



Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024

Report No. 9, 57th Parliament
Housing, Big Build and Manufacturing Committee
May 2024

Housing, Big Build and Manufacturing Committee

Chair	Mr Chris Whiting MP, Member for Bancroft
Deputy Chair	Mr Jim McDonald MP, Member for Lockyer
Members	Mr Don Brown MP, Member for Capalaba Mr Michael Hart MP, Member for Burleigh Mr Robbie Katter MP, Member for Traeger Mr Tom Smith MP, Member for Bundaberg

Committee Secretariat

Telephone	+61 7 3553 6662
Email	hbbmc@parliament.qld.gov.au
Technical Scrutiny Secretariat	+61 7 3553 6601
Committee webpage	www.parliament.qld.gov.au/hbbmc

Acknowledgements

The committee acknowledges the assistance provided by the Department of State Development and Infrastructure.

All web address references are current at the time of publishing.

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Chair's foreword

This report presents a summary of the Housing, Big Build and Manufacturing Committee's examination of the Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The primary purpose of the Bill is to establish the Games Venue and Legacy Delivery Authority (Authority) and its Board of Directors. The committee has recommended that the Bill be passed.

The Brisbane 2032 Olympic and Paralympic Games continues to be an issue of intense interest to Queenslanders, with all possible stakeholders - and indeed all Queenslanders – seemingly holding a range of firm opinions on how to run the event. Nevertheless, the array of stakeholders who made a submission to this inquiry were content to contain their contributions to their written submission, with little desire to repeat their comments in hearings before the committee.

It is clear to the committee that all interested bodies are keen to continue the preparations for the Games after the Authority is established and focus on a lasting legacy for Queensland. I believe the vast majority of Queenslanders are proud to have the Olympic and Paralympic Games hosted by our state, and are keen to see a successful Games that showcases our state to the world.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and who appeared at the hearing. I also thank our Parliamentary Service Staff and secretariat.

I commend this report to the House.



Chris Whiting MP

Chair

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Executive Summary

On 17 April 2024 the Hon Grace Grace, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing introduced the Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024 (Bill) into the Queensland Parliament. The Bill was referred to the Housing, Big Build and Manufacturing Committee for consideration.

About the Bill

The primary purpose of the Bill is to establish the Games Venue and Legacy Delivery Authority (authority) and its Board of Directors.

The main functions of the Authority are to:

- deliver venues in time for the Games and within budget allocations, including managing effects on users of the venues during their development
- monitor and ensure the delivery of villages in time for the Games
- coordinate and integrate the planning and delivery of state, Commonwealth, and local government obligations under, or related to, the Olympic Host Contract (the host contract).

The Authority will have a Board of Directors (Board) which will ensure the Authority performs its functions in a proper, effective and efficient way. The Board is to consist of up to seven independent directors (including the Chair) which are to be nominated by the Minister and appointed by the Governor in Council.¹ To ensure independence of the Board, the Minister may only nominate Board Directors if they have been chosen and recommended by a selection panel consisting of chief executives from the Games delivery partners and other representatives.

Key issues canvassed by committee

The key issues raised during the committee's examination of the Bill included:

- the form and establishment of the Authority
- the powers of the Authority including planning and acquisition powers
- the composition of the Board of Directors
- the appointment and selection criteria for the Board.

Legislative compliance

The committee was satisfied that the Bill gives significant regard to the rights and liberties of individuals and the institution of Parliament. The committee was also satisfied that any limitations of human rights, as set out in the *Human Rights Act 2019*, are reasonable and justifiable.

Recommendations

The committee has recommended that the Bill be passed.

The committee has also recommended that the Queensland Government consider amending the Bill at Clause 12 to include the City of Gold Coast Mayor as a member of the Board for the Brisbane Organising Committee for the Brisbane 2032 Olympic and Paralympic Games.

¹ Explanatory notes, p 22.

1 Introduction

1.1 Overview and policy objectives of the Bill

The Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024 (Bill) seeks to amend the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* (BOPGA Act) to establish the Games Venue and Legacy Delivery Authority (Authority) and its Board.

The main functions of the Authority will be to:

- deliver venues in time for the Games and within budget allocations, including managing effects on users of the venues during their development
- monitor and ensure the delivery of villages in time for the Games
- coordinate and integrate the planning and delivery of State, Commonwealth, and local government obligations under, or related to, the host contract.²

The Bill also provides the Authority with the necessary powers to perform its functions, and in performing these functions, the Authority must seek to maximise the legacy and benefits of the Games for Queensland, Australia and the Oceania region.³

1.2 Background

Brisbane was elected as host of the 2032 Olympic and Paralympic Games by the International Olympic Committee (IOC) in July 2021. Under the Olympic Host Contract (host contract) and the IOC's Olympic Charter, the IOC has entrusted the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (the Corporation), the State of Queensland, Brisbane City Council, and the Australian Olympic Committee with the planning, organising, financing, and staging of the Brisbane 2032 Olympic and Paralympic Games (Games).⁴

The host contract proposes 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.⁵

The BOPGA Act established the Corporation and its Board on 20 December 2021. On 15 December 2023, following consideration of the recommendation of a report about governance arrangements for the Games, and the establishment of the Brisbane 2032 Coordination Office, the Premier announced that a delivery authority would be established for the Games.⁶

1.3 Government consultation

The explanatory notes list the consultation activities the government has undertaken with industry and various stakeholders in relation to the Bill.⁷ The process began with consultation with key stakeholders in early 2024 on primary matters being considered as part of the drafting of the Bill. A consultation draft of the Bill was shared with key stakeholders in March 2024. This included the Corporation, Australian Government, Brisbane City Council, City of Gold Coast, Sunshine Coast Council, Council of Mayors (SEQ) Pty Ltd, Australian Olympic Committee, Paralympics Australia, the

² Explanatory notes, p 2.

³ Explanatory notes, p 3.

⁴ Explanatory notes, p 1.

⁵ Explanatory notes, p 2.

⁶ Explanatory notes, pp 1-2.

⁷ Explanatory notes, pp 12-13.

