



New South Wales

Sydney 2009 World Masters Games Organising Committee Bill 2005

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 Sydney 2009 World Masters Games Organising Committee (*SWMGOC*) as a statutory corporation and Government department, with a limited life, the objective of which is to plan, organise and stage the Sydney 2009 World Masters Games. The Bill also provides for the functions of SWMGOC.

Outline of provisions

Part 1 Preliminary

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation, except for Part 7 (Dissolution of SWMGOC) and Schedule 3 (Amendment of Acts as consequence of dissolution), which are to commence on 30 June 2010.

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

Part 2 Constitution of SWMGOC

Clause 4 constitutes the Sydney 2009 World Masters Games Organising Committee (*SWMGOC*) as a corporation.

Clause 5 provides that SWMGOC is, for the purposes of any Act, a statutory body representing the Crown.

Part 3 Objective and functions of SWMGOC

Clause 6 provides that the objective of SWMGOC is to plan, organise and stage the Sydney 2009 World Masters Games in accordance with the obligations imposed, and the rights conferred, under the Host City Contract.

Clause 7 states the functions of SWMGOC, which are to do and perform all acts and things that are necessary or convenient for giving effect to its objective.

Clause 8 states certain functions of SWMGOC relating to land.

Clause 9 provides that SWMGOC may also do all things that are supplemental or incidental to the exercise of its functions.

Clause 10 permits the delegation of the functions of SWMGOC.

Clause 11 specifies certain matters that must be taken into account by SWMGOC in exercising its functions.

Part 4 Management of SWMGOC

Clause 12 provides that SWMGOC is, in the exercise of its functions, subject to the control and direction of the Minister.

Clause 13 provides that the affairs of SWMGOC are to be managed and controlled by the Chief Executive Officer (the person holding office as such under Chapter 2 of the *Public Sector Employment and Management Act 2002*).

Clause 14 requires the Chief Executive Officer to take into account any advice given by the Advisory Committee constituted by the proposed Act.

Clause 15 requires SWMGOC to prepare a corporate plan.

Clause 16 provides for the employment of staff of SWMGOC, for the secondment of other staff and for the engaging of consultants.

Part 5 Financial matters

Clause 17 makes provision for the financial year of SWMGOC.

Clause 18 provides for the approval by the Minister of the budget of SWMGOC and of the Games.

Clause 19 provides for the management of the budget of SWMGOC and the Games.

Clause 20 provides for reporting on the budget of SWMGOC and the Games.

Part 6 SWMG Advisory Committee

Clause 21 constitutes the SWMG Advisory Committee.

Clause 22 specifies the functions of the Advisory Committee.

Clause 23 specifies the membership of the Advisory Committee.

Clause 24 gives effect to Schedule 1, which makes provision with respect to the members and procedure of the Advisory Committee.

Clause 25 provides for the formation of subcommittees of the Advisory Committee.

Part 7 Dissolution of SWMGOC

Clause 26 dissolves SWMGOC (on 30 June 2010).

Clause 27 defines terms used in the proposed Part.

Clause 28 provides for the transfer of staff of SWMGOC after it is dissolved.

Clause 29 provides for the transfer of assets, rights and liabilities of SWMGOC after it is dissolved.

Clause 30 provides for the effect of the transfer of assets, rights and liabilities.

Clause 31 removes the need to pay duty in relation to certain transfers and other matters.

Clause 32 provides for the construction of references to SWMGOC after it is dissolved.

Clause 33 provides for the making of the final annual report of SWMGOC.

Clause 34 gives effect to Schedule 3, which amends certain Acts as a consequence of the dissolution of SWMGOC.

Part 8 Miscellaneous

Clause 35 makes provision for the seal of SWMGOC.

Clause 36 prohibits the disclosure and misuse of certain information.

Clause 37 exempts certain persons from personal liability.

Clause 38 makes provision for the recovery of money by SWMGOC.

Clause 39 provides that the proposed Act binds the Crown.

Clause 40 provides for the service of documents under the proposed Act.

Clause 41 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 42 is a formal provision that gives effect to the amendments to the Acts set out in Schedule 2.

