

First print



New South Wales

Sydney Organising Committee for the Olympic Games Further Amendment Bill 1996

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 *Sydney Organising Committee for the Olympic Games Act 1993*:

- (a) to designate the Minister for the Olympics as the President of the Sydney Organising Committee for the Olympic Games (*SOCOG*), and
 - (b) to provide for the Shadow Minister for the Olympics to be an ex officio member of the Board of Directors of *SOCOG*.
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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 the date of assent, except for certain provisions, which will commence on 1 January 1997, providing for the deletion of the two positions of appointed directors "to represent the Minister" and the increase (by one) of the number of appointed directors appointed on the nomination of the Minister.

Clause 3 is a formal provision giving effect to the amendments to the *Sydney Organising Committee for the Olympic Games Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts a definition of *Shadow Minister* into the Principal Act. The Shadow Minister for the Olympics is to become an ex officio member of the Board of Directors of SOCOG.

Schedule 1 [2] is consequential on the omission of a provision by Schedule 1 [6].

Schedule 1 [3] and **[4]** are consequential on the insertion of a provision by Schedule 1 [5], by which the Shadow Minister becomes an ex officio member of the Board.

Schedule 1 [5] inserts a provision that will result in the Shadow Minister being an ex officio member of the Board.

Schedule 1 [6] omits the category of two directors who are appointed "to represent the Minister".

Schedule 1 [7] increases, by one, the number of directors appointed by the Governor on the recommendation of the Minister.

Schedule 1 [8] is consequential on the insertion of a provision by Schedule 1 [5], by which the Shadow Minister becomes an ex officio member of the Board.

Schedule 1 [9] restates the existing section 14 (3), so that an increase in IOC representation provides a corresponding increase in directors appointed by the Governor on the recommendation of the Minister.

Schedule 1 [10] makes it clear that the doctrine of incompatible offices does not operate to cause a vacancy in office following appointment to an ex officio position on the Board. The provision is being inserted for the abundance of caution, since the doctrine would not operate where legislation specifically provides for ex officio appointments.

Schedule 1 [11] provides that the Minister for the Olympics is to be the President of SOCOG.

Schedule 1 [12]–[20] are consequential amendments.

Schedule 1 [21] and **[22]** provide that the President and Shadow Minister (as well as the Chief Executive Officer) are not to receive remuneration as directors.

