

Brisbane Olympic and Paralympic Games Arrangements Regulation 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019 (HR Act)*, I, Grace Grace MP, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing provide this human rights certificate with respect to the *Brisbane Olympic and Paralympic Games Arrangements Regulation 2024 (Regulation)* made under the *Brisbane Olympic and Paralympic Games Arrangements Act 2021 (BOPGA Act)*.

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

On 6 June 2024, the *Brisbane Olympic and Paralympic Games Arrangements Amendment Act 2024 (Amendment Act)* amended the BOPGA Act with the primary purpose of establishing the Games Venue and Legacy Delivery Authority (Authority) to ensure Queensland's readiness to successfully host, and maximise the legacy and benefits from, the Brisbane 2032 Olympic and Paralympic Games (the Games).

The main functions of the Authority include:

- delivering venues in time for the Games and within budget allocations, including managing effects on users of venues during their development; and
- monitoring and ensuring the delivery of villages in time for the Games.

The BOPGA Act includes provisions to facilitate the timely development for venues and villages by providing a process for:

- the Authority to require a person to give the Authority information, documents or assistance that the Authority reasonably requires to facilitate efficient and timely decision-making in relation to an application for a relevant planning approval for development for a venue or village or the making or amendment of a designation of premises under the *Planning Act 2016* for a venue or village;
- the declaration of 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*; and
- enabling land to be compulsorily acquired for a venue or village.

The Regulation prescribes venues and villages for the purposes of the BOPGA Act.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 HR Act)

- Section 15 – Recognition and equality before the law
- Section 16 – Right to life
- Section 18 – Freedom from forced work
- Section 19 – Freedom of movement
- Section 21 – Freedom of expression
- Section 23 – Taking part in public life
- Section 24 – Property rights
- Section 25 – Privacy and reputation
- Section 26 – Protection of families and children
- Section 27 – Cultural rights—generally
- Section 28 – Cultural rights—Aboriginal peoples and Torres Strait Islander peoples
- Section 31 – Fair hearing

Declaration of venues and villages

By defining the proposed list of venues and villages, the Regulation will enliven the Authority's key function to deliver the specified venues and monitor and ensure the delivery of the specified villages, as well as the powers in relation to those venues and villages.

Prescribed venues

Under the BOPGA Act, a venue is a site or facility, prescribed by regulation, that is to or may fulfil operational or sports-related needs for the Games. Most venues proposed for the Games are subject to project validation type assessment and due diligence processes which amongst other things, identify social and economic impacts and benefits which are to be considered as part of decision-making and managed during development.

The following venues are prescribed by the Regulation:

1. Sleeman Sporting Complex: It is proposed that the Sleeman Sporting Complex (the Complex) will be used for cycling and paralympic cycling, BMX racing, aquatics, gymnastics and wheelchair basketball during the Games. Significant precinct works will be carried out across the Complex to improve connection and accessibility to venues. A new Indoor Sports Centre within the Complex will provide legacy value for basketball and gymnastics training and events, as well as community facilities for volleyball and other sports. Refurbishment of the Brisbane Aquatic Centre will enhance the centre as an aquatic legacy for elite athletes, the public, schools and clubs in and around the region. Minor works to the Anna Meares Velodrome and BMX SuperCross track (to occur closer to the

Games following an investment decision by the Queensland and Commonwealth governments) will also provide ongoing community benefits.

2. Sunshine Coast Stadium: It is proposed this existing venue will be upgraded and used for football preliminaries during the Games. Upgrades to the stadium will ensure it continues to attract national and international events, bringing social and economic opportunities to the local community. The upgrades will create more seating, improve facilities for athletes and officials, add multi-purpose community spaces and universal amenities with access for people of all abilities.
3. Sunshine Coast Indoor Sports Centre: It is proposed this new venue will be used for basketball preliminaries during the Games. The venue will be a sustainable, modern facility suitable for a range of indoor sports and community uses. It is proposed to have 11 courts and multifunctional areas that can be used for basketball, netball, volleyball, pickleball, futsal and badminton.
4. Sunshine Coast Mountain Bike Centre: It is proposed that the Sunshine Coast Mountain Bike Centre is upgraded and used for mountain biking events during the Games, as well as supporting the growing demand for nature trails and nature-based recreational activities before and after the Games.

The delivery of these venues includes upgrading existing facilities, and the development of new or expanded facilities, to fulfil operational or sports-related needs of the Games.

