



# ***ECONOMICS AND GOVERNANCE COMMITTEE***

**Members present:**

Mr LP Power MP—Chair  
Mr MJ Crandon MP  
Mrs MF McMahon MP  
Mr DG Purdie MP  
Mr RA Stevens MP  
Mr A Tantari MP

**Staff present:**

Ms L Manderson—Committee Secretary  
Ms R Mills—Assistant Committee Secretary

## **PUBLIC HEARING—INQUIRY INTO THE BRISBANE OLYMPIC AND PARALYMPIC GAMES ARRANGEMENTS BILL 2021**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 15 NOVEMBER 2021**

**Brisbane**

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### **The committee met at 11.31 am.**

**CHAIR:** I declare this public hearing open. I would like to respectfully acknowledge the Jagera speaking peoples of the land on which we meet today and pay our respects to elders past and present. We are extraordinarily fortunate to be in a country with two of the oldest continuing cultures in those of the Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share. My name is Linus Power. I am the member for Logan and chair of the committee. With me here are the other members of the committee: Ray Stevens MP, the member for Mermaid Beach and deputy chair; Michael Crandon MP, the member for Coomera; Melissa McMahon MP, the member for Macalister; Daniel Purdie MP, the member for Ninderry; and Adrian Tantari MP, the member for Hervey Bay.

The purpose of today's hearing is to assist the committee with its examination of the Brisbane Olympic and Paralympic Games Arrangements Bill 2021. The bill is relatively narrow in scope and does not address all of the issues involved in the Olympic and Paralympic Games, but instead the formation of the committees involved in them.

The hearing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. It is both being recorded and broadcast live on the parliament's website. Provided you are not utilising your mobile phone for video conference connection, I ask all participants to please switch your mobile phones to silent and also please place microphones on mute unless you are speaking. This prevents audio interference and background noise. To assist our Hansard reporters who are transcribing today's proceedings, and also for the benefit of those watching the live broadcast, I ask participants to please identify yourself by name when speaking, particularly when speaking for the first time or when speaking other than in direct response to a question. The committee members will also be endeavouring to ensure they clearly identify themselves when asking questions to minimise any confusion for yourselves and for members of the public watching the broadcast as well as assisting Hansard in their transcription of proceedings.

**ADDLEY, Ms Amanda, Private capacity**

**ANGUS, Professor Dan, Committee Member, East Brisbane State School P&C**

**KEYS, Mr Mitchell, Media Assistant, Friends of Raymond Park**

**MIDDLETON, Ms Nicola, Committee Member, East Brisbane State School P&C**

**OCCHIPINTI, Ms Melissa, Friends of Raymond Park**

**PHILLIPS, Ms Nicole, Committee Member, East Brisbane State School P&C**

**CHAIR:** I now welcome our first panel of witnesses. Thank you for joining us today. We would like to provide you with an opportunity to make some opening comments after which committee members will have some questions for you. If we could start with you, Ms Addley.

**Ms Addley:** I am a Woolloongabba resident. Good morning, everyone. I would like to highlight, on behalf of the Woolloongabba community, the importance that there should be extensive community consultation in the lead up to the games. The community is already very angry about the lack of consultation prior to a bid being made when it will severely affect the community, the current proposals for the Goprint site and the proposal to demolish rather than modify the Gabba stadium, which will only result in approximately 8,000 increased capacity but is potentially estimated to cost \$1 billion, while Suncorp and QEII stadiums have already a greater capacity. I note there is no provision in the bill outlining recuperation of taxpayers' dollars for the games expenditure. The games will go for a matter of weeks and then it will be private sporting clubs whose profit margins will benefit. Will the state's games deficit be recouped from these private companies?

Then there is also the community's ongoing disappointment with the continued lack of regard we have been shown with our requests for more green space. The community has grave concerns that going forward there will be a further non and limited consultative policy. The time frame between Brisbane

the introduction of this bill by the Premier—27 October 2021—with the submission, hearing and final report all to occur within one month gives credence to this concern. With this in mind and based on past decisions and actions by the state government, for example, the inappropriate approval for a ministerial infrastructure designation to be granted to the Pikos group to build a private hospital involving 24-hour operation demonstrating a flagrant disregard to health and safety considerations, i.e. emergency vehicles trying to navigate an already heavily congested area, further impacts on air quality, that there is already an existing hospital across the road, including a private facility and two other hospitals within five kilometres while other suburbs are desperate for increased healthcare services, along with a multitude of other impracticalities. This highlights the need for consultation, accountability and transparency for future Woolloongabba projects.

Considering these aspects, as well as the general points in my submission, the clauses of the bill I feel need redrafting in summary are; removal of all exemptions from the provisions of the Crime and Corruption Act, the Right to Information Act and an addition of a requirement for any director with a conflict of interest being disqualified from the board. After reading the transcript of the inquiry into the bill and notably the Commonwealth government's specific request to exempt their members from being subject to the Crime and Corruption Act I, and I am sure the general public, would agree, given our existing legislative protections, that there would be no need for any exemptions. I am more than happy to expand on these particular clause changes later in the hearing if you wish. Thank you, everyone.

