



New South Wales

Sporting Venues Authorities Amendment (Venues NSW) Bill 2011

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to establish Venues NSW to replace the Parramatta Stadium Trust and existing regional sporting venues authorities and to transfer the assets, rights and liabilities of those bodies to Venues NSW.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 repeals the *Parramatta Stadium Trust Act 1988* and the *Parramatta Stadium Trust By-law 2010*.

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

Schedule 1 [13] establishes Venues NSW as a regional sporting venues authority that is to replace the existing regional sporting venues authorities. **Schedule 1 [16]**

dissolves those existing regional sporting venues authorities and the Parramatta Stadium Trust and transfers the assets, rights and liabilities of those bodies to Venues NSW. **Schedule 1 [9]** makes a consequential amendment.

Schedule 1 [4] provides for the appointment of members of a board of management of a regional sporting venues authority to be made by the Minister for Sport and Recreation (*the Minister*) rather than the Governor and enables up to 11 members to be appointed. **Schedule 1 [5]** permits the regulations to provide for the circumstances in which the functions of a board of management may be exercised by the State Sporting Venues Authority or by some other person or body. **Schedule 1 [14]** limits the maximum term of an appointment to a board of management to 3 years.

Schedule 1 [6] gives additional functions to regional sporting venues authorities relating to establishing and managing community facilities and establishing and managing facilities for community and recreational purposes. **Schedule 1 [7]** provides that this function may be exercised on land that is not the authority's land, but only if the Minister has given consent.

Schedule 1 [8] permits advisory committees to be established by a sporting venues authority for the purpose of providing advice to the authority or enabling the authority to exercise its functions. The Minister may also establish advisory committees to provide advice to the Minister or an authority or to enable an authority to exercise its functions. **Schedule 1 [3]** makes a consequential amendment. **Schedule 1 [16]** establishes 3 advisory committees, the Hunter Local Venues Council, the Illawarra Local Venues Council and the Western Sydney Local Venues Council to provide advice to Venues NSW about venues in those areas.

Schedule 1 [11] and [12] enable the regulations to provide for conditions of entry relating to the admission of persons on to land vested in or managed by a sporting venues authority and for the removal of persons from the land if those persons fail to comply with the conditions of entry or cause inconvenience to other persons.

Schedule 1 [1] updates the long title of the *Sporting Venues Authorities Act 2008* to make it consistent with that Act as amended by the proposed Act.

Schedule 1 [2] inserts definitions of *function* and *exercise* a function.

Schedule 1 [10] updates a reference to a Department.

Schedule 1 [15] permits the regulations to contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

First print



New South Wales

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New South Wales

Sporting Venues Authorities Amendment (Venues NSW) Bill 2011

No. , 2011

A Bill for

An Act to amend the *Sporting Venues Authorities Act 2008* and to repeal the *Parramatta Stadium Trust Act 1988*, to constitute Venues NSW, to abolish existing regional sporting venues authorities and the Parramatta Stadium Trust and to transfer the assets and liabilities of those bodies to Venues NSW; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Sporting Venues Authorities Amendment (Venues NSW) Act 2011</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Repeals	7
The following are repealed:	8
(a) <i>Parramatta Stadium Trust Act 1988</i> ,	9
(b) <i>Parramatta Stadium Trust By-law 2010</i> .	10

Schedule 1	Amendment of Sporting Venues Authorities Act 2008 No 65	1
		2
[1] Long title		3
	Omit “to establish the Hunter Region Sporting Venues Authority; to repeal the <i>Sporting Venues Management Act 2002</i> and the <i>Newcastle International Sports Centre Act 1967</i> ”.	4
		5
		6
[2] Section 3 Definitions		7
	Insert in alphabetical order in section 3 (1):	8
	<i>function</i> includes a power, authority or duty, and <i>exercise</i> a function includes perform a duty.	9
		10
[3] Sections 8 and 20		11
	Omit the sections.	12
[4] Section 14 Boards of management		13
	Omit section 14 (1) and (2). Insert instead:	14
	(1) Each regional sporting venues authority has a board of management consisting of at least 7 and not more than 11 members appointed by the Minister.	15
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	(2) Of the members appointed by the Minister, one is, in and by the instrument of appointment or another instrument made by the Minister, to be appointed Chairperson of the board of management.	18
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[5] Section 14 (5)		22
	Insert after section 14 (4):	23
	(5) The regulations may provide for the circumstances in which the functions of a board of management may be exercised by the State Sporting Venues Authority or by some other person or body prescribed by the regulations (whether or not to the exclusion of the board of management).	24
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[6] Section 21 Functions of regional sporting venues authorities		29
	Insert after section 21 (1) (c):	30
	(c1) to establish and manage community facilities and to establish and manage facilities for community and recreational purposes (whether or not on the authority’s land),	31
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[7] Section 21 (3)	1
Omit “subsection (1) (b) and (c)”. Insert instead “subsection (1) (b)–(c1)”.	2
[8] Section 33A	3
Insert before section 34:	4
33A Advisory committees	5
(1) A sporting venues authority may establish advisory committees to provide advice to the authority or to enable the authority to exercise its functions.	6 7 8
(2) The Minister may also establish advisory committees to provide advice to the Minister or to an authority or to enable an authority to exercise its functions.	9 10 11
(3) Subject to any directions given by the sporting venues authority or the Minister, the procedure of an advisory committee is to be as determined by the committee.	12 13 14
(4) A member of an advisory committee established under this section is entitled to be paid such remuneration and allowances (if any) as the Minister may determine in respect of the member.	15 16 17
(5) An advisory committee established by the Minister may be dissolved by the Minister only.	18 19
(6) An advisory committee established by a sporting venues authority may be dissolved by the authority or by the Minister.	20 21
(7) The regulations may provide for the establishment, functions, membership, procedure and dissolution of an advisory committee and for the appointment, term of office and removal from office of members of any such committee.	22 23 24 25
[9] Section 34 Use of Newcastle Showground land	26
Omit the definition of <i>Authority</i> from section 34 (5). Insert instead:	27
<i>Authority</i> means the sporting venues authority in which the Showground land is vested.	28 29
[10] Section 37 Rangers	30
Omit “Department of the Arts, Sport and Recreation” from section 37 (1).	31
Insert instead “Department of Education and Communities”.	32

