

Act 1993 No. 67

**SYDNEY ORGANISING COMMITTEE FOR THE OLYMPIC
GAMES BILL 1993***

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to constitute a committee to organise matters in connection with the Olympic Games to be held in Sydney in the year 2000.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 defines certain terms used in the proposed Act, including the following:

“Bid Books” means the candidature files containing the details of Sydney’s bid for the Olympic Games in the year 2000 and submitted to the International Olympic Committee on 1 February 1993;

“Endorsement Contract” means the contract between the State of New South Wales, the Council of the City of Sydney and the Australian Olympic Committee dated 1 May 1991, and as in force from time to time afterwards;

“Host City Contract” means the contract between the International Olympic Committee, the Council of the City of Sydney and the Australian Olympic Committee dated 23 September 1993, and as in force from time to time afterwards.

PART 2—CONSTITUTION OF SOCOG

Clause 4 constitutes the Sydney Organising Committee for the Olympic Games (“SOCOG”) as a corporation.

* Amended in committee—see table at end of volume.

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Clause 5 provides that SOCOG does not represent the Crown except by express agreement with the Premier. SOCOG cannot render the State liable for debts, liabilities or obligations unless expressly provided by the Host City Contract, the Endorsement Contract or the Bid Books. SOCOG is exempt from State rates, taxes and duties.

Clause 6 gives SOCOG the same legal capacity and powers as a company under the Corporations Law.

Clause 7 requires the powers of SOCOG to be exercised for the purposes of its functions under the proposed Act.

PART 3—FUNCTIONS OF SOCOG

Clause 8 provides that SOCOG has the functions conferred or imposed on it by or under the proposed Act or any other Act. Those functions must be exercised for the purpose of its primary objective set out in clause 9 or as specifically authorised under the proposed Act.

Clause 9 states that the primary objective of SOCOG is to organise and stage the Games of the XXVII Olympiad in Sydney in the year 2000, in accordance with the rights and obligations conferred and imposed under the Host City Contract. Certain duties to act in a financially sound manner and to avoid the creation of debts are imposed on SOCOG.

Clause 10 sets out the specific functions of SOCOG, including:

- becoming a party to the Host City Contract and performing its obligations under the contract
- organising accommodation for people participating in the Games or connected with the Games
- organising the sports program and the cultural program
- establishing a marketing program in consultation with the International Olympic Committee and the Australian Olympic Committee
- arranging certain matters in connection with the broadcasting of the Games.

Clause 11 requires SOCOG to take account of certain matters when exercising its functions.

PART 4—BOARD OF DIRECTORS

Division 1—Establishment of Board

Clause 12 establishes a Board of Directors of SOCOG.

Clause 13 provides that the Board is to manage and control the affairs of SOCOG.

Clause 14 provides for the composition of the Board.

Division 2—Provisions relating to directors

Clause 15 provides for the appointment of the President of SOCOG by the Governor on the recommendation of the Premier.

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Clause 16 provides that the Resident of the Australian Olympic Committee and the Lord Mayor of the City of Sydney are Vice-Presidents of SOCOG.

Clause 17 enables the Board, with the consent of the Premier, to appoint a Chief Executive Officer of SOCOG.

Clause 18 deals with the filling of vacancies in the office of President, appointed director or Chief Executive Officer and with the term of office of those positions.

Clause 19 specifies the circumstances in which the office of President, director or Chief Executive Officer becomes vacant.

Clause 20 enables the Governor, on the recommendation of the Premier, to terminate the appointment of the President or an appointed director. The Board is given power to remove from office or suspend the Chief Executive Officer, but only with the consent of the Premier.

Clause 21 requires the Premier to consult with the President of the Australian Olympic Committee on certain matters relating to appointments, removal of persons from office or suspension of persons from office. The clause also requires consultation with the Prime Minister before a director nominated by the Prime Minister is removed from office.

Clause 22 provides for the remuneration of directors and the Chief Executive Officer.

Clause 23 enables the Governor, on the recommendation of the Premier, to appoint a person to act in the office of President or of an appointed director during the illness or absence of the President or the director.

Clause 24 imposes certain duties on directors to act honestly, carefully and diligently.

Clause 25 enables a director, in certain circumstances, to be employed by SOCOG or a company established by SOCOG or to enter into a contract with SOCOG or such a company.

Clause 26 requires a director to disclose to the Board certain direct or indirect pecuniary interests in matters involving SOCOG.

Division 3—Provisions relating to procedure of Board

Clause 27 deals with meetings of the Board.

Clause 28 provides that a quorum for a meeting of the Board is a majority of the number of directors for the time being.

Clause 29 states who is to preside at a meeting of the Board.

Clause 30 deals with voting at meetings of the Board.

Clause 31 enables the Board to transact business by the circulation of papers among the directors. Directors may participate in meetings by using a telephone or closed-circuit television.

Clause 32 requires minutes of proceedings of the Board to be kept.

Division 4—Miscellaneous

Clause 33 enables the Board to delegate its functions to the Chief Executive Officer or a Commission or sub-committee appointed by the Board.

Clause 34 allows the Board, by power of attorney, to appoint persons to be attorneys of SOCOG.

