

Brisbane Olympic and Paralympic Games Arrangements Bill 2021

Explanatory Notes

FOR

Amendment to be moved during consideration in detail by the Honourable Stirling Hinchliffe MP, Minister for Tourism, Innovation and Sport and Minister Assisting the Premier on Olympics and Paralympics Sport and Engagement

Short title

The short title of the Bill is the Brisbane Olympic and Paralympic Games Arrangements Bill 2021.

Policy objective of the amendment

The Economics and Governance Committee (the Committee) tabled its report on the Brisbane Olympic and Paralympic Games Arrangements Bill 2021 (the Bill) on 26 November 2021. In reference to feedback from the Crime and Corruption Commission, the Committee noted the potential for the exemption of Commonwealth Parliamentarians from the *Crime and Corruption Act 2001* (CC Act) to be applied more broadly than intended.

Amendment to clause 8

Clause 8(1) of the Bill provides that the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games (the Corporation) is:

- a statutory body under the *Financial Accountability Act 2009*;
- a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and
- a unit of public administration under the CC Act.

However, clause 8(2) provides that the CC Act does not apply in relation to a director of the board of the Corporation (the Board) who is a member of the Parliament of the Commonwealth. This clause was included in the Bill upon request of the Commonwealth Government.

During the Committee's inquiry into the Bill, one of the issues raised by the Crime and Corruption Commission (CCC) related to the effect of clause 8(2) providing a blanket exemption from the operation of the CC Act for Commonwealth Parliamentarians. The CCC noted that clause 8(2) would not just exempt Commonwealth Parliamentarians for matters connected with the Corporation or the Olympic and Paralympic Games more broadly, but in relation to any matters arising under the CC Act.

In drafting the Bill, it was not the Queensland Government's intention to exempt a director of the Board who is a Commonwealth Parliamentarian from the operation of the CC Act in all circumstances. Rather, the intent was for the exemption to apply only in so far as it relates to the person's conduct as a director of the Board.

Achievement of policy objective

Consistent with the original policy objective of the Queensland Government, clause 8(2) is to be amended to provide that the CC Act does not apply to Commonwealth Parliamentarians to the extent a matter under the CC Act:

- involves conduct of, or in relation to, that director, or another director, in their capacity as a director of the Corporation; and
- otherwise relates to the Corporation or the Board.

This amendment will ensure that Commonwealth Parliamentarians are not exempt from the broader application of the CC Act in all circumstances.

Alternative ways of achieving policy objective

There are no alternative ways for achieving the policy objective.

Estimated cost for government implementation

There will be no additional costs for the Queensland Government in implementing this amendment.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles.

Consultation

The Commonwealth Government was informed of the proposed amendment to the Bill.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with any current legislation of the Commonwealth or another State or Territory.