

STATE SPORTS CENTRE TRUST ACT 1984—REGULATION

(State Sports Centre Trust Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the State Sports Centre Trust Act 1984, has been pleased to make the Regulation set forth hereunder.

GABRIELLE HARRISON
Minister for Sport and Recreation.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the State Sports Centre Trust Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“**reserved area**” means an area of a sports venue that is set aside for reserved seats in accordance with clause 4;

“**reserved seat**” means a seat that is situated in a reserved area;

“**sports venue**” means any facility that forms part of the sports and recreational complex situated on the trust land;

“**the Act**” means the State Sports Centre Trust Act 1984;

“**ticket**” means a ticket issued by or with the authority of the Trust, being a ticket that authorises its holder:

(a) to enter the trust land or a reserved area within the trust land;
or

(b) to occupy a reserved seat within the trust land;

“Trust” means the State Sports Centre Trust.

Reserved areas

4. The Trust may, either generally or for a particular event, set aside any area of a sports venue for reserved seats.

PART 2—REGULATION OF CONDUCT ON TRUST LAND

Entry to trust land

5. (1) The Trust may, by means of notices or the giving of directions, regulate the admission of persons or vehicles to the trust land.

(2) A person must not do anything in wilful contravention of a notice or direction under this clause.

Maximum penalty: 5 penalty units.

Entry to sports venues

6. A person who is not in lawful possession of an appropriate ticket must not:

- (a) enter or remain in a sports venue or any reserved area; or
- (b) occupy a reserved seat.

Maximum penalty: 5 penalty units.

Tickets

7. (1) The Trust may direct any person:

- (a) who is within a sports venue or any reserved area; or
- (b) who is occupying a reserved seat,

to produce an appropriate ticket for inspection by the Trust.

(2) The Trust may direct a person who is in unlawful possession of a ticket to surrender the ticket to the Trust.

(3) A person must not fail to comply with a direction under this clause.

Maximum penalty: 5 penalty units.

Liquor

8. A person must not bring liquor onto the trust land otherwise than for the purpose of supply to premises the subject of:

- (a) a licence under the Liquor Act 1982; or
- (b) a certificate of registration under the Registered Clubs Act 1976.

Pollution of trust land

9. A person must not, within the trust land:

- (a) deposit or cause to be deposited for disposal any refuse, rubbish or industrial waste; or
- (b) leave or cause to be left any litter, bottle, broken glass, china, pottery, plastic, rubbish, refuse or waste material other than in a receptacle provided by the Trust for that purpose; or
- (c) deposit or cause to be deposited any oil or allow any oil to escape.

Maximum penalty: 5 penalty units.

Parts set aside for certain purposes

10. (1) The Trust may set aside part of the trust land for use from time to time for any of the following purposes:

- (a) an organised activity;
- (b) an organised entertainment;
- (c) an organised ceremony;
- (d) some other organised activity;
- (e) the landing and taking off of aircraft.

(2) A person must not use an area set aside under this clause unless the person is the subject of a permit authorising the person to do so.

Maximum penalty: 5 penalty units.

(3) The Trust may grant a permit authorising a person or a group of persons to use an area of the trust land set aside under this clause for a purpose for which it was set aside.

(4) A permit is to be in writing and is to specify the area to which it relates, when it is to have effect and for what purposes it is granted.

(5) The Trust:

- (a) may from time to time fix a scale of charges for the use of the trust land in accordance with a permit; and

- (b) may demand and receive charges from any person using the trust land in accordance with a permit.

Exclusion of public from certain areas

11. (1) The Trust may, by means of notices or barriers, exclude the public from any part of the trust land.

(2) A person must not enter any part of the trust land from which the public has been so excluded.

Maximum penalty: 5 penalty units.

Damage to trust land and structures and vegetation on trust land

12. A person must not, within the trust land:

- (a) damage any lawn, green or playing field, except in the course of, and as a normal incident of, a sporting event or training for a sporting event; or
- (b) remove, uproot, or cause damage to, or remove any part from, a tree, shrub, fern, creeper, vine, palm, plant or other vegetation; or
- (c) remove any timber, log or stump, standing or fallen; or
- (d) deface a rock or dig up any soil, sand, stone or similar substance; or
- (e) write on, paint on or damage, deface or interfere with:
 - (i) any road, path, fence, barrier, gate, fence-post, wall, building, structure, seat, furniture, play equipment, fountain, statue, ornament or monument or any sign, notice, descriptive plate, label or other fixture or fitting erected, displayed or placed by the Trust; or
 - (ii) any machinery or equipment; or
- (f) light any fire; or
- (g) climb in any tree or on any building, or climb or jump over any fence, seat, table, enclosure or other structure; or
- (h) destroy, capture, injure or annoy any animal living within the trust land; or
- (i) destroy or interfere with the habitat of any animal.

