

Sydney Organising Committee for the Olympic Games Act 1993 No 67

[1993-67]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Corporations \(Consequential Amendments\) Bill 2001](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Sydney Organising Committee for the Olympic Games Act 1993 No 67



New South Wales

An Act to constitute the Sydney Organising Committee for the Olympic Games in connection with the Olympic Games to be held in Sydney in the year 2000.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Sydney Organising Committee for the Olympic Games Act 1993*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

(1) In this Act:

Australian Olympic Committee means Australian Olympic Committee Incorporated.

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.

Committee (see "SOCOG").

Director-General means the Director-General of the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

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.

exercise of a function includes performance of a duty.

function includes a power or duty.

Games budgets means the budgets for the Organising Committee for the Olympic Games prepared for and summarised in the Bid Books.

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.

Olympic Charter means the Olympic Charter as in force at 23 September 1993.

Olympic Games or **Games** means the Games of the XXVII Olympiad in Sydney in the year 2000.

power includes an authority.

SOCOG means the Sydney Organising Committee for the Olympic Games constituted by this Act.

the State means the State of New South Wales, and includes the Crown in right of New South Wales and the Government of New South Wales.

(2) (Repealed)

Part 2 Constitution of SOCOG

4 Constitution

- (1) There is constituted by this Act a corporation with the corporate name of the Sydney Organising Committee for the Olympic Games.
- (2) SOCOG:
 - (a) has perpetual succession, and
 - (b) is to have a seal, and
 - (c) may sue and be sued in its corporate name.

5 Status

- (1) SOCOG:
 - (a) is not and does not represent the State except by express agreement with the Minister, and
 - (b) cannot render the State liable for any debts, liabilities or obligations of SOCOG, unless otherwise expressly provided by this or any other Act or law or by the Host City Contract, the Endorsement Contract or the Bid Books.
- (2) SOCOG is exempt from any rate, tax, duty or other impost imposed by or under any

law of the State.

6 Legal capacity

- (1) SOCOG has, both within and outside New South Wales, the same legal capacity and powers as a company under the *Corporations Law*, and accordingly has the legal capacity and powers of a natural person.
- (2) Subsection (1) has effect subject to this Act.

7 Exercise of powers

The powers of SOCOG are not to be exercised except for the purposes of its functions under Part 3.

Part 3 Functions of SOCOG

8 General functions

- (1) SOCOG has the functions conferred or imposed on it by or under this or any other Act.
- (2) The functions of SOCOG are not to be exercised except for the purpose of its primary objective referred to in section 9 or unless they are specifically authorised by or under this Act.

9 Primary objective

- (1) 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.
- (2) In carrying out its primary objective and exercising its functions, SOCOG is:
 - (a) to act in a financially sound and responsible manner, and
 - (b) to have regard to the limits of the financial resources available to it and the State for the purposes of the Games, and
 - (c) to use its best endeavours to avoid the creation of debts and liabilities (including debts and liabilities that are or are likely to become the responsibility of the State) that will extend or are likely to extend beyond the time by which SOCOG must be wound up, and
 - (d) to use its best endeavours to ensure that preference is given to the use of Australian goods, services and materials.

10 Specific functions

- (1) The functions of SOCOG include:

- (a) becoming a party to the Host City Contract, and
- (b) performing its obligations under the Host City Contract and the Endorsement Contract, including obligations that are jointly and severally imposed on SOCOG, the City of Sydney (or the Council of the City) and the Australian Olympic Committee under those contracts.

(2) The functions of SOCOG include (in relation to the Games):

- (a) organising accommodation and transport for:
 - competitors
 - team officials and personnel
 - media personnel,
- (b) organising the sports program, including preparing and operating all venues and facilities for the Games,
- (c) organising the cultural program,
- (d) establishing a marketing program in consultation with the International Olympic Committee and the Australian Olympic Committee,
- (e) arranging and making available host broadcaster and television and radio facilities and other information services.

(2A) Without limiting other provisions relating to its functions, SOCOG has and always has had power to enter into agreements for or in connection with the exercise of its functions, including but not limited to agreements, whether on an exclusive basis or otherwise, for the granting of sponsorship or licence rights or rights relating to the manufacture, distribution, marketing or sale of goods or services associated with the Games.

In this subsection, **agreement** includes a contract, arrangement or understanding.

- (3) The functions of SOCOG include any function authorised by the Governor, on the recommendation of the Minister, to be exercised by SOCOG if:
- (a) the Minister is satisfied that the function is connected with the primary objective of SOCOG, and
 - (b) the President of the Australian Olympic Committee has consented in writing.

