

# Sporting Venues Authorities Act 2008 No 65

[2008-65]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Sporting Venues Authorities Act 2008 No 65



New South Wales

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# Sporting Venues Authorities Act 2008 No 65



New South Wales

An Act to establish authorities to manage sporting venues for the State and specific regions of the State; to establish the Hunter Region Sporting Venues Authority; to repeal the *Sporting Venues Management Act 2002* and the *Newcastle International Sports Centre Act 1967*; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Sporting Venues Authorities Act 2008*.

### 2 Commencement

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

### 3 Definitions

(1) In this Act:

**assets** means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**authority's land** means, in relation to a sporting venues authority, land vested in or managed by that authority.

**board of management** means a board of management appointed under this Act for a regional sporting venues authority.

**government agency** means:

- (a) a public authority constituted by or under an Act, or
- (b) a NSW Government agency, or
- (c) a Division of the Government Service, or
- (d) a local authority, or

(e) a State owned corporation.

**liabilities** means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

**member of staff** of a sporting venues authority means any person who is employed in the Division of the Government Service comprising those persons who are employed under Chapter 1A of the [Public Sector Employment and Management Act 2002](#) to enable the sporting venues authority to exercise its functions.

**ranger** means a person appointed under section 37 to be a ranger.

**regional sporting venues authority** means a regional sporting venues authority constituted under this Act.

**rights** means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

**sporting venues authority** means the State Sporting Venues Authority or a regional sporting venues authority.

**State Sporting Venues Authority** means the State Sporting Venues Authority constituted under this Act.

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

## **Part 2 State Sporting Venues Authority**

### **Division 1 Constitution and administration of State Sporting Venues Authority**

#### **4 Constitution of State Sporting Venues Authority**

There is constituted by this Act a corporation with the corporate name of State Sporting Venues Authority.

#### **5 Status of State Sporting Venues Authority**

The State Sporting Venues Authority is a NSW Government agency.

#### **6 Ministerial control**

- (1) The Minister is responsible for the day-to-day management of the affairs of the State Sporting Venues Authority.
- (2) Any act, matter or thing done in the name of, or on behalf of, the State Sporting Venues Authority by the Minister is taken to have been done by the Authority.

## **7 Delegation of State Sporting Venues Authority's functions**

- (1) The State Sporting Venues Authority 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 the State Sporting Venues Authority if the delegate is authorised in writing to do so by the Authority.
- (3) In this section, **authorised person** means:
  - (a) a member of staff of the State Sporting Venues Authority, or
  - (b) a government agency or member of staff of a government agency, or
  - (c) a committee established under this Division or a member of such a committee.

## **8 Power to establish advisory committees**

- (1) The State Sporting Venues Authority has power to establish such advisory committees as it thinks necessary for the purpose of enabling the Authority to carry out its functions.
- (2) Subject to any directions of the State Sporting Venues Authority, the procedure of an advisory committee is to be as determined by the committee.
- (3) 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.

## **Division 2 Functions of State Sporting Venues Authority**

### **9 Functions of State Sporting Venues Authority**

- (1) The principal functions of the State Sporting Venues Authority are as follows:
  - (a) to maintain and improve the authority's land,
  - (b) to establish and manage sporting grounds, sporting facilities and recreational facilities (whether or not on the authority's land),
  - (c) to establish and manage facilities for the purposes of sporting competitions, sports training and sports education (whether or not on the authority's land),
  - (d) to permit the use of the whole or any part of the authority's land for activities of a sporting, recreational or community nature, including the use of that land for events and general community access,
  - (e) to encourage the use and enjoyment of the authority's land by the public and clubs, associations or other bodies, where appropriate in its opinion,

- (f) to undertake or provide, or facilitate the undertaking or provision of, commercial and retail activities and facilities on the authority's land,
- (g) to make all reasonable attempts to ensure that any new development carried out on the authority's land accords with best practice environmental and planning standards,
- (h) to ensure that proper asset management plans are in place and are implemented for the authority's land.

- (2) The State Sporting Venues Authority may enter into an arrangement with a regional sporting venues authority for the regional sporting venues authority to manage any land vested in the State Sporting Venues Authority and to perform any function that the State Sporting Venues Authority has in relation to that land.
- (3) The State Sporting Venues Authority may do all such 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.
- (4) The State Sporting Venues Authority cannot, however, employ any staff.

