

Major Sports Facilities and Other Legislation Amendment Bill 2025

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games, make this statement of compatibility with respect to amendments to be moved during consideration in detail of the Major Sports Facilities and other Legislation Amendment Bill 2025 (Bill).

In my opinion, the amendments to be moved during consideration in detail are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

The amendments proposed to the Bill during consideration in detail propose amendments to the:

- *Brisbane Olympic and Paralympic Games Arrangements Act 2021* (BOPGA Act).

The purposes of the BOPGA Act are to facilitate the timely delivery of authority venues, other venues and villages and maximise the legacy benefits from the 2032 Olympic and Paralympic Games (Games). The amendments to the BOPGA Act to be moved during consideration in detail of the Bill will:

- include the Gabba Arena as an ‘other venue’ in schedule 2 of the BOPGA Act and the Brisbane Athletes Village (BAV) as a Games village in schedule 3 BOPGA Act;
- include additional infrastructure in schedule 4 of the BOPGA Act as Games related transport infrastructure;
- allow an authority or other venue and BAV games land to be used for legacy purposes before the Games;
- convert the tenure of Victoria Park (and other surrounding land) to freehold land vested in the Games Independent Infrastructure and Coordination Authority (GIICA); and
- make consequential amendments, including amendments to the dictionary.

Human Rights Issues

GIICA functions

Section 53AD(1)(c) of the BOPGA Act presently provides that GIICA's main functions include monitoring the delivery of other venues. The amendments to be moved during consideration in detail will insert a new part 1A in the Bill that includes a provision amending section 53AD(1)(c) of the BOPGA Act. The effect of the proposed amendment is that GIICA is responsible for monitoring the delivery of an 'other venue' only when directed to do so by the Minister administering chapter 3 of the BOPGA Act. The notice is to be by way of a written notice to the Chief Executive Officer of GIICA.

I am of the opinion that this amendment to be moved during consideration in detail is unlikely to limit any human rights set out in the HR Act. Any consequential limits to human rights will be justified by the importance of ensuring publicly funded resources are used in the most effective and efficient way.

Use of development for legacy use before games-related use

The new part 1A to be included in the Bill also includes a provision amending section 53DC of the BOPGA Act, to allow authority and other venues to be used for their legacy use before the start of venue's games-related use.

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

These amendments to be moved during consideration in detail may impose some limits on freedom of movement (HR Act, section 19) and the right to privacy (HR Act, section 25(a)). Where a venue is used for a legacy use prior to the Games (such as an entertainment or sporting event), there may be some amenity impacts to the people residing or working in neighbouring properties from light or sound and potential disruption to the free movement of pedestrian and vehicular traffic.

The right to privacy in section 25(a) of the HR Act provides that every person in Queensland has the right not to have the person's privacy and home unlawfully or arbitrarily interfered with. Here, any impacts on a person's privacy and home will be effected by the legislative amendments and will therefore be lawful. An interference with privacy and home which is proportional under section 13 of the HR Act will not be arbitrary (in the sense of being capricious, unpredictable, unjust, or unreasonable or not proportionate to the aim sought). Proportionality will be considered below with regards to section 13 of the HR Act.

The right to freedom expression and association (HR Act, sections 21 and 22) is promoted through the hosting of sporting or entertainment events that allow people to gather together.

If human rights may be subject to limitation if the Bill with these amendments is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

To the extent these amendments to be moved during consideration in detail limit the relevant human rights, I am satisfied the limitation is reasonable and demonstrably justifiable for the following reasons.

(a) Nature of the right – for each of the relevant rights, the nature and underlying values are as follows.

- Freedom of movement (HR Act, section 19) – The purpose of the right is to protect the individual's right to liberty of movement and their right to live where they wish.
- Right to privacy (HR Act, section 25) – The right to privacy protects personal information and extends to protect an individual's private life more generally, including protection from interference with a person's physical and mental integrity.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The amendments to be moved during consideration in detail will assist the State in obtaining value for money by ensuring that significant public infrastructure is used as soon as possible for the benefit of the community.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments to be moved during consideration in detail will ensure that venues can be used for their legacy use prior to the Games.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The amendments to be moved during consideration in detail will remove any doubt as to whether venues can be used for legacy use prior to the Games. No less restrictive or reasonably available alternatives have been identified.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The amendments to be moved during consideration in detail will impose some limits on human rights, in particular the rights of freedom of movement and privacy. Large scale events can cause amenity and transport issues, but I am of the opinion that these can be managed by appropriate management plans. Further, there are significant economic and community benefits in utilising Games infrastructure for its legacy purpose in advance of the Games. On balance, I am satisfied that the importance of utilising Games venue infrastructure for legacy uses in advance of Games outweighs any relatively minor limits on human rights.

