

Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024

Submission No: 9

Submitted by: Organisation Sunshine Coast Association of Residents Inc. (OSCAR)

Publication: Making the submission and your name public

Attachments: See attachment

Submitter Comments:



Recognising and upholding excellence in local government

Mail: PO Box 105
Coolum Beach QLD 4573

Email: mail@oscar.org.au

1 May 2024

Committee Secretary
Housing, Big Build and Manufacturing Committee
Parliament House
George Street
Brisbane Qld 4000

Email: <mailto:hbbmc@parliament.qld.gov.au>

Dear Committee Secretary

SUBJECT: BRISBANE OLYMPIC AND PARALYMPIC GAMES ARRANGEMENTS AMENDMENT BILL 2024

The Organisation Sunshine Coast Association of Residents Inc. (OSCAR) is a non-partisan, not-for-profit umbrella/peak organisation covering resident and community organisations on the Sunshine Coast and Noosa Local Government Areas (LGAs) in South East Queensland.

OSCAR currently has over 35 member groups from the Pumicestone Passage to Noosa and from the Coast to the hinterland and ranges.

The OSCAR overarching Vision states: "The residents of this region enjoy being part of a connected and engaged community living in an area of outstanding natural beauty. They recognise that they are custodians of the unique and abundant biodiversity, beaches and green spaces of the region."

OSCAR aims to support member organisations by:

- 1 Advocating to local and state government and the public on policy issues that are of regional significance and of concern to our members;
- 2 Acting to resolve issues of strategic or region-wide relevance that are referred by member organisations;
- 3 Representing the member organisations on region-wide matters of interest to the community;
- 4 Maintaining awareness and responsiveness through frequent and regular ordinary meetings and dialogue with member organisations; and
- 5 Practising professional, honest, and ethical conduct.

Further information about OSCAR can be found on our website at: <https://www.oscar.org.au/>

We welcome the opportunity to make a submission to the Committee about the proposed Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024 and thank the committee for the opportunity to make a submission to the committee.

However, we are extremely concerned re the very limited timeframe for community responses.

CONTEXT FOR THE BILL

Policy objectives and the reasons for them (from the Bill explanatory Notes)

The primary objectives of the Bill are to:

- *establish the Games Venue and Legacy Delivery Authority (authority) to ensure Queensland is ready to host a successful Brisbane 2032 Olympic and Paralympic Games and that the benefits of the Games are maximised;*
- *establish a board of the authority to ensure that it performs its functions in a proper, effective and efficient way.*

Explanatory Notes Page 1

The final response to the IOC's Future Host Questionnaire, which forms part of the host contract, proposed that two entities be established for the development and execution of the Games:

- *the corporation – a statutory body with primary responsibility for organising and staging the event; and*
- *an 'Olympic Coordination Authority' to coordinate all non-organising committee government responsibilities, including venues, athlete villages, transport, legacy initiatives and front-line government services.*

The Brisbane Olympic and Paralympic Games Arrangements Act 2021 (BOPGA Act) established the corporation and its board on 20 December 2021 to undertake and facilitate the organisation, conduct, promotion and commercial and financial management of the Brisbane 2032 Olympic and Paralympic Games.

In May 2022, following consideration of the recommendations of a report about governance arrangements for the Brisbane 2032 Olympic and Paralympic Games, and with support of the IOC and endorsement from the majority of games delivery partners, the Brisbane 2032 Coordination Office was established within the Department of the Premier and Cabinet to coordinate and integrate essential programs of work for the Games. The Brisbane 2032 Coordination Office has been progressing preparations for the Brisbane 2032 Olympic and Paralympic Games, with other parts of government supporting activities including venue development, legacy planning and sustainability. The Brisbane 2032 Coordination Office function currently sits within the portfolio of the Department of State Development and Infrastructure.

On 15 December 2023, the Premier announced that a delivery authority would be established for the Brisbane 2032 Olympic and Paralympic Games. This model more closely aligns with stakeholder expectations, previous approaches employed for other Olympic and Paralympic Games (e.g. Sydney 2000 and London 2012) and the response to the IOC's Future Host Questionnaire in May 2021.

Explanatory Notes Page 2

OSCAR RESPONSE TO THE PROPOSED AMENDMENTS

Overall comments to the Legislation

Clearly some legislation is necessary to unwind the former decision to take the organisation for Games venues and legacy in house. This consequential Bill essentially serves that purpose by establishing the Games Venue and Legacy Delivery Authority.

