



# Queensland Academy of Sport Act 2025

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Queensland

# Queensland Academy of Sport Act 2025

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# Queensland Academy of Sport Act 2025

## An Act to establish the Queensland Academy of Sport

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Queensland Academy of Sport Act 2025*.

#### 2 Commencement

This Act commences on 1 July 2025.

#### 3 Main purpose of Act

The main purpose of this Act is to establish the Queensland Academy of Sport—

- (a) to assist emerging and elite Queensland athletes to achieve success at the Olympic Games and the Paralympic Games; and
- (b) to identify, and foster the development of, Queenslanders who demonstrate the talent to develop into future elite athletes; and
- (c) to 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.

## **4 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.

# **Part 2 Queensland Academy of Sport**

## **Division 1 Establishment**

### **5 Establishment**

The Queensland Academy of Sport is established.

### **6 Legal status**

The academy—

- (a) is a body corporate; and
- (b) may sue and be sued in its corporate name.

### **7 Academy represents the State**

- (1) The academy represents the State.
- (2) Without limiting subsection (1), the academy has the privileges and immunities of the State.

### **8 Application of other Acts**

The academy is—

- (a) a statutory body under the *Financial Accountability Act 2009*; and
- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and

*Note—*

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the academy's powers.

- 
- (c) a unit of public administration under the *Crime and Corruption Act 2001*.

## Division 2                      Functions and powers

### 9                      Functions

(1) The academy has the following functions—

- (a) to provide programs for the development of emerging and elite Queensland athletes who have the potential to excel in relevant sports at the Olympic Games or Paralympic Games, including—

- (i) providing the support of a multi-disciplinary team with specialist skills relevant to the performance of elite athletes; and

*Examples of specialist skills relevant to the performance of elite athletes—*

coaching, strength and conditioning training, sports science and sports medicine

- (ii) supporting the wellbeing of athletes while they undertake the programs and on their retirement from high-performance sport;

*Examples of support for the wellbeing of athletes—*

- supporting the personal development of athletes
- supporting the career and educational goals of athletes

- (b) to provide programs for identifying, and providing targeted development activities for, Queenslanders who demonstrate the talent to develop into future elite athletes, including providing programs in partnership with national and Queensland sporting organisations;

- (c) to provide scholarships to support Queensland athletes who have the potential to excel in relevant sports at the Olympic Games or Paralympic Games;

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- (d) to provide programs for the development of persons who have the potential to excel as coaches in high-performance sport at an international senior level;
  - (e) to provide, or provide access to, high-performance training facilities for the purpose of performing the academy's functions;
  - (f) to develop partnerships and collaborate with institutes of sport, and national and Queensland sporting organisations, to do the following—
    - (i) ensure programs provided by the academy maximise the performance and wellbeing of athletes;
    - (ii) maximise the effectiveness and success of Australian high-performance sport;
  - (g) to undertake, or collaborate with other entities that are undertaking, research relating to sports science, sports medicine and sports technology.
- (2) For this section, if the board decides under section 13(1)(a) to support a sport in a particular way, the sport is a *relevant sport* for the provision of support by the academy in that way.

## 10 Powers

- (1) The academy has all the powers of an individual and may do anything necessary or convenient to be done in the performance of its functions.
- (2) Also, the academy has the powers given to it under this Act or another Act.

## 11 Particular powers

Without limiting section 10(1), the academy may—

- (a) for the purpose of fostering cooperation in Australian high-performance sport, give persons from other States access to the academy's resources or to services or facilities provided by the academy; and

- (b) conduct sporting competitions; and
- (c) enter into commercial or other arrangements, including arrangements for the sponsorship or marketing of the academy; and
- (d) accept gifts, devises or bequests, and agree to the conditions on which a gift, devise or bequest is made; and

*Note—*

See section 48 in relation to the requirement for the academy to report on gifts, devises or bequests accepted by the academy.

