



New South Wales

Sporting Venues Authorities Amendment Regulation 2012

under the

Sporting Venues Authorities Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sporting Venues Authorities Act 2008*.

GRAHAM ANNESLEY, MP
Minister for Sport and Recreation

Explanatory note

The object of this Regulation is to amend the *Sporting Venues Authorities Regulation 2008* to make provision with respect to the following:

- (a) conditions of entry to any land, or facility on land, vested in or managed by a sporting venues authority,
- (b) the removal of persons from any such land or facilities,
- (c) enabling sporting venues authorities to ban persons from entering such land or facilities for a period of up to 12 months,
- (d) the membership of a board of management for a regional sporting venues authority and the exercise of the functions of any such board in circumstances where the board is not constituted,
- (e) the maximum term that a person may be appointed to such a board of management and to an advisory committee,
- (f) the functions of Local Venues Councils and the appointment of chairpersons to those Councils,
- (g) the prescription of an offence under the Regulation as a penalty notice offence (being the offence of re-entering a sporting venue within 48 hours of being directed to leave, or being removed from, the venue).

The Regulation also contains a transitional provision relating to the commencement of the *Sporting Venues Authorities Amendment (Venues NSW) Act 2011*.

This Regulation is made under the *Sporting Venues Authorities Act 2008*, including sections 14 (5), 33A (7), 38 and 40 (the general regulation-making power) and Schedule 2.

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Clause 1 Sporting Venues Authorities Amendment Regulation 2012

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Sporting Venues Authorities Act 2008

1 Name of Regulation

This Regulation is the *Sporting Venues Authorities Amendment Regulation 2012*.

2 Commencement

This Regulation commences on 2 March 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Sporting Venues Authorities Regulation 2008

Clauses 2–11 and Schedule 1

Omit clause 2. Insert instead:

2 Definition

- (1) In this Regulation:
 the Act means the *Sporting Venues Authorities Act 2008*.
- (2) Notes in this Regulation do not form part of this Regulation.

3 Conditions of entry and use of sporting venues

- (1) A sporting venues authority may impose conditions on persons entering or using any land, or facility on land, vested in or managed by the sporting venues authority.
- (2) Such conditions may be imposed by means of notices displayed in, or at the boundary or entrance to, the land or facility to which the notices relate or by means of written notices given to persons entering or using the land or facility.
- (3) Without limiting subclause (1), such conditions may deal with the following:
 - (a) designating points of entry to any land or facility,
 - (b) closing any land or facility to the public,
 - (c) reserving any land or facility for a particular use or for the use of particular persons or bodies or a particular sector of the public,
 - (d) imposing fees and charges on persons entering or using any land or facility,
 - (e) regulating or prohibiting the use of any land or facility or the carrying out of activities (including driving vehicles) in respect of any land or facility.

4 Removal of persons from sporting venues

- (1) A ranger or police officer may direct a person to leave any land, or facility on land, vested in or managed by a sporting venues authority if, in the opinion of the ranger or police officer, the person is:
 - (a) trespassing, or
 - (b) committing any offence, or

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- (c) contravening any condition of entry or use, or
 - (d) causing a nuisance or inconvenience to any other person in the sporting venue.
- (2) A person to whom such a direction is given must comply with the direction.
Maximum penalty: 10 penalty units.
- (3) A person who fails to comply with such a direction may be removed from the land or facility by a ranger or police officer.
- (4) Reasonable force may be used to effect the person's removal.
- (5) A person who has been given a direction under subclause (1), or who has been removed from any land or facility under subclause (3), must not re-enter the land or facility for a period of 48 hours after the direction was given or after he or she was removed from the land or facility, whichever is later.
Maximum penalty: 10 penalty units.
- (6) A person is not guilty of an offence under subclause (2) unless it is established that the ranger or police officer warned the person that the failure to comply with the direction is an offence.

