



New South Wales

# **Sporting Venues Authorities Amendment (Venues NSW) Act 2020 No 29**

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New South Wales

# **Sporting Venues Authorities Amendment (Venues NSW) Act 2020 No 29**

Act No 29, 2020

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An Act to amend the *Sporting Venues Authorities Act 2008* to reconstitute Venues NSW and dissolve the Sydney Cricket Ground Trust; to repeal and make consequential or related amendments to certain legislation. [Assented to 27 October 2020]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Sporting Venues Authorities Amendment (Venues NSW) Act 2020*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Repeals**

The following are repealed—

- (a) the *Sydney Cricket and Sports Ground Act 1978* No 72,
- (b) the *Sydney Cricket Ground and Sydney Football Stadium By-law 2014*.

## Schedule 1 Amendment of Sporting Venues Authorities Act 2008 No 65

### [1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

*advisory committee* means a committee established under section 21C and includes a membership advisory committee.

*Board of Venues NSW* means the Board of Venues NSW provided by section 15.

*Chief Executive Officer* means the Chief Executive Officer of Venues NSW.

*controlled land* means the lands described in Schedule 4A, Part 3.

*designated land* means the land described in Schedule 4A, Part 2.

*membership advisory committee* means a membership advisory committee established by section 21E.

*private corporation* means a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth formed in or outside New South Wales.

*private subsidiary corporation* means a private corporation in which a sporting venues authority has a controlling interest.

*scheduled lands* means the land described in Schedule 4A, Part 1.

*Venues NSW* means Venues NSW constituted by this Act.

*Venues NSW's land* means the land vested in or managed by Venues NSW and includes land described in Schedule 4A.

### [2] Section 3(1), definitions of “board of management” and “regional sporting venues authority”

Omit the definitions.

### [3] Section 3(1), definition of “sporting venues authority”

Omit “a regional sporting venues authority”. Insert instead “Venues NSW”.

### [4] Section 3A

Insert after section 3—

#### 3A Objects of Act

The objects of this Act are as follows—

- (a) to enable the efficient and effective management and coordination of entertainment and sporting venues within the State on a commercial basis,
- (b) to attract and encourage the holding of major events at entertainment and sporting venues within the State,
- (c) to facilitate the development of precincts surrounding the entertainment and sporting venues that Venues NSW owns or operates,
- (d) to ensure a customer-focused approach is applied to the management of entertainment and sporting venues and surrounding lands so they remain accessible to, and meet the needs of, users of and visitors to the venues and the broader community,

- (e) to ensure the provision of entertainment and sporting venues fulfils community service obligations that may be determined by the Minister from time to time.

**[5] Section 7 Delegation of State Sporting Venues Authority's functions**

Omit section 7(3)(b) and (c). Insert instead—

- (b) a government agency or member of staff of a government agency.

**[6] Section 9 Functions of State Sporting Venues Authority**

Omit “a regional sporting venues authority” from section 9(2).

Insert instead “Venues NSW”.

**[7] Section 9(2)**

Omit “the regional sporting venues authority”. Insert instead “Venues NSW”.

**[8] Section 10 Exercise of functions through private subsidiaries, joint ventures etc**

Omit “(within the meaning of section 11)” from section 10(b).

**[9] Section 11 Private subsidiary corporations etc**

Omit section 11(1).

**[10] Part 3**

Omit the Part. Insert instead—

## **Part 3 Venues NSW**

### **Division 1 Constitution and administration of Venues NSW**

#### **12 Constitution of Venues NSW**

There is constituted by this Act a corporation with the corporate name of Venues NSW.

#### **13 Status of Venues NSW**

Venues NSW is a NSW Government agency.

#### **14 Ministerial control**

Venues NSW is subject to the control and direction of the Minister in the exercise of its functions.

#### **15 Board of Venues NSW**

- (1) There is to be a Board of Venues NSW.
- (2) The Board of Venues NSW is to consist of the following members appointed by the Minister—
  - (a) 1 person appointed by the Minister as the Chairperson of the Board,
  - (b) 1 person appointed by the Minister as the Deputy Chairperson of the Board,
  - (c) 1 person who is a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*,
  - (d) 1 person who resides in the Hunter Region,

- (e) 1 person who resides in the Wollongong Region,
  - (f) at least 6, but not more than 8, other persons.
- (3) The Board of Venues NSW is responsible for the major sporting facilities in NSW and in particular, the unique heritage and historical role of the Sydney Cricket Ground (since 1854), Sydney Cricket Ground Trust (since 1875) and Sydney Cricket and Sports Ground Trust (since 1952) in the sporting and civic life of the State, when, at various times, the SCG has been the primary home of:
- (a) Cricket: Inter-colonial, Test Match, Sheffield Shield and limited-over international and domestic;
  - (b) Rugby League;
  - (c) Rugby Union;
  - (d) Soccer/Football;
  - (e) Australian Football;
  - (f) Cycling;
  - (g) Baseball; and
  - (h) Athletics, hosting the 1938 Empire Games.

And home to military recruitment and barracks during World Wars One and Two; also served as the principal location for the 1901 Australian Federation celebrations; and through the work of the SCG Trust, contributed heavily to charitable and civic-minded causes in NSW.

**Note.** Schedule 1 sets out provisions relating to the members and procedure of the Board of Venues NSW.

#### **16 Chief Executive Officer of Venues NSW**

- (1) The Minister may, in consultation with the Board of Venues NSW, appoint a Chief Executive Officer of Venues NSW.
- (2) The Chief Executive Officer is responsible for the day-to-day management of the affairs of Venues NSW in accordance with the policies and general directions of the Board of Venues NSW.
- (3) Any act, matter or thing done in the name of, or on behalf of, Venues NSW by the Chief Executive Officer is taken to have been done by Venues NSW.
- (4) The Chief Executive Officer may attend, and participate in discussions at, meetings of the Board of Venues NSW unless otherwise directed by the Board, but is not entitled to vote at the meetings.

**Note.** Schedule 2 sets out further provisions relating to the Chief Executive Officer.

#### **17 Staff of Venues NSW**

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable Venues NSW to exercise its functions.

**Note.** Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services Venues NSW makes use of) may be referred to as officers or employees, or members of staff, of Venues NSW. Section 47A of the *Constitution Act 1902* precludes Venues NSW from employing staff.

#### **18 Holder of office not affected by appointment to Venues NSW or its Board**

- (1) The doctrine of incompatibility of office—

- (a) does not operate to prevent the holder of a position in a government sector agency (the *original position*) from being appointed to a position in Venues NSW or on its Board (the *additional position*), and
  - (b) does not operate to effect or require the holder of the original position to surrender or vacate the position as a result of the appointment to the additional position.
- (2) This section applies even if the original position or the additional position is held on an acting or temporary basis.
  - (3) This section does not limit section 73 of the *Government Sector Employment Act 2013*.
  - (4) In this section—  
*government sector agency* has the same meaning as in the *Government Sector Employment Act 2013*.

## **Division 2      Functions of Venues NSW**

### **19      Functions of Venues NSW**

- (1) The principal functions of Venues NSW are as follows—
  - (a) to provide advice to the Minister on the State’s entertainment and sporting venues management strategy and development of existing or new entertainment and sporting venues and their surrounding precincts,
  - (b) to maintain and improve Venues NSW’s land,
  - (c) to establish, manage and improve sporting grounds, events grounds and associated facilities for the purposes of sports, events and recreation,
  - (d) to establish, manage and improve facilities for the purposes of sporting competitions, sports training and sports education,
  - (e) to establish, manage and improve community facilities and to establish, manage and improve facilities for community and recreational purposes,
  - (f) to permit the use of the whole or any part of Venues NSW’s land for activities of a sporting, recreational or community nature, including the use of the land for events and general community access,
  - (g) to encourage, if Venues NSW considers it appropriate, the use and enjoyment of Venues NSW’s land by the public and clubs, associations or other bodies,
  - (h) to collaborate with public sector agencies and other bodies to promote the use of Venues NSW’s land and facilities for commercial purposes,
  - (i) to undertake or provide, or facilitate the undertaking or provision of, commercial and retail activities and facilities on Venues NSW’s land,
  - (j) to make all reasonable attempts to ensure new development carried out on Venues NSW’s land accords with environmental and planning laws, standards and best practice,
  - (k) to contribute to proposals for the design, development and management of land neighbouring Venues NSW’s land,
  - (l) to meet the community service obligations determined from time to time by the Minister in relation to the provision of entertainment and sporting venues.

- (2) Venues NSW may undertake supplemental, incidental or consequential acts as may be necessary or expedient for the exercise of its functions, including entering into any contract or arrangement with any person in connection with the carrying out of its functions.
- (3) Venues NSW has other functions conferred or imposed on it by or under this Act or any other Act.

