

[Act 1995 No 52]



# Institute of Sport Bill 1995

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The object of this Bill is to constitute the New South Wales Institute of Sport as a statutory body and to specify its functions. The Institute will be responsible for the development and co-ordination of resources, services and facilities to enable New South Wales sportspeople to pursue and achieve excellence in sport.

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

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## Outline of provisions

### **Part 1 Preliminary**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be proclaimed.

**Clause 3** defines certain words and expressions used in the proposed Act.

### **Part 2 Constitution and objects of New South Wales Institute of Sport**

**Clause 4** constitutes the New South Wales Institute of Sport as a statutory authority.

**Clause 5** sets out the principal objects of the Institute, which are:

- to provide resources, services and facilities to enable New South Wales sportspeople to pursue and achieve excellence in sport while also furthering their educational, vocational and personal development, and
- to foster the development and co-ordination of high performance and talent development programs in New South Wales sport, and
- to assist the development of Australian sporting performance at international levels through co-operatively developed, and complementary, national programs.

### **Part 3 Constitution and functions of Board**

**Clause 6** provides for the constitution of the Board of the Institute. The Board will consist of 6 appointed members, each with relevant expertise, appointed by the Minister and an ex-officio member, the Director-General of the Department of Sport and Recreation.

**Clause 7** provides that the function of the Board is to determine the policies and strategic plans of the Institute.

**Clause 8** requires the Board to provide the Minister with information relating to the Board's functions.

**Clause 9** provides that the Board may establish committees.

## **Part 4 Functions of Institute**

**Clause 10** sets out the functions of the Institute, which include the provision of elite training squads and other programs, the granting of scholarships to individual sportspeople and the raising of money for the purposes of the Institute.

**Clause 11** empowers the Institute to consult and co-operate with Commonwealth and State authorities, or other associations or organisations for the purpose of performing its functions.

**Clause 12** sets out the powers of the Institute.

**Clause 13** allows the Institute to delegate its functions to certain persons.

## **Part 5 Management of Institute**

**Clause 14** provides that the Institute is to be subject to the control and direction of the Minister.

**Clause 15** provides for the affairs of the Institute to be managed and controlled by the Director in accordance with the policies and strategic plans determined by the Board but subject to any direction of the Minister. The acts of the Director done in the name of the Institute are taken to be the acts of the Institute.

**Clause 16** provides for the appointment of the Director and staff of the Institute under the *Public Sector Management Act 1988*. The clause also enables the Institute to engage the services of staff of other Government agencies and contracted staff and consultants.

## **Part 6 Financial provisions relating to Institute**

**Clause 17** sets out the principal financial powers of the Institute, including the powers to raise money by obtaining sponsorship and by arranging for merchandising.

**Clause 18** empowers the Institute to accept gifts, devises and bequests.

**Clause 19** establishes a fund to be known as the New South Wales Institute of Sport Fund.

**Clause 20** provides for the payment into the Fund of money received by the Institute, interest received in respect of the investment of money belonging to the Fund, Government grants and other money.

**Clause 21** provides for the payment from the Fund of the remuneration of members of the Board, staff and certain other persons, all payments required to be made by the Institute and all other payments required by the proposed Act or any other Act to be paid from the Fund.

**Clause 22** sets out the powers of investment of the Institute.

**Clause 23** provides for the financial year of the Institute.

## **Part 7 Miscellaneous**

**Clause 24** protects the Director, the members of the Board and other persons acting under the direction of the Director or the Board from personal liability for acts done in good faith for the purpose of executing the proposed Act.

**Clause 25** relates to the service of documents on the Institute.

**Clause 26** relates to the custody and use of the seal of the Institute.

**Clause 27** enables the Institute to recover as a debt any charge, fee or money due to the Institute.

**Clause 28** states that the proposed Act binds the Crown.

**Clause 29** enables regulations to be made for the purposes of the proposed Act.

**Clause 30** gives effect to the amendments of other Acts contained in Schedule 2.

**Clause 31** requires the Minister to review the operation of the proposed Act as soon as possible after the period of 5 years from the date of assent to the Act.

## **Schedules**

**Schedule 1** contains provisions relating to the members and procedure of the Board of the Institute.

**Schedule 2** makes consequential amendments to the following Acts:

- *Public Authorities (Financial Arrangements) Act 1987* (to confer borrowing powers on the Institute)
- *Public Finance and Audit Act 1983* (to apply accounting, auditing and annual reporting requirements to the Institute).