

Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

Amendments during consideration in detail to be moved by
The Honourable the Deputy Premier, Minister for State Development,
Infrastructure and Planning and Minister for Industrial Relations

1 Clause 4 (Amendment of s 99 (Cost-recovery fees))

Page 11, line 5, ‘section 106ZM(2)’—

omit, insert—

section 106ZM(1)

2 Clause 5 (Amendment of s 100 (Register of cost-recovery fees))

Page 11, line 17, ‘section 106ZM(2)’—

omit, insert—

section 106ZM(1)

3 Clause 7 (Amendment of s 97 (Cost-recovery fees))

Page 12, line 5, ‘section 106ZM(2)’—

omit, insert—

section 106ZM(1)

4 Clause 8 (Amendment of s 98 (Register of cost-recovery fees))

Page 12, line 17, ‘section 106ZM(2)’—

omit, insert—

section 106ZM(1)

5 Clause 21 (Insertion of new ch 3, pt 6B)

Page 31, after line 18—

insert—

- (5A) A regulation may prescribe matters for this section, including processes and procedures for the mediation.

6 Clause 21 (Insertion of new ch 3, pt 6B)

Page 39, line 19 to page 40, line 7—

omit, insert—

- (1) A local government may charge an entity a fee in relation to each of the following—
- (a) carrying out an activity, in relation to the preparation of a social impact assessment report by the entity, in accordance with a guideline made by the chief executive under section 106W(2);

Examples of activities for paragraph (a)—

- consulting with the entity about the process for assessing the social impact of development and the terms of reference for the assessment
 - consulting with the entity, community members and other stakeholders as part of the process for assessing the social impact of development
 - reviewing a draft social impact assessment report prepared by the entity and consulting with the entity about the social impacts and mitigation measures identified in the draft report
- (b) considering a social impact assessment report given to the local government by the entity for the purpose of negotiating a community benefit agreement;
- (c) negotiating a community benefit agreement with the entity, including participating in a mediation process in relation to the agreement.

Note—

See also the *City of Brisbane Act 2010*, section 99 and the *Local Government Act 2009*, section 97.

- (2) If an entity is charged a fee under subsection (1), the fee is payable whether or not the entity prepares a social impact assessment report or enters into a community benefit agreement with the local government.

7 After clause 48

Page 54, after line 8—

insert—

48A Amendment of s 21 (Conditions of appointment)

Section 21(3)—

omit.

8 After clause 49

Page 55, after line 3—

insert—

49A Amendment of s 43 (No duty to disclose particular information acquired in particular capacities)

Section 43(1)(a)(i), after ‘holder’—

insert—

or public servant

9 Clause 56 (Replacement of ch 3, pt 3 (Games governance and planning documents))

Page 58, line 27, ‘This section’—

omit, insert—

Subsection (3)

10 Clause 56 (Replacement of ch 3, pt 3 (Games governance and planning documents))

Page 58, line 33 and page 59, line 1, from ‘public’ to ‘department’—

omit, insert—

person

11 Clause 59 (Replacement of s 53BJ (Conditions of appointment))

Page 60, lines 6 to 10—

omit.

12 Clause 61 (Insertion of new ch 3, pt 5, div 4, sdiv 3)

Page 60, line 22, after ‘holder’—

insert—

or public servant

13 Clause 65 (Amendment of s 53CL (Particular entities to give information, documents or assistance to authority))

Page 63, lines 12 to 16—

omit, insert—

(1) Section 53CL(1)(e)—

omit, insert—

(e) a distributor-retailer;

(f) any other government entity within the meaning of section 53EB.

14 Clause 66 (Insertion of new ch 3A)

Page 68, line 33 to page 69, line 6—

omit, insert—

(3) Also, a civil proceeding arising out of the development, use or activity may not be started to the extent the relief sought would have the direct effect of prohibiting, restricting or limiting the carrying out of the development, use or activity.

(3A) Subsection (3) does not limit, and is not limited by, section 53EG.

15 Clause 66 (Insertion of new ch 3A)

Page 77, line 18, ‘administered.’—

omit, insert—

administered; and

16 Clause 66 (Insertion of new ch 3A)

Page 77, after line 18—

insert—

(c) in 1 or more newspapers circulating generally in the project area and in which notices affecting Aboriginal persons and Torres Strait Islander persons are regularly published.

Example of a newspaper for paragraph (c)—

the Koori Mail

17 Clause 66 (Insertion of new ch 3A)

Page 83, after line 19—

insert—

(3A) Also, the proponent must give a copy of the notice mentioned in subsection (3) to—

(a) the chief executive of the department; and

(b) the chief executive (cultural heritage).