However the Bill does seek to bestow quite extensive over-riding powers on the Games Venue and Legacy Delivery Authority which some might even consider potentially draconian.

These include powers to direct government agencies and local governments to take certain stated actions particularly in relation to provision of transport infrastructure and the new S.53AR gives the

Authority extensive over-riding powers in relation to planning matters particularly in relation to the Villages.

Bestowing these wide ranging powers is justified in the Explanatory Notes as in consideration of the need to 'get the jobs done' within a limited timeframe.

It could be argued that many if not all of the sought 'over-riding' powers already exist within Government?

In the interests of transparency we ask what might be seen as a question with an obvious answer and that is: has the government considered the types of legislation, regulations and processes undertaken by the Paris Olympics this year and similarly what has been set in place for the 2028 Olympics? Were and are provisions such as: powers to direct; powers relating to planning decisions that removed current processes to ensure transparency and judicious decisions; the removal of appeal rights; and the compulsory acquisition of land, applied in developing the 2024 and 2028 Olympics? The areas that this Bill seeks to change, in many instances, we as a community value and see as part of a just and democratic society.

The legislation tends to focus particularly on delivering the Games facilities and directly related infrastructure. There seems to be less on dealing with the broader Olympic related legacy matters and infrastructure which might be of greater interest to the community at large.

OSCAR is concerned that although the Games are noted as the Brisbane Games the concept of the Games initially was that these Games are intended to be inclusive of Queensland Regions.

There will be an ongoing concern that the Authority may have a lack of focus on Regional venues and legacy concerns because of funding constraints and simply the distance from George St.

OSCAR specific concerns and issues with the proposed legislation

1. Games Venue and Legacy Authority Powers

i) Powers to Direct – (p6)

Proposed new clause 53AL provides a power for the authority to give a government agency (other than a Commonwealth government agency) or a local government a direction to take stated actions to provide or maintain critical transport infrastructure that has been identified in the transport and mobility strategy to be made under proposed new section 53AI.

As we don't know what the strategy will contain, how do we know whether our regional council will be lumbered with complex and expensive transport infrastructure liabilities that they and their ratepayers do not want or cannot afford? OSCAR is concerned the potential for "cost shifting" to Local Governments.

ii) Powers relating to planning decisions – (p8/9)

a) Proposed new section 53AR permits the authority to give a person a written notice requiring them to give the authority information, documents or assistance the authority reasonably requires in relation to planning decisions about venues or villages.

It is argued that: *Given the authority's functions, it is the appropriate entity to be empowered to seek information about relevant planning approval processes. Before directing a person to provide information, the authority must firstly be satisfied that exercising the directions power is necessary to facilitate efficient and timely decision making.* (p8)

OSCAR is concerned that there has already been autocratic and flawed planning decision-making by the State that it has had to withdraw following community opposition and cost issues e.g. redevelopment of the Gabba and closing a school to make way for Games development. To enable the Authority to intervene in normal planning processes creates a risk that further ill-advised planning and/or unacceptable development impacts will continue.

b) Proposed new section 53AS provides that a regulation may declare development for a venue or village to be *accepted development* under the Planning Act 2016 (Planning Act) or Priority Development Area (PDA) *accepted development* under the Economic Development Act 2012 (ED Act). The justification is stated as: *It is essential that infrastructure is delivered on time for the hosting of a successful games and in order to comply with the host contract. This imperative may make it necessary for the authority to be able to use streamlined development processes where an existing process would threaten the timely delivery of a venue or village.* (P9)

c) OSCAR is concerned that:

- This is the latest version of the perceived need to cut red and green tape and streamlining of development decisions!
- This could potentially encompass anything associated with developing and servicing "venues and villages" such as related forms of transport infrastructure; power, water, sewerage, drainage and telecommunications infrastructure; vegetation/habitat clearing; resuming parkland, sports fields and other public and private open space
- "accepted development" represents an as of right development approval. It requires no development application or public notification and no court appeal rights exist.
- Given we don't know how well "venues and villages" and "critical transport infrastructure" will be defined and how widely these and any related development might be interpreted, there is too much scope for many forms of development to be approved quietly with minimal scrutiny and accountability.
- the argument that this power is qualified by requiring the Minister to consider the need for such a declaration is not an acceptable check on excessive use and abuse of this power. We regularly see Ministerial interventions under the Planning and E.D.