Local Government Association of Queensland and Stadiums Queensland.⁸ The explanatory notes indicate that a number of changes were made to the Bill in response to feedback provided through this consultation process, including the following:

- ensuring the Authority's legal name does not create confusion between the role of the Authority and the role of the Corporation
- including 'Brisbane' in any references to the 2032 Olympic and Paralympic Games
- outlining that in preparing the transport and mobility strategy, the Authority must consult with specific entities
- ensuring the Authority's power to give a direction to entities on critical transport infrastructure is reasonable and that the resources and jurisdictional boundaries of governments are considered when giving directions
- ensuring that venues and villages can be delivered in a timely manner.⁹

Some key change requests made during consultation on the draft Bill were not incorporated, including the exemption of the Authority from the Queensland Government's policy on procurement and requiring that all Games delivery partners approve the Games Coordination Plan.¹⁰

1.4 Legislative Standards Act 1992

The committee's assessment of the Bill's compliance with the *Legislative Standards Act 1992* (LSA) included consideration of fundamental legislative principles which are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. Fundamental legislative principles require that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The committee considered the following fundamental legislative principles relating to the general rights and liberties of individuals:

- Delegation of administrative power only in appropriate cases and to appropriate persons
- Delegation of administrative power only if the power is subject to appropriate review.

The committee also considered the following fundamental legislative principles relating to the payment of sufficient regard to the institution of Parliament:

- Delegation of administrative power only in appropriate cases and to appropriate persons including by regulation.

In summary the committee was satisfied that the Bill gives significant regard to the rights and liberties of individuals and the institution of Parliament.

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill. The notes contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

⁸ Explanatory notes, p 12.

⁹ Explanatory notes, pp 12-13.

¹⁰ Explanatory notes, p 13.

1.5 Human Rights Act 2019

A law is compatible with human rights if it does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable.¹¹ The committee's assessment of the Bill's compatibility with the HRA considered the following potential issues and limitations on human rights:

- Recognition and equality before the law
- Freedom from forced work
- Freedom of movement
- Freedom of expression
- Taking part in public life
- Property rights
- Privacy and reputation
- Cultural rights
- Fair hearing
- Rights in criminal proceedings
- Right not to be punished more than once.¹²

The committee was satisfied that the Bill was compatible with the *Human Rights Act 2019*.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.6 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024 be passed.

¹¹ HRA, s 8.

¹² Statement of Compatibility, p 2.

2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

2.1 Games Venue and Delivery Authority

2.1.1 Legal form and functions of the Authority

The Bill proposes to establish the Games Venue and Legacy Delivery Authority (Authority), including setting out the key functions of the Authority. The Bill provides that the Authority will be a statutory body as defined by the *Statutory Bodies Financial Arrangements Act 1982* and the *Financial Accountability Act 2009*, and a unit of public administration under the *Crime and Corruption Act 2001*.¹³

The Department of State Development and Infrastructure (the department) advised that establishing the Authority as a statutory body under Queensland legislation will:

- enable it to operate at arms-length from the State, with control over its own funds, providing the necessary operational independence to support the successful delivery of Brisbane 2032 Olympic and Paralympic Games
- allow it to operate within a flexible structure while having defined functions, with a focus on prioritising projects related to the Games, in its enabling legislation and the suite of necessary powers and functions for that purpose
- subject it to the public sector accountability regime rather than the *Corporations Act 2001* (Cwlth), which is considered appropriate given the public money and public interest involved in successfully delivering the Games
- allow for the establishment of an independent Board.¹⁴

The main functions of the Authority are to:

- deliver venues in time for the Games within budget allocations, including managing effects on users of venues during their development
- monitor and ensure the delivery of villages in time for the Games
- co-ordinate and integrate the planning and delivery of State, Commonwealth, and local government obligations under, or related to, the host contract.¹⁵

Clause 20 of the Bill sets out certain requirements that the Authority must deliver in undertaking its functions. The Authority must:

- make a Games Coordination Plan (GCP) within 12 months of commencement
- seek to maximise the legacy and benefits from the Games for Queensland, Australia and the Oceania region
- have regard to:

¹³ Bill, cl 20, pt 2, new s 53AC. Department of State Development and Infrastructure, correspondence, 26 April 2024; p 2.

¹⁴ Department of State Development and Infrastructure, correspondence, 26 April 2024; p 2.

¹⁵ Bill, cl 20, pt 2, new s 53AD.

- the financial resources of the Authority, the Corporation, the State and the Commonwealth that are available for the Games
 - the financial resources of local governments involved in the delivery of the Games
 - the document called *Elevate 2042: Brisbane 2032 Olympic and Paralympic Games Legacy Strategy* prepared by the Games delivery partners and published by the Queensland Government in 2023
 - the requirements under the host contract
 - requirements under agreements entered into by the State to enable it to enter into the host contract, and
 - requirements under agreements entered into by the Commonwealth and the State for the primary purpose of supporting the delivery of the Games.
- use its best endeavours to avoid creating liabilities that will not be, or are likely not to have been, satisfied before the Authority is dissolved
 - ensure goods and services are procured in accordance with the Queensland Government's policy about procurement, including procurement from Indigenous businesses to the extent the policy applies to the Authority as a statutory body under the Financial Accountability Act 2009, and
 - co-operate with the Corporation in good faith.¹⁶

Reflective of the intended independence of the Authority from the State, its staff will be employed under the BOPGA Act, not the *Public Sector Act 2022*.

2.1.1.1 Stakeholder views and department's response

Submitters, were largely supportive of the establishment and functions of the Authority as set out the Bill.¹⁷

The Local Government Association of Queensland (LGAQ) welcomed the inclusion of a requirement for consultation to be undertaken with the Chief Executive of any or all local government(s) impacted and or referenced with the transport and mobility strategy at new section 53AJ.¹⁸

The City of Gold Coast recommended that the functions of the Authority be expanded to include an obligation for the Authority to act in good faith when considering a response to a direction regarding critical transport infrastructure and with all Games delivery partners, rather than only the Corporation.¹⁹

In response, the department advised that it does not consider it necessary to insert a legislative requirement to act reasonably and in good faith as the Authority will be exercising statutory powers and must exercise those powers according to law. The department also advised that within 12 months of establishment, the Authority will be required to enter into a Memorandum of Understanding with Games delivery partners which will outline governance principles supporting collaboration between the Authority and Games delivery partners in the performance of State, Commonwealth and local government obligations under, or related to, the Olympic Host Contract.²⁰

¹⁶ Bill, cl 20, new s 53AE.

¹⁷ Queensland Tourism Industry Council, submission 3, p 2;

¹⁸ LGAQ, submission,

¹⁹ City of Gold Coast, submission 12, p 4.