Clause 43 provides for the repeal of the proposed Act at the end of 2010.

Schedule 1 Constitution and procedure of Advisory Committee

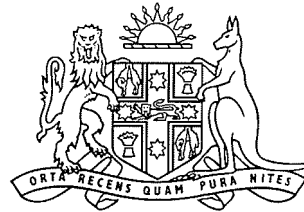
Schedule 1 provides for the constitution and procedure of the SWMG Advisory Committee.

Schedule 2 Amendment of Acts

Schedule 2 amends the Acts specified in the Schedule.

Schedule 3 Amendment of Acts as consequence of dissolution

Schedule 3 amends the Acts specified in the Schedule (with effect on 30 June 2010, when SWMGOC is dissolved).



New South Wales

Sydney 2009 World Masters Games Organising Committee Bill 2005

Contents

	Page
Part 1 Preliminary	
1 Name of Act	2
2 Commencement	2
3 Definitions	2
Part 2 Constitution of SWMGOC	
4 Constitution of SWMGOC	4
5 Status of SWMGOC	4
Part 3 Objective and functions of SWMGOC	
6 Objective of SWMGOC	5
7 Functions of SWMGOC	5
8 Functions concerning land	5
9 Supplemental and incidental functions	6

	Page
10 Delegation of functions	6
11 Matters to be taken into account by SWMGOC	6
Part 4 Management of SWMGOC	
12 Ministerial control of SWMGOC	7
13 Chief Executive Officer to manage and control affairs of SWMGOC	7
14 Chief Executive Officer to take into account advice of Advisory Committee	7
15 Corporate plan	7
16 Staff of SWMGOC	8
Part 5 Financial matters	
17 Financial year	9
18 Approval of budgets by Minister	9
19 Management of budgets	9
20 Reporting on budget	10
Part 6 SWMG Advisory Committee	
21 Constitution of SWMG Advisory Committee	11
22 Functions of Advisory Committee	11
23 Membership of Advisory Committee	11
24 Other provisions relating to the Advisory Committee	11
25 Subcommittees	11
Part 7 Dissolution of SWMGOC	
26 Dissolution of SWMGOC	13
27 Definitions	13
28 Transfer of staff	13
29 Transfer of assets, rights and liabilities	13
30 Effect of transfer under section 29	14
31 Payment of duty	15
32 Construction of references to SWMGOC	15
33 Annual report of SWMGOC for year ending 30 June 2010	15
34 Amendment of Acts as consequence of dissolution	15
Part 8 Miscellaneous	
35 Seal of SWMGOC	16
36 Disclosure and misuse of information	16
37 Personal liability	17
38 Recovery of money	17
39 Act to bind Crown	17
40 Service of documents	17

Sydney 2009 World Masters Games Organising Committee Bill 2005

Contents

	Page
41 Regulations	18
42 Amendment of Acts	18
43 Repeal of Act	18
Schedule 1 Constitution and procedure of Advisory Committee	19
Schedule 2 Amendment of Acts	24
Schedule 3 Amendment of Acts as consequence of dissolution	25

Sydney 2009 World Masters Games Organising Committee Bill 2005

Contents

Page



New South Wales

Sydney 2009 World Masters Games Organising Committee Bill 2005

No. , 2005

A Bill for

An Act to constitute the Sydney 2009 World Masters Games Organising Committee as a statutory corporation; to confer functions on the Committee; to amend certain Acts; and for other purposes.

