


Queensland Legislative Assembly	
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ECONOMICS AND GOVERNANCE COMMITTEE

Report No. 20

Brisbane Olympic and Paralympic Games Arrangements Bill 2021

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 27 October 2021, the Brisbane Olympic and Paralympic Games Arrangements Bill 2021 (the Bill) was introduced into the Queensland Parliament.

Parliament referred the Bill to the Economics and Governance Committee (the Committee). On 26 November 2021, the Committee tabled Report No. 20 in relation to the Bill (the Report) in the Queensland Parliament.

The Queensland Government response to the recommendations contained in the Report is provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1

The Committee recommends that the Bill 2021 be passed.

Queensland Government response:

The Queensland Government thanks the Committee for its consideration of the Bill and notes its support of the Bill.

Recommendation 2

The Committee recommends that the Premier and Minister for the Olympics further explain the scope of clauses 9 and 10 of the Bill and outline any broader legislative recognition of the importance of an inclusive and consultative approach to delivering the Brisbane 2032 Games, during the Second Reading Debate on the Bill.

Queensland Government response:

The Queensland Government supports this recommendation.

During the Second Reading Debate on the Bill, the Premier and Minister for the Olympics will provide a further explanation of the scope of clauses 9 and 10 of the Bill and outline any broader legislative recognition of the importance of an inclusive and consultative approach to delivering the Brisbane 2032 Games.

The overarching purpose of enshrining the objectives, key activities and requirements of the Corporation within clauses 9 and 10 is to ensure that the Corporation has a legislative obligation to deliver a successful Brisbane 2032 Olympic and Paralympic Games. Of note, clause 9(2)(b) requires that the Corporation comply with its obligations under the Olympic Host Contract. As part of this contract, the Corporation must ensure that all pre-election commitments, guarantees and obligations in relation to Brisbane 2032 are delivered. This includes delivering on the commitments made in the publicly available final response to the International Olympic Committee's (IOC) Future Host Questionnaire, which has a full section detailing the proposed approach to community engagement.

Broader legislative recognition of the importance of an inclusive and consultative approach to delivering Brisbane 2032 is contained in section 7 of the *Public Sector Ethics Act 1994* which provides that public sector entities (which includes entities established under Acts such as the Corporation) and public officials of those entities accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions.

Recommendation 3

The committee recommends that the Premier and Minister for the Olympics encourage the Board of the Corporation to engage with and provide a voice to those affected by its Games infrastructure planning and decisions through commissions, with a view to ensuring that development associated with the Games is achieved in a community-focussed, forward-thinking manner that will support the present and future need of local families, businesses and the wider community.

Queensland Government response:

The Queensland Government supports this recommendation.

The Premier and Minister for the Olympics will write to and engage with the Corporation once formed to encourage consultation and engagement by the Corporation with those affected by Games organising and planning. This will include, but not be limited to, engagement and consultation with local communities, businesses, unions and industry associations. With respect to Games procurement activities, the Bill makes clear that the Corporation will ensure goods and services are procured in accordance with the Queensland Procurement Policy, except where inconsistent with the Olympic Host Contract.

It is important to note that the Corporation will not be responsible for delivering infrastructure. However, the Queensland Government, working in partnership with the Federal Government and relevant local governments, will continue to ensure extensive consultation with affected communities regarding infrastructure planning and decisions. In particular, engaging local industry and generating jobs are two of the key objectives of this government and we will ensure that local businesses are aware of and benefit from infrastructure investment.

Recommendation 4

The committee recommends that the Premier and Minister for the Olympics clarify the operation of clause 40(3) of the Bill, and why the declaration that the directors present constitute a quorum for making a decision in respect of subsection 1(b) and not (1) in its entirety.

Queensland Government response:

The Queensland Government supports this recommendation.

The Bill's Explanatory Notes describe that clause 40 provides that unless the board otherwise directs, a director who discloses an interest must not be present when the board considers a matter relevant to the director's interest or take part in any decision making about the matter. The director must also not be present when the board considers whether to give a direction under subclause (1). Subclause (1)(b) contemplates that the directors present at the meeting may direct otherwise. That is, they may allow the director who has disclosed an interest in a matter to take part in making a decision of the board about the matter.

The rationale for clause 40(3) applying to subclause (1)(b) and not (1) in its entirety is that there is no need to specify a special quorum for subclause (1)(a) because it deals with who may not be present (not whether a decision of the Board may be made in that instance). Consequently, the board may only 'otherwise direct' under subsection (1) if a regular quorum under clause 34 (excluding the disclosing director: see clause 40(2)) is present. This drafting is consistent with section 33(5) of the *Queensland Veterans' Council Act 2021* which was recently considered by the Economics and Governance Committee and passed by Queensland Parliament.

