

NATIONAL FITNESS ACT.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 9, 1971.

An Act to provide for the constitution of the National Fitness Council of New South Wales; and to define its powers, authorities, duties and functions; and for purposes connected therewith. [Assented to, 14th May, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "National Fitness Act, 1971".

(2)

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 9, 1971

2. In this Act, except in so far as the context or subject matter otherwise indicates or requires— Definitions.

“Council” means the National Fitness Council of New South Wales constituted under this Act;

“Director” means the Director of National Fitness appointed under the Public Service Act, 1902, and includes any person acting in that office;

“member” means a member of the Council;

“nominated member” means a member appointed in pursuance of the provisions of paragraph (b) of subsection one of section four of this Act.

3. (1) There shall be a Council, to be known as the National Fitness Council of New South Wales, which shall be a body corporate. The
National
Fitness
Council of
New South
Wales.

(2) The Council shall not, except with the approval of the Governor, purchase, alienate, mortgage, charge or demise any real property.

(3) The common seal of the Council shall be kept in such custody as the Council directs, and shall not be used except upon a direction of the Council.

4. (1) The Council shall consist of— Composition
of Council.

(a) the Director, who shall be chief executive of the Council; and

(b) nineteen members appointed by the Governor, on the nomination of the Minister.

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(2) The Minister shall not nominate any person—

- (a) unless satisfied that by reason of his qualifications or experience the person can advance the work of the Council;
- (b) who has attained the age of seventy years.

Term of office of nominated member.

5. A nominated member shall be appointed for a period of three years, but shall, subject to the provisions of this Act, be eligible for reappointment.

Public Service Act, 1902, not to apply to nominated member.

6. A nominated member shall not, in respect of his appointment or in his capacity as a member, be subject to the provisions of the Public Service Act, 1902.

Casual vacancies.

7. (1) If a nominated member—

- (a) dies;
- (b) becomes a mentally ill, protected or incapable person within the meaning of the Mental Health Act, 1958;
- (c) resigns his office by writing under his hand delivered to the Minister;
- (d) becomes a bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (e) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) is absent from three consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post
and

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and is not, within six weeks after the last of those No. 9, 1971 meetings, excused by the Council for his absence from those meetings;

(g) attains the age of seventy years; or

(h) is removed from office by the Governor,

his office shall become vacant.

(2) If the office of a nominated member becomes vacant before the expiration of the term for which he was appointed the Governor may appoint a person, nominated by the Minister in accordance with the provisions of section four of this Act, to be a member for the unexpired portion of the term.

(3) The Governor may, for any cause which appears to him sufficient, remove a nominated member from office.

8. (1) The Governor, on the advice of the Minister, may appoint a member to be Chairman of the Council. Chairman
and Deputy
Chairman
of Council.

(2) The members may elect a member to be Deputy Chairman of the Council.

(3) A person shall—

(a) cease to be Chairman or Deputy Chairman of the Council if he ceases to be a member;

(b) subject as aforesaid, be Chairman or Deputy Chairman for such term as the Governor or the members, as the case may be, shall specify when he is appointed or elected.

9. (1) The procedure for the calling of meetings of the Council and for the conduct of the business of meetings shall, Meetings
of Council. subject to the provisions of subsection two of this section and to any by-laws made under section seventeen of this Act, be as determined by the Council.

(2)

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(2) At a meeting of the Council—

- (a) ten members shall constitute a quorum;
- (b) the Chairman, or in his absence the Deputy Chairman, or in the absence of both, such person as the members present may elect, shall preside;
- (c) all questions shall be decided by a majority of votes of the members present and voting;
- (d) the person presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

Officers
and
employees.**10.** (1) The Governor may appoint such officers and employees as may be necessary for the purposes of this Act.

(2) The officers and employees shall be appointed under, and during their tenure of office or employment shall be subject to, the provisions of the Public Service Act, 1902.

Functions
of the
Council.**11.** (1) The powers, authorities, duties and functions of the Council are—

- (a) to make reports and recommendations to the Minister, either of its own motion or at the request of the Minister, on matters relating to national fitness activities throughout the State;
- (b) to foster the formation of voluntary organisations and movements in the community which promote national fitness activities;
- (c) to promote and encourage the training of leaders for such organisations and movements;
- (d) to affiliate and co-operate with or join any association or body which has like objects to those of the Council;

(e)

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- (e) to encourage groups approved by the Council to No. 9, 1971 accept responsibility for the development and use of national fitness facilities and services;
- (f) to invest moneys from time to time held by it in securities authorised by law for the investment of trust funds; and
- (g) to make recommendations to the Minister regarding the proposed allocation of funds for all or any of the foregoing purposes and for purposes consistent therewith, and to allocate the funds in such manner as the Minister may approve.

(2) In the exercise or performance of its powers, authorities, duties or functions the Council shall—

- (a) be subject to the control and direction of the Minister;
- (b) have regard to the needs of, and the resources available to, the State.

12. (1) The Council may establish such committees as Committees. it thinks fit to assist and advise the Council with regard to the exercise or performance of its powers, authorities, duties or functions.

(2) Any such committee may be composed of members, of non-members, or of both.

(3) The Council may determine the procedure to be followed by a committee, but in the absence of such determination a committee shall determine its own procedure.

13. (1) There is hereby established a fund to be known National as the "National Fitness Fund" (hereinafter called "the Fitness Fund").

(2)

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No. 9, 1971 (2) There shall be paid into the Fund all moneys received by the Council, including moneys received as grants to the Council from the Commonwealth under the National Fitness Act 1941 of the Commonwealth.

(3) The Fund shall be administered by the Council in accordance with the policy from time to time approved by the Minister.

Power
to accept
gifts, etc.

14. (1) The Council may acquire by gift, endowment, bequest or devise, any property for any of the purposes of this Act, and may agree to carry out the condition of any such gift, endowment, bequest or devise.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the Council has agreed.

(3) Nothing contained in the Stamp Duties Act, 1920, shall apply to any real or personal property of any nature or kind whatsoever comprised in any gift inter vivos, endowment, devise or bequest made to the Council.

Annual
report.

15. The Council shall, not later than three months after the thirty-first day of December in each year, prepare and furnish to the Minister a report on its work and activities during the year ending on that date, and the Minister shall cause the report to be laid before both Houses of Parliament as soon as practicable after it is received by him.

Accounts.

16. (1) The Council shall, not later than three months after the thirtieth day of June in each year, prepare and furnish to the Minister for presentation to Parliament statements of account in a form approved by the Auditor-General exhibiting a true and correct view of the transactions and financial position of the Council.

(2)

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(2) The accounts of the Council shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor by any law for the time being in force relating to the audit of public accounts. ^{No. 9, 1971}

(3) The Audit Act, 1902, shall apply to members in the same manner and to the same extent as it applies to accounting officers of public departments.

17. The Governor may make by-laws not inconsistent with this Act for and with respect to—

- (a) the conduct of meetings of the Council;
- (b) the keeping of accounts; and
- (c) all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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