²⁰ Department of State Development and Infrastructure, correspondence, 10 May 2024, p 10.

Several submitters suggested that the Bill should be amended to ensure that there was a greater focus on the legacy the Games can provide, including through strengthening legacy investment in tourism infrastructure, enabling pre, during and post Games visitation and ensuring local content in the procurement of materials and services supplied to the Games.²¹

In response, the department confirmed that Clause 5 of the Bill outlines that the Authority will be established to ensure Queensland's readiness to successfully host, and maximise the legacy and benefits from, the Games. Further, in performing its functions, the Authority must seek to maximise the legacy and benefits of the Games for Queensland, Australia and the Oceania region (Clause 20, section 53AE).

The department further advised that the benefits mentioned in these clauses would capture sustainability and any other benefits from or of the Games. Further to this, the Authority will be heavily involved in sustainability activities and maximising sustainability benefits through the Sustainability Program under current Brisbane 2032 governance arrangements.²²

2.2 Powers of the Authority

2.2.1 Planning powers

The Bill provides for the Authority to have the following powers to enable it to deal with potential delays due to planning approvals:

- a power to seek information, documents or assistance the Authority reasonably requires in relation to a relevant planning decision
- a reserve power to declare development for a venue or village to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*.

The Bill provides that the Minister must be satisfied that the declaration is necessary for the timely delivery of a venue or village and that the Authority has consulted with planning decision-makers to seek a solution, before recommending the declaration.²³

The explanatory notes set out that the intention of the powers given to the Authority are to support the determination of whether an alternative pathway is required for facilitating development in a particular case in order to assist in the performance of the function to ensure timely decision-making. The explanatory notes state this will facilitate the development of venues and villages is critical to ensuring timely delivery in accordance with the requirements of the host contract.²⁴

The explanatory notes provide that that the provision of an alternative pathway for decision-making will mitigate the risk of any unreasonable delay and failure of the Authority to perform its functions and effectively carry out its obligations. Finally, delays caused by a review process or legal challenge to a decision, has the potential to cause a serious negative impact on the State's ability to comply with the host contract and stage a successful Games. In respect of any particular breach on the fundamental legislative principle of entitlement to a review of decision, the explanatory notes state that:

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. In this situation, it is considered the balance favours the interest of the Queensland community in staging a successful

²¹ See for example, Western Downs Regional Council, submission 13, p 6.

²² Department of State Development and Infrastructure, correspondence, 10 May 2024, p 8.

²³ Department of State Development and Infrastructure, correspondence, 10 May 2024, p 5.

²⁴ Explanatory notes, p 9.

*Brisbane 2032 Olympic and Paralympic Games and complying with the host contract over an individual's right to be heard.*²⁵

2.2.1.1 Stakeholder views and department's response

Stakeholders provided mixed feedback on this part of the Bill.

For example, the LGAQ welcomed the inclusion of a consultation measure with local government in new section 53AS regarding the declaration of accepted developed or priority development areas.²⁶

Conversely, OSCAR submitted that the powers given to the Authority were extensive and that the actions by the Authority could lead to cost shifting to local governments.²⁷ OSCAR also submitted that they believed that enabling the Authority to intervene in planning processes risks ill-advised planning and/or unacceptable development impacts for communities.²⁸

The City of Gold Coast requested that the Minister must regard any planning instruments made by a local government for the area in making a declaration of accepted development or PDA accepted development.²⁹

In response, the department advised that to the extent that it may be necessary to have regard to local government planning instruments, the Bill requires the Authority to have regard to relevant Acts (including statutory instruments) regulating development. Consultation with the chief executive of a local government in whose area the development is or will be located also provides the local government with the opportunity to provide relevant information to inform the recommendation, such as the local government's planning intent for the relevant area.³⁰

Committee comment

The committee is satisfied that the provisions in the Bill which enable the Authority to deal with potential delays due to planning approvals are appropriate.

The committee notes the department's advice that there are likely to be existing pathways available for approval of development. However, should a planning issue arise that would threaten timely delivery of venues or villages in accordance with the requirements of the host contract, the Bill provides an alternative pathway that can expedite such development.

2.2.2 Land acquisition powers

The Bill also proposes that the Authority will have the power to acquire land for the purposes of performing its functions. If the Authority is unable to reach agreement to acquire land identified as necessary for the performance of its functions, the Authority could seek the assistance of the State (for example through the Coordinator-General) or another constructing Authority to use its powers to take land.³¹

Similar to planning delays, the department advised that if a land acquisition delay arises, the Bill provides a reserve power to declare by regulation that land can be taken if the Minister is satisfied that the taking of the land is necessary to facilitate the timely delivery of a venue or village, and the Coordinator-General has been consulted by the Authority.³²

²⁵ Explanatory notes, p 10.

²⁶ LGAQ, submission 6, p 2.

²⁷ OSCAR, submission 9, p 3.

²⁸ OSCAR, submission 9, pp 4-5.

²⁹ City of Gold Coast, submission 12.

³⁰ DSDI, correspondence, 10 May 2024, p 11.

³¹ DSDI, correspondence, April 2024, p 5.

³² DSDI, correspondence, April 2024, p 5.

Upon the making of the regulation, the Authority would be able to take the land under the process and compensation principles set out in the *Acquisition of Land Act 1967*, subject to native title laws. The department advised that the land and planning powers are considered necessary given the obligations in the host contract and to ensure any economic, financial or reputational cost of non-delivery is avoided.³³

2.2.2.1 Stakeholder views and department's response

OSCAR expressed concern that the power to declare land to be acquisition land for the Games creates a risk that inappropriate and unfair land acquisitions will be made due to poor planning and development decisions by the Authority. OSCAR queried whether some kind of appeal mechanism could be implemented, such as an independent panel of suitably qualified persons capable of reviewing the need for the acquisition and the terms being offered.³⁴

In response, the department advised that comprehensive planning and land acquisition frameworks already exist within Queensland to facilitate the development required for delivery of venues and villages. The department advised that it is intended that the Authority work with planning decision-makers and leverage off existing planning powers for venues and villages in the first instance and make use of existing compulsory acquisition pathways to acquire land for venues and villages (if commercial agreement cannot be reached). As such, the planning and land acquisition powers are intended to be reserve powers, which the Minister or Authority will be able to exercise where the relevant statutory criteria have been satisfied. In some cases, this will require consultation with relevant entities.³⁵

