

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

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Chair of the Committee
State Development, Infrastructure and Works Committee
Parliament House
Cnr George and Alice Streets Brisbane Qld 4000

By Email: SDIWC@parliament.qld.gov.au

Dear Mr Macdonald

Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (Qld) - Submissions prepared on behalf of the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games

1 Background

The Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (**Brisbane 2032**) welcomes the opportunity to provide comment for the Government's consideration in respect of the proposed *Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 (Qld) (the Bill)*.

At the outset, B2032 would like to confirm that it is fully aligned with the Government's strategic intent, including to streamline governance arrangements for B2032, and to ensure appropriate Government oversight of both B2032 and the Games Independent Infrastructure and Coordination Authority (**the Authority**).

These changes are a critical part of the Government's overarching strategic intent to better align current operations of both B2032 and the Authority with the outcomes of the *100 Day Review Brisbane 2032 Olympic and Paralympic Games Infrastructure Report* and to implement efficiency gains in the operations of both B2032 and the Authority.

With that in mind, Brisbane 2032 has carefully considered the Bill and now provides comment and drafting recommendations which it believes will further support and enhance this intent.

2 Item 1 – Australian Olympic Committee positions

Brisbane 2032 notes that the Olympic Host Contract (and Olympic Charter) requires two Australian Olympic Committee (**AOC**) representatives be included on its Board¹, namely the AOC President and Secretary General (CEO). Brisbane 2032 acknowledges that the Board composition proposed in the Bill addresses this requirement under proposed new s.17(1)(i) which provides a position for the AOC President, and proposed new s.17(1)(j) which provides a position for the AOC Honorary Life President.

Given the immense experience of the AOC Honorary Life President in his long-term role as AOC President and IOC Vice President, and the critical role he has played in delivering multiple editions of the Games, including securing Brisbane the hosting rights for the 2032 edition, Brisbane 2032 supports the approach taken by the Government in relation to Board composition.

Brisbane 2032 would however like to request one small drafting change to the proposed new s.17(1)(j) to state that if the Honorary Life President of the AOC vacates the position, the position will

¹ S3.2 Olympic Host Contract - Principles

be filled by the Chief Executive Officer of the AOC. Brisbane 2032 has included some suggested drafting amendments in the Schedule at **Annexure A**.

Brisbane 2032 is currently working with the IOC to obtain IOC Executive Board support for the above departure from the OHC and believes that with the above amendment, that support will be forthcoming.

3 Item 2 – Board observer rights

The Bill, through proposed new s.36A, mandates that a Ministerial nominee must attend each meeting of the Brisbane 2032 Board (the **observer amendment**). This right is framed effectively in the same manner as that presently provided for under s.46 of the *Brisbane Olympic and Paralympic Games Arrangements Act 2021 Act* (Qld) (as already amended by the *Brisbane Olympic and Paralympic Games Arrangements Amendment Act 2024* (Qld)) (**the Act**).

Given that under the proposed new s.26² the Board composition will include a Ministerially-nominated Queensland Government representative, who will also be the vice president of the Brisbane 2032 Board, Brisbane 2032 does not believe this observer position is required, Particularly where the Ministerially-nominated representative is an elected official.

Brisbane 2032 therefore suggests that the observer amendment would only need to be activated if the Ministerially nominated Queensland Government representative position is not filled by *an elected official*. Brisbane 2032 has included some suggested drafting amendments reflecting this change in the Schedule at **Annexure 1**.

If this provision is activated, Brisbane 2032 suggests that there will need to be some safeguards implemented³, particularly given the sensitive matters which the Brisbane 2032 Board will be dealing with in the forthcoming period. Primarily, this is because any observer will not be a director of the Brisbane 2032 Board, and so not bound by the same fiduciary obligations which apply to the Board directors⁴.

4 Item 3 – General amendments

Brisbane 2032 has identified minor drafting amendments which it considers would better reflect the intent, as Brisbane 2032 understands it, of a number of the proposed provisions of the Bill, particularly:

- (a) clarification of some definitional provisions to make clear that the delivering of ‘authority venues’ is for more than just its ‘games-related use’, and primary use is for ‘legacy use’;

² See s.78 of the Bill:

“...26 Vice president

(1) The nominated director holding office under section 17(1)(b) is the vice president of the board.