- (e) charge fees, or impose other charges, for goods or services provided by the academy, including, for example, programs provided by the academy, access to the academy's facilities and admission to events conducted by the academy.

## **Part 3                      Board**

### **Division 1                      Establishment, functions and powers**

#### **12                      Establishment**

The board is established as the governing body of the academy.

#### **13                      Functions**

- (1) The board has the following functions—
  - (a) to decide, having regard to the main purpose of this Act—
    - (i) the sports to be supported by the academy from time to time; and
    - (ii) the way the sports are to be supported;

*Examples of ways the academy may support a particular sport—*

- providing a program for the development of athletes in the sport
  - providing a program for the development of coaches for the sport
  - providing a scholarship to an athlete in the sport
- (b) to ensure the academy creates a safe, fair and healthy sporting environment that is consistent with all relevant integrity standards;
- (c) to ensure the academy performs its functions in a proper, effective and efficient way;
- (d) any other function given to the board under this Act or another Act.
- (2) In this section—

***relevant integrity standard*** means a standard or policy, however described, developed by Sport Integrity Australia, and published on its website, about any of the following matters—

- (a) anti-doping;
- (b) competition manipulation;
- (c) improper use of drugs and medicine;
- (d) participant welfare, including athlete safeguarding;
- (e) another matter, prescribed by regulation, that relates to integrity in sport.

***Sport Integrity Australia*** means Sport Integrity Australia established under the *Sport Integrity Australia Act 2020* (Cwlth), section 20A.

## 14 Powers

- (1) The board has all the powers to do anything necessary or convenient to be done in the performance of its functions.

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- (2) Anything done in the name of, or for, the academy by the board, or with the authority of the board, is taken to have been done by the academy.

## Division 2                      Composition

### 15                      Composition

- (1) The board consists of at least 5, but not more than 8, persons (each a *board member*).
- (2) A board member is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment as a board member only if satisfied the person has qualifications, skills or experience in at least 1 of the following areas—
- (a) business or financial management;
  - (b) corporate governance;
  - (c) high-performance sport;
  - (d) law;
  - (e) Olympic sport or Paralympic sport;
  - (f) another area the Minister considers relevant or necessary to support the board's functions.
- (4) However, the qualifications, skills or experience of the board must include qualifications, skills or experience in Olympic sport and Paralympic sport.
- (5) For this section—
- (a) a person has qualifications, skills or experience in *Olympic sport* if the person—
    - (i) has competed at the Olympic Games; or
    - (ii) has been a coach, administrator or member of the support team for athletes competing at the Olympic Games; and

- (b) a person has qualifications, skills or experience in *Paralympic sport* if the person—
  - (i) has competed at the Paralympic Games; or
  - (ii) has been a coach, administrator or member of the support team for athletes competing at the Paralympic Games.

## **16 Term of appointment**

- (1) A board member holds office for the term stated in the member's instrument of appointment.
- (2) The stated term must be not longer than 3 years.
- (3) A board member may be reappointed.

## **17 Conditions of appointment**

- (1) A board member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) A board member holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

## **18 Chairperson and deputy chairperson**

- (1) The Governor in Council may, on the recommendation of the Minister—
  - (a) appoint a board member to be the chairperson of the board; and
  - (b) appoint another board member to be the deputy chairperson of the board.
- (2) A person may be appointed as the chairperson or deputy chairperson at the same time as the person is appointed as a board member.

- (3) The chairperson or deputy chairperson holds office for the term stated in the person's instrument of appointment as chairperson or deputy chairperson.
- (4) The stated term must end not later than the person's term of appointment as a board member.
- (5) However, the person's appointment as chairperson or deputy chairperson ends if the person—
  - (a) resigns office as chairperson or deputy chairperson under section 21; or
  - (b) stops being a board member.
- (6) If a person resigns office as chairperson or deputy chairperson, the person may continue to be a board member for the remaining term of appointment under section 16.

