



QUEENSLAND PARLIAMENT **COMMITTEES**

Queensland Academy of Sport Bill 2025

State Development, Infrastructure and Works Committee



Report No. 6

58th Parliament, April 2025

State Development, Infrastructure and Works Committee

Chair	Mr Jim McDonald MP, Member for Lockyer
Deputy Chair	Ms Jonty Bush MP, Member for Cooper
Members	Mr Terry James MP, Member for Mulgrave
	Mr David Kempton MP, Member for Cook
	Mr Shane King MP, Member for Kurwongbah
	Mr Bart Mellish MP, Member for Aspley

Committee secretariat

Telephone	07 33536662
Email	SDIWC@parliament.qld.gov.au
Committee webpage	www.parliament.qld.gov.au/sdiwc

All references and webpages are current at the time of publishing.

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Chair's foreword

This report presents a summary of the State Development, Infrastructure and Works Committee's examination of the Queensland Academy of Sport Bill 2025. The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The Committee has recommended that the Bill be passed.

The Queensland Academy of Sport is responsible for preparing Queensland's elite athletes, teams and coaches for success on the world stage. Recent performances in Paris have demonstrated the strength of Queensland talent with achievements at the Olympic and Paralympic Games being the most successful to date.

This Bill transitions the Academy to an independent statutory body from 1 July 2025 enabling it to operate with more flexibility and efficiency and meet its unique operational needs. There was broad support for the transition from inquiry participants.

The Bill also establishes a governing Board to ensure that the Academy performs its functions in a proper, effective and efficient way. Ensuring that the Board has the appropriate skills and experience is of fundamental importance to its success. Accordingly, the committee has recommended an amendment to the Bill to require that the Board members collectively have qualifications, skills or experience in both Olympic and Paralympic Games.

On behalf of the committee, I thank all inquiry participants making submissions and appearing at the public hearing for their valuable contributions. I also thank my fellow committee members and Parliamentary Service staff.

I commend this report to the House.

A handwritten signature in blue ink, appearing to read 'Jim McDonald', with a stylized flourish at the end.

Jim McDonald MP
Chair

Executive summary

About the Bill

The Queensland Academy of Sport Bill 2025 (Bill) is to establish the Queensland Academy of Sport (QAS) as a statutory body, commencing 1 July 2025, to:

- assist emerging and elite Queensland athletes to achieve success at the Olympic Games and the Paralympic Games
- identify, and foster the development of, Queenslanders who demonstrate the talent to develop into future elite athletes
- collaborate with institutes of sport, and national and Queensland sporting organisations, to maximise the success of Australian athletes at the Olympic Games and the Paralympic Games.

The committee has recommended that the Bill be passed.

There was broad support for the Bill from stakeholders who submitted to the inquiry. Stakeholders referred to the need for the QAS to have greater flexibility to operate as a high performance sport agency preparing Queensland's emerging and elite athletes for success. Most submitters strongly supported the change to a statutory body.

The committee and stakeholders highlighted the significance of the proposed Board composition for the strategic direction of the QAS. The committee has unanimously recommended an amendment to the Bill to better align the composition of the Board with the purpose and functions of the QAS. The committee considers it is crucial that Board members collectively have qualifications, skills or competencies in both Olympic and Paralympic sport.

Matters related to the proposed functions of the QAS, specifically collaboration and partnerships with other sporting organisations, development pathways for athletes with disability, inclusivity of facilities, employment and sports practices, and the development of participants living in regional areas, were key issues raised by stakeholders. The proposed function of the QAS Board to ensure the QAS creates child safe environments was also examined. The committee considers the Bill provides a framework for the QAS Board to ensure that it is well informed on these important issues and other aspects of the QAS' functions, through the establishment of committees.

Proposed staffing arrangements and terms of appointment of the CEO and QAS staff were also considered by the committee.

Legislative compliance

The committee concluded that the Bill was compatible with the *Legislative Standards Act 1992* and the *Human Rights Act 2019*.

Recommendations

Recommendation 1 4

The committee recommends that the Bill be passed.

Recommendation 2 15

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

1. Overview of the Bill

The Queensland Academy of Sport Bill 2025 was introduced by the Minister for Sport and Racing and Minister for the Olympic and Paralympic Games, Hon Tim Mander MP, on 18 February 2025 and referred to the State Development, Infrastructure and Works Committee (committee) for examination.

1.1 Aims of the Bill

The main purpose of the Bill is to establish the Queensland Academy of Sport (QAS/ Academy) as a statutory body, commencing 1 July 2025, to:

- assist emerging and elite Queensland athletes to achieve success at the Olympic Games and the Paralympic Games
- identify, and foster the development of, Queenslanders who demonstrate the talent to develop into future elite athletes
- collaborate with institutes of sport, and national and Queensland sporting organisations, to maximise the success of Australian athletes at the Olympic Games and the Paralympic Games.¹

The Bill also provides for the functions and powers of the QAS, establishes a board as its governing body, and provides for the appointment of a chief executive officer (CEO) and QAS staff.

1.2 Background

The QAS is the Queensland Government's high performance sports agency, responsible for preparing Queensland elite athletes, teams and coaches for success.² Since its establishment in 1991, the QAS has operated as a business unit within a Queensland Government department, currently the Department of Sport, Racing and Olympic and Paralympic Games (department).

The QAS describes its core services as:

- Talent and Coaching: 2 major programs include the Youfor2032 Talent Search Program and Gen 2032 Coach Scholarship Program
- High-Performance Programs: providing athlete wellbeing and engagement, High Performance Managers, and operations coordination to ensure peak performance
- Performance Support: includes health, strength & conditioning, sports science, performance data, and swimming hubs
- Partnerships: partnerships span research, industry engagement, and sponsorships. QAS identifies innovative partnerships that can support high performance environments

¹ Bill, cl 3.

² Queensland Academy of Sport, *About us*, <https://www.qasport.qld.gov.au/about-qas/who-we-are>.

- Operations: encompasses People and Culture, Finance, Communications, Procurement, Facilities, Governance and IT.³

In July 2021 the QAS began implementing its new 2032 High Performance Strategy, developed following a strategic review in the previous year, which is based on 9 strategic pillars - Athlete Journey, Talent, Coaching, Performance Support, Performance Programs, Performance Data, Partnerships, Business Operations, and People and Culture.⁴ The department reported that in 2023-24, 29.91% of Queensland athletes selected for national teams were supported by the QAS.⁵ The QAS currently supports over 500 athletes.⁶

In July 2024, following representations from key stakeholders and a review into the organisation, the former Queensland Government announced the QAS would become a statutory body.⁷ After the state election in October 2024, and a review to assess whether the former government's decision to transition the academy to a statutory body was in the public interest,⁸ the government committed to introducing legislation to establish the QAS as a statutory body 'to allow the QAS to operate with more flexibility and efficiency'.⁹

According to the explanatory notes, the transition to an independent statutory body is necessary because delivery of the QAS' objectives 'can be hindered by the structural and administrative requirements of a department' and having 'systems and processes that are not fit-for-purpose for elite sports can directly impact athlete competitiveness, medal chance, and the overall agility and responsiveness of the Academy'.¹⁰

The explanatory notes state that establishing the QAS as a statutory body will provide 'the greatest level of operational and financial independence compared to other organisational forms, while ensuring the Academy remains accountable to government standards and public sector regulations'.¹¹

1.3 Consultation

The department advised that it 'undertook extensive consultation with several interstate high-performance sports institutes as well as a range of Queensland statutory bodies to inform the development of this legislation'.¹²

³ Queensland Academy of Sport, *What we do*, <https://www.qasport.qld.gov.au/about-qas/what-we-do>.

⁴ Queensland Academy of Sport, *QAS 2032 High Performance Strategy*, <https://www.qasport.qld.gov.au/about-qas/qas-strategy>.

⁵ Queensland Budget 2024–25, Department of Tourism and Sport, *Service Delivery Statements*, https://budget.qld.gov.au/files/Budget_2024-25_SDS_Department_of_Tourism_and_Sport.pdf, p 4.

⁶ Queensland Academy of Sport, *About us*, <https://www.qasport.qld.gov.au/about-qas/who-we-are>.

⁷ Joint statement – Premier, Minister for Tourism and Sport, 12 July 2024, <https://statements.qld.gov.au/statements/100804>.

⁸ Public briefing transcript, Brisbane, 3 March 2025, p 3.

⁹ Minister for Sport and Racing and Minister for the Olympic and Paralympic Games, 12 February 2025, <https://statements.qld.gov.au/statements/102003>.

