

YOUTH, SPORT AND RECREATION.

No. 69 of 1978.

AN ACT to establish a Youth, Sport and Recreation Advisory Committee; to repeal the Youth, Community Recreation and National Fitness Act, 1972; and for incidental and other purposes.

[Assented to 26th September, 1978.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Youth, Sport and Recreation Act, 1978*. Short title.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation. Commencement.

Interpreta-
tion.

3. In this Act, unless the context otherwise requires—

“chairman” means chairman of the Committee;

“Council” means the Youth, Community Recreation and National Fitness Council of Western Australia established under the repealed Act;

“Committee” means the Youth, Sport and Recreation Advisory Committee established under this Act;

“Department” means the Department for Youth, Sport and Recreation established under the Public Service Act, 1904;

“Fund” means the Youth, Community Recreation and National Fitness Fund established under the repealed Act;

“member” means any member of the Committee, including the chairman;

“repealed Act” means the Youth, Community Recreation and National Fitness Act, 1972 repealed by this Act.

Repeal.

4. The Youth, Community Recreation and National Fitness Act, 1972 is hereby repealed.

Youth,
Sport and
Recreation
Advisory
Committee.

5. (1) For the purposes of encouraging community participation in recreation including sporting and youth activities there shall be an advisory committee to be known as the Youth, Sport and Recreation Advisory Committee.

(2) The Committee shall consist of seven members as follows—

(a) one *ex officio* member namely the Permanent Head of the Department; and

(b) six other members appointed by the Governor who shall be persons from the community nominated for appointment by the Minister for their knowledge, experience or association with the administration or development of recreation, local government, sport and youth.

(3) The Minister shall appoint a person to the office of chairman from amongst the members of the Committee.

6. (1) Subject to this Act, a member of the Committee shall be appointed for such term of office, not exceeding three years, as is specified in the instrument of appointment. Terms of office, etc.

(2) A member who ceases to hold office shall, unless otherwise disqualified, be eligible for re-appointment.

(3) The Governor may remove a member from office for inability, inefficiency or misbehaviour.

(4) If a member—

- (a) is an incapable person within the meaning of section 5 of the Mental Health Act, 1962;
- (b) is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;
- (c) is convicted of an indictable offence; or
- (d) had his appointment terminated by the Governor for inability, inefficiency or misbehaviour,

his office becomes vacant and he is not eligible for re-appointment.

(5) The Minister may appoint a person to be a deputy of a member; and may terminate such an appointment at any time.

(6) A person appointed pursuant to subsection (5) of this section is, in the event of the absence from a meeting of the Committee of the member of whom he is the deputy, entitled to attend that meeting and, when so attending, has all the powers, functions and duties of a member.

(7) A member, other than a member appointed *ex officio*, shall be entitled to such remuneration, travelling and other allowances as are determined by the Minister on the recommendation of the Public Service Board.

Meetings of
the
Committee.

7. (1) The Committee shall hold such meetings as are necessary for the performance of its function which meetings shall be convened by the chairman and the Minister may at any time require the chairman to convene a meeting of the Committee.

(2) The chairman shall preside at all meetings of the Committee at which he is present, and where the chairman is absent from a meeting of the Committee, the members present shall appoint one of their number present to act as chairman at the meeting.

(3) At a meeting of the Committee four members constitute a quorum.

(4) Any question arising at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting.

(5) At a meeting of the Committee at which the chairman presides, the chairman has a deliberative vote, and in the event of an equality of votes being cast on any question, that question shall remain unresolved until a subsequent meeting of the Committee.

Functions
of
Committee.

8. The functions of the Committee are—

- (a) to advise the Minister on matters pertaining to community recreation including sport and youth; and
- (b) to examine and report to the Minister upon any matters referred to the Committee by the Minister.

9. (1) The Committee may, from time to time, appoint a sub-committee or sub-committees to investigate and advise on any aspect of its functions.

Sub-
committees.

(2) A sub-committee may consist of such persons as the Committee determines, whether members of the Committee or persons who are not such members, but so that in every case the chairman of the sub-committee shall be a member of the Committee.

10. (1) Forthwith upon the coming into operation of this section—

Transfer of
Property
etc., of
the Council
to the
Treasurer.

- (a) all moneys (including moneys standing to the credit of the Fund) and all interest thereon, all securities of whatsoever kind and all books and documents, and other property, both real and personal, held by or on behalf of the Council;
- (b) all the assets and liabilities of the Council; and
- (c) all remedies, powers, authorities, rights title, interest and obligation in or with respect to those assets and liabilities,

shall by virtue of this section, and without any transfer or assignment whatever pass to and become vested in or imposed upon the Treasurer of the State and be divested and discharged from the Council.

(2) Any right of action or other remedy or power accrued to or against and any power or authority vested in or exercisable by and any agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation made, given or entered into, by or with the Council may be prosecuted and enforced by or against the Treasurer of the State as if the right of action, remedy or power had originally been vested in or exercisable by, or the agreement, undertaking, mortgage, debenture, bond, lease, deed, guarantee, covenant or obligation had been made, given or entered into by, to or with the Treasurer of the State in lieu of the Council.