## **20 Delegation of Venues NSW's functions**

- (1) Venues NSW may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by Venues NSW if the delegate is authorised in writing to do so by Venues NSW.
- (3) In this section, *authorised person* means—
  - (a) a member of staff of Venues NSW, or
  - (b) a government agency or member of staff of a government agency, or
  - (c) an advisory committee or member of an advisory committee.

## **21 Private subsidiary corporations**

- (1) Venues NSW may—
  - (a) form, or participate in the formation of, private corporations, and
  - (b) acquire interests in private corporations, and
  - (c) sell or otherwise dispose of interests in private corporations.
- (2) A private subsidiary corporation is not, and does not represent, the Crown.

## **21A Exercise of functions through private subsidiary corporations or with other persons or bodies**

A function of Venues NSW may be exercised—

- (a) by Venues NSW itself, or
- (b) by a private subsidiary corporation, or
- (c) by Venues NSW or a private subsidiary corporation, or both, in a partnership, joint venture or other association with other persons or bodies.

## **Part 3A Advisory committees**

### **21B Definitions**

In this Part—

*commencement day* means the day on which this Part commences.

*done* includes omitted to be done.

*liability* means civil liability and includes action, claim and demand.

### **21C Advisory Committees—general**

- (1) Venues NSW may establish advisory committees to—
  - (a) provide advice to the Minister or to Venues NSW, or
  - (b) enable Venues NSW to exercise its functions.



- (2) Subject to any directions given by the Minister, the procedure of an advisory committee is to be determined by the Board of Venues NSW.
- (3) A member of an advisory committee is an honorary member and no remuneration is payable to the member in respect of the duties they perform as a member of the advisory committee.
- (4) An advisory committee, other than a membership advisory committee, may be dissolved or merged with another advisory committee at any time.
- (5) The regulations may provide for the following—
  - (a) the establishment and functions of an advisory committee,
  - (b) the membership of an advisory committee,
  - (c) the procedure and dissolution of an advisory committee,
  - (d) the appointment, term of office and removal from office of members of an advisory committee.

**21D Advisory Committees—Hunter and Wollongong Precincts**

Venues NSW must, within 6 months of the commencement day, establish an advisory committee in respect of each of the following regions to provide advice to the Minister and to Venues NSW regarding the entertainment and sporting venues and their surrounding precincts in those regions—

- (a) the Hunter Region,
- (b) the Wollongong Region.

**21E Membership advisory committees**

- (1) The following membership advisory committees are established on the commencement day—
  - (a) a committee to provide advice to Venues NSW regarding the membership of persons who were formerly Members of the Sydney Cricket Ground, as referred to in clause 37 of the *Sydney Cricket Ground and Sydney Football Stadium By-law 2014* before its repeal,
  - (b) a committee to provide advice to Venues NSW regarding the membership of persons who were given membership to stadia vested in Venues NSW before the commencement day.
- (2) Venues NSW is to ensure a former member is invited to become a member of—
  - (a) if the former member was a member of the Sydney Cricket and Sports Ground Trust—the membership advisory committee established under subsection (1)(a), or
  - (b) if the former member was a member of the former board of management of Venues NSW—the membership advisory committee established under subsection (1)(b).
- (3) A person becomes a member of a membership advisory committee—
  - (a) if the person is a former member—
    - (i) on the day the former member accepts Venues NSW’s invitation to become a member of the membership advisory committee, and
    - (ii) in accordance with subsection (2), or
  - (b) if the person who is elected, in accordance with Schedule 3, as a member of the membership advisory committee established under subsection (1)(a)—on the date of the person’s election.

- (4) A membership advisory committee may be dissolved or merged with another advisory committee on the expiration of the remainder of the terms of office of—
- (a) for a membership advisory committee established under subsection (1)(a)—all of the former members of the Sydney Cricket and Sports Ground Trust who have been appointed as members of the membership advisory committee, or
  - (b) for a membership advisory committee established under subsection (1)(b)—all of the former members of the former board of management of Venues NSW who have been appointed as members of the membership advisory committee.
- (5) A member of a membership advisory committee is not personally subject to any liability for anything done—
- (a) in good faith, and
  - (b) for the purpose of executing functions under this Act.
- (6) The liability instead attaches to the Crown.
- (7) In this section—
- former board of management** of Venues NSW means the board of management of Venues NSW before Venues NSW was reconstituted by Schedule 5, Part 6.
- former member** means a person who—
- (a) was, immediately before its dissolution, a member of—
    - (i) the Sydney Cricket and Sports Ground Trust, or
    - (ii) the former board of management of Venues NSW, and
  - (b) is not appointed as a member of the Board of Venues NSW.

**21F Advisory Committee: Sydney Cricket Ground Heritage**

Venues NSW must, within 6 months of the commencement day, establish a body to be known as the ‘SCG Heritage Trust’, advising the Minister and Venues NSW on:

- (a) The preservation and public promotion of the unique sporting and civic history of the SCG;
- (b) Proposed changes in the design, amenity and management of the SCG that may affect its heritage values;
- (c) Harnessing the skills and interests of historians and sporting enthusiasts to further develop the historical record and status of the SCG; and
- (d) The custodianship of the highly significant historical role and contribution of the SCG Trust.

Members of this advisory committee must be appointed on the basis of their well-established and meritorious sporting, administrative or research/published association with the ground.

**[11] Section 25A**

Insert after section 25—

**25A Competition authorisations relating to transfer of land under this Division**

- (1) Conduct authorised or required by or under the provisions of this Division is specifically authorised by this Act for the purposes of the *Competition and*

*Consumer Act 2010* of the Commonwealth and the *Competition Code of New South Wales*.

- (2) Conduct authorised by this section is authorised only to the extent (if any) it would otherwise contravene Part IV of the *Competition and Consumer Act 2010* of the Commonwealth and the *Competition Code of New South Wales*.

**[12] Part 4 Provisions relating to vesting of and dealings with land and other property**

Omit “A regional sporting venues authority” wherever occurring in Division 2.

Insert instead “Venues NSW”.

**[13] Section 30 Reservations, dedications and original grants of land**

Insert at the end of the section—

- (2) This section is subject to Divisions 2A and 2B.

**[14] Part 4, Divisions 2A and 2B**

Insert after Division 2—

**Division 2A Crown land management**

**30AA Definitions**

In this Division—

*commencement day* means the day on which this Division commences.

*Crown land Minister* means the Minister administering the *Crown Land Management Act 2016*.

**30AB Dedication of scheduled lands**

The scheduled lands continue, on and from the commencement day, to be Crown land dedicated for the purpose of public recreation under the *Crown Land Management Act 2016*.

**30AC Venues NSW is Crown land manager of scheduled lands**

- (1) On and from the commencement day—
- (a) the appointment of the Sydney Cricket and Sports Ground Trust as Crown land manager for the scheduled lands under the *Crown Land Management Act 2016* is taken to be revoked, and
- (b) Venues NSW is taken to have been appointed under the *Crown Land Management Act 2016* as the Crown land manager for the scheduled lands.
- (2) The *Crown Land Management Act 2016* applies in relation to the scheduled lands and to Venues NSW in its capacity as the Crown land manager, subject to the following modifications—
- (a) Venues NSW’s appointment as the Crown land manager of the scheduled lands cannot be revoked under the *Crown Land Management Act 2016*,
- (b) no other person can be appointed under the *Crown Land Management Act 2016* as a Crown land manager of the scheduled lands,
- (c) Venues NSW is taken to have been assigned as a category 1 non-council manager of the scheduled lands for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,

- (d) if the Minister is not also the Crown land Minister, the Minister can—
    - (i) exercise the functions of the Crown land Minister under Part 2 of the *Crown Land Management Act 2016* instead of the Crown land Minister in relation to the scheduled lands, except a function prescribed under paragraph (e), and
    - (ii) grant written consent for the purposes of Division 3.5 of the *Crown Land Management Act 2016*,
  - (e) the regulations under this Act may prescribe kinds of functions for the purposes of section 3.26(2)(d) of the *Crown Land Management Act 2016*,
  - (f) Venues NSW is not required to obtain the Minister’s consent for the exercise of a function prescribed for the purposes of section 3.26(2)(d) of the *Crown Land Management Act 2016* or paragraph (e),
  - (g) the following provisions of the *Crown Land Management Act 2016* do not apply in relation to the scheduled lands or Venues NSW—
    - (i) Division 2.2,
    - (ii) Division 2.4 (except for sections 2.12 and 2.14),
    - (iii) section 2.21,
    - (iv) Division 3.2,
    - (v) sections 3.14–3.16 and 3.18,
    - (vi) sections 3.29–3.31,
    - (vii) Division 3.6,
    - (viii) section 3.45,
    - (ix) sections 9.12 and 9.25,
    - (x) Schedule 5,
    - (xi) any other provisions prescribed by the regulations.
- (3) If the Minister exercises a function of the Crown land Minister permitted by this section, the exercise of the function has the same effect as if it had been duly exercised by the Crown land Minister.

