



Australian Capital Territory

# **Stadiums Authority Act 2000**

**A2000-6**

**Republication No 7**

**Effective: 1 January 2006 – 30 June 2006**

Republication date: 1 January 2006

Last amendment made by A2005-52

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 1 January 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 January 2006.

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](http://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 includes 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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01/01/06

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Australian Capital Territory

# Stadiums Authority Act 2000

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

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## 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 terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

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

## Part 2                      The authority

### *Note for pt 2*

The governance of territory authorities, including the Stadiums Authority, is regulated by the *Financial Management Act 1996* (the *FMA*), pt 9 as well as the Act that establishes them.

The FMA, pt 9 deals, for example, with the corporate status of territory authorities and their powers, the make-up of governing boards, the responsibilities of the governing board and board members, how governing board positions can be ended, meetings of governing boards and conflicts of interest.

## Division 2.1                      Establishment and functions of authority

### **4                      Establishment of authority**

The Stadiums Authority (the *authority*) is established.

### **5                      Functions of authority**

The authority has the following functions:

- (a) owning, operating or managing sporting or entertainment facilities prescribed by regulation;
- (b) organising sporting, cultural, entertainment or commercial events or festivals, or conducting them at facilities mentioned in paragraph (a), either alone or with others;
- (c) providing facilities (including organisational or catering facilities) for an event or festival mentioned in paragraph (b) or for meetings or functions of any other kind, whether public or private;
- (d) operating on a sound commercial basis;

- (e) maximising the sustainable return to the Territory on its investment in the authority;
- (f) providing services to the community in accordance with an agreement with the Minister;
- (g) implementing any directions given to the authority by the Minister under this Act;
- (h) exercising any other function given to it under this Act or any other territory law.

*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, s 196 and dict, pt 1, def *entity*).

## **6                    Restrictions on dealings with assets**

- (1) In this section:  
*subsidiary* means a company that, for the Corporations Act, is a subsidiary of the authority.
- (2) The authority or a subsidiary must not, without the Treasurer's prior written approval—
  - (a) enter into a contract involving the payment or receipt of a total amount larger than \$500 000; or
  - (b) sell or otherwise dispose of, or mortgage or otherwise give security over, a significant asset; or
  - (c) mortgage or give a charge over all, or a significant part, of its undertakings or assets.
- (3) An approval of the Treasurer may be given subject to conditions or restrictions stated in the approval.
- (4) The authority or a subsidiary must not dispose of any of its main undertakings unless the Legislative Assembly has, by resolution, approved the disposal.



- (5) A purported disposal in contravention of subsection (4) is void.
- (6) For this section, an asset, or part of the undertakings or assets, of the authority or a subsidiary is *significant* if—
  - (a) it is significant when interpreted in accordance with accounting standards relating to materiality ordinarily used in Australia when the decision about whether it is significant is made; or
  - (b) a document published by the authority or subsidiary identifies it as significant (however described); or
  - (c) a memorandum of understanding or other agreement between the Minister or Treasurer and the authority or subsidiary identifies it as significant (however described); or
  - (d) it is prescribed under the financial management guidelines under the *Financial Management Act 1996* for this section.
- (7) This section is additional to the *Financial Management Act 1996*, part 9 (Governance of territory authorities).

## **Division 2.2                      Governing board**

### **7                      Establishment of governing board**

The authority has a governing board.

### **8                      Governing board members**

The governing board has at least 5, but not more than 7, members.

*Note 1*    The chair and deputy chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

*Note 2*    The chief executive officer of the authority is a member of the governing board (see *Financial Management Act 1996*, s 80 (4)).

**9            Functions of governing board**

The governing board has the following functions:

- (a) advising the Minister on all significant issues relating to the authority and its activities;
- (b) exercising any other function given to the board under this Act or any other territory law.

## Part 3 Authority staff and consultants

### 10 Staff

The authority's staff must be employed under the *Public Sector Management Act 1994*.

*Note* The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a territory instrumentality has all the powers of a chief executive under the Act in relation to the instrumentality staff to be employed under that Act (including, for example, in relation to the appointment of people to, or the employment of people for, that staff). Under that Act, s 3, def **chief executive officer**, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

### 11 Consultants

- (1) The authority may engage consultants.
- (2) However, the authority must not enter into a contract of employment under this section.

## Part 4 Miscellaneous

### 12 Ministerial directions

- (1) The Minister may give the authority written directions in relation to the exercise of its functions.
- (2) Before giving a direction the Minister must—
  - (a) tell the governing board about the effect of the proposed direction; and
  - (b) give the board a reasonable opportunity to comment on the proposed direction; and
  - (c) consider any comments made by the board.
- (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 must 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, apart from 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 do something in a way that is different from how the authority had intended to do it—the additional cost incurred, and the estimated revenue foregone, in doing the thing the activity in accordance with the direction; or

- (c) if the direction requires the authority not to do something that, apart from the direction, it would have done—the difference (if any) between any estimated foregone revenue and the savings resulting from not doing the thing.
- (7) An amount is not payable under subsection (5) unless it is agreed to by the Minister and the authority or, failing agreement, is decided by the Treasurer.

### **13 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 12 (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*.

### **14 Regulation-making power**

The Executive may make regulations for this Act.

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

## Dictionary

(see s 2)

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

*Note 2* For example, the Legislation Act dict, pt 1, defines the following terms:

- exercise
- function.