## **19 Disqualification**

- (1) A person is disqualified from becoming, or continuing as, a board member if the person—
  - (a) has a conviction, other than a spent conviction, for an indictable offence; or
  - (b) is an insolvent under administration; or
  - (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
  - (d) is the chief executive officer; or
  - (e) is a staff member or contractor of the academy; or
  - (f) contravenes section 30.
- (2) Also, a person is disqualified from becoming, or continuing as, a board member if the person does not consent to the Minister requesting a report about the person's criminal history under section 49.

## **20 Requirement to disclose particular matters about disqualification**

- (1) This section applies if a person who is a board member—
  - (a) becomes an insolvent under administration; or
  - (b) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

*Note—*

See section 50 for the requirement to give notice of a change in the person's criminal history.

- (2) The person must, unless the person has a reasonable excuse, immediately give the Minister notice under subsection (3) about becoming an insolvent under administration or being disqualified from managing corporations.

Maximum penalty—100 penalty units.

- (3) The notice must state—
  - (a) that the person has become an insolvent under administration or is disqualified from managing corporations because of the Corporations Act, part 2D.6; and
  - (b) when the person became an insolvent or was disqualified; and
  - (c) for being disqualified from managing corporations—details adequate to identify the grounds of the disqualification.

## **21 Resignation**

- (1) A board member may resign office as chairperson, deputy chairperson or board member by signed notice given to the Minister.
- (2) The resignation takes effect—
  - (a) on the day the notice is given; or
  - (b) if a later day is stated in the notice—on the later day.

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## 22 Vacancy in office

A board member's office becomes vacant if the member—

- (a) completes a term of office and is not reappointed; or
- (b) is disqualified from continuing as a board member under section 19; or
- (c) resigns office as board member under section 21; or
- (d) is removed from office; or
- (e) is absent from 3 consecutive meetings of the board of which proper notice has been given—
  - (i) without the board's permission; and
  - (ii) without reasonable excuse.

## 23 Acting board members

- (1) This section applies if—
  - (a) the office of a board member is vacant; or
  - (b) a board member is absent from duty or is otherwise unable to perform the functions of the office.
- (2) For subsection (1)(a), the office of a board member is vacant only if the office has previously been filled by an appointment made under section 15.
- (3) The Minister may appoint a person to act in the office for a period of not longer than 6 months.
- (4) However, the Minister may extend the appointment for 1 further period of not longer than 6 months.
- (5) A person can not be appointed to act in the office unless the Minister could recommend the person for appointment as a board member under section 15.
- (6) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

## **Division 3                      Board meetings**

### **24            Conduct of business**

Subject to this division, the board may conduct its business, including its meetings, in the way it considers appropriate.

### **25            Board meetings**

- (1) The chairperson may convene a meeting of board members (a *board meeting*) at a time and place decided by the chairperson.
- (2) The chairperson must convene a board meeting—
  - (a) at least 5 times each year and as often as necessary for the board to perform its functions; and
  - (b) if requested in writing by—
    - (i) the Minister; or
    - (ii) at least half of the board members for the time being.

### **26            Presiding at board meetings**

- (1) The chairperson is to preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is not present at a board meeting, the deputy chairperson is to preside if present.
- (3) If the chairperson and deputy chairperson are not present at a board meeting, the board member chosen by the board members present is to preside.

### **27            Quorum**

A quorum for a board meeting is a majority of the board members at the time the meeting is held.

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## **28 Voting**

- (1) A question at a board meeting must be decided by a majority of the votes of the board members present at the meeting and able to vote on the question.
- (2) Each board member present at a board meeting has a vote on each question to be decided.
- (3) A board member who abstains from voting, other than a board member who abstains because of a conflict of interest, is taken to have voted for the negative.
- (4) If the votes of the board members present at a board meeting are equal, the board member presiding at the meeting has a casting vote.
- (5) The board may hold board meetings, or allow board members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between board members taking part in the meetings.
- (6) A board member who takes part in a board meeting under subsection (5) is taken to be present at the meeting.
- (7) A resolution is validly made by the board, even if it is not passed at a board meeting, if—
  - (a) notice of the resolution is given under procedures approved by the board; and
  - (b) a majority of board members agree in writing to the resolution.

