



# Australian Sports Commission Act 1989

No. 12, 1989

## Compilation No. 18

<b>Compilation date:</b>	21 October 2016
<b>Includes amendments up to:</b>	Act No. 61, 2016
<b>Registered:</b>	31 October 2016

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### This compilation

This is a compilation of the *Australian Sports Commission Act 1989* that shows the text of the law as amended and in force on 21 October 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

---

# Contents

<b>Part I—Preliminary</b>	1
1 Short title .....	1
2 Commencement .....	1
3 Interpretation .....	1
4 Extension to external Territories .....	2
<b>Part II—Establishment, objects, functions and powers of the Commission</b>	3
5 Establishment .....	3
6 Objects .....	3
7 Functions .....	4
8 Powers .....	6
9 Commission to operate under the name Australian Institute of Sport when performing certain functions .....	7
10 Australian Sports Foundation .....	7
11 Minister may give directions .....	8
12 Access to facilities by individuals and community groups .....	9
<b>Part III—Constitution and meetings of the Commission</b>	10
13 Membership of Commission .....	10
14 Leave of absence .....	11
15 Resignation .....	11
16 Outside employment .....	12
17 Remuneration and allowances .....	12
19 Termination of appointment .....	12
20 Acting appointments .....	13
21 Meetings of Commission .....	14
22 Committees .....	15
<b>Part IV—Corporate plans and annual operational plans</b>	17
23 Corporate plans .....	17
25 Variation of corporate plans .....	17
26 Annual operational plan .....	18
27 Compliance with plans .....	18
<b>Part V—Executive Director and Director of Institute</b>	20
28 Executive Director .....	20
29 Duties of Executive Director .....	20

---

30	Director.....	20
31	Duties of Director.....	21
32	Tenure of Executive Director.....	21
33	Remuneration and allowances.....	21
34	Outside employment.....	21
35	Leave of absence.....	22
36	Resignation.....	22
37	Disclosure of interests.....	22
38	Terms and conditions of appointment not provided for by Act.....	22
39	Acting Executive Director.....	22
40	Application of sections 32 to 39 to Director.....	23
<b>Part VI—Staff and consultants</b>		<b>24</b>
41	Employees.....	24
42	Consultants.....	24
<b>Part VII—Finance</b>		<b>25</b>
43	Appropriation of money.....	25
45	Application of money.....	25
46	Borrowing from the Commonwealth.....	25
47	Contracts.....	26
48	Extra matters to be included in annual report.....	26
50	Commission exempt from taxation.....	27
51	Foundation exempt from taxation.....	27
<b>Part VIII—Miscellaneous</b>		<b>28</b>
52	Trust money.....	28
54	Delegation by Commission.....	28
55	Delegation by Executive Director.....	29
56	Delegation by Minister.....	29
57	Protection from civil actions.....	29
57A	Disclosure of information to the Australian Sports Anti-Doping Authority or the Anti-Doping Rule Violation Panel.....	30
58	Regulations.....	30

---

---

<b>Endnotes</b>	32
<b>Endnote 1—About the endnotes</b>	32
<b>Endnote 2—Abbreviation key</b>	34
<b>Endnote 3—Legislation history</b>	35
<b>Endnote 4—Amendment history</b>	38



# **An Act to establish the Australian Sports Commission, and for related purposes**

## **Part I—Preliminary**

### **1 Short title**

This Act may be cited as the *Australian Sports Commission Act 1989*.

### **2 Commencement**

This Act commences on a day to be fixed by Proclamation.

### **3 Interpretation**

In this Act, unless the contrary intention appears:

***appointed member*** means a member other than the Secretary of the Department.

***Australia*** includes the external Territories.

***Australian Sports Foundation*** means the company referred to in section 10.

***Chairperson*** means the Chairperson of the Commission.

***Commission*** means the Australian Sports Commission established by this Act.

***Deputy Chairperson*** means the Deputy Chairperson of the Commission.

***Director*** means the Director of the Institute.

***Executive Director*** means the Executive Director of the Commission.

Section 4

---

***Finance Minister*** means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

***Institute*** means the Australian Institute of Sport referred to in section 9.

***member*** means a member of the Commission and includes the Chairperson and the Deputy Chairperson.

#### 4 Extension to external Territories

This Act extends to all external Territories.



## **Part II—Establishment, objects, functions and powers of the Commission**

### **5 Establishment**

- (1) There is established by this Act a Commission by the name of the Australian Sports Commission.
- (2) The Commission:
  - (a) is a body corporate with perpetual succession;
  - (b) shall have a common seal; and
  - (c) may sue and be sued.

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the Commission. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.

- (3) All courts, judges and persons acting judicially shall take notice of the imprint of the common seal of the Commission appearing on a document and shall presume that the document was duly sealed.