The Legislature of New South Wales enacts:	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Sydney 2009 World Masters Games Organising Committee Act 2005</i> .	4 5
2 Commencement	6
(1) Except as provided by subsection (2), this Act commences on a day or days to be appointed by proclamation.	7 8
(2) Part 7 (Dissolution of SWMGOC) and Schedule 3 (Amendment of Acts as consequence of dissolution) commence on 30 June 2010.	9 10
3 Definitions	11
(1) In this Act:	12
<i>Advisory Committee</i> means the SWMG Advisory Committee constituted by this Act.	13 14
<i>Bid Documents</i> means the candidature documents containing the details of the State’s bid and budget for the Games, accepted by IMGGA on 13 June 2004.	15 16 17
<i>Chief Executive Officer</i> means the Chief Executive Officer of SWMGOC holding office as such under Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> .	18 19 20
<i>exercise</i> a function includes perform a duty.	21
<i>function</i> includes a power, authority or duty.	22
<i>Games</i> means the Sydney 2009 World Masters Games to be held primarily in Sydney.	23 24
<i>Games period</i> means the full period of SWMGOC organisation of the competition and non-competition venues required for the Games, as determined by the Minister and published in the Gazette (including, but not limited to, the period of competition during the Games).	25 26 27 28
<i>Host City Contract</i> means the contract between IMGGA and the Crown in right of New South Wales, executed on 24 November 2004.	29 30
<i>IMGGA</i> means the International Masters Games Association.	31
<i>IMGGA’s Guidelines</i> means the document prepared by IMGGA in 2003 entitled “Guidelines and conditions for hosting a World Masters Games”.	32 33 34

-
- SWMGOC*** means the Sydney 2009 World Masters Games Organising Committee constituted by this Act. 1
2
- (2) Notes included in this Act do not form part of this Act. 3

Clause 4 Sydney 2009 World Masters Games Organising Committee Bill 2005

Part 2 Constitution of SWMGOC

Part 2	Constitution of SWMGOC	1
4	Constitution of SWMGOC	2
(1)	There is constituted by this Act a corporation with the corporate name of the Sydney 2009 World Masters Games Organising Committee.	3 4
(2)	That corporation may also be called SWMGOC and the use of that name has the same effect for all purposes as the use of its corporate name.	5 6
5	Status of SWMGOC	7
	SWMGOC is, for the purposes of any Act, a statutory body representing the Crown.	8 9

Part 3	Objective and functions of SWMGOC	1
6	Objective of SWMGOC	2
	The objective of SWMGOC is to plan, organise and stage the Sydney 2009 World Masters Games in accordance with the obligations imposed, and the rights conferred, under the Host City Contract.	3 4 5
7	Functions of SWMGOC	6
(1)	SWMGOC has the functions conferred or imposed on it by or under this or any other Act or law.	7 8
(2)	SWMGOC may do and perform all acts and things that are necessary or convenient for giving effect to its objective.	9 10
(3)	Without limiting subsection (1) or (2), SWMGOC has the following functions:	11 12
(a)	to represent, and act on behalf of, the Crown in performing its obligations under the Host City Contract,	13 14
(b)	to organise the sports competition program for the Games and the program of associated events,	15 16
(c)	to procure and organise the competition and non-competition venues required for the Games,	17 18
(d)	to organise transport arrangements for participants and officials of the Games,	19 20
(e)	to engage in the marketing and promotion of the Games,	21
(f)	to liaise with the Treasury on the co-ordination and management of expenditure for the Games,	22 23
(g)	to co-ordinate Games-related activities with State and Commonwealth government agencies and private organisations,	24 25
(h)	such other functions connected with its objective as are authorised by the Minister.	26 27
8	Functions concerning land	28
(1)	SWMGOC may, with the consent of the owner of any land, exercise in relation to the land any function that it could exercise if it were the owner of the land.	29 30 31
(2)	Without limiting subsection (1), SWMGOC:	32
(a)	may erect buildings and structures, whether temporary or permanent, and	33 34

(b)	may carry out works, on land owned by it or, with the consent of the owner of the land, on any other land.	1 2 3
(3)	This section applies during the whole of the Games period.	4
9	Supplemental and incidental functions	5
	SWMGOC may also do all things that are supplemental or incidental to the exercise of its functions.	6 7
10	Delegation of functions	8
	SWMGOC may delegate to any member of staff of SWMGOC, or any other person prescribed by the regulations, the exercise of any of its functions, other than this power of delegation.	9 10 11
11	Matters to be taken into account by SWMGOC	12
	In exercising its functions, SWMGOC must take into account, to the fullest extent practicable, the following:	13 14
(a)	the Host City Contract,	15
(b)	IMGA's Guidelines,	16
(c)	any amendments made to those Guidelines by IMGA in accordance with the Host City Contract,	17 18
(d)	any directions given to SWMGOC by IMGA in accordance with the Host City Contract,	19 20
(e)	all undertakings given by the Crown in the Bid Documents, unless IMGA has agreed in writing that any such undertaking need not be taken into account,	21 22 23
(f)	any matters prescribed by the regulations, not being inconsistent with paragraphs (a)–(e).	24 25