## **Division 2B Particular provisions relating to controlled land, designated land and scheduled lands**

### **30AD Carrying out of development on designated land**

- (1) The Minister may approve the following proposals—
  - (a) the carrying out of development on designated land,
  - (b) plans or specifications relating to the development.
- (2) The Minister’s approval must certify the Minister has consulted the following Ministers in relation to the proposals—
  - (a) the Minister for the time being administering the *Public Works and Procurement Act 1912*,
  - (b) the Minister for the time being administering the *Environmental Planning and Assessment Act 1979*.
- (3) This section is repealed at the beginning of the day that is 12 months after the commencement of this section.

**30AE Application of certain laws to development on designated land**

- (1) The excluded laws do not apply to the following—
  - (a) the approval of the Minister to the carrying out of development approved by the Minister under section 30AD (the *approved development*),
  - (b) the carrying out of the approved development by—
    - (i) Venues NSW, or
    - (ii) a person on behalf of, or with the authority of, Venues NSW,
  - (c) the use of the approved development from time to time,
  - (d) the designated land on which the approved development is carried out or used, or is proposed to be carried out or used.
- (2) In this section, *excluded laws* means—
  - (a) the *Environmental Planning and Assessment Act 1979*, and
  - (b) the *Local Government Act 1993*, and
  - (c) an instrument in force made under the Acts.

**30AF Additional uses allowed on scheduled lands**

- (1) Subject to section 30AI, the scheduled lands may be used for purposes permitted on the lands by a State environmental planning policy.
- (2) A State environmental planning policy may not permit the use of scheduled lands for a purpose unless the use of the land for the purpose has been approved by the Minister.
- (3) Section 30AE does not prevent a provision being included in a State environmental planning policy that applies to designated land.
- (4) If a provision included in a State environmental planning policy applies to designated land, section 30AE ceases to apply to the part of the land except in relation to development or use of the land in accordance with an approval under section 30AD—
  - (a) granted before the day on which the State environmental planning policy took effect, or
  - (b) granted on or after the day on which the State environmental planning policy took effect in response to an application made by Venues NSW before the day.
- (5) This section—
  - (a) does not affect a provision of a State environmental planning policy in force before the relevant day, and
  - (b) affects a provision included in a State environmental planning policy after the relevant day only to the extent the provision relates to the scheduled lands.
- (6) In this section—

*relevant day* means the commencement day of the *Sydney Cricket and Sports Ground Amendment Act 2006*.

*State environmental planning policy* has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**30AG Variation or cessation of agreements relating to scheduled lands**

- (1) To enable work to be carried out in relation to the scheduled lands, the Minister may determine an agreement relating to the scheduled lands—
  - (a) ceases to be binding on a party to the agreement, and
  - (b) is varied to the extent the Minister deems equitable.
- (2) The Minister must not make a determination on an agreement before receiving a report from Venues NSW that recommends the alteration of the agreement.
- (3) Notice of the Minister's determination must be given to the parties to the agreement in writing.
- (4) An agreement ceases to have effect or is varied—
  - (a) in accordance with the terms of the Minister's notice, and
  - (b) from the date specified in the Minister's notice.
- (5) In this section—  
*agreement* includes a lease and a licence.

**30AH Ancillary provisions relating to development and use of scheduled lands for additional purposes**

- (1) The dedication of the scheduled lands for public recreation does not prevent or otherwise affect—
  - (a) the use of any part of the scheduled lands for a permissible purpose, or
  - (b) the grant of a lease or licence that permits or otherwise provides for its use for a permissible purpose.
- (2) To avoid doubt, a permissible purpose includes a purpose authorised by this Act for the purposes of section 2.12 of the *Crown Land Management Act 2016* in its application to the scheduled lands.
- (3) In this section, *permissible purpose*, in relation to a part of the scheduled lands, means a purpose permitted on that part by a State environmental planning policy referred to in section 30AF.

**30AI Certain uses of Venues NSW's land restricted**

- (1) Despite any other provision of this Act, any other Act or any instrument made under this or any other Act—
  - (a) no part of Venues NSW's land, other than controlled land, may be used for residential accommodation, and
  - (b) no part of Venues NSW's land, other than designated land, may be used for tourist and visitor accommodation.
- (2) In this section—  
*residential accommodation* means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.  
*tourist and visitor accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel accommodation and serviced apartments.

**30AJ No change to dedicated lands except by Act of Parliament**

The dedication of the scheduled lands cannot be revoked, changed or abolished unless it is done by an Act of Parliament.

**[15] Part 5 Plans of management**

Omit the Part.

**[16] Section 33A Advisory committees**

Omit the section.

**[17] Section 34 Use of Newcastle Showground land**

Omit “the Authority” wherever occurring. Insert instead “Venues NSW”.

**[18] Section 34(5), definition of “Authority”**

Omit the definition.

**[19] Section 37 Rangers**

Omit section 37(1). Insert instead—

- (1) The Chief Executive Officer may appoint a person employed by Venues NSW to be a ranger for the purposes of this Act.

**[20] Section 37(2)**

Insert “, and has the powers and duties,” after “functions”.

**[21] Section 37(6) and (7) (definition of “Chief Executive”)**

Omit “the Office of Sport” wherever occurring. Insert instead “Venues NSW”.

**[22] Section 40 Regulations**

Insert after section 40(1)(a)—

- (a1) the protection of property, including buildings, structures and machinery, situated on the authority’s land, and  
(a2) the preservation or protection of trees or other vegetation on the authority’s land, and

**[23] Section 40(1)(c1)**

Insert after section 40(1)(c)—

- (c1) the admission to memberships that enable the access to, and use of, areas of Venues NSW’s land reserved for the use of members, including the determination of membership fees or subscriptions, and

**[24] Section 40(1)(h1)**

Insert after section 40(1)(h)—

- (h1) the closing of lands, or a part of the lands, vested in or managed by a sporting venues authority, and the conditions that may apply to the closing of the lands or as a consequence of the closing of the lands, and

**[25] Schedules 1–3**

Omit the Schedules. Insert instead—

**Schedule 1 Constitution and procedure of Board of Venues NSW**

## Part 1 Preliminary

### 1 Interpretation

In this Schedule—

**Board** means the Board of Venues NSW.

**member** means a member of the Board and includes a non-GSE member.

**non-GSE member** means a member of the Board appointed by the Minister under section 15(2)(a), (b) or (d).

## Part 2 Constitution

### 2 Terms of office of members

- (1) Subject to this Schedule and the regulations, a non-GSE member of the Board—
  - (a) holds office for the term, not exceeding 3 years, specified in the member's instrument of appointment, and
  - (b) is eligible, if otherwise qualified, for re-appointment.
- (2) A non-GSE member is not eligible to be a member of the Board for consecutive terms totalling more than 9 years.

### 3 Part-time appointments

Non-GSE members hold office as part-time members.

### 4 Remuneration

The Minister may, from time to time, determine in consultation with the Public Service Commissioner an amount of remuneration, including travelling and subsistence allowances, in respect of the office of non-GSE members.

### 5 Deputies

- (1) The Minister may—
  - (a) from time to time, appoint a person to be the deputy of a non-GSE member, and
  - (b) revoke the appointment at any time.
- (2) In the absence of a non-GSE member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of the non-GSE member, a person has all the functions of the member and is taken to be a member.
- (4) For the purposes of this clause, a vacancy in the office of a non-GSE member is taken to be an absence of the member.
- (5) This clause does not operate to confer on the deputy of a non-GSE member who is the Chairperson the member's functions as Chairperson.

### 6 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or



- (d) is nominated for election as a member of the Legislative Council or of the Legislative Assembly or as a member of a House of Parliament or a legislature of another State or Territory or of the Commonwealth, or
  - (e) is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from the meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for their benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (i) is removed from office by the Minister under this clause.
- (2) The Minister may remove a member from office at any time.

#### **7 Chairperson and Deputy Chairperson**

- (1) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if they—
- (a) are removed from the office by the Minister under this clause, or
  - (b) resign the office by instrument in writing addressed to the Minister, or
  - (c) cease to be a member of the Board.
- (2) The Minister may remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson at any time.

#### **8 Filling of vacancy in office of member**

If the office of a member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

#### **9 Casual vacancy in office of non-GSE member**

- (1) A casual vacancy in the office of a non-GSE member is to be filled by a person appointed by the Minister.
- (2) The person who fills the casual vacancy holds office, subject to this Act, for the remainder of the term of the member who has vacated office.
- (3) In this clause, *casual vacancy* means a vacancy that occurs other than because of the completion of a term of office.

