



New South Wales

# Sporting Venues Authorities Amendment (Venues NSW) Bill 2020

## Explanatory note

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

## Overview of Bill

The objects of this Bill are—

- (a) to amend the *Sporting Venues Authorities Act 2008*—
  - (i) to reconstitute the regional sporting venues authority known as Venues NSW and dissolve the Sydney Cricket Ground Trust, and
  - (ii) to provide for the establishment of advisory committees to provide advice to the Minister or Venues NSW and enable Venues NSW to exercise its functions, and
  - (iii) to provide for the ownership or management of land previously administered by the Sydney Cricket Ground Trust to be transferred to Venues NSW, and
  - (iv) to make provisions of a savings or transitional nature to give effect to the above matters,
- (b) to amend the *Sydney Olympic Park Authority Act 2001* to enable the Governor, by written order, to transfer assets, rights and liabilities from the Sydney Olympic Park Authority to another public sector agency,
- (c) to make other consequential or related amendments.

## 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 *Sydney Cricket and Sports Ground Act 1978* and the *Sydney Cricket Ground and Sydney Football Stadium By-law 2014*.

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

**Schedule 1[1]** inserts definitions for terms used in the amendments made to the Act. **Schedule 1[8] and [9]** make consequential amendments.

**Schedule 1[4]** specifies the objects of the Act, namely—

- (a) to enable the efficient and effective management and coordination of entertainment and sporting venues within the State on a commercial basis, and
- (b) to attract and encourage the holding of major events at entertainment and sporting venues within the State, and
- (c) to facilitate the development of precincts surrounding the entertainment and sporting venues that Venues NSW owns or operates, and
- (d) to ensure a customer-focused approach is applied to the management of entertainment and sporting venues and surrounding lands so they remain accessible to, and meet the needs of, users of and visitors to the venues and the broader community, and
- (e) to ensure the provision of entertainment and sporting venues fulfils community service obligations that may be determined by the Minister from time to time.

**Schedule 1[5]** removes a redundant delegation power of the State Sporting Venues Authority.

**Schedule 1[10]** repeals Part 3 of the Act and inserts new Parts 3 and 3A, which provide for the establishment of Venues NSW and advisory committees.

Under new Part 3—

- (a) proposed section 12 provides for the constitution of Venues NSW as a corporation, and
- (b) proposed section 13 states Venues NSW is a NSW Government agency, and
- (c) proposed section 14 provides Venues NSW is subject to the control and direction of the Minister, and
- (d) proposed section 15 establishes the Board of Venues NSW, and
- (e) proposed section 16 provides the Minister may appoint a Chief Executive Officer of Venues NSW in consultation with the Board, and
- (f) proposed section 17 provides Venues NSW or a private subsidiary corporation of Venues NSW may also employ its own staff, and
- (g) proposed section 18 confirms the doctrine of incompatibility of office does not operate to prevent a holder of a position in a government sector agency from being appointed to a position in Venues NSW or on its Board, and
- (h) proposed section 19 sets out the principal functions of Venues NSW, which include establishing and managing sporting grounds, sporting facilities and recreational facilities, providing advice to the Minister on the State's entertainment and sporting venues strategy and promoting the use of Venues NSW's land for commercial purposes, and
- (i) proposed section 20 confirms the ability of Venues NSW to delegate its functions to certain authorised persons, excluding the power of delegation, and
- (j) proposed section 21 enables Venues NSW to form or acquire interests in certain private corporations, and
- (k) proposed section 21A enables Venues NSW to exercise its functions through private subsidiary corporations, or in a partnership, joint venture or other association with other persons or bodies.

Under new Part 3A—

- (a) proposed section 21C enables Venues NSW to establish advisory committees to provide advice to the Minister or Venues NSW, or to enable Venues NSW to exercise its functions and proposed section 21B includes definitions used in the new Part, and
- (b) proposed section 21D—
  - (i) establishes membership advisory committees to provide advice to Venues NSW regarding the membership of Members of the Sydney Cricket Ground and persons who held membership to stadia formerly vested in the regional sporting venues authority known as Venues NSW, and
  - (ii) provides the membership of the membership advisory committees is to be made up of former members of the Sydney Cricket and Sports Ground Trust or the board of management of former Venues NSW, and
  - (iii) for the membership advisory committee established in respect of membership of the Sydney Cricket Ground, further members may be elected to the committee in accordance with a Schedule 3 to be inserted by **Schedule 1[25]**.

**Schedule 1[2], [3], [6], [7], [12] and [16]** make consequential amendments.

**Schedule 1[11]** provides the transfer of land to a sporting venues authority under Part 4, Division 1 of the Act is conduct authorised for the purposes of the *Competition and Consumer Act 2010* of the Commonwealth and the *Competition Code of New South Wales*.

