

## SPORT, FITNESS, AND LEISURE AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Recreation and Sport Act 1987.

The main changes are as follows:

- (a) The concept of recreation is replaced by the concepts of fitness and physical leisure activity;
- (b) Consequently the name of the principal Act is changed from the Recreation and Sport Act 1987 to the Sport, Fitness, and Leisure Act 1987, and the name of the Hillary Commission is changed to the Hillary Commission for Sport, Fitness, and Leisure;
- (c) The membership of the Commission is reduced from 11 to 9, 8 of whom are to be appointed by the Minister. The remaining member is to be appointed by the Minister on the nomination of the Minister of Internal Affairs. That member need not be an officer of the Department of Internal Affairs, as at present. Provision for the appointment of an officer of the Ministry of Education has been omitted;
- (d) All existing members of the Commission are to relinquish office on the commencement of the Act;
- (e) The Commission is to become a Crown agency for the purposes of the Public Finance Act 1989 and to be subject to Part V of that Act as if that Part were in force.

*Clause 1* relates to the Short Title and date of commencement. The date of commencement is 1 January 1991.

*Clause 2* changes the name of the principal Act from the Recreation and Sport Act 1987 to the Sport, Fitness, and Leisure Act 1987, and makes other consequential amendments.

*Clause 3* repeals section 2 of the principal Act, and substitutes a new section. The new section—

- (a) Provides for the change of name of the Hillary Commission;
- (b) Inserts new definitions of “fitness” and “leisure”;
- (c) Replaces the definition of the term “Minister” with a new definition;
- (d) Omits the definition of the term “recreation”;
- (e) Amends the definition of the term “sport” so that it refers to sport played both formally and informally.

*Clause 4* changes the name of the Hillary Commission to the Hillary Commission for Sport, Fitness, and Leisure, and also provides for the Commission to be a Crown agency for the purposes of the Public Finance Act 1989. Part V of that Act is to apply to the Commission as if that Part were in force.

*Clause 5* reduces the membership of the Commission from 11 to 9.

Provision for the appointment of an officer of the Ministry of Education has been omitted.

In addition, every existing member of the Commission is to relinquish office on the commencement of the Bill.

No compensation is payable because of that relinquishment of office.

*Clause 6* amends section 9 of the principal Act, relating to meetings of the Commission, to provide that at any meeting of the Commission the quorum shall be 5 members.

*Clause 7* amends section 14 of the principal Act, relating to the Commission's functions, to change various references to "recreation and sport" to "sport, fitness, and leisure".

*Clause 8* changes various other references in the principal Act to "recreation and sport" to "sport, fitness, and leisure".

*Clause 9* repeals sections 30 and 31 of the principal Act, relating to the Commission's financial year and accounts.

As the Commission is to be a Crown agency those matters will now be provided for by Part V of the Public Finance Act 1989.

*Clause 10* repeals section 32 of the principal Act, relating to the Commission's annual report, and substitutes a new section.

The new section takes into account the fact that the Commission is to be a Crown agency, and the fact that the Commission's financial statements will be prepared in accordance with the Public Finance Act 1989. The new section also provides for the annual report to be tabled in the House of Representatives in accordance with section 44 of the Public Finance Act 1989.

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*Hon. John Banks*

## SPORT, FITNESS, AND LEISURE AMENDMENT

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### ANALYSIS

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### A BILL INTITULED

#### **An Act to amend the Recreation and Sport Act 1987**

5     **1. Short Title and commencement**—(1) This Act may be cited as the Sport, Fitness, and Leisure Amendment Act 1991, and shall be read together with and deemed part of the Act heretofore cited as the Recreation and Sport Act 1987\* (hereinafter referred to as the principal Act).

      (2) This Act shall come into force on the 1st day of January 1991.

10    **2. Change of name**—(1) The principal Act may hereafter be cited as the Sport, Fitness, and Leisure Act 1987.

15    (2) The Short Title of the principal Act and the Short Title of the Recreation and Sport Amendment Act 1987 are hereby consequentially amended by omitting the words “Recreation and Sport”, and substituting the words “Sport, Fitness, and Leisure”.

      (3) The Title of the principal Act is hereby consequentially amended—

20    (a) By omitting the words “recreation and sport”, and substituting the words “sport, fitness, and leisure”:

\*1987, No. 13  
Amendment: 1987, No. 154

(b) By omitting the words “**Recreation and Sport**”, and substituting the words “**Sport, Fitness, and Leisure**”.

(4) The Title of the Recreation and Sport Amendment Act 1987 is hereby consequentially amended by omitting the words “**Recreation and Sport**”, and substituting the words “**Sport, Fitness, and Leisure**”.

(5) Every reference in any enactment to the Short Title of either of the said Acts is hereby consequentially amended by omitting the words “Recreation and Sport”, and substituting the words “Sport, Fitness, and Leisure”.