### **6 Objects**

- (1) The objects of the establishment of the Commission are:
  - (a) to provide leadership in the development of sport in Australia;
  - (b) to encourage increased participation and improved performance by Australians in sport;
  - (c) to provide resources, services and facilities to enable Australians to pursue and achieve excellence in sport while also furthering their educational and vocational skills and other aspects of their personal development;
  - (d) to improve the sporting abilities of Australians generally through the improvement of the standard of sports coaches;

Section 7

---

- (e) to foster co-operation in sport between Australia and other countries through the provision of access to resources, services and facilities related to sport; and
  - (f) to encourage the private sector to contribute to the funding of sport to supplement assistance by the Commonwealth.
- (2) In this section, a reference to *Australians* includes a reference to persons who are ordinarily resident in Australia.

**7 Functions**

- (1) The functions of the Commission are:
- (a) to advise the Minister in relation to the development of sport;
  - (b) to co-ordinate activities in Australia for the development of sport;
  - (c) to develop and implement programs that promote equality of access to, and participation in, sport by all Australians;
  - (d) to develop and implement programs for the recognition and development of:
    - (i) persons who excel, or who have the potential to excel, in sport; and
    - (ii) persons who have achieved, or who have the potential to achieve, standards of excellence as sports coaches, umpires, referees or officials essential to the conduct of sport;
  - (e) to initiate, encourage and facilitate research and development in relation to sport;
  - (f) to undertake research and development related to sports science and sports medicine;
  - (g) to provide sports medicine services and sports science services to persons participating in programs of the Commission;
  - (h) to establish, manage, develop and maintain facilities for the purposes of the Commission;
  - (j) to collect and distribute information, and provide advice, on matters related to the activities of the Commission;

- (k) for the purpose of fostering co-operation in sport between Australia and other countries, to provide access to persons from other countries to the resources, services and facilities of the Commission;
  - (m) to raise money through the Australian Sports Foundation, or by other means, for the purposes of the Commission;
  - (n) to administer and expend money appropriated by the Parliament, or raised in accordance with paragraph (m), for the purposes of the Commission;
  - (p) to consult and co-operate with appropriate authorities of the Commonwealth, of the States and of the Territories, and with other persons, associations and organisations, on matters related to the activities of the Commission; and
  - (q) to provide advice on matters related to sport to the Australian Olympic Federation or other persons, bodies or associations; and
  - (r) to co-operate with national and international sporting organisations in aiming to foster a sporting environment that is free from the unsanctioned use of performance enhancing drugs and doping methods.
- (2) The functions of the Commission may be performed within or outside Australia.
- (3) The Commission may perform any of its functions in co-operation with a State or Territory or any person, association or organisation.
- (4) Subject to section 11, the function of the Commission under paragraph (1)(q) may be performed at the discretion of the Commission.
- (4A) The function of the Commission under paragraph (1)(r) may only be performed to the extent that it does not overlap any of the functions of the Chief Executive Officer of the Australian Sports Anti-Doping Authority.
- (5) The Commission may perform its functions to the extent only that they are not in excess of the functions that may be conferred on it

Section 8

---

by virtue of any of the legislative powers of the Parliament, and, in particular, may perform its functions:

- (a) by way of expenditure of money that is available for the purposes of the Commission in accordance with an appropriation made by the Parliament;
  - (b) for purposes related to the collection of statistics;
  - (c) for purposes related to external affairs; and
  - (d) for purposes in relation to a Territory.
- (6) In this section, *Australian Olympic Federation* means the Australian Olympic Federation Incorporated, being an association incorporated on 24 April 1985 under the *Associations Incorporation Act 1985* of Victoria.

## 8 Powers

- (1) The Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may:
- (a) enter into contracts; and
  - (b) acquire, hold and dispose of real or personal property; and
  - (c) occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Commission; and
  - (d) make grants or lend money, and provide scholarships or like benefits; and
  - (e) appoint agents and attorneys, and act as an agent for other persons; and
  - (f) engage persons to perform services for the Commission; and
  - (g) accept gifts, grants, bequests and devises made to the Commission (whether on trust or otherwise) and act as trustee of money or other property vested in the Commission on trust; and
  - (h) erect buildings and structures and carry out works; and
  - (j) obtain commercial sponsorship for the Commission and participate in marketing arrangements involving the

- endorsement by the Commission of products and services associated with sport; and
- (k) arrange for the manufacture of, and distribute (whether by way of sale or otherwise), any article or thing bearing a mark, symbol or writing that is associated with the Commission; and
  - (m) provide (whether by sale or otherwise) goods and services to persons using, or otherwise attending at, facilities of the Commission; and
  - (ma) despite subsection 46(2), obtain goods or services on credit from any person by the use of a credit card; and
  - (n) do anything incidental to any of its powers.
- (2) The Commission may charge such fees, or impose such charges, as are reasonable in respect of:
- (a) access to, or use of, any of the resources or facilities of the Commission;
  - (b) the provision of programs, services, information or advice by the Commission; and
  - (c) the admission of persons to events and activities conducted by the Commission.
- (3) The powers of the Commission may be exercised within or outside Australia.

