



New South Wales

Sporting Venues Authorities Regulation 2019

under the

Sporting Venues Authorities Act 2008

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

ANTHONY SIDOTI, MP
Minister for Sport, Multiculturalism, Seniors and Veterans

Explanatory note

The object of this Regulation is to repeal and remake, without substantial alteration, the *Sporting Venues Authorities Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

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

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

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Sporting Venues Authorities Regulation 2019

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Sporting Venues Authorities Act 2008

1 Name of Regulation

This Regulation is the *Sporting Venues Authorities Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation repeals and replaces the *Sporting Venues Authorities Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Sporting Venues Authorities Act 2008*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Conditions of entry and use of sporting venues

(1) A sporting venues authority may, by notice in writing, impose conditions on persons entering or using land, or a facility on land, vested in or managed by the sporting venues authority.

(2) The notice must be:

- (a) displayed in, or at the boundary or entrance to, the land or facility to which the conditions relate, or
- (b) given to persons entering or using the land or facility.

(3) Without limiting subclause (1), the conditions may deal with the following:

- (a) designating points of entry to the land or facility,
- (b) closing the land or facility to the public,
- (c) reserving the land or facility for a particular use or for the use of particular persons or bodies or a particular sector of the public,
- (d) imposing fees and charges on persons entering or using the land or facility,
- (e) regulating or prohibiting the use of, or the carrying out of activities (including driving vehicles) in respect of, the land or facility.

5 Removal of persons from sporting venues

- (1) A ranger or police officer may give a direction to a person to leave land, or a facility on land, vested in or managed by a sporting venues authority (a *direction to leave*) if, in the opinion of the ranger or police officer, the person is:
 - (a) trespassing, or
 - (b) committing an offence, or
 - (c) contravening a condition of entry or use, or
 - (d) causing a nuisance or inconvenience to another person in the sporting venue.
- (2) A person who fails to comply with a direction to leave given in accordance with this clause is guilty of an offence.
Maximum penalty: 10 penalty units.
- (3) A person is not guilty of an offence under subclause (2) unless it is established that the ranger or police officer warned the person that failure to comply with the direction to leave was an offence.
- (4) A person who fails to comply with a direction to leave may be removed from the land or facility by a ranger or police officer.
- (5) Reasonable force may be used to effect the person's removal.
- (6) A person who has been given a direction to leave, or who has been removed from the land or facility under subclause (4), must not re-enter the land or facility for a period of 48 hours after the direction was given or after the removal, whichever is later.
Maximum penalty: 10 penalty units.

6 Sporting venues authorities may ban persons for specified period

- (1) A sporting venues authority may, by notice in writing given to a person, ban the person from entering land, or a facility on land, vested in or managed by the authority.
- (2) The notice must specify the period of the ban, which must not exceed 12 months.
- (3) A sporting venues authority may only ban a person under this clause if the person:
 - (a) has been removed, under clause 5 (4), from land or a facility vested in or managed by the authority, or
 - (b) has been convicted of an offence under clause 5 (2) or (6) in relation to land or a facility vested in or managed by the authority, or
 - (c) has committed an offence under another law in relation to land or a facility vested in or managed by the authority, or
 - (d) is subject to a ban, under the *Sporting Venues (Invasions) Act 2003*, from a designated sporting venue within the meaning of that Act.
- (4) A person who is banned under this clause from entering land or a facility must not enter the land or facility concerned during the period of the ban.
Maximum penalty: 10 penalty units.

7 Boards of management for regional sporting venues authorities

A member of a board of management for a regional sporting venues authority may be re-appointed, but only if the member's total term of office will not exceed 8 years.

8 Exercise of board's functions by appointee

- (1) For the purposes of section 14 (5) of the Act, the Minister may, at any time that a board of management for a regional sporting venues authority is not constituted, appoint a person or body to exercise functions of the board.
- (2) The instrument of appointment must specify:
 - (a) the functions of the board to be exercised by the person or body, and
 - (b) the period of the appointment, which must not exceed 6 months.
- (3) The Minister may re-appoint the person or body.
- (4) The Minister is to ensure that the board of management is constituted as soon as practicable after making an appointment under this clause.
- (5) A person or body exercising functions under this clause:
 - (a) is subject to the control and direction of the Minister in the exercise of those functions, and
 - (b) may continue to exercise those functions, to the exclusion of a board of management constituted by the Minister under subclause (4), until the Minister directs otherwise or the period of the appointment ends.

9 Advisory committees

For the purposes of section 33A (7) of the Act, a member of an advisory committee may be appointed for a maximum term of 3 years and may be re-appointed, but only if the member's total term of office will not exceed 6 years.

10 Local Venues Councils

- (1) For the purposes of section 33A (7) of the Act, each Local Venues Council has the following additional functions in relation to those venues in respect of which the Council is to provide advice to Venues NSW:
 - (a) consulting with stakeholders and other persons about the operation of those venues,
 - (b) providing information and advice about plans or proposals with respect to those venues,
 - (c) providing advice in relation to the improvement of those venues,
 - (d) providing advice with respect to events and tourism, sport and recreation development and community participation.
- (2) The functions described in subclause (1) (a)–(d) are not to be exercised to the exclusion of Venues NSW.
- (3) The Minister is to appoint a chairperson for each Local Venues Council, and may also appoint those chairpersons to the board of management of Venues NSW.
- (4) In this clause:

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

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

11 Giving of documents

- (1) A document that is authorised or required by this Regulation to be given to any person may be given by any of the following methods:

- (a) by personal delivery to the person,
 - (b) by post to the address specified by the person for the giving of documents of that kind,
 - (c) in the case of a person who has not specified such an address—by post to the residential or business address of the person last known to the person giving the document,
 - (d) by email to an email address specified by the person for the giving of documents of that kind.
- (2) Nothing in this clause affects the operation of any provision of a law or of the rules of a court authorising a document to be given to a person by any other method.

12 Repeal and savings

- (1) The *Sporting Venues Authorities Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Sporting Venues Authorities Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

For the purposes of section 38 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2
Provision	Penalty
Offences under this Regulation	
Clause 5 (6)	\$300