## **29 Minutes**

The board must keep minutes of its board meetings.

## **30 Disclosure of interests**

- (1) This section applies if—
  - (a) a board member has a direct or indirect interest in a matter being considered, or about to be considered, at a board meeting; and

- (b) the interest could conflict with the proper performance of the board member's duties in relation to the consideration of the matter.
- (2) As soon as practicable after the relevant facts come to the board member's knowledge, the board member must disclose the nature of the interest at a board meeting.
- (3) Unless the board otherwise directs, the board member must not—
  - (a) be present when the board considers the matter; or
  - (b) take part in making a decision of the board about the matter.
- (4) The board member must not be present when the board is considering whether to give a direction under subsection (3).
- (5) The board members present are a quorum for making a decision under subsection (3)(b).
- (6) A disclosure under subsection (2) must be recorded in the minutes of the board meeting.

### **31 Effect of contravention of s 30**

- (1) A contravention of section 30 does not invalidate a decision of the board.
- (2) However, if the board becomes aware a board member contravened section 30, the board must reconsider a decision made by the board in which the board member took part in contravention of that section.

## **Division 4 Committees**

### **32 Establishment of committees**

- (1) The board may establish 1 or more committees to assist in the performance of the board's functions.

- 
- (2) The board may decide the membership of a committee established under this section.
  - (3) A person may be a member of a committee established under this section if the person is—
    - (a) a board member; or
    - (b) the chief executive officer; or
    - (c) a staff member or contractor of the academy; or
    - (d) another person with qualifications, skills or experience relevant to the function of the board for which the committee is established.
  - (4) A committee established under this section may conduct its proceedings, including its meetings, as it considers appropriate.

## **Part 4                      Staff of academy**

### **Division 1                Chief executive officer**

#### **33            Appointment**

- (1) The academy must have a chief executive officer.
- (2) The chief executive officer is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may not recommend a person for appointment as the chief executive officer unless the Minister has consulted the board about the appointment of the person.
- (4) The chief executive officer is appointed under this Act and not the *Public Sector Act 2022*.
- (5) The chief executive officer is accountable to the board.

### **34 Term of appointment**

- (1) The chief executive officer is appointed for the term stated in the chief executive officer's instrument of appointment.
- (2) The stated term must be not longer than 4 years.
- (3) The chief executive officer may be reappointed.

### **35 Conditions of appointment**

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) For matters not provided for under this Act or stated in the chief executive officer's instrument of appointment, the chief executive officer holds office on the terms and conditions decided by the Governor in Council.

### **36 Disqualification**

- (1) A person is disqualified from becoming, or continuing as, the chief executive officer if the person—
  - (a) has a conviction, other than a spent conviction, for an indictable offence; or
  - (b) is an insolvent under administration; or
  - (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
  - (d) is a board member; or
  - (e) is a contractor of the academy; or
  - (f) contravenes section 42.
- (2) Also, a person is disqualified from becoming, or continuing as, the chief executive officer if the person does not consent to the Minister requesting a report about the person's criminal history under section 49.

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**37 Requirement to disclose particular matters about disqualification**

- (1) This section applies if a person who is the chief executive officer—
- (a) becomes an insolvent under administration; or
  - (b) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

*Note—*

See section 50 for the requirement to give notice of a change in the person's criminal history.

- (2) The person must, unless the person has a reasonable excuse, immediately give the Minister notice under subsection (3) about becoming an insolvent under administration or being disqualified from managing corporations.

Maximum penalty—100 penalty units.