¹⁰ Explanatory notes, p 1.

¹¹ Explanatory notes, p 1.

¹² Public briefing transcript, Brisbane, 3 March 2025, p 2.

1.4 Other jurisdictions

The department provided the following information about the governance of similar high performance sport organisations in Australia:

- the New South Wales Institute of Sport and the Australian Sports Commission (which includes the high performance body, the Australian Institute of Sport), are statutory bodies
- the Victorian Institute of Sport is a private trustee company
- the Western Australian Institute of Sport is a not-for-profit government entity controlled by the state
- the high-performance institutes in South Australia, Tasmania, Australian Capital Territory and the Northern Territory operate as part of a government department similar to how the QAS currently operates in Queensland.¹³

1.5 Inquiry process

The committee considered 10 submissions to its inquiry (see Appendix A for a list of submitters). The committee conducted a public briefing with officers from the department and a public hearing with witnesses from sports and community sectors contributing (see Appendix B and Appendix C for lists of witnesses).

1.6 Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (Legislative Standards Act), and the *Human Rights Act 2019* (Human Rights Act).



1.6.1 Legislative Standards Act 1992

The committee concluded that the Bill complied with the Legislative Standards Act.

The committee considered fundamental legislative principle issues relating to protections from liability for office holders and to the introduction of penalties. The committee was ultimately satisfied that the Bill has sufficient regard to the rights and liberties of individuals. The issues are discussed in section 2.9 of this report.

Part 4 of the Legislative Standards Act requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill. The committee was satisfied that the notes contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

¹³ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 26 February 2025, p 3.



1.6.2 Human Rights Act 2019

Assessment of the Bill's compatibility with the Human Rights Act identified issues related to the right to privacy and the right to take part in public life. These are discussed in section 2.9 of this report. The committee concluded that the Bill is compatible with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the Human Rights Act. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.7 Should the Bill be passed?

The committee is required to determine whether to recommend that the Bill be passed.



Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

2.1 Key themes

The Bill was broadly supported by stakeholders who submitted to the inquiry. Stakeholders referred to the limitations on the QAS that result from operating as a unit within a government department and most submitters strongly supported the change to a statutory body.

Key issues raised by stakeholders during the committee's examination of the Bill focused on:

- Board structure and skills mix and effect of this on the strategic direction of the QAS
- the functions of the QAS, particularly –
 - collaboration and partnerships with other national and Queensland sporting organisations
 - development pathways for athletes with disability
 - development of athletes and coaches living in regional areas
- functions of the Board, including to ensure the QAS creates child safe environments
- staffing matters.

2.2 Limitations of current arrangements

The department explained that the limitations of departmental administrative systems and processes 'can directly impact athlete competitiveness, medal chance, and the overall agility and responsiveness'¹⁴ of the QAS, and these include:

¹⁴ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 26 February 2025, p 2.

- shared resources affecting the ability to adopt emerging technologies, provide fit for purpose IT systems, and keep specialised IT solutions confidential to maintain competitive advantage
- an ‘extensive’ process for obtaining approval for QAS employees to travel internationally to competitions, international training camps, Olympic and Paralympic Games and the Commonwealth Games
- processes that are not suited to procuring highly specialised products that are required to assist QAS supported athletes
- constraints on flexibility to engage with commercial and philanthropic partners
- disruptions from machinery of government changes.¹⁵

A group of former athletes, Olympic medallists, and sports administrators who submitted jointly to the inquiry reiterated this point, stating that ‘there has been significant waste of talent and tenacity that has resulted from the QAS structure not being fit-for-purpose’ and that ‘what holds back the search for excellence are slow and cumbersome processes which deter talent and high performance in its purest form, and lack of inspirational high performance leadership that can only be attracted and retained with appropriate governance arrangements’.¹⁶

Committee comment



The committee acknowledges the broad support for this Bill to establish the Queensland Academy of Sport as an independent statutory authority.

We agree with stakeholders that the Queensland’s high performance sports agency needs to have the flexibility, agility, and accountability to support the development of Queensland’s elite athletes now and in the future to represent Queensland and Australia on the world stage.

2.3 Functions and powers of the QAS

The Bill establishes the QAS as a statutory body under the *Statutory Bodies Financial Arrangements Act 1982* and the *Financial Accountability Act 2009* and as a unit of public administration under the *Crime and Corruption Act 2001*.¹⁷ Other Queensland integrity legislation, such as the *Right to Information Act 2009*, the *Information Privacy Act 2009* and the Human Rights Act will apply to the QAS.¹⁸

¹⁵ Public briefing transcript, Brisbane, 3 March 2025, pp, 4, 6, 7; correspondence, 26 February 2025, p 2.

¹⁶ Wilma Shakespear AM, Peter Conde, Alex Baumann OC OO PhD, Tracy Stockwell OAM OLY, Andrew Trim OLY MBA, Bruce Hatcher, Renita Garard AM OLY, submission 7, p 1.

¹⁷ Bill, cl 8.

¹⁸ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 26 February 2025, p 1.

The Bill provides that the QAS would become a legal entity with control over its own funds and the powers to do anything necessary or convenient to perform its functions.¹⁹ The Bill provides for the QAS to also have some particular powers:

- to give access to QAS resources, services or facilities to persons from other states to foster cooperation in Australian high-performance sport
- to conduct sporting competitions
- to enter into commercial or other arrangements for sponsorship or marketing of the academy
- to accept gifts, devises or bequests
- to charge fees for charging fees for goods or services provided by the QAS such as access to facilities and admission to events.²⁰

The Bill provides that the functions of the QAS²¹ are to:

- provide programs for the development of emerging and elite Queensland athletes who have the potential to excel at future Olympic or Paralympic Games, including –
 - specialist support (such as coaching, strength and conditioning training, sports science and sports medicine) from a multidisciplinary team
 - wellbeing support while undertaking programs and on retirement from high performance sport
- to provide programs, including in partnership with national and Queensland sporting organisations, to identify and develop Queenslanders who demonstrate the talent to develop into future elite athletes
- provide scholarships to support Queensland athletes who have the potential to excel at future Olympic or Paralympic Games
- provide development programs for coaches who have potential as high-performance sport coaches at an international senior level
- provide access to high-performance training facilities
- develop partnerships and collaborate with institutes of sport, and national and Queensland sporting organisations, to –
 - ensure programs provided by the academy maximise the performance and wellbeing of athletes
 - maximise the effectiveness and success of Australian high-performance sport
- undertake research or collaborate with other entities in sports science, sports medicine and sports technology research.

The department advised that these functions align with the current functions of the QAS business unit within the department.²²

¹⁹ Bill, cl 10.

²⁰ Bill, cl 11.

²¹ Bill, cl 9.

²² Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 26 February 2025, p 1.

2.4 QAS Board

2.4.1 Board composition

The Bill establishes a Board as the governing body of the QAS²³ to be composed of at least 5 but not more than 8 Board members, appointed by the Governor in Council on the recommendation of the Minister, with qualifications, skills or experience in at least one of the following areas:

- (a) business or financial management
- (b) corporate governance
- (c) high-performance sport
- (d) law
- (e) Olympic or Paralympic sport – (i.e. a person who has competed at the Olympic Games or the Paralympic Games, or has been a coach, administrator or member of the support team for athletes competing at the Olympic Games or the Paralympic Games)
- (f) another area the Minister considers relevant or necessary to support the Board's functions.²⁴

2.4.2 Board functions

The Board's functions are:

- to decide which sports the QAS will support and the way these sports will be supported
- to create a safe, fair and healthy sporting environment that is consistent with all relevant integrity standards, as developed by Sporting Integrity Australia²⁵ in regard to anti-doping, competition manipulation, improper use of drugs and medicine, participant welfare including athlete safeguarding, or any other matter that relates to the integrity of sport
- to ensure the QAS performs its functions in a proper, efficient and effective way
- any other function under an Act.²⁶

2.4.3 Committees

The Bill provides that the Board may establish committees to assist the Board to perform its functions. Committee members can include any of the following:

- Board members
- the CEO
- QAS staff or contractors

²³ Bill, cl 12.

²⁴ Bill, cl 15.

²⁵ Established under the *Sport Integrity Act 2000* (Cth), s 20A.

²⁶ Bill, cl 13.