18 Clause 66 (Insertion of new ch 3A)

Page 88, line 10, before ‘bear’—

insert—

unless the direction states otherwise,

19 Clause 66 (Insertion of new ch 3A)

Page 88, after line 13—

insert—

(8A) If the infrastructure entity is a government owned corporation or a prescribed authority—

(a) a direction may be given to the entity under subsection (4) only by the Minister acting jointly with the entity’s relevant Ministers; and

(b) before the direction is given, the Minister and the relevant Ministers must consult with the entity’s board about the proposed direction.

(8B) For subsection (8A), subsections (4) and (5) apply as if a reference in the subsections to the Minister were a reference to the Minister acting jointly with the entity’s relevant Ministers.

20 Clause 66 (Insertion of new ch 3A)

Page 88, lines 14 and 15—

omit, insert—

(9) If a direction is given under this section to an infrastructure entity that is a government owned corporation—

21 Clause 66 (Insertion of new ch 3A)

Page 88, lines 27 to 29—

omit, insert—

government entity means—

- (a) a government entity within the meaning of the *Public Sector Act 2022*, section 276; or
- (b) a government owned corporation.

22 **Clause 66 (Insertion of new ch 3A)**

Page 88, after line 29—

insert—

prescribed authority means—

- (a) the Queensland Bulk Water Supply Authority; or
- (b) the Queensland Rail Transit Authority.

Queensland Bulk Water Supply Authority means the Queensland Bulk Water Supply Authority established under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

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

23 **Clause 66 (Insertion of new ch 3A)**

Page 88, after line 30—

insert—

relevant Ministers, in relation to a government owned corporation or prescribed authority, means—

- (a) for a government owned corporation—the shareholding Ministers of the entity under the *Government Owned Corporations Act 1993*, section 78; or

- (b) for the Queensland Bulk Water Supply Authority—the responsible Ministers under the *South East Queensland Water (Restructuring) Act 2007*; or
- (c) for the Queensland Rail Transit Authority—the responsible Ministers under the *Queensland Rail Transit Authority Act 2013*.

24 Clause 67 (Amendment, relocation and renumbering of s 54A (Funding agreements))

Page 94, after line 5—

insert—

- (1A) Section 54A(1), ‘each’—
omit.

25 After clause 68

Page 95, after line 16—

insert—

68A Amendment of s 57 (Use or disclosure of confidential information)

- (1) Section 57(1)(a)—
insert—
 - (iia) the chief executive of the department;
- (2) Section 57(1)(a)(iia) and (iv)—
renumber as section 57(1)(a)(iv) and (v).

26 Clause 71 (Amendment and renumbering of sch 1 (Dictionary))

Page 99, after line 12—

insert—

public servant means—

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

27 Clause 72 (Insertion of new schs 1–5)

Page 105, table before line 1, first entry, columns 2 and 3,
‘arena with seating for up to 18,000 people’—

omit, insert—

indoor entertainment and sport venue with seating
for 12,000 to 15,000 people

28 Clause 73 (Amendment of s 17 (Composition))

Page 131, line 2, ‘president’—

omit, insert—

presidents

29 Clause 73 (Amendment of s 17 (Composition))

Page 131, after line 5—

insert—

Note—

See also section 26 in relation to the vice presidents of
the board.

30 Clause 73 (Amendment of s 17 (Composition))

Page 132, lines 5 and 6—

omit, insert—

- (j) either—
 - (i) if a person holds office as an honorary
life president of the Australian

Olympic Committee—the honorary
life president; or

- (ii) otherwise—the chief executive officer
of the Australian Olympic Committee;

31 Clause 78 (Replacement of s 26 (Vice presidents))

Page 136, lines 10 to 14—

omit, insert—

26 Vice presidents

- (1) The nominated directors holding office under section 17(1)(b) and (c) are the vice presidents of the board.
- (2) Each vice president's role is decided by the president.

32 Clause 80 (Amendment of s 33 (Presiding))

Page 137, lines 2 to 10—

omit, insert—

- (1) Section 33(2), 'appointed under section 26(2)'—
omit.

- (2) Section 33(3)(a), 'appointed under section 26(2)(b)'—

omit, insert—

who is the nominated director holding office
under section 17(1)(b)

- (3) Section 33(3)(b), 'appointed under section 26(2)'—

omit.

- (4) Section 33(4)—

omit.