### **9 Commission to operate under the name Australian Institute of Sport when performing certain functions**

The Commission shall, in connection with the performance of:

- (a) its functions under paragraphs 7(1)(d), (f), (g) and (h); and
- (b) such other of its functions (if any) as it considers appropriate; operate under the name “Australian Institute of Sport”.

### **10 Australian Sports Foundation**

- (1) As soon as practicable after the commencement of this Act, the Commission shall arrange for the name of the company known as

Section 11

---

the “Australian Sports Aid Foundation” (being the company that was incorporated in the Australian Capital Territory on 18 February 1986 under the *Companies Act 1981* for the purpose of section 8 of the *Australian Sports Commission Act 1985*) to be changed to the “Australian Sports Foundation”.

- (2) After the change of name of the company in accordance with subsection (1) the company is not authorised to change its name.
- (3) The purpose of the company is to raise money for the development of sport in Australia.
- (4) Except to the extent necessary for the performance of its functions in relation to the Commission, the company is not empowered to do anything that the Commission is not empowered to do.

## 11 Minister may give directions

- (1) Subject to subsection (2), the Minister may give written directions to the Commission with respect to the policies and practices to be followed by the Commission in the performance of its functions, and the exercise of its powers, and the Commission shall comply with the directions.
- (2) The Minister shall not give a direction to the Commission under subsection (1) unless the Minister:
  - (a) has informed the Commission, in writing, that the Minister is considering giving the direction; and
  - (b) has given the Chairperson an opportunity to discuss the need for the proposed direction with the Minister.
- (3) The Minister shall cause a copy of each direction given under subsection (1):
  - (a) to be published in the *Gazette* as soon as practicable after giving the direction; and
  - (b) to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

## **12 Access to facilities by individuals and community groups**

The Commission shall, to the extent that it is practicable to do so having regard to the objects for which it was established and its functions, allow individuals and groups within the community to have access to, and to make use of, the resources, services and facilities of the Commission, whether or not for purposes related to sport.

## Part III—Constitution and meetings of the Commission

### 13 Membership of Commission

- (1) The Commission shall consist of:
  - (a) the Chairperson; and
  - (b) the Deputy Chairperson; and
  - (ba) the Secretary of the Department; and
  - (c) not fewer than 5 nor more than 10 other members.
- (2) A member referred to in paragraph (1)(a), (b) or (c) shall be appointed by the Minister.
- (3) A member referred to in paragraph (1)(a) or (b):
  - (a) may be appointed on a full-time or part-time basis; and
  - (b) holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (4) A member referred to in paragraph (1)(c):
  - (a) shall be appointed on a part-time basis; and
  - (b) holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (6) The appointment of a member is not invalid because of a defect or irregularity in connection with the member's appointment.
- (7) The exercise of the powers, or the performance of the functions, of the Commission is not affected merely because:
  - (a) there is a vacancy in the office of Chairperson or Deputy Chairperson or the office of Secretary of the Department; or
  - (b) the number of persons appointed under paragraph (1)(c) falls below 5 for not longer than 3 months.



- (8) A member holds office on such terms and conditions (if any), in respect of matters not provided for by this Act, as are determined in writing by the Minister.

#### **14 Leave of absence**

- (1) A full-time member has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Minister may:
- (a) if the Chairperson is appointed on a full-time basis—grant to the Chairperson leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines; or
  - (b) if the Chairperson is appointed on a part-time basis—grant to the Chairperson leave to be absent from a meeting or meetings of the Commission.
- (3) The Chairperson may:
- (a) grant to a full-time member, other than the Chairperson, leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Chairperson determines; and
  - (b) grant to a part-time member, other than the Chairperson, leave to be absent from a meeting or meetings of the Commission.

#### **15 Resignation**

- (1) The Chairperson may resign the office of Chairperson by writing signed by the Chairperson and delivered to the Minister.
- (2) The Deputy Chairperson may resign the office of Deputy Chairperson by writing signed by the Deputy Chairperson and delivered to the Minister.
- (3) An appointed member (other than the Chairperson or Deputy Chairperson) may resign his or her office by writing signed by the member and delivered to the Minister.

