



Australian Capital Territory

Stadiums Authority Act 2000

A2000-6

Republication No 6

Effective: 13 April 2004 – 31 December 2005

Republication date: 13 April 2004

Last amendment made by A2004-9

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Stadiums Authority Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 13 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Stadiums Authority Act 2000

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Australian Capital Territory

Stadiums Authority Act 2000

An Act to establish the Stadiums Authority, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Stadiums Authority Act 2000*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition ‘*relevant person*, for division 5.1 (Conduct of persons associated with the authority—see section 31.’ means that the term ‘relevant person’ is defined in that section and the definition applies to that division.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Stadiums authority

Division 2.1 Establishment and powers

4 Establishment

- (1) Stadiums Authority is established by this subsection.
- (2) The authority—
 - (a) is a body corporate; and
 - (b) may have a seal.

5 Functions

The functions of the authority are—

- (a) to own, operate or manage sporting or entertainment facilities prescribed under the regulations; and
- (b) to organise, or conduct at a facility mentioned in paragraph (a), sporting, cultural, entertainment or commercial events or festivals, either alone or in conjunction with other persons; and
- (c) to provide facilities (including organisational or catering facilities) for any event or festival mentioned in paragraph (b) or for meetings or functions of any other kind, whether public or private; and
- (d) to operate on a sound commercial basis; and
- (e) to maximise the sustainable return to the Territory on its investment in the authority; and
- (f) to perform services to the community in accordance with an agreement with the Minister; and
- (g) to advise the Minister on all significant issues relating to the authority and its activities; and

- (h) to implement any directions from the Minister under this Act; and
- (i) to exercise any other function given to it under this Act or another Territory law; and
- (j) to carry out activities incidental to its other functions.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see *Legislation Act 2001*, s 196 and dict, pt 1, def of *entity*).

7 Restrictions on contracts and dealings with assets

- (1) The authority or any company that, under the Corporations Act, is a subsidiary of the authority, may not, without the Treasurer's prior written approval—
 - (a) enter into a contract involving the payment or receipt of an amount that exceeds, or of amounts that in total exceed, \$500 000; or
 - (b) dispose of any of its main undertakings; or
 - (c) sell or otherwise dispose of, mortgage or otherwise give security over, a significant asset; or
 - (d) mortgage or give a charge over the whole or a significant part of its undertakings or assets.
- (2) An approval of the Treasurer may be given subject to conditions.

Division 2.2 Board of management

8 Establishment

A board of management of the authority is established by this section.

9 Function of the board

- (1) The board has general responsibility for the policies and management of the authority.
- (2) Without limiting subsection (1), the board is required to—
 - (a) decide the strategies and policies to be followed by the authority; and
 - (b) ensure that the authority exercises its functions in a proper, effective and efficient way

10 Constitution of board

- (1) The board consists of the directors.
- (2) The directors of the authority are—
 - (a) the appointed directors; and
 - (b) the chief executive.
- (3) However, the board consists of only the appointed directors when it is considering or deciding—
 - (a) the appointment, or the ending of the appointment, of the chief executive; or
 - (b) the chief executive's conditions of appointment.

11 Appointment of directors

- (1) The Minister may appoint not less than 4 or more than 6 people to be directors of the authority.

Note For the making of appointments (including acting appointments), see *Legislation Act 2001*, pt 19.3.

- (2) An appointment must not be for a term longer than 3 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Legislation Act 2001*, s 208 and dict, pt 1, def of *appoint*).

12 Chairperson and deputy chairperson

- (1) The Minister must appoint an appointed director to be the chairperson of the board.
- (2) The directors must elect an appointed director to be the deputy chairperson of the board.

13 Honesty and diligence

In the exercise of his or her functions as a director, a director must exercise the degree of honesty, care and diligence that is required to be exercised by a director of a company in relation to the affairs of the company.

15 Ending of appointment of director

- (1) The Minister must end the appointment of an appointed director if the director—
 - (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 their benefit; or
 - (b) is absent, except on leave, from 3 consecutive meetings of the authority; or

- (c) has contravened section 13 or division 5.1; or
- (d) without reasonable excuse, has contravened section 16; or
- (e) is sentenced, in Australia or elsewhere, to imprisonment for at least 1 year; or
- (f) is convicted, in Australia or elsewhere, of an offence—
 - (i) punishable by imprisonment for 1 year or more; or
 - (ii) that involves fraud or arises out of the promotion, formation or management of a corporation.

Note An appointed director's appointment also ends if the director resigns (see *Legislation Act 2001*, s 210).