**Note—**

Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the State Sporting Venues Authority to exercise its functions.

- (5) The State Sporting Venues Authority has such other functions as are conferred or imposed on it by or under this or any other Act.

**10 Exercise of functions through private subsidiaries, joint ventures etc**

Any function of the State Sporting Venues Authority may be exercised:

- (a) by the Authority itself, or
- (b) by a private subsidiary corporation (within the meaning of section 11), or
- (c) by the Authority or such a private subsidiary corporation, or both, in a partnership, joint venture or other association with other persons or bodies.

**11 Private subsidiary corporations etc**

- (1) In this section:

**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 the State Sporting Venues Authority has a controlling interest.



- (2) The State Sporting Venues Authority 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.
- (3) A private subsidiary corporation is not, and does not represent, the Crown.

### **Part 3 Regional sporting venues authorities**

#### **Division 1 Constitution and administration of regional sporting venues authorities**

##### **12 Constitution of regional sporting venues authorities**

- (1) On the insertion of the name of a body in Schedule 1, there is constituted by this section a body corporate with that name as its corporate name.
- (2) Each such body corporate is a regional sporting venues authority.

##### **13 Status of regional sporting venues authorities**

Each regional sporting venues authority is a NSW Government agency.

##### **14 Boards of management**

- (1) Each regional sporting venues authority has a board of management consisting of not more than 7 members appointed by the Governor on the recommendation of the Minister.
- (2) Of the members appointed by the Governor, one is, in and by the instrument of appointment or another instrument made by the Governor, to be appointed Chairperson of the board of management.
- (3) Any act, matter or thing done in the name of, or on behalf of, a regional sporting venues authority by its board of management, or with the authority of that board, is taken to have been done by the regional sporting venues authority.
- (4) Schedule 2 has effect with respect to the members and procedure of a board of management.

##### **15 Ministerial control**

Each board of management is subject to the control and direction of the Minister in the exercise of its functions.

## **16 Amendment of Schedule 1**

The Governor may, by order published on the NSW legislation website:

- (a) amend Schedule 1 by inserting, altering or omitting the name of a body, or
- (b) omit Schedule 1 and insert instead a Schedule containing the names of bodies.

## **17 Dissolution, amalgamation or change of name of regional sporting venues authorities**

(1) The Governor may, by order published on the NSW legislation website:

- (a) dissolve a regional sporting venues authority, or
- (b) amalgamate 2 or more regional sporting venues authorities, or
- (c) change the name of a regional sporting venues authority,

and may, in the order, amend Schedule 1 accordingly.

(2) An order under this section must specify the date (being a date that is on or after the date it is published on the NSW legislation website) on which it takes effect. However, if no date is specified in the order, the order is taken to have specified the date on which it is published on the NSW legislation website as the date on which it takes effect.

## **18 Consequential and transitional provisions on the making of orders**

(1) Schedule 3 has effect with respect to orders made under this Part.

(2) An order under this Part may contain provisions, not inconsistent with the provisions of or made under Schedule 3, of a savings and transitional nature consequent on the making of the order.

## **19 Delegation of regional sporting venues authority's functions**

(1) A regional sporting venues authority 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 the regional sporting venues authority if the delegate is authorised in writing to do so by the authority.

(3) In this section, **authorised person** means:

- (a) a member of the board of management of the regional sporting venues authority,  
or
- (b) a member of staff of the regional sporting venues authority, or
- (c) a government agency or member of staff of a government agency, or

- (d) a person, or committee of persons, of a class approved by the Minister or prescribed by the regulations.

## **20 Power to establish advisory committees**

- (1) A regional sporting venues authority has power to establish such advisory committees as it thinks necessary for the purpose of enabling the authority to carry out its functions.
- (2) Subject to any directions of the regional sporting venues authority, the procedure of an advisory committee is to be as determined by the committee.
- (3) 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.