## 16 Outside employment

- (1) A member appointed on a full-time basis shall not, except with the approval of the Minister, engage in paid employment outside the duties of the office of the member.
- (2) A member appointed on a part-time basis shall not engage in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the member.

## 17 Remuneration and allowances

- (1) The Chairperson, the Deputy Chairperson and the other appointed members shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, an appointed member shall be paid such remuneration as is prescribed.
- (2) An appointed member shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

## 19 Termination of appointment

- (1) The Minister may terminate the appointment of an appointed member for misbehaviour or physical or mental incapacity.
- (2) If an appointed member:
  - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of those creditors;
  - (c) is absent, except on leave of absence granted under section 14, from 3 consecutive meetings of the Commission;
  - (d) being a member appointed on a full-time basis, engages, without the approval of the Minister, in any paid employment outside the duties of the office of the member; or

- (e) being a member appointed on a part-time basis, engages in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the member;

the Minister shall terminate the appointment of the member.

Note: The appointment of an appointed member may also be terminated under section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials).

## 20 Acting appointments

- (1) The Minister may appoint the Deputy Chairperson, or the member appointed to act as Deputy Chairperson, to act as Chairperson:
- (a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Chairperson is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office of Chairperson.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (2) The Minister may appoint a member to act as Deputy Chairperson:
- (a) during a vacancy in the office of Deputy Chairperson, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Deputy Chairperson is absent from duty or from Australia or is, for any reason (including the reason that the Deputy Chairperson is acting as the Chairperson), unable to perform the duties of the office of Deputy Chairperson.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (3) The Minister may appoint a person to act as a member referred to in paragraph 13(1)(c):

Section 21

---

- (a) during a vacancy in the office of that member, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when that member is absent from duty or from Australia or is, for any reason (including the reason that the member is acting as the Chairperson or Deputy Chairperson), unable to perform the duties of the office of member.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

## **21 Meetings of Commission**

- (1) The Commission shall hold such meetings as are necessary for the efficient performance of its functions.
- (2) The Chairperson:
  - (a) may, at any time, convene a meeting of the Commission; and
  - (b) shall, on receipt of a written request signed by not less than 3 other members, convene a meeting of the Commission.
- (3) The Minister may, at any time, convene a meeting of the Commission.
- (4) The Chairperson shall preside at all meetings of the Commission at which he or she is present.
- (5) Where the Chairperson is not present at a meeting of the Commission, the Deputy Chairperson shall preside, or, if the Deputy Chairperson is not present, the members present shall appoint one of their number to preside at the meeting.
- (6) Subject to this Act, the person presiding at a meeting may give directions regarding the procedure to be followed at or in connection with that meeting.
- (7) At a meeting:
  - (a) 5 members constitute a quorum;
  - (b) all questions shall be decided by a majority of votes of the members present and voting; and

- (c) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.
- (8) Where a majority of the members (being a majority of the members that includes the Chairperson) sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a duly constituted meeting of the Commission held on the day on which the document was signed, or, if the members sign the document on different days, on the last of those days.
- (9) For the purposes of subsection (8), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members shall together be taken to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.
- (10) A member shall not sign, under subsection (8), a document containing a statement in favour of a resolution if the resolution is in respect of a matter in which the member has a material personal interest.
- (11) The Commission shall keep records of its meetings and records of resolutions taken to have been passed in accordance with subsection (8).
- (12) The Commission may invite a person to attend a meeting of the Commission for the purpose of advising or informing the Commission on any matter.

## **22 Committees**

- (1) The Commission may establish such committees as it thinks fit, and a committee shall assist the Commission as directed by the Commission.

Section 22

---

- (2) A committee shall be constituted wholly by members of the Commission or partly by members of the Commission and partly by other persons.
- (3) Where a committee is constituted partly by members of the Commission and partly by other persons, the Chairperson of the committee shall be a person who is a member of the Commission.
- (4) The number of members of a committee required to constitute a quorum at a meeting of that committee shall be as specified by the Commission.
- (5) A member of a committee who is not also a member, or an employee, of the Commission shall be paid such remuneration and allowances (if any) as the Commission determines.
- (6) The office of member of a committee is not a public office within the meaning of the *Remuneration Tribunal Act 1973*.
- (7) Rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* dealing with disclosing interests in a matter that is about to be considered by a body (other than the members of an accountable authority) apply to members of a committee as if:
  - (a) the committee were the accountable authority of a Commonwealth entity; and
  - (b) the members were members of that accountable authority; and
  - (c) the Commission were the responsible Minister for that Commonwealth entity.

