

First print



New South Wales

Olympic Co-ordination Authority Dissolution Bill 2002

Explanatory note

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

The *Sporting Venues Management Bill 2002* is cognate with this Bill.

Overview of Bill

The object of this Bill is to dissolve the Olympic Co-ordination Authority (*OCA*) and enact provisions consequent on its dissolution. The Bill repeals the *Olympic Co-ordination Authority Act 1995* and the *Sydney Organising Committee for the Olympic Games Act 1993* and makes consequential amendments to other Acts and instruments.

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 1 July 2002.

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

Clause 4 dissolves OCA.

Clause 5 provides for the transfer of the remaining staff of OCA.

Clause 6 transfers the assets, rights and liabilities of OCA. Those relating to:

- (a) the Sydney International Regatta Centre and Whitewater Stadium at Penrith Lakes are transferred to the corporation known as “Minister administering the *Environmental Planning and Assessment Act 1979*”,
- (b) the Olympic Media Village site at Lidcombe, intellectual property arising from the Olympic Games and the Paralympic Games and the records of certain Olympic entities are transferred to the Sydney Olympic Park Authority,
- (c) the Dunc Gray Velodrome at Bankstown, the Sydney International Equestrian Centre at Horsley Park, the Ryde Aquatic Leisure Centre and the Blacktown Olympic Centre are transferred to the corporation known as “Minister administering the *Sporting Venues Management Act 2002*”,
- (d) certain insurance arrangements, obligations and entitlements in respect of certain debtors, matters relating to the Olympic Roads and Transport Authority, and certain obligations and entitlements of the Sydney Organising Committee for the Olympic Games are transferred to the Treasurer.

The residue are transferred to the Sydney Olympic Park Authority.

Clause 6 does not affect the transfer of the Sydney International Shooting Centre at Cecil Park. The transfer of that facility is dealt with in the proposed *Sporting Venues Management Act 2002*.

Clause 6 also provides for the making of claims by and against the Treasurer in respect of certain Olympic Games-related matters.

Clause 7 sets out the effect of a transfer under clause 6.

Clause 8 absolves a transferee from liability under the *Duties Act 1997* for duty that would otherwise be chargeable on the transfer.

Clause 9 provides that references in instruments to OCA, in relation to an asset, right or liability transferred under the proposed Act, are taken to be references to the relevant transferee.

Clause 10 provides that the annual report of OCA for the year ending 30 June 2002 is to be included in the annual report for that year of the Premier's Department.

Clause 11 contains savings and transitional arrangements relating to the Olympic Village site and other land at Newington.

Clause 12 repeals the *Olympic Co-ordination Authority Act 1995*.

Clause 13 repeals the *Sydney Organising Committee for the Olympic Games Act 1993*.

Clause 14 is a formal provision giving effect to the Schedule of amendments to various Acts and instruments.

Clause 15 enables the making of regulations for the purposes of the proposed Act, including regulations of a savings or transitional nature.

Schedule 1 makes consequential amendments to a number of Acts and regulations, mainly for the purpose of removing references to OCA. In relation to the amendment to the *Sydney 2000 Games Administration Act 2000*, at present, Part 5 of that Act requires OCA to deposit copies of certain documents with the Library Council of New South Wales, and requires the Library Council to maintain the copy documents as an archive in the State Library of New South Wales under the name of "The Olympic Environmental Legacy Archive". Item [2] of the proposed amendments provides that the copy documents are to be deposited with the State Records Authority rather than the Library Council. Item [3] of the proposed amendments requires the State Records Authority to maintain the archive (under its current name) as a discrete part of the State archives. It also invokes the provisions of the *State Records Act 1998* in respect of the copy documents constituting the archive. Item [1] of the proposed amendments inserts a definition of *State Records Authority* in Part 5 for the purposes of that Part.



New South Wales

Olympic Co-ordination Authority Dissolution Bill 2002

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New South Wales

Olympic Co-ordination Authority Dissolution Bill 2002

No. , 2002

A Bill for

An Act to wind-up the Olympic Co-ordination Authority; to repeal the *Sydney Organising Committee for the Olympic Games Act 1993* and the *Olympic Co-ordination Authority Act 1995*; consequentially to amend certain Acts and instruments; and for other purposes.

