

Queensland Academy of Sport Bill 2025

Explanatory Notes

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

Short title

The short title of the Bill is the Queensland Academy of Sport Bill 2025.

Policy objective of the amendments

Olympic and Paralympic sport representation on the Board

The State Development, Infrastructure and Works Parliamentary Committee (the Committee) tabled its report on the Queensland Academy of Sport Bill 2025 (the Bill) on 11 February 2025. Recommendation 1 of the report is that the Bill be passed.

In its report, the Committee noted that there is no mandated representation of any the particular areas of qualifications, skills or experience on the Board of the of the Queensland Academy of Sport (the Academy) (see clause 15 of the Bill).

The Committee advised its view that, given the main purpose of the Act and some functions of the Academy are specifically to support Queensland athletes to achieve success at the Olympic and Paralympic Games, it is crucial that there is Olympic and Paralympic Games expertise on the Board.

This is reflected in Recommendation 2 of the Committee's report: *That the Bill be amended to require that Board members collectively have qualifications, skills or competencies in both Olympic and Paralympic sport.*

The Queensland Government response to the Committee's report is that it supports the majority of the recommendation 2. The Queensland Government considers that the term 'experience' as currently used and defined in the Bill is more appropriate than the Committee's suggested term 'competencies,' and that 'experience' can encompass 'competencies.'

The objective of this amendment is to require that the Board of the Academy collectively has qualifications, skills or experience in both Olympic and Paralympic sport.

Coverage of the State Government Entities Certified Agreement 2023 for new employees

Under the Bill, aside from the Chief Executive Officer, the Academy's staff will be employed under the *Public Sector Act 2022*. A number of employees of the Department of Sport, Racing and Olympic and Paralympic Games (DRSOPG), who will transition to be staff members of the Academy as a statutory body, are currently employed pursuant to the Queensland Public Service Officers and Other Employees Award – State 2015 and the State Government Entities Certified Agreement 2023, otherwise known as “the Core agreement.”

Clause 59 of the Bill can be relied upon to continue the provision of Core agreement entitlements for relevant transferring employees. However, any new staff employed pursuant to the Queensland Public Service Officers and Other Employees Award – State 2015 by the Academy from its establishment as a statutory body on the 1st of July 2025 will not be covered as the Academy is not party to the Core agreement. The Core agreement has a nominal expiry date of 30 June 2026 and will then be replaced, at which time the Academy may become a party to the replacement agreement.

The objective of this amendment is to ensure the application of the Core agreement to relevant new employees of the Academy, post establishment of the statutory body on 1 July 2025, until such time as the Academy is a party to a replacement Core agreement or an Academy specific industrial agreement. This is to ensure that consistent employment terms and conditions are provided to all employees of the Academy.

Transfer of contracts

Clause 61 of the Bill provides for existing contracts for a person providing services for the Department of Sport, Racing and Olympic and Paralympic Games (DSROPG) in relation to the Academy, to continue as though a reference to the State is a reference to the Academy. The contracts apply with any necessary modifications.

However, the Bill does not provide for the transfer of other kinds of contracts and agreements that the Academy is a party to. Such contracts and agreements include:

- software licence agreements;
- funding agreements;
- athlete support agreements;
- sponsorship agreements;
- research agreements including university collaborative agreements;
- student placement and other work experience agreements; and
- collaborative arrangements to support athlete employment opportunities.

The objective of this amendment is to ensure such agreements transfer from the Academy as a business unit of DSROPG, to the Academy as a statutory body. From the commencement, the Academy will be taken to be a party to such contracts in place of the State.

Achievement of policy objectives

Clause 15 is to be amended to mandate that the qualifications, skills or experience of the board must include qualifications, skills or experience in Olympic sport and Paralympic sport. By requiring that the board's qualifications, skills or experience in these areas, the amendment is achieving the policy objective of ensuring the board has collective qualifications, skills or competencies in these core functions of the Bill.

New clause 60A (Application of core agreement to particular staff members) is to be inserted to define that the core agreement is taken to apply, for all purposes, as if the Academy were an entity specified in Appendix 1 of the agreement, until a relevant certified agreement starts operating. This achieves the policy objective by ensuring the core agreement applies to Academy staff, to the extent it would if the Academy were a party to the agreement.

New clause 61A (Other existing contracts) provides for the transfer of additional types of contracts from the QAS business unit to the Academy on commencement. It also provides that on commencement, the Academy will be taken to be a party to such contracts in place of the State. This achieves the policy objective by ensuring the below types of contracts will transfer automatically on commencement:

- software licence agreements;
- funding agreements;
- athlete support agreements;
- sponsorship agreements;
- research agreements including university collaborative agreements;
- student placement and other work experience agreements; and
- collaborative arrangements to support athlete employment opportunities.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives for the amendments to clause 15 or insertion of clause 60A.