## **Division 2 Functions of regional sporting venues authorities**

### **21 Functions of regional sporting venues authorities**

- (1) The principal functions of a regional sporting venues authority are as follows:
- (a) to maintain and improve the authority's land,
  - (b) to establish and manage sporting grounds, sporting facilities and recreational facilities (whether or not on the authority's land),
  - (c) to establish and manage facilities for the purposes of sporting competitions, sports training and sports education (whether or not on the authority's land),
  - (d) to permit the use of the whole or any part of the authority's land for activities of a sporting, recreational or community nature, including the use of that land for events and general community access,
  - (e) to encourage the use and enjoyment of the authority's land by the public and clubs, associations or other bodies, where appropriate in its opinion,
  - (f) to undertake or provide, or facilitate the undertaking or provision of, commercial and retail activities and facilities on the authority's land,
  - (g) to make all reasonable attempts to ensure that any new development carried out on the authority's land accords with best practice environmental and planning standards.
- (2) A regional sporting venues authority may enter into an arrangement with the State Sporting Venues Authority for the regional sporting venues authority to manage land vested in the State Sporting Venues Authority and to perform any of the functions that the State Sporting Venues Authority has in relation to that land.

- (3) A regional sporting venues authority may only exercise the functions referred to in subsection (1) (b) and (c) in relation to land that is not the authority's land if the Minister has given consent. This subsection does not apply to the exercise of such functions in relation to land of the State Sporting Venues Authority.
- (4) A regional sporting venues authority may do all such 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 the authority's other functions.
- (5) A regional sporting venues authority cannot, however, employ any staff.

**Note—**

Staff may be employed under Chapter 1A of the [Public Sector Employment and Management Act 2002](#) in the Government Service to enable a regional sporting venues authority to exercise its functions.

- (6) A regional sporting venues authority has such other functions as are conferred or imposed on it by or under this or any other Act.

## **Part 4 Provisions relating to vesting of and dealings with land and other property**

### **Division 1 Vesting of land in sporting venues authorities**

#### **22 Definitions**

In this Division:

**land** of a government agency means:

- (a) land that is vested in the government agency, or land that is vested in the Crown or Her Majesty and that is controlled and used by the government agency, or
- (b) an interest in land, being an interest that is vested in or held by the government agency.

**relevant authority** means, in relation to land described in Schedule 4, the sporting venues authority specified opposite the land in that Schedule.

**transfer date** means:

- (a) in relation to land included in Schedule 4 by order under section 24—the date of publication of the order on the NSW legislation website or a later date specified in the order in respect of the land, or
- (b) in relation to land included in Schedule 4 by an amendment made by an Act—the date on which the amendment takes effect.

**transferor**, in relation to land included in Schedule 4, means the person or body in whom

or which the land was vested immediately before the transfer date.

### **23 Transfer of property to sporting venues authorities**

- (1) On the transfer date relating to land included in Schedule 4, the land vests in the relevant authority for an estate in fee simple (or such other interest as is specified in the Schedule):
  - (a) without the need for any further conveyance, transfer, assignment or assurance, and
  - (b) subject to any trusts, estates, interests, dedications, conditions, restrictions and covenants to which the land was subject immediately before the transfer date.
- (2) On the transfer date relating to land included in Schedule 4, the following provisions have effect:
  - (a) the rights or liabilities of the transferor in relation to the land become by virtue of this section the rights or liabilities of the relevant authority,
  - (b) all proceedings relating to the land commenced before the transfer date by or on behalf of, or against, the transferor or a predecessor of the transferor and pending immediately before the transfer date are taken to be proceedings pending by or against the relevant authority,
  - (c) any act, matter or thing done or omitted to be done in relation to the land before the transfer date by, to or in respect 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 relevant authority,
  - (d) a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor is (to the extent that it relates to that land or those rights or liabilities but subject to the regulations), to be read as, or as including, a reference to the relevant authority.
- (3) Regulations may be made for or with respect to the conversion of references to the transferor in any document or class of documents to references to the relevant authority as a consequence of any transfer of land under this Division.

### **24 Transfer of additional property to authority—amendment of Schedule 4**

- (1) The Governor may, by order published on the NSW legislation website:
  - (a) amend Schedule 4 by inserting, altering or omitting the name of a sporting venues authority or a description of land, or
  - (b) substitute Schedule 4.
- (2) Land is authorised to be included in Schedule 4 by order under this section only if:

- (a) it is land of a government agency (including vacant Crown land), and
  - (b) the appropriate consent has been obtained to the land being included in the order.
- (3) For the purposes of subsection (2), the appropriate consent is:
- (a) where the government agency concerned is not a local authority—the consent of the Minister responsible for the government agency, or
  - (b) where the government agency concerned is a local authority—the consent of the local authority.
- (4) Subject to section 23 (1) (b), this section does not prevent land, the fee simple in which is vested in Her Majesty, the Crown or a government agency, or vacant Crown land, from being transferred by order under this section even if the land is subject to other interests.
- (5) Subject to the other provisions of this section, land may be transferred by order under this section despite any requirement of any other Act or law that relates to dealing with or disposing of the land.