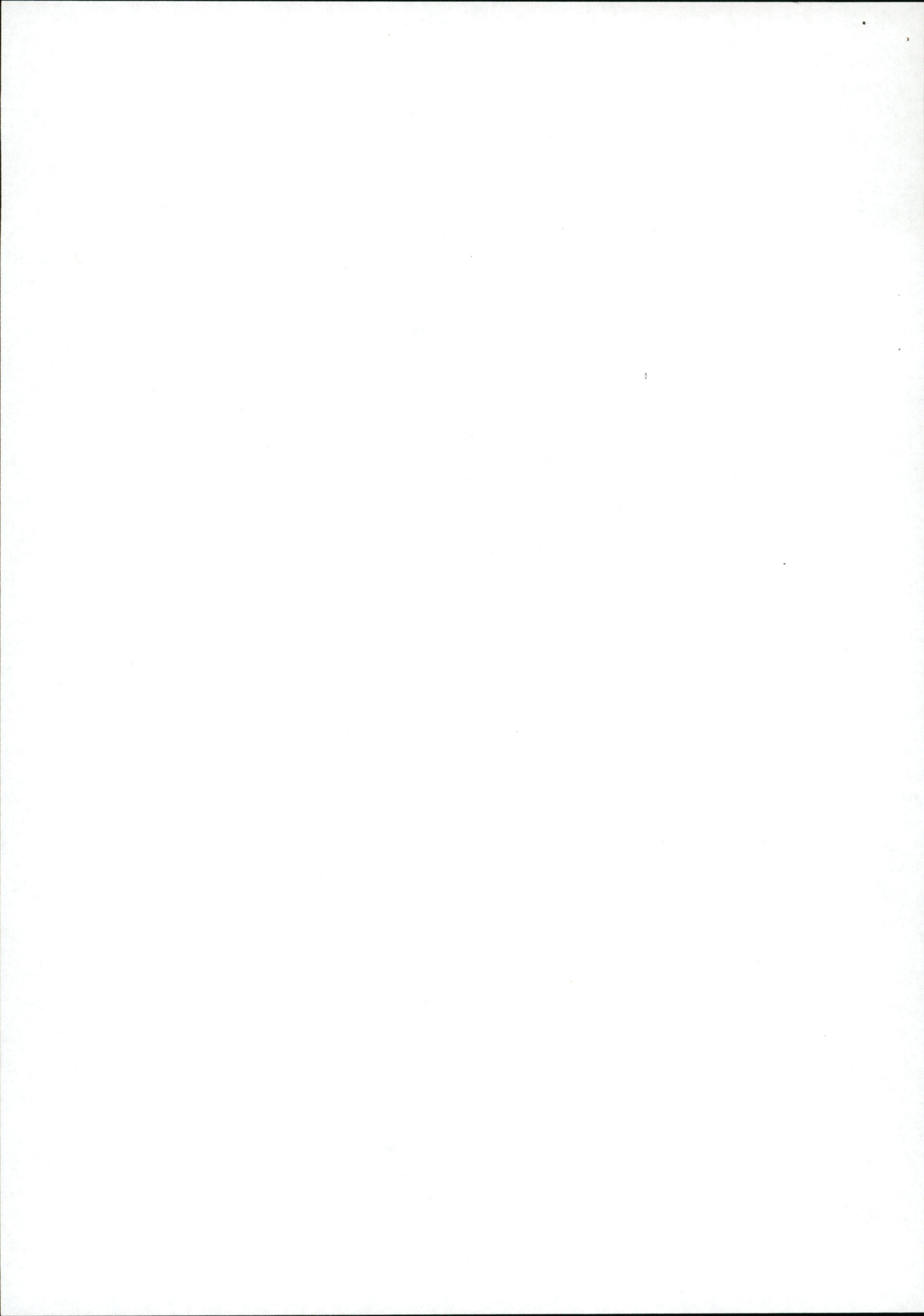
Schedule 1 [23] makes it clear that ex officio directors are eligible to be re-imbursed for expenses.

Schedule 1 [24] provides that the Board rather than the Minister may determine expenses or issue guidelines relating to expenses.

Schedule 1 [25] re-inforces the non-eligibility of the President and Shadow Minister for remuneration or fees as directors, except for re-imbursed expenses.

Schedule 1 [26] is a consequential amendment, and provides that the Governor's power to make acting appointments is limited to the office of appointed director.

Schedule 1 [27] and **[28]** provide that the provisions relating to disclosure of pecuniary interests do not apply to official interests of the President or Shadow Minister.