- a person with qualifications, skills or experience relevant to the function of the Board for which the committee is established.²⁷

2.5 Feedback on proposed functions of the QAS

2.5.1 Collaboration and partnerships with other national and Queensland sporting organisations

National high performance sport system

The Win Well Strategy is Australia's High Performance 2032+ Sport Strategy which 'focuses on optimising outcomes and sustainable success for Olympic, Paralympic and Commonwealth Games sports' and has been co-designed by the Australian High Performance Sport System.²⁸ The Australian Sports Commission (ASC) advised that the QAS, as a core member of Australia's high performance sport system, has signed on to the Win Well Strategy alongside all the other state institutes and academies of sport, all high performance funded national sporting organisations, the Games Partners (Australian Olympic Committee, Paralympics Australia and Commonwealth Games Australia), and the ASC.²⁹ The institutes and academies of sport are all united with the ASC under a formal arrangement, the National Institute Network.³⁰

Clear roles and responsibilities for all of the organisations within the high performance sport system in implementing the Win Well Strategy are key to its delivery. The ASC explained that the QAS, is a critical part of Australia's high performance sport system and 'is responsible for key deliverables as outlined in the strategy to optimise the performance of the whole system'.³¹

The ASC submitted that it encourages consideration of the nationally agreed priorities, roles and responsibilities of the Win Well Strategy in the finalisation of the Bill and continued strong collaboration and cooperation with the QAS.³² Chief Executive Officer of the ASC, Mr Kieren Perkins OAM, emphasised the importance of national collaboration and the National Institute Network to identify and develop athlete talent, telling the committee:

I would highlight and acknowledge that the relationship we have today with the QAS across the National Institute Network has never been stronger, has never been more functional and has never delivered better alignment of key outcomes and goals than we are seeing right now. Taking that, understanding that and projecting that forward, I do not see that there is any real risk in terms of the creation of a statutory body to deliver that, as long as there is clear guidance and understanding within the legislative framework that a part of the responsibility that QAS has is to continue to engage in the national system for national delivery of success outcomes, because when we get to Brisbane in 2032 and we see our

²⁷ Bill, cl 32.

²⁸ Australian Sports Commission, submission 3, p 1.

²⁹ Submission 3, p 1.

³⁰ Public hearing transcript, Brisbane, 25 March 2025, p 1.

³¹ Submission 3, p 4.

³² Submission 3, p 4.

team dressed in the green and gold and we are cheering them on through their success, we will only be truly successful if we have been able to draw the best talent from the whole country, so that engagement matters.³³

The department advised that the Bill ‘has been drafted to recognise the importance of continued QAS engagement in the Australian high-performance system and ensure the continuation of well-established relationships with institutes of sport including the ASC, national and Queensland sporting organisations’.³⁴

Collaboration and partnerships with other sporting organisations in Queensland

The Gold Coast Academy of Sport (GCAS) submitted that it fully supports the objectives of the Bill, noting that the proposed functions of the QAS ‘align seamlessly with GCAS’ mission and values’ and calling for a closer formalised partnership between the 2 organisations.

GCAS submitted that an alignment with QAS would create efficiencies, reduce duplication, and allow for a more coordinated approach to developing high-performance sport in Queensland, including the expansion of regional academies across the state.³⁵ GCAS suggested that the partnership could be used as a model for a network of regional academies which could provide the pathway for elite athletes through to QAS.³⁶

Similarly Sporting Wheelies explained that it ‘has the infrastructure, programs, scale-up capacity, and reach to be a valuable partner to the QAS’ stating that ‘a formalised partnership model backed by shared goals and strategic investment would enable a more integrated and effective para-sport system in Queensland’.³⁷

The need for the QAS to partner with state and national disability sport organisations who have a key role in the development of athletes was reiterated by the Queenslanders with Disability Network (QDN). The QDN stated that ‘these partnerships are also critical to developing emerging coaches, researchers, sports medicine professionals etc in developing sector expertise in inclusive sport practices’.³⁸

In response to GCAS’ recommendations for a formal partnership between the organisation and the QAS, the department observed that the Bill (cl 14), which provides that the Board has all the powers to do anything necessary or convenient to be done in the performance of its functions, enabled the Board to form a greater alignment with the GCAS.³⁹ The department also noted that the main purpose of the Bill – to collaborate with institutes of sport, and national and Queensland sporting organisations, to maximise the success of

³³ Public hearing transcript, Brisbane, 25 March 2025, p 4.

³⁴ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 6.

³⁵ Submission 9, p 2.

³⁶ Submission 9, p 2.

³⁷ Public hearing transcript, Brisbane, 25 March 2025, p 6.

³⁸ Submission 10, p 4.

³⁹ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 2.

Australian athletes at the Olympic Games and the Paralympic Games – makes the need for collaboration with disability sport organisations explicit.⁴⁰

2.5.2 Development pathways for athletes with disability

While Sporting Wheelies and the QDN supported the intent of the Bill to deliver better outcomes for Queensland athletes and para athletes, both made recommendations to support para sport development and incorporate measures in the Bill to ensure disability inclusion is embedded in governance and operational structures.

These recommendations included:

- a clear strategy to integrate grassroots sports programs for people with disability as part of QAS structured pathways, and explicit acknowledgement in the Bill of the need for investment in grassroots para sport pathways (which currently are outside the QAS' direct scope) through strategic partnerships and support – because community participation is an important part of the pathway to high performance⁴¹
- for at least one Board member to be specifically dedicated to para sport expertise and disability inclusion – to bring insight, innovation and a deeper understanding of barriers and opportunities from lived experience to Board decision making and leadership⁴²
- establishing a para sport advisory committee to support the QAS Board – to guide the Board on key QAS functions including development programs, high performance coaching, inclusive and accessible infrastructure and procurement, and disability focused sports science, sports medicine and sports technology research⁴³
- a requirement for formal partnerships with disability sport organisations backed by shared goals and strategic investment – to enable a more integrated and effective para-sport system in Queensland⁴⁴
- commitment to universal design principles in future QAS facilities to ensure accessibility for all athletes⁴⁵
- commitment to inclusive employment – for QAS to lead by example by employing people with a disability as coaches, administrators and leaders, and to benefit from the experiences and perspectives of Paralympians through post-competition career pathways⁴⁶
- involving people with disability throughout partnerships and procurement activities – based on disability legislation obligations and functional requirements of disability⁴⁷

⁴⁰ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 7; 24 March 2025, p 3.

⁴¹ Sporting Wheelies, submission 8, p 1; Queenslanders with Disability Network, submission 10, p 4.

⁴² Sporting Wheelies, submission 8, p 1; Queenslanders with Disability Network, submission 10, pp 2-3.

⁴³ Sporting Wheelies, submission 8, p 1; Queenslanders with Disability Network, submission 10, pp 2-3.

⁴⁴ Sporting Wheelies, submission 8, p ; Queenslanders with Disability Network, submission 10, p 4.

⁴⁵ Sporting Wheelies, submission 8, p 1.

⁴⁶ Sporting Wheelies, submission 8, p 2.

⁴⁷ Queenslanders with Disability Network, submission 10, p 3.

- a specific requirement for commercial/philanthropic partnerships and activities that focus on people with disability – to develop expertise in inclusive sports practice.⁴⁸

With respect to these recommendations, the department stated the following:

- the main purposes of the Bill (cl 3) and the proposed powers of the Board (cl 14) provide ‘flexibility for the Board to consider investment in grassroots para sport pathways’
- the Bill (cl 15) enables ‘Board members to be appointed on the basis of paralympic sport and disability inclusion skills and expertise’
- the Bill (cl 32) allows for the Board ‘to establish one or more committees to support the function of its duties’ and therefore it would have the power to establish a para sport committee to support QAS Board
- the main purpose of the Bill (cl 3) explicitly provides for the QAS to collaborate with national and state sporting organisations regarding para-athlete success
- the main purposes of the Bill (cl 3), and provisions regarding the Board composition (cl 15) and powers of the Board (cl 14) provide for ‘engagement with people with disability from relevant organisations on applicable decisions’ and allow the Board ‘the discretion to explore co-design and consultation with people with disability on QAS activities’
- the Bill (cl 11) provides that the QAS has the power to enter into commercial or other arrangements, including arrangements for the sponsorship or marketing of the academy, which would enable the Board to explore commercial and/or philanthropic partnerships specific to para sports
- a proposed function of the Board (cl 13) is to decide which sports will be supported by the QAS and the way the sports are to be supported, which provides the Board with ‘the discretion to decide the appropriate distribution of investment towards para sports, giving regard to the main purpose of the Bill’.⁴⁹

2.5.3 Development of athletes and coaches in regional areas

Submitters highlighted the role of the QAS in the identification and development of athletes and coaches in regional areas.