#### **10 Disclosure of pecuniary interests**

- (1) A member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose at a meeting of the Board—
- (a) that the member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at the meeting, and
  - (b) the nature of that interest.

- (2) A member is not required to disclose an interest under subclause (1) if the interest does not appear to raise a conflict with the proper performance of the member's duties in relation to consideration of the matter.
- (3) One or more of the following disclosures by a member at a meeting of the Board is a sufficient disclosure of the nature of the interest in any matter relating to a specified company or other body or to a specified person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1)—
  - (a) that the member is a member, or is in the employment, of that company or other body, or
  - (b) that the member is a partner, or is in the employment, of that person, or
  - (c) that the member has some other specified interest relating to that company or other body or that person.
- (4) Particulars of any disclosure made under this clause must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours for inspection by any person on payment of the fee determined by the Board.
- (5) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Board otherwise determines—
  - (a) be present during a deliberation of the Board with respect to the matter, or
  - (b) take part in any decision of the Board with respect to the matter.
- (6) For the purposes of the making of a determination by the Board under subclause (5), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
  - (a) be present during any deliberation of the Board for the purpose of making the determination, or
  - (b) take part in the making by the Board of the determination.
- (7) A contravention of this clause does not invalidate any decision of the Board.

#### **11 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a non-GSE member.
- (2) A provision made by or under another Act requiring a person who is the holder of a specified office under that Act to devote the whole of his or her time to the duties of that office, or prohibiting the person from engaging in employment outside the duties of that office, does not operate to disqualify a person from—
  - (a) holding the specified office and also the office of a member under this Act, or
  - (b) from accepting and retaining remuneration payable to the person under this Act as a member, if any.

#### **12 Personal liability**

- (1) A protected person is not personally subject to any liability for anything done—
  - (a) in good faith, and
  - (b) for the purpose of executing functions under this Act.
- (2) The liability instead attaches to the Crown.

- (3) In this clause—  
*done* includes omitted to be done.  
*liability* means civil liability and includes action, claim or demand.  
*protected person* means—
- (a) the Board, or
  - (b) a member of the Board, or
  - (c) a person acting under the direction of the Board.

## **Part 3 Procedure**

### **13 General procedure**

Subject to this Act and the regulations, the Board may call and conduct meetings of the Board as it determines.

### **14 Quorum**

The quorum for a Board meeting is a majority of its members for the time being.

### **15 Presiding member**

- (1) The Chairperson presides at a Board meeting.
- (2) If the Chairperson is absent from a Board meeting, the Deputy Chairperson presides at the meeting.
- (3) If the Chairperson and the Deputy Chairperson are absent from a Board meeting, another member elected by the members present at the meeting presides at the meeting.

### **16 Voting**

- (1) A decision supported by a majority of the votes cast at a Board meeting at which a quorum is present is the decision of the Board.
- (2) If there is an equality of votes at a Board meeting, the member presiding at the meeting also has a casting vote.

### **17 First meeting**

The Minister may call the first meeting of the Board in the manner that the Chairperson thinks fit.

### **18 Transaction of business outside meetings or by telephone**

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of the members is taken to be a decision of the Board made at a meeting of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members, or some members, participate by telephone or other electronic means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) The Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the Board for the purposes of—
  - (a) the approval of a resolution under subclause (1), or

- (b) a meeting held in accordance with subclause (2).
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by electronic means.

## **Schedule 2 Provisions relating to Chief Executive Officer of Venues NSW**

section 16

### **1 Appointment of Chief Executive Officer of Venues NSW**

- (1) The Chief Executive Officer of Venues NSW—
  - (a) holds office for the term, not exceeding 5 years, specified in the instrument of appointment, and
  - (b) is eligible, if otherwise qualified, for re-appointment.
- (2) A person is not eligible to be a Chief Executive Officer for consecutive terms totalling more than 10 years.
- (3) The office of Chief Executive Officer is a full-time office and the holder of the office is required to hold it on that basis.

### **2 Remuneration and allowances**

- (1) The employment of the Chief Executive Officer is, subject to this Act and the regulations, to be governed by a contract of employment between the Chief Executive Officer and the Minister.
- (2) The office of Chief Executive Officer is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office.

### **3 Vacancy in office**

- (1) The office of Chief Executive Officer becomes vacant if the holder—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is nominated for election as a member of the Legislative Council or of the Legislative Assembly or as a member of a House of Parliament or a legislature of another State or Territory or of the Commonwealth, or
  - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the Chief Executive Officer's creditors or makes an assignment of the Chief Executive Officer's remuneration for their benefit, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
  - (h) is removed from office under clause 4.

- (2) If the office of Chief Executive Officer becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

#### **4 Removal from office**

The Minister may, in consultation with the Board of Venues NSW, remove the Chief Executive Officer from office at any time.

#### **5 Acting Chief Executive Officer**

- (1) The Minister may, from time to time, and in consultation with the Board of Venues NSW, appoint a person to act in the office of Chief Executive Officer during—
- (a) the illness or absence of the Chief Executive Officer, or
  - (b) a vacancy in the office of Chief Executive Officer.
- (2) The Minister may remove a person from office as acting Chief Executive Officer at any time.
- (3) An acting Chief Executive Officer is entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister may from time to time determine.

### **Schedule 3 Election of members of membership advisory committee by SCG Members**

section 21E(3)(b)

#### **Part 1 Preliminary**

##### **1 Definitions**

In this Schedule—

**close of nominations date** means the date and time fixed by the Returning Officer for the close of nominations for an election.

**election** means an election, for the purposes of section 21E(3)(b), of persons to be appointed as members of the membership advisory committee constituted under section 21E(1)(a).

**Returning Officer** means the person appointed by Venues NSW to be the returning officer for an election.

**voting SCG Member** means a Member of the Sydney Cricket Ground who is of a class prescribed by the regulations.

##### **2 Conduct of election**

An election is to be carried out in accordance with this Schedule.

##### **3 Returning Officer**

- (1) Venues NSW is, by written instrument, to appoint a person as Returning Officer for the purposes of this Schedule.
- (2) The Electoral Commissioner for New South Wales (or the Commissioner's delegate) may, if the Commissioner or delegate consents, be appointed as Returning Officer.

##### **4 Voting entitlements**

- (1) A voting SCG Member is entitled to vote in an election.

- (2) Voting in an election is voluntary.
- (3) If a voting SCG Member is an organisation, the voting rights of the Member may be exercised by a person authorised by the Member to vote on the Member's behalf.
- (4) If a voting SCG Member is an organisation and holds more than one membership of a class prescribed in the regulations—
  - (a) the voting SCG Member is entitled to one vote for each membership of the prescribed class held, and
  - (b) the voting rights attached to each vote are to be exercised by a different person authorised by the voting SCG Member to vote on the voting SCG Member's behalf.

## **Part 2 Notice of elections and nomination of candidates**

### **5 Period for conducting election**

- (1) As soon as practicable after it has been determined in accordance with this Act that an election is required, Venues NSW is to notify the Returning Officer of the determination.
- (2) An election is to be held no more than 90 days after the notification is given.

### **6 Notice of election**

- (1) The Returning Officer is to cause a notice of an election—
  - (a) to be published in the following—
    - (i) the Gazette,
    - (ii) at least one newspaper circulating generally throughout New South Wales, whether published in print or on a publicly accessible website,
    - (iii) a prominent place on Venues NSW's website, and
  - (b) to be sent by email to all voting SCG Members who have consented to receive notices and other documents relating to their SCG membership by email.
- (2) The notice is to—
  - (a) state that the election is to be held, and
  - (b) fix the polling day for the election, and
  - (c) invite nominations from voting SCG Members of candidates to fill the vacancies for elected members of the membership advisory committee, and
  - (d) fix the close of nominations date, being a date—
    - (i) at least 21 days after the giving of the notice, and
    - (ii) at least 30 days before the polling day for the election, and
  - (e) state the Returning Officer's contact details for the purposes of the lodgment of nominations.
- (3) The notice must be given at least 60 days before the polling day for the election.
- (4) The Returning Officer may, by means of a further notice of the same kind, fix a later close of nominations date than that fixed by a previous notice for the election.