33 Clause 81 (Amendment of s 34 (Quorum))

Page 137, lines 11 to 14—

omit.

34 Clause 82 (Amendment of s 35 (Voting))

Page 137, lines 15 to 18—

omit.

35 Clause 85 (Amendment of sch 6 (Dictionary))

Page 138, after line 14—

insert—

(1) Schedule 6—

insert—

vice president means a vice president of the board of the corporation holding office under section 26(1).

36 Clause 85 (Amendment of sch 6 (Dictionary))

Page 138, line 15, before ‘Schedule’—

insert—

(2)

37 After clause 85

Page 138, after line 17—

insert—

Chapter 4A Regional planning amendments

85A Act amended

This chapter amends the *Planning Act 2016*.

85B Amendment of s 10 (Making or amending State planning instruments)

- (1) Section 10(3)(c), ‘60 business days’—

omit, insert—

30 business days

- (2) Section 10(3)(d), ‘30 business days’—

omit, insert—

20 business days

38 After clause 85

Page 138, after line 17—

insert—

Chapter 4B Development control plan amendments

85C Act amended

This chapter amends the *Planning Act 2016*.

85D Amendment of s 275ZB (Restrictions on starting development in structure plan area)

Section 275ZB(5)(b)—

insert—

- (iv) the development relates to
infrastructure under a designation.

85E Amendment of s 316 (Development control plans)

Section 316, note—

omit, insert—

Note—

See also part 9, division 2 and part 11, division 1.

85F Insertion of new ch 8, pt 11

Chapter 8—

insert—

Part 11

**Transitional and
validation
provisions for
Planning (Social
Impact and
Community Benefit)
and Other
Legislation
Amendment Act
2025**

Division 1

**Provisions relating to
development control
plans**

366 Definition for division

In this division—

development control plan see section 358.

367 Validation of particular development and uses

- (1) This section applies if—
 - (a) before the commencement, development in relation to infrastructure under a designation was carried out on premises; and
 - (b) when the development was carried out, a development control plan applied to the premises.
- (2) It is declared that the carrying out of the development, and any use of the premises that is a natural and ordinary consequence of the development, is taken to be, and to have always been, as valid and lawful as it would be or would have been if—
 - (a) a process in the development control plan for making and approving plans, however called, with which development must comply had been complied with in relation to the development; and
 - (b) the development had complied with the plans in the way stated in the development control plan.
- (3) Subsection (2) applies despite—
 - (a) section 316(2); and
 - (b) the old Act, section 857(5); and
 - (c) the repealed *Integrated Planning Act 1997*, section 6.1.45A(2); and
 - (d) the development control plan.
- (4) Subsection (5) applies if the development was carried out under a development approval on premises in—

- (a) a community residential designation or an open space designation; or
 - (b) a town centre designation; or
 - (c) a conservation designation or a regional transport corridor designation.
- (5) Despite section 275ZB, it is declared that the carrying out of the development, and any use of the premises that is a natural and ordinary consequence of the development, is taken to be, and to have always been, as valid and lawful as it would be or would have been had the development complied with—
- (a) for development on premises in a community residential designation or an open space designation—section 275ZB(1); or
 - (b) for development on premises in a town centre designation—section 275ZB(2); or
 - (c) for development on premises in a conservation designation or a regional transport corridor designation—section 275ZB(3).
- (6) In this section—

community residential designation see section 275T.

conservation designation see section 275T.

designation includes a designation of land for community infrastructure under the old Act or the repealed *Integrated Planning Act 1997*.

open space designation see section 275T.

regional transport corridor designation see section 275T.

town centre designation see section 275T.

368 Development in development control plan areas

- (1) This section applies if—
 - (a) on or after the commencement, development in relation to infrastructure under a designation is carried out on premises; and
 - (b) a development control plan applies to the premises.
- (2) Despite section 316(2), the old Act, section 857(5) and the development control plan—
 - (a) a process in the development control plan for making and approving plans, however called, with which development must comply does not apply in relation to the development; and
 - (b) the development is not required to comply with the plans in the way stated in the development control plan.

39 After clause 85

Page 138, after line 17—

insert—

Chapter 4C Infrastructure charging amendments

40 After clause 85

Page 138, after line 17—

insert—

Part 1 Amendment of Planning Act 2016

85G Act amended

This part amends the *Planning Act 2016*.

85H Amendment of s 113 (Adopting charges by resolution)

- (1) Section 113(3), after ‘be for’—
insert—
trunk infrastructure that relates to
- (2) Section 113(3)(a), ‘use’—
omit, insert—
a use
- (3) Section 113(3)—
insert—
(e) development prescribed by regulation.