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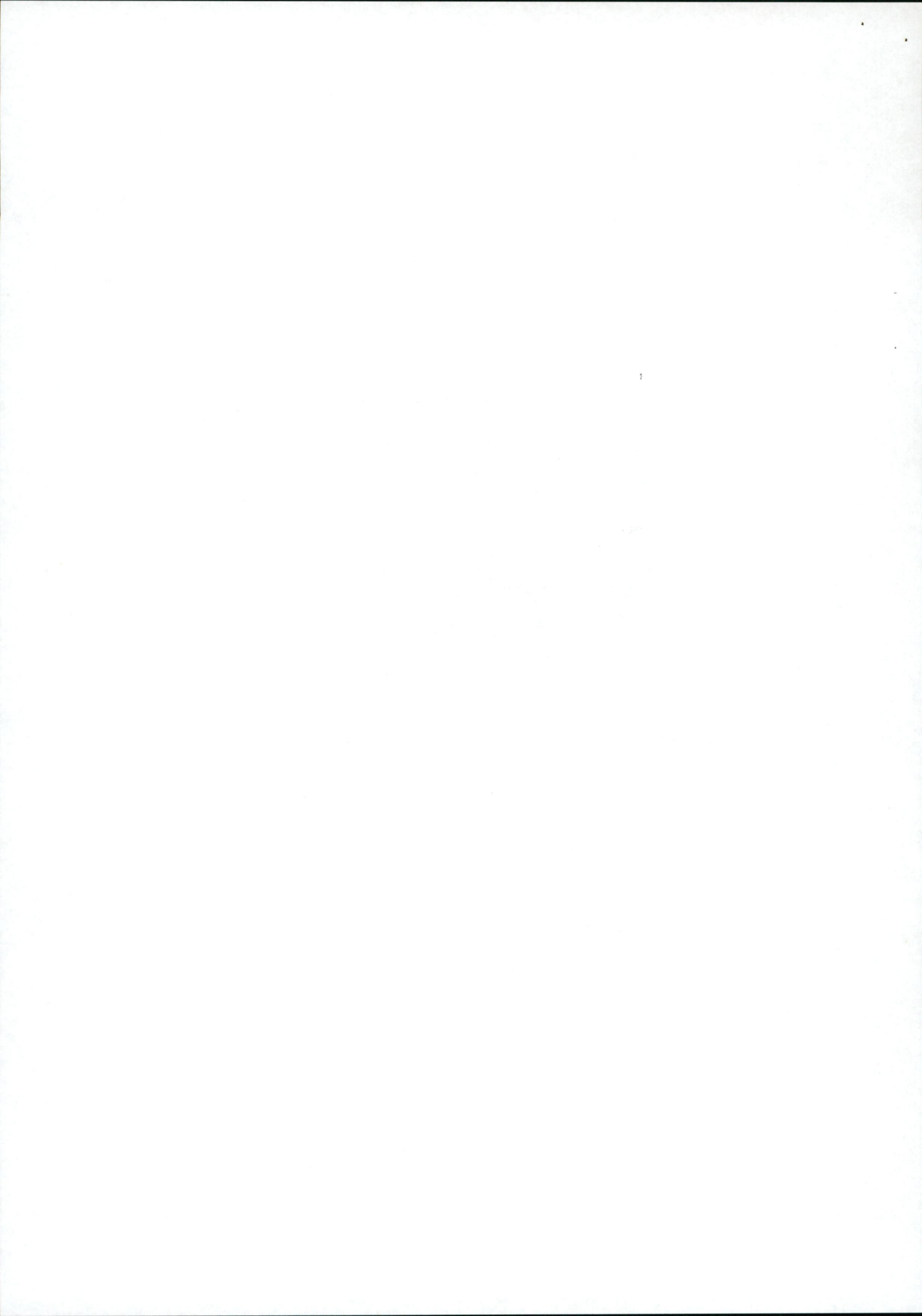


New South Wales

Sydney Organising Committee for the Olympic Games Further Amendment Bill 1996

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New South Wales

Sydney Organising Committee for the Olympic Games Further Amendment Bill 1996

No. , 1996

A Bill for

An Act to amend the *Sydney Organising Committee for the Olympic Games Act 1993* to make further provision with respect to the office of President of the Sydney Organising Committee for the Olympic Games and the directors of the Committee; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sydney Organising Committee for the Olympic Games Further Amendment Act 1996*.

2 Commencement

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- (1) This Act commences on the date of assent, except as provided by subsection (2).
- (2) Schedule 1 [2], [6], [7], [9] and [19] commence on 1 January 1997.

3 Amendment of Sydney Organising Committee for the Olympic Games Act 1993 No 67

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

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Shadow Minister means the Shadow Minister for the Olympics (being a member of either House of Parliament who is a member of the Opposition and who is identified for the time being by the Leader of the Opposition in the Legislative Assembly, by written notice to the Speaker, as the Shadow Minister for the Olympics). 5
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[2] Section 3 (1) definition of appointed director

Omit "(g)".

[3] Section 3 (1) definition of ex officio director

Omit "(f)". Insert instead "(f1)". 15

[4] Section 3 (2)

Omit "(f)". Insert instead "(f1)".

