

Passed by both Houses



New South Wales

# Sydney 2000 Games Administration Bill 2000

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2000*



New South Wales

## **Sydney 2000 Games Administration Bill 2000**

Act No , 2000

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An Act to wind-up certain Olympic agencies; consequentially to repeal and to amend several statutory instruments; and for other purposes.

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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Clause 1 Sydney 2000 Games Administration Bill 2000

Part 1 Preliminary

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**The Legislature of New South Wales enacts:**

## **Part 1 Preliminary**

### **1 Name of Act**

This Act is the *Sydney 2000 Games Administration Act 2000*.

### **2 Commencement**

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) Part 2, Part 3, Schedule 1 and Schedule 2.2 commence on 1 January 2001.
- (3) Part 4 and Schedule 2.1 commence on a day to be proclaimed.

### **3 Definitions**

In this Act:

**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*.

**ORTA** means the Olympic Roads and Transport Authority constituted by the *Olympic Roads and Transport Authority Act 1998*.

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

**SOCOG** means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising Committee for the Olympic Games Act 1993*.

***SPOC*** means the Sydney Paralympic Organising Committee, a company, incorporated under the *Corporations Law*, limited by guarantee.

Clause 4 Sydney 2000 Games Administration Bill 2000

Part 2 Sydney Organising Committee for the Olympic Games

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## **Part 2 Sydney Organising Committee for the Olympic Games**

### **4 Amendment of Sydney Organising Committee for the Olympic Games Act 1993 No 67**

The *Sydney Organising Committee for the Olympic Games Act 1993* is amended as set out in Schedule 1.

### **5 Termination of office of certain persons**

- (1) A person who held office as a member of the Board of Directors of SOCOG immediately before the commencement of this Part ceases to hold that office on that commencement.
- (2) The person who held office as the Chief Executive Officer of SOCOG immediately before the commencement of this Part ceases to hold that office on that commencement.
- (3) A person who ceases to hold office because of this section is not entitled to any remuneration or compensation because of the loss of that office, except as provided by subsection (4).
- (4) The person who held office as the Chief Executive Officer of SOCOG immediately before the commencement of this Part is entitled:
  - (a) to continue to be remunerated after the commencement of this Part, subject to and in accordance with the terms and conditions of the contract of employment in force immediately before the commencement of this Part, and
  - (b) to accept appointment or secondment to an office or position determined by the Minister and to occupy the office or position, until the expiration of that contract or its sooner termination in accordance with law.
- (5) A person who held office as a member of the Board of Directors of SOCOG before the commencement of this Part is entitled to be indemnified by the State in respect of any civil liability incurred by the person in his or her capacity as such a member.

Sydney 2000 Games Administration Bill 2000

Clause 6

Sydney Organising Committee for the Olympic Games

Part 2

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## **6 Construction of certain references**

On the commencement of this Part, a reference in any other Act, in any instrument made under any Act or in any document of any kind to:

- (a) the Board of Directors of SOCOG, or
- (b) the Chief Executive Officer of SOCOG,

is taken to be a reference to the Director-General of OCA.

## **Part 3 Sydney Paralympic Organising Committee**

### **7 Dissolution of SPOC**

SPOC is dissolved.

### **8 Transfer of contracted employees**

- (1) A person whose services were, immediately before the commencement of this Part, engaged under a contract with SPOC becomes, on that commencement, a person whose services are engaged under a contract with OCA on the same terms and subject to the same conditions as those that applied immediately before that commencement, subject to this section.
- (2) Subsection (1) does not apply to a person who has elected by notice in writing given to the Director-General of OCA at any time on or before the commencement of this Part not to become contracted to OCA.
- (3) Nothing in this section prevents the variation, suspension or termination, at any time after the commencement of this Part, in accordance with law of a contract to which this section applies.

### **9 Transfer of SPOC's assets, rights and liabilities**

- (1) The assets, rights and liabilities of SPOC are transferred to OCA.
- (2) On the transfer, the following provisions have effect:
  - (a) SPOC's assets vest in OCA by virtue of this section and without the need for any conveyance, transfer, assignment or assurance,
  - (b) SPOC'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 SPOC 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 SPOC 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.