85I Replacement of s 120 (Limitation of levied charge)

Section 120—
omit, insert—

120 Levied charge

- (1) A levied charge under an infrastructure charges notice for a development approval may be for extra demand placed on trunk infrastructure that will be generated by the development the subject of the approval (the *approved development*).
- (2) In working out extra demand, the demand on trunk infrastructure generated by a

prescribed development or use may also be included if—

- (a) an infrastructure requirement given or imposed in relation to the prescribed development or use has not been complied with; or
- (b) the prescribed development or use has not been carried out on the premises and either of the following apply—
 - (i) the approved development is for or relates to the prescribed development or use and the demand on trunk infrastructure generated by the prescribed development or use has not been included in working out extra demand for another infrastructure requirement;

Example of approved development that is for or relates to a prescribed development or use—

The approved development is building work for a multiple dwelling. A material change of use of the premises for the multiple dwelling is accepted development. The building work is for the material change of use, and the use of the premises for the multiple dwelling.

- (ii) an infrastructure requirement applying to the premises on which the prescribed development or use will be carried out was given or imposed on the basis of development or a use of a lower scale or intensity being carried out on the premises.

(3) In this section—

infrastructure requirement means an

infrastructure charges notice, or a condition of a development approval, that requires infrastructure or a payment in relation to demand on infrastructure.

prescribed development or use, in relation to the development approval mentioned in subsection (1), means—

- (a) development that may be carried out on the premises without a development permit; or

Example of development that may be carried out without a development permit—

accepted development

- (b) development that is the subject of another development approval for the premises; or
- (c) an existing use of the premises that is lawful and is already being carried out on the premises; or
- (d) a previous use of the premises that is no longer being carried out on the premises if the use was lawful when it was carried out; or
- (e) another use of the premises that—
 - (i) is a natural and ordinary consequence of the approved development or of development mentioned in paragraph (a) or (b); or
 - (ii) is or is taken to be a lawful use of the premises under this Act or another Act.

85J Amendment of s 307 (Infrastructure conditions—change or extension approval)

(1) Section 307(2), ‘section 120(3)(a) and (b)’—

omit, insert—

section 120(2)(a) and (b)(ii)

(2) Section 307(4), ‘sections 99BRCJ(3) and (3A)’—

omit, insert—

section 99BRCJ(2)(b) and (3)(a) and (b)(ii)
of that Act

85K Insertion of new ch 8, pt 11, div 2

Chapter 8, part 11, as inserted by this Act—

insert—

Division 2

Provisions relating to infrastructure charges notices

369 Definitions for division

In this division—

given includes purportedly given.

infrastructure charges notice includes an
infrastructure charges notice under the old
Act.

levied charge includes a levied charge under
the old Act.

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

370 Infrastructure charges notices—former s 120

(1) This section applies in relation to an
infrastructure charges notice given for a
development approval before the
commencement if—

- (a) former section 120 applied in relation to the levied charge under the notice; and
 - (b) the levied charge did not comply with former section 120 when the notice was given.
- (2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120 been in force when the notice was given.
- (3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120 been in force when the notice was given.
- (4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—
 - (a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but
 - (b) new section 120 applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the development approval.
- (5) In this section—
former section 120 means section 120 as in force from time to time before the commencement.

371 Infrastructure charges notices—old Act, s 636 as in force from 7 November 2014

- (1) This section applies in relation to an infrastructure charges notice given for a development approval before the commencement if—
 - (a) the old Act, section 636 as in force from 7 November 2014 (the *relevant provision*) applied in relation to the levied charge under the notice; and
 - (b) the levied charge did not comply with the relevant provision when the notice was given.
- (2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120 been in force when the notice was given.
- (3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120 been in force when the notice was given.
- (4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—
 - (a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but
 - (b) new section 120 applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the development approval.
- (5) For subsections (2) to (4), new section 120

applies as if a reference in the section to a term that is defined under this Act and the old Act includes a reference to the term as defined under the old Act.

