

Major Sports Facilities Amendment Bill 2022

Statement of Compatibility

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

In accordance with section 38 of the *Human Rights Act 2019*, I, Stirling Hinchliffe MP, Minister for Tourism, Innovation and Sport and Minister Assisting the Premier on Olympics and Paralympics Sport and Engagement make this statement of compatibility with respect to the Major Sports Facilities Amendment Bill 2022.

In my opinion, the Major Sports Facilities Amendment Bill 2022 is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The *Major Sports Facilities Act 2001* (the MSF Act) establishes Stadiums Queensland (SQ) as the Authority responsible for managing, operating, using, developing and promoting facilities in Queensland for the staging of national and international sport, recreational, entertainment or special events. SQ is governed by a board which is responsible for the overall corporate governance of the Authority, which has portfolio responsibility for 10 major sports facilities across the state with a total asset value (unaudited) of approximately \$1.5 billion.

In April 2018, the then Minister for Sport established a Stadium Taskforce (the Taskforce) to review the pricing and practices of SQ. The Taskforce was tasked with examining the operating and pricing models for major sports events for each of the venues within the SQ portfolio, how those models impacted hirers, patrons, major event attraction as well as the costs and benefits to the Queensland community.

In 2018, the Taskforce delivered its Interim Report and Final Report to Government which contained a total of 53 recommendations designed to improve the commercial agility and governance of SQ, with some requiring legislative amendments to the MSF Act. All recommendations were previously supported, or supported in-principle, by Government in its 2019 responses to these reports.

The Major Sports Facilities Amendment Bill 2022 (the Bill) amends the MSF Act to implement outstanding Taskforce recommendations arising from the Interim Report (Recommendation 1.3) and Final Report (Recommendations 1.1, 1.2, 1.3, 1.4 and 1.6).

The Bill will implement all outstanding Taskforce recommendations requiring legislative amendments to the MSF Act and will improve the governance, commercial agility and performance of SQ, whilst also meeting public and government expectations on the management of a significant portfolio of publicly owned assets.

Human Rights Issues

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

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (Section 13 *Human Rights Act 2019*)

The human rights relevant to the provisions of the Bill which amends the MSF Act are as follows:

- Taking part in public life (Section 23 of the *Human Rights Act 2019* (HR Act)).

(a) the nature of the right

Section 23(1) of the HR Act provides that every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives. Section 23(2)(b) of the HR Act provides that every eligible person has the right, and is to have the opportunity, without discrimination to have access, on general terms of equality, to the public service and to public office.

The Bill proposes to amend the MSF Act to specify the skills and experience required for individuals to be appointed to the SQ Board. Clause 7 of the Bill prescribes that an individual may be appointed to the SQ Board only if they hold qualifications or have at least three years' experience in one or more of the following areas: asset management, building and construction, commercial enterprise, event promotion, financial administration, law, property development, sports administration, or if they have other knowledge and experience the Governor in Council considers appropriate for appointment.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of this requirement is to ensure that only appropriately qualified or experienced individuals become directors of the public authority in control of substantial public assets and operations. This supports the public interest in the effective management of public assets.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The requirement to hold specific qualifications or experience helps achieve the purpose of effectively managing public assets as individuals with qualifications or experience could be expected to better manage those assets.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The Bill provides the ability for the Governor in Council to approve the appointments of individuals with any other knowledge and experience it considers appropriate for appointment to the SQ Board. Less restrictive and reasonably available ways to achieve the purpose have not been identified.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The importance of appointing directors with appropriate qualifications and experience to effectively manage a number of significant public assets, outweighs the potential limitation on the right to take part in public life.

- (f) any other relevant factors

Nil.

Conclusion

In my opinion, the Major Sports Facilities Amendment Bill 2022 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

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