The Isolated Children’s Parents’ Association, Queensland (ICPA) suggested that the Bill should explicitly include reference to children and young people from rural and remote parts of Queensland, as regional communities ‘frequently produce talented future athletes who, due to geographical isolation, do not have access to the same pathways and opportunities as their metropolitan counterparts’.⁵⁰ The ICPA emphasised the need for ‘targeted regional talent identification programs and dedicated outreach initiatives’ and for

⁴⁸ Queenslanders with Disability Network, submission 10, p 4.

⁴⁹ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, pp 6-7; 24 March 2025, pp 2-3.

⁵⁰ Submission 6, p 1.

the QAS to prioritise inclusivity and actively engage with regions to identify and develop talented athletes.⁵¹

The GCAS supported structural change to QAS to enable it to be more nimble in its strategic direction, and specifically supported QAS reviewing 'Queensland elite sport identification and how programs operate across the state to ensure the best talent from every region of Queensland is identified and fostered'.⁵² As outlined in section 2.5.1, the GCAS encouraged expansion of regional academies to 'ensure all Queensland athletes no matter where they are based are offered the same opportunities to develop into an elite athlete'.⁵³

The GCAS also stated that it 'looks towards regional academies becoming a bridge between the regions and the QAS and offering a stronger pathway from grassroots to elite sport'.⁵⁴ Ms Glynis Nunn OAM OLY, Executive Director of the GCAS, explained that in New South Wales there is a strong relationship between New South Wales Institute of Sport and 11 regional academies, which provides a pathway between the regional academies and the institute for athletes and coaches to develop their potential, as well as opportunities for athletes to access facilities. Ms Nunn noted that the New South Wales regional academies receive government funding, grants from local councils, and support from sponsors in the regions.⁵⁵

The QDN highlighted the importance of the need for visible and accessible grassroots programs for development of athletes which are genuinely inclusive in regional as well as metropolitan areas.⁵⁶

Mr Dane Cross, Chief Operating Officer of Sporting Wheelies, told the committee that Sporting Wheelies has 'a long history in delivering proven participation and talent development programs across Queensland, particularly in regional and remote areas where opportunities are otherwise limited. Rather than reinventing the wheel, we encourage the QAS to build on this existing capability'.⁵⁷

The department advised that the QAS has been 'putting thought to how to improve support for regional athletes across this state. Maximising the efficiency of the academy will further enhance its ability to consider such options and implement innovative solutions for supporting athletes across the state'.⁵⁸ The department also highlighted the recently commenced *Youfor2032* talent search which is a program to match aspiring athletes and para-athletes with the Olympic and Paralympic sports where they have the greatest potential for success:

⁵¹ Submission 6, p 1.

⁵² Submission 9, p 2.

⁵³ Submission 9, p 2.

⁵⁴ Public hearing transcript, Brisbane, 25 March 2025, p 15.

⁵⁵ Public hearing transcript, Brisbane, 25 March 2025, p 15.

⁵⁶ Public hearing transcript, Brisbane, 25 March 2025, p 9.

⁵⁷ Public hearing transcript, Brisbane, 25 March 2025, p 6.

⁵⁸ Public briefing transcript, Brisbane, 3 March 2025, p 3.

Staff from the academy have travelled more than 30,000 kilometres to more than 40 locations, including 25 regional centres from the Torres Strait to Coolangatta and from Cunnamulla and beyond, testing Queenslanders. More than 5,700 aspiring athletes have been tested across Queensland through the YouFor2032 program, with every athlete tested receiving a personalised performance report against national and international benchmarks. Some 2,044 athletes have been identified and progressed into the next phase for YouFor2032, including 422 athletes invited to targeted development programs and 23 athletes who have been selected to further state or national programs.⁵⁹

Committee comment



One of the main purposes of this Bill is to establish the QAS in order to identify and foster the development of Queenslanders who demonstrate the talent to develop into future elite athletes. We note that the proposed functions of the QAS include providing programs, including programs in partnership with other sporting organisations, and targeted development activities for athletes and coaches with the potential to excel at an elite level.

The Bill also provides for broad powers of the QAS Board ‘to do anything necessary or convenient to be done in the performance of its functions’ and for the Board to establish committees to assist in the performance of its functions, with membership open to a person with relevant qualifications, skills or experience.

We consider that the establishment of committees to assist the QAS Board provides a sensible mechanism to ensure that the Board is well informed on important aspects of the QAS’ functions. Fundamental aspects such as those highlighted by stakeholders during this inquiry, including development of talented future elite para athletes, actions related to the accessibility and inclusivity of QAS processes, programs, and facilities, development of partnerships and pathways for athletes in regional areas of Queensland, and athlete safeguarding, would each be a fitting focus for a QAS committee.

We believe committees established by the Board have the potential to be a valuable means of supplementing the expertise and supporting the decision making of the QAS Board.

2.6 Appointment of Board members

The need for a broad mix of skills on the QAS Board was highlighted by stakeholders.⁶⁰

⁵⁹ Public briefing transcript, Brisbane, 3 March 2025, p 3.

⁶⁰ Mark Stockwell OLY, submission 2, p 1; Sporting Wheelies, submission 8, p 1; Queenslanders with Disability Network, submission 10, pp 2-3; Kieren Perkins OAM, Australian Sports Commission, Renita Garard AM OLY, public hearing transcript, pp 4, 23.

Chief Executive Officer of the ASC, Mr Kieren Perkins OAM, noted that the breadth of skills required across the QAS Board includes expertise in governance, risk management, financial services, legal expertise, and an understanding of how to work with government to ensure that the ongoing support and resourcing of the QAS is secured, but also includes Board members with 'high-performance sporting understanding so that the strategies the organisation is putting together align to the outcomes of the cohorts of people' involved.⁶¹

Mr Kieren Perkins also emphasised that becoming a statutory body as a solution to enable high-performance sport to operate with speed and flexibility to innovate 'cannot supersede the requirement for appropriate governance to ensure that the organisation is safe, is well run and is able to ensure that its ongoing environment is able to support the system it is designed to support'.⁶²

The QDN and Sporting Wheelies both advocated inclusive governance of the new statutory body, strongly recommending that at least one position on the QAS Board be designated for someone with lived experience in para-sport or disability inclusion. Noting that experience has shown that 'inclusion is not always translated into action', both organisations stressed the need for specific, dedicated para-sport expertise and disability inclusion on the Board to ensure decisions reflect the needs of Queensland's Paralympic pathway.⁶³ (See also section 2.5.2 of this report.)

The committee also considered the influence of the composition of the Board and the significance of the perspectives of Board members on decisions about the direction of the QAS' strategy, programs, and funded sports. In regard to a focus on female participants and women's sport, the department advised that 'it is a requirement of the Queensland Government to have fifty-fifty representation of females on all boards'.⁶⁴

The committee queried the process for appointment of Board members. The department stated that 'it will be a matter for the Minister' and 'no decision has been made' on the process until the Bill is passed.⁶⁵

2.6.1 Minister's powers

The committee explored the purpose of the Minister's powers as proposed in the Bill:

- the Minister may give written direction to the QAS with which it must comply, provided the Minister has consulted with the Board and is satisfied the direction is in the public interest
- the Minister may also provide the QAS with a statement of expectations, which the academy must give regard to in the performance of its functions.⁶⁶

⁶¹ Public hearing transcript, Brisbane, 25 March 2025, p 4.

⁶² Public hearing transcript, Brisbane, 25 March 2025, p 3.

⁶³ Submission 8, submission 10; public hearing transcript, Brisbane, 25 March 2025, pp 6-7.

⁶⁴ Public briefing transcript, Brisbane, 3 March 2025, p 6.

⁶⁵ Public briefing transcript, Brisbane, 3 March 2025, p 5.

⁶⁶ Bill, cls 46, 47.

The Bill provides that Ministerial directions and statements of expectations, as well as details of gifts, devises or bequests received in the financial year, must be reported within the academy's annual report.⁶⁷

The department advised that the provisions are consistent with other jurisdictions and statutory bodies in Queensland and are intended to ensure 'that if the minister feels there is something within the public interest that needs direction then that can be done, but it is being counterbalanced with the reporting requirements within the academy's annual report to make sure that any direction that is given is publicly reported'.⁶⁸

Committee comment



The committee agrees with stakeholders that the mix of skills and perspectives on the Board is of fundamental importance to governance and strategic direction, which is why it is vitally important that the Board has members who understand high performance sport.