[5] Section 14 Composition of Board

Insert after section 14 (1) (f):

(f1) the Shadow Minister, 20

[6] Section 14 (1) (g)

Omit the paragraph.

- [7] Section 14 (1) (h)**
Omit "four persons". Insert instead "five persons".
- [8] Section 14 (2)**
Omit the subsection. Insert instead:
(2) The persons referred to in subsection (1) (a)–(f1) hold office as directors by virtue of their offices. For the purposes of this Act, the position of Shadow Minister is taken to be an office. 5
- [9] Section 14 (3)**
Omit the subsection. Insert instead: 10
(3) If the number of directors holding office under subsection (1) (b) exceeds two by any number, that number of additional directors can be appointed and hold office under subsection (1) (h).
- [10] Section 14 (4)** 15
Insert after section 14 (3):
(4) Nothing in any Act or rule of law prevents a director from holding office both as an ex officio director and as the holder of the office that qualifies the director as an ex officio director (including, where relevant, the office of a member of Parliament). 20
- [11] Section 15**
Omit the section. Insert instead:
15 President
The Minister for the Olympics is to be the President of SOCOG. 25
- [12] Section 18 Terms of office**
Omit "President of SOCOG," from section 18 (1).
Insert instead "an".

[13] Section 18 (2)

Omit "the first President of SOCOG and".

[14] Section 18 (3)

Omit "the President of SOCOG and".

[15] Section 19 Vacancies in office

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Omit "President of SOCOG, a director" from section 19 (1).
Insert instead "a director (other than the President of SOCOG or the Shadow Minister)".

[16] Section 19 (2)

Omit "President of SOCOG,".

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[17] Section 20 Termination of appointments

Omit "the President of SOCOG or" from section 20 (1).

[18] Section 21 Consultation

Omit section 21 (1) (a).

[19] Section 21 (1) (b)

15

Omit "(g),".

[20] Section 21 (1) (d)

Omit "the President of SOCOG or".

[21] Section 22 Remuneration

Insert "(other than the President of SOCOG, the Shadow Minister or the Chief Executive Officer)" after "A director" in section 22 (1).

[22] Section 22 (1)

Omit "(other than the Chief Executive Officer)".

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[23] Section 22 (4)

Insert "any of the ex officio directors or" after "including".

[24] Section 22 (4)

Omit "Minister". Insert instead "Board".

[25] Section 22 (5)

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Insert after section 22 (4):

- (5) Except as provided by subsection (4), the President of SOCOG and the Shadow Minister are not entitled to be paid any remuneration or fee in respect of holding office as a director.

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[26] Section 23 Acting appointments

Omit section 23 (1). Insert instead:

- (1) The Governor, on the recommendation of the Minister, may, from time to time, appoint a person to act in the office of an appointed director during the illness or absence of the director. The person, while so acting, has and may exercise all the functions of a director and is taken to be a director.

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[27] Section 26 Disclosure of interests

Insert after section 26 (1):

- (1A) Subsection (1) does not apply to a pecuniary interest that the President of SOCOG may have in his or her capacity as the Minister or as a member of Parliament or that the Shadow Minister may have in his or her capacity as a member of Parliament.

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[28] Section 45 Disclosure of interests

Insert after section 45 (1):

- (1A) Subsection (1) does not apply to a pecuniary interest that the President of SOCOG may have in his or her capacity as the Minister or as a member of Parliament or that the Shadow Minister may have in his or her capacity as a member of Parliament.