Clause 35 provides for the manner in which cheques and other negotiable instruments and receipts for money paid to SOCOG are to be dealt with.

PART 5—COMMISSIONS AND SUB-COMMITTEES

Clause 36 enables the Board to appoint Commissions and sub-committees. At least one member of a Commission or sub-committee must be a director and the approval of the Premier and President of the Australian Olympic Committee must be obtained to the appointment of a person who is not a director to the position of member of a Commission or subcommittee. Clauses 38—42 do not apply to a Commission or subcommittee that consists of only one member.

Clause 37 provides that the functions of a Commission or sub-committee are those delegated to it by the Board.

Clause 38 requires the Board to nominate a person (who is a director) to be chairperson of a Commission or sub-committee.

Clause 39 deals with meetings of a Commission or sub-committee.

Clause 40 provides that a quorum for a meeting of a Commission or sub-committee is such number of members as the Board determines and, unless the Board otherwise determines, must always include a director.

Clause 41 states who is to preside at a meeting of a Commission or sub-committee.

Clause 42 deals with voting at meetings of a Commission or sub-committee.

Clause 43 requires minutes of proceedings of a Commission or sub-committee to be kept.

Clause 44 requires the chairperson (or sole member) of a Commission or sub-committee to report to the Board at its next meeting, unless the Board determines otherwise.

Clause 45 requires a member of a Commission or sub-committee to disclose to the Commission or sub-committee certain direct or indirect pecuniary interests in matters involving SOCOG.

PART 6—FINANCIAL MATTERS

Clause 46 enables SOCOG to establish bank accounts and to deposit money received by it in those accounts.

Clause 47 provides that money of SOCOG must not be expended or committed except with the approval of the Board. Expenditure or commitment of money of SOCOG that exceeds the allocation in the latest version of the Games budgets or is not

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included in the Games budgets must first be approved by the Premier (with the concurrence of the Treasurer) and the President of the Australian Olympic Committee.

The clause also places certain restrictions on the amendment of the budgets.

Clause 48 allows SOCOG to borrow money with the approval of the Premier and in accordance with the Public Authorities (Financial Arrangements) Act 1987. Approval requires the concurrence of the Treasurer and must not be withheld for borrowing up to the levels of borrowing contemplated in the Games budgets.

Clause 49 sets out the investment powers of SOCOG.

Clause 50 exempts SOCOG from the requirements of section 59B of the Public Finance and Audit Act 1983 (payment of dividends by a statutory authority to the Consolidated Fund).

Clause 51 requires SOCOG to pay amounts determined by the Treasurer towards defraying the costs and expenses of any audit under the Public Finance and Audit Act 1983.

PART 7—WINDING UP OF SOCOG

Clause 52 provides that SOCOG is to be wound up after the conclusion of the Games and on or before 31 March 2002.

Clause 53 provides that SOCOG is to be wound up in accordance with Chapter 5 of the Corporations Law (as suitably modified). The Governor, on the recommendation of the Premier, may appoint a liquidator.

Clause 54 deals with the manner in which any surplus funds of SOCOG are to be distributed.

Clause 55 states that SOCOG is not capable of being put into receivership or other form of management for the benefit of creditors.

PART 8—MISCELLANEOUS

Clause 56 states that the proposed Act binds the Crown.

Clause 57 requires the Board to provide the Premier with information relating to the affairs of SOCOG for the purposes of the administration of the proposed Act.

Clause 58 enables the Board to appoint a Secretary and other staff and to arrange for the use of the services of staff and facilities of a Government agency or public or local authority. The Board may also engage consultants or other persons for the purpose of getting expert advice.

Clause 59 sets out the functions of the Secretary.

Clause 60 protects any director, member of a Commission or sub-committee, the Chief Executive Officer or a person acting under the direction of SOCOG, the Board, a Commission, a sub-committee or the Chief Executive Officer from personal liability for acts done in good faith for the purpose of executing the proposed Act or any other Act.

Clause 61 deals with the use of the seal of SOCOG.

Clause 62 states that SOCOG is a public authority for the purposes of the Ombudsman Act 1974.

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Clause 63 provides that Part 2 of the Public Sector Management Act 1988 does not apply to the appointment of the directors, the Chief Executive Officer or other staff of SOCOG. The clause also provides that the office of Chief Executive Officer cannot become a chief executive position or a senior executive position for the purposes of the Public Sector Management Act 1988 and that SOCOG is to be taken to be a declared authority for the purposes of that Act.

Clause 64 states that SOCOG is a public authority for the purposes of the Independent Commission Against Corruption Act 1988.

Clause 65 removes certain statutory restrictions that might otherwise prevent a person from holding office as a director.

Clause 66 makes a consequential amendment to the Public Finance and Audit Act 1983.

Clause 67 makes a consequential amendment to the Public Authorities (Financial Arrangements) Act 1987.

Clause 68 amends the Freedom of Information Act 1989 to classify as exempt documents for the purposes of that Act documents prepared or received by the Sydney Organising Committee for the Olympic Games containing matter that is confidential to the International Olympic Committee or the Australian Olympic Committee.

Clause 69 enables regulations to be made for the purposes of the proposed Act.