As the interference privacy is proportionate and not arbitrary, the right to privacy is not limited by this amendment. The limits on the other human rights are reasonable and demonstrably justified. Accordingly, I consider the amendment to be moved during consideration in detail is compatible with human rights.

Tenure arrangements for Victoria Park and related land

A further amendment in the new part 1A of the Bill is the proposed insertion in the BOPGA Act of a new part 2A in chapter 3A. On the commencement, division 2 of part 2A of the BOPGA Act, new sections 53DFB, 53DFC, 53DFD will vest stage 1, 2 or 3 land as described in schedule 4A, part 1, 2 or 3 (schedule 4A land) in GIICA as an estate in fee simple, subject to any preserved interests for the land and any preserved reservations for the land.

New section 53DFE requires the chief executive to lodge, before 1 June 2026, a plan of survey for the land identified ‘as part of Gilchrist Avenue’ on the plan shown in schedule 4A, part 4. No fee is payable for the lodgement and the plan of survey does not need to comply with any Act or law other than 53DFE. On lodgement of a plan or survey that complies with section 53DFE, the lot is created as a lot under the *Land Title Act 1994* and can be vested under the new division. I am of the opinion that section 53DFE itself is unlikely to limit any human rights set out in the HR Act and that any consequential limits to human rights are justified by the importance of ensuring the timely vesting of the land in GIICA.

New section 53DFF provides that on the vesting of schedule 4A land, any interest in the land that existed immediately before the vesting (other than a preserved interest or a preserved reservation, is cancelled), as is any tenure document evidencing an interest. As soon as practicable after the vesting of land, the registrar of titles must record relevant particulars of the vesting the land (subject to the preserved interests and preserved reservations) and the cancellation of an interest or tenure document in the appropriate register and the freehold land register.

New section 53DFG(1) provides that no compensation is payable under the BOPGA Act for the cancellation of interest in land under new section 53DFF. However, new section 53DFG(2) confirms that new section 53DFG(1) does not affect any compensation rights under another Act or law for the cancellation of an interest under new section 53DFF.

The new part 1A of the Bill inserts a new schedule 4A into the BOPGA Act, which identifies the land that will vest in GIICA and any preserved interests or preserved reservation. This includes Victoria Park and surrounding land, where the Brisbane Stadium and National Aquatic Centre will be developed as ‘authority venues’ for the Games.

The amendments will provide GIICA, the statutory body responsible for delivering the ‘authority venues’ for the Games, with access rights to commence work on the Brisbane Stadium and National Aquatic Centre at Victoria Park to ensure the timely delivery for the Games.

The land required for both venues includes certain parts of land for Victoria Park. Victoria Park is held largely as a Deed of Grant in Trust (DOGIT) under the *Land Act 1994* by the Brisbane City Council (BCC). The effect of the amendments will to remove all registered interests (including trustee leases) granted by BCC under the DOGIT to third parties and convert the land from trust land to freehold tenure held by GIICA.

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The amendments to be moved during consideration in detail facilitating the land tenure arrangements may limit the following rights:

- equality before the law and effective protection against discrimination (HR Act, section 15);
- freedom of movement (HR Act, section 19);
- freedom of association (HR Act, section 21);
- property rights (HR Act, section 24(2));
- privacy (HR Act, section 25(a)); and
- cultural rights of Aboriginal and Torres Strait Islander Peoples (HR Act, section 28).

Equality before the law and effective protection against discrimination (HR Act, section 15)

Under this right everyone has the right to equal enjoyment of human rights and equal and effective protection against discrimination. The amendments for consideration in detail will apply to extinguish only certain registered interests in the land.