## **Part IV—Corporate plans and annual operational plans**

### **23 Corporate plans**

Each corporate plan prepared by the members of the Commission under section 35 of the *Public Governance, Performance and Accountability Act 2013*:

- (a) must be submitted to the Minister for approval not less than 3 months, or such lesser period as the Minister, in special circumstances, allows, before the day of commencement of the period to which the corporate plan relates; and
- (b) must be laid before each House of the Parliament within 15 sitting days of that House after the Minister has approved the corporate plan; and
- (c) comes into force on:
  - (i) the day on which it is approved by the Minister; or
  - (ii) the day of commencement of the period to which it relates;whichever is the later.

### **25 Variation of corporate plans**

- (1) The Commission shall, from time to time, during the period to which a corporate plan, prepared by the members of the Commission under section 35 of the *Public Governance, Performance and Accountability Act 2013*, relates, consider whether a variation of the corporate plan is necessary.
- (2) Where the Commission considers that a variation of a corporate plan is necessary, the Commission may, with the approval of the Minister, vary the corporate plan.
- (3) Where a variation of a corporate plan is approved by the Minister the plan as so varied shall continue in force on and after the day on

Section 26

---

which the variation is so approved as if the plan had originally been approved by the Minister as so varied.

## 26 Annual operational plan

- (1) The Commission shall develop, and prepare in writing, in respect of each financial year ending after the commencement of this Act, an operational plan, setting out particulars of:
  - (a) the programs the Commission proposes to carry out; and
  - (b) the resources the Commission proposes to allocate to each such program;during that year in giving effect to the corporate plan that relates, or the intended corporate plan that will relate, to a period that includes that year or a part of that year.
- (2) If the Minister is of the opinion that an operational plan in relation to a financial year is inconsistent with the corporate plan relating to the period that includes that year or a part of that year, the Minister may, in writing, request the Commission to revise the operational plan.
- (3) The Commission may, at any time, revise an operational plan, and shall revise the plan if the Minister requests it under subsection (2) to do so and gives written reasons for the request.
- (4) An operational plan, or a revision of an operational plan:
  - (a) shall be submitted to the Minister as soon as practicable; and
  - (b) comes into force when it is approved, in writing, by the Minister.
- (5) The Minister shall approve an operational plan, or a revision of an operational plan, unless the Minister is of the opinion that the plan, or the plan as proposed to be revised, as the case may be, is inconsistent with the corporate plan.

## 27 Compliance with plans

To the extent that it is practicable to do so and subject to this Act, the Commission shall perform its functions and exercise its powers

---



in a manner that is consistent with, and is designed to give effect to, any corporate plan and any operational plan that are in force.

## **Part V—Executive Director and Director of Institute**

### **28 Executive Director**

- (1) There shall be an Executive Director of the Commission who shall be appointed by the Commission.
- (3) The Commission shall not appoint a member as Executive Director.
- (4) The appointment of a person as Executive Director is not invalid because of a defect or irregularity in connection with the person's appointment.

### **29 Duties of Executive Director**

- (1) The Executive Director shall manage the affairs of the Commission subject to the directions of, and in accordance with policies determined by, the Commission.
- (2) All acts and things done in the name of, or on behalf of, the Commission by the Executive Director, for the purposes of this Act, shall be taken to have been done by the Commission.

### **30 Director**

- (1) There shall be a Director of the Institute who shall be appointed by the Commission.
- (3) The Commission shall not appoint a member as Director.
- (4) The appointment of a person as Director is not invalid because of a defect or irregularity in connection with the person's appointment.

**31 Duties of Director**

- (1) The Director shall, under the direction of the Executive Director and in accordance with policies determined by the Commission, conduct such of the affairs of the Commission as are relevant to the functions of the Commission referred to in section 9.
- (2) All acts and things done in the name of, or on behalf of, the Commission by, or with the authority of, the Director, for the purposes of this Act, shall be taken to have been done by the Commission.

**32 Tenure of Executive Director**

The Executive Director shall hold office for such period, not exceeding 5 years, as is specified in the instrument of his or her appointment, but is eligible for re-appointment.

**33 Remuneration and allowances**

- (1) The Executive Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no such determination of that remuneration by the Tribunal is in operation, the Executive Director shall be paid such remuneration as is prescribed.
- (2) The Executive Director shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

**34 Outside employment**

The Executive Director shall not engage in paid employment outside the duties of his or her office except with the approval of the Commission.

Section 35

---

### 35 Leave of absence

- (1) The Executive Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Commission may grant to the Executive Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Commission determines.

### 36 Resignation

The Executive Director may resign office by writing signed and delivered to the Chairperson.

### 37 Disclosure of interests

- (1) The Executive Director shall give written notice to the Chairperson of all direct or indirect pecuniary interests that the Executive Director has or acquires in any business or in any body corporate carrying on any business.
- (2) Subsection (1) applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

### 38 Terms and conditions of appointment not provided for by Act

The Executive Director holds office on such terms and conditions (if any), in relation to matters not provided for by this Act, as are determined by the Commission.

