



New South Wales

Institute of Sport Amendment Bill 2003

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Institute of Sport Act 1995* in relation to the chief executive officer and staff of the Institute.

Outline of provisions

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.

Clause 3 is a formal provision that gives effect to the amendments to the *Institute of Sport Act 1995* (*the Principal Act*) set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] replaces section 17 of the Principal Act to substitute the position of chief executive officer for the position of Director of the Institute. The chief executive officer is to be responsible for the day-to-day management of the Institute, subject to the policies and decisions of the Board of the Institute and the direction of the Minister. **Schedule 1 [1], [5] and [7]** make consequential amendments.

Schedule 1 [3] replaces section 18 of the Principal Act to make further provision in relation to the employment of staff of the Institute. The amendments make it clear that staff of the Institute are not subject to the provisions of the *Public Sector Employment and Management Act 2002* relating to the Public Service. The Institute is given power to employ its own staff. The Institute retains its powers to make use of staff or facilities of Government agencies and to engage consultants.

Schedule 1 [4] repeals the provision of the Principal Act constituting the Sporting Development Advisory Committee.

Schedule 1 [6] replaces section 27 of the Principal Act to clarify the extent of the exclusion from personal liability for matters or things done or omitted to be done for the purpose of executing the Principal Act.

First print



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Institute of Sport Act 1995 No 52	2
Schedule 1 Amendments	3



New South Wales

Institute of Sport Amendment Bill 2003

No. , 2003

A Bill for

An Act to amend the *Institute of Sport Act 1995* in relation to the staff of the New South Wales Institute of Sport and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Institute of Sport Amendment Act 2003</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Institute of Sport Act 1995 No 52	7
The <i>Institute of Sport Act 1995</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Omit the definition of *Director*.

[2] Section 17

Omit the section. Insert instead:

17 Chief executive officer

- (1) The Board may, in consultation with the Minister, appoint a chief executive officer of the Institute. Chapter 2 of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the chief executive officer.
- (2) The chief executive officer is a member of staff of the Institute.
- (3) The chief executive officer is responsible for the day-to-day management of the Institute subject to and in accordance with the policies and other decisions of the Board and subject to any direction of the Minister.
- (4) Any act, matter or thing done in the name of, or on behalf of, the Institute by the chief executive officer is taken to have been done by the Institute.

[3] Section 18

Omit the section. Insert instead:

18 Staff of Institute

- (1) The Institute may employ such staff as may be necessary to enable the Institute to exercise its functions. Chapter 2 of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of any such staff.
- (2) The regulations may make provision for or with respect to the employment of the staff of the Institute, including the conditions of employment and the discipline of any such staff.

(3)	The Institute may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of a Government agency. For the purposes of this Act, a person whose services are made use of under this section is a member of staff of the Institute.	1 2 3 4 5
(4)	The Institute may engage consultants for the purposes of getting expert advice.	6 7
[4]	Section 19 Sporting Development Advisory Committee	8
	Omit the section.	9
[5]	Section 24 Payments from Fund	10
	Omit “Director”. Insert instead “chief executive officer”.	11
[6]	Section 27	12
	Omit the section. Insert instead:	13
27	Personal liability of members of the Board and certain other persons	14 15
	A matter or thing done or omitted to be done by:	16
	(a) the Institute, or	17
	(b) a member of staff of the Institute, or	18
	(c) the Board or a committee of the Board, or	19
	(d) a member of the Board, a member of a committee of the Board or any person acting under the direction of the Board or of a committee of the Board,	20 21 22
	does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Act, subject the member or a person so acting personally to any action, liability, claim or demand.	23 24 25 26

[7] Section 29 Custody and use of seal	1
Omit “Director” wherever occurring.	2
Insert instead “chief executive officer”.	3