Prescribed villages

Under the BOPGA Act, a village is a site or facility, prescribed by regulation, that is to provide accommodation and related facilities for competitors, team officials and other team personnel for the Games.

The following villages are prescribed by the Regulation:

1. Brisbane Athlete Village: Northshore Hamilton will host the main athlete village for the Games and is proposed to accommodate around 10,800 beds for athletes and team officials. After the Games, the village will provide around 1750-2000 new permanent dwellings for South-East Queensland's growing population, located within the Northshore Hamilton Priority Development Area.
2. Gold Coast Athlete Village: The Gold Coast Athlete Village is proposed to accommodate around 2,600 beds for athletes and team officials for the Games. After the Games, the village is proposed to provide around 500 permanent dwellings for South-East Queensland's growing population and enhance ongoing urban development of the Robina Town Centre.
3. Kooralbyn Satellite Athlete Village: The Kooralbyn Satellite Athlete Village is proposed to accommodate up to 1,200 beds for athletes and officials.
4. Sunshine Coast Athlete Village: The Sunshine Coast Athlete Village will accommodate around 1,374 beds for athletes and team officials during the Games. It is proposed that following the Games, the village will provide around 300 permanent dwellings.

Identification of relevant human rights

As set out above, the BOPGA Act includes provisions to facilitate the timely development of venues and villages declared by the Regulation by providing a process for:

- the Authority to require a person to give the Authority information, documents or assistance that the Authority reasonably requires to facilitate efficient and timely decision-making in relation to an application for a relevant planning approval for development for a venue or village or the making or amendment of a designation of premises under the *Planning Act 2016* for a venue or village;
- the declaration of development for venues and villages to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*; and
- enabling land to be compulsorily acquired for a venue or village.

The Regulation engages and potentially limits each of the following human rights:

- *Recognition and equality before the law (section 15)*

Section 15(1) of the HR Act provides that every person has the right to recognition as a person before the law. Section 15(2), (3) and (4) of the HR Act are concerned with discrimination, which means discrimination on the basis of a relevant attribute identified in the *Anti-Discrimination Act 1991* (AD Act) or an analogous kind of discrimination. Age, impairment and ethnic or racial origin are protected attributes under the AD Act.

The Regulation engages these rights because the Authority's functions and powers in relation to delivery of prescribed venues and villages will ultimately lead to development of specific sites, with its consequential contribution to climate change. Climate change and its consequences disproportionately affects Aboriginal peoples and Torres Strait Islander peoples, whose traditional lands and waters may be degraded and/or permanently changed; children and young persons, whose future prospects may be impacted; and elderly persons and medically vulnerable persons, whose health may be adversely affected by extreme temperatures and poor air quality.

However, this human right will not be limited as it is likely that the contribution made by development of sites for the Games to global climate change will be small. Further, the contribution can be managed and mitigated by considered decision making such as in relation to the requirements imposed on the designations of premises under the *Planning Act 2016* or the specification of qualifications of development declared to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*.

- *Right to Life (section 16)*

The right to life recognised in section 16 of the HR Act provides that every person has the right to life and not to be arbitrarily deprived of life. The declaration of venues and villages for the Games will ultimately lead to development of specific sites, which will contribute to climate change, which in turn engages this right.

However, this human right will not be limited as it is likely that the contribution made by development of sites for the Games to global climate change will be small. Further, the contribution can be managed and mitigated by considered decision making such as in relation to the requirements imposed on the designations of premises under the *Planning Act 2016* or the specification of qualifications of development declared to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*.

- *Freedom from forced work (section 18)*

Section 18(2) of the HR Act provides that a person must not be made to perform forced or compulsory labour. This right is engaged because section 53AR of the Act gives the Authority the power to give a person a written notice requiring them to provide the information and assistance the Authority reasonably requires in relation to planning decisions related to venues and villages, where that is not otherwise considered part of a person's normal civil obligations.

- *Freedom of movement (section 19)*

Section 19 of the HR Act recognises that every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave Queensland and the freedom to choose where to live. The development of venues and villages for the Games brings with it planning and land use implications that engage and potentially create physical barriers and restrict or regulate access to and from public or private property. Current users of existing facilities proposed to be upgraded (such as high-performance athletes, sporting clubs, community organisations and commercial tenants) may be displaced during and following construction and unable to access usually patronised areas.