OSCAR also expressed concerns that if the normal judicial review appeal mechanism is not possible, there will be no way to avoid, minimise or mitigate poor decisions. OSCAR suggested that instead, amendments could be made via the Bill to 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.³⁶

In response, the department advised that the position in respect of appeals and challenges relating to land acquisition or planning decisions is substantially consistent with the State's existing planning and land acquisition framework. The department advised that while the Bill does not provide for any appeal on the merits of a Part 4 decision, this reflects the critical imperative to achieve timely delivery of the venues and villages to satisfy binding legal obligations in the host contract and to stage a successful Games. It is also consistent with approaches under the State's existing planning and land acquisition legislation.³⁷ The department advised that a similar decision of the planning Minister to recommend development be accepted development under the *Planning Regulation 2017* would not be subject to merits review. Likewise, the *Acquisition of Land Act 1967* (ALA) processes for decisions to acquire land do not provide for the review of the merits of a decision. The Authority is, however, required to adopt existing processes for taking of land and payment of compensation and consistent with the ALA, the Bill does expressly preserve the Land Court's ability to decide a claim for compensation for the taking of land.³⁸

Further, the department advised, that the Bill expressly provides for review under Part 5 of the *Judicial Review Act 1991* to the extent a decision is affected by jurisdictional error. This allows for judicial review of the exercise of Part 4 powers, having regard to the criteria prescribed for the exercise of

³³ DSDI, correspondence, April 2024, p 6.

³⁴ OSCAR, submission 9, pp 4-5.

³⁵ DSDI, correspondence, April 2024, p 6.

³⁶ OSCAR, submission 9, p 5.

³⁷ DSDI, correspondence, April 2024, p 6.

³⁸ DSDI, correspondence, April 2024, p 6.

those powers (for instance, if the prescribed criteria for the making of a decision were not satisfied, or a decision was manifestly unreasonable). A similar approach is adopted in the *Planning Act 2016*.³⁹

The department advised that venue and village projects are subject to rigorous assessment to inform government decision-making. Safeguards exist for the exercise of powers and require existing processes to be explored as a first step. Before exercising powers, the Minister must be satisfied use of the powers is necessary for the timely delivery of the venue or village. On this basis, the proposed approach strikes the necessary balance and is not inconsistent with approaches taken in existing state legislation.⁴⁰

The Property Council of Australia requested that a timeframe be applied to acquisition powers in section 53AU to not unnecessarily burden landowners. In response, the department advised that a declaration of acquisition land can only be made if the Minister is satisfied that (a) land is required for a venue or village; and (b) it is necessary to enable the Authority to take land to facilitate the timely delivery of the venue or village. As the acquisition powers are only intended to be used where necessary to facilitate timely delivery of venues or villages, a time limit for acquisition to occur following declaration of land as acquisition land is not considered necessary.⁴¹

Committee comment

The committee is satisfied that amendments relating to the acquisition of land are appropriate as they reflect and incorporate current legal and judicial mechanisms.

2.2.3 Critical transport infrastructure

The Bill requires the Authority to develop, within 18 months of establishment, a Transport and Mobility Strategy (the Strategy) that identifies critical transport infrastructure projects required in time for the Games and describes measures to ensure those transport infrastructure projects are prioritised and integrated with other transport infrastructure projects.⁴² According to the explanatory notes, the Authority must publish the transport and mobility strategy on its website, subject to obtaining the approval of Games delivery partners.⁴³

In preparing the Strategy, the explanatory notes state that the Authority must engage in consultation with those entities outlined in new section 53AJ which includes the relevant government agencies. The explanatory notes state that new section 53AL would empower the Authority to give a written direction to any government agency (other than a Commonwealth Government) to take particular actions in order to ensure the provision or maintenance of critical transport infrastructure.⁴⁴

The explanatory notes identify that this may breach fundamental legislative principles in relation to the independence of the government agency or local government. In that regard:

*The Minister may only give such a direction if the Minister is satisfied it is reasonably necessary to give the direction and the Minister has considered the obligations under the host contract, which is considered to be an appropriate limitation on this power. Further, given that the State (and others) have continuing obligations under the host contract, it is appropriate and reasonable that the Minister have a direction power.*⁴⁵

³⁹ DSDI, correspondence, April 2024, p 6.

⁴⁰ DSDI, correspondence, April 2024, p 6.

⁴¹ DSDI, correspondence, 10 March 2024, p 12.

⁴² Bill, cl 20, pt 3, new s 53AI.

⁴³ Explanatory notes, p 18.

⁴⁴ Explanatory notes, p 17.

⁴⁵ Explanatory notes, pp 5-6.

Several submitters commented on this aspect of the Bill. The Property Council of Australia noted:

While we acknowledge the flexibility inherent in the definition in the Bill (by including transport infrastructure and mobility planning), it is important to reinforce the need for the transport and mobility strategy to prioritise the planning and delivery of transport infrastructure, not only for the Games but more importantly to support Queensland's growing population ... it is also critical the transport and mobility strategy is informed by private industry, which is critical to successfully delivering the infrastructure needed to support Queensland's future.⁴⁶

Committee comment

The committee is satisfied that amendments relating to the provision of critical transport infrastructure are appropriate and will be highly important in establishing an ongoing public legacy from the Games.

2.2.4 Right to Information

The Office of the Information Commissioner (OIC) submitted that due to the close relationship between the Authority and the Brisbane Corporation for the 2032 Olympic and Paralympic Games (the Corporation), more documents could be subject to the exclusion under the *Right to Information Act 2009* (RTI Act) in relation to a document created or received by the Corporation in carrying out its functions, to the extent it comprises information not already in the public domain and which was communicated in confidence by or for the Australian Olympic Committee (AOC) or the International Olympic Committee (IOC).⁴⁷

The OIC submitted that the RTI Act has a sufficient framework to protect sensitive documents and any legislative proposal to add further exemptions should be considered in that wider policy context.⁴⁸

In response, the department advised that the exclusion in section 13A of Schedule 1 of the RTI Act has not been extended in any way. It will continue to apply only to documents created or received by the Corporation in carrying out its functions (as distinct from the Authority carrying out its functions) to the extent the document comprises information not already in the public domain that was communicated in confidence by or for the relevant Olympics bodies.⁴⁹

The department advised that exclusion for the Corporation applies to a document only to the extent it comprises information of the relevant type. This limits the exclusion to specific information, rather than documents in their entirety. The department also advised that the Authority will be in the same position as any other agency with whom the Corporation has shared/will share information in carrying out its functions. To be clear, the Authority will not be exempt from the RTI Act.⁵⁰

Committee comment

The committee notes the advice from the Department of State Development and Infrastructure that the Authority will not be exempt from the *Right to Information Act 2009* and is satisfied that the issues raised by the Information Commissioner have been addressed.