## **25 Effect of transfer of land under this Division**

- (1) No compensation is payable to any person or body in connection with the operation of this Division.
- (2) The operation of this Division is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (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.
- (3) The operation of this Division is not to be regarded as an event of default under any contract or other instrument.
- (4) No attornment to the transferee by a lessee from a transferor is required.

## **Division 2 Dealings with land**

### **26 Land dealings**

- (1) A sporting venues authority may sell, lease, exchange or otherwise dispose of or deal with any land vested in the authority and grant easements or rights-of-way over such land or any part of it.

- (2) A regional sporting venues authority may take action under subsection (1) only with the consent of the Minister.

## **27 Acquisition of property by gift, devise or bequest**

- (1) A sporting venues authority may acquire by gift, devise or bequest any property for the purposes of this Act and may agree to carry out the conditions of any such gift, devise or bequest.
- (2) The rule of law against remoteness of vesting does not apply to any condition of a gift, devise or bequest to which the sporting venues authority has agreed.
- (3) The *Duties Act 1997* does not apply to or in respect of any gift, devise or bequest made or to be made to a sporting venues authority.

## **28 Dealings with certain property that is held by sporting venues authority subject to a condition**

- (1) If property is held by a sporting venues authority subject to a condition to which the authority has agreed under section 27, the authority is not to dispose of or otherwise deal with any of the property except in accordance with the condition or in accordance with subsection (2).
- (2) If the authority resolves that any property held by the authority subject to such a condition is no longer required for the purposes of the authority or can no longer be used for those purposes, the authority may, despite that condition:
  - (a) sell the property and retain the proceeds of sale as property of the authority, or
  - (b) exchange the property for other property that is capable of being used for the purposes of the authority, or
  - (c) give the property to an institution that engages in activities of a sporting, recreational, educational or cultural nature, or
  - (d) if the authority is of the opinion that the property is of no commercial value—dispose of or otherwise deal with the property without valuable consideration.
- (3) A regional sporting venues authority is not to sell, exchange, give, dispose of or otherwise deal with property under this section except with the consent of the Minister and in accordance with any condition that the Minister may impose on the grant of that consent.
- (4) The Minister may consent to the sale, exchange, gift or disposal of, or to any other dealing with, property for the purposes of this section and may impose any condition that the Minister thinks fit on the grant of that consent.

## **29 Acquisition of land**

- (1) The State Sporting Venues Authority may acquire land or any interest in land, for the purposes of this Act, by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) A regional sporting venues authority may acquire land or any interest in land, for the purposes of this Act, by agreement.
- (3) For the purposes of the *Public Works Act 1912*, any acquisition of land under this Act is taken to be an authorised work, and the sporting venues authority that acquired the land is, in relation to that authorised work, taken to be the Constructing Authority.
- (4) Sections 34, 35, 36 and 37 of the *Public Works Act 1912* do not apply to or in respect of works constructed under this Act.

## **30 Reservations, dedications and original grants of land**

A sporting venues authority may manage, develop and otherwise deal with the authority's land in accordance with this Act despite the terms of any grant, reservation or dedication to which the land is or was subject under any Act or law.

## **Part 5 Plans of management**

### **31 Plan of management**

- (1) A regional sporting venues authority is to prepare and maintain a plan of management for the authority's land.
- (2) The plan of management is to:
  - (a) set out how the regional sporting venues authority proposes to exercise its functions in relation to the authority's land and the key issues for the authority in doing so, and
  - (b) identify the priorities of the regional sporting venues authority in exercising its functions having regard to the resources available to it.
- (3) The regional sporting venues authority may prepare an amendment to the plan of management or a replacement plan of management.
- (4) The plan of management or amendment of the plan of management has no effect unless it is adopted by the Minister under section 32.

### **32 Adoption of plan of management and amendments**

- (1) A regional sporting venues authority is to submit a plan of management or amendment of such a plan to the Minister, together with a report that includes a summary of the results of any consultation that has been undertaken with any other



government agency.

(2) The Minister may:

- (a) adopt the plan of management or amendment, without alteration or with such alterations as the Minister thinks fit, or
- (b) refer the plan of management or amendment back to the regional sporting venues authority for further consideration.