Such a function may include entering into a particular transaction or agreement or executing a particular instrument.

(4) This section does not limit the functions of SOCOG.

11 Matters to be taken into account by SOCOG

In exercising its functions, SOCOG must take into account, to the fullest extent practicable, the following:

- (a) the Olympic Charter,
- (b) the Host City Contract,
- (c) any instructions given to SOCOG by the Executive Board of the International Olympic Committee as contemplated by the Host City Contract,
- (d) all representations, warranties and covenants contained in the Bid Books, and all other commitments made by the Australian Olympic Committee, the Council of the City of Sydney or Sydney Olympics 2000 Bid Limited to the International Olympic Committee at or before the International Olympic Committee's 101st Session in Monte Carlo, unless agreed otherwise in writing by the Executive Board of the International Olympic Committee,
- (e) the Endorsement Contract,
- (f) any matters prescribed by the regulations, but not inconsistent with the foregoing paragraphs.

Part 4 Management

12 Management of SOCOG's affairs

- (1) The affairs of SOCOG are to be managed and controlled by the Director-General.
- (2) Any act, matter or thing done in the name of, or on behalf of, SOCOG by the Director-General is taken to have been done by SOCOG.

13-35 (Repealed)

Part 5

36-45 (Repealed)

Part 6 Financial matters

46 Bank, building society and credit union accounts

SOCOG may establish accounts with banks, building societies and credit unions and may deposit in those accounts any money received by it.

47 Expenditure

- (1) Money of SOCOG must not be expended or committed except with the approval of the Director-General.

- (2) However, any expenditure or commitment of money of SOCOG that exceeds the relevant allocation in, or is not included in, the Games budgets (as supplemented or amended by the most recent applicable budget or budget amendments approved under this section by the former Board of Directors of SOCOG or the Director-General) must first be approved by the Minister.
- (3) The Director-General must not approve any budget or any amendments to any budget without the prior approval of the Minister.
- (4) (Repealed)
- (5) The Minister must not withhold approval to any component of a budget or budget amendment relating to the expenditure of SOCOG to the extent that:
 - (a) the expenditure is necessary to meet a commitment contained in the Host City Contract or the Endorsement Contract, and
 - (b) the expenditure is wholly consistent with the Games budgets or the most recent applicable budget or budget amendment approved by the former Board of Directors of SOCOG or the Director-General in accordance with subsection (3).
- (6) No proposed budget or budget amendment that requires but has not yet received the approval of the Minister under subsection (3) can be published or made available to the public.
- (7) The Minister's approval under this section may be given only with the concurrence of the Treasurer.

48 Power to borrow

- (1) SOCOG may borrow money, but may only do so with the prior approval of the Minister and in accordance with the *Public Authorities (Financial Arrangements) Act 1987*. Approval may be given generally, or for specific cases or classes of cases.
- (2) The Minister must not withhold approval so as to prevent SOCOG from borrowing up to the levels of borrowing contemplated in the Games budgets, subject to subsection (3).
- (3) The Minister's approval under this section may be given only with the concurrence of the Treasurer.

49 Power to invest

- (1) Subject to section 27 of the *Public Authorities (Financial Arrangements) Act 1987*, SOCOG may invest money.
- (2) The power of SOCOG to invest money, whether under this section or the *Public Authorities (Financial Arrangements) Act 1987* or otherwise, may be exercised only

with the approval of the Minister. Approval may be given generally, or for specific cases or classes of cases.

(3) The Minister's approval under this section may be given only with the concurrence of the Treasurer.

50 Dividends not payable to Consolidated Fund

Section 59B of the *Public Finance and Audit Act 1983* does not apply to SOCOG.

50A Distribution of profits

SOCOG must distribute all of its profits (if any) only to the Treasurer on behalf of the State for payment into the Consolidated Fund.

51 Cost of audit

Towards defraying the costs and expenses of any audit under the *Public Finance and Audit Act 1983*, SOCOG is required to pay to the Auditor-General such amounts, at such times, as the Treasurer decides.

Part 7 Winding up of SOCOG

52 Commencement of Part 7

This Part commences on:

- (a) a day to be appointed by proclamation, or
- (b) 31 March 2002,

whichever is the earlier.

Editorial note—

No proclamation was made as at the date of this update.

53 Definitions—Part 7

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).

OCA means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

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

54 Dissolution of SOCOG

SOCOG is dissolved.