### 39 Acting Executive Director

The Commission may appoint a person (other than a member) to act as Executive Director:

- (a) during a vacancy in the office of Executive Director (whether or not an appointment has previously been made to the office); or

- (b) during any period, or during all periods, when the Executive Director is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

#### **40 Application of sections 32 to 39 to Director**

Sections 32 to 39 (both inclusive) apply to the Director as if any reference in those sections to the Executive Director were a reference to the Director.

## Part VI—Staff and consultants

### 41 Employees

- (1) The Executive Director may, on behalf of the Commission, employ such persons as the Commission considers necessary for the performance of its functions and the exercise of its powers.
- (2) The terms and conditions of employment of a person employed under subsection (1) are such as are determined by the Commission.
- (3) The Executive Director may arrange with an Agency Head (within the meaning of the *Public Service Act 1999*), or with a body established by an Act, for the services of officers or employees of that Agency or of that body to be made available to the Commission.

### 42 Consultants

- (1) The Commission may engage persons having suitable qualifications and experience as consultants to the Commission.
- (2) The terms and conditions of engagement shall be determined by the Commission.

## **Part VII—Finance**

### **43 Appropriation of money**

- (1) There is payable to the Commission such money as is appropriated by the Parliament for the purposes of the Commission.
- (2) The Finance Minister may give directions as to the amounts in which, and the times at which, money referred to in subsection (1) is to be paid to the Commission.

### **45 Application of money**

- (1) The money of the Commission shall be applied only:
  - (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Commission in the performance of its functions and the exercise of its powers; and
  - (b) in payment of remuneration and allowances payable under this Act.
- (2) Subsection (1) does not prevent investment, under section 59 of the *Public Governance, Performance and Accountability Act 2013*, of money that is not immediately required for the purposes of the Commission.

### **46 Borrowing from the Commonwealth**

- (1) The Finance Minister may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Commission at such rates of interest and on such other terms and conditions as that Minister determines.
- (2) The Commission shall not borrow money except in accordance with subsection (1).

Section 47

---

- (3) The Commission may give security over the whole or part of its assets for the repayment of amounts borrowed under subsection (1) and the payment of interest on amounts so borrowed.

#### 47 Contracts

The Commission shall not, except with the written approval of the Minister:

- (a) enter into a contract involving the payment or receipt by the Commission of an amount exceeding \$500,000; or
- (b) enter into a lease of land for a period of 10 years or more.

#### 48 Extra matters to be included in annual report

The annual report prepared by the members of the Commission and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must:

- (a) specify the financial transactions and the state of the affairs of the Australian Sports Foundation; and
- (b) include particulars of each direction given to it by the Minister under subsection 11(1) that is applicable in relation to the period; and
- (c) include an assessment of the extent to which its operations during the period have implemented the relevant operational plan; and
- (d) include particulars of:
  - (i) significant capital works programs (if any) undertaken by the Commission during the period; and
  - (ii) significant acquisitions and dispositions of real property by the Commission during the period; and
  - (iii) variations to the operational plan agreed to by the Minister during the period.



**50 Commission exempt from taxation**

- (1) Subject to subsection (3), the income, property and transactions of the Commission are not subject to taxation under the laws of the Commonwealth or of a State or Territory.
- (3) The regulations may provide that subsection (1) does not apply in relation to taxation under a specified law.

**51 Foundation exempt from taxation**

- (1) Subject to subsection (3), the income, property and transactions of the Australian Sports Foundation are not subject to taxation under the laws of the Commonwealth or of a State or Territory.
- (3) The regulations may provide that subsection (1) does not apply in relation to taxation under a specified law.

## Part VIII—Miscellaneous

### 52 Trust money

- (1) The Commission shall ensure that any money received or held by the Commission on trust is paid into an account, or more than one account, that does not contain any money of the Commission not held on trust.
- (2) Despite section 45:
  - (a) money or other property held by the Commission on trust shall be applied or dealt with only in accordance with the powers and duties of the Commission as trustee; and
  - (b) money held by the Commission on trust may be invested:
    - (i) in any manner in which the Commission is authorised to invest that money by the terms of the trust; or
    - (ii) in any manner in which trust money may, for the time being, be invested under law;but not otherwise.

### 54 Delegation by Commission

- (1) The Commission may, by resolution, delegate to:
  - (a) a member of the Commission;
  - (b) a committee established under section 22;
  - (c) the Executive Director;
  - (d) the Director; or
  - (e) a person employed under section 41;all or any of the Commission's powers under this Act, other than the Commission's powers under sections 22, 23, 25, 26 and 39 and subsections 28(1), 29(1) and 30(1) (including the Commission's powers under section 39 as that section applies by virtue of section 40).