(3) The Minister is to make the plan of management publicly available if it is adopted.

### **33 Review of plan of management**

- (1) A regional sporting venues authority is to review its plan of management at such times as the Minister directs.
- (2) The Minister is to have regard to any recommendations of the regional sporting venues authority and any public submissions made in relation to the plan of management from time to time and may direct the authority to prepare an amendment to the plan of management or a replacement plan.

## **Part 6 Miscellaneous**

### **34 Use of sporting venues by Newcastle Agricultural, Horticultural, and Industrial Association**

- (1) The Authority is to allow the Association to use the Showground land for the Association's annual show:
  - (a) for such period and at such time during each year as may be agreed to between the Authority and the Association, and
  - (b) free of rent or any fee, and
  - (c) on such other terms and conditions as may be agreed to between the Authority and the Association (including, but not limited to, terms and conditions in respect of catering, parking and reimbursing the Authority for any costs arising from that use, such as, electricity, gas or water costs or the costs of the repair of damage caused to the Showground land).
- (2) In the absence of agreement between the Authority and the Association on any of the matters referred to in subsection (1), the Minister is to determine that matter and the Authority is to allow the Association to use the Showground land in accordance with the Minister's determination.
- (3) A provision of any contract, lease or other arrangement relating to the Showground land that would prevent the use of the Showground land by the Association in accordance with this section has no effect to the extent that it would prevent that use.

(4) The Minister may, by notice in writing to the Authority:

- (a) direct that subsection (3) does not apply to the provisions of a specified contract, lease or other arrangement, and
- (b) modify the obligations of the Authority under this section to ensure that those provisions can be complied with by the Authority.

(5) In this section:

**Association** means the Newcastle Agricultural, Horticultural, and Industrial Association.

**Authority** means the Hunter Region Sporting Venues Authority.

**Showground land** means the land in respect of which the Newcastle Showground and Exhibition Centre Trust was trustee immediately before the dissolution of the Trust by this Act.

### **35 Consent of Minister to certain matters**

Any consent of the Minister required by this Act:

- (a) may be given generally or in a particular case or class of cases, and
- (b) may be subject to conditions, and
- (c) may be varied from time to time, and
- (d) may be withdrawn (but any such withdrawal of consent does not affect any disposition of or dealing with land or property made, or the subject of a binding agreement made, before the withdrawal).

### **36 No duty payable in relation to agreements, vestings or transfers under Act**

Duty under the [Duties Act 1997](#) is not chargeable for or in respect of:

- (a) a vesting or transfer effected under this Act or in accordance with arrangements entered into under this Act, or
- (b) anything certified by the Minister as having been done in consequence of such a vesting or transfer or under any such arrangements.

### **37 Rangers**

- (1) The Director-General of the Department of the Arts, Sport and Recreation may appoint a person employed under Chapter 1A of the [Public Sector Employment and Management Act 2002](#) in the Government Service, or a person of a class prescribed by the regulations, to be a ranger for the purposes of this Act.

- (2) A ranger may exercise such functions as are conferred on a ranger by this Act or the regulations.
- (3) The Director-General is to provide each ranger with an identification card.
- (4) An identification card is a card that:
  - (a) states that it is issued under this Act, and
  - (b) gives the name of the person to whom it is issued, and
  - (c) describes the nature of the powers conferred, and
  - (d) states the date (if any) on which it expires, and
  - (e) is signed by the Director-General.
- (5) In the course of exercising the functions of a ranger under this Act, the ranger must, if requested to do so by a person affected by the exercise of any such function, produce the ranger's identification card to the person.

### **38 Penalty notices**

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of

offences.

- (7) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (9) In this section, **authorised officer** means a police officer or a ranger.

### **39 Nature of proceedings for offences**

Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.

