



ANNO TRICESIMO TERTIO  
ELIZABETHAE SECUNDAE REGINAE  
VICTORIA

## Youth, Sport and Recreation (State Sports Council) Act 1984

No. 10105

An Act to establish the State Sports Council, for that purpose to amend the *Youth, Sport and Recreation Act 1972*, and for other purposes.

[Assented to 25 September, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

### Short title.

1. This Act may be cited as the *Youth, Sport and Recreation (State Sports Council) Act 1984*.

### Commencement.

2. The several provisions of this Act shall come into operation on the day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

### Principal Act.

3. In this Act, the *Youth, Sport and Recreation Act 1972* is called the Principal Act.

Act No. 8344.  
Reprinted to  
No. 8550.  
Subsequently  
amended by Nos.  
8581, 8656,  
8798, 9019,  
9057, 9212,  
9288, 9384,  
9427, 9448,  
9549, 9861 and  
9863.

**Interpretation.**

4. In section 2 of the Principal Act after the interpretation of "Director-General" there shall be inserted the following interpretation:

"Sporting activities" means sporting activities other than horse racing, harness racing, pony racing and greyhound racing.

**New section 11.**

5. For section 11 of the Principal Act there shall be substituted the following section:

**Constitution of State Sports Council.**

"11. (1) For the purposes of this Act there is established a body to be known as the State Sports Council.

(2) The State Sports Council shall consist of twelve members appointed by the Governor in Council, of whom—

- (a) six, two of whom shall reside more than 80 kilometres from the General Post Office, Melbourne, shall be persons having a special interest in the administration or promotion of sporting activities nominated by the Minister;
- (b) four shall be persons nominated by the Sports Federation of Victoria Inc.; and
- (c) two shall be persons nominated jointly by all incorporated regional sports assemblies which are recognized by the Minister.

(3) Where any body or person referred to in sub-section (2) (b) or (c) fails to make a nomination within one month after being requested in writing by the Minister to do so, the Governor in Council may appoint any person considered suitable and any person so appointed shall be deemed to have been nominated pursuant to sub-section (2) (b) or (c) as the case may be.

(4) The Governor in Council shall appoint one of the members nominated under paragraph (a) of sub-section (2) to be Chairman of the State Sports Council.

(5) Notwithstanding section 18 (5), the State Sports Council may appoint such committees of its members as it thinks fit."

**New section 11A.**

6. After section 11 of the Principal Act there shall be inserted the following section:

**Officers of State Sports Council.**

"11A. (1) The Minister shall appoint such officers as are necessary to assist the State Sports Council in the carrying out of its functions.

(2) Any such officer—

- (a) shall be appointed on such terms and conditions as are prescribed; and
- (b) shall not be subject to the *Public Service Act 1974*.

(3) If any officer so appointed was immediately before his appointment an officer in the public service he shall (while being or continuing to be or on ceasing to be an officer of the Council) be eligible to be appointed under the *Public Service Act 1974* to an office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately before his appointment by the Council and as if the period of his service as an officer of the Council has been service in the public service.

(4) If any officer was immediately before his appointment by the Council an officer within the meaning of the *Superannuation Act 1958* he shall continue subject to that Act to be an officer within the meaning of that Act.”.

#### **New section 12.**

7. For section 12 of the Principal Act there shall be substituted the following section:

#### **Functions of State Sports Council.**

“12. The functions of the State Sports Council shall be, at the request of the Minister—

- (a) to advise the Minister on all matters relating to the carrying out and attainment of the objects listed in section 3 (b);
- (b) to act as the advocate for, and provide a focus for, the development of sporting activities in Victoria;
- (c) to consult and liaise with all bodies and persons conducting and participating in sporting activities;
- (d) to advise the Minister on the preparation and implementation of a comprehensive Sports Development Plan for Victoria;
- (e) to advise the Minister on the distribution of moneys from funds established and kept under the Act to community bodies for the purpose of financing sports programmes, facilities, amenities, services and personnel; and
- (f) to identify major policy issues relating to sport in Victoria and, in conjunction with the Minister, to advise the Minister on the best and most appropriate ways to deal with these issues.”.

**New section 19.**

8. For section 19 of the Principal Act there shall be substituted the following:

**Delegations by Minister.**

“19. (1) The Minister may—

- (a) delegate to the State Recreation Council any of his powers, authorities, duties or functions relating to recreation under this Act or the regulations other than this power of delegation;
- (b) delegate to the State Sports Council any of his powers, authorities, duties or functions relating to sport.

(2) The instrument of delegation shall specify the period of time during which the delegation of power may be exercised or where the Minister has determined that the delegation shall be exercisable for an unlimited period of time, the instrument shall so specify.

(3) The Minister may vary or revoke a delegation made under this section.

(4) A power, authority, duty or function delegated by the Minister shall be exercised or performed in accordance with the instrument of delegation and shall be subject to the conditions and limitations specified in the instrument of delegation.

(5) The delegation of a power, authority, duty or function by the Minister does not prevent the exercise of the power or authority or the performance of the duty or function by the Minister.

(6) Any act or thing done in the performance of a duty or function or the exercise of an authority or power by the delegate under sub-section (1) has the same force and effect as if it had been done by the Minister.

(7) No act of a delegate done within the scope of a delegation under this section during the period in which that delegation remains in force shall be invalidated by reason of a later revocation or variation of the delegation.”