**CHAIR:** Thank you. Ms Occhipinti?

**Ms Occhipinti:** Firstly, thank you for the opportunity to come and raise the voices of the people of the Friends of Raymond Park. To give you a bit of background, the group was established by the local community only just a few weeks ago when we heard the plans for the park. We want to make it really clear that we have no affiliation with any political party. We are a group of local residents who are extremely concerned with the lack of consultation and transparency that has been afforded to the community so far. The first we knew our local park, our back yards, the most important green space for Kangaroo Point and the surrounding community, was to be the temporary athletics warm-up track was via the media. We have two specific concerns regarding the bill. One, the intended removal of the right to information rules, including the lack of transparency to the community in regard to planning of the games and investment decisions. Secondly, the lack of local community representation on the board.

Let us talk about the Right to Information Act first. The bill explicitly excludes key communications between the AOC and the IOC and the Brisbane 2032 Olympic Committee, i.e. the corporation, from Queensland's right to information rules. Our understanding is that the Right to Information Act already protects confidential or commercial-in-confidence information, so why does the government feel the need to exclude all other information from being accessed. The visuals on this are really poor.

The community, especially those who will be materially impacted by the decisions made by the corporation, not only have the right to be informed, but it is imperative that there is complete transparency here. On the topic of transparency, or the lack thereof thus far, we have already experienced this to date. In the last three weeks we have done more community consultation than we have seen conducted by government during the planning, lead up to the submission and announcement of Queensland winning the rights to host the Olympics. This is, quite frankly, deplorable. Specifically, we have received communications from both state and local governments assuring local residents that there will be no resumption of houses on Raymond Park, yet from our research there is no space for a full-size Olympic athletics warm-up track and the required ancillary services such as change rooms and grandstands to be built without the destruction of our park, without the resumption of houses, the destruction of infrastructure, 50- to 100-year-old fig and palm trees and the green space that currently exists in the park, and as an aside, it is 49 per cent of Kangaroo Point's green space. Removal of this green space would put us under the BCC's planning rules of 0.8 hectares green space per thousand residents. Something is not adding up here and we, as the community, need transparency.

In addition, we are wanting the corporation to make sensible decisions regarding spend on infrastructure as the state will be the ones picking up the bill. To date we do not feel that the investment into building a temporary athletics warm-up track on vital green space in Raymond Park is a sensible investment decision. We have already amassed over 1,350 signatures for a petition to stop the warm-up track being built at Raymond Park and to relocate the build to the Coorparoo Secondary College/Giffin Park precinct instead. This is just a few minutes away and is a location where the infrastructure can be used beyond the games and is welcomed by the local community. The location

allows for school students to immerse themselves into the Olympic experience where the community will benefit long after the games. Destroying vital green space in an area which is subject to ever increasing densification in order to spend millions of dollars to build a temporary athletics track just to rip it up afterwards instead of investing funds to build it where it will have a positive outcome for the community long after the games just does not make sense.

Removing the ability to request any information surrounding the planning of the Olympics and the pending investment decisions gives the impression that government has something to hide and leaves the residents and members of the Friends of Raymond Park anxious and distressed. What is the government trying to hide? We urge the immediate removal of clauses 65 and 66 from the bill and thereby assure the community of complete transparency.

Secondly, we strongly believe that the bill should be amended to ensure the 2032 Olympic organising committee includes the appointment of a trusted member from the community, specifically locals who have no affiliation to any political party. The residents need a voice here. In addition, the bill allows for the corporation to set up subcommittees and we recommend that a community engagement committee that will work with our community representatives needs to be a priority and must be one of the first actions of the committee.

To summarise, we request the immediate removal of clauses 65 and 66 from the bill, allowing for transparency. The residents of Queensland deserve open consultation, transparency and the corporation must be held to account for decisions on its economic, social and environmental impacts on the community.

**Ms Middleton:** Thank you for inviting us to speak today. I am a representative from the East Brisbane State School Parents and Citizens' Association and I am also the coordinator of the P&C Olympics Impact Group. For those of you who do not know, East Brisbane State School is a heritage listed primary school that sits beside and underneath the Gabba stadium. The school has approximately 280 students and is a hub for our diverse local community. Last year a master plan was designed to expand the school to 550 students to allow for the significant growth anticipated in our area.

The Gabba, I hope you are all aware, is proposed to be demolished and rebuilt as the centrepiece for the 2032 Olympics. This will have significant impact on and considerable disturbance to East Brisbane State School, our children, their teachers and our local community. Our conversations to date with ministers Grace and Hinchliffe have not provided any reassurance about the government's intentions for the school. This is already leading to stress in our young children and impacting enrolments for next year. As such, we are concerned that the government is not committed to genuine consultation and we want to ensure that this does not continue through the planning of the Olympics—hence our interest in the Brisbane Olympic and Paralympic Games Arrangements Bill as shown by our numbers here today.