### **40 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:
  - (a) the care, control and management of land and personal property vested in or managed by a sporting venues authority, and
  - (b) the use of land vested in or managed by a sporting venues authority or of any specified part of it, and the regulation of its use and enjoyment or the use and enjoyment of any specified part of it, and
  - (c) the admission of persons and classes of persons (whether or not as members) to land vested in or managed by a sporting venues authority or any specified part of it, including the determination of admission charges, membership fees or subscriptions and the collection and disposal of those amounts, and
  - (d) the regulation or prohibition of admission of persons to land vested in or managed by a sporting venues authority or any specified part of it, and
  - (e) the removal of persons found committing offences or causing annoyance or inconvenience to persons who are lawfully and peaceably on land vested in or managed by a sporting venues authority, and
  - (f) the regulation or prevention of the taking of liquor or other intoxicants on to, and the consumption of any such liquor or intoxicants on, land vested in or managed by a sporting venues authority or any specified part of it, and
  - (g) the regulation, control or prohibition of parking of vehicles on land vested in or managed by a sporting venues authority or any specified part of it, the making of charges for any such parking and the collection and disposal of any such charges,

and

- (h) the reservation of any portion of land vested in or managed by a sporting venues authority for such separate or exclusive uses as the regulations may prescribe or authorise, and
- (i) the regulation, control or prohibition of private trading on land vested in or managed by a sporting venues authority or any specified part of it.

(2) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.

#### **41 Savings, transitional and other provisions**

Schedule 5 has effect.

#### **42 (Repealed)**

#### **43 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

### **Schedule 1 Regional sporting venues authorities**

(Sections 12, 16, 17)

Hunter Region Sporting Venues Authority

Illawarra Region Sporting Venues Authority

### **Schedule 2 Members and procedure of boards of management**

(Section 14 (4))

#### **Part 1 General**

##### **1 Definitions**

In this Schedule:

**Chairperson**, in relation to a board of management, means the Chairperson of the board.

**member** means a member of a board of management.

## **Part 2 Constitution**

### **2 Terms of office of members**

Subject to this Schedule and the regulations, a member holds office for such period (not exceeding 4 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

### **3 Remuneration**

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

### **4 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 removed from office by the Minister under this clause, or
- (e) is absent from 3 consecutive meetings of the board of management 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 those meetings, or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her 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.

(2) The Minister may remove a member from office at any time.

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

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

### **6 Chairperson**

(1) The Chairperson vacates office as Chairperson if he or she:

- (a) is removed from that office by the Minister under this clause, or
- (b) resigns that office by instrument in writing addressed to the Minister, or
- (c) ceases to be a member.

(2) The Minister may at any time remove the Chairperson from office as Chairperson.

## **7 Deputies**

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member, and may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of a 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 member is taken to be an absence of the member.
- (5) A deputy of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.
- (6) This clause does not operate to confer on the deputy of a member who is the Chairperson of the board of management the member's functions as Chairperson.

## **8 Disclosure of pecuniary interests**

(1) If:

- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the board of management, and
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.

(2) A disclosure by a member at a meeting of the board of management that the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or

to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).

- (3) Particulars of any disclosure made under this clause must be recorded by the board of management in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the board.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the board of management otherwise determines:
  - (a) be present during any deliberation of the board with respect to the matter, or
  - (b) take part in any decision of the board with respect to the matter.
- (5) For the purposes of the making of a determination by the board of management under subclause (4), 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.
- (6) A contravention of this clause does not invalidate any decision of the board of management.

## **9 Effect of certain other Acts**

- (1) Chapter 1A of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the appointment of a member.
- (2) If by or under any Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.



## **Part 3 Procedure**

### **10 General procedure**

The procedure for the calling of meetings of a board of management and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the board.

### **11 Quorum**

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

### **12 Presiding member**

- (1) The Chairperson (or, in the absence of the Chairperson, a person elected by the members of the board of management who are present at a meeting of the board) is to preside at a meeting of the board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### **13 Voting**

A decision supported by a majority of the votes cast at a meeting of the board of management at which a quorum is present is the decision of the board.

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

- (1) A board of management 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 those members is taken to be a decision of the board.
- (2) The board of management may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the board of management.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be

recorded in the minutes of the meetings of the board of management.

- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

## **15 First meeting**

The Minister may call the first meeting of a board of management in such manner as the Minister thinks fit.

# **Schedule 3 Dissolutions, amalgamations and changes of name of regional sporting venues authorities**

(Section 18)

## **Part 1 Interpretation**

### **1 Definitions**

In this Schedule:

**instrument** means an instrument (other than this Act) 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 or process of a court.

**transferee** means the person or body to which any assets, rights or liabilities are transferred by operation of a provision of this Schedule.

**transferor** means the person or body from which any assets, rights or liabilities are transferred by operation of a provision of this Schedule.