- (3) The notice must state—
- (a) that the person has become an insolvent under administration or is disqualified from managing corporations because of the Corporations Act, part 2D.6; and
  - (b) when the person became an insolvent or was disqualified; and
  - (c) for being disqualified from managing corporations—details adequate to identify the grounds of the disqualification.

**38 Resignation**

- (1) The chief executive officer may resign office by signed notice given to the board.
- (2) The resignation takes effect—
- (a) on the day the notice is given; or
  - (b) if a later day is stated in the notice—on the later day.

- (3) If the chief executive officer resigns office under subsection (1), the board must immediately give the Minister written notice of the resignation.

### **39 Vacancy in office**

The office of the chief executive officer becomes vacant if the chief executive officer—

- (a) completes a term of office and is not reappointed; or
- (b) is disqualified from continuing as the chief executive officer under section 36; or
- (c) resigns office under section 38; or
- (d) is removed from office.

### **40 Acting chief executive officer**

- (1) This section applies if—
  - (a) the office of the chief executive officer is vacant; or
  - (b) the chief executive officer is absent from duty or is otherwise unable to perform the functions of the office.
- (2) The Minister may appoint a person to act in the office for a period of not longer than 6 months.
- (3) However, the Minister may extend the appointment for 1 further period of not longer than 6 months.
- (4) A person can not be appointed to act in the office unless the Minister could recommend the person for appointment as the chief executive officer under section 33.
- (5) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25(1)(b)(iv) or (v).

### **41 Functions**

- (1) The chief executive officer has the following functions—

- (a) ensuring the effective and efficient administration and operation of the academy;
  - (b) carrying out the day-to-day administration of the academy, including—
    - (i) employing staff members of the academy; and
    - (ii) engaging contractors of the academy;
  - (c) any other function given to the chief executive officer under this Act or another Act.
- (2) In performing the chief executive officer's functions, the chief executive officer must comply with the written policies and directions of the board.

## **42 Conflicts of interest**

- (1) This section applies if the chief executive officer has an interest that conflicts, or may conflict, with the discharge of the chief executive officer's functions.
- (2) The chief executive officer—
- (a) must disclose the nature of the interest and conflict to the board as soon as practicable after the relevant facts come to the chief executive officer's knowledge; and
  - (b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the board.

## **43 Restrictions on engaging in paid employment etc.**

The chief executive officer must not, without the board's prior written approval—

- (a) engage in paid employment outside the responsibilities of the office of the chief executive officer; or
- (b) actively take part in the activities of a business, or in the management of a corporation carrying on a business.

#### **44 Preservation of rights**

- (1) This section applies if a public service officer is appointed as the chief executive officer.
- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the chief executive officer were a continuation of service as a public service officer.
- (3) At the end of the person's term of office or resignation as chief executive officer, the person's service as the chief executive officer is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

### **Division 2 Other staff**

#### **45 Academy's staff**

- (1) The academy may employ other staff it considers appropriate to perform its functions.
- (2) The staff are employed under the *Public Sector Act 2022*.

## **Part 5 Minister's powers**

#### **46 Minister may give directions**

- (1) The Minister may give the academy a written direction about the performance of the academy's functions, or the exercise of the academy's powers, if satisfied it would be in the public interest to give the direction.
- (2) Before giving a direction under subsection (1), the Minister must consult the board about the proposed direction.
- (3) The academy must comply with a direction given under subsection (1).

*Note—*

See section 48 in relation to the requirement for the academy to report on a direction given under this section.

#### **47 Minister may give statement of expectations**

- (1) The Minister may give the academy a written statement (a *statement of expectations*) about the Minister's expectations for the performance by the academy of its functions.
- (2) Without limiting subsection (1), the statement of expectations—
  - (a) must state the period for which the statement applies; and
  - (b) may provide for any of the following matters—
    - (i) the academy's strategic or operational activities;
    - (ii) the way the academy must report to the Minister about its activities;
    - (iii) the activities to be carried out by the academy and the department, respectively.
- (3) The academy must have regard to the statement of expectations in performing its functions.

