated in the person’s instrument of appointment as chairperson.
- (5) However, the person’s appointment as chairperson ends if the person stops being a director.

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- (6) If a person resigns from the office of chairperson, the person's appointment as a director ends.

53BH Selection panel for nomination of directors and chairperson

- (1) For sections 53BF and 53BG, the selection panel consists of the following members—
- (a) the chief executive of the department responsible for administering this Act;
 - (b) either—
 - (i) the Commonwealth infrastructure secretary; or
 - (ii) another Secretary of a Commonwealth department nominated in writing by the Commonwealth infrastructure secretary;
 - (c) the chief executive officer of the Brisbane City Council;
 - (d) the chief executive officer of the Sunshine Coast Regional Council;
 - (e) the chief executive officer of the Gold Coast City Council;
 - (f) the chief executive officer of the corporation;
 - (g) the chief executive officer of the Australian Olympic Committee;
 - (h) the chief executive officer of Paralympics Australia;
 - (i) the chief executive officer of the Council of Mayors (SEQ) Pty Ltd.
- (2) The selection panel must, on request, give the Minister the following lists—
- (a) a list stating up to 7 persons who are the panel's preference for nomination for appointment as directors, including a person preferred for nomination for appointment as the chairperson (the *preferred chairperson*);

- (b) a list stating persons suitable for appointment as director if a person mentioned in paragraph (a) is not able to be appointed, or continue in office, as a director;
 - (c) from the list mentioned in paragraph (b)—a list stating persons suitable for appointment as chairperson if the preferred chairperson is not able to be appointed, or continue in office, as the chairperson.
- (3) The Minister must give each member of the selection panel a written notice stating the reasonable day by which the panel must give the Minister a list mentioned in subsection (2).
 - (4) A person must be chosen for inclusion in a list by a majority of votes of the members of the selection panel.
 - (5) The chief executive of the department responsible for administering this Act has a casting vote for the purposes of subsection (4).
 - (6) In this section—

Commonwealth infrastructure secretary means the Secretary of the Commonwealth department responsible for administering matters relating to infrastructure.

53BI Role of president of board of corporation

- (1) The president of the board of the corporation is responsible for helping the board of the authority perform its functions.
- (2) For subsection (1), the president may attend the board's meetings and participate in the board's deliberations but may not vote at the meetings.
- (3) Subsection (4) applies if—
 - (a) the president has a direct or indirect interest in a matter being considered, or about to be considered, at a board meeting; and
 - (b) the interest could conflict with the performance of the president's functions under subsection (1).

-
- (4) As soon as practicable after the relevant facts come to the president's knowledge, the president must disclose the nature of the interest at the board meeting.
 - (5) The president is not entitled to be paid any additional remuneration or allowances for performing a function under this section.

53BJ Conditions of appointment

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

53BK Term of appointment

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

53BL Vacancy in office

A director's office becomes vacant if the director—

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

- (f) no longer meets the requirements under section 53BF(3).

53BM Disqualification

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

Division 3 Criminal history

53BN Criminal history report

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

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

53BO Changes in criminal history must be disclosed

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

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

53BP Confidentiality of criminal history information

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

Maximum penalty—100 penalty units.

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

criminal history information means information contained in—

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

disclose includes give access to.

Division 4 Board meetings

Subdivision 1 General provisions

53BQ Conduct of business

Subject to this division, the board may—

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

53BR Time and place of meetings

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

53BS Presiding at board meetings

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

53BT Quorum

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

53BU Voting

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

53BV Minutes

The board must keep—

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

Subdivision 2 Disclosure of interests

53BW Application of subdivision

This subdivision applies if—

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

53BX Requirement to disclose interest

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

53BY Director not to participate in decision-making

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

53BZ Register of interests

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

53CA Effect of contravention of subdivision

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

by the board in which the director took part in contravention of this subdivision.

Division 5 Committees and commissions

53CB Establishment of committees

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

53CC Commissions

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

Part 6 Staff of authority

Division 1 Chief executive officer

53CD Appointment

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

53CE 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.