## **Part 2 Dissolution and amalgamation orders**

### **2 Dissolution orders**

On and from the date specified in an order under section 17 (1) (a) for the dissolution of a regional sporting venues authority:

- (a) the regional sporting venues authority is dissolved, and
- (b) the members of the board of management cease to hold office, but are not entitled to be paid any compensation by reason of ceasing to hold office, and
- (c) the assets, rights and liabilities of the regional sporting venues authority are transferred to the Minister (or any other person or body specified in the order).

### **3 Amalgamation orders**

On and from the date specified in an order under section 17 (1) (b) for the amalgamation of 2 or more regional sporting venues authorities:

- (a) each regional sporting venues authority amalgamated by the order is dissolved, and
- (b) the members of the boards of management cease to hold office, but are not entitled to be paid any compensation by reason of ceasing to hold office, and
- (c) the members are eligible (if otherwise qualified) to be appointed as members of the board of management for the amalgamated regional sporting venues authority, and
- (d) the assets, rights and liabilities of each amalgamating regional sporting venues authority are transferred to the amalgamated regional sporting venues authority.

#### **4 Vesting of undertaking in transferee**

- (1) When any assets, rights or liabilities are transferred by operation of this Part, 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 clause the rights or liabilities of the transferee,
  - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by, or on behalf of 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 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) a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor is (to the extent to which it relates to those assets, rights or liabilities but subject to the regulations) is to be read as, or as including, a reference to the transferee.
- (2) The operation of this clause is not to be regarded:
  - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (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
  - (d) as an event of default under any contract or other instrument.

- (3) No attornment to the transferee by a lessee from the transferor is required.
- (4) A transfer is subject to the terms and conditions of the order by which it is effected.
- (5) No compensation is payable to any person or body in connection with a transfer to which this Part applies except to the extent (if any) to which the order giving rise to the transfer so provides.

#### **5 Date of vesting**

A transfer referred to in this Part takes effect on the date specified in the order by which it is effected.

#### **6 Consideration for vesting**

The Minister may, by order in writing, specify the consideration on which a transfer referred to in this Part is made and the value or values at which the assets, rights or liabilities are transferred.

#### **7 Confirmation of vesting**

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

### **Part 3 Orders changing names of regional sporting venues authorities**

#### **8 Name changes do not affect status of authority**

- (1) This clause applies on and from the date specified in an order made under section 17 (1) (c) changing the name of a regional sporting venues authority.
- (2) A change of name of a regional sporting venues authority by an order under section 17 (1) (c) does not operate:
  - (a) to create a new legal entity, or
  - (b) to prejudice or affect the identity of the body corporate constituted as a regional sporting venues authority or its continuity as a body corporate, or
  - (c) to affect the property, or the rights or obligations, of the regional sporting venues authority, or
  - (d) to render defective any legal proceedings by or against the regional sporting venues authority,

and any legal proceedings that could have been continued or commenced by or against the regional sporting venues authority by its former name may be continued or commenced by or against it by its new name.

## **Part 4 Savings and transitional regulations**

### **9 Regulations**

- (1) The regulations may contain other provisions of a savings or transitional nature consequent on the making of an order under section 17.
- (2) A provision referred to in subclause (1) which relates to a particular order may, if the regulations so provide, take effect as from the date of the order or a later day.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication in the Gazette, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication in the Gazette.
- (4) A provision referred to in subclause (1) has, if the regulations so provide, effect despite any other clause of this Schedule.

## **Schedule 4 Land to be vested in sporting venues authorities**

(Sections 22, 23, 24)

## **Schedule 5 Savings, transitional and other provisions**

(Section 41)

## **Part 1 General**

### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

*Public Sector Restructure (Miscellaneous Acts Amendments) Act 2009*
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Part 2 Provisions consequent on enactment of this Act**

### **2 Definitions**

In this Part, **former Trust** means:

- (a) the Newcastle International Sports Centre Trust, or
- (b) the Newcastle Showground and Exhibition Centre Trust.

### **3 State Sporting Venues Authority**

The State Sporting Venues Authority is a continuation of, and the same legal entity as, the corporation sole with the corporate name “Minister administering the [Sporting Venues Management Act 2002](#)” incorporated by that Act.

### **4 Dissolution of former Trusts**

- (1) The Newcastle International Sports Centre Trust is dissolved.
- (2) The Newcastle Showground and Exhibition Centre Trust is dissolved.
- (3) On the dissolution of a former Trust, each person who was a trustee 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.