⁴⁶ Property Council of Australia, submission 16, p 3.

⁴⁷ OIC, submission, p 1.

⁴⁸ OIC, submission, p 1.

⁴⁹ DSDI, correspondence, 10 March 2024, p 2.

⁵⁰ DSDI, correspondence, 10 March 2024, p 2.

2.2.5 Transitional arrangements

The LGAQ recommended that the Bill be amended to replace the dissolution of the Authority with a transition to a legacy authority, in order to help the Games generate enduring advantages statewide beyond the event itself.⁵¹

In response, the department advised that the Bill simply provides that a regulation may prescribe a day as the dissolution day. The Bill does not prevent the Authority from continuing beyond 2032 should it be determined there is a continuing role for the Authority following the Games.

2.3 Establishment of Board

2.3.1 Powers and functions of the Board

The Bill provides for the establishment of an independent Board which will ensure the Authority performs its functions in a proper, effective and efficient way. The department advised that oversight and governance in the form of a Board was considered the most appropriate decision-making body as a Board can: add value to the operations of the Authority by including among its membership subject matter experts and those with high standing within the community, particularly Games delivery partners; prioritise engagement with Games delivery partners and local, national, and community stakeholders to maximise beneficial outcomes from investment; and Board sub-committees and commissions can be used to ensure greater levels of representation and diversity.⁵²

New section 53BF of the Bill provides that the Board of the Authority is to consist of up to seven independent directors (including the Chair) which are to be nominated by the Minister and appointed by the Governor in Council.⁵³

The department advised that to ensure the independence of the Board, the Minister may only nominate Board Directors if they have been chosen and recommended by a selection panel consisting of chief executives from the Games delivery partners, with representation on the panel as follows:

- State Government
- Commonwealth Government
- Brisbane City Council
- Sunshine Coast Regional Council
- Gold Coast City Council
- the Corporation
- Australian Olympic Committee
- Paralympics Australia
- Council of Mayors (SEQ) Pty Ltd.⁵⁴

The department further advised that the Bill provides that in considering proposed nominations to the Board, the Minister and the selection panel must have regard to the following:

- the person's skills, knowledge and experience in areas relevant to the performance of the Board's functions

⁵¹ LGAQ, submission 6, p 2.

⁵² DSDI, correspondence, 26 April 2024, pp 2-3.

⁵³ Explanatory notes, p 22.

⁵⁴ DSDI, correspondence, 26 April 2024, p 3.

- the diversity of the skills, knowledge and experience of the Board’s members relevant to the Board’s functions
- the Queensland Government’s policy about gender equity on boards, and
- the diversity of the Board.⁵⁵

The selection panel must also provide the Minister with the panel’s preferred nomination for the appointment of Chairperson.⁵⁶

The Bill provides that the President of the Board of the Corporation (also known as the OCOG) will attend meetings of the Authority’s Board and participate in deliberations but may not vote when the Board is deciding on matters. This is to assist the Board of the Authority, particularly where this may impact the Corporation (also known as the OCOG).⁵⁷

Particular classes of people are excluded from appointment under new section 53BF(3) in order to reflect the intention of establishing an independent Board. This includes elected office holders, public service employees, local government employees, a director of the Corporation and a member or employee of the governing body of any of the Australian Olympic Committee, Paralympics Australia, the International Olympic Committee, or the International Paralympic Committee.⁵⁸

The Bill also provides that a person will also be disqualified from becoming or, if already appointed, continuing as director, if they have a conviction, other than a spent conviction for an indictable offence, is an insolvent or has been disqualified from managing corporations pursuant to the *Corporation Act 2001 (Cth)*.⁵⁹

The explanatory notes indicate that having regard to ‘the diversity of the board’ reflected in the criteria for appointment is intended to include regard to the representation of Aboriginal and Torres Strait Islander peoples, people with disability, people from cultural and linguistically diverse backgrounds and other diverse groups.⁶⁰

2.3.1.1 Stakeholder views and department’s response

Submitters raised a number of suggestions relating to the composition and selection of the Board.

The LGAQ submitted that it was disappointed that a previous recommendation for the Board to include First Nations and regional Queensland representatives among its membership to ensure it is inclusive and representative of all of Queensland was not accepted.⁶¹ OSCAR and the Property Council of Australia submitted that the makeup of the Board of directors does not adequately provide for community diversity and representation.⁶²

In response to the LGAQ’s recommendations, the department explained that the Minister and selection panel have regard to the Queensland Government’s policy about gender equity on boards as well as the broader diversity of board directors, which may include factors such as representation from across Queensland regions and First Nations representatives. The department advised that this

⁵⁵ DSDI, correspondence, 26 April 2024, p 3.

⁵⁶ Bill, cl 20, new s

⁵⁷ DSDI, correspondence, 26 April 2024, p 3.

⁵⁸ Explanatory notes, p 22.

⁵⁹ Bill, cl 20, pt 5, new s 53BM.

⁶⁰ Explanatory notes, p 23.

⁶¹ LGAQ, submission 6, p 2, 6.