## **7 Nominations**

- (1) A nomination of a candidate is to contain the following information—
  - (a) the full name of the candidate,
  - (b) the date of birth of the candidate,
  - (c) the residential address of the candidate,
  - (d) the membership card number of the candidate,
  - (e) a statement, signed by the candidate, in which the candidate consents to—
    - (i) the nomination, and
    - (ii) the use of the information contained in the nomination for the purposes of compiling a candidate information sheet,
  - (f) the full names, residential addresses, membership card numbers and signatures of at least 6 nominators, being voting SCG Members other than the candidate.
- (2) A nomination is to be in writing and may, if the Returning Officer specifies an email address for lodgment of nominations, be in the form of an electronic document sent to the email address.
- (3) A nomination is to be lodged with the Returning Officer before the close of nominations date.
- (4) A voting SCG Member may nominate no more than 2 candidates in an election.

## **8 No display of material supporting candidates**

A person must not post up, exhibit or distribute on the scheduled lands material in support of a candidate's candidature at an election.  
Maximum penalty—1 penalty unit.

## **9 Uncontested elections**

If, after the close of nominations date, the number of candidates nominated does not exceed the number of persons required for election, the Returning Officer is to declare the nominated candidates elected.

## **Part 3 Contested elections**

### **10 When poll to be taken**

If, after the close of nominations date, the number of candidates nominated exceeds the number of persons required for election, a poll is to be taken.

### **11 Preparation of roll**

- (1) If a poll is to be taken, the Chief Executive Officer of Venues NSW, or the Chief Executive Officer's delegate, is to certify a copy of the roll of all voting SCG Members and provide that copy to the Returning Officer.
- (2) The roll is to contain the following information about each voting SCG Member—
  - (a) the full name of the Member,
  - (b) the residential address of the Member or other postal address specified by the Member for the purpose of receiving notices and other documents relating to the Member's SCG membership,

- (c) if the Member has consented to receiving notices and other documents relating to the Member's SCG membership by email—the email address specified for that purpose.
- (3) The Returning Officer is to ensure that a copy of the roll is available for inspection free of charge by voting SCG Members.
- (4) A voting SCG Member is to notify the Returning Officer of administrative errors relating to the Member's entry on the roll at least 14 days before the polling day for the election.

## **12 Preparation of candidate information sheet**

- (1) If a poll is to be taken, the Returning Officer is to compile a candidate information sheet about each nominated candidate.
- (2) The candidate information sheet is to be based on—
  - (a) information contained in the candidate's nomination, and
  - (b) further information voluntarily lodged by the candidate with the Returning Officer before the close of nominations date and intended for inclusion in the candidate information sheet.
- (3) Further information referred to in subclause (2)(b) is to be lodged as a statutory declaration in the form of the Eighth Schedule to the *Oaths Act 1900*, and may include the following—
  - (a) the name of the candidate's employer or, if self-employed, the candidate's present position,
  - (b) trade, academic or professional qualifications held by the candidate,
  - (c) organisations of which the candidate is a member,
  - (d) offices, other than employment, held by the candidate,
  - (e) additional information relevant to the candidate's candidature, being no more than 4 typewritten lines.
- (4) The Returning Officer may omit or rectify information, or reduce the length of information, from the candidate information sheet that the Returning Officer considers—
  - (a) is not appropriate for inclusion in a candidate information sheet, or
  - (b) is misleading in any material particular, or
  - (c) is of a length greater than the length specified in subclause (3)(e).
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot paper for the election.

## **13 Preparation of ballot paper**

The ballot paper must contain—

- (a) the full names of all candidates nominated for the election, arranged in an order determined by the Returning Officer by drawing lots, and
- (b) a box opposite and to the left of the name of each candidate.

## **14 Voting pack**

- (1) If a poll is to be taken, the Returning Officer must provide a voting pack to each voting SCG Member at least 20 days before the polling day for the election.
- (2) The voting pack is to be provided—



- (a) to a voting SCG Member who has consented to receive notices and other documents relating to the Member's SCG membership by email—by email to the email address specified for that purpose, and
  - (b) to any other SCG Member—by post to the Member's residential address or other postal address specified by the Member for the purpose of receiving notices and other documents relating to the Member's SCG membership.
- (3) A voting pack provided by post is to include the following—
- (a) a ballot paper,
  - (b) a candidate information sheet,
  - (c) instructions for completing and lodging a ballot paper,
  - (d) one prepaid envelope addressed to the Returning Officer that contains, on its rear flap, spaces for the insertion of a voting SCG Member's name, address, signature and membership card number.
- (4) A voting pack provided electronically is to include the following—
- (a) a ballot paper,
  - (b) a candidate information sheet,
  - (c) instructions for completing and lodging a ballot paper.
- (5) The Returning Officer may, on written application made by a voting SCG Member, provide a duplicate voting pack to that Member if the Returning Officer is satisfied that the original voting pack has been lost or destroyed.

#### **15 Voting pack instructions**

- (1) A voting SCG Member who has received a voting pack may vote by completing and lodging a ballot paper in accordance with the instructions included in the voting pack.
- (2) The instructions for completing and lodging a ballot paper are to include the following information—
- (a) the polling day for the election,
  - (b) instructions on how to cast a valid vote by prepaid envelope,
  - (c) instructions on how to cast a valid vote electronically,
  - (d) information about the preferential system applicable to the election,
  - (e) any other information relating to the conduct of the election that the Returning Officer considers appropriate to include.
- (3) The instructions on how to cast a valid vote by prepaid envelope are to include the following further information—
- (a) instructions on how a voting SCG Member whose voting pack was provided electronically may obtain a prepaid envelope,
  - (b) a statement that a ballot paper may be lodged, as an alternative to posting the ballot paper, by depositing the ballot paper in a sealed ballot box provided for that purpose at the office of Venues NSW.
- (4) The instructions on how to cast a valid vote electronically are to include the following further information—
- (a) the internet address of the voting website,
  - (b) the information, including any applicable password, that a voting SCG Member will require to access the voting website.

## **16 Electronic voting procedures**

The voting website must provide a warning message to a voting SCG Member if there are errors on a ballot paper that the Member attempts to lodge electronically.

## **17 Death of candidate**

- (1) If a candidate dies after the close of nominations date and before the polling day, the election is taken to have wholly failed and the Returning Officer is to proceed to give notice of a fresh election in accordance with clause 6.
- (2) If a candidate dies on or after the polling day, but before the Returning Officer advises the Chief Executive Officer and the Minister of the result of the election under clause 24, and the candidate—
  - (a) is not elected—the candidate’s preferences are to be distributed in accordance with clause 22, or
  - (b) is elected—the candidate who obtained the next highest number of votes is to be declared elected in place of the deceased candidate, or
  - (c) is elected with the highest number of votes and the election was for the purpose of electing 2 candidates—the candidate who scored the third highest number of votes is to be declared elected in place of the candidate who scored the second highest number of votes.

## **Part 4 Election results**

### **18 Scrutineers**

- (1) A candidate may appoint, in writing, a scrutineer to represent that candidate.
- (2) Scrutineers may be present during the inspection of prepaid envelopes, the initial scrutiny of ballot papers and the counting of votes.
- (3) A candidate may not act as a scrutineer.

### **19 Inspection of prepaid envelopes**

- (1) The Returning Officer is to ensure that all prepaid envelopes purporting to contain ballot papers that are received before the polling day for an election are stored securely until they are inspected.
- (2) On the polling day, the Returning Officer is to inspect each prepaid envelope and reject the envelope if—
  - (a) the envelope does not have legibly marked on its rear flap the name, address, signature and membership card number that appear to the Returning Officer to be of a voting SCG Member, or
  - (b) the envelope is not sealed.

### **20 Initial scrutiny of ballot papers**

- (1) On the polling day, the Returning Officer is to—
  - (a) examine the contents of all prepaid envelopes that were not rejected under clause 19 and all ballot papers that were lodged by deposit in a sealed ballot box in accordance with clause 15(3), and
  - (b) review all ballot papers that were lodged electronically, and
  - (c) reject as informal any ballot papers that, in the Returning Officer’s opinion, do not comply with the applicable instructions for casting a valid vote.

- (2) Without limiting subclause (1)(c), the Returning Officer is to reject as informal any ballot paper—
  - (a) in an election for the purpose of electing 2 candidates—if it does not have votes for 2 or more candidates indicated on it, or
  - (b) in an election for the purpose of electing 1 candidate—if it does not have a vote for 1 or more candidates indicated on it.
- (3) If, in the Returning Officer’s opinion, a person’s voting intention is clearly indicated on the voting SCG Member’s ballot paper, the Returning Officer is not to reject the ballot paper merely because the ballot paper contains an unnecessary mark.
- (4) The Returning Officer’s determination of the formality or informality of a ballot paper is final.

## **21 Counting of votes**

Following the initial scrutiny carried out under clause 20, the Returning Officer is to—

- (a) count the votes recorded for each candidate on all ballot papers that were not rejected as informal in accordance with the preferential system applicable to the election, and
- (b) count the informal ballot papers, and
- (c) ascertain the results of the count, and
- (d) inform the persons present of the result of the count.