Freedom of movement (HR Act, section 19)

This right may be limited as during construction of the Brisbane Stadium and National Aquatic Centre community access to Victoria Park (and surrounds) will be restricted. Additionally, when the Brisbane Stadium and National Aquatic Centre become operational - including during the Games.

Freedom of assembly and association (HR Act, section 21)

This right will be limited by the amendments because the extinguishment of the registered interests to enable construction.

Property rights (HR Act, section 24(2)) and right to privacy HR Act, (section 25 (a))

Section 24(2) of the HR Act provides that a person must not be arbitrarily deprived of the person's property. The term 'deprived' is not defined by the HR Act. However, deprivation in this sense is considered to include the substantial reduction of a person's use or enjoyment of their property, to the extent that it substantially deprives a property owner of the ability to use their property or part of that property (including enjoying exclusive possession of it, disposing of it, transferring it, or deriving profits from it). Property includes real and personal property (for example, chattels and money), including contractual rights, leases, shares, and patents.

The right not to be deprived of property, including interests in property, will be limited by the amendments through the extinguishment the registered interests granted by the BCC under the DOGIT for Victoria Park. An affected interest holder will lose the ability to use the land and derive income from the land. However, any compensation entitlements the affected interest

holder has under another Act for the cancellation of an interest in land under section 53DFC of the BOPGA Act remain.

The right to privacy in section 25(a) of the HR Act provides that every person in Queensland has the right not to have the person's privacy and home unlawfully or arbitrarily interfered with. The right to privacy encompasses aspects of the right to work. Here, any impacts on a person's privacy and home will be affected by the legislative amendments so will be lawful.

If the land that is to be vested in GIICA has been used to operate a business, the rights of staff employed by the business may be limited if their ongoing employment ceases because of the amendments. In addition, the construction of Brisbane Stadium and the National Aquatic Centre is likely to generate noise, dust, and traffic disruptions, affecting people living, working and studying in the area and potentially interfering with their enjoyment of their home and property.

A deprivation of property or interference with privacy and home which is proportional under section 13 of the HR Act will not be arbitrary (in the sense of being capricious, unpredictable, unjust, or unreasonable or not proportionate to the aim sought). Proportionality will be considered below with regards to section 13 of the HR Act.

Cultural rights of Aboriginal of Torres Strait Islander Peoples (HR Act, section 28)

The construction of the Brisbane Stadium and National Aquatic Centre in Victoria Park may impact on the cultural rights of Aboriginal peoples with traditional connection to the area. Separate arrangements are being made to ensure that Aboriginal parties and Torres Strait Islander parties for relevant areas will be involved in the management and protection of cultural heritage.

If human rights may be subject to limitation if the Bill with these amendments is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

To the extent the amendments to be moved during consideration in detail limit the human rights, I am satisfied the limitation is reasonable and demonstrably justifiable for the following reasons.

(a) Nature of the right – for each of the relevant rights, the nature and underlying values are as follows.

- Recognition and equality – Recognises that everyone has the right to enjoy their human rights equally and is entitled to the equal protection of the law without discrimination. It is about human dignity.
- Freedom of movement – The purpose of the right is to protect the individual's right to liberty of movement and their right to live where they wish.

- Freedom of association (HR Act, section 22) – The right protects the ability of a person to maintain personal connections with others and to associate with others whenever and for whatever reason they wish.
- Property rights (HR Act, section 24(2)) – The right to property protects the right to own property and not to be arbitrarily deprived of property.
- Right to privacy (HR Act, section 25) – The right to privacy protects personal information and extends to protect an individual's private life more generally, including protection from interference with a person's physical and mental integrity, as well as the existence, autonomy, security and wellbeing of every individual in their own private sphere.
- Cultural rights of Aboriginal and Torres Strait Islander peoples (HR Act, section 28) – these rights preserve the ability of people of a particular background to enjoy their culture in community with others and their ability to maintain their distinctive spiritual, material and economic relationship with land with which they have a connection under Aboriginal tradition or Island custom. Section 28 recognises that harm to kinship ties and connection to country may lead to a loss of knowledge, a loss of identity with one's own kin and country, and loss of emotional, physical and social support.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The amendments to be moved during consideration will ensure that the Brisbane Stadium and the National Aquatic Centre can be delivered in a timely way ensuring the State is ready to host the games and perform its obligations under the relevant Games agreements for authority venues. This is a proper purpose.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Granting parts of Victoria Park in freehold to GIICA will achieve the purpose of facilitating the construction of the Brisbane Stadium and the National Aquatic Centre.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available ways to achieve the purpose of the amendments. Granting the freehold interests to GIICA directly and removing other registered interests is the only option that has been identified that will provide the necessary access rights to ensure the Brisbane Stadium and National Aquatic Centre can be constructed within the required timeframes.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

