

Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation (No. 2) 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 Amendment Regulation (No. 2) 2024* (the **Amendment Regulation**) made under the *Brisbane Olympic and Paralympic Games Arrangements Act 2021* (the BOPGA Act).

In my opinion, the Amendment 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* (the Amendment Act) amended the BOPGA Act with the primary purpose of establishing the Games Venue and Legacy Delivery Authority (the 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).

A main function of the Authority is to deliver venues in time for the Games and within budget allocations, including managing effects on users of venues during their development.

On 19 July 2024, the *Brisbane Olympic and Paralympic Games Arrangements Regulation 2024* (the BOPGA Regulation) was notified. The BOPGA Regulation prescribed four venues including the Sleeman Sports Complex, the Sunshine Coast Stadium, the Sunshine Coast Indoor Sports Centre and the Sunshine Coast Mountain Bike Centre, and four villages including the Brisbane Athlete Village, the Gold Coast Athlete Village, the Kooralbyn Satellite Athlete Village and the Sunshine Coast Athlete Village.

On 30 August 2024, the *Brisbane Olympic and Paralympic Games Arrangements Amendment Regulation 2024* was notified, amending the BOPGA Regulation. It prescribed two additional venues including the Moreton Bay Indoor Sports Centre and Barlow Park.

The BOPGA Act includes provisions to facilitate the timely development for venues 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

the making or amendment of a designation of premises under the *Planning Act 2016* for a venue;

- the declaration of development for a venue to be accepted development under the *Planning Act 2016* or Priority Development Area (PDA) accepted development under the *Economic Development Act 2012*; and
- enabling land to be compulsorily acquired for a venue.

The Amendment Regulation prescribes an additional venue, being the Logan Indoor Sports Centre, 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

By defining the proposed venue, the Amendment Regulation will enliven the Authority's key function to deliver the specified venue and powers in relation to that venue.

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 use during the Games are subject to project validation type assessments 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 Logan Indoor Sports Centre is prescribed by the Amendment Regulation. It is proposed this new venue will be used for non-competition purposes, such as training, during the Games however, if required during the Games, it will be able to be used as either a training or

competition venue. The venue will provide nine indoor courts across two halls with supporting change facilities, amenities and functional spaces. The venue will be suitable for a range of indoor sports including badminton, basketball, futsal, netball and volleyball, and community uses and may attract more events to the region.

The delivery of this venue includes the development of new facilities, to fulfil operational or sports-related needs of the Games.

Identification of relevant human rights

As set out above, the BOPGA Act includes provisions to facilitate the timely development of the venue declared by the Amendment 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 the making or amendment of a designation of premises under the *Planning Act 2016* for a venue;
- the declaration of development for venues 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.

The Amendment 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 Amendment Regulation engages these rights because the Authority's functions and powers in relation to delivery of the prescribed venue will ultimately lead to the 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 the site for use during 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 the venue for use during the Games will facilitate urban development in the area that may have consequential changes to the natural physical environment of an area that contribute to climate change. The right to life recognised in section 16 of the HR Act is therefore potentially engaged by the proposed declaration of the venue for use during the Games.

However, this human right will not be limited as it is likely that the contribution made by the development of the site for use during 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 BOPGA 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 a venue, 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 the venue for use during 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 sites where the prescribed venue is proposed to be developed (such as community organisations and commercial tenants) may be displaced during and following construction and unable to access usually patronised areas. The potential impact of the development works on existing occupants and other relevant parties will need to be considered and managed.

For example, the kindergarten, Deadly Kindy Burregah, is currently located on part of the site where the Logan Indoor Sports Centre is proposed to be built. The facility where the kindergarten is currently occupied is planned to be demolished as part of the project. Deadly Kindy Burregah will likely need to relocate to another facility before construction can begin. An approach to manage the relocation of Deadly Kindy Burregah and other affected parties will be implemented to ensure disruptions to their operations are minimised.

- *Freedom of expression (section 21)*

Freedom of expression (section 21) 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, a regulation may declare development for a venue 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, so that a development approval is not required where, but for the declaration, the development for the venue 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 the venue 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 the development of the venue for use during 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 chosen representatives. This right is potentially engaged because a venue that is prescribed may later be the subject of a further regulation declaring the venue 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. However, there is no limitation on the ability of individuals to express their views about the development of the venue for use during 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 amendment regulation prescribes a venue 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 the venue 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 the development of the venue for use during 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. Facilitating urban development has the potential to disrupt established communities, thereby potentially limiting the rights of individuals with a particular cultural, religious, racial or linguistic background the right to enjoy their culture, practise their religion or use their language, in community with other persons of that background.

Prescribing the venue will contribute to development in the relevant area. Disruption of existing communities is a recognised risk in any significant development project. As the Logan Indoor Sports Centre comprises of building on a site which has 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 development of this venue.

- *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, the 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, 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 be prescribed following the commencement of the Amendment Act. The Amendment Regulation enlivens the Authority's key function to deliver the venue for use during the Games and supports the purpose of the BOPGA 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 Olympic Host Contract requires that venues 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

the making or amendment of a designation of premises under the *Planning Act 2016* for a venue;

- the declaration of development for venues 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.

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 Amendment Regulation will give effect to the Authority's key function to deliver venues, supporting the purpose of the BOPGA 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 an alternative venue should be prescribed, thereby limiting impacts on specific individuals and communities (although conversely impacting other individuals and communities), the venue prescribed by the Amendment Regulation gives effect to Government policy, have been subject to rigorous decision-making processes and have been identified as a venue in both the Queensland Government's March 2024 response to the independent Sport Venue Review.

As the framework of the BOPGA Act requires that a venue be prescribed by regulation, there is no less restrictive and reasonably available way to achieve the purpose of identifying the venue which is the subject of the Authority's key functions. The making of the Amendment 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 the venue enlivens the Authority's powers to deliver the venue, 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 the declaration of the venue in the Amendment Regulation does not authorise development, only enlivens the Authority's functions to deliver the venue that is identified in the Amendment

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 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 projects involving new or substantial re-development, including the Logan Indoor Sports Centre, 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 their obligations under the Olympic 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 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 the development of the venue 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 function to deliver the venue in time for the Games. The Authority is required to perform its function in a way that manages the effect on users of the venue 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 right to property is also promoted by the economic development activities that will be generated through the development of the venue, 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 the venue, 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). 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 Amendment Regulation in the sense that the Amendment Regulation enlivens the Authority's powers in relation to the delivery of the prescribed venue.

To the extent venue development is proposed in an area which have already been subject to considerable development, 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 the venue 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 the venue for use during 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 the venue 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 the venue identified in the Amendment 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;
- the proposed venue has undergone and will 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.

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 Amendment 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 the venue.

Conclusion

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

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