## **22 Preferential system**

- (1) Ballot papers are to be counted by the Returning Officer—
  - (a) in an election for the purpose of electing 2 candidates—according to a multi-preferential system in which preferences 1 and 2 are regarded as primary votes and the remaining recorded preferences, if any, are regarded as secondary votes, or
  - (b) in an election for the purpose of electing 1 candidate—according to a preferential system in which preference 1 is regarded as a primary vote and the remaining recorded preferences, if any, are regarded as secondary votes.
- (2) All preferences recorded on ballot papers are fully transferable.
- (3) A determination by the Returning Officer relating to the manner in which an election is to be conducted is final.

## **23 Election not invalid despite certain omissions**

An election is not invalid merely because—

- (a) a voting SCG Member whose name was on the roll prepared for the election did not receive a voting pack, or
- (b) the Returning Officer did not receive a ballot paper lodged by prepaid envelope and sent to the Returning Officer before the polling day for the election.

## **24 Advice of election result**

The Returning Officer is to advise the Chief Executive Officer and the Minister of the result of the election within 7 days after the polling day.

[26] **Schedule 4A**

Insert after Schedule 4—

## **Schedule 4A Venues NSW's land**

section 3(1)

### **Part 1 Scheduled lands**

#### **Division 1 Cricket and Sports Ground**

All that piece or parcel of land containing 11.208 hectares situate at Paddington in the City of Sydney Parish of Alexandria County of Cumberland and being Portions 1528 and 1530 of that Parish.

#### **Division 2 Driver Avenue (etc) land**

All that piece or parcel of land containing 5851 square metres situate at Paddington in the City of Sydney Parish of Alexandria County of Cumberland and being Portion 1529 of that Parish.

#### **Division 3 Army Engineers Depot, Moore Park**

All that piece or parcel of land situated at Moore Park in the Parish of Alexandria and County of Cumberland containing 3.685 hectares, and being Lot 1 in Deposited Plan No 205794 and formerly being the whole of the land in Certificate of Title Volume 9079 Folio 56 but now being Crown land.

### **Part 2 Designated land**

All that piece or parcel of land situated in the Parish of Alexandria County of Cumberland comprising Portion 1528, part of Portion 1530 and part of Lot 1 Deposited Plan 205794: commencing on the eastern side of Driver Avenue at its intersection with the northern side of a right of way shown in Sydney County Council Plan of Survey dated 27 August 1980 File Number S6343; and bounded thence on the west, southwest and northwest by the eastern, northeastern and southeastern sides of Driver Avenue bearing successively 356 degrees 20 seconds 165.48 metres, 355 degrees 36 minutes 68.37 metres, 308 degrees 41 minutes 114.89 metres, 322 degrees 20 minutes 20.115 metres, 346 degrees 20 minutes 20.115 metres, 4 degrees 50 minutes 20.115 metres and 18 degrees 20 minutes 75.74 metres to the intersection of the southeastern side of Driver Avenue with the southwestern side of Moore Park Road; on the northeast by the southwestern side of Moore Park Road bearing successively 103 degrees 22 minutes 30 seconds 50.27 metres, 106 degrees 8 minutes 95.72 metres, 110 degrees 16 minutes 30 seconds 60.13 metres, 113 degrees 4 minutes 27.62 metres, 113 degrees 30 minutes 22.53 metres, 114 degrees 32 minutes 7.15 metres, 115 degrees 40 seconds 21.54 metres, 116 degrees 34 minutes 20 seconds 21.33 metres, 117 degrees 44 minutes 30 seconds 18.18 metres, 119 degrees 56 minutes 20.45 metres, 121 degrees 56 minutes 40 seconds 32.105 metres, 123 degrees 41 minutes 18.3 metres, 125 degrees 29 minutes 30 seconds 22.755 metres, 126 degrees 51 minutes 30 seconds 15.405 metres, 125 degrees 23 minutes 13.72 metres and 122 degrees 24 minutes 19.065 metres to the northeastern corner of the land occupied, as at the date of assent to the *Sydney Cricket and Sports Ground (Amendment) Act 1985*, by the Department of the Army; on the southeast by a fenced line on the northwestern side of the bitumen sealed access walkway to the Sydney Showground bearing 217 degrees 37 minutes 40 seconds 144.4 metres to the corner of brick garages; along the southeastern face of those brick garages bearing successively 217 degrees 25 minutes 30 seconds 34.65 metres to the angle in the southeastern wall of the garages and a line bearing 231 degrees 46 minutes 30 seconds 39.91 metres; on the south by the southern face of a brick building and prolongation thereof

bearing 262 degrees 27 minutes 14.23 metres and a line bearing 262 degrees 55 minutes 40 seconds 10.415 metres to the southeastern corner of the brick wall around the tennis courts, along the southern face of that brick wall to its southwestern corner bearing 262 degrees 12 minutes 30 seconds 37.77 metres and a line bearing 243 degrees 28 minutes 15.465 metres to the northern side of the Sydney County Council right of way aforesaid; generally on the southeast by lines along the generally northwestern sides of the right of way aforesaid bearing 265 degrees 52 minutes 5.8 metres, 262 degrees 29 minutes 7.16 metres, 259 degrees 21 minutes 6.875 metres, 256 degrees 28 minutes 6.955 metres, 253 degrees 1 minute 6.95 metres, 250 degrees 24 minutes 6.81 metres, 246 degrees 11 minutes 11.685 metres, 191 degrees 16 minutes 15.97 metres, 234 degrees 33 minutes 59.24 metres and 266 degrees 7.08 metres to the point of commencement and containing in all an area of 9.832 hectares or thereabout.

### **Part 3 Controlled land**

All that piece or parcel of land situated in the Parish of Alexandria County of Cumberland comprising part of Portion 1528 and part of Portion 1530 being part of the land in Schedule 2A: commencing on the southeastern side of Driver Avenue at its intersection with the southwestern side of Moore Park Road bounded thence on the northeast by the southwestern side of Moore Park Road bearing successively 102 degrees 6 minutes 50.27 metres, 104 degrees 51 minutes 30 seconds 95.72 metres, 109 degrees 60.13 metres and 111 degrees 47 minutes 30 seconds 23.475 metres to the intersection of the southwestern side of Moore Park Road with the northeastern face of a concrete kerb; on the northeast by the northeastern face of a concrete kerb and the prolongation thereof bearing 161 degrees 29 minutes 30 seconds 34.945 metres to the corner of a concrete pavement; on the southeast by a line joining the corner of a concrete pavement to the northeastern corner of a brick wall bearing 246 degrees 23 minutes 20 seconds 19.1 metres; along the southeastern face of a brick wall bearing successively 243 degrees 40 minutes 2.275 metres, 238 degrees 34 minutes 9.515 metres and 233 degrees 19 minutes 5.36 metres to the southeastern corner of a brick wall; by a line joining the southeastern corner of a brick wall to the northeastern corner of a brick wall bearing 230 degrees 52 minutes 10.745 metres; along the southeastern face of a brick wall bearing successively 229 degrees 10 minutes 4.965 metres and 222 degrees 22 minutes 3.77 metres; by a line joining the southeastern corner of a brick wall to the northeastern corner of a brick wall bearing 222 degrees 11 minutes 2.305 metres; along the southeastern face of a brick wall bearing 222 degrees 24 minutes 14.915 metres; by a line joining the southeastern corner of a brick wall to the northeastern corner of a concrete kerb bearing 209 degrees 55 minutes 7.16 metres; along the southeastern face of a concrete kerb bearing successively 209 degrees 27 minutes 12.315 metres, 202 degrees 37 minutes 11.73 metres, 200 degrees 19 minutes 9.26 metres and 192 degrees 25 minutes 8.805 metres; along the southeastern face of a brick wall bearing 189 degrees 13 minutes 2.62 metres; on the south by the southern face of a brick wall bearing 277 degrees 45 minutes 4.53 metres; on the southeast by the southeastern face of a timber retaining wall bearing 252 degrees 25 minutes 4.03 metres; on the east by the eastern edge of a concrete dish drain bearing 186 degrees 36 minutes 14.26 metres; on the south by the southern face of a concrete kerb bearing 273 degrees 34 minutes 10 seconds 58.155 metres to the intersection of the kerb and the eastern side of Driver Avenue; on the southwest, west and northwest by the northeastern, eastern and southeastern sides of Driver Avenue bearing successively 307 degrees 24 minutes 30 seconds 114.89 metres, 321 degrees 3 minutes 30 seconds 20.115 metres, 345 degrees 3 minutes 30 seconds 20.115 metres, 3 degrees 33 minutes 30 seconds 20.115 metres and 17 degrees 3 minutes 30 seconds 75.74 metres to the point of commencement and containing in all an area of 3.2 hectares or thereabout.