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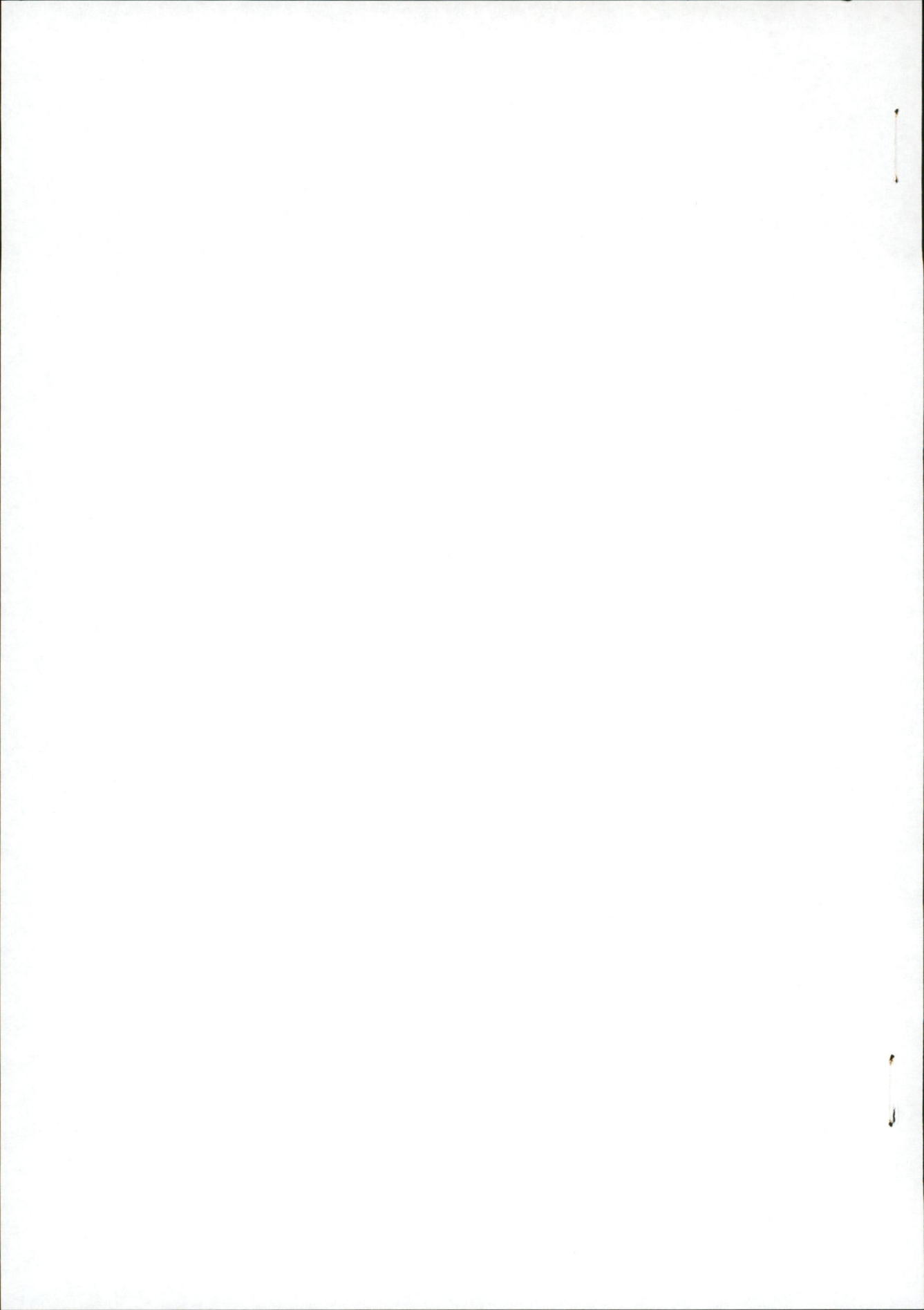


New South Wales

Sydney Organising Committee for the Olympic Games Further Amendment Act 1996 No 63

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New South Wales

Sydney Organising Committee for the Olympic Games Further Amendment Act 1996 No 63

Act No 63, 1996

An Act to amend the *Sydney Organising Committee for the Olympic Games Act 1993* to make further provision with respect to the office of President of the Sydney Organising Committee for the Olympic Games and the directors of the Committee; and for other purposes. [Assented to 19 September 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sydney Organising Committee for the Olympic Games Further Amendment Act 1996*.

2 Commencement

- (1) This Act commences on the date of assent, except as provided by subsection (2).
- (2) Schedule 1 [2], [6], [7], [9] and [19] commence on 1 January 1997.