⁶² OSCAR, submission 9, p 6; Property Council of Australia, submission 16, p 2.

could also include giving consideration to persons from other diverse groups such as people with a disability and people from culturally and linguistically diverse backgrounds.⁶³

The department also explained that given the size of the Authority's Board, there is a risk that being too prescriptive about the Board's composition will limit the ability for the selection panel and Minister to give due consideration to the necessary skills, knowledge and experience that directors will require in order to deliver on the Board's functions and ultimately ensure Queensland's readiness to host a successful Games. Therefore, the department considered it appropriate to grant the selection panel a level of discretion to determine the appropriate balance in this regard, including consideration to persons from the regions and First Nations representatives, and could also include persons from other diverse groups such as people with a disability and people from culturally and linguistically diverse backgrounds.⁶⁴

The LGAQ also submitted that the selection panel for nomination of directors and chairperson consist of any council that is hosting a Games venue.⁶⁵

In response, the department advised that the Bill provides that the selection panel includes representatives from the three councils in South East Queensland that are set to collectively host the majority of Games events – the Brisbane City Council, Sunshine Coast Regional Council and City of Gold Coast. The department also advised that If LGAQ's recommendation was adopted, it would result in the selection panel increasing to around twice the size of the Board itself. Such a large selection panel could be unwieldy and administratively burdensome, and its membership would not be proportionate to the level of investment and risk borne between parties.⁶⁶

Committee comment

The committee supports the establishment and selection of an independent Board. The measures outlined within the Bill provide sufficient protections to ensure that independence is maintained.

2.4 Brisbane Organising Committee Board

The Bill makes several amendments relating to the establishment, functions and powers of the Corporation. This includes amending the composition of the Board of the Corporation to include any honorary life president of the Australian Olympic Committee as an ex officio director in addition of the president of the Australian Olympic Committee.

The City of Gold Coast submitted that the Gold Coast Mayor should also be added to the Corporation's Board adding that it has signed numerous commitments, with significant resource investment, to ensure a successful Games as part of the Games delivery partners' model. In their view, the City of Gold Coast should be included in key areas of consultation and agreement.⁶⁷

In response to this recommendation, the department advised that the Olympic Host Contract requires that the host signatories, which includes the Brisbane City Council and Queensland Government, have at least one representative on the Corporation's Board. During drafting of the original Brisbane Olympic and Paralympic Games Arrangements Bill in 2021, the Federal and Queensland governments agreed that local government should have two local government representatives, as is currently in the Bill (Lord Mayor and a nominee).⁶⁸

⁶³ DSDI, correspondence, 26 April 2024, p 2.

⁶⁴ DSDI, correspondence, 26 April 2024, p 3.

⁶⁵ LGAQ, submission 6, p 2, 6.

⁶⁶ DSDI, correspondence, 26 April 2024, p 3.

⁶⁷ City of Gold Coast, submission 12, p 3.

⁶⁸ DSDI, correspondence, 26 April 2024, p 9.

Committee comment

The committee acknowledges the recommendations of the City of Gold Coast for representation from that council to be on the Board of the Brisbane Organising Committee. The committee agrees that given the resources and partnership invested by the City of Gold Coast, it is appropriate for the Government to consider amending Clause 12 of the Bill to include the City of Gold Coast Mayor on the Board.

Recommendation 2

The committee recommends that the Queensland Government consider amending Clause 12 of the Bill to include the Gold Coast Mayor as a member of the Board for the Brisbane Organising Committee.

2.5 Legislative compliance

2.5.1 Rights and liberties of individuals

2.5.1.1 Delegation of administrative power – Games entity

Whether a Bill has sufficient regard to the rights and liberties of individuals depends on whether, for example, the Bill allows the delegation of administrative power only in appropriate cases and to appropriate persons.⁶⁹

The provisions seek to amend the BOPGA Act's existing powers of delegation, which apply to the delegation of the Corporation's functions, to extend to delegation of the Authority's functions.⁷⁰ In expanding the powers to include the Authority, the Bill generally proposes to retain the existing powers of delegation however proposes to broaden the scope by providing that the Authority may delegate its functions under the Act to any other appropriately qualified person. The Corporation does not currently possess this power of delegation, nor does the Bill propose to provide for it.

According to the explanatory notes, the amendments are necessary given the wide range of functions that the Authority will be required to undertake, and that some tasks may be more effectively delivered if they can be given close attention by a committee of the Board or the chief executive officer.⁷¹ In specifically addressing the perceived necessity of the proposed broadening of the existing powers of delegation the explanatory notes assert that 'the Authority may rely on the expertise of, for example, local government or a government department to carry out particular functions'.⁷²

Generally, powers should be delegated only to appropriately qualified officers or employees of the administering department.⁷³ Although the broadened scope of the proposed amendments provide that the Authority may delegate its functions to any appropriately qualified person, there are no requirements as to who constitutes a qualified person and whether such a person may be outside of the administering department or even outside government.

Committee comment

The committee is satisfied that the delegation of administrative powers is appropriate in the circumstances and the amendments have sufficient regard to the rights and liberties of individuals.

⁶⁹ LSA, s 4(3)(c).

⁷⁰ As well as to delegation and subdelegation of the chief executive officer of the Authority's functions.

⁷¹ Explanatory notes, p 5.

⁷² Explanatory notes, p 5.

⁷³ Department of the Premier and Cabinet (DPC), *The Queensland Legislation Handbook: Governing Queensland* (Handbook), p 34.

The committee notes that there are no details in the Bill as to who might constitute as a qualified person, and suggest the Minister address this matter in the second reading speech.

2.5.1.2 *Administrative power – power to direct*

Clause 20 of the Bill proposes that the Authority may give a specified entity a written direction to provide or maintain critical transport infrastructure which has been identified in the transport and mobility strategy as a transport infrastructure project critical for delivery in time for the Brisbane 2032 Olympic and Paralympic Games (Games).

The proposed amendments require that, before giving the proposed direction, the Authority must allow the entity at least 30 business days to make a written submission about the direction. The Authority must consider any submission made by the entity and publish any direction made, along with the Authority's response to the submission, on its website. The entity may also publish the direction on its website.

Whether a Bill has sufficient regard to the rights and liberties of individuals depends on whether, for example, the Bill makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined.⁷⁴

In seeking to justify the proposed administrative power, the explanatory notes state that the recipient of a written direction 'would have been consulted about the identification of critical transport infrastructure in the strategy and would understand that it is imperative that infrastructure be available to provide transport for the Brisbane 2032 Olympic and Paralympic Games'.⁷⁵

The explanatory notes assert that the proposed submission process means that 'a balance will be struck between the need for the transport infrastructure to be available and any prejudice to the independence of the government agency or local government'.⁷⁶

According to the explanatory notes, the proposed administrative power is sufficiently defined because the written notice must state the actions required to be taken in relation to critical transport infrastructure and any relevant conditions.⁷⁷

Committee comment

The committee is satisfied that the power to direct is appropriate in the circumstances and the amendments have sufficient regard to the rights and liberties of individuals.