## **Part 4 Venues**

### **Illawarra Region**

Lot 143 in Deposited Plan 786508  
Lot 1 in Deposited Plan 1091530  
Lot 6 in Deposited Plan 1091530  
Lot 7 in Deposited Plan 1091530  
Lot 96 in Deposited Plan 751299  
Lot 101 in Deposited Plan 872951

### **Newcastle Region**

Lot 31 in Deposited Plan 1091407  
Lot 32 in Deposited Plan 1091407  
Lot 3238 in Deposited Plan 1013870  
Lot 3239 in Deposited Plan 1013870  
Lot 3241 in Deposited Plan 1013870  
Lot 3242 in Deposited Plan 1013870  
Lot 3243 in Deposited Plan 1013870  
Lot 3244 in Deposited Plan 1013870  
Lot 3245 in Deposited Plan 1013870  
Lot 3235 in Deposited Plan 821124  
Lot 7322 in Deposited Plan 1159253  
Lot 3236 in Deposited Plan 821124  
Lot 3284 in Deposited Plan 1049501  
Lot 7302 in Deposited Plan 1143612  
Lot 7303 in Deposited Plan 1143612  
Lot 2498 in Deposited Plan 755247  
Lot 2583 in Deposited Plan 755247  
Lot A in Deposited Plan 186497

### **Parramatta Region**

Lot 963 in Deposited Plan 42643

#### **[27] Schedule 5 Savings, transitional and other provisions**

Insert after Part 5—

## **Part 6 Provisions consequent on enactment of Sporting Venues Authorities Amendment (Venues NSW) Act 2020**

### **Division 1 Introduction**

#### **21 Interpretation**

(1) In this Part—

*amending Act* means the *Sporting Venues Authorities Amendment (Venues NSW) Act 2020*.

*existing Venues NSW*—see clause 24.

*instrument* means an instrument, except this Act or an instrument made under this Act, or any other document that creates, modifies or extinguishes rights or liabilities, or would do so if lodged, filed or registered in accordance with any law, and includes any judgment, order, process or other instrument issued by a court or tribunal.

*Local Venues Council* means an advisory committee that was, under clause 18(1) of this Schedule, taken to be established by the Minister under section 33A(2) as in force before the repeal day.

*reconstituted Venues NSW*—see clause 24.

*repeal day* means the day on which the *Sydney Cricket and Sports Ground Act 1978* is repealed by this Act.

*Sydney Cricket and Sports Ground Trust* means the Sydney Cricket and Sports Ground Trust constituted by the *Sydney Cricket and Sports Ground Act 1978* before its repeal.

- (2) If this Act provides for an event or other thing to occur on a particular day, that event or thing is taken to occur at the beginning of the day.

## **Division 2 Dissolution or reconstitution of certain bodies**

### **22 Dissolution of Sydney Cricket Ground Trust**

- (1) On and from the repeal day—
- (a) the Sydney Cricket and Sports Ground Trust is dissolved, and
  - (b) the Trust's assets, rights and liabilities immediately before its dissolution are transferred to reconstituted Venues NSW.
- (2) Division 4 applies to a transfer of assets, rights and liabilities under this clause.

### **23 Dissolution of Local Venues Council**

- (1) On and from the repeal day—
- (a) each Local Venues Council is dissolved, and
  - (b) the Council's assets, rights and liabilities immediately before its dissolution are transferred to reconstituted Venues NSW.
- (2) Division 4 applies to a transfer of assets, rights and liabilities under this clause.

### **24 Reconstitution of Venues NSW**

- (1) On and from repeal day—
- (a) Venues NSW as in existence immediately before the repeal day (*existing Venues NSW*) is taken to have been reconstituted by section 12 of this Act, as inserted by the amending Act, as a corporation with the same name (*reconstituted Venues NSW*), and
  - (b) the board of management of existing Venues NSW is dissolved.
- (2) Reconstituted Venues NSW is taken for all purposes, including the rules of private international law, to be a continuation of, and the same legal entity as, the existing Venues NSW.

**Note.** As a result of this subclause, reconstituted Venues NSW retains all the assets, rights and liabilities of existing Venues NSW.

### **Division 3 Members of dissolved or reconstituted bodies**

#### **25 Abolition of certain offices**

- (1) Each of the following offices are abolished (an *abolished office*) on and from the repeal day—
  - (a) member of the Sydney Cricket Ground Trust,
  - (b) member of the board of management of existing Venues NSW,
  - (c) member of a Local Venues Council.
- (2) Accordingly, a person who held an abolished office immediately before its abolition ceases to hold the office on and from the repeal day.
- (3) A person who ceases to hold an abolished office because of this clause—
  - (a) is not entitled to any remuneration or compensation because of the loss of the office, and
  - (b) is eligible, if qualified, to be appointed as a member of the Board of reconstituted Venues NSW.
- (4) Section 21E requires reconstituted Venues NSW to invite persons mentioned in subclause (1)(a) or (b) to become members of a membership advisory committee if they are not appointed members of the Board of reconstituted Venues NSW.
- (5) A person invited to be a member of a membership advisory committee—
  - (a) is taken to be appointed for the balance of the term for which the person was appointed to the abolished office, and
  - (b) is entitled, despite section 21C(3), to payment of the remuneration and allowances, if any, determined by the Minister during the period.

### **Division 4 Transfers of assets, rights and liabilities**

#### **26 Application**

This Division applies to the transfer of assets, rights or liabilities made by another provision of this Part if the provision provides for this Division to apply.

#### **27 Interpretation**

In this Division, the person or body from which any assets, rights or liabilities are transferred is called the *transferor* and the person or body to which they are transferred is called the *transferee*.

#### **28 Vesting in transferee**

- (1) When any assets, rights or liabilities are transferred by a transfer to which this Division applies, the following provisions have effect—
  - (a) the assets of the transferor vest in the transferee by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
  - (b) the rights or liabilities of the transferor become by virtue of this Division the rights or liabilities of the transferee,
  - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,



- (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the transferor or a predecessor of the transferor is, to the extent to which that act, matter or thing has any force or effect, taken to have been done or omitted by, to or in respect of the transferee,
  - (e) the transferee has all the entitlements and obligations of the transferor in relation to the assets, rights and liabilities that the transferor would have had but for the transfer, whether or not the entitlements and obligations were actual or potential at the time the transfer took effect,
  - (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to—
    - (i) the transferor, or
    - (ii) any predecessor of the transferor,to the extent to which the reference relates to the assets, rights or liabilities, is taken to be, or include, a reference to the transferee.
- (2) The operation of this Division is not to be regarded as—
- (a) a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) an event of default under any contract or other instrument.
- (3) No attornment to the transferee by a lessee from the transferor is required.

**29 No compensation payable**

No compensation is payable to any person or body in connection with a transfer to which this Division applies.

**30 Date of vesting**

A transfer of assets, rights or liabilities to which this Division applies takes effect on the day specified by the provision of this Part that gives rise to the transfer.

**31 State taxes not chargeable**

- (1) State tax is not payable in relation to—
  - (a) an exempt matter, or
  - (b) anything done because of, or for a purpose connected with or arising out of, an exempt matter.
- (2) In this clause—

*exempt matter* means any of the following—

  - (a) the transfer of any assets, rights or liabilities by operation of this Division, including, without limitation, any instrument executed only for a purpose ancillary to or consequential on the operation of this Division,
  - (b) anything certified by the Minister in writing as having been done in consequence of the transfer, for example, the transfer or registration of an interest in land.

**State tax** means application or registration fees, duty or any other tax, fee or charge imposed by any legislation or other law of the State.

### 32 Confirmation of vesting

- (1) The Minister may, by written notice, confirm a transfer of particular assets, rights or liabilities by operation of this Part.
- (2) The notice is conclusive evidence of that transfer.

## Division 5 Regulatory authorisations

### 33 Transfer of certain regulatory authorisations

- (1) This clause applies to a regulatory authorisation held by or on behalf of the Sydney Cricket Ground Trust or a Local Venues Council (an **existing regulatory authorisation**).
- (2) An existing regulatory authorisation becomes a regulatory authorisation of reconstituted Venues NSW (the **transferred regulatory authorisation**) on and from the repeal day for the purposes of the Act or statutory rule (the **relevant State legislation**) under which the existing regulatory authorisation was issued.
- (3) The provisions of the relevant State legislation apply to reconstituted Venues NSW in relation to a transferred regulatory authorisation, subject to any modifications prescribed by the regulations.
- (4) The Minister must not recommend the making of a regulation for the purposes of subclause (3) unless the Minister administering the Act or statutory rule proposed to be modified has consented to the modification concerned.
- (5) A person or body (a **regulatory body**) that has the function under the relevant State legislation of issuing regulatory authorisations of the same kind as a transferred regulatory authorisation must, at the request of reconstituted Venues NSW, re-issue the transferred regulatory authorisation in the name of reconstituted Venues NSW with substantially the same terms, conditions and endorsements as the transferred regulatory authorisation.
- (6) No fee or charge is payable by reconstituted Venues NSW to a regulatory body for the exercise of a function by the regulatory body in connection with the transfer or re-issue of a regulatory authorisation by operation of this clause.
- (7) In this clause—  
**issued** includes given.