Maximum penalty: 5 penalty units.

Animals on trust land

13. A person must not, within the trust land:

- (a) allow any stock to depasture; or

- (b) allow any animal in the person's custody or under the person's control to enter or remain (unless the animal is to be or is being exhibited in an authorised show or display); or
- (c) ride or act contrary to any sign erected by the Trust that regulates the movement or confinement of animals.

Maximum penalty: 5 penalty units.

Hazardous or annoying behaviour

14. A person must not, within the trust land:

- (a) throw or project any stone or other missile except at a side show or ring display authorised by the Trust or in the course of, and as a normal incident of, a sporting event or training for a sporting event; or
- (b) do or say anything calculated to hinder or interfere with the proper progress of any match, game, sport or event or the packing up or removal of equipment after an event; or
- (c) enter or mount any stage or performing area with the intention of hindering or interfering with a performance or the preparations for a performance.

Maximum penalty: 5 penalty units.

Commercial activities

15. A person must not, within the trust land:

- (a) collect or attempt to collect any money; or
- (b) sell or hire or attempt to sell or hire, expose for sale or hire or solicit for sale or hire any papers, printed matter, food, article, thing or service to any person; or
- (c) conduct, or cause or assist the operation of, any amusement, entertainment, instruction or performance, either for money or consideration of any kind whatever, or so as to compete with or hinder the commercial operations of any person or body possessing a lease or licence from the Trust; or
- (d) organise, attend or participate in, or cause to be organised, any public meeting, function, demonstration or gathering; or
- (e) display or distribute any commercial or political advertising matter, sign, bill, poster or other printed matter; or
- (f) erect any house, booth, bar, shed, stall, hoarding, notice or other structure; or

- (g) have or use television, cinematographic, photographic, broadcasting or recording equipment for commercial purposes.

Maximum penalty: 5 penalty units.

Recreational activities

16. A person must not, within the trust land:

- (a) ride any cycle on any grassed portion; or
- (b) ride any skateboard; or
- (c) operate a motorised model aircraft, boat, car or similar thing; or
- (d) operate a radio, cassette, record player or any other instrument using amplified sound at a volume likely to cause a nuisance or annoyance to any person; or
- (e) bathe, wade, wash or swim in any lake, pond, stream or ornamental water; or
- (f) play or practise golf; or
- (g) light any fire; or
- (h) discharge fireworks.

Maximum penalty: 5 penalty units.

Camping and erection of structures on trust land

17. (1) A person must not, on any part of the trust land:

- (a) camp or reside; or
- (b) erect or occupy or cause to be erected or occupied any building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 5 penalty units.

(2) A person who has erected or occupied or caused to be erected or occupied any building, tent, screen, awning, enclosure or other structure or thing contrary to this clause must, when required by the Trust, immediately remove that building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 5 penalty units.

(3) If a person fails to comply with any such requirement, the Trust:

- (a) may remove, or cause to be removed, the building, tent, screen, awning, enclosure or other structure or thing to the care of the person to whom the direction was given; or
- (b) may impound the building, tent, screen, awning, enclosure or other structure or thing.

(4) Property that is impounded under this clause is taken to be impounded under the Impounding Act 1993, and is to be dealt with accordingly.

PART 3—VEHICLES

Admission of vehicles

18. (1) The Trust may refuse to admit a vehicle to the trust land.

(2) A person must not cause a vehicle to enter the trust land if admission is refused by the Trust.

Maximum penalty: 5 penalty units.

Driving and parking

19. (1) The Trust may, by means of notices or barriers, regulate the driving and parking of vehicles on the trust land.

(2) A person must not cause a vehicle to be driven or parked on trust land in wilful contravention of any such notice or in wilful disregard of any such barrier.

Maximum penalty: 5 penalty units.