[11] Section 40 Regulations	1
Insert “, including the imposition of conditions on any such admission” after “part of it” in section 40 (1) (d).	2 3
[12] Section 40 (1) (e)	4
Omit the paragraph. Insert instead:	5
(e) the removal of persons from land or any part of land vested in or managed by a sporting venues authority where those persons commit offences, fail to comply with conditions of entry or cause inconvenience to other persons, and	6 7 8 9
[13] Schedule 1 Regional sporting venues authorities	10
Omit “Hunter Region Sporting Venues Authority” and “Illawarra Venues Authority”.	11 12
Insert instead “Venues NSW”.	13
[14] Schedule 2 Members and procedure of boards of management	14
Omit “4 years” from clause 2. Insert instead “3 years”.	15
[15] Schedule 5 Savings, transitional and other provisions	16
Insert at the end of clause 1 (1):	17
<i>Sporting Venues Authorities Amendment (Venues NSW) Act 2011</i>	18
[16] Schedule 5, Part 4	19
Insert after Part 3:	20
Part 4 Provisions consequent on enactment of Sporting Venues Authorities Amendment (Venues NSW) Act 2011	21 22 23
14 Dissolution of Parramatta Stadium Trust	24
(1) The Parramatta Stadium Trust is dissolved.	25
(2) Each person who was a member of the Trust immediately before its dissolution ceases to hold office as such. No compensation is payable to any such person as the result of the operation of this subclause.	26 27 28 29

15	Dissolution of regional sporting venues authorities	1
(1)	Hunter Region Sporting Venues Authority and Illawarra Venues Authority are dissolved.	2 3
(2)	Each person who was a member of a board of management for either of those regional sporting venues authorities immediately before its dissolution ceases to hold office as such. No compensation is payable to any such person as the result of the operation of this subclause.	4 5 6 7 8
16	Transfer of assets, rights and liabilities	9
(1)	In this clause: <i>former body</i> means the following:	10 11
(a)	Hunter Region Sporting Venues Authority,	12
(b)	Illawarra Venues Authority,	13
(c)	Parramatta Stadium Trust.	14
(2)	On the date of commencement of this clause, the following provisions have effect:	15 16
(a)	the assets of each former body vest in Venues NSW by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,	17 18 19
(b)	the rights and liabilities of each former body become by virtue of this clause the rights and liabilities of Venues NSW,	20 21 22
(c)	all proceedings relating to those assets, rights or liabilities commenced before that date by or on behalf of, or against, each former body and pending immediately before the transfer are taken to be proceedings pending by or against Venues NSW,	23 24 25 26 27
(d)	any act, matter or thing done or omitted to be done in relation to those assets, rights or liabilities before that date by, to or in respect of each former body 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 Venues NSW,	28 29 30 31 32 33
(e)	Venues NSW has all the entitlements and obligations of each former body in relation to those assets, rights and liabilities that the former body would have had but for this clause, whether or not the entitlements and obligations were actual or potential on the commencement of this clause,	34 35 36 37 38 39

(f)	a reference in any Act, in any instrument made under any Act or in any document of any kind to any former body or a predecessor of any former body is (to the extent that it relates to those assets, rights or liabilities but subject to the regulations) to be read as, or as including, a reference to Venues NSW.	1 2 3 4 5 6
(3)	The operation of this clause is not to be regarded:	7
(a)	as a breach of contract or confidence or otherwise as a civil wrong, or	8 9
(b)	as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	10 11 12
(c)	as 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	13 14 15 16
(d)	as an event of default under any contract or other instrument.	17 18
(4)	No attornment to the transferee by a lessee from any former body is required.	19 20
(5)	For all purposes, a former body is taken to have had a fee simple, immediately before the commencement of this clause, in land in respect of which it was a reserve trust under the <i>Crown Lands Act 1989</i> immediately before that commencement.	21 22 23 24
(6)	Subclause (5) has effect despite any provision of the <i>Crown Lands Act 1989</i> and, in particular, section 100 of that Act.	25 26
(7)	Land of a former body transferred by operation of this clause is transferred free of any reservation, grant or dedication to which the land was subject under any Act or law.	27 28 29
17	Confirmation of vesting	30
(1)	The Minister may, by notice in writing, confirm a transfer of particular assets, rights or liabilities by operation of this Part.	31 32
(2)	Such a notice is conclusive evidence of that transfer.	33

18 Local Venues Councils

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| (1) The following advisory committees are taken to be established by the Minister under section 33A (2) with the following functions: | 2
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| (a) Hunter Local Venues Council—to provide advice to Venues NSW in relation to the authority's sporting venues in the Hunter Region, | 4
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| (b) Illawarra Local Venues Council—to provide advice to Venues NSW in relation to the authority's sporting venues in the Illawarra Region, | 7
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| (c) Western Sydney Local Venues Council—to provide advice to Venues NSW in relation to the authority's sporting venues in Western Sydney. | 10
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| (2) The Minister is, under section 33A, to appoint at least 3 and no more than 7 members to each of these committees within 3 months after the commencement of this clause. | 13
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| (3) Section 33A (including section 33A (5)) applies to a committee established under this clause in the same way as it applies to a committee established under that section. | 16
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