- (2) The Minister may end the appointment of an appointed director if the board tells the Minister in writing that it has resolved, by a majority of at least $\frac{2}{3}$ of the directors, to recommend to the Minister that the director's appointment be ended.
- (3) The board may only pass a resolution mentioned in subsection (2) if—
 - (a) at least 21 days written notice of the intention to consider the proposed resolution has been given to the director concerned; and
 - (b) the director has been given an opportunity to make submissions and present documents to a meeting of the board; and
 - (c) if the director has availed himself or herself of the opportunity mentioned in paragraph (b)—a summary of his or her arguments is recorded in the minutes of the authority and a copy of any documents presented is incorporated in the minutes.

16 Disclosure of interest

- (1) A director who has a direct or indirect personal or financial interest in a matter being considered or about to be considered by the board must, as soon as practicable after the relevant facts have come to the director's knowledge, disclose the nature of the interest at a meeting of the board.
- (2) The disclosure must be recorded in the minutes of the meeting and, unless the board otherwise decides, the director must not—
 - (a) be present during any deliberation of the board on that matter; or
 - (b) take part in any decision of the board on that matter.
- (3) A director who has made a disclosure under this section must not—
 - (a) be present during any deliberation of the board for the purpose of considering whether to make a decision under subsection (2); or
 - (b) take part in the making of a decision.
- (4) The chairperson must, when requested by the Minister to do so, give to the Minister a statement of any disclosure of interest made under subsection (1) or (2).
- (5) The Minister must present a copy of a statement under subsection (4) to the relevant committee of the Legislative Assembly within 14 days after the day the Minister receives the request.
- (6) In subsection (5):
relevant committee means—
 - (a) a standing committee of the Legislative Assembly nominated by the Speaker of the Legislative Assembly for subsection (5); or

- (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.

Division 2.3 Procedures

17 Calling meetings of board

- (1) The chairperson or, if the chairperson cannot do so, the deputy chairperson—
 - (a) may at any time call a meeting of the board; and
 - (b) must call a meeting of the board if asked by the Minister or at least 2 directors.
- (2) A person who calls a meeting of the board must give the other directors reasonable notice of the time and place of the meeting.

18 Procedure at meetings

- (1) The chairperson must preside at all meetings of the board at which he or she is present.
- (2) If the chairperson is not present at a meeting, the deputy chairperson must preside.
- (3) If the chairperson and the deputy chairperson are both absent from a meeting, the directors present must elect a director to preside.
- (4) Subject to any decision of the board, the procedures to be followed in connection with a meeting are as the presiding director decides.
- (5) If all the directors so agree, a meeting may be held by means of a method of communication, or a combination of methods of communication, that enables each participant to hear what another participant says without the participants being in each other's presence.

- (6) A director who takes part in a meeting conducted under subsection (5) is taken, for all purposes, to be present at the meeting.
- (7) Questions arising at a meeting may be decided by a majority of the votes of the directors present and voting.
- (8) The presiding director has a deciding vote and, if the votes are equal, a casting vote.
- (9) The board must keep minutes of its proceedings in writing or in such other form as the board decides.

19 Quorum

A majority of the appointed directors is a quorum for a meeting.

Part 3 Chief executive and staff

Division 3.1 The chief executive

20 Appointment of chief executive

- (1) The Minister must appoint a person as the chief executive of the authority.

Note 1 For the making of appointments (including acting appointments), see *Legislation Act 2001*, pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see *Legislation Act 2001*, div 19.3.3).

- (2) The chief executive's conditions of appointment are the conditions agreed to between the authority and the chief executive.
- (3) However, the authority may enter into an agreement mentioned in subsection (2) only after consultation between the Minister and the board.
- (4) Despite any agreement under subsection (2), the authority may end the appointment of a chief executive without compensation if the chief executive contravenes section 21 (2) or division 5.1 (Conduct of persons associated with the authority).

Note The chief executive's appointment also ends if the chief executive resigns (see *Legislation Act 2001*, s 210).

21 Functions of chief executive

- (1) The functions of the chief executive are—
- (a) to manage the authority's affairs on a day-to-day basis on behalf of the board; and
 - (b) to be a director; and
 - (c) any other function given to him or her by the board.

- (2) In performing the function under subsection (1) (a), the chief executive must act in accordance with any policies decided, and any directions given, by the board.

Division 3.2 Staff and consultants

22 Staff

- (1) The staff of the authority are employed under the *Public Sector Management Act 1994*.
- (2) That Act applies in relation to the management of the staff of the authority.

23 Consultants

- (1) The authority may engage consultants.
- (2) Subsection (1) does not confer on the authority a power to enter into a contract of employment.

Part 4 Accountability and finance

24 Requests for information

- (1) The authority must provide the Legislative Assembly with all the information that it requests.
- (2) The authority must provide the Minister with all the information that he or she requests.