53CF Conditions of appointment

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

Division 2 Other staff

53CG Authority staff

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

53CH Alternative staffing arrangements

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

53CI Preservation of rights

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

Chapter 4 Miscellaneous

54 Meaning of *games entities*

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

54A Funding agreements

- (1) Each games entity must enter into an agreement with the Minister (each a *funding agreement*).

Note—

See also section 64.

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

55 Ministerial directions

- (1) The Minister may give a games entity a written direction about the performance of its functions or the exercise of its powers if the Minister is satisfied it is reasonably necessary to give the direction.
- (2) Without limiting subsection (1), the Minister may give the games entity a direction under that subsection—
 - (a) to give the Minister information held or controlled by the games entity; or
 - (b) to submit a document to the Minister for the Minister's approval; or
 - (c) to give the Minister a report about a matter relevant to the games entity's functions.

[s 56]

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

56 Duty to act honestly

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

Maximum penalty—100 penalty units.

57 Use or disclosure of confidential information

- (1) This section applies to a person who—
 - (a) is, or has been, any of the following persons—
 - (i) a director of a games entity;
 - (ii) the chief executive officer of a games entity;

-
- (iii) a member of a commission established under section 47(1) or 53CC(1);
 - (iv) 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 a games entity in the performance of a function under this Act;
 - (b) conduct of a party in entering into or performing an agreement mentioned in paragraph (a).
- (2) In this section—
agreement includes a contract, arrangement or understanding.

60 Delegations

- (1) A games entity may delegate its functions under this Act to—
 - (a) the chief executive officer of the entity; or
 - (b) a committee of the entity's board; or

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

61 Protection from liability

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

Note—

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

(4) In this section—

official means—

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

62 Regulation-making power

The Governor in Council may make regulations under this Act.

Chapter 5 Transitional provisions

63 Interim chief executive officer

- (1) The Minister may, after consulting the games delivery partners, appoint a person as an interim chief executive officer of the authority.
- (2) The period of the appointment is the period stated in the instrument of appointment but must not be longer than 12 months after the date the appointment takes effect.
- (3) However, the appointment ends sooner if—
 - (a) a chief executive officer is appointed by the board of the authority under section 53CD; or
 - (b) the appointment is ended by the Minister; or
 - (c) the interim chief executive officer resigns by written notice given to the Minister.

- (4) The interim chief executive officer has the power to do anything necessary or convenient to be done to ensure—
 - (a) the authority can perform its functions properly and efficiently, including, for example, its function mentioned in section 53AD(1)(a); and
 - (b) the authority can operate from day to day.
- (5) The board of the authority may delegate a function it has under this Act to the interim chief executive officer.
- (6) The interim chief executive officer is—
 - (a) an employee of the authority; and
 - (b) appointed under this Act and not the *Public Sector Act 2022*.
- (7) The interim chief executive officer holds office on the terms and conditions, not provided for by this Act, decided by the Minister.
- (8) This section applies despite chapter 3, part 6, division 1.

64 Requirement for authority to enter into funding agreement

The authority must enter into a funding agreement under section 54A within 6 months after the commencement.

Schedule 1 Dictionary

section 5

acquisition land, for chapter 3, part 4, see section 53AP.

Australian Olympic Committee means Australian Olympic Committee Incorporated.

authority see section 53AA.

board—

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

board meeting means—

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

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

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

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

chief executive officer—

- (a) of the corporation, means the chief executive officer of the corporation holding office under section 48; or
- (b) of the authority, means the chief executive officer of the authority holding office under section 53CD.

committee—

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

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

corporation see section 6.

development, for chapter 3, part 4, see section 53AP.

director—

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

elected office holder means—

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

games delivery partners means the following—

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

games entity, for chapter 4, see section 54.

government agency—

- (a) means—

Schedule 1

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

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 of the corporation 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.

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

transport and mobility strategy see section 53AI.

venue see section 5A(1).

village see section 5A(2).