*Note—*

See section 48 in relation to the requirement for the academy to report on a statement of expectations given under this section.

## **Part 6 Reporting requirements**

#### **48 Matters to be included in annual report**

- (1) The academy must include in its annual report for each financial year—
  - (a) details of any direction given by the Minister under section 46(1) during the financial year; and

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- (b) a statement about how the academy has complied with the direction; and
  - (c) details of any statement of expectations given by the Minister under section 47 during the financial year; and
  - (d) a statement about how the academy has had regard to the statement of expectations in performing its functions; and
  - (e) details of any gifts, devises or bequests accepted by the academy during the financial year.
- (2) In this section—

*annual report* means an annual report prepared under the *Financial Accountability Act 2009*, section 63.

## Part 7                      Miscellaneous

### Division 1                Criminal history

#### 49      Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as a board member or the chief executive officer, the Minister may ask the police commissioner for—
- (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The police commissioner must comply with the request.
- (4) However, the duty to comply applies only to information in the possession of the police commissioner or to which the police commissioner has access.

(5) In this section—

*criminal history*, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

## **50 Changes in criminal history must be disclosed**

- (1) This section applies if a person who is a board member or the chief executive officer is convicted of an indictable offence during the term of the person's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give the Minister notice under subsection (3) about the conviction.

Maximum penalty—100 penalty units.

- (3) The notice must state—
  - (a) the existence of the conviction; and
  - (b) when the offence was committed; and
  - (c) details adequate to identify the offence; and
  - (d) the sentence imposed on the person.

## **51 Confidentiality of criminal history information**

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) the Minister or a member of the Minister's staff; or
    - (ii) a public service employee performing functions under, or relating to the administration of, this Act; and
  - (b) in that capacity, has acquired or has access to criminal history information.
- (2) The person must not disclose the criminal history information to anyone else, or use the criminal history information, other than under subsection (3).

- (3) The person may disclose or use the criminal history information—
- (a) to the extent the disclosure or use—
    - (i) is necessary to perform the person’s functions under, or relating to the administration of, this Act; or
    - (ii) is otherwise required or permitted by this Act or another law; or
  - (b) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the Minister under section 49 or a notice given to the Minister under section 50 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.
- (5) Subsection (4) applies despite the *Public Records Act 2023*.
- (6) In this section—
- criminal history information*** means information contained in—
- (a) a report given to the Minister under section 49; or
  - (b) a notice given to the Minister under section 50.
- disclose*** includes give access to.

## Division 2                    Other provisions

### 52            Delegations

- (1) The academy may delegate its functions under this Act to—
- (a) a board member; or
  - (b) the chief executive officer; or
  - (c) an appropriately qualified staff member or contractor of the academy.

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- (2) The chief executive officer may delegate the chief executive officer's functions under this Act to an appropriately qualified staff member or contractor of the academy.
  - (3) In this section—  
*function* includes power.

### **53 Confidentiality**

- (1) This section applies to a person who—
  - (a) is or has been—
    - (i) a board member; or
    - (ii) the chief executive officer; or
    - (iii) a staff member or contractor of the academy performing functions under, or relating to the administration of, this Act; and
  - (b) in that capacity, has acquired or has access to personal information about another person.
- (2) The person must not disclose the information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the information—
  - (a) to the extent the disclosure or use—
    - (i) is necessary to perform the person's functions under, or relating to the administration of, this Act; or
    - (ii) is otherwise required or permitted under this Act or another law; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

(4) In this section—

***criminal history information*** see section 51(6).

***disclose*** includes give access to.

***information*** includes a document.

***personal information***—

(a) means information about a person's affairs; but

(b) does not include criminal history information about a person.

*Note*—

See section 51 in relation to the confidentiality of criminal history information.

## 54 Protection from liability

(1) An official does not incur civil liability for an act done, or an omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the academy.