On one side of the scales, the amendments have the potential to impose limits on human rights, in particular the right not to be deprived of property and the right to privacy. This is primarily because the land tenure arrangements will have the effect of depriving some persons of their interests in the land that is to be converted to freehold. However, the amendments preserve any right of compensation a person may have under another Act for the cancellation of their interest in the land.

Further, the construction of the Brisbane Stadium and the National Aquatic Centre may cause amenity issues, such as increased light and noise, during the construction stage and use of the venues, however, it is intended that these issues will be addressed through appropriate management plans. Impacts on freedom of movement and assembly caused by the construction of the venues will also be temporary and will be appropriately mitigated.

Separate arrangements are being made to ensure that Aboriginal parties and Torres Strait Islander parties for relevant areas will be involved in the management and protection of cultural heritage.

On the other side of the scales, the amendments contribute to the significant public purpose of the State meeting its obligations to deliver Games venues. Further, the development of the Brisbane Stadium and the National Aquatic Centre at Victoria Park will ensure the State has legacy infrastructure capable of hosting premium events, including live music and sports. In my opinion, the importance of delivering the Brisbane Stadium and the National Aquatic Centre, and the State meeting its Games commitments, outweighs the impacts on people's human rights though the reduction of park space and construction of the Brisbane Stadium and the National Aquatic Centre.

As the interference with privacy is proportionate and not arbitrary, the rights to privacy are not limited by this amendment. The limits on the other human rights are justified. Accordingly, I consider the amendment to be moved during consideration in detail are compatible with human rights.

Inclusion of prescribed Games venues, villages and games-related transport infrastructure

These amendments for consideration in detail in the proposed new part 1A to the Bill amend schedule 2 of the BOPGA Act to include, as an 'other venue', the Gabba Arena indoor entertainment and sport venue, on the arena games land within sub-precinct 1a of the Woolloongabba Priority Development Area.

The amendments for consideration in detail will also replace:

- schedule 3 of the BOPGA Act with a new schedule that identifies 'BAV games land' and includes the BAV as a games village; and
- schedule 4 of the BOPGA Act with a new schedule that identified games-related transport infrastructure, including The Wave (stages 1, 2 and 3), Mooloolah River interchange upgrade (stages 1 and 2), Coomera Connector (Stage 2), Cairns Western Arterial Road upgrade and Shute Harbour recreational boating facility.

The effect of including the Gabba Arena, BAV (as a games village) and the games-related transport infrastructure (in schedules 2, 3 and 4 of the Act respectively) is that they will be developed in accordance with the expedited pathway for the delivery of villages, other venues and games-related transport infrastructure facilitated by chapter 3A of the BOPGA Act. This means that the Acts listed in section 53DD of the BOPGA will not apply to the development and construction of the Gabba Arena, BAV and games-related transport infrastructure. As a result, the impact on human rights is the same as that created by the insertion of chapter 3A into the BOPGA Act. Those impacts were identified in the statement of compatibility to the *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025*.

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The amendments to be moved during consideration in detail may limit the following rights:

- recognition and equality (HR Act, section 15);
- freedom of movement (HR Act, section 19);
- freedom of expression (HR Act, section 21);
- freedom of association (HR Act, section 22);
- the right to take part in public life (HR Act, section 23);
- property rights (HR Act, section 24);
- the right to privacy (HR Act, section 25);
- cultural rights of Aboriginal and Torres Strait Islander peoples (HR Act, section 28); and
- the right to fair hearing (HR Act, section 31).