In our submission, we respectfully requested that the proposed legislation be amended in the following ways. In relation to clause 10 and the 'Requirements for performance of functions', we request that the bill be amended to require the organising committee of the games to have regard to the needs and best interests of the community where the games will be held and that the organising committee be required to consult with community services, organisations, businesses and residents who could reasonably expect to be impacted by the decisions of the organising committee.

In relation to clause 17 and the 'Composition', in our submission we requested that the Premier and Lord Mayor in appointing members of the organising committee have regard for choosing individuals who represent the views and interests of the communities in which the games will be held. We would like to propose further amendments that at least one member is specifically nominated to represent the community and that a commission of the board, I think you call it, be created to seek community engagement.

Consultation and representation of community views should not be voluntary. The response to our submission that we have received continues to use language that allows the organising committee to decide themselves whether or not they want to have regard to or consult with the community. We need to know that the interests of our children and our community are being looked after. Therefore, community representation needs to be written into the bill. I would like to invite Professor Daniel Angus to speak further.

**Prof. Angus:** I am a parent at the school and I also run the school's advanced technology program as a volunteer. The Brisbane Olympics will be the first conducted under the new norm. These revised arrangements encourage Olympic organising committees to engage authentically with impacted stakeholders and consider the legacy they leave as a core function of the success of the

games. From the perspective of our school and the wider East Brisbane and Kangaroo Point community, we feel that the approach taken by the government so far has been a continuation of the old way Olympics. So far we have seen a top-down decision-making process, shrouded in secrecy, wasting resources and already pushing towards a legacy of negative community impact and ill-feeling towards the games. Urban planning that will significantly impact our community has occurred without representation nor any meaningful consultation, and we have been left in the dark regarding our community's future in the lead up, during and beyond the games.

A legacy of Sydney 2000 was the mobilisation of 45,000 volunteers. Sydney's success was born from the involvement and participation of its local community. Having lived in the Woolloongabba area through the Brisbane floods, I have seen how this community can rally and rise to an occasion. To make this the best Olympics in history, we need our community to be actively involved in shaping the games through direct representation. Rather than our energy being spent protecting our community from the wrecking balls, we would much rather be rallying our community to help make the Brisbane Olympics the best games in living memory. The best way to achieve this positive vision is by ensuring the community is involved in the planning process in the lead up to the 2032 games. We see this bill as the ideal mechanism through which that can happen. Thank you for your time.

**CHAIR:** I have a general question which anyone can answer. This is obviously focused very much on the Gabba and its potential ancillary training track at Raymond Park. There are 32 venues in South-East Queensland. While we appreciate that the greater West End and East Brisbane community is well voiced in putting forward their agenda, how would we involve the other 31 venues in this process? Would that necessarily mean there was not a voice for the Gabba project but there might be a voice for one of the other 31 projects?

**Ms Addley:** I would suggest that any impacted community that is substantially impacted by infrastructure changes, development changes and building proposals in general is alerted and given the opportunity to voice their concerns.

**CHAIR:** With respect, the bill looks at the organising committee, which is a singular. There are lots of subcommittees that will be involved.

**Ms Addley:** Within the provision of those subcommittees, I see that is the appropriate place to provide for that instance. I do see that the actual bill does need quite a fair bit of redrafting. I think there are some quite onerous deletions.

**CHAIR:** Professor Angus?

**Prof. Angus:** A very critical part of this for those 32 impacted communities, as you suggest, is around transparency. The last thing I think we want is for the wider South-East Queensland community to be pitted against each other in terms of who gets what out of these games. You certainly do not enable that kind of constructive dialogue by hiding it behind blocked walls with internal processes, with no kind of outward communication and greater transparency.

**CHAIR:** With respect, what the committee has to respond to is the bill which is about the organising committee. My point was that there are 32 different venues, most of which would be enhanced profoundly by the new venues, not impacted. When there are 32 very local areas that have those individualised discussions, how would we decide? It seems here that basically the Woolloongabba community would have a representative but there are 31 other venues. That is the contradiction that is being put forward.

**Ms Middleton:** If you can write into the bill that there must be a subcommittee that is specifically involved in consulting with the community, I think that would be a start. If there are representatives on that who come from the community, that would be ideal. That committee's specific responsibility should be to consult with the community. I think at the moment, as I said, the response we have received is that there is nothing to prohibit individuals who are in the organising committee from communicating with the community. What we would like is it specifically written in that they must communicate with the community.

**CHAIR:** Deputy Chair, do you have a question?

**Mr STEVENS:** Ms Middleton, have you been given either formal or informal advice from the ministers or wherever that your heritage listed school would be impacted in a particular way—either closed down on a temporary basis or moved?

**Ms Middleton:** We have been given indication that disturbance is obviously the given here. It will definitely be disturbed. We have also had indication that the Gabba will be completely razed to the ground. The stadium overhangs parts of the school so the students will not be able to be there while the Gabba is being demolished.

