

# Major Sports Facilities (Major Concerts at Brisbane Stadium (Lang Park)) Amendment Regulation 2025

## 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*, I, Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games, provide this human rights certificate with respect to the *Major Sports Facilities (Major Concerts at Brisbane Stadium (Lang Park)) Amendment Regulation 2025* (Amendment Regulation) made under the *Major Sports Facilities Act 2001*.

In my opinion, the Amendment Regulation, is compatible with the human rights protected by the *Human Rights Act 2019* (the HR Act). I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The *Major Sports Facilities Act 2001* (the Act) provides for the management, operation, use, development and promotion of facilities in Queensland for staging national or international sports, recreational or entertainment events, special events and for other purposes. The Act establishes Stadiums Queensland as the statutory authority responsible for operating major sports facilities that are declared under section 4 of the Act with property in those facilities vested in Stadiums Queensland.

A major sports facility is a facility that has capacity to stage national or international sports, recreational or entertainment events, or special events. Special events are defined under Schedule 2 of the Act as meaning major concerts, public assemblies or religious events.

The subordinate legislation for the Act, the *Major Sports Facilities Regulation 2014* (the Regulation):

- establishes the facilities declared to be major sports facilities under the Act;
- sets the minimum crowd size prescribed for major sport events under the Act;
- specifies the number of special events (concerts) that may be held at Brisbane Stadium (also known as Lang Park or Suncorp Stadium) per calendar year (currently up to 12 concerts may be held at Brisbane Stadium per calendar year); and
- sets the conditions for special events (concerts) at Brisbane Stadium.

Ministerial approval has already been provided for seven concerts by major international artists to be held at Brisbane stadium over January and February 2026. Concert promoters have engaged the stadium operators regarding an additional nine acts performing at Brisbane stadium, however, due to the current limit of 12 concerts imposed by the Regulation, Brisbane Stadium is unable to secure these events.

The purpose of the Amendment Regulation is to allow Brisbane Stadium to temporarily stage up to 21 concerts for the 2026 calendar year only, to meet current high demand by international artists to stage stadium-size concerts in Australia, and particularly Queensland.

## Human Rights Issues

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

The Amendment Regulation engages the following human rights:

- freedom of movement (section 19 of the HR Act);
- the right to peaceful assembly (section 22(1) of the HR Act);
- the right not to be arbitrarily deprived of property (section 24(2) of the HR Act);
- the right not to have one's privacy, family and home unlawfully or arbitrarily interfered with (section 25(a) of the HR Act).

Freedom of movement is relevant because an increased number of concert events at Brisbane Stadium will result in increased temporary road closures, increased traffic and parking restrictions, and increased activity around the stadium.

The right to property is relevant wherever there are impacts on amenity and the quiet enjoyment of one's property. Similarly, the right to non-interference with privacy and home will be relevant wherever there is interference with the quiet enjoyment of one's home such as noise. The Amendment Regulation engages these rights for residents in the local stadium area because it would provide for a temporary increase in the maximum number of allowable concerts in the 2026 calendar year, which may involve additional impacts in relation to noise, lighting, traffic congestion and parking issues, crowd and pedestrian movements. These impacts may, therefore, affect a person's property and privacy in relation to quiet enjoyment of their home in the stadium local area.

However, the right to property will only be limited if the deprivation of amenity is 'arbitrary' and the right to privacy and home will only be limited if the interference is either 'unlawful' or 'arbitrary'. In this context, arbitrary means, capricious, unpredictable, unjust or unreasonable in the sense of not being proportionate to a legitimate aim sought. The standard of proportionality for the purposes of arbitrariness is different from the standard of proportionality for justification under section 13 of the HR Act. Nonetheless, an impact on property or privacy which is proportionate under s 13 of the HR Act will not be arbitrary. For that reason, arbitrariness will be considered below in the context of justification under section 13.

On the other hand, the Amendment Regulation will promote the right of peaceful assembly by facilitating more concerts where people can assemble.

### **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

#### **(a) the nature of the right**

The right to freedom of movement is directed to restrictions on movements which fall short of physical detention coming within the right to liberty. The fundamental value which the right

expresses is freedom, which is regarded as an indispensable condition for the free development of the person and society.

The right to property includes real and personal property of any description, including amenity and quiet enjoyment of one's property. The value underlying the right to property is the dignity in possessing 'things'.

The scope of the right to not have a person's privacy unlawfully or arbitrarily interfered with has been recognised as very broad, ranging from the protection of personal information and data collection as well as protection of a person's private life more generally, such as protecting against interference with a person's mental or physical integrity, including their family or home. The purpose of the right to privacy is to protect and enhance the liberty of the person – the existence, autonomy, security and well-being of every individual in their own private sphere. Privacy ensures people can develop individually, socially and spiritually in that sphere, which provides the civil foundation for their effective participation in democratic society.

The nature of relevant rights and how they are limited are set out also under the heading 'Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*).