**3. Interpretation**—The principal Act is hereby amended by repealing section 2, and substituting the following section:

“2. In this Act, unless the context otherwise requires,—

“‘Commission’ means the Hillary Commission for Sport, Fitness, and Leisure:

“‘Fitness’ means physical wellbeing resulting from participation in sport and leisure activities:

“‘Leisure’ means physical activities or physical pastimes engaged in in New Zealand for the purpose of relaxation or enjoyment; and includes such physical activities or physical pastimes engaged in overseas by New Zealanders:

“‘Minister’ means the Minister for Sport, Fitness, and Leisure:

“‘New Zealander’ means a New Zealand citizen; and includes any person resident in New Zealand, whether or not the person is a New Zealand citizen:

“‘Sport’ means sport played, formally and informally, in New Zealand; and includes the participation by New Zealanders in sport overseas.”

**4. Hillary Commission for Sport, Fitness, and Leisure**—(1) Section 3 of the principal Act is hereby amended by omitting from subsection (1) the words “Recreation and Sport”, and substituting the words “Sport, Fitness, and Leisure”.

(2) The said section 3 is hereby further amended by adding the following subsection:

“(3) The Commission shall be a Crown agency for the purposes of the Public Finance Act 1989, and, notwithstanding anything in section 1 (3A) of that Act, Part V of that Act shall apply to the Commission as if that Part of the Act had come into force on the commencement of this subsection.”

(3) The Hillary Commission for Sport, Fitness, and Leisure is hereby declared to be the same body corporate as that which was constituted under the principal Act and immediately before the commencement of this subsection was known as the Hillary Commission for Recreation and Sport.

(4) Every reference to the Hillary Commission for Recreation and Sport in any enactment, certificate of title, agreement, deed, instrument, or other document shall hereafter be read as a reference to the Hillary Commission for Sport, Fitness, and Leisure.

**5. Membership of Commission**—(1) The principal Act is hereby amended by repealing section 4, and substituting the following section:

“4. The Commission shall consist of—

“(a) Eight persons to be appointed by the Minister on the basis of having special skills, knowledge, or background appropriate to the functions and powers of the Commission:

“(b) A person to be appointed by the Minister on the nomination of the Minister of Internal Affairs.”

(2) Every person who, immediately before the commencement of this subsection, held office as a member of the Hillary Commission for Recreation and Sport shall, on the commencement of this subsection, be deemed to have relinquished his or her office as such a member.

(3) No member of the Hillary Commission for Recreation and Sport shall be entitled to any money or other benefit by way of compensation, or to a claim for loss of remuneration or for reimbursement of expected allowances, arising out of his or her relinquishment of office under **subsection (2)** of this section.

**6. Quorum**—Section 9 of the principal Act is hereby amended by repealing subsection (6), and substituting the following subsection:

“(6) At any meeting of the Commission the quorum shall be 5 members.”

**7. Functions of Commission**—(1) Section 14 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The principal functions of the Commission shall be to develop and encourage sport, fitness, and leisure.”

(2) Section 14 (2) (e) of the principal Act is hereby amended by omitting the words “and recreation”, and substituting the words “, fitness, and leisure”.

(3) Section 14 (2) (f) of the principal Act is hereby amended—

(a) By omitting the words “group recreation”, and substituting the words “group fitness and leisure activities”:

(b) By omitting the words “and recreation”, and substituting the words “, fitness, and leisure”.

**8. Amendments consequential to change of name, etc.**—(1) The principal Act is hereby amended by omitting from sections 15 (b), 16 (1), and 17 (2) (a), (c), (d), (e), and (f) the words “recreation and sport”, and substituting in each case the words “sport, fitness, and leisure”.

(2) Section 17 (2) (e) of the principal Act is hereby amended by omitting the words “recreational purposes”, and substituting the words “the purposes of sport, fitness, and leisure”.

(3) Section 18 of the principal Act is hereby amended by omitting the words “recreational or sporting organisation”, and substituting the words “sport, fitness, or leisure organisation”.

(4) Section 34 of the principal Act is hereby amended—

(a) By omitting from subsection (1) (a) the words “Recreation and Sport”, and substituting the words “Sport, Fitness, and Leisure”:

(b) By omitting from subsection (2) (a) the words “Recreation and Sport”, and substituting the words “Sport, Fitness, and Leisure”.

**9. Repeal of redundant provisions**—Sections 30 and 31 of the principal Act are hereby repealed.

**10. Annual report**—The principal Act is hereby amended by repealing section 32, and substituting the following section:

“32. (1) The Commission shall in each year furnish to the Minister a report with respect to the operation of this Act.

“(2) The Commission shall include in every annual report of the Commission the financial statements prepared by the Commission, in accordance with Part V of the Public Finance Act 1989, in respect of the financial year to which the report relates, together with the audit report and the management statement relating to those financial statements.

“(3) A copy of every annual report of the Commission shall be tabled in the House of Representatives in accordance with section 44 of the Public Finance Act 1989.”