**Mr STEVENS:** But you have not been given advice that it will be disappearing, put it that way?

**Ms Middleton:** We have not been given any advice.

**Ms Occhipinti:** I guess it comes down to transparency—

**CHAIR:** Ms Occhipinti, did you seek the call from the chair? Please do not debate the questions. Do you have something to add to the question?

**Ms Occhipinti:** Regarding transparency, neither the school nor the park has been given much information at all apart from what is in the media. When we have requested information or clarification, we have been unable to achieve that—hence the request against the Right to Information Act will allow us to make those requests at the time when the organising committee is in fact making those decisions.

**CHAIR:** Ms Middleton, I believe you have had a meeting with both the education minister and the minister responsible for the Olympics.

**Ms Middleton:** It was the minister for sport, with Mr Hinchliffe.

**CHAIR:** And all of those things are open to right to information requests as of now in terms of the consultation so far.

**Ms Middleton:** Sorry, Chair, was that a question or a statement?

**CHAIR:** I was just confirming that you actually had those meetings with both of those ministers.

**Ms Middleton:** I had, yes.

**CHAIR:** Are there any further questions?

**Mrs McMAHON:** Professor Angus, you made some comparisons to the Sydney Olympics. I note that this bill looks at the composition of the organising committee, which currently stands at 20 but may be more—noting that Sydney had an organising committee of 15. How do you see this committee being structured differently to the Sydney one? Are you aware whether there were any positions specifically on the Sydney organising committee or any aspects of the bill around the structure of the Sydney organising committee that we may consider when looking at the structure of this one?

**Prof. Angus:** I will have to take on notice the precise composition of the Sydney Olympics organising committee. The direct comparison I made was meant to flag that the success of the Sydney Olympics was largely due to that direct involvement of those volunteers within all aspects of the games. It was about the lasting legacy and impact at a world stage and seeing Sydney come out and references made to a volunteer workforce essentially that emerged in those games.

With the new norm, there is an opportunity for Brisbane to put its stamp on this in a uniquely Brisbane way, a uniquely South-East Queensland way. Our strength is our people. Brisbane is known for the goodwill and the attitudes and positivity of its people. I do not see anything preventing within this bill and within a redrafting of it having a stronger voice for those people within the composition of a committee. We are not asking for 32 extra members of the board for all of those 32 venues, but what we see so far is actually the exact opposite. It is a shutting out of community engagement. It is a non-committal wording around the way in which community consultation will take place. Our own experience at East Brisbane State School so far is that decisions are already being made that will significantly impact our children and our community without any kind of consultation. I think that is what we are asking for—to really think carefully around how these games can be different and can take on board the vision of that new norm.

**Ms Addley:** Chair, may I add further to that question and response?

**CHAIR:** Go ahead.

**Ms Addley:** I see this as our opportunity to look forward and not look to the past of what occurred with the Sydney Olympics, which actually lost the equivalent of \$3.3 billion. I think it is very important to look forward. The other factor is we are now the first host country to be under the new selection process. I think that affords us also the opportunity to carve our own way. I know that the Olympics associations were saying that, with their right to the exemption for the freedom of information aspect, in the past their agreements have had these exemption clauses. I feel as well we do not need to adhere to that request. I feel we can pave our own way. I feel we can pave our own way with the innovations, the lack of past economic disadvantage that host countries have had and for the future of the communities that are impacted so they benefit.

**Mrs McMAHON:** In summary, I just want to try and wrap it up here. I note that we are in a bit of a chicken and egg situation, because the certainty that a lot of communities want around venues and that type of stuff can only be approved by an organising committee which this bill needs to establish, because the organising committee is the decision-making body—not this committee. What submitters today seek is the establishment of a commission under the organising committee—noting that committees have to be comprised of board members—that specifically takes into consideration community impact; would that be correct?

**Ms Middleton:** Yes.

**Mr Keys:** Yes.

**Mr CRANDON:** Following on from the member for Mermaid Beach's question around the demolition—the school closure et cetera, can you clearly inform the committee when the extension to the current Gabba grounds occurred—there would have been periods of time where the school would have been impacted? Can you outline for the committee: what type of impact occurred and what sort of upset that created for the school in terms of an understanding of what happened in the past?

**Ms Middleton:** Obviously I was not there 24 years ago when the school expanded as I am a current parent. I was not a resident of Brisbane at that time. My understanding was that the main demolition of the grandstands that existed then took place over a school holiday so that the students were not around. Construction took place, I think, for about a year afterwards. They had significant impact during that time.