We acknowledge that the Bill enables the Minister to recommend a person for appointment as a Board member if they have qualifications, skills or experience in the areas of Olympic or Paralympic sport, or another area relevant or necessary to the Board's functions. However, the provision does not guarantee that a person from each of these high performance areas will be appointed to the Board.

Given the main purpose of the Act and some functions of the QAS are specifically to support Queensland athletes to achieve success at the Olympic Games and the Paralympic Games, we consider it crucial that there is Olympic and Paralympic Games expertise on the Board.

The committee considers an amendment to clause 15 of the Bill will better align the proposed composition of the QAS Board with the proposed purpose and functions of the QAS which mandate support for both Olympic and Paralympic athletes.

While there was unanimous support for the recommendation, some members of the committee believed it did not go far enough.



Recommendation 2

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

⁶⁷ Bill, cl 48.

⁶⁸ Public briefing transcript, Brisbane, 3 March 2025, p 7.

2.7 Feedback on proposed functions of the Board – ensuring the QAS creates child safe environments

As outlined in section 2.4.2 above, the Bill provides that a function of the QAS Board is to create a safe, fair and healthy sporting environment that is consistent with all relevant integrity standards.⁶⁹

A group of researchers studying prevention and response to athlete abuse in Australian sport, with lived experience of abuse as young athletes, submitted that the Bill demonstrates some positive features, such as provisions related to managing conflicts of interest, ensuring safe environs, and integrating integrity standards, but it needs to go further to ensure alignment with the *Child Safe Organisation Act 2024* particularly with respect to governance, children's rights and complaints processes.⁷⁰

The group submitted that given the scientific evidence of psychological, physical and sexual abuse of athletes, and as the Bill is 'in its operational sense, targeting Queensland children', regard should be given 'to the UN Convention on the Rights of the Child 1989 ... and Child Safe Standards as engineered by the Royal Commission into Institutional Responses to Child Sexual Abuse (Volume 6)'.⁷¹ Further, 'since the Objects of the QAS Bill are to develop elite pathways, which envisages programs designed specifically for children, the QAS is subject to the Standards' in the *Child Safe Organisations Act 2024*.⁷²

The group submitted that the following child safe standards, based on the National Principles for Child Safe Organisations,⁷³ which are prescribed in the *Child Safe Organisations Act 2024*, apply to the QAS:

- s 9(a) child safety and wellbeing is embedded in the entity's organisational leadership, governance and culture
- s 9(b) children are informed about their rights, participate in decisions affecting them and are taken seriously
- s 9(f) processes to respond to complaints and concerns are child-focused.

Former athlete and researcher, Dr Aurélie Pankowiak highlighted the evidence in recent years that elite sport environment can contribute to abuse of child athletes, emphasising the importance of embedding child safe standards in organisational culture.⁷⁴ This could be achieved by, for example, having a 'QAS national integrity manager', an 'athlete rights division',⁷⁵ or a child safety expert on the QAS Board.⁷⁶

⁶⁹ Bill, cl 13.

⁷⁰ Alison Quigley, Dr Aurélie Pankowiak and Dr Victoria Roberts, submission 4.

⁷¹ Alison Quigley, Dr Aurélie Pankowiak and Dr Victoria Roberts, submission 4, p 3.

⁷² Alison Quigley, Dr Aurélie Pankowiak and Dr Victoria Roberts, submission 4, p 4.

⁷³ Australian Human Rights Commission, 2018, *National Principles for Child Safe Organisations*, <https://www.childsafety.gov.au/system/files/2024-04/national-principles-for-child-safe-organisations.PDF>.

⁷⁴ Public hearing transcript, Brisbane, 25 March 2025, p 13.

⁷⁵ Submission 4, p 7.

⁷⁶ Alison Quigley, Dr Aurélie Pankowiak and Dr Victoria Roberts, correspondence, 31 March 2025, p 3.

Olympian, former world champion and researcher, Dr Victoria Roberts told the committee:

Sport Integrity Australia, in the year 2023-24, received 608 complaints. Approximately 300 of them were related to abuse and 100 related to child abuse. We know it is highly likely to be under-represented. ...

We also see an increasing level of historic complaints now coming through, consistent with research that we know about various forms of abuse, not just child sex abuse but also various forms of trauma, including the types of psychological abuse that athletes are systematically exposed to in regular training practices. They are now coming forward 20 years later. ...

Therefore, you actually have an integration of historic complaints increasing in response to the Australian Sports Commission introducing the redress scheme for athletes who were abused at the Australian Institute of Sport and now you have seven years, of course, until the 2032 Olympics. We now have a greater level of understanding of integrity. Within sports, integrity managers are being implemented and we are seeing a growing number of complaints coming through from the grassroots.⁷⁷

The group recommended that the government appoint a committee comprised of child safe industry experts, researchers and survivors to further review the Bill and align the Bill against the objectives of the *Child Safe Organisations Act 2024*.⁷⁸

In response to the researchers' submission, the department stated that the Bill (cls 65, 66) provides for the QAS to be considered a public service entity under the *Public Sector Act 2022* (Public Sector Act), and therefore 'the QAS will be subject to the *Child Safe Organisations Act 2024* including the requirements of the Child Safe Standards and the Reportable Conduct Scheme'.⁷⁹

The department further advised that 'clause 13 of the Bill provides that a function of the Board is to ensure the Queensland Academy of Sport provides a safe, fair and healthy sporting environment that aligns with national sport integrity standards' and that 'Sport Integrity Australia's National Integrity Framework includes the Safeguarding Children and Young People Policy, which is designed to protect children and young people in sport'.⁸⁰

The department noted that the QAS will also be subject to the requirements of the following child safe legislation:

- *Working with Children (Risk Management and Screening) Act 2000*
- Working with Children (Risk Management and Screening) Regulation 2020 (known as the Blue Card System)
- Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020.⁸¹

⁷⁷ Public hearing transcript, Brisbane, 25 March 2025, p 13.

⁷⁸ Alison Quigley, Dr Aurélie Pankowiak and Dr Victoria Roberts, submission 4, p 1.

⁷⁹ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 5.

⁸⁰ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 5.

⁸¹ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 6.

Other stakeholders⁸² acknowledged that the environment is complex and other sporting organisations have a significant role in providing child safe sport environments. Ms Renita Garard AM OLY, who recently chaired the safety committee at the QAS, stated that the QAS has put in place ‘world-class child protection policies’ within the last 12 months. Ms Garard explained that it is a complex area for the QAS because training environments are often not the QAS’ training environments, ‘so the complexity in designing those systems and processes and having people who understand sport on the board is critical because they have an awareness of why it is needed and what the rules are, but they can understand the situation these kids are in’.⁸³

The committee sought additional details about steps taken by the QAS to implement Child Safe Standards and the requirements of the Reportable Conduct Scheme in accordance with the *Child Safe Organisations Act 2024*.

The department stated that the QAS is well positioned to support future implementation and compliance with the *Child Safe Organisations Act 2024*.⁸⁴ The department advised that the QAS appointed a dedicated Integrity Manager in December 2023 ‘to bolster the Academy’s athlete safeguarding practices and to enhance staff, athlete and coach understanding of integrity protocols within elite sport’,⁸⁵ and to date has made significant progress in:

- establishing policies, process and guidelines for staff, athletes and coaches
- bolstering reporting mechanisms for staff, athletes and coaches, and how such reports are handled
- developing and facilitating training and information sessions for staff, athletes and coaches, including
- recruitment practices and supporting material, including the screening of child-related positions
- participating in key networks related to athlete safeguarding and child safety, including the Sports Integrity Australia National Integrity Manager Network.⁸⁶

The department also advised that the QAS currently has in place mandatory e-learning courses on athlete safeguarding and face-to-face training sessions for QAS staff and contractors, as well as face-to-face athlete safeguarding education sessions for athletes and parents.⁸⁷

⁸² Mark Stockwell OLY, Renita Garard AM OLY, public hearing transcript, pp 22-23.

⁸³ Public hearing transcript, Brisbane, 25 March 2025, p 23.

⁸⁴ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, p 3.

⁸⁵ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, p 2.

⁸⁶ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, pp 2-3.

⁸⁷ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, p 3.

Committee comment



The committee considers the matter of child safety will continue to be relevant to the functions and activities of the QAS and the development of future high performance athletes generally. We appreciate the concerns of stakeholders.