25 Notification of significant occurrences

The authority must, as soon as practicable, tell the Minister of any significant occurrence that affects, or seems likely to affect—

- (a) the value of the authority; or
- (b) a significant part of its assets; or
- (c) the performance of the authority as a whole; or
- (d) the discharge of a significant activity of the authority.

26 Ministerial directions

- (1) The Minister may give written directions to the authority in relation to the exercise of any of its functions.
- (2) Before giving a direction the Minister must—
 - (a) tell the authority of the intent of the proposed direction; and
 - (b) give the authority a reasonable opportunity to comment on the proposed direction; and
 - (c) consider any comments made by the authority.
- (3) The Minister must present a copy of a direction to the Legislative Assembly within 6 sitting days after the day the Minister makes it.

- (4) On receiving a direction under this section, the authority must comply with it.
- (5) The Territory is liable to reimburse the authority for the net reasonable expense of complying with a direction.
- (6) The net reasonable expense of complying with a direction is—
 - (a) if the direction requires the authority to do something that, but for the direction, it would not have done—the reasonable cost of, and the estimated revenue foregone in, complying with the direction; or
 - (b) if the direction requires the authority to perform an activity in a way that is different from the manner in which the authority would otherwise have performed it—the additional cost incurred, and the estimated revenue foregone, in performing the activity in accordance with the direction; or
 - (c) if the direction requires the authority to refrain from performing an activity—any loss incurred by the authority as a result of the foregone revenue exceeding the savings resulting from the nonperformance of the activity.
- (7) An amount is not payable under subsection (5) unless it is agreed to by the Minister and the authority or, failing agreement, is determined by the Treasurer.

27 Business plans

- (1) The Minister may request the authority, in writing, to prepare and give to him or her a business plan made up to a date specified in the direction (the specified date).
- (2) If the Minister makes a request under subsection (1), the authority must give to the Minister a business plan that includes—
 - (a) a profit and loss account for the period from the beginning of the current financial year to the specified date; and

- (b) a cash flow statement for that period; and
 - (c) a statement of assets and liabilities at the specified date; and
 - (d) estimated profit and loss accounts and cash flow statements for each of the next 3 financial years; and
 - (e) a statement of estimated assets and liabilities at the end of each of the next 3 financial years; and
 - (f) a copy of the statement of intent for the current financial year provided under the *Financial Management Act 1996*, section 58 (1); and
 - (g) a description of the business and corporate strategies adopted by the authority; and
 - (h) a description of any significant action that the authority has taken or intends to take in order to achieve the estimates set out in the statements under paragraphs (d) and (e); and
 - (i) an explanation of any significant variation disclosed by the business plan from—
 - (i) estimates previously given by the authority for the current or a future financial year; or
 - (ii) strategies or policies, whether adopted or contemplated, of which advice had been given;in a previous business plan, information given to the Minister or the Treasurer, a statement of intent or an annual report.
- (3) The Minister must present a copy of each business plan given to the Minister under subsection (2) to the Legislative Assembly within 6 sitting days after the day the Minister receives it.

28 Compliance with business plans

- (1) This section applies to a financial year if the authority has previously given to the Minister a business plan that contains estimates for the financial year.
- (2) As soon as practicable after 31 December and 30 June in a financial year to which this section applies, the authority must give to the Minister a written assessment of its performance, for the 6 month period ending on those dates, in relation to the estimates for that period contained in the latest business plan given to the Minister.
- (3) A report under subsection (2) must be prepared in a form that facilitates a comparison between the business plan estimates applicable to the period and the outcomes of operations of the authority during the period.

29 Dividends

- (1) If there are profits available for doing so, the Treasurer, after consultation with the board, may direct the authority to declare a dividend for a financial year of the amount directed by the Treasurer.
- (2) The authority must pay to the Territory, within 1 month after receiving a direction under subsection (1), a dividend in accordance with the direction.
- (3) In this section:

available profits means—

- (a) the profits for the financial year to which the Treasurer's direction relates; and
- (b) any profits for any previous financial year that have not previously been taken into account in deciding whether a dividend should be declared.

profit includes the net proceeds of the sale of assets.

30 Other reporting requirements

- (1) In addition to any other reports that the authority is required by this Act or any other law to make, the authority must give to the Treasurer such reports as the Treasurer from time to time requests in writing.
- (2) A report under this section must be prepared in such form, and be based on such accounting or other policies or practices, as the Treasurer specifies in writing.

Part 5 Miscellaneous

Division 5.1 Conduct of persons associated with the authority

31 Meaning of *relevant person* for div 5.1

In this division:

relevant person means—

- (a) a director; or
- (b) an employee of the authority; or
- (c) a person performing services for the authority.

