

Passed by both Houses



New South Wales

Olympic Co-ordination Authority Dissolution Bill 2002

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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, , 2002*



New South Wales

Olympic Co-ordination Authority Dissolution Bill 2002

Act No , 2002

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*.

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.

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Olympic Co-ordination Authority Dissolution Act 2002*.

2 Commencement

This Act commences on 1 July 2002.

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.

exercise a function includes perform a duty.

function includes a power, authority or duty.

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*.

Olympic Games means the Games of the XXVII Olympiad held principally in Sydney in the year 2000.

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

Paralympic Games means the games for athletes with a disability held principally in Sydney in the year 2000.

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 under the *Sydney Organising Committee for the Olympic Games Act 1993*.

SOPA means the Sydney Olympic Park Authority constituted by the *Sydney Olympic Park Authority Act 2001*.

4 Dissolution of OCA

OCA is dissolved.

5 Transfer of staff

- (1) The group of staff attached to OCA who, immediately before 1 July 2002, were employed under Part 2 of the *Public Sector Management Act 1988* 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.
- (2) The group of staff attached to OCA who, immediately before 1 July 2002, were employed under Part 2 of the *Public Sector Management Act 1988* to carry out duties other than those referred to in subsection (1) are removed from OCA and added to the Premier's Department.
- (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 *Public Sector Management Act 1988* 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.
- (4) In this section, *department* has the same meaning as in the *Public Sector Management Act 1988*.

6 Transfer of assets, rights and liabilities

- (1) The assets, rights and liabilities of OCA relating to the Sydney International Regatta Centre and Whitewater Stadium at Penrith Lakes, comprising:
 - (a) buildings, furniture, plant and equipment at the Centre and Stadium, and
 - (b) contracts for the operation of the Centre and Stadium,are transferred to the corporation sole with the corporate name "Minister administering the *Environmental Planning and Assessment Act 1979*".

- (2) The assets, rights and liabilities of OCA comprising:
- (a) the remainder of the land at the Olympic Media Village site at Lidcombe, and
 - (b) the net proceeds of the contract for the sale of land at that site, and
 - (c) all intellectual property arising from the Olympic Games or the Paralympic Games, and
 - (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),
- are transferred to SOPA.
- (3) The assets, rights and liabilities of OCA relating to:
- (a) the Dunc Gray Velodrome at Bankstown, and
 - (b) the Sydney International Equestrian Centre at Horsley Park, and
 - (c) the Ryde Aquatic Leisure Centre, and
 - (d) the Blacktown Olympic Centre,
- are transferred to the corporation sole with the corporate name “Minister administering the *Sporting Venues Management Act 2002*” constituted under section 4 of the *Sporting Venues Management Act 2002*.
- (4) The assets, rights and liabilities of OCA comprising:
- (a) obligations and entitlements under insurance policies and arrangements made before 31 October 2001 between SOCOG and AMP within the meaning of the *Australian Mutual Provident Society (Demutualisation and Reconstruction) Act 1997*, and
 - (b) obligations and entitlements in respect of debtors specified in a certificate of debtors issued before 1 July 2002 by the Director-General of OCA for the purposes of this provision, and
 - (c) obligations and entitlements originally incurred by or accruing to ORTA and not finally disposed of or recovered before 1 July 2001, and

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- (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:
- (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.
- (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.
- (4) No attornment to a transferee by a lessee from OCA is required.

8 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 6, 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).

9 Construction of references to OCA

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:

- (a) the corporation sole with the corporate name “Minister administering the *Environmental Planning and Assessment Act 1979*” in relation to an asset, right or liability transferred to that corporation by section 6, or
- (b) SOPA in relation to an asset, right or liability transferred to SOPA by section 6, or
- (c) the corporation sole with the corporate name “Minister administering the *Sporting Venues Management Act 2002*” in relation to an asset, right or liability transferred to that corporation by section 6, or

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- (d) the Treasurer in relation to an asset, right or liability transferred to the Treasurer by section 6.