372 Infrastructure charges notices—old Act, s 636 as in force between 4 July 2014 and 6 November 2014

- (1) This section applies in relation to an infrastructure charges notice given for a development approval before the commencement if—
 - (a) the old Act, section 636 as in force between 4 July 2014 and 6 November 2014 (the *relevant provision*) applied in relation to the levied charge under the notice; and
 - (b) the levied charge did not comply with the relevant provision when the notice was given.
- (2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120, other than new section 120(2)(b)(ii), been in force when the notice was given.
- (3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 120, other than new section 120(2)(b)(ii), been in force when the notice was given.
- (4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—

- (a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but
 - (b) new section 120 applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the development approval.
- (5) For subsections (2) to (4), new section 120 applies as if a reference in the section to a term that is defined under this Act and the old Act includes a reference to the term as defined under the old Act.

41 After clause 85

Page 138, after line 17—

insert—

Part 2	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009
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85L Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

85M Amendment of s 99BRCF (Power to adopt charges by board decision)

- (1) Section 99BRCF(2)(c), after ‘be for’—

insert—

trunk infrastructure that relates to

- (2) Section 99BRCF(2)(c)(i), from ‘trunk infrastructure’ to ‘use’—

omit, insert—

work or a use

- (3) Section 99BRCF(2)(c)(ii), (iii) and (iv), ‘trunk infrastructure related to’—

omit.

- (4) Section 99BRCF(2)(c)—

insert—

(v) public housing; or

(vi) development prescribed by regulation.

- (5) Section 99BRCF(4)—

insert—

public housing—

(a) means housing—

(i) provided by, or for, the State or a statutory body representing the State; and

(ii) for short or long term residential use; and

(iii) that is totally or partly subsidised by the State or a statutory body representing the State; and

(b) includes services provided mainly for residents of the housing.

85N Replacement of s 99BRCJ (Limitation of levied charge)

Section 99BRCJ—

omit, insert—

99BRCJ Levied charge

- (1) A levied charge under an infrastructure charges notice for a water approval for premises may be for additional demand placed on trunk infrastructure that will be generated by the connection the subject of the approval (the *approved connection*).
- (2) In working out additional demand, any existing demand for a water service or wastewater service may be included if—
 - (a) the existing demand is not the subject of another water approval for the premises; or
 - (b) the existing demand is the subject of another water approval for the premises and an infrastructure requirement given or imposed in relation to the other water approval has not been complied with.
- (3) Also, the demand on trunk infrastructure generated by a prescribed development or use may be included if—
 - (a) an infrastructure requirement given or imposed in relation to the prescribed development or use has not been complied with; or
 - (b) the prescribed development or use has not been carried out on the premises and either of the following apply—
 - (i) the approved connection is for or relates to the prescribed development or use and the demand on trunk infrastructure generated by the prescribed development or use has not been included in working out additional

demand for another infrastructure requirement;

Example of an approved connection that is for or relates to a prescribed development or use—

The approved connection is for a multiple dwelling. A material change of use of the premises for the multiple dwelling is accepted development under the Planning Act. The approved connection is for the material change of use, and the use of the premises for the multiple dwelling.

- (ii) an infrastructure requirement applying to the premises on which the prescribed development or use will be carried out was given or imposed on the basis of development or a use of a lower scale or intensity being carried out on the premises.

(4) In this section—

charges notice means—

- (a) an infrastructure charges notice under this Act or the Planning Act; or
- (b) a notice mentioned in the repealed SPA, section 977(1).

development see the Planning Act, schedule 2.

infrastructure requirement means a charges notice, a water approval condition or a condition of a development approval if the notice or condition requires infrastructure or a payment in relation to demand on infrastructure.

prescribed development or use, in relation to the water approval mentioned in subsection (1), means—

- (a) development that may be carried out on the premises to which the water approval relates without a development permit under the Planning Act; or

Example of development that may be carried out without a development permit under the Planning Act—

accepted development under the Planning Act

- (b) development that is the subject of a development approval for the premises; or
- (c) an existing use of the premises that is lawful and is already being carried out on the premises; or
- (d) a previous use of the premises that is no longer being carried out on the premises if the use was lawful when it was carried out; or
- (e) another use of the premises that—
 - (i) is a natural and ordinary consequence of development mentioned in paragraph (a) or (b); or
 - (ii) is or is taken to be a lawful use of the premises under the Planning Act or another Act.

850 Insertion of new ch 6, pt 16

Chapter 6—

insert—

Part 16 Validation provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025

159 Definitions for part

In this part—

given includes purportedly given.

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

160 Infrastructure charges notices—s 99BRCJ as in force from 5 December 2014

- (1) This section applies in relation to an infrastructure charges notice given for a water approval before the commencement if—
 - (a) section 99BRCJ as in force from 5 December 2014 until the commencement of this section (the *relevant provision*) applied in relation to the levied charge under the notice; and
 - (b) the levied charge did not comply with the relevant provision when the notice was given.
- (2) It is declared that the infrastructure charges

notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ been in force when the notice was given.

