

1986

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN INSTITUTE OF SPORT BILL 1986

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Sport, Recreation and
Tourism, the Hon John Brown MP)

OUTLINE

EXPLANATORY MEMORANDUM

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The purpose of the Bill is to establish the Australian Institute of Sport as a Commonwealth statutory authority.

Major features of the Bill outline the Institute's role in providing resources, services and facilities to enable Australians to pursue and achieve excellence in sport, to improve the sporting abilities of Australians generally through the improvement of the standard of sports coaches, and to foster co-operation in sport between Australia and other countries.

The Bill also defines:

- . the functions of the Institute, which include program development and implementation, management and development of facilities, the provision of services and resources which will assist in the development of elite sportspersons and improvement of standards in sports instruction, and the raising of money for the purposes of the Institute.
- . the powers that the Institute will have to undertake its work. These include the provision of scholarships and other like benefits to those participating in Institute programs, the procurement of commercial sponsorship, participation in marketing arrangements to supplement Commonwealth funding, and the provision of community access to Institute facilities as appropriate.

The Bill also defines the powers and responsibilities of the Minister, thus ensuring that the Institute operates within the framework of overall government objectives and policies, guided by a strategic plan that is approved by the Minister. Such provisions are designed to ensure a due and proper degree of Ministerial control and responsibility.

The Bill also outlines a range of administrative and operational issues, including membership of and appointment to the Board, staffing, remuneration and financial management. This latter aspect will require the Institute to provide estimates of expenditure in respect of its proposed budget in line with other Commonwealth authorities and its affairs will be subject to the scrutiny of the Auditor-General.

Financial Impact

While the Government's allocation to the Institute for 1986/87 is still being considered, it is recognised that the establishment of the Institute as a statutory authority and the consequential transfer of the management of the Institute's facilities to it will enable improvements in operational effectiveness. These will be reflected in better quality services to the public, Institute athletes and coaches and commercial entrepreneurs.

They should manifest themselves quantitatively in the medium term (2-3 years) through increased revenue resulting from greater use of the facilities.

NOTES ON CLAUSES

Clauses 1 and 2

The first two clauses of the Bill provide for the short title and commencement of the legislation on 1 July 1986.

Clause 3 - Interpretation

Defines certain terms used in subsequent clauses of the Bill.

Clause 4 - Establishment of the Institute

Provides for the establishment of the Australian Institute of Sport and explains its legal status.

Clause 5 - Objects of Establishment of Institute

Outlines the Institute's objectives in respect of the pursuit of excellence in sport, the general improvement of sports coaching in Australia and the fostering of co-operation in sport between Australia and other countries.

Clause 6 - Functions of the Institute

The major functions of the Institute are to devise and implement programs to develop high performance athletes and improve the standard of sports coaching in Australia; to manage and develop training and ancillary facilities; to provide sports medicine and sports science

services support for Institute athletes; to make available information on Institute activities; to raise money for Institute activities; to allow persons from other countries to use the Institute's resources; to conduct sporting events to give Institute athletes increased competition opportunities; and to liaise with authorities in Australia to facilitate the performance of its functions.

All functions of the Institute may be performed within or outside Australia.

Clause 7 - Powers of Institute

Outlines the powers of the Institute. These include entering into contracts; the acquisition and disposal of property; the use of Commonwealth lands or buildings and the erection of buildings for Institute activities; the provision of scholarships to sportspeople; the power to seek commercial sponsorship to enhance its activities; and arranging the manufacture and distribution of items bearing Institute symbols. The Institute can also accept gifts, bequests and devises made to it and act as trustee of money or other property vested in it on trust. The Institute may also charge such fees as are reasonable for the use of any of its resources or facilities.

These powers may be exercised within or outside Australia.

Clause 8 - Access, Etc to Facilities by Individuals and Community Groups

Provides for community use of the Institute's facilities, subject to their availability.

Clause 9 - Establishment of Board

Establishes the Board of the Australian Institute of Sport.

Clause 10 - Functions of the Board

Gives the Board responsibility for the efficient operation of the Institute and, subject to any direction by the Minister, to make policy as necessary.

Clause 11 - Directions to the Board

Enables the Minister to give written directions on any matter to the Board and ensures that the Board must comply with them.

Clause 12 - Strategic Plan

Requires the Board to prepare and implement strategic plans for the Institute's operations. The first plan is to cover a 3 years period commencing on a day occurring within 12 months of the commencement of the Act. The functions of the Institute shall not be performed otherwise than in accordance with the plan.

Clause 13 - Approval of Strategic Plans

Provides for Ministerial approval of the Institute's strategic plans.