2.5.1.3 *Administrative power – review rights*

Clause 20 of the Bill proposes that, unless the Supreme Court decides a relevant decision is affected by jurisdictional error, the decision is:

- final and conclusive
- unable to be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991*⁷⁸ or otherwise
- not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.⁷⁹

⁷⁴ LSA, s 4(3)(a).

⁷⁵ Explanatory notes, p 5.

⁷⁶ Explanatory notes, p 6.

⁷⁷ Explanatory notes, p 6.

⁷⁸ However, part 5 'Prerogative orders and injunctions' of the *Judicial Review Act* applies to a relevant decision to the extent it is affected by jurisdictional error.

⁷⁹ Bill, cl 20 (Act inserts s 53BB).

Whether a Bill has sufficient regard to the rights and liberties of individuals depends on whether, for example, the Bill makes rights and liberties, or obligations, dependent on administrative power only if the power is subject to appropriate review.⁸⁰

The Bill's proposed restriction on review rights will apply to decision-making in relation to:

- an application for a relevant planning approval for development for a venue or village, or
- the making by the Minister of a designation for premises under the *Planning Act 2016*, if the subject development is for a venue or village.

Given that delays caused by review processes or legal challenges could have 'a profound negative impact on the ability to comply with the host contract and stage a successful Games', the explanatory notes state:

... it is necessary 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.⁸¹

The explanatory notes acknowledge that the proposed amendments favour the interest of the Queensland community in staging a successful Games and complying with the Olympic Host Contract (host contract), over an individual's right to be heard.⁸²

In seeking to justify the restriction on review rights, the explanatory notes state that:⁸³

- most of the venues are existing facilities and the proposed decision-making powers will apply to defined areas that have (and will) come under public scrutiny
- existing processes for objecting to the taking of land, and the requirement to have regard to such objections, will still apply in accordance with the *Acquisition of Land Act 1967*⁸⁴
- the court may still determine what factors are within ambit for review if assessing whether the relevant decision-maker has acted outside of the prescribed power⁸⁵
- the existing processes, which limit decision-making in relation to planning and acquisition of land, must be 'explored first' and the Minister must be satisfied that it is necessary for the timely delivery of venues or villages before the powers are triggered.

Committee comment

On balance, the committee is satisfied that the proposed amendments have sufficient regard to the rights and liberties of individuals. Central to the committee's consideration is that most of the venues are existing facilities and the proposed decision-making powers will apply to defined areas that have (and will) come under public scrutiny. Furthermore, existing processes for objecting to the taking of land, and the requirement to have regard to such objections, will still apply in accordance with the *Acquisition of Land Act 1967*.

2.5.2 Institution of Parliament

The Bill raises issues relating to the delegation of legislative power.

⁸⁰ LSA, s 4(3)(a).

⁸¹ Explanatory notes, p 10.

⁸² Explanatory notes, p 10.

⁸³ Explanatory notes, p 10.

⁸⁴ In that regard, the proposed amendments do not limit the Land Court's ability to decide a claim for compensation for the taking of land under the Bill's proposed acquisition of land provisions. Bill, cl 20 (Act inserts s 53BB(3)).

⁸⁵ See *Kirk v Industrial Relations Commission* [2010] HCA 1. Explanatory notes, p 10.

2.5.2.1 Delegation of legislative power - regulations

The proposed amendments seek to provide that certain declarations may be prescribed by regulation.

2.5.2.2 Declaration of category of development

Clause 20 of the Bill proposes that a regulation may declare development for a venue or village to be 'accepted development' (for development under the *Planning Act 2016*) and 'PDA accepted development' (for development under the *Economic Development Act 2012*).

The Minister may recommend to the Governor in Council the making of a regulation, only if satisfied:

- the *Planning Act 2016* or *Economic Development Act 2012* (whichever is applicable) may have an adverse effect on the timely delivery of the venue or village
- the making of the declaration is necessary to facilitate the timely delivery of the venue or village
- the Authority has made reasonable endeavours to consult, in the way the Authority considers appropriate, the specified persons in relation to the proposed declaration.

Additionally, the proposed amendments require that, before recommending the making of a regulation, the Minister must have regard to the specified Acts and any other Act regulating the development.⁸⁶

2.5.2.3 Declaration of compulsory acquisition

Clause 20 of the Bill proposes that a regulation may declare land to be acquisition land for the venue or village, if the Minister is satisfied that:

- land is required for a venue or village
- it is necessary to enable the Authority to take land to facilitate the timely delivery of the venue or village.

The Bill proposes that, before recommending to the Governor in Council the making of the regulation, the Minister must be satisfied the Authority has made reasonable endeavours to consult the Coordinator-General in relation to the proposed recommendation.

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows the delegation of legislative power only in appropriate cases and to appropriate persons; and sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.⁸⁷

In seeking to justify the proposed delegations of legislative power to regulation, the explanatory notes state:

The State has binding obligations under the host contract in relation to the delivery of venues and villages. The Authority is tasked with delivering venues, monitoring and ensuring villages are delivered in time for the Games, and coordinating and integrating the planning and delivery of the obligations of governments under, or related to, the host contract. 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.⁸⁸

⁸⁶ Bill, cl 20 (Act inserts s 53AS(3)).

⁸⁷ LSA, s 4(4)(a), (b).

⁸⁸ Explanatory notes, pp 9, 10.

The explanatory notes acknowledge that the proposed amendments may make it necessary for the Authority to ‘use streamlined development processes where an existing process would threaten the timely delivery of a venue or village’ and ‘use statutory mechanisms to acquire land where [it] is not able to achieve that purpose by agreement or under existing legislative powers’.⁸⁹

The explanatory notes contend that the Bill includes appropriate qualifications to the use of the delegated powers. For example, for the declaration of a category of development, the delegation is subject to the Minister being satisfied as to the specified matters (including, that existing laws may have an adverse effect on the timely delivery of the venue or village, the delegation is necessary, and the Authority has made reasonable endeavours to consult) and having regard to the specified legislation.

For the proposed power to declare compulsory acquisition of land, the delegation is subject to the Minister being satisfied as to the specified matters (including, that the land is required, and compulsory acquisition is necessary) and that the Authority has made reasonable endeavours to consult the Coordinator-General.

Additionally, the regulations which will declare the proposed matters will be tabled in the Legislative Assembly and so will be subject to parliamentary scrutiny and able to be subject to a disallowance motion under section 50 of the *Statutory Instruments Act 1992*.