**regulatory authorisation** means a licence, permit, consent, entitlement, accreditation or other authority under an Act or statutory rule, and includes, but is not limited to, the following—

- (a) a licence under the *Liquor Act 2007*,
- (b) a licence under the *Water Management Act 2000*,
- (c) a master licence under the *Security Industry Act 1997*,
- (d) registration of a plant under the *Work Health and Safety Regulation 2017*,
- (e) registration of a vehicle issued under the *Road Transport Act 2013*,
- (f) a licence, permit, consent, entitlement, accreditation or other authority of a kind prescribed by the regulations.

## **Division 6 Employees**

### **34 Employees of Sydney Cricket and Sports Ground Trust**

- (1) The persons employed under the *Sydney Cricket and Sports Ground Act 1978* in the Sydney Cricket and Sports Ground Trust immediately before the repeal day are transferred to the employment of reconstituted Venues NSW.
- (2) A transfer of employment under this clause does not require the consent of the employee transferred.

### **35 Provisions applying to transferred employees**

The following provisions apply in relation to an employee transferred under clause 34—

- (a) the employee is entitled to continue as a contributor, member or employee for the purposes of any superannuation scheme in respect of which they were a contributor, member or employee, as an employee of the current employer, immediately before the transfer of employment and remains so entitled subject to any variation to that entitlement made either by agreement or otherwise in accordance with law,
- (b) reconstituted Venues NSW is taken to be an employer for the purposes of any superannuation scheme in respect of which the employee continues as a contributor, member or employee pursuant to an entitlement under this clause,
- (c) the employee retains their rights to annual leave, extended or long service leave or sick leave accrued or accruing immediately before the transfer of employment,
- (d) the continuity of employment of the employee is not broken by the transfer of employment,
- (e) service of the employee with the body from which the employee was transferred, including any service taken to be service as an employee, that is continuous service up to the time of the transfer of employment is, for all purposes, service with reconstituted Venues NSW,
- (f) the conditions of employment applying to the employee immediately before the transfer of employment, whether under a State industrial instrument or contract of employment, continue to apply to the employee until the time that provision is otherwise made in accordance with any other Act or law.

### **36 Operation of Commonwealth law**

- (1) A provision of this Division, including a provision to the extent it imposes or continues a term or condition of employment, has no effect to the extent of any inconsistency with the *Fair Work Act 2009* of the Commonwealth.
- (2) To avoid doubt, this clause does not limit the application of the provisions of this Part in relation to reconstituted Venues NSW if reconstituted Venues NSW is declared to be a non-national scheme employer under section 9A of the *Industrial Relations Act 1996*.

## **Division 7      Miscellaneous**

### **37    Reference to Schedule 3 in section 30A**

A reference in section 30A to Schedule 3 is taken, on and from the repeal day, to be a reference to Schedule 3 as in force immediately before the substitution of the Schedule by the amending Act.

### **38    Authorised persons under Sydney Cricket Ground and Sydney Football Stadium By-law 2014**

A person who was authorised by the Sydney Cricket and Sports Ground Trust for a function referred to in Part 6 or 7 the *Sydney Cricket Ground and Sydney Football Stadium By-law 2014* immediately before its repeal is taken, on and from the repeal day, to have been appointed as a ranger under section 37 of this Act.

### **39    References to dissolved, abolished or reconstituted bodies or offices**

- (1) Unless the regulations provide differently, a reference in any instrument to any of the following is, on and from the repeal day, to be read as including a reference to reconstituted Venues NSW—
  - (a) the Sydney Cricket and Sports Ground Trust,
  - (b) existing Venues NSW,
  - (c) a Local Venues Council.
- (2) The regulations may make provision for or with respect to how references in instruments to bodies or offices dissolved, abolished or reconstituted by this Part should be read.

## **Schedule 2 Amendment of other legislation**

### **2.1 Criminal Procedure Regulation 2017**

#### **Schedule 3 NSW Government agencies and statutory bodies required to pay court fees**

Omit paragraph (g) from the matter relating to the Department of Industry.

### **2.2 First State Superannuation Act 1992 No 100**

#### **Schedule 1 Employers**

Omit “Sydney Cricket and Sports Ground Trust”. Insert instead “Venues NSW”.

### **2.3 Government Advertising Regulation 2018**

#### **Clause 8 Exemption from restrictions on Government advertising campaigns during pre-election period**

Omit clause 8(2)(n).

### **2.4 Local Government Act 1993 No 30**

#### **Section 556 What land is exempt from all rates, other than water supply special rates and sewerage special rates?**

Omit section 556(1)(m). Insert instead—

- (m) land that is vested in the Crown or Venues NSW and is described in Schedule 4A, Parts 1, 2 or 3 of the *Sporting Venues Authorities Act 2008* and is used or occupied for the purposes of or in accordance with that Act,

### **2.5 Protection of the Environment Operations (General) Regulation 2009**

#### **Clause 90 Outdoor entertainment activities**

Omit clause 90(1)(e). Insert instead—

- (e) Venue’s NSW land within the meaning of the *Sporting Venues Authorities Act 2008*,

### **2.6 Public Finance and Audit Act 1983 No 152**

#### **Schedule 2 Statutory bodies**

Omit “Sydney Cricket and Sports Ground Trust”.

### **2.7 Sporting Venues Authorities Regulation 2019**

#### **[1] Clause 5 Removal of persons from sporting venues**

Insert after clause 5(1)(c)—

- (c1) contravening the Act or this Regulation, or

#### **[2] Clause 5(4A)**

Insert after clause 5(4)—

- (4A) Venues NSW or a ranger may call in the aid of a police officer for the removal of a person from land, or a facility on land, vested in or managed by a sporting venues authority.

**[3] Clauses 7 and 8**

Omit the clauses.

**[4] Clause 9 Advisory committees**

Omit “section 33A(7)”. Insert instead “21C(5)(d)”.

**[5] Clause 9(2)**

Insert at the end of clause 9—

- (2) This clause does not apply to a member who is appointed to a membership advisory committee under section 21E(3)(a) of the Act.

**[6] Clause 10 Local Venues Councils**

Omit the clause.

## **2.8 Sporting Venues (Invasions) Regulation 2016**

### **Clause 4 Designated sporting venues**

Insert at the end of the clause, with appropriate numbering—

Sydney Cricket Ground at Driver Avenue, Moore Park,  
Sydney Football Stadium at Driver Avenue, Moore Park.

## **2.9 State Authorities Non-contributory Superannuation Act 1987 No 212**

### **Schedule 1 Employers**

Omit “Sydney Cricket and Sports Ground Trust” from Part 1.

Insert instead “Venues NSW”.

## **2.10 State Authorities Superannuation Act 1987 No 211**

### **Schedule 1 Employers**

Omit “Sydney Cricket and Sports Ground Trust” from Part 1.

Insert instead “Venues NSW”.

## **2.11 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

### **Clause 2.127 Specified development**

Omit “Schedule 2 to the *Sydney Cricket and Sports Ground Act 1978*”.

Insert instead “Schedule 4A, Part 1 of the *Sporting Venues Authorities Act 2008*”.

## **2.12 State Environmental Planning Policy (Infrastructure) 2007**

### **Clause 58I Exempt development**

Omit “Schedule 2 to the *Sydney Cricket and Sports Ground Act 1978*”.

Insert instead “Schedule 4A, Part 1 of the *Sporting Venues Authorities Act 2008*”.

## **2.13 State Environmental Planning Policy (State and Regional Development) 2011**

### **Schedule 2 State significant development—identified sites**

Omit “Part 1 of Schedule 2 to the *Sydney Cricket and Sports Ground Act 1978*” from clause 7(b).

Insert instead “Schedule 4A, Part 1, Division 1 of the *Sporting Venues Authorities Act 2008*”.

## **2.14 Water Savings Order 2005**

### **[1] Schedule 1 Designated water users—businesses**

Omit the matter relating to Sydney Cricket and Sports Ground Trust.

### **[2] Schedule 1**

Insert in alphabetical order—

Venues NSW

Sydney Cricket Ground, Driver Avenue, Moore Park

[Second reading speech made in—

Legislative Assembly on 17 September 2020

Legislative Council on 15 October 2020]