Recommendation 5

The committee recommends that the Department of the Premier and Cabinet continue to engage with the Australian Olympic Committee (AOC) and IOC to ensure that the Corporation and its Board are supported by a transparent and accountable legislative framework that appropriately balances the need for confidentiality of sensitive information with mechanisms for access to information in the public interest.

Queensland Government response:

The Queensland Government supports this recommendation.

The Department of the Premier and Cabinet has written to both the IOC and AOC to communicate the importance of the Corporation and its Board being supported by a transparent and accountable legislative framework that appropriately balances the need for confidentiality of sensitive information with mechanisms for access to information in the public interest.

The letter highlights that the Corporation and its Board will be subject to Queensland's freedom of information framework under the *Right to Information Act 2009* (RTI Act). The RTI Act is designed to make more information available to members of the community and reflects the Queensland Government's commitment to release information administratively as a matter of course, unless there is a good reason not to, with applications under the RTI Act being necessary only as a last resort.

The Bill will exempt the release of documents received or created by the Corporation that comprise information communicated in confidence by or for the AOC or the IOC (i.e. private information), which is consistent with the existing treatment of commercial in confidence information under the RTI Act. Notwithstanding this, it is the Queensland Government's expectation that other information held by the Corporation is proactively released, where it is in the public interest to do so and in accordance with the Olympic Host Contract.

The Queensland Government understands that proactive release of public information improves public administration and the quality of government decision-making and will similarly improve the administration of the Corporation. The proactive release of information by the Corporation would also reflect and further reinforce the IOC's long-term commitment to transparency and reform and align with recommendation 14 of the Olympic Agenda 2020+5 to strengthen the Olympic Movement through good governance.

Recommendation 6

The committee recommends that the Premier and Minister for the Olympics undertake to further engage with the Commonwealth Government regarding the necessity of retaining clause 8(2), and advise the Assembly of any further advice received as to the grounds for its inclusion.

Queensland Government response:

The Queensland Government supports the Committee's recommendation.

In a draft version of the Bill, all Board directors were initially subject to the *Crime and Corruption Act 2001*. Following consultation, the Commonwealth Government specifically

requested that any Commonwealth Parliamentarians on the Board be exempt from the application of the Crime and Corruption Act.

The Honourable Stirling Hinchliffe MP, Minister for Tourism, Innovation and Sport and Minister Assisting the Premier on Olympics and Paralympics Sport and Engagement has written to Senator the Honourable Richard Colbeck, Minister for Senior Australians and Aged Care Services and Minister for Sport seeking further grounds and clarification from the Commonwealth Government on why it requested that the Crime and Corruption Act not apply to Commonwealth Parliamentarians.

The Queensland Government also notes that during the Committee's inquiry, the Crime and Corruption Commission (CCC) made a submission and raised issue with the clause 8(2) which could arguably provide a blanket exemption from the operation of the Crime and Corruption Act for Commonwealth Parliamentarians on the Board.

This was not the policy intent of the clause. The intent was to have the exemption only apply in relation to their involvement with the Corporation.

In response, it is proposed that an amendment is moved during consideration in detail to ensure that Commonwealth Parliamentarians on the Board are not entirely exempt from the broader application of the Crime and Corruption Act. The amendment will provide that the exemption only applies to their role as a director on the Board.

Following enactment of the Bill, the Queensland Government will monitor the operation of clause 8(2) and review the requirement to retain the provision.

Recommendation 7

The committee recommends that the Premier and Minister for the Olympics consider amending the Bill to include a provision to require the destruction of criminal history information after it is no longer needed.

Queensland Government response:

The Queensland Government agrees in-principle and has given further consideration to such an amendment but believes that changes to the Bill are not required.

As highlighted in the Department of the Premier and Cabinet's letter to the Committee of 16 November 2021, clause 30(2) of the Bill creates a new offence for a person who possesses criminal history information because the person is (or has been) a director or another person involved in administration of the Act to disclose another person's criminal history information other than as provided for under clause 30(3). The maximum penalty for breach of this provision is 100 penalty units.

During the drafting process, inclusion of a requirement to destroy criminal history information after it was no longer required was contemplated. However, it was considered that destroying criminal history information was only one of several potential administrative steps that could be taken to help ensure confidentiality in accordance with clause 30(2). This includes the secure storage of information and placing organisational restrictions on the access to information. Such provisions were not considered necessary to include in the Bill. Further, the persons referenced in clause 30 of the Bill will need to abide by the *Information Privacy Act 2009* and related guides.

ENDS