(2) The vice president’s role is decided by the president.”

³ Likely through separate contractual confidentiality agreements, etc.

⁴ This has a range of implications, including that any observer will not be inherently bound to keep matters confidential. Similarly, any information of a legally privileged nature disclosed in their presence will be at a high risk of having privilege waived. There are also conflict and information management issues:

- (a) Firstly, whereas directors of the Board are subject to ordinary conflict of interest obligations, this is not the case for any observer. Therefore, the Board will not have clear oversight on whether any such conflicts exist and, if so, need to be managed.
- (a) Secondly, as an external observer privy to materials of the Board, there is a risk that *Right to Information Act 2009* (Qld) applications could be brought via the relevant department seeking Board documents obtained by the observer.

These issues will all need to be carefully managed.

- (b) a tightening of the drafting around the timing provided under the newly worded section 53AD(1)(b), to ensure that each authority venue is delivered 'in time' for its 'games-related use', rather than tied to the 'Brisbane 2032 Olympic and Paralympic Games' and 'funding' more generally. Specifically, the intent of Brisbane 2032's proposed amendment here is to ensure that Brisbane 2032 will be able to build all temporary overlay, and deliver sufficient test events in the lead up to the Games;
- (c) a refinement of the Board observer provision in accordance with Brisbane 2032's submissions above; and
- (d) clarity, given the definition of 'other venue' in section 5B and Sch 2 of the Bill, around whether the Government wishes to include any 'other venues' as also within the responsibility of Brisbane 2032.

Brisbane 2032 has taken the liberty of preparing a Schedule at **Annexure 1** in which it has identified these provisions and included suggested drafting notes which the Government may wish to have regard to.

5 Proposed amendments and further discussion

Brisbane 2032 would greatly welcome the opportunity to discuss the above in more detail.

As noted above, Brisbane 2032 is fully aligned with the Government's strategic intent of the Bill. However, it considers that the above aspects are worthy of consideration and can be easily resolved prior to the Bill being passed, by some minor drafting amendments.

Please contact me if you have any question or would like to discuss any aspect of this letter.

Yours sincerely



Mr Andrew N Liveris AO
President
Brisbane 2032

Annexure 1: Proposed drafting concerns and suggestions

No.	Change	Comment
Amendments to definitions		
1	Composition of the Board <u>The Draft Bill under proposed new s.17(1)(i) provides a position for the AOC President, and proposed new s.17(1)(j) which provides a position for the AOC Honorary Life President.</u>	<p>As the OHC require the AOC President and the AOC Secretary General (CEO) to be voting members of the Brisbane 2032 Board, and the AOC CEO has not been included to make a position available for the AOC Honorary Life President, Brisbane 2032 would like to request one small drafting change to the proposed new s.17(1)(j) to state that if the Honorary Life President of the AOC vacates the position, the position will be filled by the Chief Executive Officer of the AOC.</p> <p>Suggested wording could include:</p> <p>“ ...</p> <p>(1) The board consists of the following persons (each a director)—</p> <p>...</p> <p>(j) an honorary life president of the Australian Olympic Committee (or in the event of vacancy of that director position for any reason whatsoever, the chief executive officer of the Australian Olympic Committee);</p> <p>...”</p>
2	Schedule 1 Authority venues The Draft Bill includes a new Schedule 1 which outlines a table of the facility's description, its associated games-related use and legacy use related to 'authority venues'.	<p>For instance, an example of an authority venue is a stadium, to be located on land within the precinct known as Victoria Park, Herston Road, Herston 4006. The 'games-related use' is a new stadium with seating for approximately 60,000 people, including a warm-up track and associated facilities. The 'legacy use' is a stadium with permanent seating for approximately 63,000 people and associated facilities.</p> <p>Suggested drafting note: It is recommended that columns 2 and 3 be swapped so that the 'legacy use' is in column 2 and the 'games-related use' is in column 3 to ensure it is clear that the primary purpose of delivering authority venues is for legacy.</p> <p>Additionally, it is recommended that in the 'games-related use' column - deletion of the term 'new' - to emphasise a focus upon the legacy use of venues and remove any implication that the venues are constructed for the Games rather for legacy.</p>