***authority*** means the Stadiums Authority.

***governing board*** means the governing board of the authority.

## 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

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### 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)

#### **Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.20**

notified LR 26 October 2005  
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))  
sch 1 pt 1.20 commenced 1 January 2006 (s 2 (2))



## 4 Amendment history

### Dictionary

s 2 om 2001 No 44 amdt 1.3911  
ins 2002 No 30 amdt 3.788  
am A2005-52 amdt 1.260

### Notes

s 3 sub 2002 No 30 amdt 3.788

### The authority

pt 2 hdg sub A2005-52 amdt 1.261

### Establishment and functions of authority

div 2.1 hdg sub A2005-52 amdt 1.261

### Establishment of authority

s 4 sub A2005-52 amdt 1.261

### Functions of authority

s 5 am 2002 No 30 amdt 3.789  
sub A2005-52 amdt 1.261

### Restrictions on dealings with assets

s 6 om 2002 No 30 amdt 3.790  
ins A2005-52 amdt 1.261

### Governing board

div 2.2 hdg sub A2005-52 amdt 1.261

### Establishment of governing board

s 7 sub A2005-52 amdt 1.261

### Governing board members

s 8 sub A2005-52 amdt 1.261

### Functions of governing board

s 9 am 2002 No 30 amdt 3.791  
sub A2005-52 amdt 1.261

### Procedures

div 2.3 hdg om A2005-52 amdt 1.261

### Authority staff and consultants

pt 3 hdg sub A2005-52 amdt 1.262

### The chief executive

div 3.1 hdg om A2005-52 amdt 1.263

### Staff

s 10 sub 2002 No 30 amdt 3.792  
om A2005-52 amdt 1.261  
ins A2005-52 amdt 1.265

## Endnotes

4 Amendment history

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### **Consultants**

s 11 am 2002 No 30 amdt 3.793–3.795  
om A2005-52 amdt 1.261  
ins A2005-52 amdt 1.265

### **Staff and consultants**

div 3.2 hdg om A2005-52 amdt 1.264

### **Miscellaneous**

pt 4 hdg sub A2005-52 amdt 1.266

### **Ministerial directions**

s 12 am 2002 No 30 amdt 3.796  
om A2005-52 amdt 1.261  
ins A2005-52 amdt 1.268

### **Authority's annual report**

s 13 am 2002 No 30 amdt 3.797  
om A2005-52 amdt 1.261  
ins A2005-52 amdt 1.268

### **Regulation-making power**

s 14 om 2002 No 30 amdt 3.798  
ins A2005-52 amdt 1.268

### **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  
om A2005-52 amdt 1.261

### **Disclosure of interest**

s 16 am 2002 No 30 amdt 3.806, amdt 3.807  
om A2005-52 amdt 1.261

### **Calling meetings of board**

s 17 sub 2002 No 30 amdt 3.808  
om A2005-52 amdt 1.261

### **Procedure at meetings**

s 18 om A2005-52 amdt 1.261

### **Quorum**

s 19 om A2005-52 amdt 1.261

### **Appointment of chief executive**

s 20 sub 2002 No 30 amdt 3.809  
om A2005-52 amdt 1.263

### **Functions of chief executive**

s 21 hdg sub 2002 No 30 amdt 3.810  
s 21 om A2005-52 amdt 1.263

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<b>Staff</b>	
s 22	om A2005-52 amdt 1.265
<b>Consultants</b>	
s 23	om A2005-52 amdt 1.265
<b>Requests for information</b>	
s 24	om A2005-52 amdt 1.266
<b>Notification of significant occurrences</b>	
s 25	om A2005-52 amdt 1.266
<b>Ministerial directions</b>	
s 26	am 2002 No 30 amdt 3.811, amdt 3.812 om A2005-52 amdt 1.266
<b>Business plans</b>	
s 27	am 2002 No 30 amdt 3.813 om A2005-52 amdt 1.266
<b>Compliance with business plans</b>	
s 28	om A2005-52 amdt 1.266
<b>Dividends</b>	
s 29	am 2002 No 30 amdt 3.814 om A2005-52 amdt 1.266
<b>Other reporting requirements</b>	
s 30	om A2005-52 amdt 1.266
<b>Miscellaneous</b>	
pt 5 hdg	om A2005-52 amdt 1.266
<b>Conduct of persons associated with the authority</b>	
div 5.1 hdg	om A2005-52 amdt 1.266
<b>Meaning of <i>relevant person</i> for div 5.1</b>	
s 31	om A2005-52 amdt 1.266
<b>Improper use of position</b>	
s 32	om A2005-52 amdt 1.266
<b>Improper use of information</b>	
s 33	om A2005-52 amdt 1.266
<b>General</b>	
div 5.2 hdg	om A2005-52 amdt 1.266
<b>Power to bind authority</b>	
s 34	om A2005-52 amdt 1.266
<b>Authority's annual report</b>	
s 35	sub A2004-9 amdt 1.41 om A2005-52 amdt 1.266

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## Endnotes

### 4 Amendment history

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#### **Taxation**

s 36 om A2003-12 amdt 1.12

#### **Regulation-making power**

s 37 am 2001 No 44 amdt 1.3912  
om A2005-52 amdt 1.266

#### **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  
sub A2005-52 amdt 1.267  
def **appointed director** ins 2002 No 30 amdt 3.818  
om A2005-52 amdt 1.267  
def **authority** ins 2002 No 30 amdt 3.818  
sub A2005-52 amdt 1.267  
def **board** ins 2002 No 30 amdt 3.818  
om A2005-52 amdt 1.267  
def **chief executive** ins 2002 No 30 amdt 3.818  
om A2005-52 amdt 1.267  
def **director** ins 2002 No 30 amdt 3.818  
om A2005-52 amdt 1.267  
def **governing board** ins A2005-52 amdt 1.267  
def **relevant person** ins 2002 No 30 amdt 3.818  
om A2005-52 amdt 1.267

## 5 Earlier replications

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

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised replication are identical.

Replication No	Amendments to	Replication 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
6	A2004-9	13 April 2004

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