- (2) The delegate is, in the exercise of a power so delegated, subject to any directions given by the Commission.

### **55 Delegation by Executive Director**

- (1) The Executive Director may, by signed instrument, delegate to:
- (a) the Director; or
  - (b) a person employed under section 41;
- all or any of his or her powers under this Act.
- (2) The delegate is, in the exercise of a power delegated under subsection (1), subject to any directions given by the Executive Director.

### **56 Delegation by Minister**

The Minister may, by signed instrument, delegate to:

- (a) the Commission;
- (b) a member of the Commission; or
- (c) the Executive Director;

all or any of the Minister's powers under this Act, other than the Minister's powers under section 11, subsection 13(2) and sections 20, 24, 25, 26 and 47.

### **57 Protection from civil actions**

A member, the Executive Director or the Director is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in the performance or purported performance of any function, or in the exercise or purported exercise of any power, of the Commission.

**57A Disclosure of information to the Australian Sports Anti-Doping Authority or the Anti-Doping Rule Violation Panel**

- (1) The Commission may disclose information to the Chief Executive Officer of the Australian Sports Anti-Doping Authority if the information:
  - (a) relates to a sports doping and safety matter (within the meaning of the *Australian Sports Anti-Doping Authority Act 2006*); or
  - (b) is otherwise relevant to the performance of the functions of the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or
  - (c) is otherwise relevant to the performance of the functions of the Anti-Doping Rule Violation Panel.
- (2) If information disclosed under subsection (1) is personal information (within the meaning of the *Privacy Act 1988*), the information is taken to be protected information for the purposes of the *Australian Sports Anti-Doping Authority Act 2006*.

**58 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and, in particular, may make regulations:

- (c) regulating, restricting or prohibiting the entry of persons onto or into any land or building owned by, or under the control of, the Commission, regulating the conduct of persons on or in any such land or building, and providing for the removal of persons from any such land or building;
- (d) prohibiting or regulating the use of any emblem, logo, design, mark, symbol or name that is associated with the Commission; and

- (e) prescribing penalties not exceeding a fine of 5 penalty units for offences against the regulations.

## Endnotes

Endnote 1—About the endnotes

---

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

---

Endnote 1—About the endnotes

---

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

---

#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced



## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Australian Sports Commission Act 1989	12, 1989	16 Mar 1989	1 May 1989 (Gazette 1989, No. S143)	
Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act 1991	33, 1991	21 Mar 1991	s. 5: 1 July 1991 Remainder: Royal Assent	s. 2(2)
Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act (No. 2) 1991	179, 1991	25 Nov 1991	25 Nov 1991	s. 3(2)
Sales Tax Amendment (Transitional) Act 1992	118, 1992	30 Sept 1992	28 Oct 1992	—
Environment, Sport and Territories Legislation Amendment Act 1995	25, 1995	6 Apr 1995	6 Apr 1995	—
<b>as amended by</b>				
Environment, Sport and Territories Legislation Amendment Act 1997	118, 1997	7 July 1997	Schedule 1 (item 36): 6 Apr 1995 (s 2(2))	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 4 (items 1, 41–43): 25 Oct 1996 (s 2(1))	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 496–511): 1 Jan 1998 (s 2(2) and Gazette 1997, No. GN49)	—
Australian Sports Commission Amendment Act 1999	106, 1999	31 Aug 1999	3 Nov 1999 (s 2(b))	—

*Australian Sports Commission Act 1989*

35

Compilation No. 18

Compilation date: 21/10/16

Registered: 31/10/16

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 260–263): 5 Dec 1999 (s 2(1), (2)) and Gazette 1999, No. S584)	—
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Schedule 10 (items 56–58): 13 Mar 2000 (s 2(2)(c) and Gazette 2000, No. S114 )	—
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97)
Australian Sports Commission Amendment Act 2005	40, 2005	1 Apr 2005	1 Apr 2005	Sch. 1 (item 8)
Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Act 2006	7, 2006	7 Mar 2006	Schedule 1 (items 4–6) and Schedule 2 (items 20, 21): 13 Mar 2006 (s. 2(1) and F2006L00764)	Sch. 2 (items 20, 21)
Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006	101, 2006	14 Sept 2006	Schedule 5 (items 34–41) and Schedule 6 (items 5–11): Royal Assent	Sch. 6 (items 5–11)
Australian Sports Anti-Doping Authority Amendment Act 2009	113, 2009	16 Nov 2009	Schedule 1 (items 124, 125): 1 Jan 2010	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 5 (items 40, 41) and Schedule 7 (items 26, 27): 19 Apr 2011	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 259–276) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014 <b>as amended by</b>	62, 2014	30 June 2014	Sch 7 (items 451–469) and Sch 14: 1 July 2014 (s 2(1) item 6, 14)	Sch 14
Public Governance and Resources Legislation Amendment Act (No. 1) 2015 <b>as amended by</b>	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Australian Sports Anti-Doping Authority Amendment Act 2014	121, 2014	26 Nov 2014	Sch 5 (item 14): 1 Jan 2015 (s 2(1) item 2)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (item 53): 21 Oct 2016 (s 2(1) item 1)	—