Part 4	Management of SWMGOC	1
12	Ministerial control of SWMGOC	2
	SWMGOC is, in the exercise of its functions, subject to the control and direction of the Minister.	3 4
13	Chief Executive Officer to manage and control affairs of SWMGOC	5
(1)	The affairs of SWMGOC are to be managed and controlled by the Chief Executive Officer.	6 7
(2)	Any act, matter or thing done in the name of, or on behalf of, SWMGOC by the Chief Executive Officer is taken to have been done by SWMGOC.	8 9 10
14	Chief Executive Officer to take into account advice of Advisory Committee	11 12
	The Chief Executive Officer is, in the exercise of the functions of SWMGOC, to take into account any advice given by the Advisory Committee, being advice that the Advisory Committee is authorised to give.	13 14 15 16
15	Corporate plan	17
(1)	As soon as practicable after the commencement of section 4, SWMGOC must prepare and deliver to the Minister a draft corporate plan for its first financial year.	18 19 20
(2)	SWMGOC must prepare and deliver to the Minister, at least 3 months before the beginning of each subsequent financial year of SWMGOC, a draft corporate plan for that financial year.	21 22 23
(3)	SWMGOC:	24
(a)	must consider any comments on the draft corporate plan that are made by the Minister within 2 months after the plan is delivered to the Minister, and	25 26 27
(b)	must deliver the completed corporate plan to the Minister:	28
(i)	in the case of the corporate plan for its first financial year—as soon as practicable after considering the Minister’s comments, and	29 30 31
(ii)	in the case of each subsequent financial year—before the beginning of the financial year concerned.	32 33
(4)	SWMGOC is, as far as practicable, to exercise its functions in accordance with the relevant corporate plan.	34 35

(5)	A corporate plan must specify:	1
(a)	the objectives of the activities of SWMGOC for the financial year concerned and for such future financial years as the Minister directs, and	2 3 4
(b)	the strategies, policies and budgets for achieving those objectives, and	5 6
(c)	targets and criteria for assessing the performance of SWMGOC.	7
(6)	This section is subject to the requirements of any Act or other law.	8
16	Staff of SWMGOC	9
(1)	Such staff as may be necessary to assist SWMGOC may be employed under Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> .	10 11 12
(2)	SWMGOC may, with the consent of the Minister, also employ staff. Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of any such staff.	13 14 15
(3)	SWMGOC may engage persons as consultants to SWMGOC or to perform services for it.	16 17
(4)	SWMGOC may arrange for the use of the services of any staff or facilities of a government department or a local or public authority. Any person whose services SWMGOC makes use of under this subsection is, for the purposes of this Act, taken to be a member of staff of SWMGOC.	18 19 20 21 22

Part 5 Financial matters

Note. The *Public Finance and Audit Act 1983* makes provision with respect to the administration and audit of public finances. Since SWMGOC is a statutory authority, the Act will provide for its accounting and banking administration and for its manner of investing as well as for the auditing of those arrangements and investments.

The *Public Authorities (Financial Arrangements) Act 1987* makes provision with respect to certain financial arrangements (including investments) of public authorities. While SWMGOC is a public authority (that is, while it is specified in Schedule 2 to the *Public Finance and Audit Act 1983*) it has the powers to obtain financial accommodation, the powers of investment and other powers set out in that Act.

17 Financial year

- (1) Subject to subsection (2), the financial year of SWMGOC is the year commencing on 1 July.
- (2) A different financial year for SWMGOC may be determined by the Treasurer under section 4 (1A) of the *Public Finance and Audit Act 1983*.