Acts, and the pressure to get the Games delivered will trump other normal planning and development procedural processes.

d) Review rights

The proposed legislation provides that a part 4 decision of the Minister or authority (for development of the venues and villages) to be final and conclusive and not subject to challenge or appeal, under the Judicial Review Act 1991 or otherwise.

The justification is stated as: *It is necessary that there be certainty about whether development of a venue or village is able to proceed and limiting review rights is the only way to ensure that the relevant decisions are final and will allow venues and villages to be delivered in time for the Brisbane 2032 Olympic and Paralympic Games.* (p10)

OSCAR is concerned that:

- In the rush to get the Games projects started and completed there will be ample scope for poor planning and development decisions. If the normal judicial review and P & E Court appeal mechanisms are not possible, there will be no way to avoid, minimise or mitigate poor decisions.
- We are sure how to maintain appropriate court review processes without imposing unjustifiable or lengthy delays on the Authority. We ask - could amendments be made via this Bill to the Judicial review and Planning and Environment Court legislation or regulations to ensure the courts urgently hear and decide actions against the proposed or actual decisions of the Authority?

e) Compulsory acquisition – Page 10

There is a proposed new section 53AU provides that a regulation may declare land to be acquisition land for the Games – several Games delivery imperative obligations are cited for this power, which may make it necessary for the authority to use statutory mechanisms to acquire land where it is not able to achieve that purpose by agreement or under existing legislative powers. It is argued that the power is qualified by the need for the Minister to consider the need for compulsory acquisition and consultation with the Coordinator General.

OSCAR is concerned that:

- This could include private landholdings and also public land owned by Councils or public water and sewerage utilities.
- there might well be poor planning and development decisions made by the Authority and State agencies in the rush to get Games venues, villages, transport and other related development started and completed. This creates the risk that inappropriate and unfair land acquisitions are proposed, which disadvantage the affected private or public landowner.
- the ability of affected landholders to oppose the acquisition or the terms of the acquisition will be far weaker than normal acquisition situations given the so called Games imperatives that will influence decisions by the Authority, the Minister and the Coordinator General.
- We do not know how the potential for misuse, abuse and unfair compulsory acquisitions can be avoided, minimised or mitigated. Could some kind of appeal

mechanism such as an independent panel of suitably qualified persons capable of reviewing the need for the acquisition and the terms being offered be established?

f) Appointment to the Board of Directors of the Authority

- The Authority is to have 7 directors nominated by a Selection Panel of senior bureaucrats. We understand the Sunshine Coast Regional Council CEO is on the Selection Panel for the 7 member board of the Authority.
- To mitigate against the potential for a Brisbane bias OSCAR would like to have added to S.53BF(1) a requirement that at least one of the directors must be a person who is a permanent resident of Sunshine Coast and who is charged with taking a particular interest in seeing that Sunshine Coast venues and legacies are properly resourced and pursued and adequate consultation processes followed.

OSCAR specific interests re the Bill as relates to the Sunshine Coast.

There are delivery elements/topics in the Bill in which OSCAR has had a particular interest over a number of years and as an organisation has been an active participant in responding to State and Local Government processes and actions. These are:

1. S. 53AI requiring the Authority to prepare a Transport and Mobility Strategy within 18 months identifying the transport infrastructure projects critical for successful delivery of the Games.
2. S. 53AE requiring the Authority to seek to maximise the legacies and benefits of the Games having regard to several specific concerns including the 'Elevate 2042 Olympic Legacy Strategy'

1. Transport and Mobility Strategy

There are several events nominated for the Sunshine Coast, located in areas where considerable upgrading of existing infrastructure and development of new infrastructure will be required. However, the North Coast rail upgrades Stage 1 Beerburrum to Beerwah was mentioned in the last 2 days in the Sunshine Coast Daily with costs doubling to more than \$1billion. Planning for route straightening and duplications of sections (to enable long freight trains to be side tracked for passenger trains to pass) is continuing for Stage 2 to Nambour (but not including Yandina).

The only project with financial commitment remains the Direct Rail but only as far as Caloundra. The Mooloolah River Interchange projects continue to have no funding commitment, and these are necessary for many major road, rail and public transport projects to proceed.