- (3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ been in force when the notice was given.
- (4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—
 - (a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but
 - (b) new section 99BRCJ applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the water approval.
- (5) For subsections (2) to (4), new section 99BRCJ applies as if—
 - (a) a reference in the section to the Planning Act includes a reference to the repealed SPA; and
 - (b) a reference in the section to a term that is defined under the Planning Act and the repealed SPA includes a reference to the term as defined under the repealed SPA.

161 Infrastructure charges notices—s 99BRCJ as in force before 5 December 2014

- (1) This section applies in relation to an

infrastructure charges notice given for a water approval before the commencement if—

- (a) section 99BRCJ as in force before 5 December 2014 (the ***relevant provision***) applied in relation to the levied charge under the notice; and
 - (b) the levied charge did not comply with the relevant provision when the notice was given.
- (2) It is declared that the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ, other than new section 99BRCJ(3)(b)(ii), been in force when the notice was given.
- (3) Anything done, or omitted to be done, in relation to the infrastructure charges notice is taken to be, and to have always been, as valid and lawful as it would be or would have been had new section 99BRCJ, other than new section 99BRCJ(3)(b)(ii), been in force when the notice was given.
- (4) However, if the infrastructure charges notice has, before the commencement, been found by a court or tribunal to be invalid or has been set aside by a court or tribunal—
- (a) the decision of the court or tribunal, and any orders, declarations or directions made by the court or tribunal in relation to the decision, stand; but
 - (b) new section 99BRCJ applies in relation to the giving, after the commencement, of a new infrastructure charges notice for the water approval.
- (5) For subsections (2) to (4), new section 99BRCJ applies as if—

- (a) a reference in the section to the Planning Act includes a reference to the repealed SPA; and
- (b) a reference in the section to a term that is defined under the Planning Act and the repealed SPA includes a reference to the term as defined under the repealed SPA.

42 After clause 85

Page 138, after line 17—

insert—

**Chapter 4D Queensland home
warranty scheme
eligibility
amendments**

85P Act amended

This chapter amends the *Queensland Building and Construction Commission Act 1991*.

85Q Amendment of s 67WA (Definitions for pt 5)

Section 67WA—

insert—

contract, for the carrying out of residential work, see section 67WBA.

85R Insertion of new s 67WBA

After section 67WB—

insert—

67WBA References to *contract* for carrying out of residential construction work

A reference in this part to a *contract* that is a contract for the carrying out of residential construction work includes a reference to an arrangement that but for the operation of schedule 1B, section 13(5) or 14(10) would have effect as a contract for the carrying out of residential construction work.

Example of an arrangement for this section—

an arrangement between a licensed contractor and a person, reached through an exchange of emails, under which the contractor will carry out residential construction work for the person

85S Insertion of new sch 1, pt 19

Schedule 1—

insert—

Part 19	Declaratory and validation provisions for Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025
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89 Definitions for part

In this part—

affirmative decision, in relation to residential construction work, see section 91

of this schedule.

binding declaration—

- (a) means a declaration made by the tribunal under the QCAT Act, section 60(1); and
- (b) includes an order made by the tribunal under the QCAT Act, section 60(2) to give effect to the declaration.

consumer—

- (a) has the meaning given under section 67WA of the Act; and
- (b) includes the following persons—
 - (i) a defrauded person under section 68H(1)(c) of the Act;
 - (ii) a person declared to be, or to have been, a consumer under section 93 of this schedule.

essential requirements, for a contract for the carrying out of residential construction work, see section 90 of this schedule.

non-compliant arrangement see section 92(1) of this schedule.

rectification decision, in relation to residential construction work, means a decision about the scope of works to be undertaken under the statutory insurance scheme to rectify or complete the work.

review decision means a decision made by the tribunal under the QCAT Act, section 24(1)(a) or (b).

termination decision, in relation to residential construction work carried out under a non-compliant arrangement, means a decision—

- (a) that the arrangement was terminated in circumstances that, had the arrangement been a contract, would have constituted a valid termination of the contract; and
- (b) that had the consequence of allowing a claim for non-completion of the work under the statutory insurance scheme.

90 Meaning of *essential requirements* for a contract for residential construction work

The *essential requirements* for a contract for the carrying out of residential construction work are that the contract must be in writing and dated and signed by or for each party to the contract.