10 Annual report of OCA for year ending 30 June 2002

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.

11 Newington

- (1) This section applies in respect of land within the Sydney Olympic Park Development Area within the meaning of the *Sydney Olympic Park Authority Act 2001* forming part of the Newington site.
- (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 *Olympic Co-ordination Authority Act 1995* by the *Sydney Olympic Park Authority Act 2001* is validated.
- (3) OCA is taken to have complied with section 24 of the *Olympic Co-ordination Authority Act 1995* in the exercise or purported exercise of its functions under that section in respect of the land to which this section applies.
- (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.
- (5) A provision of an Act as in force immediately before the amendment or repeal of the provision by the *Environmental Planning and Assessment Amendment Act 1997* 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.

12 Repeal of Olympic Co-ordination Authority Act 1995 No 10

The *Olympic Co-ordination Authority Act 1995* is repealed.

13 Repeal of Sydney Organising Committee for the Olympic Games Act 1993 No 67

The *Sydney Organising Committee for the Olympic Games Act 1993* is repealed.

14 Amendment of Acts and instruments

Each Act or instrument specified in Schedule 1 is amended as set out in that Schedule.

15 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:
 - (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.

Schedule 1 Amendment of Acts and instruments

(Section 14)

1.1 Environmental Planning and Assessment Act 1979 No 203

[1] Section 123 Restraint etc of breaches of this Act

Omit section 123 (4).

[2] Schedule 6 Savings, transitional and other provisions

Omit clause 20.

1.2 Environmental Planning and Assessment (Savings and Transitional) Regulation 1998

Clause 74 Olympic Co-ordination Authority

Omit the clause.

1.3 Fisheries Management Act 1994 No 38

Section 282 Restraint of breaches of Act

Omit section 282 (4).

1.4 National Parks and Wildlife Act 1974 No 80

Section 176A Restraint etc of breaches of Act

Omit section 176A (4).

1.5 Protection of the Environment Operations (Penalty Notices) Regulation 1999

[1] Clause 6 Authorised officers: section 226

Omit “or the Olympic Co-ordination Authority” from clause 6 (5) (k).

[2] Clause 6 (6) (c)

Omit the paragraph.

1.6 Public Authorities (Financial Arrangements) Regulation 2000

[1] Clause 51 Additional investment powers of Olympic Co-ordination Authority

Omit the clause.

[2] Schedule 1 Authorities having Part 2 investment powers

Omit “Olympic Co-ordination Authority”.

1.7 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Olympic Co-ordination Authority”.

1.8 Public Sector Management Act 1988 No 33

[1] Schedule 1 Departments

Omit the matter relating to the Olympic Co-ordination Authority and the Director-General of the Authority.

[2] Schedule 3B Senior executive positions

Omit the matter relating to the Olympic Co-ordination Authority from Part 1.

1.9 State Sports Centre Trust Regulation 2000

Note appearing immediately after the heading to Part 2

Omit the note.

1.10 Superannuation Act 1916 No 28

Schedule 26

Omit "Olympic Co-ordination Authority" from Part 1.

1.11 Sydney 2000 Games Administration Act 2000 No 81

[1] Section 21A

Insert before section 22:

21A Definition

In this Part, *State Records Authority* means the body corporate constituted by the *State Records Act 1998*.

[2] Section 22 Creation of archive

Omit “Library Council of New South Wales” wherever occurring.
Insert instead “State Records Authority”.

[3] Section 23

Omit the section. Insert instead:

23 Maintenance of archive

- (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”.
- (2) The *State Records Act 1998* 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.

1.12 Threatened Species Conservation Act 1995 No 101

Section 147 Restraint of breaches of Act

Omit section 147 (4).

1.13 Water (Part 2—General) Regulation 1997

Clause 27 Public authorities

Omit “Olympic Co-ordination Authority”.

1.14 Water (Part 5—Bore Licences) Regulation 1995

Clause 8 Prescribed public authorities: sec. 116A

Omit “Olympic Co-ordination Authority”.