Clause 14 - Variation of Strategic Plans

Allows the Board to vary the strategic plan, subject to Ministerial approval.

Clause 15 - Membership of the Board

Outlines the size and structure of the Board and provides for all members to be appointed by the Governor-General, except the Director who is an 'ex officio' member. It also outlines the length of the terms and age limits of members.

Clause 16 - Remuneration and Allowances

Provides for remuneration of and payment of allowances to appointed Board members in accordance with the provisions of the Remuneration Tribunals Act 1973.

Clause 17 - Leave of Absence

Outlines the levels of authority for granting leave to the Chairperson and appointed members of the Board respectively.

Clause 18 - Resignation

Allows appointed Board members to resign by notifying the Governor-General in writing.

Clause 19 - Termination of Appointment

Defines the basis on which the Governor-General may terminate the appointment of an appointed member.

Clause 20 - Exclusion of members from certain deliberations, etc

Provides for members to disclose any financial interest in matters before the Board and disqualifies them from being involved in such matters. It also excludes the Director or Acting Director, as ex officio member, from deliberations on matters associated with their employment.

Clause 21 - Meetings of Board

Outlines requirements for Board meetings, establishes the quorum, describes the voting arrangements and provides for the Board to keep a record of its proceedings.

Clause 22 - Acting Members

Outlines the circumstances under which the Deputy Chairperson is to act as Chairperson and when the Minister may appoint an acting Deputy Chairperson or acting member.

Clause 23 - Committees

Allows the Board to appoint committees of its members and for other persons to be additional members of such committees.

Clause 24 - Director

Gives the Board the power to appoint the Institute's chief executive on terms and conditions determined by the Board with the approval of the Minister.

Clause 25 - Duties of Director

Specifies that the Director shall conduct the affairs of the Institute subject to Board directions and in accordance with policies determined by it.

Clause 26 - Director not to engage in other paid employment

Provides that the Director shall not engage in other paid employment except with the approval of the Board.

Clause 27 - Remuneration and Allowances

Provides for remuneration of the Director to be in accordance with Remuneration Tribunal determinations or, if no such determination is in operation, such remuneration as is prescribed. Also covers the payment of prescribed allowances to the Director.

Clause 28 - Leave of Absence

Gives the Chairperson the authority to grant leave of absence to the Director on terms and conditions determined by the Board with the approval of the Minister.

Clause 29 - Resignation

Enables the Director to resign by notifying the Board in writing.

Clause 30 - Disclosure of Interests

Requires the Director to declare any pecuniary interest in any business.

Clause 31 - Acting Director

Provides for consequential acting arrangements if the Director's office becomes vacant or if the Director is absent.

Clause 32 - Staff of the Institute

Provides for persons to be employed by the Director under terms and conditions determined by the Board with the approval of the Public Service Board.

Clause 33 - Appropriation of Money

Provides for money to be appropriated by Parliament and paid to the Institute.

Clause 34 - Estimates

Requires the Institute to prepare financial estimates for approval by the Minister and the money of the Institute to be spent in accordance with them.

Clause 35 - Application of Money

Details for what purposes the Institute can spend its appropriation.

Clause 36 - Borrowing from the Commonwealth

Limits the borrowing powers of the authority.

Clause 37 - Contracts

Requires the Institute to obtain Ministerial approval before entering into any contract which exceeds \$500,000 or, if a higher amount is prescribed, that higher amount, or lease land for ten years or more.

Clause 38 - Application of Division 2 of Part XI of Audit Act

Subjects the Institute to the relevant provisions of the Audit Act, requiring it, inter alia, to provide annual reports, including details of any ministerial direction, and financial statements on its activities to the Minister for tabling in the Parliament.

Clause 39 - Exemption from Taxation

Provides the normal taxation exemptions applicable to such Commonwealth statutory authorities.

Clause 40 - Trust Money

Outlines the obligations of the Institute in relation to moneys it receives or holds on trust.

Clause 41 - Reports to Minister

Requires the Board to give to the Minister, as necessary, information concerning its activities.

Clause 42 - Delegation by Board

Gives the Board the power to delegate to a committee established under clause 23 any of its powers other than the power of delegation or its powers in respect of the preparation and/or variation of the Institute's strategic plan.

Clause 43 - Delegation by Director

Gives the Director the power to delegate to an Institute employee all or any of the powers of the Director other than the power of delegation.

Clause 44 - Regulations

Gives the Governor-General the power to make regulations under the Act, and specifically the matter of regulating use of the Institute's facilities, and provides for a penalty not exceeding \$500 for offences.