See also *Sporting Venues Management Bill 2002*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Olympic Co-ordination Authority Dissolution Act 2002</i> .	3
2 Commencement	4
This Act commences on 1 July 2002.	5
3 Definitions	6
In this Act:	7
<i>assets</i> 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.	8 9 10 11
<i>exercise</i> a function includes perform a duty.	12
<i>function</i> includes a power, authority or duty.	13
<i>instrument</i> 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.	14 15 16 17
<i>liabilities</i> means any liabilities, debts or obligations (whether present or future and whether vested or contingent).	18 19
<i>OCA</i> means the Olympic Co-ordination Authority constituted by the <i>Olympic Co-ordination Authority Act 1995</i> .	20 21
<i>Olympic Games</i> means the Games of the XXVII Olympiad held principally in Sydney in the year 2000.	22 23
<i>ORTA</i> means the Olympic Roads and Transport Authority constituted by the <i>Olympic Roads and Transport Authority Act 1998</i> .	24 25
<i>Paralympic Games</i> means the games for athletes with a disability held principally in Sydney in the year 2000.	26 27
<i>rights</i> means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).	28 29
<i>SOCOG</i> means the Sydney Organising Committee for the Olympic Games constituted under the <i>Sydney Organising Committee for the Olympic Games Act 1993</i> .	30 31 32

<i>SOPA</i> means the Sydney Olympic Park Authority constituted by the <i>Sydney Olympic Park Authority Act 2001</i> .	1 2
4 Dissolution of OCA	3
OCA is dissolved.	4
5 Transfer of staff	5
(1) The group of staff attached to OCA who, immediately before 1 July 2002, were employed under Part 2 of the <i>Public Sector Management Act 1988</i> to carry out duties at or in relation to the Sydney International Regatta Centre at Penrith Lakes are removed from OCA and added to the Department of Planning.	6 7 8 9 10
(2) The group of staff attached to OCA who, immediately before 1 July 2002, were employed under Part 2 of the <i>Public Sector Management Act 1988</i> to carry out duties other than those referred to in subsection (1) are removed from OCA and added to the Premier's Department.	11 12 13 14 15
(3) The removal of any such group of staff from OCA, and its addition to the department concerned, is taken to have been done under section 55A of the <i>Public Sector Management Act 1988</i> 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.	16 17 18 19 20
(4) In this section, <i>department</i> has the same meaning as in the <i>Public Sector Management Act 1988</i> .	21 22
6 Transfer of assets, rights and liabilities	23
(1) The assets, rights and liabilities of OCA relating to the Sydney International Regatta Centre and Whitewater Stadium at Penrith Lakes, comprising:	24 25 26
(a) buildings, furniture, plant and equipment at the Centre and Stadium, and	27 28
(b) contracts for the operation of the Centre and Stadium, are transferred to the corporation sole with the corporate name "Minister administering the <i>Environmental Planning and Assessment Act 1979</i> ".	29 30 31 32

-
- (2) The assets, rights and liabilities of OCA comprising: 1
- (a) the remainder of the land at the Olympic Media Village site at Lidcombe, and 2
3
 - (b) the net proceeds of the contract for the sale of land at that site, 4
and 5
 - (c) all intellectual property arising from the Olympic Games or the Paralympic Games, and 6
7
 - (d) the records of OCA, SOCOG and ORTA (subject to Part 5 of the *Sydney 2000 Games Administration Act 2000*, as amended by this Act), 8
9
10
- are transferred to SOPA. 11
- (3) The assets, rights and liabilities of OCA relating to: 12
- (a) the Dunc Gray Velodrome at Bankstown, and 13
 - (b) the Sydney International Equestrian Centre at Horsley Park, and 14
 - (c) the Ryde Aquatic Leisure Centre, and 15
 - (d) the Blacktown Olympic Centre, 16
- are transferred to the corporation sole with the corporate name 17
“Minister administering the *Sporting Venues Management Act 2002*” 18
constituted under section 4 of the *Sporting Venues Management 19
Act 2002*. 20
- (4) The assets, rights and liabilities of OCA comprising: 21
- (a) obligations and entitlements under insurance policies and 22
arrangements made before 31 October 2001 between SOCOG 23
and AMP within the meaning of the *Australian Mutual 24
Provident Society (Demutualisation and Reconstruction) 25
Act 1997*, and 26
 - (b) obligations and entitlements in respect of debtors specified in 27
a certificate of debtors issued before 1 July 2002 by the 28
Director-General of OCA for the purposes of this provision, 29
and 30
 - (c) obligations and entitlements originally incurred by or accruing 31
to ORTA and not finally disposed of or recovered before 1 July 32
2001, and 33