55 Transfer of SOCOG's assets, rights and liabilities

- (1) The assets, rights and liabilities of SOCOG are transferred to OCA.
- (2) On the transfer, the following provisions have effect:
 - (a) SOCOG's assets vest in OCA by virtue of this section and without the need for any conveyance, transfer, assignment or assurance,
 - (b) SOCOG's rights and liabilities become by virtue of this section the rights and liabilities of OCA,
 - (c) all proceedings commenced before the transfer by or against SOCOG and pending immediately before the transfer are taken to be proceedings pending by or against OCA,
 - (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 SOCOG 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 OCA.
- (3) The operation of this section is not to be regarded:
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (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.
- (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.
- (5) No attornment to OCA by a lessee from SOCOG is required.

55A Payment of duty

Duty under the *Duties Act 1997* is not chargeable in respect of:

- (a) a transfer of assets, rights or liabilities by operation of section 55, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or registration of an interest in land).

55B Construction of references to SOCOG

A reference in any other Act, in any instrument made under any Act or in any document of any kind to SOCOG is taken to be a reference to OCA.

Part 8 Miscellaneous

56 Act binds Crown

This Act binds the Crown.

57 Providing information to the Minister

The Director-General must provide the Minister with such information relating to the affairs of SOCOG as the Minister requests for the purposes of the administration of this Act.

58, 59 (Repealed)

60 Personal liability

A matter or thing done or omitted to be done by SOCOG, the Director-General, or any person acting under the direction of SOCOG or the Director-General does not, if the matter or thing was done or omitted in good faith for the purpose of executing this or any other Act, subject the Director-General or person so acting to any action, liability or demand.

61 Seal

- (1) The seal of SOCOG is to be kept by the Director-General, or by a person authorised in that behalf by the Director-General, and may be affixed to a document only:
 - (a) in the presence of the Director-General or that person, and
 - (b) with an attestation by the signature of the Director-General or that person of the fact of the affixing of the seal.
- (2) (Repealed)
- (3) Judicial notice is to be taken of the seal of SOCOG.
- (4) In any legal proceedings, the seal of SOCOG, when affixed to a document, is, until the contrary is proved, to be presumed to have been duly affixed to the document.

62 Ombudsman Act 1974

SOCOG is a public authority for the purposes of the *Ombudsman Act 1974*.

63 (Repealed)

64 Independent Commission Against Corruption Act 1988

SOCOG is a public authority for the purposes of the *Independent Commission Against Corruption Act 1988*.

65-68 (Repealed)

69 Regulations

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.

70 Authorisations for section 51 of Trade Practices Act 1974 (Cth) and Competition Code

(1) The following:

- (a) the agreements referred to in Schedule 1, and
- (b) any agreements entered into after the commencement of this section by SOCOG (under section 10 (2A) or otherwise) relating to or in connection with the Games including but not limited to the granting by SOCOG of sponsorship or licence rights or rights relating to the manufacture, distribution, marketing or sale of goods or services associated with the Games, and
- (c) the conduct of the parties in entering into any such agreements, and
- (d) the conduct of the parties in performing any such agreements and any matter or thing done or omitted to be done by any of the parties in performing any such agreements,

are specifically authorised by this Act for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*.

(2) In this section:

agreement includes a contract, arrangement or understanding.

Schedule 1 Agreements

(Section 70)

Letter Agreement dated 2 April 1996 between SOCOG and The Coca-Cola Company.

Agreement dated 2 April 1996 between SOCOG and The Coca-Cola Company.

Memorandum of Understanding dated 15 November 1995 between SOCOG and Telstra Corporation Limited.

Agreement dated 13 July 1995 between the International Olympic Committee, the Atlanta Committee for the Olympic Games, Inc., SOCOG, Seven Network Limited and Seven Television Australia Limited.

Agreement dated 13 July 1995 between Atlanta Committee for the Olympic Games, Inc., SOCOG and Seven Network Limited.

Agreement dated as of 4 August 1995 between the International Olympic Committee, SOCOG and National Broadcasting Company, Inc.

Agreement dated as of 4 June 1996 between SOCOG and VISA International Service Association.

Deed dated 10 March 1994 between SOCOG, Sydney Olympics 2000 Bid Limited, Australian Hotels Association (NSW) and Motor Inn Motel and Accommodation Association.

Agreement made in June 1996 between SOCOG and Westpac Banking Corporation.

Agreement made in June 1996 between SOCOG and The Broken Hill Proprietary Company.