The transfer of contracts from the QAS business unit to the Academy on commencement could be managed operationally via variations to the individual agreements, however, this has been determined as impractical for these contract types due to the volume of agreements in place. As an example, each athlete supported by the Academy has an agreement which equates to more than 500 contracts that would require individual variation if not provided for in the legislation.

Estimated cost for government implementation

There will be no additional costs for the Queensland Government in implementing this amendment.

Consistency with fundamental legislative principles

The amendments have been drafted with regard to, and are generally consistent with, the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* (LS Act).

Potential breaches of FLPs were identified in relation to the amendment for the provision for the transfer of additional types of contracts from the QAS business unit to the Academy on commencement. This amendment outlines the types of contracts, contains provisions for the Academy from its commencement to be taken to be a party to the contract in place of the State, that the contract applies with necessary modifications and that the section applies despite any express or implied provision of the contract to the contrary.

Potential breaches are addressed below. FLPs aim to ensure that legislation respects the rights and liberties of individuals and are underpinned by concepts including transparency, accountability and fairness. The principle of natural justice requires that individuals affected by a decision are given the opportunity to be heard and to provide input before any changes are made.

Providing written notice that the Academy, as a statutory body that represents the State, is to be taken as a party to the contract in place of the State, as well as a copy of the relevant contract to parties, helps ameliorate potential breaches of FLPs:

- a. the notice ensures that the other party is informed of the substitution and its legal basis, reducing the risk of confusion or misunderstanding;
- b. by explaining the general effect of the relevant sections of the Act, the notice provides assurance that the statutory body will assume the same obligations and responsibilities as the State under the contract; and
- c. issuing the notice from 14 days of the statutory body's commencement demonstrates a commitment to timely communication, which supports fairness and accountability.

To fully address potential issues, DSROPG and the Academy together will ensure that the notice is clear, detailed, and accompanied by opportunities for dialogue or feedback.

Consultation

Consultation with relevant government departments on these amendments has occurred.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with any current legislation of the Commonwealth or another State or Territory.

Notes on provisions

Amendment 1 amends clause 15 (Composition) to insert ‘sport’ after ‘Olympic.’

Amendment 2 amends clause 15 (Composition) to provide that the board of the academy must include members who possess qualifications, skills, or experience specifically related to Olympic sport and Paralympic sport.

For clarity:

- A person is considered to have qualifications, skills, or experience in Olympic sport if they have either:
 - (i) Competed in the Olympic Games; or
 - (ii) Served as a coach, administrator, or member of the support team for athletes competing at the Olympic Games.
- A person is considered to have qualifications, skills, or experience in Paralympic sport if they have either:
 - (i) Competed in the Paralympic Games; or
 - (ii) Served as a coach, administrator, or member of the support team for athletes competing at the Paralympic Games.

Amendment 3 amends clause 56 (Definitions for part) to provide that the term "contract" also encompasses a deed.

Amendment 4 inserts a new clause 60A (Application of core agreement to particular staff members). The clause establishes that, from commencement, the core agreement ("State Government Entities Certified Agreement 2023") applies to the academy and its staff as if the Academy were listed in Appendix 1 of the agreement, which lists applicable employing entities to the agreement.

This arrangement remains in effect until a new certified agreement, specific to any staff member of the Academy, comes into operation under the *Industrial Relations Act 2016*. Definitions for "certified agreement," and "cover" are provided with reference to the *Industrial Relations Act 2016*.

Amendment 5 amends clause 61 (Existing contracts for services) to insert ‘exclusively’ after ‘department of sport’ to ensure that only contracts specific to the QAS business unit are transferred to the Academy.

Amendment 6 amends clause 61 (Existing contracts for services) to insert a new subsection (3) which provides that the section applies despite any provision of the contract, whether express or implied, that might be inconsistent with it.

Amendment 7 inserts an additional provision 61A (Other existing contracts) which expands the breadth of contracts that will transfer from the State to the Academy on commencement. New contract types included are contracts with sporting organisations, athlete support contracts, sponsorship agreements, research agreements, collaborative agreements to support athlete employment opportunities and software licensing agreements.

Any transferring contract must have been specific to the QAS business unit prior to commencement for 61A to take effect. The Academy as a statutory body, will be taken to be a party to the contract in place of the State.

The Amendment also inserts an additional provision 61B (Chief executive's obligations in relation to contracts affected by s61 or 61A) requiring that the Chief Executive of the department of sport provide written notice to the Chief Executive of the Academy, and to each party of an affected contract, the general effect of section 61 or 61A on the contract within 14 days after the commencement.