-
- (d) any other obligations and entitlements of SOCOG existing immediately before 31 October 2001 and not finally disposed of or recovered before 1 July 2002, are transferred to the Treasurer.
- (5) The assets, rights and liabilities of OCA not transferred by the other provisions of this section (and not comprising Lot 1 DP 875790, the site of the Sydney International Shooting Centre at Cecil Park) are transferred to SOPA.
- (6) Any right or entitlement of OCA existing immediately before 1 July 2002 (including any right or entitlement of SOCOG existing immediately before 31 October 2001 that was transferred to OCA by section 55 of the *Sydney Organising Committee for the Olympic Games Act 1993*) is not extinguished by the dissolution of OCA (or SOCOG) and may, despite the other provisions of this section, be enforced by the Treasurer.
- (7) Any claim relating to the provision or conduct of the Olympic Games that a person might have had against OCA but for its dissolution may, despite the other provisions of this section, be brought against the Treasurer.
- 7 Effect of transfer under sec 6**
- (1) On the transfer of assets, rights and liabilities under section 6 to a transferee, the following provisions have effect in relation to the assets, rights and liabilities transferred to the transferee:
- (a) OCA's assets vest in the transferee by virtue of section 6 and without the need for any conveyance, transfer, assignment or assurance,
- (b) OCA's rights and liabilities become, by virtue of section 6, the rights and liabilities of the transferee,
- (c) all proceedings commenced before the transfer by or against OCA and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,
- (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 OCA 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 transferee.

(2) The operation of a provision of section 6 or this section is not to be regarded:	1
(a) as a breach of contract or confidence or otherwise as a civil wrong, or	2
(b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	3
(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
(3) The operation of a provision of section 6 or this section is not to be regarded as an event of default under any contract or other instrument.	5
(4) No attornment to a transferee by a lessee from OCA is required.	6
8 Payment of duty	7
Duty under the <i>Duties Act 1997</i> is not chargeable in respect of:	8
(a) a transfer of assets, rights or liabilities by operation of section 6, or	9
(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).	10
9 Construction of references to OCA	11
A reference in any other Act, in any instrument made under any Act or in any document of any kind to OCA is taken to be a reference to:	12
(a) the corporation sole with the corporate name “Minister administering the <i>Environmental Planning and Assessment Act 1979</i> ” in relation to an asset, right or liability transferred to that corporation by section 6, or	13
(b) SOPA in relation to an asset, right or liability transferred to SOPA by section 6, or	14
(c) the corporation sole with the corporate name “Minister administering the <i>Sporting Venues Management Act 2002</i> ” in relation to an asset, right or liability transferred to that corporation by section 6, or	15

(d)	the Treasurer in relation to an asset, right or liability transferred to the Treasurer by section 6.	1 2
10	Annual report of OCA for year ending 30 June 2002	3
	The annual report of OCA for the year ending 30 June 2002 is to be included in the annual report for that year of the Premier's Department.	4 5
11	Newington	6
(1)	This section applies in respect of land within the Sydney Olympic Park Development Area within the meaning of the <i>Sydney Olympic Park Authority Act 2001</i> forming part of the Newington site.	7 8 9
(2)	Anything done or omitted to be done before 1 July 2002 by OCA in respect of the land to which this section applies that would have been valid but for the amendments made to the <i>Olympic Co-ordination Authority Act 1995</i> by the <i>Sydney Olympic Park Authority Act 2001</i> is validated.	10 11 12 13 14
(3)	OCA is taken to have complied with section 24 of the <i>Olympic Co-ordination Authority Act 1995</i> in the exercise or purported exercise of its functions under that section in respect of the land to which this section applies.	15 16 17 18
(4)	Anything commenced to be done by OCA, but not completed, before 1 July 2002 in respect of the land to which this section applies may be completed by SOPA which, to the necessary extent, is authorised to exercise such functions as may be necessary or convenient for that purpose.	19 20 21 22 23
(5)	A provision of an Act as in force immediately before the amendment or repeal of the provision by the <i>Environmental Planning and Assessment Amendment Act 1997</i> continues to apply to and in respect of SOPA, and anything done or proposed to be done by or on behalf of SOPA, as if the provision had not been amended or repealed, subject to the regulations.	24 25 26 27 28 29
12	Repeal of Olympic Co-ordination Authority Act 1995 No 10	30
	The <i>Olympic Co-ordination Authority Act 1995</i> is repealed.	31