The committee notes that the QAS, as established by the Bill, would be subject to the *Child Safe Organisations Act 2024* and other Queensland child safe legislation. We also note that oversight of the *Child Safe Organisations Act 2024* will be provided by the Family and Child Commission which has the function of promoting, monitoring and enforcing the implementation of, and compliance with, the Child Safe Standards and Universal Principle by child safe entities from October 2025. Further we note that the Bill requires the Board to ensure the QAS operates within national sport integrity standards, which would include Sport Integrity Australia's Safeguarding Children and Young People Policy.

Accordingly, we believe the provision in the Bill which enables the Board to establish committees to assist in the performance of its functions is an ideal mechanism for people with qualifications, skills or experience in this area to have an ongoing role to advise and assist the QAS Board in relation to the organisation's obligations to protect young athletes.

2.8 CEO and staff of the QAS

The Bill provides for the appointment of a CEO and QAS staff.⁸⁸

2.8.1 CEO

The Bill provides that the CEO be appointed by the Governor in Council on recommendation from the Minister, with conditions and remuneration to be decided by the Governor in Council.

While strongly supporting the Bill, Mr Mark Stockwell OLY, raised the following in relation to the Bill's provisions regarding the CEO:

- the CEO should be appointed by the Chairperson and Board and in consultation with the Minister (cl 33)
- the CEO remuneration to be decided by the Board (cl 35)
- the CEO should only be able to delegate in consultation with the Board and with approval by the Chairperson (cl 52).

In response to each of these suggestions, the department advised that the proposed arrangements were consistent with requirements for other Queensland statutory bodies. In regard to the appointment of the CEO, the department stated that while the chairperson

⁸⁸ Bill, cls 33-45.

and the Board may not have the power to appoint the CEO, the Bill (cl 33) provides that the Minister must consult the Board before making a recommendation about the appointment of the CEO.⁸⁹

2.8.2 QAS staff

As noted in section 1.2 above, the QAS currently operates as a business unit within the department, with 107 staff employed within the QAS at the Queensland Sports and Athletics Centre in Nathan, the Sleeman Sports Complex at Chandler, and at sites on the Sunshine Coast and the Gold Coast.⁹⁰ The Bill includes provisions for current QAS staff to transition to employment by the statutory body without change to their employment conditions and entitlements by continuing to be employed as public service employees under the Public Sector Act.⁹¹ Alternatively staff may elect to return to being employed by the department, by 30 September 2025.⁹²

Both Mr Mark Stockwell OLY and Ms Wilma Shakespear AM, founding director of the QAS, expressed reservations about this arrangement, recommending that QAS staff should be employed by the QAS rather than under the Public Sector Act.⁹³ Mr Stockwell explained that there could be a tension between a CEO being employed outside of the Public Sector Act and the rest of the staff being employed under the Public Sector Act, stating that high performance:

... is about taking some measured risks; it is about pushing the boundaries; it is about supporting people. Bureaucracies set rules and standards to guard against the lowest common denominator; high-performance has to set rules and standards for the highest performance. They are two very different cultures, and that is why you need to look at this bill differently ...⁹⁴

The department advised that it 'undertook significant research and consultation with Central Agencies and other Sports Institutes on this matter'⁹⁵ and that:

This approach ensures staff are placed at the core of this process, allowing these key stakeholders the ability to realise the most benefit out of the new operating model and providing confidence that this approach will not impact their security, conditions or entitlements.⁹⁶

The committee sought additional information about the proposed staff employment arrangements from the department. The department stated that front line staff who work

⁸⁹ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 1.

⁹⁰ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 26 February 2025, p 1.

⁹¹ Bill, cl 45.

⁹² Bill, cl 60.

⁹³ Public hearing transcript, Brisbane, 25 March 2025, pp 19-20, 23.

⁹⁴ Public hearing transcript, Brisbane, 25 March 2025, pp 19-20.

⁹⁵ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 5.

⁹⁶ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 26 February 2025, p 3.

directly with sports or in sports programs, are currently employed in the QAS (as a unit within the department) under the Public Sector Act on fixed term temporary contracts aligned with Olympic and Paralympic cycles. Corporate and administrative staff who do not work directly with sports, or in sports related programs, are currently employed in the QAS on a mix of permanent and temporary arrangements.⁹⁷

The department confirmed that ultimately, the decision to draft that the Academy become a Public Service Entity and employ staff under the Public Sector Act was made on the basis that:

- many of the Public Sector Act and Public Sector Commission directives would apply to the QAS whether it was a Public Service Entity or a Public Sector Entity. In other words, there were limited benefits to becoming a Public Sector Entity
- support from the Public Sector Commission and the Office of Industrial Relations would be diminished if the QAS were to become a Public Sector Entity employing staff under the proposed Act, which could result in additional risks and overheads as a result of requiring additional in-house industrial relations capabilities
- the proposed Public Service Entity model allows for flexibility to employ staff in roles that work with sports and sports related programs, within each Olympic and Paralympic cycle.⁹⁸

The department also indicated that it determined that it would not be appropriate for corporate or administrative staff to be employed on fixed term contracts and that the same rules would apply to both staffing options for the purpose of recruitment and selection, positive performance management and other key areas related to employment.⁹⁹

2.9 Board members, CEO and staff – fundamental legislative principles and human rights issues



2.9.1 Fundamental legislative principles – protection from liability

One of the matters to be considered when determining if legislation has sufficient regard to rights and liberties of individuals is whether the legislation does not confer immunity from proceeding or prosecution without adequate justification.¹⁰⁰

This issue relates to clause 54 of the Bill which prevents office holders (i.e. Board members and the CEO) from incurring civil liability for acts done, or omissions made, honestly and without negligence under the proposed Act. Instead, the liability attaches to the QAS.

⁹⁷ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, p 1.

⁹⁸ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, p 2.

⁹⁹ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 7 April 2025, p 2.

¹⁰⁰ Legislative Standards Act 1992, s 4(3)(h).

The explanatory notes do not discuss this issue or provide any justification for conferring immunity on these officials.

The committee notes that:

- it is common for such protections to be included in legislation, e.g. there is a similar protection from liability in the Queensland Productivity Commission Bill 2024, cl 43, the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*, s 61, and the *Victims' Commissioner and Sexual Violence Review Board Act 2024*, s 98
- the protection from liability in the Bill is not a blanket immunity as it is only available for civil liability (not criminal liability) and it is not available to officials who have been dishonest and negligent
- there would still be recourse for anyone who otherwise would have been able to bring a civil action against an official as the liability transfers to the QAS.

Committee comment



The committee considers the conferral of immunity from civil liability for office holders is appropriate and justified in the circumstances and we are satisfied that clause 54 of the Bill has sufficient regard to the rights and liberties of individuals.



2.9.2 Fundamental legislative principles – penalties

Committees have consistently stated that to have sufficient regard to the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.¹⁰¹

The Bill provides that Board members who fail to disclose specified matters that may disqualify them from holding those positions face a maximum penalty of 100 penalty units (\$16,130).¹⁰² Similar offences apply to the CEO.¹⁰³

The Bill also provides that a person who is, or has been, a Board member, the CEO, a staff member, or contractor of the Academy must not disclose personal information about another person that they have acquired in that capacity. That offence also has a maximum penalty of 100 penalty units.¹⁰⁴

¹⁰¹ Legislative Standards Act 1992, s 4(2)(a).

¹⁰² Bill, cls 20, 50. See also Bill, cl 19. The value of a penalty unit is \$161.30, Penalties and Sentences Regulation 2015, s 3, *Penalties and Sentences Act 1992*, s 5A.

¹⁰³ Bill, cls 37, 50.

¹⁰⁴ Bill, cl 53.

The explanatory notes justify these matters through the lens of natural justice, but it is arguably more appropriate to consider them under rights and liberties of individuals more generally. The justifications provided in the explanatory notes are nevertheless applicable.

In justifying the offences relating to disclosure obligations (i.e. disclose becoming an insolvent under administration or being disqualified from managing corporations or convicted of an indictable offence), the explanatory notes state that the offences '[reinforce] the expectation that members are to behave ethically and legally and [ensure] that the Minister is aware of matters that may impact the integrity of the Academy'.¹⁰⁵ Further, imposing the obligation on members 'is reasonable and there is a strong public interest in ensuring that there is appropriate oversight and accountability imposed on people who seek appointment or are appointed to the board of the Academy'.¹⁰⁶ These reasons are presumably similarly applicable to the CEO of the QAS.