*Australian Sports Commission Act 1989*

37

Compilation No. 18

Compilation date: 21/10/16

Registered: 31/10/16

## Endnotes

### Endnote 4—Amendment history

---

#### Endnote 4—Amendment history

---

<b>Provision affected</b>	<b>How affected</b>
<b>Part I</b>	
s 3 .....	am No 25, 1995; No 5, 2011; No 62, 2014
<b>Part II</b>	
s 5 .....	am No 152, 1997; No 62, 2014
s 7 .....	am No 106, 1999; No 7, 2006; No 113, 2009
s 8 .....	am No 25, 1995 (as am by No 118, 1997)
<b>Part III</b>	
s 13 .....	am No 179, 1991; No 25, 1995; No 5, 2011
s 14 .....	rs No 179, 1991 am No 146, 1999
s 15 .....	am No 25, 1995
s 17 .....	am No 25, 1995; No 43, 1996
s 18 .....	rep No 152, 1997
s 19 .....	am No 25, 1995; No 152, 1997; No 156, 1999; No 62, 2014
s 20 .....	am No 25, 1995; No 46, 2011
s 21 .....	am No 25, 1995; No 152, 1997
s 22 .....	am No 43, 1996; No 152, 1997; No 156, 1999; No 62, 2014
<b>Part IV</b>	
Part IV heading .....	rs No 62, 2014
s 23 .....	rs No 62, 2014
s 24 .....	rep No 62, 2014
s 25 .....	am No 62, 2014
s 26 .....	am No 62, 2014
s 27 .....	am No 62, 2014
<b>Part V</b>	
s 28 .....	am No 159, 2001
s 30 .....	am No 159, 2001
s 33 .....	am No 43, 1996
s 35 .....	rs No 179, 1991

---

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	am No 146, 1999
s 37 .....	am No 62, 2014
s 39 .....	am No 46, 2011
<b>Part VI</b>	
s 41 .....	am No 146, 1999
<b>Part VII</b>	
s 43 .....	am No 5, 2011
s 44 .....	rep No 152, 1997
s 45 .....	am No 152, 1997; No 62, 2014
s 46 .....	am No 5, 2011
s 47 .....	am No 152, 1997; No 62, 2014
s 48 .....	am No 33, 1991; No 152, 1997 rs No 62, 2014
s 49 .....	rep No 152, 1997
s 50 .....	am No 118, 1992; No 101, 2006
s 51 .....	am No 118, 1992; No 101, 2006
Part VIIA .....	ad No 106, 1999 rep No 7, 2006
s 51A .....	ad No 106, 1999 am No 40, 2005 rep No 7, 2006
s 51AA .....	ad No 40, 2005 rep No 7, 2006
s 51B .....	ad No 106, 1999 rep No 7, 2006
s 51C .....	ad No 106, 1999 am No 40, 2005 rep No 7, 2006
s 51D .....	ad No 106, 1999 am No 40, 2005 rep No 7, 2006

## Endnotes

### Endnote 4—Amendment history

---

<b>Provision affected</b>	<b>How affected</b>
s 51DA .....	ad No 40, 2005 rep No 7, 2006
s 51E.....	ad No 106, 1999 rs No 40, 2005 rep No 7, 2006
s 51F.....	ad No 106, 1999 rep No 7, 2006
s 51G.....	ad No 40, 2005 rep No 7, 2006
<b>Part VIII</b>	
s 52.....	am No 152, 1997; No 62, 2014
s 53.....	rep No 152, 1997
s 54.....	am No 46, 2011
s 56.....	am No 152, 1997
s 57A.....	ad No 7, 2006 am No 113, 2009; No 121, 2014
s 58.....	am No 61, 2016
Part IX.....	rep No 25, 1995
s 59.....	rep No 25, 1995
s 60.....	rep No 25, 1995
s 61.....	rep No 25, 1995
s 62.....	rep No 25, 1995
s 63.....	rep No 25, 1995
s 64.....	rep No 25, 1995
s 65.....	rep No 25, 1995
s 66.....	rep No 25, 1995
s 67.....	rep No 25, 1995
s 68.....	rep No 25, 1995
s 69.....	rep No 25, 1995

---