(3) Subsection (1) does not apply to an official who is a prescribed person under the *Public Sector Act 2022*, section 268.

*Note*—

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 268, see section 269 of that Act.

(4) In this section—

***official*** means—

(a) a board member; or

(b) the chief executive officer.

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**55 Regulation-making power**

The Governor in Council may make regulations under this Act.

## **Part 8 Transitional provisions**

**56 Definitions for part**

In this part—

*contract* includes a deed.

*department of sport* means the department in which the *Major Sports Facilities Act 2001* is administered.

*QAS business unit* means the part of the department of sport that, immediately before the commencement, was known as the Queensland Academy of Sport.

*transferring employee* means a person who, immediately before the commencement, was a public service employee employed in the department of sport in the QAS business unit.

**57 Initial composition of board by acting board members**

- (1) For the purpose of appointing persons to act in the office of board member with effect from the commencement, section 23 applies with the modification provided under subsection (2).
- (2) Despite section 23(2), the office of each board member established under section 15(1) is taken to be vacant from the commencement.

**58 Initial appointment of acting chief executive officer**

- (1) For the purpose of appointing a person to act in the office of chief executive officer with effect from the commencement, section 40 applies with the modifications provided under subsections (2) and (3).

- (2) For section 40(1)(a), the office of chief executive officer is taken to be vacant from the commencement.
- (3) Section 40(4) does not apply to the extent the Minister could not recommend a person for appointment only because the Minister has not consulted the board about the appointment of the person under section 33(3).

## **59 Transfer of particular employees**

- (1) On the commencement, each transferring employee—
  - (a) ceases to be employed in the department of sport; and
  - (b) becomes a staff member of the academy as if the transferring employee had been employed by the academy under section 45.
- (2) The transfer of the transferring employee's employment to the academy under subsection (1) does not affect the employee's benefits, entitlements or remuneration, or status, as a public service employee.
- (3) If, immediately before the commencement, the transferring employee was employed under a written contract of employment with the State, from the commencement—
  - (a) the academy is taken to be a party to the contract in place of the State; and
  - (b) the contract applies with necessary modifications.
- (4) This section does not limit the *Public Sector Act 2022*, chapter 4, part 4.

## **60 Right of election to return to department of sport**

- (1) A transferring employee may, by written notice (a ***notice of election***) given to the chief executive officer, elect to return to being employed in the department of sport.
- (2) A notice of election must be given on or before 30 September 2025.

- (3) As soon as practicable after the chief executive officer is given a notice of election, the chief executive officer must give a copy of the notice to the chief executive of the department of sport.
- (4) This section does not limit the *Public Sector Act 2022*, chapter 4, part 4.

### 60A Application of core agreement to particular staff members

- (1) From the commencement—
  - (a) the core agreement is taken to apply, for all purposes, as if the academy were an entity specified in Appendix 1 of the agreement; and
  - (b) without limiting paragraph (a), the core agreement—
    - (i) is taken to cover the academy; and
    - (ii) is taken to cover staff members of the academy, but only to the extent the staff members would be employees covered by the agreement if the academy were in fact an entity specified in Appendix 1 of the agreement.
- (2) Subsection (1) applies until a relevant certified agreement starts operating under the *Industrial Relations Act 2016*.
- (3) In this section—

**certified agreement** see the *Industrial Relations Act 2016*, section 164.

**core agreement** means the certified agreement known as the ‘State Government Entities Certified Agreement 2023’.

**covers**, in relation to a certified agreement, see the *Industrial Relations Act 2016*, section 221.

**relevant certified agreement** means a certified agreement, made after the commencement, that covers—

- (a) the academy; and
- (b) any staff members of the academy.