3 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.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Shadow Minister means the Shadow Minister for the Olympics (being a member of either House of Parliament who is a member of the Opposition and who is identified for the time being by the Leader of the Opposition in the Legislative Assembly, by written notice to the Speaker, as the Shadow Minister for the Olympics).

[2] Section 3 (1) definition of appointed director

Omit "(g)".

[3] Section 3 (1) definition of ex officio director

Omit "(f)". Insert instead "(f1)".

[4] Section 3 (2)

Omit "(f)". Insert instead "(f1)".

[5] Section 14 Composition of Board

Insert after section 14 (1) (f):

(f1) the Shadow Minister,

[6] Section 14 (1) (g)

Omit the paragraph.

[7] Section 14 (1) (h)

Omit "four persons". Insert instead "five persons".

[8] Section 14 (2)

Omit the subsection. Insert instead:

- (2) The persons referred to in subsection (1) (a)–(f1) hold office as directors by virtue of their offices. For the purposes of this Act, the position of Shadow Minister is taken to be an office.

[9] Section 14 (3)

Omit the subsection. Insert instead:

- (3) If the number of directors holding office under subsection (1) (b) exceeds two by any number, that number of additional directors can be appointed and hold office under subsection (1) (h).

[10] Section 14 (4)

Insert after section 14 (3):

- (4) Nothing in any Act or rule of law prevents a director from holding office both as an ex officio director and as the holder of the office that qualifies the director as an ex officio director (including, where relevant, the office of a member of Parliament).

[11] Section 15

Omit the section. Insert instead:

15 President

The Minister for the Olympics is to be the President of SOCOG.

[12] Section 18 Terms of office

Omit "President of SOCOG," from section 18 (1).
Insert instead "an".

[13] Section 18 (2)

Omit "the first President of SOCOG and".

[14] Section 18 (3)

Omit "the President of SOCOG and".

[15] Section 19 Vacancies in office

Omit "President of SOCOG, a director" from section 19 (1).
Insert instead "a director (other than the President of SOCOG or the Shadow Minister)".

[16] Section 19 (2)

Omit "President of SOCOG,".

[17] Section 20 Termination of appointments

Omit "the President of SOCOG or" from section 20 (1).

[18] Section 21 Consultation

Omit section 21 (1) (a).

[19] Section 21 (1) (b)

Omit "(g),".

[20] Section 21 (1) (d)

Omit "the President of SOCOG or".

[21] Section 22 Remuneration

Insert “(other than the President of SOCOG, the Shadow Minister or the Chief Executive Officer)” after “A director” in section 22 (1).

[22] Section 22 (1)

Omit “(other than the Chief Executive Officer)”.

[23] Section 22 (4)

Insert “any of the ex officio directors or” after “including”.

[24] Section 22 (4)

Omit “Minister”. Insert instead “Board”.

[25] Section 22 (5)

Insert after section 22 (4):

- (5) Except as provided by subsection (4), the President of SOCOG and the Shadow Minister are not entitled to be paid any remuneration or fee in respect of holding office as a director.

[26] Section 23 Acting appointments

Omit section 23 (1). Insert instead:

- (1) The Governor, on the recommendation of the Minister, may, from time to time, appoint a person to act in the office of an appointed director during the illness or absence of the director. The person, while so acting, has and may exercise all the functions of a director and is taken to be a director.

[27] Section 26 Disclosure of interests

Insert after section 26 (1):

- (1A) Subsection (1) does not apply to a pecuniary interest that the President of SOCOG may have in his or her capacity as the Minister or as a member of Parliament or that the Shadow Minister may have in his or her capacity as a member of Parliament.

[28] Section 45 Disclosure of interests

Insert after section 45 (1):

- (1A) Subsection (1) does not apply to a pecuniary interest that the President of SOCOG may have in his or her capacity as the Minister or as a member of Parliament or that the Shadow Minister may have in his or her capacity as a member of Parliament.

[Minister's second reading speech made in—
Legislative Assembly on 17 September 1996
Legislative Council on 18 September 1996]

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