- *Freedom of expression (section 21)*

Freedom of expression (s21) is relevantly the right that every person has to hold an opinion without interference and the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Freedom of expression may include the right to say nothing or the right not to say certain things.

Section 53AS of the BOPGA Act provides that, in relation to prescribed venues and villages, a regulation may 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*. A development approval is not required under the *Planning Act 2016* for accepted development or under the *Economic Development Act 2012* for PDA accepted development.

The effect of such a declaration may be to change the development approval requirements for development for venues or villages, so that a development approval is not required where, but for the declaration, the development for the venue or village may have required a development approval, and the application for the development approval may, at least under the *Planning Act 2016*, have been subject to public consultation.

Therefore, to the extent that development for venues and villages is declared to be accepted development or PDA accepted development, the right of a person to formally express their views about the proposed development by making submissions about the development application would be limited. However, there is no limitation on the ability of individuals to

express their views about development for venues and villages for the Games outside the formal development assessment process.

- *Taking part in public life (section 23)*

Section 23(1) of the HR Act recognises the rights of all individuals in Queensland to participate, and to have the opportunity to participate, in the conduct of public affairs, either directly or through freely representatives. This right is potentially engaged because a venue or village that is prescribed may later be the subject of a further regulation declaring a venue or village to be accepted development or PDA accepted development, limiting the right to participate in the conduct of public affairs by making a submission about an application for a development approval for the development for the venue or village. However, there is no limitation on the ability of individuals to express their views about development for venues and villages for the Games outside the formal development assessment process.

- *Property rights (section 24)*

Section 24 of the HR Act recognises that people have the right to own property and must not be arbitrarily deprived of their property. Deprivation is interpreted broadly in the human rights context and a limitation or restriction on the enjoyment of property rights can be sufficient to engage the right. This right may be engaged:

- where development may displace or impact individuals with private interests (such as lessees or business owners, or those with an agreement or arrangement to use existing facilities);
- where development has the potential to create noise, pollution and amenity impacts on adjacent sites (although the owners of adjoining sites retain the ability to address such amenity impacts through other legal mechanisms);
- where proposed development impacts on native title rights and interests;
- because the regulation prescribes venues and villages that can later become the subject of the exercise of powers under Chapter 3, Part 4 of the BOPGA Act including section 53AS (declaration of accepted development or PDA accepted development) or compulsory acquisition of powers (following declaration of acquisition land).

However, section 24 of the HR Act protects against the arbitrary deprivation of property. In the context of human rights, arbitrary means capricious, unpredictable or unjust or disproportionate to a legitimate aim sought. I consider below whether the deprivation is arbitrary.

- *Privacy and reputation (section 25)*

Section 25(a) of the HR Act states that a person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This right includes the right to enjoy family life within the home.

- This right will be potentially engaged and limited where future development and associated land use planning with venues and villages for use during the Games creates noise, environmental and amenity impacts, particularly for adjacent land users. I

consider below whether the potential limitation on this right is unlawful or arbitrary.
Protection of families and children (section 26)

Section 26 of the HR Act recognises the right of children to be protected. Like the right to recognition and equality before the law and the right to life, the rights of children are engaged and potentially limited because of the role that development plays in climate change.

The limitation on this human right would, however, be small, as it is likely the contribution made by development for venues and villages for the Games to global climate change would be small. Further the contribution could be managed and mitigated by considered decision making such as in relation to the requirements imposed on the designations of premises under the *Planning Act 2016* or the specification of qualifications of development declared to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*.

- *Cultural rights—generally (section 27)*

Section 27 of the HR Act recognises that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of the same background, to enjoy their culture, declare and practise their religion and to use their language.

Prescribing the venues and villages will contribute to development in the relevant areas. Disruption of existing communities is a recognised risk in any significant development project. As many of the venues and some of the villages comprise upgrades or further development on sites which have existing users, it is anticipated that community groups, some of which may be formed on the basis of cultural connection and practices, will be impacted if displaced during the re-development of venues and villages.

- *Cultural rights—Aboriginal peoples and Torres Strait Islander peoples (section 28)*

As I stated above in relation to the rights recognised in section 15 of the HR Act, development may contribute to climate change that disproportionately affects Aboriginal peoples and Torres Strait Islander peoples.