The explanatory notes identify a safeguard for the offence regarding failure to disclose changes in criminal history: the provision allows for the person to have a reasonable excuse for non-compliance.¹⁰⁷ Similar reasonable excuse provisions are also available in the Bill if a Board member or CEO does not immediately give the Minister notice about becoming insolvent under administration or being disqualified from managing corporations.¹⁰⁸

The size of the penalty for the offences relating to Board members is the same as those for the equivalent offences in the *Queensland Veterans' Council Act 2021*.¹⁰⁹

With respect to the offence about disclosure of personal information, the explanatory notes advise that it:

... [protects] the rights of the person about whom the information relates and provides an important safeguard against the unnecessary disclosure of a person's personal information. The penalty is set at a level to provide the appropriate deterrence and is consistent with similar offences in Queensland legislation.¹¹⁰

Committee comment



Noting the justifications set out in the explanatory notes, the committee is satisfied that the penalties and corresponding offences in the Bill have sufficient regard to the rights and liberties of individuals.

¹⁰⁵ Explanatory notes, p 5.

¹⁰⁶ Explanatory notes, p 5.

¹⁰⁷ Explanatory notes, p 5; Bill, cl 50.

¹⁰⁸ See Bill, cls 20, 37.

¹⁰⁹ See *Queensland Veterans' Council Act 2021*, ss 20, 24.

¹¹⁰ Explanatory notes, p 5.

Confidentiality of criminal history information

Unlike a number of other Acts which similarly establish statutory bodies,¹¹¹ there is no maximum penalty specified in the Bill for disclosing or using criminal history information other than as permitted.¹¹²

**2.9.3 Human rights – right to privacy and reputation**

The Bill limits the right to privacy¹¹³ by requiring an individual who is seeking to become, or who is already, appointed to the position of CEO or Board member of the QAS to disclose personal information, such as, information about financial insolvency, whether they are disqualified from managing corporations, and potential conflicts of interest.¹¹⁴ The Bill also requires individuals to consent to a criminal history report as part of the application process.¹¹⁵ Once appointed, there remains an obligation to disclose any changes in criminal history information.¹¹⁶

According to the statement of compatibility, the purpose of these provisions is to ensure that the Board and CEO act in the best interests of the QAS.¹¹⁷ The type of information required to be disclosed under the Bill is relevant to a person's integrity and capability as a Board member or CEO, both initially and throughout their appointment.¹¹⁸ In other words, there is a rational connection between the limitation and its purpose.

Members of statutory bodies are in positions of trust and have responsibilities to ensure the effective and efficient performance of that body. As such, there is a strong public interest in ensuring that there is appropriate oversight and accountability imposed on people appointed to these positions.¹¹⁹

These types of provisions are common in Queensland legislation establishing statutory bodies.¹²⁰

¹¹¹ See *Victims' Commissioner and Sexual Violence Review Board Act 2024*, s 97, *Forensic Science Queensland Act 2024*, s 17, *Queensland Veterans' Council Act 2021*, s 25, and *Brisbane Olympic and Paralympic Games Arrangements Act 2021*, s 53BP. For example, the *Victims' Commissioner and Sexual Violence Review Board Act 2024*, s 97 and the *Forensic Science Queensland Act 2024*, s 17, both contain a penalty of 200 penalty units for unauthorised disclosure of criminal history information.

¹¹² See Bill, cl 51.

¹¹³ The right to privacy protects individuals against unlawful or arbitrary interferences with their privacy, family home or correspondence. It also includes the right not to have the person's reputation unlawfully attacked. The notion of an arbitrary interference extends to interferences which may be lawful but are unreasonable, unnecessary or disproportionate, or random or capricious. See *Human Rights Act 2019*, s 25; Nicky Jones and Peter Billings, *An Annotated Guide to the Human Rights Act 2019* (Qld), para 4.469 (p 264).

¹¹⁴ See Bill, cls 20, 30, 37, 42.

¹¹⁵ Bill, cls 19(2), 36(2); see also cl 49.

¹¹⁶ Bill, cl 50.

¹¹⁷ Statement of compatibility, p 5.

¹¹⁸ Statement of compatibility, p 5.

¹¹⁹ Statement of compatibility, p 5.

¹²⁰ See for example, *Forensic Science Queensland Act 2024*, ss 11, 15, 16, 21; *Queensland Veterans' Council Act 2021*, ss 23, 24; *Victims' Commissioner and Sexual Violence Review Board Act 2024*, ss 15, 23, 24, 70, 77, 78, 84.

The penalty provision for the misuse of personal information and the restrictions on how a person can deal with criminal history information help safeguard the right to privacy.¹²¹



2.9.4 Human rights – right to take part in public life

The Bill limits the right to take part in public life¹²² because it contains eligibility criteria for the roles of CEO and Board member, which effectively limits who can apply for positions in a Queensland statutory body.¹²³

Further, an individual cannot be eligible for appointment as a board member or CEO if they have a conviction for an indictable offence, are insolvent under administration, are disqualified from managing corporations, or do not consent to a criminal history report.¹²⁴

According to the statement of compatibility, the purpose of these provisions is to ensure that the CEO and Board members have the appropriate expertise and integrity to perform the roles and that they act in the best interests of the QAS.¹²⁵ The eligibility requirements are not unnecessarily restrictive and are targeted at ensuring that the people who are appointed to these positions have the relevant experience. As noted above, public officials are held to a high standard of conduct due to their role and influence on the community and it is common for there to be restrictions on who can be appointed.¹²⁶ There is a rational connection between the limitation and its purpose.

Committee comment



Overall, the provisions appear to strike a fair balance between the importance of protecting an individual's right to privacy and right to public life, and ensuring that the CEO and Board members act in the best interests of the QAS as a statutory body. The committee is satisfied that the human rights limitations identified are reasonable and are demonstrably justified in the circumstances.

2.10 Funding

The explanatory notes state that the statutory body model enables the QAS to control its funds and have greater flexibility for resourcing. The notes also state:

Additional funding may be required to support both the transition of the Academy to a statutory body and its additional annual operating expenses to meet statutory requirements

¹²¹ Bill, cl 53 (penalty – 100 penalty units).

¹²² Every person in Queensland has the right to participate in the conduct of public affairs, directly or through freely chosen representatives. This includes the right to vote and be elected, and have access, on general terms of equality, to the public service and to public office, *Human Rights Act 2019*, s 23.

¹²³ Bill, cl 15.

¹²⁴ Bill, cls 19, 36.

¹²⁵ Statement of compatibility, p 3.

¹²⁶ See, for example, *Forensic Science Queensland Act 2024*, ss 7, 29; *Victims' Commissioner and Sexual Violence Review Board Act 2024*, ss 15, 69, 70.

once the transition is complete. DSROPG will engage with Queensland Treasury and the Department of the Premier and Cabinet regarding Government consideration of additional funding requirements.¹²⁷

There has been no indication of the estimated cost to establish QAS as a statutory body, or the total estimated on-going annual funding needed to support its operations. The department advised that any budget decisions for the QAS 'will be subject to Executive Government consideration'.¹²⁸

The importance of consistent funding was raised by Mr Mark Stockwell OLY, who submitted that 'there should be a long-term funding commitment of at least 4 years to be put in place after each Olympiad with an annual review provision' to enable the QAS Board to provide certainty for programs and coaches,¹²⁹ rather than the unpredictability of an annual budget process.

In relation to potential commercial and/or philanthropic sources of funding, stakeholders told the committee that:

- the structure of the QAS needs to allow agility in a commercial sense to secure other revenue, but also to open up opportunities, not all of which will be cash generating, e.g. the QAS team 'had worked extraordinarily hard' to set up the QAS program, *Dream Twice*, which helps to find paid employment for QAS supported athletes, but under current the QAS structure, there was 'an inordinate delay in launching that'¹³⁰
- maximising the opportunity for the QAS to engage commercial and philanthropic partners, and formalising partnerships with disability sport organisations, is critical to investment in disability sport and Paralympic sport,¹³¹ as there has been shift in funding models away from dedicated investment even though interest in para-sport has never been greater.

The department advised that it had learned during consultations with the New South Wales and Victorian institutes of sport that the institutes 'had mixed success' in attracting commercial sponsorship, but 'the feedback was that being able to be nimble and market the Queensland Academy of Sport as an independent body would increase our opportunities in terms of those sorts of sponsorship arrangements into the future'.¹³²

2.11 Management of information

As noted in section 2.3 above, the *Right to Information Act 2009* and the *Information Privacy Act 2009* will apply to the Academy as a statutory body.¹³³

¹²⁷ Explanatory notes, p 3.