**Mr CRANDON:** In what way?

**Prof. Angus:** I can add to that. The school lost a considerable amount of land through that process. It lost cricket nets, rest rooms, a toilet block, tennis courts and a library as well in that initial encroachment into its land. There were certain assurances made by the Gabba Trust at that time as well about what the school might get in return. Recent experience has been withdrawal of some of that support. Our children being able to use the Gabba sportsground for sports days has not happened in recent times as frequently as it would have occurred previously. Certain other provisions have not been forthcoming in recent years. We see this particularly as a further continuation of the Gabba encroaching and trying to claw space. East Brisbane State School is a small but a beautiful school. It has a small oval. The children are well looked after in the current premises. They manage the space incredibly well, but they cannot afford this further disruption and further annexation of the limited land they have left.

**Mr CRANDON:** You indicated that the impact was on the quality of education for the students during the demolition or construction period. You cannot really put your finger on how that may have occurred in the previous iterations of the changes?

**Prof. Angus:** In terms of that previous time? We do have a previous student witness, if it is possible for her to speak, who was there during that time who might be able to evidence this claim if that is okay with the chair?

**CHAIR:** Sure, that would be fine. Certainly, the structures that were there 24 years ago on that eastern side of the Gabba were significantly different from the structures that are there now. I am not sure about a like-for-like comparison, but I am happy for the student to come forward. It is neither in the bill nor connected to the significant challenge we have now, but I am happy for her to come forward.

**Mr CRANDON:** I was only trying to establish whether or not there were a lot of assumptions being made as opposed to fact.

**CHAIR:** No. I think the assumptions are quite concerning for the school. It will have a big impact.

**Ms Middleton:** Throughout my meeting with ministers Grace and Hinchliffe, that was the one thing that they could guarantee. They could not confirm anything much about what would be happening with the Olympics, but they could guarantee disturbance. They have indicated that it would take a year to demolish the current Gabba stadium and approximately another two years to construct the new one.

**Ms Phillips:** I was a past student and my brother was a past student as well. My brother was at the school at the time of construction and I was in my last year, Year 7, at that time. I also was participating on the Gabba reconstruction committee at that time as well being a concerned student. At that time at school when the construction was occurring—and obviously it is going back a while to when I was a student that long ago—my recollection is that the school was impacted by a reduced Brisbane

oval and no tennis courts to play on. We all were very well enthused soccer players and we used to love our large oval at that time. With regards to the question, Deputy Chair, at the time the school was reduced by having construction barriers up and by restricted areas where as children we could play. There was a restriction to the students at the time with regards to playtime and access to facilities.

**CHAIR:** I think we could ensure that there would be a greater disruption, because I used to sit at that end during Lions games and it was much less significant than it is now. Thank you very much. I thank all the participants. I note that no questions were taken on notice. Professor Angus?

**Prof. Angus:** The member for Macalister asked a question regarding the composition of the Sydney Olympics committee. I am happy to do the research and find that for the committee if you would like.

**CHAIR:** We already have reports, so that is fine. We thank you very much for your feedback today. We know that enormous good comes from the Olympics but that it also impacts on people. It is important that they are listened to and important that the committee has all those subcommittees that do that reporting on the 32 venues. We thank you for the feedback specifically about your concerns.



**RANGIHAEATA, Ms Rachael, Information Commissioner, Office of the Information Commissioner**

**SHANLEY, Ms Susan, Acting Privacy Commissioner, Office of the Information Commissioner**

**CHAIR:** Welcome back to those listening online. We now resume our proceedings and welcome guests from the Office of the Information Commissioner. Good afternoon and thank you for joining us today. I invite you to make an opening statement after which committee members will have some questions for you.

**Ms Rangihaeata:** I thank you for your invitation to speak today about the Brisbane Olympic and Paralympic Games Arrangements Bill 2021 and our submission to the committee regarding the amendments to the Right to Information Act 2009. As the committee would be aware, the Office of the Information Commissioner is an independent statutory authority with the right to information and privacy, oversight and support functions. Our submission sets out the issues we wish to bring to the committee's attention for consideration.

Essentially, our submission is a simple one: Queensland's right to information legislation has sufficient existing flexibility to enable protection of information where it will be contrary to the public interest to disclose that information. Our concern is that clauses 65 and 66 of the bill appear to be inconsistent with the legislative framework for access to government-held information in Queensland and current government policy about whether to exempt additional types of documents in the Right to Information Act.

Queensland's right to information legislation has been in place since 2009 when the former freedom of information legislation was repealed. At that time it represented a significant cultural change in moving from a pull to a push model of information access, which included a substantial limitation on exemptions. The preamble to the Right to Information Act states that—

It is also Parliament's intention to provide a right of access to information ... unless, on balance, it is contrary to the public interest to provide the information.

The current legislative framework enables documents containing information of the nature contemplated in the proposed exemption to be considered by the agency decision-maker, including the application of any relevant exemptions or the public interest factors favouring disclosure and nondisclosure. As noted in our submission, our recent survey showed high community expectations about information access, with 86 per cent of Queenslanders indicating in 2021 that the right to access information was important. This is consistent with other Australian jurisdictions surveyed.