Further, as I stated above in relation to section 27 of the HR Act, development (particularly urban development) can disrupt established communities, affecting the ability of members of those communities to develop, maintain and protect their language, cultural identity and kinship ties. Communities of Aboriginal peoples and Torres Strait Islander peoples may be affected in this way. It is also possible that areas of significant cultural heritage, significant objects or evidence, of archaeological or historic significance, of Aboriginal occupation of an area is identified during project validation, planning and construction activities. Should a later regulation declare land to be acquisition land, native title rights may be acquired.

- *Fair hearing (section 31)*

The right to fair hearing (s31), includes the right of a person who is a party to civil proceedings to have the matter decided by a competent, independent and impartial court or tribunal after a fair and public hearing. Therefore, to the extent that a decision of the Authority under section 53AR (information powers) is not subject to review or appeal (due to new section 53BB),

except to the extent a decision is affected by jurisdictional error, this right is engaged. This right will also be engaged to the extent of any other decision made under Chapter 3, Part 4 (including planning and acquisition decisions).

Consideration of reasonable limitations on human rights (section 13 HR Act)

(a) the nature of the rights

The nature of each human right potentially engaged has been outlined above. These human rights are all fundamentally important for a free and democratic society based on human dignity, equality and freedom.

(b) the nature of the purpose of the limitations, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of declaring venues and villages, development of which may impact human rights, is to identify sites or facilities which, are to or may fulfil operational or sports-related needs for the Games. This is consistent with the framework of the BOPGA Act and reflects Parliament's intent that venues and villages be prescribed following the commencement of the Amendment Act. The Regulation enlivens the Authority's key function in relation to those venues and villages and supports the purpose of the Act in establishing the Authority, that is, to ensure Queensland's readiness to successfully host, and maximise the legacy and benefits from, the Games. This is consistent with a free and democratic society based on human dignity, equality and freedom.

Delivering the Games in accordance with the host contract requires, relevantly, that venues and villages be delivered in a timely manner. Limitations imposed on the human rights identified above are directed to this purpose by providing a process for:

- the Authority to require a person to give the Authority information, documents or assistance that the Authority reasonably requires to facilitate efficient and timely decision-making in relation to an application for a relevant planning approval for development for a venue or village or the making or amendment of a designation of premises under the *Planning Act 2016* for a venue or village;
- the declaration of development for venues and villages to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*; and
- enabling land to be compulsorily acquired for a venue or village.

In terms of maximising the legacy and benefits from the Games, human rights will be promoted. The Authority is required, in the performance of its functions, to seek to maximise the legacy and benefits, for Queensland (along with Australia and the Oceania region), of the Games, and have regard to the legacy strategy prepared by games delivery partners. The activities of the Authority will promote economic development opportunities and job creation in communities will follow, along with community access to enhanced sporting and community facilities built to modern standards and creating equity of access and opportunities to attract other national and international sporting and entertainment events to Queensland creating future economic development opportunities.

(c) The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

As outlined above, potential limitations will help achieve the purpose as the Regulation will give effect to the Authority's key function as described above, supporting the purpose of the Act in establishing the Authority, to ensure Queensland's readiness to successfully host, and maximise the legacy and benefits from, the Games.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

While an argument could be made that alternative venues and villages should be prescribed, thereby limiting impacts on specific individuals and communities (although conversely impacting other individual and communities), the venues and villages prescribed by the Regulation give effect to Government policy, have been subject to rigorous decision-making processes and have been identified as a venue or village in either or both of the:

- the *IOC Future Host Commission Questionnaire Response Final Submission – May 2021*, which forms part of the Olympic Host Contract; and/or
- the Queensland Government's March 2024 response to the independent Sport Venue Review.

As the framework of the BOPGA Act requires venues and villages be prescribed by regulation, there is no less restrictive and reasonably available way to achieve the purpose of identifying those venues and villages which are the subject of the Authority's key functions. The making of the Regulation is within the power of the BOPGA Act and consistent with Parliament intent.

(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human rights, taking into account the nature and extent of the limitation

- *Right to recognition and equality before the law (section 15), right to life (section 16) and protection of children and families (section 26)*

Declaration of venues and villages enlivens the Authority's powers in relation to those venues and villages, giving the Authority the powers it needs to ensure Queensland's readiness to successfully host, and maximise the legacy and benefits from, the Games. Importantly, I consider it relevant that declaration of venues and villages in the Regulation does not authorise development, only enlivens the Authority's functions in relation to those venues and villages that are identified in the Regulation. The Authority must, in undertaking development, still comply with all laws and obtain relevant approvals associated with development, and to the extent that the BOPGA Act does provide planning and powers related powers, the Minister must first be satisfied that the criteria for making a relevant further regulation have been met.