18 Approval of budgets by Minister

- (1) SWMGOC is to submit a draft annual budget, and the current budget for the Games, to the Minister before the beginning of each of its financial years. The draft annual budget and the budget for the Games are to be submitted at the time and in the form directed by the Minister.
- (2) The Minister is to approve or disapprove the draft budget of SWMGOC, and the current budget for the Games, having regard to expenditure necessary:
 - (a) to meet commitments given in the Bid Documents, and
 - (b) to satisfy the obligations imposed by the Host City Contract.
- (3) If the Minister disapproves the draft budget of SWMGOC or the current budget for the Games, then SWMGOC must resubmit a revised budget, having regard to any advice given by the Minister when disapproving the budget, until it is approved.

19 Management of budgets

The budget of SWMGOC and the budget for the Games are to be managed by the Chief Executive Officer in accordance with:

- (a) the commitments given in the Bid Documents, and
- (b) the obligations imposed under the Host City Contract, subject to any directions given by the Minister.

Clause 20 Sydney 2009 World Masters Games Organising Committee Bill 2005

Part 5 Financial matters

20 Reporting on budget

SWMGOC must report to the Minister on the budget of SWMGOC, and
the budget for the Games, in accordance with the Host City Contract.

1
2
3

Part 6	SWMG Advisory Committee	1
21	Constitution of SWMG Advisory Committee	2
	There is constituted by this Act the SWMG Advisory Committee.	3
22	Functions of Advisory Committee	4
(1)	The Advisory Committee has the functions conferred or imposed on it by or under this or any other Act.	5 6
(2)	The functions of the Advisory Committee are to advise the Chief Executive Officer and the Minister on:	7 8
(a)	the achievement of SWMGOC's objective to plan, organise and stage the Games, and	9 10
(b)	facilitating the conduct of the Games, and	11
(c)	co-ordinating the conduct of the Games.	12
23	Membership of Advisory Committee	13
(1)	The Advisory Committee is to consist of:	14
(a)	no more than 7 members appointed by the Minister, and	15
(b)	the Chief Executive Officer.	16
(2)	In appointing members of the Advisory Committee, the Minister is to have regard to the skill and expertise of potential members in the areas of sport, sports administration, commerce, tourism, event management, finance or the law.	17 18 19 20
24	Other provisions relating to the Advisory Committee	21
	Schedule 1 has effect with respect to the members and the procedure of the Advisory Committee.	22 23
25	Subcommittees	24
(1)	The Advisory Committee may form subcommittees to provide advice and assistance to the Advisory Committee in carrying out its functions relating to the planning, organisation and staging of the Games.	25 26 27
(2)	The function of each subcommittee is to advise and assist the Advisory Committee on any matter relating to the Committee's functions that the Advisory Committee considers appropriate or that the Advisory Committee refers to the subcommittee for advice or assistance.	28 29 30 31
(3)	A subcommittee is to consist of persons with relevant expertise in the area in respect of which the subcommittee is established.	32 33

Clause 25 Sydney 2009 World Masters Games Organising Committee Bill 2005

Part 6 SWMG Advisory Committee

- (4) It does not matter that any or all of the members of a subcommittee are not members of the Advisory Committee. 1
2
- (5) The Advisory Committee may make provision for or with respect to the constitution or procedure of any subcommittee of the Advisory Committee. 3
4
5

Part 7 Dissolution of SWMGOC

Note. This Part commences on 30 June 2010.

26 Dissolution of SWMGOC

SWMGOC is dissolved.

27 Definitions

In this Part:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

instrument means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

rights means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

28 Transfer of staff

(1) The group of staff attached to SWMGOC who, immediately before 30 June 2010, were employed under Chapter 2 of the *Public Sector Employment and Management Act 2002* are removed from SWMGOC and added to the Department of Tourism, Sport and Recreation.

(2) The removal of any such group of staff from SWMGOC, and its addition to the department concerned, is taken to have been done under section 104 of the *Public Sector Employment and Management Act 2002* and nothing in this section affects the power conferred by that Act to remove the group of staff from a department and add it to another department.

(3) In this section, **department** has the same meaning as in the *Public Sector Employment and Management Act 2002*.

Note. This section applies only to persons employed under section 16 (1) and not to those employed under section 16 (2) or (3) or those taken, under section 16 (4), to be members of staff of SWMGOC.