Right to recognition and equality before the law (HR Act, section 15)

Under this right everyone has the right to equal enjoyment of human rights and equal and effective protection against discrimination. The construction of the Gabba Arena, BAV and the games-related transport infrastructure may result in temporary access issues for people with a disability. The development may also have impact on First Nations people who have a connection to the sites.

Freedom of movement and association (HR Act, sections 19 and 21)

The right to freedom of movement protects the right to move freely within Queensland, as well as the right to enter and leave the State and the right to choose where to live. Freedom of association protects the ability to associate with whomever one wishes. The development of the Gabba Arena, BAV and the games-related transport infrastructure may reduce the amount of open space available for use by the public to move about and assemble during construction. The construction of these venues may also impede the free flow of traffic.

Freedom of expression and the right to take part in public life (HR Act, sections 21 and 23)

The effect of including the Gabba Arena, BAV and the games-related transport infrastructure in schedules 2, 3 and 4 of the BOPGA Act respectively is that public consultation in relation to their development (such as that might otherwise apply under the *Planning Act 2016*) will not be required. The planning process for these significant public infrastructure items, and the opportunity for the public to formally express their views on the Games infrastructure, was made available through the extensive public consultation conducted during the 100-day review, during which 5,862 submissions were received. Further formal review rights about the development, and construction of the Gabba Arena, BAV and the games-related transport may be impacted.

Right to property and non-interference with privacy, family and home (HR Act, sections 24(2) and 25(a))

The right to property includes protection from the arbitrary deprivation of property. Deprivation in this sense is the substantial restriction on a person's use or enjoyment of their property, to the extent that it substantially deprives a property owner of the ability to use their property or part of that property (including enjoying exclusive possession of it, disposing of it, transferring it, or deriving profits from it).

Section 25(a) protects against unlawful or arbitrary interferences with a person's privacy, family, home or correspondence. Privacy captures personal information but extends to a person's private life more generally, including their mental and physical integrity.

The development and use of the development of the Gabba Arena, BAV and the games-related transport infrastructure may limit the rights to property and privacy because it may impact upon the amenity of nearby residences and will deprive people of appeal rights in relation to the impact the development may have on their property.

However, the right to privacy will only be limited if the interference with privacy is unlawful or arbitrary. The interference with privacy will be authorised by the Act and will therefore be lawful. The right to property will also only be limited if the deprivation is arbitrary.

'Arbitrary' means capricious, unpredictable, unjust, or unreasonable in the sense of not being proportionate to the legitimate aim sought. If an interference is proportionate under section 13 of the HR Act, it will not be arbitrary. Accordingly, whether the interference with property or privacy is arbitrary will be addressed below when considering the factors in section 13.

Cultural rights of Aboriginal peoples and Torres Strait Islander peoples (HR Act, section 28)

The development of the Gabba Arena, BAV and the games-related transport infrastructure may interfere with the ability of Aboriginal peoples and Torres Strait Islander peoples to maintain their cultural rights, including their traditional connection to the land, by limiting their access and their ability to conserve the environment. Separate arrangements are being made to ensure

that Aboriginal parties and Torres Strait Islander parties for relevant areas will be involved in the management and protection of cultural heritage.

Right to a fair hearing (HR Act, section 31)

The right to a fair hearing entitles a party to a civil proceeding to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This includes a right to access the courts. This right may be limited as a result of the inclusion of the Gabba Arena, BAV and the games-related transport infrastructure in the BOPGA Act, because people will not be able to challenge decisions taken under the Act in relation to the delivery of the infrastructure, other than for jurisdictional error.

If human rights may be subject to limitation if the Bill with these amendments is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 Human Rights Act 2019)

To the extent the amendments to be moved during consideration in detail limit the human rights, I am satisfied the limitation is reasonable and demonstrably justifiable for the following reasons.

(a) Nature of the right - for each of the relevant rights, the nature and underlying values are as follows.