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

The purpose of the limitation of these human rights, by allowing for a maximum of 21 rather than 12 concerts at Brisbane Stadium for the 2026 calendar year only, is to meet heightened current and short-term future demand for Brisbane Stadium as a stadium size concert venue (more than 50,000 seat/person capacity) in the Brisbane central business district. In this way, the Amendment Regulation also promotes the right of peaceful assembly in section 22 of the HR Act.

More broadly, the purpose of temporarily increasing the number of concerts that can be held for 2026 is also to promote public participation in cultural life through the enjoyment of artistic and cultural expression. Some artists and acts who perform concerts at Brisbane Stadium may otherwise not have performed in Brisbane if Brisbane Stadium was not available. As a result, temporarily increasing the concert cap also supports opportunities for the public to engage in cultural life through ensuring availability of concerts.

The staging of additional concerts at Brisbane Stadium is also expected to deliver significant economic benefits at local, regional and state level while also supporting the arts and entertainment industry. The Brisbane Economic Development Agency estimated in 2022 that a large concert event selling 50,000 tickets generates \$21.2 million dollars of economic activity, supports approximately 650 full-time equivalent jobs and brings an estimated 30,000 out of region visitors to Brisbane, including intrastate, interstate and international visitors. In addition, it is estimated that the four Edinburgh Military Tattoo shows scheduled to take place in February 2026 will generate approximately \$39 million in revenue for the Queensland economy.

The nature of the purpose of the limitation also aligns with the objectives of the Act to support venues that have the capacity to stage national and international sporting, recreational and

special events such as concerts and through heightened use of Brisbane Stadium that will maximise return on significant public investment in the venue.

These purposes are consistent with a free and democratic society based on human dignity, equality and freedom.

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

Temporarily increasing the cap from up to 12 to up to 21 concerts in the 2026 calendar year will help to achieve these purposes. Doing so will provide local, regional and state-level economic and social benefits.

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

As the maximum number of concerts that can be held at Brisbane Stadium is set by the Regulation, the only means for achieving the purpose to allow for a maximum of 21 concerts per calendar year in 2026 to meet heightened demand for the venue is by making a time-limited amendment to the regulation.

Consideration was given to increasing the cap to a lower maximum than 21 concerts. However, 21 concerts was identified as the best estimate of the maximum required to meet the extra demand for concerts from significant international artists at Brisbane Stadium in 2026, particularly when taking into account some highly popular artists booking two or more concerts at the venue to meet public demand e.g., Ed Sheeran will play three concerts in February 2026.

There are also a number of safeguards to ensure this option represents the least restrictive impact on freedom of movement, property and privacy. In particular:

- the increase in the cap is time-limited, applying only to the 2026 calendar year; and
- the impacts of special events at Brisbane Stadium are mitigated by the requirements of the Regulation, such as the requirement for an operational management plan and a transport management plan to manage and mitigate impacts from noise levels, light, pedestrian and traffic movement, and crowd behaviour.

There is, therefore, no less restrictive or reasonably available means to achieve the purpose.

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

On one side of the scales, the extent of the impact on freedom of movement, property and privacy is reduced by:

- the temporary nature of the impacts, both because the increase in the cap applies only to the 2026 calendar year and because the impacts are confined to the days that concerts are held;
- the detailed requirements of the Regulation; and
- the results of a 2024 consultation process which showed that a majority of the local residents and businesses who responded supported a concert cap higher than 12 per year.

Consultation conducted by the previous Department of Tourism and Sport to inform 2024 amendments to the Brisbane Stadium concert cap found that 60.4 per cent of all survey respondents, and 56.7 per cent of respondents living within the Lang Park Traffic Area, specified their preference for the stadium's concert cap to be greater than 12 per calendar year.

The results indicated that, while there are some concerns around residential disruptions from concerts, when balanced with the wider economic and cultural benefits of these events, there is a broad public appetite for more concerts being held at Brisbane Stadium.

On the other side of the scales, the benefits of temporarily increasing the cap include:

- significant economic benefits at local, regional and state level;
- support for the arts and entertainment industry
- promotion of the right to peaceful assembly in section 22 of the HR Act.

On balance, taking into account the nature and extent of the limitation on the right to privacy, I consider that the purpose of meeting heightened demand for concerts in the 2026 calendar year, will provide local, regional and state economic and social benefits which outweigh the potential negative impacts on the right to privacy for local residents from those extra concerts, with existing regulatory requirements and other practices actively managing and mitigating impacts on local residents from concert noise, light, traffic, crowd and pedestrian movement.

Accordingly, the limit on freedom of movement is justified. Because the impacts are proportionate, any deprivation of property is not arbitrary and any interference with privacy and home is not arbitrary. This means that the rights to property and privacy are not limited.

## Conclusion

I consider that the *Major Sports Facilities (Major Concerts at Brisbane Stadium (Lang Park)) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019*. While it does engage or limit human rights, those impacts are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

**Tim Mander MP**  
MINISTER FOR SPORT AND RACING  
MINISTER FOR THE OLYMPIC AND PARALYMPIC GAMES

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