29 Transfer of assets, rights and liabilities

(1) The assets, rights and liabilities of SWMGOC are transferred to the State.

(2)	Any right or entitlement of SWMGOC existing immediately before 30 June 2010 is not extinguished by the dissolution of SWMGOC and may, despite the other provisions of this section, be enforced by the Treasurer on behalf of the State.	1 2 3 4
(3)	Any claim relating to the provision or conduct of the Games that a person might have had against SWMGOC but for its dissolution may, despite the other provisions of this section, be brought against the Treasurer as representative of the State.	5 6 7 8
30	Effect of transfer under section 29	9
(1)	On the transfer of assets, rights and liabilities under section 29 to the State, the following provisions have effect in relation to those assets, rights and liabilities:	10 11 12
(a)	SWMGOC's assets vest in the State by virtue of section 29 and without the need for any conveyance, transfer, assignment or assurance,	13 14 15
(b)	SWMGOC's rights and liabilities become, by virtue of section 29, the rights and liabilities of the State,	16 17
(c)	all proceedings commenced before the transfer by or against SWMGOC and pending immediately before the transfer are taken to be proceedings pending by or against the State,	18 19 20
(d)	any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of SWMGOC is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the State.	21 22 23 24 25
(2)	The operation of a provision of section 29 or this section is not to be regarded:	26 27
(a)	as a breach of contract or confidence or otherwise as a civil wrong, or	28 29
(b)	as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	30 31 32
(c)	as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.	33 34 35 36
(3)	The operation of a provision of section 29 or this section is not to be regarded as an event of default under any contract or other instrument.	37 38
(4)	No attornment to the State by a lessee from SWMGOC is required.	39

31	Payment of duty	1
	Duty under the <i>Duties Act 1997</i> is not chargeable in respect of:	2
	(a) a transfer of assets, rights or liabilities by operation of section 29,	3
	or	4
	(b) anything certified by the Treasurer as having been done in	5
	consequence of such a transfer (for example, the transfer or	6
	registration of an interest in land).	7
32	Construction of references to SWMGOC	8
	A reference in any other Act, in any instrument made under any Act or	9
	in any document of any kind to SWMGOC is taken to be a reference to	10
	the State.	11
33	Annual report of SWMGOC for year ending 30 June 2010	12
	The annual report of SWMGOC for the year ending 30 June 2010 is to	13
	be included in the annual report for that year of the Department of	14
	Tourism, Sport and Recreation.	15
34	Amendment of Acts as consequence of dissolution	16
	Each Act specified in Schedule 3 is amended as specified in that	17
	Schedule.	18

Part 8	Miscellaneous	1
35	Seal of SWMGOC	2
	The seal of SWMGOC is to be kept by the Chief Executive Officer and may be affixed to a document only:	3 4
	(a) in the presence of the Chief Executive Officer or a member of the staff of SWMGOC authorised in that behalf by the Chief Executive Officer, and	5 6 7
	(b) with an attestation by the signature of the Chief Executive Officer or that member of staff of the fact of the affixing of the seal.	8 9
36	Disclosure and misuse of information	10
(1)	A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:	11 12 13
	(a) with the consent of the person from whom the information was obtained, or	14 15
	(b) in connection with the administration or execution of this Act, or	16
	(c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or	17 18
	(d) in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> or the <i>Freedom of Information Act 1989</i> , or	19 20
	(e) with other lawful excuse.	21
(2)	A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.	22 23 24 25 26 27
	Maximum penalty: 50 penalty units.	28
(3)	In this section:	29
	de facto partner , in relation to a person, means a person with whom the person has a de facto relationship (within the meaning of the <i>Property (Relationships) Act 1984</i>).	30 31 32
	relative , in relation to a person, means any of the following:	33
	(a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or the person's spouse or de facto partner,	34 35 36
	(b) the spouse or de facto partner of a person referred to in paragraph (a).	37 38