- Recognition and equality (HR Act, section 15) – Recognises that everyone has the right to enjoy their human rights equally and is entitled to the equal protection of the law without discrimination. It is about human dignity.
- Freedom of movement (HR Act, section 19) – The purpose of the right is to protect the individual's right to liberty of movement and their right to live where they wish. It is directed to restrictions on movements which fall short of physical detention.
- Freedom of expression (HR Act, section 21) – The right protects the ability of a person to hold an opinion and express themselves freely.
- Freedom of association (HR Act, section 22) – The right protects the ability of a person to maintain personal connections with others and to associate with others whenever and for whatever reason they wish.
- The right to take part in public life (HR Act, section 23) – This right is concerned with providing an opportunity for people to participate in public affairs.
- Property rights (HR Act, section 24) – The right to property protects the right to own property and not to be arbitrarily deprived of property.
- Right to privacy (HR Act, section 25) – The right to privacy protects personal information and extends to protect an individual's private life more generally, including protection from interference with a person's physical and mental integrity, as well as the existence, autonomy, security and wellbeing of every individual in their own private sphere.

- Cultural rights of Aboriginal and Torres Strait Islander peoples (HR Act, section 28) – These rights preserve the ability of people of a particular background to enjoy their culture in community with others and their ability to maintain kinship ties. They recognise that harm to kinship ties may lead to a loss of knowledge, a loss of identity with one's own kin and country, and loss of emotional, physical and social support.
- Right to fair hearing (HR Act, section 31) – This right protects the rights of parties in criminal or civil proceedings to a fair hearing by a competent court or tribunal and includes the right of access to the courts.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The amendments will help the State meet its obligations under the relevant games agreements to ensure the delivery of suitable games venues, villages and infrastructure in a timely and efficient manner. There is a significant public interest in the State meeting its obligations under the relevant games agreements and selecting villages, venues and games-related transport infrastructure that will maximise the legacy benefits of the Games.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments will help to ensure the State can meet its obligations under the relevant games agreements in a timely and efficient manner.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The villages, venues and games-related transport infrastructure proposed to be included in schedules 2, 3 and 4 to the BOPGA Act have been identified as the most appropriate venues to ensure the State achieves its obligations under the relevant games agreements and to provide ongoing legacy benefits to the State. For example, the BAV has been selected as appropriate to accommodate the large volume of athletes and team officials for the Olympic and Paralympic Games and will transform beyond the Games into permanent dwellings to help meet the demand for housing in Queensland.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The amendments will impose limits on human rights, in particular the rights to property, privacy, freedom of expression and fair hearing, by removing public consultation and review rights with respect to the development of the proposed village, venue and games-related transport infrastructure. They may also impact on the cultural rights of Aboriginal and Torres Strait Islander peoples.

On the other side of the scales, there is a significant public interest in ensuring the State has sufficient facilities to host the Games and meet its obligations under the relevant games agreements by ensuring the timely delivery of this infrastructure. Arrangements are being made to ensure that Aboriginal parties and Torres Strait Islander parties for relevant areas will be involved in the management and protection of cultural heritage. On balance, I am satisfied that the burden on human rights imposed by the amendment is outweighed by the importance of the purpose of the limitation, that is, ensuring the suitable and efficient delivery of villages and games-related transport infrastructure.

As any impacts on the rights to privacy and property are proportionate, and thus are not arbitrary, those rights are not limited. The limits on the remaining human rights identified above are reasonable and justified.

Conclusion

In my opinion, the amendments to the BOPGA Act to be moved during consideration in detail are compatible with human rights under the HR Act because they limit human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.

Tim Mander MP

Minister for Sport and Racing
and Minister for the Olympic and Paralympic Games

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Amendments to be moved during consideration in detail by the Honourable Tim Mander MP, Minister for Sport and Racing, and Olympic and Paralympic Games

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games, make this statement of compatibility with respect to the amendments to be moved during consideration in detail of the Major Sports Facilities and Other Legislation Amendment Bill 2025 (the Bill).

In my opinion, the amendments to be moved during consideration in detail of the Bill are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

The amendments proposed to the Bill during consideration in detail propose amendments to the:

- *Major Events Act 2014*; and
- *Racing Act 2002*.

The *Major Events Act 2014* (ME Act) amendment to be moved during consideration in detail does not alter the human rights compatibility of the ME Act amendments contained in the Bill as the amendment is purely technical and is limited to changing the commencement of those amendments to be on a date set by proclamation, rather than on assent of the Bill.