5 Sporting venues authorities may ban persons for specified period

- (1) A sporting venues authority may, by notice in writing served on a person, ban the person from entering land vested in or managed by the authority (or a facility on such land) as specified in the notice for the period specified in the notice (not exceeding 12 months).
- (2) A sporting venues authority may only ban a person under this clause if the person has:
- (a) been removed, under clause 4 (3), from any land or facility vested in or managed by the authority, or
 - (b) been convicted of an offence under clause 4 (2) or (5) in relation to any land or facility vested in or managed by the authority, or
 - (c) committed any other offence under any other law in relation to any land or a facility of the authority.
- (3) Without limiting subclause (1), a sporting venues authority may ban a person from entering land or a facility under this clause during any period that the person is banned, under the *Sporting Venues (Invasions) Act 2003*, from a designated sporting venue within the meaning of that Act.

- (4) A person who is banned under this clause from entering land or a facility must not enter the land or facility concerned during the period of the ban.

Maximum penalty: 10 penalty units.

6 Boards of regional sporting venues authorities

A member of a board of management for a regional sporting venues authority may be re-appointed once only.

7 Exercise of board's functions by appointee

- (1) For the purposes of section 14 (5) of the Act, the Minister may, at any time that a board of management for a regional sporting venues authority is not constituted, appoint a person or body to exercise such functions of the board as are specified in the instrument of appointment.
- (2) A person or body exercising functions under this clause is subject to the control and direction of the Minister in the exercise of those functions.
- (3) The Minister is to ensure that the board of management is constituted as soon as practicable after making an appointment under this clause.
- (4) The constitution of a board of management by the Minister does not affect the exercise of any function by a person or body under this clause, and that person or body can continue to exercise the function to the exclusion of the board of management until such time as the Minister directs.
- (5) Despite subclause (4), a person or body may not be appointed to exercise functions of the board under this clause for a period that exceeds 6 months. However, such a person or body may be re-appointed for a further period or further periods.

8 Advisory committees

For the purposes of section 33A (7) of the Act, a member of an advisory committee may be appointed for a maximum term of 3 years and may be re-appointed to the advisory committee once only.

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9 Local Venues Councils

- (1) Each Local Venue Council has the following additional functions in relation to those venues in respect of which the Council is to provide advice to Venues NSW:
 - (a) consultation with stakeholders and other persons about the operation of those venues,
 - (b) providing information and advice about plans or proposals with respect to those venues,
 - (c) providing advice in relation to the improvement of those venues,
 - (d) providing advice with respect to events and tourism, sport and recreation development and community participation.
- (2) The functions under subclause (1) (a)–(d) are not to be exercised to the exclusion of Venues NSW.
- (3) The Minister is to appoint a chairperson for each Local Venue Council and those persons may also be appointed to the board of management of Venues NSW.
- (4) In this clause:

Local Venues Council means the following advisory committees referred to in clause 18 of Schedule 5 of the Act:

 - (a) Hunter Local Venues Council,
 - (b) Illawarra Local Venues Council,
 - (c) Western Sydney Local Venues Council.

10 Penalty notice offences

- (1) For the purposes of section 38 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
 - (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1 or, if the person alleged to have committed the offence is a corporation and a penalty is specified in Column 3 of Schedule 1, the amount specified in Column 3 of Schedule 1.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

11 Transitional—continuation of Parramatta Stadium Trust By-law 2010

Despite section 3 (b) of the *Sporting Venues Authorities Amendment (Venues NSW) Act 2011*, the *Parramatta Stadium Trust By-law 2010* is taken to continue in force, as if it were a regulation made under the Act, for the period of 12 months beginning on the commencement of this clause.

Schedule 1 Penalty notice offences

(Clause 10)

Column 1	Column 2	Column 3
Provision	Penalty for individuals (and corporations where no penalty in Column 3) \$	Penalty for corporations \$
Offences under Sporting Venues Authorities Regulation 2008		
Clause 4 (5)	300	