## **61 Existing contracts for services**

- (1) This section applies if, immediately before the commencement, a person was a party to a contract for services with the State under which the person was contracted to provide services for the department of sport exclusively in relation to the operations of the QAS business unit.
- (2) From the commencement—
  - (a) the academy is taken to be a party to the contract in place of the State; and
  - (b) the contract applies with necessary modifications.
- (3) This section applies despite any express or implied provision of the contract to the contrary.

## **61A Other existing contracts**

- (1) This section applies if, immediately before the commencement, the State was a party to any of the following contracts—
  - (a) a contract with a sporting organisation relating to the provision by the State of financial or other support to the organisation through the QAS business unit;
  - (b) a contract with an athlete relating to the provision by the State of financial or other support to the athlete through the QAS business unit;
  - (c) a contract with an entity relating to the provision of sponsorship of any type by the entity of the operations of the QAS business unit;
  - (d) a contract with an entity relating to the undertaking of research by the entity in areas relevant to the operations of the QAS business unit, including a contract that provides for—
    - (i) undertaking the research in collaboration with the QAS business unit; or
    - (ii) placing students with the QAS business unit;

- (e) a contract with an employer establishing a collaborative arrangement to support employment opportunities for athletes undertaking programs provided through the QAS business unit;
  - (f) a contract with an entity granting the State a licence in relation to software used exclusively in the operations of the QAS business unit.
- (2) From the commencement—
- (a) the academy is taken to be a party to the contract in place of the State; and
  - (b) the contract applies with necessary modifications.
- (3) This section applies despite any express or implied provision of the contract to the contrary.

**61B Chief executive's obligations in relation to contracts affected by s 61 or 61A**

- (1) The chief executive of the department of sport must, within 14 days after the commencement—
- (a) prepare a document listing each contract to which section 61 or 61A applies (each an *affected contract*); and
  - (b) give the chief executive officer—
    - (i) a copy of the document prepared under paragraph (a); and
    - (ii) a copy of each affected contract; and
  - (c) give each party to an affected contract, other than the academy, written notice that states—
    - (i) the contract to which the notice relates; and
    - (ii) the general effect of section 61 or 61A in relation to the contract.
- (2) This section does not limit section 62.

## **62 Transfer of control of particular public records**

- (1) This section applies in relation to a public record that—
  - (a) immediately before the commencement, was controlled by the department of sport; and
  - (b) is related to—
    - (i) a transferring employee; or
    - (ii) the operations of the QAS business unit.
- (2) On the commencement, the chief executive of the department of sport must give control of the public record to the academy.
- (3) This section does not limit the application of the *Public Records Act 2023* in relation to the public record.
- (4) In this section—

***public record*** see the *Public Records Act 2023*, section 9.

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# Schedule 1      Dictionary

## section 4

**academy** means the Queensland Academy of Sport established under section 5.

**athlete** means a person who trains and competes in an organised sport, whether as an individual or a member of a team.

**board** means the board established under section 12.

**board meeting** see section 25(1).

**board member** see section 15(1).

**chairperson** means the chairperson of the board holding office under section 18.

**chief executive officer** means the chief executive officer of the academy holding office under section 33.

**contractor**, of the academy, means a person who provides services for the academy—

- (a) under a contract for services between the person and the academy; or
- (b) under an arrangement between the academy and another person.

**conviction** means a finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

**deputy chairperson** means the deputy chairperson of the board holding office under section 18.

**institute of sport** means—

- (a) the Australian Institute of Sport as mentioned in the *Australian Sports Commission Act 1989* (Cwlth), section 9; or

- (b) an entity of another State, whether or not established under a law of the other State, that performs functions in the other State that substantially correspond to the academy's functions under this Act.

***sporting organisation*** means an entity that—

- (a) organises or administers 1 or more sports; or
- (b) accredits people to take part in sporting competitions; or
- (c) provides teams to compete in sporting competitions; or
- (d) trains, or provides finance for, athletes to take part in sporting competitions.

***staff member***, of the academy, means a member of the academy's staff employed under section 45.

***statement of expectations*** see section 47(1).