The amendments proposed to the *Racing Act 2002* (the Racing Act) to be moved during consideration of the Bill arise from the Government's response to the *Queensland Racing Review Recommendation Report* (the Recommendation Report).

On 1 March 2025, I announced the Queensland Racing Review 2025 (Review) by releasing *On Track: Ensuring a sustainable and vibrant future for Queensland's racing sector* to help facilitate consultation on the Review.

The Recommendation Report is an independent report in response to the Review and makes recommendations to reform the racing industry across six strategic focus areas; legislative and governance; financial sustainability; integrity; infrastructure; country racing; and animal welfare.

On 6 December 2025, the Queensland Government released its response to the Recommendation Report, *The Next Lap: A plan for the future of Queensland racing*. Of the 110 recommendations contained in the Recommendation Report, the Queensland Government has accepted 79 recommendations, 26 recommendations in-principle and not accepted five recommendations.

Recommendation 3 of the Recommendation Report recommends that the Racing Queensland Board (the Board) be reformed. This recommendation was accepted by Government, noting the Board would be reformed to ensure broader representation across the industry.

The *Racing Act 2002* establishes the Board as the statutory control body for the thoroughbred, harness and greyhound codes of racing in Queensland. The purpose of the Board is to manage, operate, develop and promote codes of racing in Queensland, ensuring public confidence in the racing industry.

In addition to Recommendation 3, the Racing Act amendments will implement the following recommendations to reform the Board:

- Recommendation 4 – Appointment of a Rural Advocate to the Board
- Recommendation 77 – Harness Board Member
- Recommendation 88 – Greyhound Board Member.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human rights relevant to the amendments to the Racing Act to be moved during consideration in detail of the Bill are:

- the right to property (section 24)

Section 24(2) provides that a person must not be arbitrarily deprived of their property. Property is a broad concept and may include the remuneration and other payments that board members have a legitimate expectation of receiving. Under the Amendments, board members will not be entitled to any compensation with respect to their termination from office.

Whether the property is deprived arbitrarily will depend on whether the entitlements are removed in a way that is capricious, unjust or unreasonable in the sense of being disproportionate to a legitimate aim sought. If an interference is proportionate under s 13 of the HR Act, it will not be arbitrary. Accordingly, whether any deprivation of property is arbitrary will be addressed below when considering the factors in s 13.

If human rights may be subject to limitation if the Bill with these amendments is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

Subject to whether the interference is arbitrary, the Racing Act amendments may limit the right to property under section 24.

(a) the nature of the right

The right to property under section 24 of the HR Act protects the dignity of having the essentials of life and is necessary for the fulfillment of other rights.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of commencing the Racing Act amendments with a new Board is to ensure that the Board is comprised of persons who meet the updated skills and experience criteria as required by the Racing Act amendments. The updated skills and experience criteria have been included to ensure the Board's decision making is both efficient and effective.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The Racing Act amendments will achieve the purpose by ensuring that the new composition of the Board is aligned with the skills and experience required to be the control body in relation to each of the Board codes of racing and manage its code of racing efficiently and effectively. There is a direct and rational relationship between the potential limitation on the right to property arising from the amendments and the identified purpose of ensuring the appointed Board meets the updated skills and experience criteria for appointment under these amendments.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The Racing Act amendments are considered the least restrictive, reasonable available way to achieve the identified purpose.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Changing the composition of the Board, removing up to seven board members from office, may have substantial impacts on the affected Board members' incomes and subsequently property.

The Racing Act amendments, however, provide for expanded skills and experience criteria for appointment to the Board and consequently more efficient and effective decision making. Under the Racing Act amendments, former Board members are not prohibited from reapplying and legislative conditions of appointment have been included to ensure that the "time served" by former Board members is disregarded when calculating maximum service terms.

Therefore, because any interference with property is proportionate, it would not be arbitrary. That means the right to property in section 24 of the HR Act would be engaged but not limited.

Accordingly, the changes to the composition of the Board are compatible with human rights.

Conclusion

In my opinion, the amendments to be moved during consideration in detail of the Major Sports Facilities and Other Legislation Amendment Bill 2025 are compatible with human rights under the HR Act because they potentially limit human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.

Tim Mander
Minister for Sport and Racing
Minister for Olympic and Paralympic Games

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