91 Meaning of *affirmative decision* in relation to residential construction work

Each of the following decisions of the commission is an *affirmative decision* in relation to residential construction work—

- (a) a rectification decision relating to the work;
- (b) a termination decision relating to the work;
- (c) a decision to allow a claim for the work under the statutory insurance scheme;
- (d) a decision to pay an amount for a claim for the work under the statutory insurance scheme;
- (e) a decision under section 71 of the Act to recover an amount for the work.

92 Effect of non-compliant arrangement

- (1) This section applies in relation to an arrangement, entered into before the commencement, for the carrying out of residential construction work (a ***non-compliant arrangement***) that—
 - (a) did not comply with the essential requirements for a contract for the carrying out of the work; but
 - (b) would have had effect as a contract for the carrying out of the work if the arrangement had complied with the essential requirements for a contract for the carrying out of the work.
- (2) This section applies whether or not the non-compliant arrangement remains in effect on the commencement.
- (3) Despite schedule 1B, sections 13(5) and 14(10), the non-compliant arrangement is taken to be, and always to have been, a contract for the carrying out of the residential construction work under part 5 of the Act.

93 Declaration about consumer for residential construction work under non-compliant arrangement

- (1) This section applies to a person who, but for schedule 1B, section 13(5) or 14(10), would be, or would have been, a consumer for residential construction work that is, or was, the subject of a non-compliant arrangement.
- (2) It is declared that the person is, or was, a consumer for the residential construction work as if the non-compliant arrangement were, and had always been, a contract for the carrying out of the work under part 5 of the Act.

94 Validation of particular decisions of commission

- (1) This section applies if, before the commencement, the commission made an affirmative decision in relation to residential construction work that was the subject of a non-compliant arrangement.
- (2) However, this section does not apply in relation to a rectification decision or termination decision relating to the residential construction work if, before the commencement, the tribunal made a review decision or binding declaration affecting the rectification decision or termination decision.
- (3) The affirmative decision is taken to be, and to always have been, as valid as it would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.
- (4) Any action, or purported action, taken in reliance on the affirmative decision is taken to be as lawful and valid as it would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.

95 Validation of particular actions of commission

- (1) This section applies if, before the commencement—
 - (a) the commission did any of the following things (each a *supportive action*) in relation to residential construction work—

- (i) accepted an insurance premium for the work;
 - (ii) issued a notice of cover for the work;
 - (iii) recovered or attempted to recover the amount of an unpaid insurance premium under section 68H(4) of the Act for cover under the statutory insurance scheme for the work;
 - (iv) recovered or attempted to recover, under section 71 of the Act, an amount paid by the commission for a claim for cover under the statutory insurance scheme for the work;
 - (v) sought or accepted a tender for building work to rectify or complete the work;
 - (vi) authorised the carrying out of building work to rectify or complete the work;
 - (vii) paid a claim for the work under the statutory insurance scheme; and
- (b) the work was the subject of a non-compliant arrangement.
- (2) However, this section does not apply if the supportive action related to a rectification decision or termination decision mentioned in section 94(2) of this schedule.
- (3) The supportive action is taken to be, and to always have been, as valid as the action would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.

96 Review of particular decisions of commission

- (1) This section applies if, before the commencement—
 - (a) a person entered into an arrangement for the carrying out of residential construction work; and
 - (b) the commission made either of the following decisions (each a ***rejection decision***), whether in the first instance or as an internal review decision, in relation to the work—
 - (i) a decision to disallow a claim for the work under the statutory insurance scheme wholly or in part (a ***disallowance decision***);
 - (ii) a decision to the effect that the arrangement could not be validly terminated under the statutory insurance scheme (a ***non-termination decision***); and
 - (c) the rejection decision was made wholly or partly because the commission considered the arrangement did not comply with the essential requirements for a contract for the carrying out of the work.
- (2) However, this section does not apply in relation to a disallowance decision if, before the commencement, the tribunal made a review decision or binding declaration affecting the disallowance decision.
- (3) A consumer for the residential construction work affected by the rejection decision may, within 6 months after the commencement, apply to the commission for review of the decision.

- (4) For an application for review of the rejection decision under subsection (3), each of the following decisions is taken to be a reviewable decision under part 7, division 3, subdivision 1 of the Act—
 - (a) a disallowance decision made as an internal review decision;
 - (b) a non-termination decision.
- (5) Section 86C(1) of the Act applies in relation to an application for review of the rejection decision under subsection (3) as if the application were an internal review application made under section 86B of the Act.
- (6) Subject to subsections (3) to (5), part 7, division 3, subdivision 1 of the Act, other than sections 86A and 86B(b), applies in relation to an application for review under subsection (3).