### **5 Transfer of assets, rights and liabilities of former Trusts**

- (1) In this clause:

**transferor**, in relation to the transfer of an asset, right or liability by or under this clause, means the former Trust from which the asset, right or liability is transferred.

- (2) On the commencement of this clause, the assets, rights or liabilities of a former Trust are transferred to the Hunter Region Sporting Venues Authority.
- (3) When any asset, right or liability is transferred by operation of this clause, the following provisions have effect with respect to the transfer:
  - (a) the assets of the transferor vest in the Hunter Region Sporting Venues Authority by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,

- (b) the rights and liabilities of the transferor become by virtue of this clause the rights and liabilities of the Hunter Region Sporting Venues Authority,
  - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or on behalf of, or against, the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the Hunter Region Sporting Venues Authority,
  - (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 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 Hunter Region Sporting Venues Authority,
  - (e) a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor 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 the Hunter Region Sporting Venues Authority.
- (4) The operation of this clause is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (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
  - (d) as an event of default under any contract or other instrument.
- (5) No attornment to the transferee by a lessee from a transferor is required.
- (6) For all purposes, a former Trust 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 *Crown Lands Act 1989* immediately before that commencement.
- (7) Subclause (6) has effect despite any provision of the *Crown Lands Act 1989* and, in particular, section 100 of that Act.

## **6 Confirmation of vesting**

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

## 7 Previous grants, reservation or dedications

Land of a former Trust transferred by operation of this Act is transferred free of any reservation, grant or dedication to which the land was subject under any Act or law.

## 8 Newcastle Agricultural, Horticultural, and Industrial Association

No compensation is payable to or in respect of the Newcastle Agricultural, Horticultural, and Industrial Association as the result of the operation of this Act.

## 9 Establishment of club within the Centre

- (1) The club established under section 9 of the *Newcastle International Sports Centre Act 1967* may continue as a registered club and may be operated and managed by the Hunter Region Sporting Venues Authority.
- (2) For the purposes of the *Registered Clubs Act 1976*, the Hunter Region Sporting Venues Authority:
  - (a) is taken to be the governing body of the club responsible for the management of the business and affairs of the club, and
  - (b) is taken to have been elected annually by the full members of the club.
- (3) Subclause (2) is taken to be a rule of the club for the purposes of the *Registered Clubs Act 1976*.
- (4) Subject to this Act, the Hunter Region Sporting Venues Authority may make rules for the conduct and management of the club and may amend or revoke any such rules.
- (5) Any rules made under section 9 of the *Newcastle International Sports Centre Act 1967* and in force immediately before the repeal of that section are taken to have been made by the Hunter Region Sporting Venues Authority under this clause and may be revoked or amended accordingly.

## Part 3 Provisions consequent on enactment of Public Sector Restructure (Miscellaneous Acts Amendments) Act 2009

### 10 Definitions

In this Part:

**former Trust** means the Wollongong Sportsground Trust.

**new Authority** means the Illawarra Region Sporting Venues Authority.

### 11 Repeal of Act

The *Wollongong Sportsground Act 1986* is repealed.



## **12 Dissolution of former Trust**

- (1) The Wollongong Sportsground Trust is dissolved.
- (2) On the dissolution of the former Trust, 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.

## **13 Transfer of assets, rights and liabilities of former Trust**

- (1) On the date of commencement of this clause, the following provisions have effect:
  - (a) the assets of the former Trust vest in the new Authority by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
  - (b) the rights and liabilities of the former Trust become by virtue of this clause the rights and liabilities of the new Authority,
  - (c) all proceedings relating to those assets, rights or liabilities commenced before that date by or on behalf of, or against, the former Trust and pending immediately before the transfer are taken to be proceedings pending by or against the new Authority,
  - (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 the former Trust 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 new Authority,
  - (e) the new Authority has all the entitlements and obligation of the former Trust in relation to those assets, rights and liabilities that the former Trust would have had but for this clause, whether or not the entitlements and obligations were actual or potential on the commencement of this clause,
  - (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to the former Trust or a predecessor of the former Trust 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 the new Authority.
- (2) The operation of this clause is not to be regarded:
  - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (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

(d) as an event of default under any contract or other instrument.

(3) No attornment to the transferee by a lessee from the former Trust is required.

### **Schedule 6 (Repealed)**