

## **Explanatory note**

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

Overview of Bill

The objects of this Bill are:

(a) to dissolve the Newcastle International Sports Centre Trust and the Newcastle Showground and Exhibition Centre Trust (***the former Trusts***), and

(b) to repeal the *Sporting Venues Management Act 2002* and to continue the corporation sole constituted under that Act with the name “Minister administering the *Sporting Venues Management Act 2002*” as the State Sporting Venues Authority, and

(c) to establish a new Hunter Region Sporting Venues Authority and to transfer the land held by the former Trusts to the new Hunter Region Sporting Venues Authority, and

(d) to enable other regional sporting venues authorities to be established under the proposed Act, and

(e) to enable the State Sporting Venues Authority to arrange for the management and improvement of its land by a regional sporting venues authority.

The Bill also amends various Acts consequentially and repeals the following Acts:

(a) *Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905*,

(b) *Newcastle International Sports Centre Act 1967*.

Outline of provisions

### **Part 1 Preliminary**

**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** defines certain words and expressions used in the proposed Act.

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

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

##### **Venues Authority**

**Clause 4** provides for the constitution of the State Sporting Venues Authority as a corporation.

**Clause 5** states that the State Sporting Venues Authority is a NSW Government agency.

**Clause 6** provides for the Minister to manage the State Sporting Venues Authority.

**Clause 7** enables the State Sporting Venues Authority to delegate its functions to certain persons.

**Clause 8** enables the State Sporting Venues Authority to establish advisory committees.

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

**Clause 9** sets out the principal functions of the State Sporting Venues Authority, which include establishing and managing sporting grounds, sporting facilities and recreational facilities. The clause also enables the State Sporting Venues Authority to enter into an arrangement with a 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.

**Clause 10** enables the State Sporting Venues Authority to exercise its functions through subsidiaries, or in a partnership, joint venture or other association with other persons or bodies.

**Clause 11** enables the State Sporting Venues Authority to form or acquire interests in certain private corporations.

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

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

**Clause 12** constitutes as bodies corporate the regional sporting venues authorities

specified in proposed Schedule 1.

**Clause 13** states that each regional sporting venues authority is a NSW Government agency.

**Clause 14** provides for each regional sporting venues authority to have a board of management consisting of not more than 7 members appointed by the Governor on the recommendation of the Minister.

**Clause 15** provides that a board of management of a regional sporting venues authority is subject to the direction and control of the Minister.

**Clause 16** enables the Governor, by order published in the Gazette, to amend proposed Schedule 1 or substitute a new Schedule for that Schedule.

**Clause 17** enables the Governor, by order published in the Gazette, to dissolve, amalgamate or change the name of any regional sporting venues authority.

**Clause 18** ensures that proposed Schedule 3 has effect with respect to orders made under the proposed Part. Proposed Schedule 3 contains provisions relating to the transfer, dissolution, amalgamation and change of name of regional sporting venues authorities.

**Clause 19** enables a regional sporting venues authority to delegate its functions to certain persons.

**Clause 20** enables a regional sporting venues authority to establish advisory committees.

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

**Clause 21** sets out the principal functions of a regional sporting venues authority, which include establishing and managing sporting grounds, sporting facilities and recreational facilities. The clause also enables a regional sporting venues authority to enter into an arrangement with the State 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.

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

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

**Clause 22** contains definitions used in the proposed Division.

**Clause 23** provides for the transfer to a sporting venues authority of the land described in proposed Schedule 4. The land is transferred subject to any existing trusts, interests, conditions and other restrictions. On transfer, the rights and liabilities of the previous owner of the property become the rights and liabilities of the sporting venues authority to which the land is transferred.

**Clause 24** enables the Governor, by order published in the Gazette, to insert the description of any land of a government agency in proposed Schedule 4 with the consent of the agency. The effect of such an order is to transfer the land to the relevant sporting venues authority.

**Clause 25** sets out the effect of a transfer of land under the proposed Division, including, for example, that it does not constitute a breach of contract.

##### **Division 2 Dealings with land**

**Clause 26** enables the State Sporting Venues Authority to deal with land vested in it and enables a regional sporting venues authority, with the consent of the Minister, to deal with land vested in it.

**Clause 27** enables a sporting venues authority to acquire property by gift, devise or bequest.

**Clause 28** controls the dealings a sporting venues authority may have with property acquired by gift, devise or bequest.

**Clause 29** enables the State Sporting Venues Authority to acquire land by agreement or by compulsory process and enables a regional sporting venues authority to acquire land by agreement.

**Clause 30** provides that a sporting venues authority may manage, develop and deal

with land in accordance with the proposed Act despite the terms of any grant, reservation or dedication to which the land is or was subject.

#### **Part 5 Plans of management**

**Clause 31** requires a regional sporting venues authority to prepare a plan of management for land vested in or managed by it.

**Clause 32** sets out the procedures for the Minister to adopt a plan of management and requires the Minister to make plans of management publicly available.

**Clause 33** requires a regional sporting venues authority to review a plan of management at the direction of the Minister.

#### **Part 6 Miscellaneous**

**Clause 34** requires the Hunter Region Sporting Venues Authority to allow the Newcastle Agricultural, Horticultural, and Industrial Association to use a specified part of the Authority's land for the Association's annual show and provides for the way in which the terms and conditions applying to that use are to be determined.

**Clause 35** provides for the manner in which consent may be given by the Minister to certain matters.

**Clause 36** provides that State taxes are not payable in relation to the transfer and vesting of property under the proposed Act and associated transactions.

**Clause 37** provides for the appointment of rangers to perform functions under the proposed Act.

**Clause 38** enables the regulations to prescribe offences under the proposed Act for which penalty notices may be issued.

**Clause 39** provides for offences under the proposed Act or regulations to be dealt with summarily by a Local Court.

**Clause 40** enables the Governor to make regulations for the purposes of the proposed Act and, in particular, for the care, control and management of land vested in or managed by a sporting venues authority.

**Clause 41** is a formal provision that gives effect to the savings, transitional and other provisions set out in proposed Schedule 5.

**Clause 42** is a formal provision that repeals certain Acts and gives effect to the amendments to the Acts set out in proposed Schedule 6.

**Clause 43** provides for the review of the proposed Act in 5 years.

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

**Schedule 1** specifies the regional sporting venues authorities. The proposed Schedule currently refers only to the Hunter Region Sporting Venues Authority.

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

**Schedule 2** contains provisions relating to the members and procedure of boards of management of regional sporting venues authorities.

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

**Schedule 3** contains provisions relating to the dissolution, amalgamation and change of name of regional sporting venues authorities.

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

**Schedule 4** will specify land transferred to a sporting venues authority by order under clause 24 of the proposed Act. Currently, the proposed Schedule contains no land descriptions.

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

**Schedule 5** contains savings, transitional and other provisions consequent on the enactment of the proposed Act. The proposed Schedule includes provisions that:

(a) dissolve the Newcastle International Sports Centre Trust and the Newcastle

Showground and Exhibition Centre Trust, and  
(b) transfer the assets, rights and liabilities of those Trusts to the Hunter Region  
Sporting Venues Authority constituted under the proposed Act.

**Schedule 6 Amendment of Acts**

**Schedule 6** amends the Acts specified in the proposed Schedule as a consequence of  
the enactment of the proposed Act.