

2019-2020

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Australian Sports Commission
Amendment (Ensuring a Level Playing
Field) Bill 2020**

No. , 2020

(Senator Rice)

***A Bill for an Act to amend the *Australian Sports
Commission Act 1989*, and for related purposes***

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1 **A Bill for an Act to amend the *Australian Sports***
2 ***Commission Act 1989, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Australian Sports Commission Amendment*
6 *(Ensuring a Level Playing Field) Act 2020.*

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

| Column 1 | Column 2 | Column 3 |
|--------------------------|---|---------------------|
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The day after this Act receives the Royal Assent. | |

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

Schedule 1—Amendments

Australian Sports Commission Act 1989

1 After section 57A

Insert:

57AA Community sport infrastructure grants

Definitions

(1) In this section:

eligibility criteria means the eligibility criteria outlined in the document entitled *Community Sport Infrastructure Grant Program – Program Guidelines August 2018*.

Note: The document could in 2020 be viewed on the Commission’s website (https://www.sportaus.gov.au/grants_and_funding/community_sport_infrastructure_grant_program/resources).

unsuccessful CSIG applicant means an applicant under the grant program known as the Community Sport Infrastructure Grant Program that had its application endorsed by the Commission but that application did not receive final approval by the Minister.

Commission to reassess community sport infrastructure grant applications

(2) Subject to subsection (3), the Commission must decide in relation to the application of each unsuccessful CSIG applicant whether, as at the date this section commences:

- (a) the application meets the eligibility criteria; or
- (b) the application does not meet the eligibility criteria.

(3) The Commission must not decide that an application does not meet the eligibility criteria because the relevant project specified in the application has already commenced works if those works:

- (a) have not yet been completed; and

1 (b) commenced after the unsuccessful CSIG applicant was
2 notified by the Commission that the application had not been
3 approved.

4 *Commission to decide grant amounts*

5 (4) If the Commission decides that the application of an unsuccessful
6 CSIG applicant meets the eligibility criteria, the Commission must
7 decide the grant amount to be awarded in relation to that
8 application (the **relevant grant amount**).

9 (5) In determining the relevant grant amount for an application, if the
10 unsuccessful CSIG applicant commenced works on the project
11 relating to its application after it was notified by the Commission
12 that its application had not been approved, the Commission may
13 decide to award a grant amount of no more than the amount
14 required to complete the works on the project.

15 *Commission may require information to be provided by applicants*

16 (6) The Commission may require an unsuccessful CSIG applicant to
17 provide any information to the Commission that the Commission
18 considers necessary for the Commission to decide:

19 (a) whether the application of the unsuccessful CSIG applicant
20 meets the eligibility criteria; and

21 (b) the relevant grant amount.

22 *Commission to provide reasons for decisions*

23 (7) If the Commission decides that:

24 (a) the application of an unsuccessful CSIG applicant does not
25 meet the eligibility criteria; or

26 (b) the relevant grant amount is zero;

27 the Commission must, as soon as practicable after making the
28 decision, give the unsuccessful CSIG applicant written reasons for
29 the decision.

Minister may not direct Commission

- 1
- 2 (8) The Minister may not give written directions to the Commission
3 with respect to the policies and practices to be followed by the
4 Commission in relation to any of the matters set out in this section.

5 *Financial assistance to States and Territories*

- 6 (9) The Commission may determine that an amount specified in the
7 determination be paid to a State or Territory specified in the
8 determination for the purpose of making a grant of financial
9 assistance for the purpose of expenditure in relation to community
10 sport infrastructure projects.
- 11 (10) The amount specified in a determination in respect of a State or
12 Territory must be equal to the sum of the relevant grant amounts
13 relating to applications for projects located in the State or Territory
14 plus an additional amount of 20 per cent of the sum of the grant
15 amounts in relation to applications relevant to the State or
16 Territory.
- 17 (11) A determination under subsection (9) must identify each
18 community sport infrastructure project and the relevant grant
19 amount in relation to the project.
- 20 (12) A determination under subsection (9) is a legislative instrument,
21 but section 42 (disallowance) of the *Legislation Act 2003* does not
22 apply to the determination.
- 23 (13) Financial assistance is payable to a State or Territory under this
24 section on condition that the State or Territory is required to pay to
25 each unsuccessful CSIG applicant the relevant grant amount
26 relating to the application of the unsuccessful CSIG applicant as
27 identified in any determination made under subsection (9).

28 *Repayment if condition not fulfilled*

- 29 (14) It is a condition of a payment of financial assistance under this
30 section that if the State or Territory does not fulfil a condition in
31 respect of the payment, the State or Territory will, if the Minister
32 so determines, repay to the Commonwealth the amount stated in
33 the determination.

Schedule 1 Amendments

1 (15) The amount stated in the determination under subsection (14) must
2 not be more than the amount of the payment.

3 (16) A determination made under subsection (14) is not a legislative
4 instrument.

5 (17) An amount payable by a State or Territory to the Commonwealth
6 under this section is a debt due by the State or Territory to the
7 Commonwealth.

8 **2 After subsection 43(2)**

9 Insert:

10 (3) Payments under section 57AA are to be made out of money
11 appropriated by the Parliament for those purposes.