37	Personal liability	1
	A matter or thing done or omitted to be done by:	2
	(a) the Chief Executive Officer, or	3
	(b) a member of staff of SWMGOC, or	4
	(c) a member of the Advisory Committee, or	5
	(d) a member of a subcommittee of the Advisory Committee, or	6
	(e) any other person acting under the direction of the Chief Executive Officer, the Advisory Committee or a subcommittee of the Advisory Committee,	7
		8
		9
	does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this Act, subject the Chief Executive Officer, the member or a person so acting personally to any action, liability, claim or demand.	10
		11
		12
		13
38	Recovery of money	14
	Any charge, fee or money due or payable to SWMGOC may be recovered as a debt in a court of competent jurisdiction.	15
		16
39	Act to bind Crown	17
	This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	18
		19
		20
40	Service of documents	21
	(1) A document that is authorised or required by this Act or the regulations to be served on any person may be served by:	22
		23
	(a) in the case of a natural person:	24
	(i) delivering it to the person personally, or	25
	(ii) sending it by post to the address specified by the person for the giving or service of documents or, if no such address is specified, the residential or business address of the person last known to the person giving or serving the document,	26
		27
		28
		29
	or	30
	(iii) sending it by facsimile transmission to the facsimile number of the person, or	31
		32

(b)	in the case of a body corporate:	1
(i)	leaving it with a person apparently of or above the age of 16 years at, or by sending it by post to, the head office, a registered office or a principal office of the body corporate or to an address specified by the body corporate for the giving or service of documents, or	2 3 4 5 6
(ii)	sending it by facsimile transmission to the facsimile number of the body corporate.	7 8
(2)	Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person in any other manner.	9 10 11
41	Regulations	12
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	13 14 15 16
(2)	In particular, regulations may be made for or with respect to the functions of SWMGOC and any member of staff of SWMGOC.	17 18
(3)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.	19 20
(4)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	21 22
(5)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	23 24 25
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	26 27 28
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	29 30 31
42	Amendment of Acts	32
	Each Act specified in Schedule 2 is amended as set out in that Schedule.	33
43	Repeal of Act	34
	This Act is repealed at the end of 31 December 2010.	35

Schedule 1	Constitution and procedure of Advisory Committee	1
		2
	(Section 24)	3
Part 1	General	4
1	Definitions	5
	In this Schedule:	6
	<i>appointed member</i> means a person who is appointed by the Minister as a member of the Advisory Committee.	7
		8
	<i>Chairperson</i> means the Chairperson of the Advisory Committee.	9
	<i>Committee</i> means the Advisory Committee.	10
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the Advisory Committee.	11
		12
	<i>member</i> means any member of the Advisory Committee.	13
Part 2	Constitution	14
2	Terms of office of members	15
	Subject to this Schedule and the regulations, an appointed member holds office for such period as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	16
		17
		18
		19
3	Part-time appointments	20
	Appointed members hold office as part-time members.	21
4	Remuneration	22
	An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.	23
		24
		25
5	Vacancy in office of member	26
(1)	The office of an appointed member becomes vacant if the member:	27
(a)	dies, or	28
(b)	completes a term of office and is not re-appointed, or	29
(c)	resigns the office by instrument in writing addressed to the Minister, or	30
		31
(d)	is removed from office by the Minister under this clause, or	32

(e)	is absent from 3 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or	1 2 3 4 5
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	6 7 8 9
(g)	becomes a mentally incapacitated person, or	10
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	11 12 13 14 15
(2)	The Minister may remove an appointed member from office at any time.	16
6	Filling of vacancy in office of appointed member	17
	If the office of any appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	18 19 20
7	Chairperson and Deputy Chairperson	21
(1)	The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if he or she:	22 23
(a)	is removed from that office by the Minister under this clause, or	24
(b)	resigns that office by instrument in writing addressed to the Minister, or	25 26
(c)	ceases to be a member of the Committee.	27
(2)	The Minister may at any time remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.	28 29
8	Disclosure of pecuniary interests	30
(1)	If:	31
(a)	a member has a direct or indirect pecuniary interest or other interest in a matter being considered or about to be considered at a meeting of the Committee, and	32 33 34
(b)	the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,	35 36 37