32 Improper use of position

A relevant person must not knowingly make improper use of his or her position as a relevant person to gain, directly or indirectly, an advantage for himself or herself or anyone else or to cause detriment to the authority.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

33 Improper use of information

A relevant person or former relevant person must not knowingly make improper use of information acquired because of his or her position as a relevant person to gain, directly or indirectly, an advantage for himself or herself or anyone else or to cause detriment to the authority.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

Division 5.2 General

34 Power to bind authority

Anything done by, or on behalf of, the authority by the board or the chief executive is taken to have been done by the authority.

35 Authority's annual report

A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 26 (Ministerial directions) during the year; and
- (b) a statement by the authority about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

37 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Dictionary

(see s 2)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- appoint
- contravene
- exercise
- function.

appointed director means a person appointed to be a director of the authority under section 11 (1).

authority means the Stadiums Authority established under section 4 (1).

board means the board of management of the authority established under section 8.

chief executive means a person appointed as the chief executive under section 20.

director means a director of the authority.

relevant person, for part 5.1 (Conduct of persons associated with the authority)—see section 31.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Stadiums Authority Act 2000 No 6

notified 23 March 2000 (Gaz 2000 No 12)
s 1, s 2 commenced 23 March 2000 (IA s 10B)
remainder (ss 3-41) commenced 13 April 2000 (s 2 (2) and Gaz 2000 No 15)

as amended by

Legislation (Consequential Amendments) Act 2001 No 44 pt 367

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 367 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2002 No 30 pt 3.78

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.78 commenced 17 September 2002 (s 2 (1))

Taxation (Government Business Enterprises) Act 2003 A2003-12 sch 1 pt 1.9

notified LR 27 March 2003
s 1, s 2 taken to have commenced 1 July 2002 (LA s 75 (2))
sch 1 pt 1.9 commenced 28 March 2003 (s 2 (2))

Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.31

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.31 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

4 Amendment history

Dictionary

s 2 orig s 2 om 2001 No 44 amdt 1.3911
ins 2002 No 30 amdt 3.788

Notes

s 3 sub 2002 No 30 amdt 3.788

Functions

s 5 am 2002 No 30 amdt 3.789

Powers

s 6 om 2002 No 30 amdt 3.790

Function of the board

s 9 am 2002 No 30 amdt 3.791

Constitution of board

s 10 sub 2002 No 30 amdt 3.792

Appointment of directors

s 11 am 2002 No 30 amdt 3.793–3.795

Chairperson and deputy chairperson

s 12 am 2002 No 30 amdt 3.796

Honesty and diligence

s 13 am 2002 No 30 amdt 3.797

Resignation

s 14 om 2002 No 30 amdt 3.798

Ending of appointment of director

s 15 hdg sub 2002 No 30 amdt 3.799

s 15 am 2002 No 30 amdt 3.800–3.805

Disclosure of interest

s 16 am 2002 No 30 amdt 3.806, amdt 3.807

Calling meetings of board

s 17 sub 2002 No 30 amdt 3.808

Appointment of chief executive

s 20 sub 2002 No 30 amdt 3.809

Functions of chief executive

s 21 hdg sub 2002 No 30 amdt 3.810

Ministerial directions

s 26 am 2002 No 30 amdt 3.811, amdt 3.812

Business plans

s 27 am 2002 No 30 amdt 3.813

Dividends

s 29 am 2002 No 30 amdt 3.814

Authority's annual report

s 35 sub A2004-9 amdt 1.41

Taxation

s 36 om A2003-12 amdt 1.12

Endnotes

4 Amendment history

Regulation-making power

s 37 am 2001 No 44 amdt 1.3912

Transitional provisions

pt 6 hdg sub 2002 No 30 amdt 3.815
exp 31 December 2003 (s 42)

Transfer of assets, rights and liabilities

s 38 am 2001 No 44 amdt 1.3913, amdt 1.3914
exp 31 December 2003 (s 42)

Evidentiary certificate

s 39 exp 31 December 2003 (s 42)

Registration of changes in title to certain assets

s 40 exp 31 December 2003 (s 42)

Proceedings and evidence

s 41 am 2002 No 30 amdt 3.816
exp 31 December 2003 (s 42)

Expiry of pt 6

s 42 ins 2002 No 30 amdt 3.817
exp 31 December 2003 (s 42)

Dictionary

dict ins 2002 No 30 amdt 3.818
def **appointed director** ins 2002 No 30 amdt 3.818
def **authority** ins 2002 No 30 amdt 3.818
def **board** ins 2002 No 30 amdt 3.818
def **chief executive** ins 2002 No 30 amdt 3.818
def **director** ins 2002 No 30 amdt 3.818
def **relevant person** ins 2002 No 30 amdt 3.818

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	31 May 2000
2	Act 2001 No 44	20 December 2001
3	Act 2002 No 30	10 October 2002
4	A2003-12	28 March 2003
5	A2003-12	24 December 2003

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