Committee comment

The committee is satisfied that, in seeking to delegate legislative power to regulation, the Bill has sufficient regard for the institution of Parliament.

⁸⁹ Explanatory notes, pp 9, 10.

Appendix A – Submitters

Sub #	Submitter
1	Jennifer Sanders
2	Southern Queensland Country Tourism
3	Queensland Tourism Industry Council
4	Phil Heywood
5	Office of the Information Commissioner
6	Local Government Association of Queensland
7	Confidential
8	Caloundra Residents Association
9	Organisation Sunshine Coast Association of Residents
10	Smart Energy Council
11	Tony Barry
12	City of Gold Coast
13	Western Downs Regional Council
14	Planning Institute of Australia
15	Laing O’Rourke Australia
16	Property Council of Australia
17	Queensland Family and Child Commission
18	Q Shelter

Appendix B – Officials at public departmental briefing

Brisbane, 29 April 2024

Department of State Development and Infrastructure (DSDI)

- Dr Clinton de Bruyn, A/Chief Executive Officer,
Brisbane 2032 Coordination Office
- Mr Michael Murray, A/Executive Director, Finance, Policy and Legal,
Brisbane 2032 Coordination Office
- Ms Fiona McDougall, General Counsel, Legal Services

Appendix C – Public hearing

Brisbane, 13 May 2024

Organisation Sunshine Coast Association of Residents Inc. (OSCAR)

- Melva Hobson, President
- Lindsay Holt



Robbie Katter MP

Member for Traeger

REF: CP

15 May 2024

Mr Chris Whiting MP
Chair, Housing, Big Build and Manufacturing Committee
Via Email: HBBMC@parliament.qld.gov.au

Dear Chair,

RE: Dissenting Report – Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024

I write to express my dissent from the recommendations of this committee report. I do not agree with the recommendation that the Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024 (the bill) should be passed.

Katter's Australian Party (KAP) fundamentally oppose the Queensland government's plan to host the Olympic Games in Brisbane, and the inordinate proposed expenditure. This expenditure is explicitly focussed on Brisbane and surrounding cities, with limited regard for the rest of Queensland.

Originally slated as costing five billion dollars, unsurprisingly the cost prediction is already well over \$11 billion. This wealth is, in no small part, driven by many primary resources and industry from North Queensland, and areas outside Brisbane – the very areas which stand to benefit the least from any Olympic Games.

Given diminishing support for the Olympic Games, it is irresponsible of this Parliament to continue down the path of exposure to cost blow outs and over-capitalised infrastructure.

A recent poll has indicated that only 14% of the Queensland people supported the government's Olympics plans. This declines to only 9% outside of Brisbane.

Government expenditure to the tune of tens of billions of dollars for a carnival lasting less than one month should be reserved for whole-of-state projects delivering equitable benefit across our vast state.

Yours Sincerely

Robbie Katter
Member for Traeger

STATEMENT OF RESERVATIONS

Brisbane Olympic and Paralympic Games Arrangements Amendment Bill 2024

Opposition members are concerned that the last 1,000 days have been wasted because the Queensland Labor Government did not set up an Independent Authority at the outset.

Establishment of an Independent Authority

Inquiry stakeholders were unsurprisingly supportive of the establishment of an Independent Authority, having consistently called for its establishment and as proposed in the pitch to secure the Games.

The LGAQ, while supportive of the government's acceptance of its recommendation that consultation be undertaken with the Chief Executive of local governments impacted and/or referenced within the transport and mobility strategy, again raised concerns that the release of the exposure draft of the Bill coincided with the caretaker period for Queensland councils.

The LGAQ also expressed disappointment that two of its key recommendations regarding the composition of the board of directors for the authority and the transition to a legacy authority have not been accepted and reflected in the Bill.¹

Fundamental legislative principles

Our consideration of the Bill included some significant breaches of fundamental legislative principles. More information is needed from the government as to how these breaches are justified.

As outlined in the committee report, the Bill amends existing powers of delegation which apply to the delegation of the corporation's functions, to extend to the Authority's functions.² In expanding the powers in this way, the Bill provides that the Authority may delegate its functions to any other appropriately qualified person. This is a significant delegation of authority yet there are no requirements in the Bill as to who constitutes a 'qualified person', whether this person will be outside the administering department or government and therefore its governance arrangements, and whether any oversight arrangements will be in place.

The Bill also has certain powers to direct a specified entity to provide or maintain critical transport infrastructure which has been identified in the transport and mobility strategy as a critical transport infrastructure project. As stated in the Explanatory Notes, a power to direct persons and bodies that are otherwise required to act with independence in the exercise of their powers and functions is potentially inconsistent with that independence.³

Given that the Authority may exercise its power to prejudice the independence of government agencies and local governments to perform their functions without undue interference, this leads to questions about what will happen in situations where the entity does not agree about the actions to be undertaken.

We also want to highlight the fundamental legislative principle raised in relation to the restricted review rights proposed in the Bill. The explanatory notes state that the Bill provides that a decision of the Minister or authority for the development of venues and villages to be final and conclusive and not subject to challenge or appeal under the *Judicial Review Act 1991* or otherwise.

¹ LGAQ, submission, p 1.

² As well as to delegation and sub-delegation of the chief executive officer of the authority's functions.

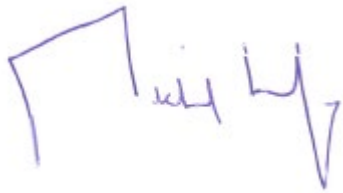
³ Explanatory notes, p 5.

We acknowledge that the process for making objections will be to the taking of land will still apply in accordance with the Acquisition of Land Act however questions must be asked if this appeal mechanism is adequate.

We also have concerns relating to the transparency of information relating to the Authority and the Brisbane Organising Committee. The committee wasn't able to question the Information Commissioner before the Committee's Report was written and we have real concerns about the lack of accountability and transparency given the avoidance of the Right to Information system, as raised by the Information Commissioner in her submission to the inquiry and the department's response to the issues raised in the Commissioner's submission.

A handwritten signature in blue ink, appearing to read 'Jim McDonald'.

Jim McDonald MP
Deputy Chair
Member for Lockyer

A handwritten signature in purple ink, appearing to read 'Michael Hart'.

Michael Hart MP
Member for Burleigh