(3) The Trust:

(a) may from time to time fix a scale of charges for the parking of vehicles on the trust land; and

(b) may demand and receive charges from any person parking a vehicle on the trust land.

(4) The Trust may direct a person to remove from the trust land any unlawfully parked vehicle that is under the person's control.

(5) A person must not fail to comply with a direction under this clause.

Maximum penalty: 5 penalty units.

(6) For the purposes of this clause, “**park**” includes stand.

PART 4—GENERAL

Directions relating to booths and bars

20. (1) The Trust may give directions for the conduct of any booth, bar, stall or stand situated within the trust land.

(2) A person conducting any such booth, bar, stall or stand must not fail to comply with a direction under this clause.

Maximum penalty: 5 penalty units.

Removal of persons from trust land

21. (1) The Trust may direct a person to leave the trust land or a reserved area:

- (a) if the person is unlawfully on the trust land or reserved area; or
- (b) if the person is contravening a provision of this Regulation; or
- (c) if the person is causing annoyance or inconvenience to members of the public who are lawfully and peaceably on the trust land.

(2) A person must not fail to comply with a direction under this clause.

Maximum penalty: 5 penalty units.

(3) The Trust may remove from the trust land or from a reserved area any person who fails to comply with a direction under this clause.

Exercise of Trust's powers

22. (1) A power that is conferred on the Trust by this Regulation may be exercised by the Director or any other person authorised under this clause to exercise that power.

(2) The Trust may authorise any trustee, any member of staff of the Trust, any police officer or any other person to exercise a power conferred on the Trust by this Regulation.

Hindering and obstructing

23. A person must not hinder or obstruct:

- (a) any person in the exercise of a power conferred on the person by or under this Regulation; or
- (b) any contractor to the Trust in the performance of the contractor's work.

Maximum penalty: 5 penalty units.

Certain acts or omissions not to be offences

24. (1) A person does not commit an offence under this Regulation if the act or omission giving rise to the offence was done or omitted:

- (a) by a trustee or a member of staff of the Trust in the exercise of his or her employment as such; or

- (b) in accordance with the conditions (whether express or implied) of a lease or licence granted by the Trust; or
- (c) under the direction or with the consent of the Trust.

(2) The consent of the Trust referred to in this clause may be given generally or in a particular case.

Penalty notice offences

25. For the purposes of section 20B of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence; and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

Short descriptions

26. (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:

- (a) the expression specified in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

Repeal

27. (1) The State Sports Centre Regulation 1989 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the State Sports Centre Regulation 1989, had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE 1—PENALTY NOTICE OFFENCES

(Cll. 25, 26)

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Clause 5 (2)	Wilfully contravene notice/direction regarding admission	\$250
Clause 19 (2)	Drive/park in wilful contravention of notice/disregard of barrier	\$250
Clause 19 (5)	Fail to remove unlawfully parked vehicle	\$250

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the State Sports Centre Regulation 1989. The new Regulation:

- (a) regulates the entry of people onto the States Sport Centre land and the conduct of people on that land (Part 2); and
- (b) regulates the entry of vehicles to the State Sports Centre land and the driving and parking of vehicles on that land (Part 3); and
- (c) requires a person having a booth or stall in the State Sports Centre to comply with directions of the Trust (clause 20); and
- (d) provides for the removal from the State Sports Centre land of persons found contravening the provisions of the Regulation or causing annoyance to members of the public (clause 21); and
- (e) enables the Trust to authorise any trustee, any member of staff of the Trust, any police officer or any other person to exercise a power conferred on the Trust by the Regulation (clause 22); and
- (f) makes it an offence for a person to obstruct a person carrying out functions under the Regulation or any contractor to the Trust while performing work for the Trust (clause 23); and
- (g) provides that a person does not contravene the Regulation if the person is a trustee or is acting in the course of employment as a member of staff of the Trust, or is acting in accordance with a lease or licence granted by the Trust or with the consent of the Trust (clause 24); and
- (h) enables the imposition of on-the-spot fines for certain parking offences under the Regulation (clause 25) and prescribes short descriptions for such offences (clause 26); and
- (i) contains formal provisions (Part 1 and clause 27).

This Regulation is made under the State Sports Centre Trust Act 1984, including section 20 (the general regulation making power) and section 20B.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