97 Preservation of effect of particular tribunal decisions

- (1) This section applies if, before the commencement—
 - (a) a person entered into a non-compliant arrangement for the carrying out of residential construction work; and
 - (b) the tribunal made any of the following decisions, declarations or orders (each an ***affirmative tribunal decision***)—
 - (i) a review decision or binding declaration that—
 - (A) was consistent with a rectification decision relating to the work; or

- (B) confirmed a termination decision relating to the work;
 - (ii) an order under section 93(2) of the Act for the payment of an amount under section 71 of the Act relating to the work;
 - (iii) another decision, declaration or order made on the basis that the non-compliant arrangement was a contract for the carrying out of the work.
- (2) The rights, interests and liabilities of all persons affected by the affirmative tribunal decision or related action for the decision are the same, and are taken to have always been the same, as they would be or would have been if the non-compliant arrangement had been a contract for the carrying out of the residential construction work under part 5 of the Act.
- (3) In this section—
related action, for an affirmative tribunal decision, means action, or purported action, taken in reliance on the decision.

98 Reopening of particular proceedings of tribunal

- (1) This section applies if, before the commencement—
 - (a) a person entered into an arrangement for the carrying out of residential construction work; and
 - (b) the tribunal made either of the following decisions—
 - (i) a decision to disallow a claim for the work under the statutory

- insurance scheme wholly or in part;
 - (ii) a decision to the effect that the arrangement could not be validly terminated under the statutory insurance scheme; and
 - (c) the decision was made wholly or partly because the tribunal considered the arrangement did not comply with the essential requirements for a contract for the carrying out of the work.
- (2) A consumer for the residential construction work affected by the decision may, within 6 months after the commencement, apply to the tribunal, under the QCAT Act, section 138, to reopen the proceeding for which the decision was made (the ***reopening application***).
- (3) The QCAT Act, section 138(2) does not apply to the reopening application.
- (4) Despite the QCAT Act, section 139(4), the tribunal may grant the reopening application if the tribunal considers—
- (a) subsection (1)(c) applies to the decision; and
 - (b) the decision may not have been made if the arrangement had complied with the essential requirements for a contract for the carrying out of the residential construction work.
- (5) The QCAT Act, section 140, applies in relation to hearing and deciding the issues in the reopened proceeding as if the tribunal had decided the proceeding should be reopened under section 139 of that Act.
- (6) Subject to subsections (2) to (5), the QCAT Act, chapter 2, part 7, division 7 applies in

relation to reopening the proceeding and hearing and deciding the issues in the proceeding.

99 No compensation payable

- (1) No compensation is payable by the State or the commission to any person for or in connection with the enactment or operation of a relevant amendment or anything done to carry out or give effect to a relevant amendment.
- (2) This section applies despite any other Act or law.
- (3) In this section—

relevant amendment means an amendment of the Act by the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025*, chapter 4D.

85T Amendment of sch 1B, s 1 (Definitions for sch 1B)

Schedule 1B, section 1, definition *written form*—
omit.

85U Amendment of sch 1B, s 13 (Requirements for contract—level 1 regulated contract)

Schedule 1B, section 13(2), ‘in a written form,’—
omit, insert—
in writing and

85V Amendment of sch 1B, s 14 (Requirements for contract—level 2 regulated contract)

Schedule 1B, section 14(2), ‘in a written form,’—

omit, insert—

in writing and

85W Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *contract* and *written form—*

omit.

- (2) Schedule 2—

insert—

contract—

- (a) for the carrying out of residential construction work, for part 5, see section 67WBA; or

- (b) for part 7, means a contract for carrying out tribunal work.

43 Schedule 1 (Other amendments)

Page 139, after line 14—

insert—

Environmental Offsets Act 2014

- 1 Schedule 2, definition *administering agency*, paragraph (a)(i)(B), ‘the Planning Act, schedule 2, definition *enforcement authority*, paragraph (a)(iii)’—**

omit, insert—

section 160A(2) of that Act

2 Schedule 2, definition *administering agency*, paragraph (a)(ii)(A), ‘schedule 2 of that Act, definition *enforcement authority*, paragraph (b)’—

omit, insert—

section 160A(2) of that Act

44 Long title

Long title, after ‘the *Planning and Environment Court Act 2016*’—

insert—

, the *Queensland Building and Construction Commission Act 1991*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*

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