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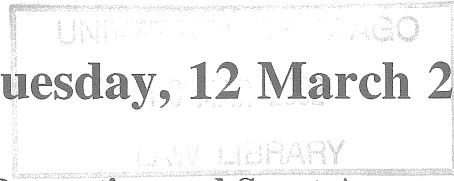
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House of Representatives

Supplementary Order Paper

Tuesday, 12 March 2002

Recreation and Sport Agency Bill



Proposed amendments

Hon Trevor Mallard, in Committee, to move the following amendments:

Clause 2

To omit the expression "**1 November 2001**" (line 5 on page 2), and substitute the words "a date to be appointed by the Governor-General by Order in Council".

Clause 4(b)(ii)

To insert, after the words "relating to the board" (line 22 on page 2), the words ", the nominations advisory group,".

Clause 8

To insert, after paragraph (h) (after line 23 on page 5), the following paragraph:

- (ha) facilitate the resolution of disputes between persons or organisations involved in physical recreation and sport:

New clauses 13A and 13B

To insert, after *clause 13* (after line 31 on page 7), the following clauses:

13A Appointed members of Hillary Commission deemed to be members of board

- (1) Every person who, immediately before the commencement of this Act, held office as a member of the Hillary Commission is deemed to be appointed as a member of the board under **section 13(1)**.
- (2) The term of office of every person deemed to be appointed as a member of the board under this section expires on the date on which, but for the passing of this Act, that term would have expired under the Sport, Fitness, and Leisure Act 1987.
- (3) **Schedules 1 to 3** apply to every person deemed to be appointed as a member of the board under this section except **clauses 1, 2, and 4(1)(a) and (2) of Schedule 2**.

13B Chairperson and deputy chairperson

- (1) The person who, immediately before the commencement of this Act, held office as the presiding member of the Hillary Commission is deemed to be appointed as the chairperson of the board under **clause 9(1) of Schedule 2**.
- (2) The person who, immediately before the commencement of this Act, held office as the deputy presiding member of the Hillary Commission is deemed to be appointed as the deputy chairperson of the board under **clause 9(1) of Schedule 2**.

New heading and clauses 15A to 15E

To insert, after *clause 15* (after line 3 on page 8), the following heading and clauses:

Nominations advisory group

15A Nominations advisory group

- (1) The Minister must appoint a nominations advisory group after the first vacancy occurs in the membership of the board that is deemed to have been appointed under **section 13A**.
- (2) The Minister may alter the nominations advisory group.

15B Functions of nominations advisory group

The functions of the nominations advisory group are to—

- (a) recommend to the Minister persons to be appointed as members of the board; and
- (b) advise the Minister concerning the membership of the board.

15C Nominations advisory group's recommendations and advice

- (1) This section applies to decisions made by the Minister concerning the membership of the board after the appointment of the nominations advisory group.
- (2) The Minister must, before making a decision to which this section applies, take into account the nominations advisory group's recommendations and advice concerning the membership of the board.
- (3) The acts and decisions of the board are valid even if the appointment of any member is defective as a result of a breach of **subsection (2)** by the Minister.

15D Membership of nominations advisory group

- (1) The Minister may, at any time, appoint or discharge a member of the nominations advisory group and, if the Minister thinks fit, appoint another member in a discharged member's place.
- (2) A member of the nominations advisory group may resign office by notice in writing to the Minister.

15E Nominations advisory group to regulate own procedure

Subject to any direction given by the Minister, the nominations advisory group may regulate its own procedure.

Clause 52(2)(a)

To omit the words “with the close of 31 October 2001” (lines 33 and 34 on page 18), and substitute the words “immediately before the commencement of this Act”.

Schedule 2

To omit from *clause 6* the words “incapacity affecting performance of duty” (lines 9 and 10 on page 23), and substitute the words “inability to perform the functions of the office”.

Explanatory note

This Supplementary Order Paper proposes the following amendments to the Recreation and Sport Agency Bill:

- the SOP amends *clause 2* of the Bill to provide that the Act will come into force on a date to be appointed by the Governor-General by Order in Council. This will allow an appropriate date for the commencement of the Act to be appointed having regard to the obligation under *clause 52* to prepare a final report for the Hillary Commission;
- the SOP amends *clause 4* to insert a reference to the nominations advisory group;
- the SOP amends *clause 8* of the Bill to insert a new function of the Agency, which is to facilitate the resolution of disputes between persons or organisations involved in physical recreation and sport;
- the SOP inserts *new clause 13A*. This clause provides that every person who, immediately before the commencement of the Act, held office as a member of the Hillary Commission is deemed to be appointed as a member of the board;
- the SOP inserts *new clause 13B*. This clause concerns the deemed appointment of the chairperson and deputy chairperson of the board immediately after the commencement of the Act;
- the SOP inserts *new clauses 15A to 15E*. These provisions relate to a nominations advisory group. The functions of the nominations advisory group are to—
 - (a) recommend to the Minister persons to be appointed as members of the board of the Agency; and
 - (b) advise the Minister concerning the membership of that board;
- the SOP consequentially amends *clause 52(2)(a)* of the Bill to align that provision with the commencement clause;
- the SOP amends *clause 6* of *Schedule 2* of the Bill to align that provision with the amendments set out in the Human Rights Amendment Act 2001.