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.	1 2 3
(2) A disclosure by a member at a meeting of the Committee that the member:	4 5
(a) is a member, or is in the employment, of a specified company or other body, or	6 7
(b) is a partner, or is in the employment, of a specified person, or	8
(c) has some other specified interest relating to a specified company or other body or to a specified person,	9 10
is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).	11 12 13 14
(3) Subclause (1) does not apply to an interest that the member has as:	15
(a) a member or office bearer of IMGGA, or	16
(b) a member of any local authority, or	17
(c) an office bearer of any statutory body, or	18
(d) a member of the Public Service or an employee of a statutory body.	19 20
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Committee otherwise determines:	21 22 23
(a) be present during any deliberation of the Committee with respect to the matter, or	24 25
(b) take part in any decision of the Committee with respect to the matter.	26 27
(5) For the purposes of the making of a determination by the Committee under subclause (4), a member who has a direct or indirect pecuniary interest or other interest in a matter to which the disclosure relates must not:	28 29 30 31
(a) be present during any deliberation of the Committee for the purpose of making the determination, or	32 33
(b) take part in the making by the Committee of the determination.	34
(6) A contravention of this clause does not invalidate any decision of the Committee.	35 36

(7)	This clause applies to a member of a subcommittee of the Committee and the subcommittee in the same way as it applies to a member of the Committee and the Committee.	1 2 3
9	Effect of certain other Acts	4
(1)	Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of an appointed member.	5 6 7
(2)	If by or under any Act provision is made:	8
(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	9 10
(b)	prohibiting the person from engaging in employment outside the duties of that office,	11 12
	the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as a member.	13 14 15 16
Part 3	Procedure	17
10	General procedure	18
	The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Committee.	19 20 21
11	Quorum	22
	The quorum for a meeting of the Committee is a majority of its members for the time being.	23 24
12	Presiding member	25
(1)	The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a person elected by the members of the Committee who are present at a meeting of the Committee) is to preside at a meeting of the Committee.	26 27 28 29 30
(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	31 32

13	Voting	1
	A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.	2 3 4
14	Transaction of business outside meetings or by telephone	5
(1)	The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee.	6 7 8 9
(2)	The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	10 11 12 13 14
(3)	For the purposes of:	15
	(a) the approval of a resolution under subclause (1), or	16
	(b) a meeting held in accordance with subclause (2),	17
	the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee.	18 19
(4)	A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Committee.	20 21
(5)	Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	22 23 24
15	Minutes	25
(1)	The Committee must keep minutes of proceedings at its meetings.	26
(2)	The Committee must furnish to the Chief Executive Officer a copy of the minutes of each meeting within 14 days after the meeting was held.	27 28
16	First meeting	29
	The Minister may call the first meeting of the Committee in such manner as the Minister thinks fit.	30 31

Schedule 2	Amendment of Acts	1
	(Section 42)	2
2.1	Freedom of Information Act 1989 No 5	3
	Schedule 1 Exempt documents	4
	Insert after clause 22:	5
22A	Documents containing information confidential to International Masters Games Association	6
	A document is an exempt document if it has been prepared by or received by the Sydney 2009 World Masters Games Organising Committee and contains matter that is confidential to the International Masters Games Association.	7
		8
		9
		10
		11
2.2	Public Finance and Audit Act 1983 No 152	12
	Schedule 2 Statutory bodies	13
	Insert in alphabetical order:	14
	Sydney 2009 World Masters Games Organising Committee	15
2.3	Public Sector Employment and Management Act 2002 No 43	16
	Schedule 1 Departments	17
	Insert in alphabetical order of Departments, in columns 1 and 2, respectively:	18
	Sydney 2009 World Masters Games Organising Committee	Chief Executive Officer of the Committee

Schedule 3	Amendment of Acts as consequence of dissolution	1
		2
	(Section 34)	3
Note.	This Schedule commences on 30 June 2010.	4
3.1	Public Finance and Audit Act 1983 No 152	5
	Schedule 2 Statutory bodies	6
	Omit “Sydney 2009 World Masters Games Organising Committee”.	7
3.2	Public Sector Employment and Management Act 2002 No 43	8
	Schedule 1 Departments	9
	Omit the matter relating to Sydney 2009 World Masters Games Organising Committee.	10
		11