I note there will be national and international interest in the Olympics here in Queensland. As the Premier stated in the first reading speech, hosting the Olympic and Paralympic Games is a transformational opportunity for Queensland that will unlock social, economic and environmental outcomes at a scale our state has never seen before. The Olympic Games brings great opportunities, challenges, issues and concerns, and there are diverse interests and perspectives. There are likely to be various permutations of factors to consider in the years ahead.

Right to information is all about getting the balance right in the public interest. An exemption may make an outcome clearer and more certain for government and those it engages with. However, great care has to be taken to ensure an exemption does not have the potential to go beyond the intended balance of favouring disclosure unless it would be contrary to the public interest to disclose all the information covered by the proposed exemption. Once in place, an exemption removes the need to weigh up the respective public interest factors favouring for and against disclosure in each case for different requests for information over the coming years.

I acknowledge greater certainty about RTI outcomes ahead of the decision-making process has been sought by stakeholders and government agencies over the years. It has been important for government agencies to manage expectations early when engaging with stakeholders so that they are operating in a framework that provides appropriate openness, accountability and transparency, including about RTI. Transparency builds trust in government. Greater trust and confidence in government and the Brisbane Olympic and Paralympic Games organising committee is critical to successful engagement with all stakeholders over the next 11 years in achieving the outcomes the Premier spoke to. The current RTI framework strikes an appropriate balance between the right of access and limitations on public interest grounds. Any departure from broader RTI policy must be clearly justified and impacts on policy commitments carefully considered.

**Mr STEVENS:** Ms Rangihaeata, you mentioned that the current Right to Information Act would basically cover all matters that are necessary for transparency, et cetera and protecting the information that was not in the public interest or a breach of confidence, if you like. We have been advised by the department that most of the provisions of 65 and 66 apply mostly to the IOC, particularly the sponsorship agreements and the like. It is their commercial-in-confidence information with sponsors, et cetera rather than information that would affect the Queensland public about the Olympic Games. Do you believe that your current exemptions would cover the protected information that it would be reasonable to protect?

**Ms Rangihaeata:** What I said was that the legislative framework that comprises both the exemptions and the public interest balancing framework for decision-making together provide an adequate framework for protecting information that would be contrary to the public interest to disclose. There are exemptions for certain things—as you said, for breach of confidence; found an action, breach of confidence—which will cover some aspects of some of what the department has outlined in their list, I would expect. You always need to look at it on a case-by-case basis because there are certain elements that need to be made out. If an exemption is not satisfied in that particular case, the decision-maker and the agency then looks to whether, in weighing up the relative public interest factors, it would be contrary to the public interest to disclose that information.

There are two parts, essentially. There are other provisions involved, but in terms of what you are focusing on here it is: does an exemption apply and, if it does not, you then weigh up the relative public interest factors. There are public interest factors that apply as well. It is not an exhaustive list. The agency decision-maker can name a public interest factor that they believe is relevant to their decision-making process. There is a very long list in the act, but it is open to them to name a specific one. In this case, there may well be one that they identify that is very relevant to this context. When you have those two aspects of that decision-making process, that is what allows the decision-maker to protect any information where it would be contrary to the public interest to disclose it. That is what the RTI Act framework is all about. The exemptions are essentially where parliament has decided that everything that fits within the scope of how that is defined would always be contrary to the public interest to disclose. They are necessarily quite narrowly defined and quite specific because they need to be very clear that everything that would come through in that category would always be considered contrary to the public interest to disclose.

**Mr STEVENS:** To summarise all of that, you are saying that 65 and 66 are not necessary for this legislation?

**Ms Rangihaeata:** I believe that the government has already said that in the comprehensive review on the legislation. What I am bringing to your attention is that the framework of the act that was brought in in 2009 following the reforms after Dr Solomon's and the panel's independent review of the FOI legislation, the whole basis of that was that we need to limit the exemptions, we need to bring it down to a really small list of what we believe in every case will be contrary to the public interest to disclose and then we need to leave the rest to be considered on a case-by-case basis in terms of applying the public interest balancing test.

It is really small list of exemptions and it has been largely undisturbed since 2009. There are no new whole exemption provisions since 2009. There has been a little bit of movement in terms of the additional confidentiality provisions that have been brought into one of the exemptions that is about where information would be prohibited from disclosure under an act. You think about child protection and child safety legislation confidentiality provisions and things like that. They are protected and recognised under the Right to Information Act. There has been some new legislation that has been recognised there. Otherwise, the review of the legislation in fact recommended that one exemption be removed and otherwise no new exemptions be included and that the scheme of the act works well and should not be disturbed.

**CHAIR:** Building on Mr Stevens's line of questioning, obviously the reality of the situation is that the International Olympic Committee has concerns over the confidentiality of their sponsorship arrangements and that is one of their primary concerns in this situation. Those commercial negotiations are similar to the commercial negotiations of sponsorship and other things where there is a bidding process and we are hoping at some point in the future to get a better or different commercial arrangement. They usually have exemptions from freedom of information because of the nature of those things. Could the legislation we have deal with some of the concerns that the International Olympic Committee has over those commercial-in-confidence arrangements that they have with sponsors and the like?