The degree to which development of the type proposed to be undertaken by the Authority may impact on global climate change is small. Further, the environmental impacts of development will be mitigated where the Authority is required to seek environmental approvals under relevant legislation, such as under the *Environmental Protection Act 1994 (Qld)* or the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. The impacts could also be managed and mitigated by considered decision making such as in relation to the requirements imposed on the designations of premises under the *Planning Act 2016* or the

specification of qualifications of development declared to be accepted development under the *Planning Act 2016* or PDA accepted development under the *Economic Development Act 2012*.

Further, the Authority is required in the performance of its functions, to have regard to the requirements under the Olympic Host Contract which include pursuing sustainability outcomes. Likewise, most venue and village projects involving new or substantial re-development will target a 6-star Green Star building rating with the Green Building Council of Australia in accordance with the Olympic Host Contract obligations, leading to improved environmental outcomes. These safeguards achieve a balance between the limitation on the right to recognition and equality before the law (section 15), right to life (section 16), and rights relating to the protection of children and families (section 26).

- *Freedom from forced work (section 18), freedom of expression (section 21)*

A notice requiring information in relation to a relevant planning approval would ordinarily be expected to be in the possession of planning authorities and decision-makers and to that extent, the types of information and assistance sought would be part of the work of the persons within the Authority or decision-maker, which is a government or public sector entity, and could be regarded as a normal civil obligation and not a limitation on the right to freedom from forced work. To the extent that assistance is required from a non-government entity, it may be a limitation on the right to freedom from forced work. It may also place a limitation on the freedom of expression. As the assistance must be reasonably required to assist the Authority to perform its statutory functions, a fair balance is achieved between placing a limitation on the rights and the Authority being able to obtain the information and assistance it requires to support the hosts in performing the obligations of the host contract.

- *Right to freedom of movement (section 19)*

The limitations on freedom of movement (section 19) are not expected to be any greater than limitations caused by large scale development of the type generally proposed. Any limitations, such as physical barriers and restrictions on access to and from public or personal property will be required to comply with legislative obligations and necessary to manage workplace and community safety. In considering the balance between the limitation on this right and its purpose, I consider it relevant that the Authority's key function to deliver venues is expressed as 'including managing effects on users of venues during their development' (section 53AD(1)(a) of the BOPGA Act). This elevates the importance of the Authority managing potential user impacts in the performance of its functions. Accordingly, sufficient safeguards exist and I consider a balance is achieved.

- *Property rights (section 24) and right to privacy (section 25)*

In relation to property rights, the right recognised in section 24(2) of the HR Act is the right not to be *arbitrarily* deprived of property. Likewise, the right to privacy will only be limited where the interference with privacy, family or home is unlawful or arbitrary (section 25(1)). Here, any interference would be lawful (where a venue or village is prescribed). *Arbitrary* has an accepted meaning in the context of human rights law, as being something that is capricious, unjust, unreasonable or disproportionate to a legitimate aim sought to be achieved. If any interference is proportionate, it will not be arbitrary.

To the extent that development may impact property rights of the type outlined above and the right to privacy, I am satisfied that any deprivation will not be arbitrary – effects on these rights occur in pursuit of the legitimate aim of the Authority performing its functions to deliver venues and monitor and ensure the delivery of villages in time for the Games. The Authority is required to perform its function of delivering venues in a way that manages the effect on users of venues during development (which will involve working closely with current venue owners, operators and users to minimise disruption), development will be required to comply with relevant laws (such as those concerning noise and amenity impacts), regard will need to be had to any existing contractual rights (for instance, of lessees) and should planning or compulsory acquisition powers be pursued where timely delivery is affected, a further regulation is required, requiring the Minister to be satisfied that the criteria for the making of the further regulation is met.

Relevantly, where a relevant native title claim or determination exists, the Authority must comply with the relevant requirements under State and Commonwealth laws, and should a later declaration of acquisition land be made, any process for taking land and paying compensation must be carried out in way that is consistent with processes under relevant native title legislation.