**10 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 9, 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).

**11 Construction of references to SPOC**

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

## **Part 4 Olympic Roads and Transport Authority**

### **12 Dissolution of ORTA**

ORTA is dissolved.

### **13 Termination of office of Board members**

- (1) A person who held office as a member of the Board of ORTA immediately before the commencement of this Part ceases to hold that office on that commencement.
- (2) A person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.

### **14 Chief Executive Officer**

- (1) The person who held office as the Chief Executive Officer of ORTA immediately before the commencement of this Part ceases to hold that office on that commencement.
- (2) The person who so ceases to hold office is not entitled to any remuneration or compensation because of the loss of that office.

### **15 Effect of certain orders**

An order under section 23 of the *Olympic Roads and Transport Authority Act 1998* in force immediately before the commencement of this Part ceases to have effect on that commencement.

### **16 Transfer of ORTA staff**

- (1) This section applies to a person employed under section 18 of the *Olympic Roads and Transport Authority Act 1998* immediately before the commencement of this Part.
- (2) The Governor may, on the recommendation of the Minister for Transport, by order published in the Gazette, transfer a person to whom this section applies to a position in the Public Service.
- (3) A person who is the subject of an order under this section is to be regarded for all purposes as having become an officer of the Public Service, in accordance with the terms of the order, on the commencement of this Part.

- (4) This section has effect despite anything in the *Public Sector Management Act 1988* and a person transferred under this section is to be regarded as having been transferred in accordance with any relevant provision of that Act.
- (5) A person who is the subject of an order under this section is taken to be a person who ceases to be employed in a public sector service and immediately commences service in another public sector service within the meaning of Schedule 5A to the *Public Sector Management Act 1988* and that Schedule applies to the person accordingly.

#### **17 Transfer of ORTA's assets, rights and liabilities**

- (1) The assets, rights and liabilities of ORTA are transferred to OCA, subject to section 18.
- (2) On the transfer, the following provisions have effect:
  - (a) ORTA's assets vest in OCA by virtue of this section and without the need for any conveyance, transfer, assignment or assurance,
  - (b) ORTA'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 ORTA 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 ORTA 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.

#### **18 Major events planning**

- (1) If, before the commencement of this Part:
  - (a) the Director-General of OCA has determined that an asset, right or liability of ORTA that relates to the planning of future major events is not to be transferred to OCA under section 17, and

- (b) the Minister for Transport has, by order published in the Gazette, directed that the asset, right or liability is to be transferred to a person determined by that Minister,  
the asset, right or liability is, on the commencement of this Part, transferred to the person so determined.
- (2) Section 17 applies to the transfer of an asset, right or liability under this section in the same way as it applies to the transfer of an asset, right or liability under section 17, but so applies as if a reference in section 17 to OCA were a reference to the relevant person determined by the Minister for Transport.

#### **19 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 17 or 18, or
- (b) anything certified by:
- (i) in the case of a transfer under section 17—the Minister, or
  - (ii) in the case of a transfer under section 18—the Minister for Transport,

as having been done in consequence of such a transfer (for example, the transfer or registration of an interest in land).

#### **20 Construction of certain references**

A reference in any other Act, in any instrument made under any Act or in any document of any kind to:

- (a) ORTA, or
- (b) the Board of ORTA, or
- (c) the Chief Executive Officer of ORTA,

is taken to be a reference, in the case of a transfer under section 17, to OCA and, in the case of a transfer under section 18, to the relevant person determined by the Minister for Transport.

#### **21 Repeal of Olympic Roads and Transport Authority Act 1998 No 110**

The *Olympic Roads and Transport Authority Act 1998* is repealed.