13	Repeal of Sydney Organising Committee for the Olympic Games Act 1993 No 67	1
		2
	The <i>Sydney Organising Committee for the Olympic Games Act 1993</i>	3
	is repealed.	4
14	Amendment of Acts and instruments	5
	Each Act or instrument specified in Schedule 1 is amended as set out	6
	in that Schedule.	7
15	Regulations	8
(1)	The Governor may make regulations, not inconsistent with this Act, for	9
	or with respect to any matter that by this Act is required or permitted	10
	to be prescribed or that is necessary or convenient to be prescribed for	11
	carrying out or giving effect to this Act.	12
(2)	In particular, the regulations may contain provisions of a savings or	13
	transitional nature consequent on the enactment of this Act.	14
(3)	A provision of a savings or transitional nature consequent on the	15
	enactment of this Act may, if the regulations so provide, take effect	16
	from the date of assent to this Act or a later date.	17
(4)	To the extent to which any such provision takes effect from a date that	18
	is earlier than the date of its publication in the Gazette, the provision	19
	does not operate so as:	20
(a)	to affect, in a manner prejudicial to any person (other than the	21
	State or an authority of the State), the rights of that person	22
	existing before the date of its publication, or	23
(b)	to impose liabilities on any person (other than the State or an	24
	authority of the State) in respect of anything done or omitted to	25
	be done before the date of its publication.	26

Schedule 1	Amendment of Acts and instruments	1
	(Section 14)	2
1.1	Environmental Planning and Assessment Act 1979 No 203	3
[1]	Section 123 Restraint etc of breaches of this Act	4
	Omit section 123 (4).	5
[2]	Schedule 6 Savings, transitional and other provisions	6
	Omit clause 20.	7
1.2	Environmental Planning and Assessment (Savings and Transitional) Regulation 1998	8
	Clause 74 Olympic Co-ordination Authority	10
	Omit the clause.	11
1.3	Fisheries Management Act 1994 No 38	12
	Section 282 Restraint of breaches of Act	13
	Omit section 282 (4).	14
1.4	National Parks and Wildlife Act 1974 No 80	15
	Section 176A Restraint etc of breaches of Act	16
	Omit section 176A (4).	17

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Schedule 1 Amendment of Acts and instruments

1.5	Protection of the Environment Operations (Penalty Notices) Regulation 1999	1 2
[1]	Clause 6 Authorised officers: section 226	3
	Omit “or the Olympic Co-ordination Authority” from clause 6 (5) (k).	4
[2]	Clause 6 (6) (c)	5
	Omit the paragraph.	6
1.6	Public Authorities (Financial Arrangements) Regulation 2000	7
[1]	Clause 51 Additional investment powers of Olympic Co-ordination Authority	8 9
	Omit the clause.	10
[2]	Schedule 1 Authorities having Part 2 investment powers	11
	Omit “Olympic Co-ordination Authority”.	12
1.7	Public Finance and Audit Act 1983 No 152	13
	Schedule 2 Statutory bodies	14
	Omit “Olympic Co-ordination Authority”.	15
1.8	Public Sector Management Act 1988 No 33	16
[1]	Schedule 1 Departments	17
	Omit the matter relating to the Olympic Co-ordination Authority and the Director-General of the Authority.	18 19

[2] Schedule 3B Senior executive positions	1
Omit the matter relating to the Olympic Co-ordination Authority from Part 1.	2 3
1.9 State Sports Centre Trust Regulation 2000	4
Note appearing immediately after the heading to Part 2	5
Omit the note.	6
1.10 Superannuation Act 1916 No 28	7
Schedule 26	8
Omit “Olympic Co-ordination Authority” from Part 1.	9
1.11 Sydney 2000 Games Administration Act 2000 No 81	10
[1] Section 21A	11
Insert before section 22:	12
21A Definition	13
In this Part, <i>State Records Authority</i> means the body corporate constituted by the <i>State Records Act 1998</i> .	14 15
[2] Section 22 Creation of archive	16
Omit “Library Council of New South Wales” wherever occurring.	17
Insert instead “State Records Authority”.	18

[3] Section 23	1
Omit the section. Insert instead:	2
23 Maintenance of archive	3
(1) The State Records Authority is to maintain the documents deposited under section 22 as a discrete part of the State archives, under the name of “The Olympic Environmental Legacy Archive”.	4 5 6 7
(2) The <i>State Records Act 1998</i> applies to and in respect of the documents deposited under section 22 as if those documents were State records no longer in use for official purposes within the meaning of that Act.	8 9 10 11
1.12 Threatened Species Conservation Act 1995 No 101	12
Section 147 Restraint of breaches of Act	13
Omit section 147 (4).	14
1.13 Water (Part 2—General) Regulation 1997	15
Clause 27 Public authorities	16
Omit “Olympic Co-ordination Authority”.	17
1.14 Water (Part 5—Bore Licences) Regulation 1995	18
Clause 8 Prescribed public authorities: sec. 116A	19
Omit “Olympic Co-ordination Authority”.	20