Not only will the success of the games be measured in terms of economics, participation, social and cultural activities, but importantly access, availability of public transport, accessibility of venues, time taken to travel to venues and cost of transport. OSCAR sees that there is potential for achievements in this area, but are concerned that what can be delivered will be a disappointment to participants, visitors and the community.

2. Maximise the legacies and benefits of the Games

Whilst big ticket items like the Rail Connection and Stadium have attracted attention to date, there seems to have been limited if any discussion about the other potential 'Legacies'? Although Elevate 2042 does make specific reference to advancement of the Blue Heart project at P.43

Other legacy projects that OSCAR seeks to advance on the Sunshine Coast include:

1. Housing benefits from the prior and consequential deployment of the Games Village in Maroochydore;
2. Transport legacies such as:
 - Vastly improved bus services including significant bus priority facilities and particularly in relation to adequate and efficient bus access and terminus facilities at the Kawana Stadium and adjacent Alexandra Headlands associated with satellite parking.
 - Urgent completion of the rail duplication, track straightening and “passing tracks” to Nambour (or even Yandina?) to provide adequate access to the mountain biking at Parklands. That is what is known as the B2N project.
 - Many new and safe cycle ways of proper standard including particularly to and from Parklands mountain biking, Kawana Stadium and Alexandra Headlands
 - Upgrades to local roads leading to and adjacent to Games facilities including Nicklin Way, the Motorway, Coolum Yandina Rd, Yandina Bli Bli Rd, etc
3. Environmental legacy enhancements such as:
 - Extensive tree planting to 'green' our Coast.
 - Integration of the Parklands facility with the adjacent Blue Heart environmental improvement and decarbonisation initiatives (See Elevate 2042 P.43.)
 - Measures to reduce the propensity for waste dumping in bushland and creeks as contribution to improving our circular waste cycle.
 - Cleaning up our waterways with particular focus on the Maroochy and Noosa Rivers and estuaries
4. Economic legacy improvements by focussing on key projects to improve the Coast's tourist appeal both during the Games and for the longer term.
5. Indigenous legacy like pursuing wider appreciation of local cultural places of significance eg. Mt Coolum, Mt Ninderry and the Maroochy River.

Conclusion

The Notes on P.12 indicate that the Bill has already been extensively consulted amongst the Games Partners including Sunshine Coast Regional Council.

It would appear from the Notes from that consultation that one of the key concerns may centre on the over-riding powers given to the Minister. Of course these powers cannot bind the Commonwealth and their financial influence may be a determining factor in most cases.

OSCAR seeks to continue to be involved in the deliberations about the identification and progressing of Games Legacy projects here on the Sunshine Coast.

We note from The Notes following the consultation with key players that “prescribing how the authority must undertake consultation processes” was not accepted by the Government.

OSCAR recommends that there must be a detailed Communication and Community Engagement Plan developed for all ongoing and future consultation and engagement with the community at all levels and interests. In developing such a plan serious consideration must be given to timeframes and processes for community consultation and engagement.

We appreciate that there was some speed required for the passing of this legislation which has obviously impacted on the time allowed for submissions. However, we remind the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (corporation), the State of Queensland, Brisbane City Council, and the Australian Olympic Committee who are charged with the planning, organising, financing, and staging of the Brisbane 2032 Olympic and Paralympic Games, in accordance with the terms of the host contract and the IOC’s Olympic Charter of a number of issues around community engagement.

On the whole community organisations, Chambers of Commerce members, Sports Groups and many not-for-profit and charitable organisations rely on volunteer members to exist and in many cases to participate in and respond to community engagement processes. A number of OSCAR members groups only meet bi-monthly and rely on newsletters and Updates to communicate with members. This means that participation, development of responses and submissions are undertaken in members’ personal time.

OSCAR, for example, has no paid staff but is blessed with knowledgeable, experienced members from all walks of life and professions. We request that any group associated with the administration of the 2032 Olympics respect the contribution of community groups to our society and allow sufficient time and a variety of community engagement activities related to the preparation of the 2032 Olympic Games.

Yours sincerely

A solid black rectangular box redacting the signature of Melva Hobson PSM.

Melva Hobson PSM
President
OSCAR
(Organisation Sunshine Coast Association of Residents)