## Part 5 Olympic Environmental Legacy Archive

### 22 Creation of archive

- (1) As soon as practicable after the commencement of this Part, the Olympic Co-ordination Authority must deposit with the Library Council of New South Wales copies of all of the following documents that are in its possession, or that are under its control, and that relate to an Olympic venue or facility specified in subsection (2):
  - (a) any call for proposals,
  - (b) any tenders by any proponents or short-listed consortia that were accepted or, if not accepted, the deposit of which (in whole or in part) are consented to by the proponents or short-listed consortia,
  - (c) any agreement or contract negotiated and entered into concerning finance, design, construction, ownership, management or operation in respect of tenders that were accepted or, if not accepted, the deposit of which (in whole or in part) is consented to by the proponents or short-listed consortia.
- (2) The Olympic venues or facilities are as follows:
  - (a) the Olympic Stadium,
  - (b) the Olympic Village,
  - (c) the SuperDome,
  - (d) the Equestrian Centre at Horsley Park,
  - (e) the Tennis Centre at Homebush Bay,
  - (f) the Velodrome at Bankstown,
  - (g) the Sydney International Regatta Centre at Penrith,
  - (h) the Novotel Hotel at Homebush Bay,
  - (i) Infrastructure Packages 1, 2 and 3,
  - (j) temporary facilities or overlay,
  - (k) street furniture.

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Part 5                Olympic Environmental Legacy Archive

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- (3) The Olympic Co-ordination Authority may also deposit with the Library Council of New South Wales any other documents that are in its possession, or that are under its control, and that relate to the provision of Olympic venues or facilities or to the preparations for, or conduct of, the Sydney Olympic Games.

**23 Custody of archive**

The Library Council of New South Wales is to maintain the documents deposited under section 22 as an archive in the State Library of New South Wales, under the name of “The Olympic Environmental Legacy Archive.”

## **Part 6 Miscellaneous**

### **24 Effect of Act**

- (1) The operation of a provision of this Act 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.
- (2) The operation of a provision of this Act is not to be regarded as an event of default under any contract or other instrument.
- (3) No attornment to a person to whom a lease is transferred by this Act by a lessee of a transferee is required.

### **25 Amendment of other Acts and instruments**

An Act or instrument specified in Schedule 2 is amended as set out in that Schedule.

### **26 Regulations**

- (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.
- (2) In particular, the regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (3) A provision of a savings or transitional nature consequent on the enactment of this Act may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (4) 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:

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Part 6                Miscellaneous

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- (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
- (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.



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## **Schedule 1    Amendment of Sydney Organising Committee for the Olympic Games Act 1993**

(Section 4)

### **[1]    Section 3 Definitions**

Omit the definitions of *appointed director*, *Board*, *Chief Executive Officer*, *director*, *ex officio director*, *Secretary* and *Shadow Minister* from section 3 (1).

### **[2]    Section 3 (1)**

Insert in appropriate order:

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

### **[3]    Section 3 (2)**

Omit the subsection.

### **[4]    Part 4**

Omit the Part. Insert instead:

## **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.

**[5] Part 5 Commissions and sub-committees**

Omit the Part.

**[6] Section 47 Expenditure**

Omit “Board” from subsections (1) and (3) wherever occurring.  
Insert instead “Director-General”.

**[7] Section 47 (2)**

Omit “by the Board under this section”.  
Insert instead “under this section by the former Board of Directors of SOCOG or the Director-General”.

**[8] Section 47 (5) (b)**

Omit “the Board”.  
Insert instead “the former Board of Directors of SOCOG or the Director-General”.

**[9] Part 7**

Omit the Part. Insert instead:

**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.

**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

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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.

**[10] Section 57 Providing information to the Minister**

Omit "Board". Insert instead "Director-General".

**[11] Sections 58 and 59**

Omit the sections.

**[12] Section 60**

Omit the section. Insert instead:

**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.

**[13] Section 61 Seal**

Omit subsections (1) and (2). Insert instead:

- (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.

**[14] Section 63 Public Sector Management Act 1988**

Omit the section.

**[15] Section 65 Effect of certain other Acts**

Omit the section.

## **Schedule 2    Amendment of Acts and instruments**

(Section 25)

### **2.1    Public Sector Management Act 1988 No 33**

**[1]    Schedule 3 Declared authorities**

Omit “Olympic Roads and Transport Authority”.

**[2]    Schedule 3A Chief executive positions**

Omit “Chief Executive Officer of the Olympic Roads and Transport Authority” from Part 3 of Schedule 3A.

### **2.2    Competition Policy Reform (New South Wales) Regulation 1996**

**[1]    Clause 3 Definitions**

Omit the definition of *SPOC* from clause 3 (1).

**[2]    Clause 6 Authorisations—SOCOG**

Omit “either SOCOG or SPOC” wherever occurring.  
Insert instead “SOCOG”.