Australian Sports Commission Bill 1988

Date Introduced: 31 August 1988
House: House of Representatives
Presented by: Hon. Gary Punch, M.P., Minister for the Arts and Territories

Digest of Bill

Purpose
To establish the Australian Sports Commission (the Commission) as a statutory corporation responsible for co-ordinating the national sporting effort at all levels and assisting elite athletes.

Background
As noted by the Minister in the second reading speech, the establishment of the Commission will merge the functions and administrations of the Australian Institute of Sport, the current Australian Sports Commission, and some functions of the Department of Arts, Sport, the Environment, Tourism, and Territories. The proposed amalgamation was announced on 25 September 1987 and has since been put into effect administratively.

The establishment of the Commission will remove the existing overlap in responsibilities for sport that have arisen from government programmes being developed due to concerns about Australia’s international sporting competitiveness, the level of community participation in sport, and the provision of sporting opportunities to all groups in the community. The Bill will focus responsibility on the Commission for sports development at all levels.

The Institute of Sport will retain an identity within the Commission, remaining responsible for the development of elite athletes. Other existing programmes within the current Commission such as Aussie Sports, Sports Development, Drugs in Sport, Sports Talent Development programmes, and the Australian Sports Aid Foundation will continue.

Main Provisions
The Australian Sports Commission will be established as a corporation by clause 5.

The objects of the Commission are listed in clause 6 and include to provide leadership in sports development, to encourage participation in sport, to assist elite athletes, to improve coaching standards, to foster international sporting co-operation and to encourage private sector funding.
The functions of the Commission are listed in clause 7. They include advising the Minister; undertaking research and development in relation to sport, including sports science and medicine; managing its facilities; acting as an advisory body; raising money through the Australian Sports Foundation; and assisting other bodies, including the States and Territories and the Australian Olympic Federation.

The Commission will have power to enter into contracts, provide grants and scholarships, enter into sponsorships and marketing arrangements, and to charge for its services (clause 8).

The Commission may operate under the name of the Australian Institute of Sport (clause 9).

The Minister may, after consultation with the Chairperson, direct the Commission as to the performance of its' functions (clause 11).

Clause 12 will require the Commission to give the public access to its facilities.

Membership of the Commission is dealt with in clause 13. The Chair and Deputy Chair may be full or part-time appointments for terms not exceeding five years. Other members are to be part-time appointments of not more than three years. The Commission is to consist of five to 10 members, and no full time member is to be over 65 years of age. Members will be appointed by the Minister.

Clauses 14 to 22 deal with administrative matters such as remuneration and allowances; disclosure of interests, outside employment, appointments, meetings, and the establishment of committees.

The Commission is to prepare strategic plans covering four year periods, which are to be presented to the Minister and Parliament. These plans may be varied as is deemed appropriate (clauses 23 to 25).

The Commission is to prepare annual plans relating to the current strategic plan, with the Minister having the power to request revisions (clause 26). Both plans are to be adhered to where practicable (clause 27).

The Commission is to appoint an Executive Director and a Director. Neither is to be a member of the Commission, and both will be appointed for a term of five years, with both being eligible for re-appointment. Neither is to be over 65 years of age during their employment. The Executive Director will manage the affairs of the Commission, while the Director will manage the affairs of the Australian Institute of Sport (clauses 28 to 40).

The Commission may employ staff under conditions determined by the Commission. It may also employ consultants, and may arrange for secondments from the public service (clauses 41 and 42).
Clauses 43 to 51 deal with finance. Parliament is to appropriate money for the Commission and the Minister for Finance may give directions as to the timing of the payments (clause 43). Expenditure, other than trust funds, is to be in accordance with annual estimates approved by the Minister (clause 44). Expenditure is to be in the performance of its functions, or for remunerations and allowances payable under the Act (clause 45). The Commission may only borrow from the Minister for Finance (clause 46). The Commission is not to enter into contracts for more than $500,000 or leases of longer than 10 years without Ministerial approval (clause 47).

The Commission may invest funds in an approved manner (clause 49).

The Commission and the Australian Sports Foundation will be tax exempt (clauses 50 and 51).

Trust funds are to be kept in approved separate accounts, and may only be used for the purposes in the trust deed or other such uses allowed under law (clause 52).

The Commission, from time to time, or at the Ministers' request, is to provide the Minister with information concerning its' activities (clause 53).

Clauses 53 to 56 provide for the Commission, the Minister, and the Executive Director to delegate specified powers.

A member, the Executive Director, and the Director are protected from civil action in regard to the performance of their duties in good faith (clause 57).

Clause 58 will allow the Governor-General to make regulations under the Bill.

Transitional arrangements are covered by clauses 59 to 69. In particular, clause 60 will repeal the Australian Sports Commission Act 1985, the Australian Institute of Sport Act 1986, and the Australian Institute of Sport (Consequential Provisions) Act 1986.

Clauses 61 to 66 refer to transitional reporting, legal and financing arrangements, whilst clause 67 deals with the transfer of funds to the new Commission.

The current incumbent of the position of Deputy Chair of the current Commission will become the new Executive Director (clause 68).

Clause 69 will transfer the employment of current staff of the Australian Institute of Sports, under existing conditions of employment, to the Commission.
For further information, if required, contact the Education and Welfare Group.

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Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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