**Ms Rangihaeata:** I have to be a little careful here because I am a decision-maker on review for these types of decisions when they come to me. You would be able to see that commercial-in-confidence is commonly dealt with under breach of confidence and particularly contractual confidentiality. I think that it is a fairly well-trodden path in terms of that. The department would be able to advise in terms of whether there were any—there are no decisions about the Commonwealth Games. I am struggling to see where the history is in terms of the Commonwealth Games or other large events where there is a problem to remedy. Commercial-in-confidence is actually something that everybody deals with all the time. When you have contracts that are set out well—and this would be something that everyone would be investing a lot of time in to ensure that confidentiality is covered in great detail—it should be well executed.

**Mr CRANDON:** In relation to that and reflecting on what is going on here, are you familiar with right to information legislation that may have been in place during the time of the Sydney Olympics and leading up to it, as well as in other jurisdictions? Have you looked at any of that? Would that be perhaps where some of the concern has come from, that there have been some shortfalls in legislation in other jurisdictions?

**Ms Rangihaeata:** That is quite possible. The Queensland legislation was the first contemporary legislation for right to information in Australia, followed quite shortly after by New South Wales and the Commonwealth about a year later. Prior to that, we had what we refer to as first-generation FOI legislation across the jurisdictions. Some of our jurisdictions still have that type of legislation. Certainly in the 1990s leading through to the Olympics in 2000, it would have been the former generation of legislation. It is very different to the expectations and the objectives and the policy that Queensland has with the right to information legislation.

In terms of issues encountered, I am not familiar. I was not working in this space then. I was working in the Commonwealth government at that point in time in a totally different field. I am not familiar with whether they encountered any difficulties at that time. Certainly there were very different community attitudes at that time as well. Now we know that people have high expectations. We also have human rights legislation that has a right to seek information in it.

I think that the context in Queensland and Australia needs to be carefully considered and the signals that it sends because, while we are providing certainty perhaps to some of our stakeholders, we are also sending different signals to other stakeholders in taking these steps. I think that it is just a very careful consideration for parliament to adopt a new exemption and whether it is necessary and whether the scope in particular is necessary. It is perhaps a broader scope than what is already covered in other exemptions. If other exemptions cover the things that are of great concern, again, is it necessary?

**CHAIR:** The time allocated for this contribution has finished. I note that no questions were taken on notice. Thank you for your appearance here today.

**MATHER, Ms Amanda, Chief Executive Officer, Sporting Wheelies & Disabled Association (via videoconference)**

**CHAIR:** We welcome our representative from the Sporting Wheelies & Disabled Association. Good afternoon and thank you for joining us today. I would invite you to make a brief opening statement after which committee members will have some questions for you.

**Ms Mather:** Thank you for inviting me on behalf of the Sporting Wheelies & Disabled Association. The submission that we made to this committee was via our board chair who cannot join us today. She is travelling abroad. Sporting Wheelies has been around for more than 40 years. We have been supporting para athletes at all stages of their journey, from community sports through to elite sports, and we really welcome the opportunity to be able to comment on this bill.

We are focused on connecting people with disabilities to sports and physical activity and through that we have been delivering magic moments for Queenslanders with a disability, enabling them to enjoy recreational activity, play sport with their mates and even stand on the dais at the Paralympics. In the background we also support people through rehabilitation, assisting them to walk after accident or illness and regain movement to be able to continue their life.

In relation to the Tokyo Paralympics, Sporting Wheelies had 27 alumni representing the country at Tokyo and I am very pleased to report that those 27 athletes won six gold, five silver and four bronze, which means if Sporting Wheelies was a country we would have beaten New Zealand and Canada on the medal tally.

We have a lot of experience in this space over many, many years supporting people in all aspects and we see Brisbane 2032 as a wonderful opportunity to further enhance the work that we do, ensuring more people with a disability can access sport but also in ensuring that those people with a disability who would like to perform at elite levels are able to do that in Brisbane 2032.

**Mr STEVENS:** I was present at a reception for past Paralympians here at Parliament House and there were two very august representatives of the Paralympics at that reception. I would have thought that they will be very much a part of the organising committee. Can you explain to the committee why you feel your group has been not included in this particular piece of legislation or the board members that should be included?

**Ms Mather:** I think most of the comments that we made on the bill were more particularly around consideration of even just the word 'Paralympics' in the name of the appointment that the Premier currently has. In terms of Sporting Wheelies, I think there is some representation, as you mentioned, on the committee that has been announced, a couple of current and former athletes, but I think it is also important that we consider that there are many, many other thousands of people with a disability in the community that also will be impacted by Brisbane 2032 and we are really hopeful that it is not just the elite athletes that will actually get ongoing legacy from this, but the many thousands of people with a disability throughout Queensland who attempt to access sport and often find it very, very difficult to do so because sporting venues are not particularly accessible in most cases and also because our sports do compete with able-bodied sports that do tend to take up a lot more time in sporting venues. The big thing for us is that when we look at Brisbane 2032 that we have to consider that the elite athletes who represent the voices through these sorts of committees need to also consider the voices of the many thousands of people with disability throughout the community.