¹²⁸ Department of Sport, Racing and Olympic and Paralympic Games, correspondence, 19 March 2025, p 2.

¹²⁹ Mark Stockwell, submission 2, p 1.

¹³⁰ Public hearing transcript, Brisbane, 25 March 2025, p 21.

¹³¹ Public hearing transcript, Brisbane, 25 March 2025, pp 6, 7.

¹³² Public briefing transcript, Brisbane, 3 March 2025, p 4.

¹³³ Explanatory notes, p 2.

The Office of the Information Commissioner submitted that it supports the QAS, as a statutory body, being subject to the *Right to Information Act 2009* and the *Information Privacy Act 2009*, as ‘the application of these Acts will ensure the community has a right to access documents held by the Academy and the fair collection and handling of personal information held by the Academy’.¹³⁴

¹³⁴ Submission 1, p 1.

Appendix A – Submitters

Sub No.	Name / Organisation
1	Office of the Information Commissioner
2	Mark Stockwell OLY DUniv
3	Australian Sports Commission
4	Alison Quigley, Dr Aurélie Pankowiak, Dr Victoria Roberts
5	Australian Olympic Committee
6	Isolated Children's Parents' Association
7	Wilma Shakespear AM, Peter Conde, Alex Baumann OC OO PhD, Tracy OAM OLY, Andrew Trim OLY MBA, Bruce Hatcher, Renita Garard AM OLY
8	Spinal Life Australia (T/A Sporting Wheelies)
9	Gold Coast Academy of Sport
10	Queenslanders with Disability Network

Appendix B – Officials at public briefing, 3 March 2025

Department of Sport, Racing and Olympic and Paralympic Games

Ms Sarah Vandersee, Deputy Director-General, Corporate Services

Ms Amy Murdock, Executive Director, Office of the Director-General, Sport and Recreation

Mr Chris Guymer, Project Director, Queensland Academy of Sport

Appendix C – Witnesses at public hearing, 25 March 2025

Australian Sports Commission

Kieren Perkins OAM, Chief Executive Officer

Sporting Wheelies

Dane Cross, Chief Operating Officer

Jacqueline Kelly, General Manager, Para Sports, Health and Fitness

Queenslanders with Disability Network

Michelle Moss, Chief Executive Officer

Isolated Children's Parents' Association Queensland

Wendy Henning, President

Gold Coast Academy of Sport

Glynis Nunn OAM OLY, Executive Director

Alison Quigley, Dr Aurélie Pankowiak and Dr Victoria Roberts

Mark Stockwell OLY DUniv

Renita Garard AM OLY and Wilma Shakespear AM

Statement of reservation

STATEMENT OF RESERVATION

Queensland Academy of Sport Bill 2025

The *Queensland Academy of Sport Bill 2025* (the Bill) establishes the Queensland Academy of Sport (the Academy) as a statutory body, allowing the Academy to act with greater agility, efficiency and flexibility; and establishes a board to ensure the Academy performs its functions in a proper, effective and efficient way.

The Queensland Opposition supports these objectives and recognises the importance of structural reform to the Academy, considering the fast-approaching Olympic and Paralympic Games Brisbane 2032 (the Games).

However, we agree with concerns raised by stakeholders about the Bill in its current form in relation to crucial issues of accountability and public scrutiny, visibility and inclusion of female and parasport athletes, child and athlete safety, and the representation of Queensland's regions.

As drafted, the Bill provides for the Board of the Academy to be handpicked solely by the Minister. Board members are not required to have experience in sports administration, they set their own agenda, control their own finances, and are not required to publicly report their priorities, directions, considerations, or investments. Additionally, the Bill enables the Minister to direct the Board in the performance of its functions.

While this offers great freedom, stakeholders have raised that there are insufficient controls to deliver appropriate outcomes, especially the essential outcome of protecting athletes from harm, abuse and exploitation.

*'The Bill demonstrates an attempt to manage conflicts of interest, ensure safe environs, and integrate integrity standards. However, as it currently stands, the Bill falls short in relation to complying with Child-Safe Organisations Act in a variety of ways including governance, children's rights, and complaints mechanisms.'*¹

During the public briefing the department conceded that transitioning the Academy into an independent statutory body was in part concerned with attracting stronger commercial partnerships and sponsorship arrangements. Private partnerships will be critical to the success of the Games; however the Queensland Opposition believes the Academy must play a role in supporting those sports and athletes who may not traditionally attract strong commercial interest, including Queensland's female athletes and disabled athletes.

Stakeholders raised concerns that under the proposed Bill women's sport and parasports risk losing visibility, attention, and investment.

Women's sport nationally attracts approximately ten percent of the funding of men's sport – despite unprecedented interest and participation in women's sport. When asked at the public hearing if there should be stronger protections for women in this Bill, former Olympian Glynnis Nunn responded “*absolutely*”.

In Paris, Australian Paralympians outmatched Australia's able-bodied athletes three-to-one in the medal tally. Yet Australia's Paralympians receive approximately 15 percent of the national high-performance funding pie. For performance pathway programs, the Paralympic slice is even less – just 9 percent – compared to the 91 percent provided to the Olympics.

The Committee heard from the Chief Executive Officer of Sporting Wheelies Dane Cross that “*the composition of the QAS board will shape its direction for decades. We strongly recommend that at least one board position be designated for someone with lived experience in para-sport or disability inclusion. Representation at the table matters. It ensures that decisions are made not just about people but with people with disability.*”

¹ Submission 4: Alison Quigley, De Aurelie Pankowiak and Dr Victoria Roberts

STATEMENT OF RESERVATION
Queensland Academy of Sport Bill 2025

As part of submitting and hosting the 2032 Olympic and Paralympic Games, the Government recognised that of the 4.3 million Australians with a disability, only one in four participates in sport, while 75% want to participate. Accordingly, the Government committed to engaging another 500 000 people with a disability in sport by 2032².

Meeting that target won't happen by accident. The Academy plays a crucial role in increasing participation in and funding for parasports. Accordingly, this Bill must provide explicit powers and responsibilities requiring the Board to consider and promote the success of parasports.

Finally, the Committee heard compelling evidence about the risks in this Bill for children. The Bill's objective is to identify future Olympic talent for 2032 and beyond. Given some future 2032 Olympians are just five years old today, the Bill is inherently relevant to children and young people.

The Bill as drafted provides extremely limited safeguards for athletes, including children, yet the Committee was presented with research showing that sports institutions - particularly high performance centres - are fraught with structural and social factors that enable and incentivise the abuse of athletes.

*"Researchers, athletes and survivors alike now understand the harms that are promulgated in the 'win at all costs' system. We need to see strong, effective, transparent mechanisms that demonstrate to those who have been abused that the new system has got it right."*³

Lack of organisational oversight of athletes' wellbeing, such as that in this Bill, creates an unacceptable risk of harm to Queensland athletes of the future, particularly children.

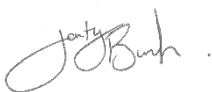
While the Queensland Opposition does not seek to reflect on the good intentions of this Bill, its proponents and those who work within the Academy, we do want to ensure that explicit protections exist so that all Queensland's athletes can be safe, be supported and be visible as we move towards the Games.

It is also disappointing to see a lack of regional focus in this Bill. While sweeping references to Queensland athletes appear, the Bill as drafted does not contain even one mention of regional athletes or regional sporting activities.

Queensland is the nation's second largest state – larger than many other countries - and athletes in our regions face barriers to access, participation, and funding not experienced by athletes in metropolitan areas. The Queensland Opposition therefore considers the Bill should make specific reference to and provision for Queensland's regional athletes.

While the Queensland Opposition supports the Bill's objects and intent, we are concerned by the missed opportunities to maximise public trust in the Academy, to maximise the performance of female and parasport athletes, to safeguard child athletes, and to ensure regional representation.

Queensland Opposition members would also like to note that not all committee comments made within the report accurately reflect the views of the Queensland Opposition. As such further views of the Queensland Opposition will be articulated through the second reading process.



JONTY BUSH MP
DEPUTY CHAIR
MEMBER FOR COOPER



BART MELLISH MP
MEMBER FOR ASPLEY



SHANE KING MP
MEMBER FOR
KURWONGBAH

² <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/Commissions/Future-host-commission/The-Games-of-The-Olympiad/Brisbane-2032-FHC-Questionnaire-Response.pdf> (p45)

³ Alison Quigley, De Aurelie Pankowiak and Dr Victoria Roberts). Public hearing transcript 25 March 2025.