The delivery of villages, which the Authority has a key function to monitor and ensure, will promote human rights by creating housing stock for eventual use by residents of Queensland, promoting the right to property, along with promoting a sense of community and potential enjoyment of cultural rights. The right to property is also promoted by the economic development activities that will be generated through development of venues and villages, both during development and once development is completed.

Accordingly, I am satisfied any limitation on property rights or the right to privacy is proportionate and is therefore not arbitrary in the relevant sense.

- *Cultural rights (section 27)*

To the extent that limitations may be placed on the enjoyment of cultural rights due to the delivery of venues and villages, I consider it relevant that the Authority is required to manage the effects on users of facilities during development and the activities of the Authority will in time, create additional opportunities for individuals to enjoy their cultural rights in community with others (for instance, due to enhanced public spaces and facilities) and the development of well-planned village communities will also provide opportunities to promote cultural rights. I am satisfied that a fair balance is achieved.

- *Cultural rights – Aboriginal and Torres Strait Islander peoples (section 28)*

I acknowledge that the cultural rights of Aboriginal and Torres Strait Islander peoples may be impacted by the Regulation in the sense that the Regulation enlivens the Authority's powers in relation to the delivery of venues and monitoring and ensuring the delivery of villages prescribed.

To the extent venue and village development is proposed in areas which have already been subject to considerable development (as will be the case where existing venues and villages in urban areas are being upgraded, for instance), the cultural rights of Aboriginal and Torres Strait

Islander peoples are less likely to be impacted. Cultural rights may be more significantly impacted where new or expanded development is occurring in less urbanised areas.

In this regard, it is relevant that a proposed Connecting to Country Strategy will inform the design and delivery of venues and serve as a framework for new and upgraded venues being used for the Games. Incorporating principles of connecting with country and engagement with traditional custodians in the design process is intended to respect the cultural heritage and knowledge of traditional custodians and promotes cultural rights. Queensland's legislative framework also requires anyone who carries out development to exercise a duty to take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Further, where a relevant native title claim or determination exists, the Authority must comply with the relevant requirements under State and Commonwealth laws, and should a later declaration of acquisition land be made, any process for taking land and paying compensation must be carried out in way that is consistent with processes under relevant native title legislation.

To the extent development contributes to climate change and may disproportionately affect Aboriginal and Torres Strait Islander peoples, the analysis above is relevant and any limitation is justifiable and proportionate.

Accordingly, while there may be a limitation on cultural rights, these limitations are proportionate to the aim of ensuring the Authority has the power it needs to deliver venues and monitor and ensure the delivery of villages for the Games and adequate safeguards exist. For these reasons, the limitation is justified and compatible with human rights.

- *Fair Hearing (section 31)*

While section 53BB places limits on avenues to seek redress through the Courts in relation to decision made under Chapter 3, Part 4 (planning and acquisition related decisions), a person aggrieved by such a decision of the Authority which was beyond the powers of the Authority continues to be able to seek relief from the Courts in respect of that decision, and in this regard, a balance is achieved.

Summary

In considering the balance between the limitations on and the importance of each human right, I consider it relevant that:

- declaration of venues and villages is necessary to give effect to the purpose of the BOPGA Act and is consistent with the framework of the BOPGA Act;
- the declaration enlivens the Authority's functions to deliver those venues and monitor and ensure the delivery of those villages that are identified in the Regulation, but does not authorise development in the sense that the Authority must still obtain the necessary approvals and comply with the extensive legal framework regulating development in Queensland;
- the use of key planning and acquisition powers under the BOPGA Act is subject to further regulation, which will require further consideration of human rights;

- proposed venues and villages have undergone and continue to undergo rigorous assessment which includes consideration and management of impacts of development on communities and individuals during delivery;
- potential impacts on human rights will, where relevant, be considered as part of future statutory decision-making processes associated with each venue and village.

Accordingly, having weighed the potential benefits against the potential limitations on human rights identified, and in the absence of alternative ways of achieving the purpose in light of the legislative framework, I am satisfied that the making of the regulation strikes a fair balance between the State's obligations to deliver infrastructure to meet the requirements of the Olympic Host Contract and host a successful Games, and protecting the rights of persons who may be impacted by development of venues and villages.

Conclusion

I consider the *Brisbane Olympic and Paralympic Games Arrangements Regulation 2024* is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonably and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

GRACE GRACE MP
Minister for State Development and Infrastructure
Minister for Industrial Relations
and Minister for Racing

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