**Mr TANTARI:** I note in your submission you refer to unconscious bias and also talk about how you would like to see the bill proactively tackle unconscious bias from the outset. Would you like to elaborate on the concept of unconscious bias in the context of this bill and is there any specific guideline or document that you would like to see included in the list in clause 10(1)(b) of the bill?

**CHAIR:** The member for Hervey Bay has taken the question I was going to ask. I think it is important that we tackle unconscious bias of decisions we are making, not intentionally to discriminate against disabled people but unintentionally. The question I thought really important is: how do we embed this into the bill? That is what I wanted to ask. Good question, member for Hervey Bay!

**Ms Mather:** It is a good question. I guess in terms of the unconscious bias the first indication of that was that the Premier was—and I might not get the words exactly right—talked about as the minister for the Olympic Games as opposed to the Olympic and Paralympic Games. From the outset Paralympians were excluded. That was, I guess, part of that concept of unconscious bias. The other thing as well, and I guess it goes to my previous point about the community, is just because a building might meet Australian national standards in terms of code, in terms of accessibility, that does not necessarily make it particularly accessible from a sport perspective and particularly accessible from a person with a disability playing sport perspective. Things like the availability of disability facilities, Brisbane

the distance it is from the car park to the venue, if there are any hills to navigate, that sort of thing. Although it might meet code, there is an unintentional bias in the fact that it is actually still difficult for people to access these venues.

One of the things that the University of Queensland recently did a study on was the time that it takes for a para athlete to get from the car park to the swimming pool in the case of swimming and what they determined was it actually takes 13 per cent longer. That 13 per cent is made up of all of those things that are barriers to entry for those people that just makes it more difficult to be able to access. When you multiply that by the number of times athletes need to train, that 13 per cent adds up to a significant period of time and can make that access more difficult. I think that there is a need to look beyond just making things meet code and meet standard to actually looking at what is best practice and how can we best service people with a disability to make our games venues and all of the activities leading up to these games more accessible for people with a disability.

**CHAIR:** For example, if we were to move a warm-up or a training area much further away from the event area, that might be fine for able-bodied athletes, but make it more difficult and represent unconscious bias for disabled athletes?

**Ms Mather:** Yes, absolutely. What we also find is there are, with our Paralympians, different levels of disability. People with higher support needs, for instance, would find things more difficult to access and the length of time it takes them to access venues and activities would be significantly longer. It is important to consider the nature of the high-support needs athletes as well.

**Mr CRANDON:** Thank you for appearing today. In relation to that research that you mentioned, was that done on existing facilities here or were they looking at, for example, the Tokyo Olympics? Where was the research done and is there any experience that can be provided from perhaps the most recent Tokyo Olympics and previous Olympics that could inform the planning for this one?

**Ms Mather:** Yes, great question. The research was presented at the launch of the Brisbane 2032 Paralympic Network for Performance Enhancement and Applied Sports Research, which was established bringing together University of Queensland, University of the Sunshine Coast, QUT, Paralympics Australia and Sporting Wheelies in Queensland. That research was presented there. In terms of the specifics of the research and what it went into, I cannot give you that information off the top of my head, but I can take that on notice and find that information for you. There are limited amounts of research in this space which makes it very difficult to be able to provide you or direct you to a particular report in relation to accessibility. I suspect that the best way for the committee to work in this space would be to align with that Brisbane 2032 Paralympic Network for Performance Enhancement and Applied Sports Research because we are the organisations in Australia, and certainly in Queensland, that have the skill set and the membership and the athletes that will be able to provide the best information to you in moving forward.

**Mr CRANDON:** In relation to the second part of my question relating to the Tokyo Paralympics or other venues, is there anything that can be fed through to this planning from that perspective?

**Ms Mather:** I do not have any information as to whether Paralympics Australia has done its own body of research into the accessibility of the venues. It certainly has not been something that I have been able to find in terms of whether anyone has done any research on accessibility, but it would be worth, perhaps, deferring to Paralympics Australia who attended the event with the Australian Paralympians to find if they had any particular feedback in relation to that.

**CHAIR:** You always try to learn lessons and get better from the Gold Coast and other previous events, even though we do want to put it on the agenda. With that I want to thank you very much for your appearance here today and the information you have provided. You were going to get back to us and provide some more information on that research.

**Ms Mather:** On the university study, yes.

**CHAIR:** It would be great if you could provide that to us and, if possible, give that response to us by 5 pm, Thursday, 18 November 2021. That will help us incorporate it into our decisions. It is not a hard date, but it is much better if we can incorporate it into our decisions. Thank you to Hansard and thank you to the parliamentary broadcast staff listening up in their booth. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. With that, I declare this public hearing closed.

**The committee adjourned at 12.44 pm.**