No.	Change	Comment
3	<p>Schedule 2 Other venues</p> <p>The Draft Bill includes a new Schedule 2 which outlines a table of the facility's description, its associated games-related use and legacy use related to 'other venues'.</p>	<p>For instance, an example of an 'other venue' is a facility to be known as the Gold Coast Arena to be located at Carey Park, Marine Parade, Southport 4215. The 'games related use' is new arena with seating for up to 18,000 people. The 'legacy use' is an arena with seating for up to 18,000 people.</p> <p>Suggested drafting note: It is recommended that columns 2 and 3 be swapped so that the 'legacy use' is in column 2 and the 'games-related use' is in column 3 to ensure it is clear that the primary purpose of delivering authority venues is for legacy.</p> <p>Additionally, it is recommended that in the 'games-related use' column - deletion of the term 'new' - to emphasise a focus upon the legacy use of venues and remove any implication that the venues are constructed for the Games rather for legacy.</p>
Specific amendments in respect of Brisbane 2032 and the Delivery Authority		
4	<p>Attendance at meetings by Minister's nominee</p> <p>The Draft Bill inserts a new section 36A which mandates that a Ministerial nominee must attend each meeting of the Brisbane 2032 Board itself.</p>	<p>Suggested wording could include:</p> <p>Amend s.36A as follows:</p> <p><u>"(1) Subject to the <i>Queensland Board Representative</i> not being an elected office holder of the Queensland Parliament, each board meeting may be attended by a Minister's nominee.</u></p> <p>...</p> <p><u>(3) In this section –</u></p> <p>...</p> <p><u><i>Queensland Board Representative</i> means the person nominated by the Minister as a representative of the Queensland Government under section 17(1)(b).</u></p> <p><u>(4) For the avoidance of doubt, any Ministerial nominee is subject to the same confidentiality obligations owed to the corporation as a director of the Board, save only as required to update the nominating Minister of information received during or relating to a meeting, or of other business, of the board.</u></p> <p><u>(5) Without limitation, documents or information of a confidential nature related to the International Olympic Committee used to update the nominating Minister are not to be further disclosed to any third party without the express written consent of the International Olympic Committee.</u></p> <p><u>(6) The limitation under subsection (5) is not overridden by any other requirement, authorisation or permission at law which may otherwise purport to compel dissemination or disclosure of such information, including any order of a court."</u></p>

No.	Change	Comment
5	<p>Function – Delivery Authority</p> <p>The Draft Bill inserts new functions of the Delivery Authority per section 53AD(1).</p>	<p>The functions are as follows:</p> <ul style="list-style-type: none"> (a) to seek 1 or more allocations of funding from the Queensland Government for each authority venue; and (b) to deliver each authority venue in time for the Brisbane 2032 Olympic and Paralympic Games in accordance with the allocated funding for the authority venue; and (c) to monitor the delivery of other venues; and (d) to ensure compliance with the relevant games agreements to the extent they relate to the delivery of an authority venue. <p>Suggested drafting note: It is recommended that the timing in section 53AD(1)(b) be tightened to ensure each authority venue is delivered in time for its ‘games-related use’, rather than for the Brisbane 2032 Olympic and Paralympic Games, generally. This will be to ensure the Delivery Authority will be able to build all the temporary overlay, deliver test events etc.</p> <p>Suggested wording could include:</p> <p>Amend s.53AD as follows:</p> <p><u>“(1) The main functions of the authority are-</u></p> <p><u>...</u></p> <p><u>(b) to deliver each authority venue in sufficient time for games-related use for the Brisbane 2032 Olympic and Paralympic Games and otherwise in accordance with the allocated funding for the authority venue; and</u></p> <p><u>...”</u></p> <p><u>...</u></p>