

Queensland Academy of Sport Bill 2025

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games.

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

In accordance with section 38 of the *Human Rights Act 2019*, I, Tim Mander MP, Minister for Sport and Racing and Minister for the Olympic and Paralympic Games, make this statement of compatibility with respect to the amendments to be moved during consideration in detail of the Queensland Academy of Sport Bill 2025 (the Bill).

In my opinion, the amendments to the Bill to be moved during consideration in detail are compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

Following consultation with the Office of Industrial Relations and the Office of the Queensland Parliamentary Counsel, it was determined that additional provisions were required to ensure an efficient and effective transition of the Queensland Academy of Sport (Academy) to a statutory body.

In particular, concerns were raised that, under the Bill, employees employed in accordance with sections 150, 151 or 152 of the *Public Sector Act 2022* after the commencement of the Academy as a statutory body on 1 July 2025 would not be covered by the State Government Entities Certified Agreement 2023 (the Core).

Therefore, an amendment to the Bill is required to ensure that such employees are covered by the Core until such time as the Academy is a party to a State Government Entities Certified Agreement, or Academy specific industrial instruments are created, to ensure that consistent employment terms and conditions are provided to all employees of the Academy.

It was also identified that the transfer of the Academy's existing contracts and agreements, other than those existing contracts for a person providing services for the Department of Sport,

Racing and Olympic and Paralympic Games in relation to the Academy, were not provided for in the Bill. Therefore, an amendment to the Bill is required to provide for these matters.

In addition, on 11 April 2025, the State Development, Infrastructure and Works Committee (the Committee) tabled Report No. 6, 58th Parliament – Queensland Academy of Sport Bill 2025. The report made two recommendations:

1. That the Bill be passed.
2. That the Bill be amended to require that Board members collectively have qualifications, skills or competencies in both Olympic and Paralympic sport.

The Bill does not mandate that the Board must contain a minimum number of members with any of the listed skillsets particularly, meaning there is no guarantee there will be representation from them all.

The Queensland Government largely supports the Committee's recommendation, however, considers that the term 'experience' as currently used and defined in the Bill is more appropriate than the Committee's suggested term 'competencies' and thus will be retained.

Therefore, it is proposed that an amendment is moved during consideration in detail to provide for the Board to collectively have qualifications, skills or experience in both Olympic and Paralympic sport to adequately deliver on the purpose and the functions of the Bill.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 of the HR Act)

Consideration has been given as to whether the proposed amendments to the Bill might engage certain human rights under the HR Act, and which rights might be relevant to the Bill.

In my opinion, the only human right relevant to the proposed amendments to the Bill, is the right of taking part in public life (section 23 of the HR Act).

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 amendment requiring the Board to collectively have qualifications, skills or experience in both Olympic and Paralympic sport limits this right as a Board candidate could possibly be excluded from consideration based on the amended skills, experience and qualification requirements for the Board as a collective.

This is considered justified for the same reasons outlined in the Human Rights Statement of Compatibility for the Bill, regarding skills, experience and qualifications provisions. These requirements support the public interest in the effective management of Queensland's Olympic and Paralympic Elite Performance Programs, associated infrastructure assets, and business management and operational responsibilities by appropriately qualified Board members.

Providing for the Board to have collective qualifications, skills or experience in both Olympic and Paralympic sport ensures alignment of the Board with the main purposes of the Academy. Also, sector-specific understanding enables more effective decision-making, governance, and risk management tailored to the unique demands of Olympic and Paralympic sport.

It has been concluded that neither the employment arrangements amendments nor the contracts and agreements amendments proposed for the Bill engages a human right.

Conclusion

In my opinion, the amendments to be moved in consideration in detail to the Queensland Academy of Sport Bill 2025 are compatible with human rights under the *Human Rights Act 2019* because they limit 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.

Tim Mander MP

Minister for Sport and Racing and
Minister for the Olympic and Paralympic Games

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