**Schedule 1[13]** confirms a sporting venues authority's ability to manage, develop and otherwise deal with its land is subject to the provisions of proposed Part 4, Divisions 2A and 2B inserted by Schedule 1[14].

**Schedule 1[14]** inserts proposed Part 4, Divisions 2A and 2B, which contain Crown land management and development provisions relating to Venues NSW's land previously vested in the Sydney Cricket and Sports Ground Trust.

Proposed Division 2A provides for the appointment of Venues NSW as the Crown land manager for land previously vested in the Sydney Cricket and Sports Ground Trust, described in the Act as *scheduled lands*. The Division also confirms the scheduled lands continue to be Crown land dedicated for the purposes of public recreation.

Proposed Division 2B makes particular provision in relation to scheduled lands, designated land and controlled land that are further described in Schedule 4A of the Act. Under proposed Division 2B—

- (a) proposed section 30AD—
  - (i) enables the Minister to approve the carrying out of development on designated land, along with plans and specifications associated with the development, and
  - (ii) requires the Minister, before giving the approval, to consult with the Minister or Ministers administering the *Public Works and Procurement Act 1912* and the *Environmental Planning and Assessment Act 1979*, and
- (b) proposed section 30AE provides certain environmental planning laws do not apply to the development approved by the Minister under proposed section 30AD, and
- (c) proposed section 30AF enables the scheduled lands to be the subject of a State environmental planning policy under the *Environmental Planning and Assessment Act 1979* and further enables the land to be used for purposes permitted by the planning policy (subject to the restrictions in proposed section 30AI), and
- (d) proposed section 30AG enables the Minister to make a determination that an agreement, lease or licence relating to the scheduled lands may be varied, or cease to apply to a party, to enable work to be carried out on the scheduled lands, and
- (e) proposed section 30AH makes it clear the scheduled lands may be used for purposes permitted under a State environmental planning policy, and a lease or licence granted for

the use of the land for those purposes, even though the land is dedicated for public recreation, and

- (f) proposed section 30AI prevents the use of any part of the scheduled lands other than controlled land for residential accommodation, and any part of the scheduled lands other than designated land for tourist and visitor accommodation, and
- (g) proposed section 30AJ provides the Minister may declare certain land within Venues NSW's land to be controlled land or designated land.

**Schedule 1[15]** omits Part 5 of the Act relating to the requirement for regional sporting venues authorities to develop plans of management. This Part is no longer necessary as there will no longer be any regional sporting venues authorities under the Act.

**Schedule 1[17] and [18]** provide Venues NSW is the authority required to allow the Newcastle Agricultural, Horticultural and Industrial Association to use the Showground land.

**Schedule 1[19] and [21]** provide the Chief Executive Officer of Venues NSW may appoint rangers for the purposes of the Act and delegate the Chief Executive Officer's appointment functions to a person employed by Venues NSW.

**Schedule 1[20]** makes it clear a ranger has the powers and duties conferred on a ranger by the Act or the regulations.

**Schedule 1[22]–[24]** enables the regulations to provide for additional matters relating to the functions of the State Sporting Venues Authority and Venues NSW.

**Schedule 1[25]** inserts proposed Schedules 1, 2 and 3 in the Act.

Proposed Schedule 1 provides for the constitution and procedures of the Board of Venues NSW.

Proposed Schedule 2 contains provisions regarding the appointment, remuneration and removal of the Chief Executive Officer.

Proposed Schedule 3 sets out the procedures for the election of members of the membership advisory committee regarding membership of the Sydney Cricket Ground.

**Schedule 1[26]** inserts Schedule 4A in the Act, which sets out the description of certain land vested in, or managed by, Venues NSW for the purposes of the definitions provided under section 3(1) of the Act.

**Schedule 1[27]** inserts Schedule 5, Part 6 in the Act, which contains savings, transitional and other provisions consequent on the enactment of the proposed Act. The Part includes provisions that—

- (a) provide for the reconstitution of Venues NSW, and
- (b) dissolve the Sydney Cricket Ground Trust and also Local Venues Councils constituted under the Act, and
- (c) provide for the transfer of the assets, rights and liabilities of the Sydney Cricket Ground Trust and Local Venues Councils, and certain regulatory authorisations held by those former bodies, to Venues NSW, and
- (d) provide for the transfer of employees of the Sydney Cricket Ground Trust and current employees of the Public Service to Venues NSW, and
- (e) confirm persons who were previously authorised for certain functions relating to admission to, and removal of persons from, lands under the *Sydney Cricket Ground and Sydney Football Stadium By-law 2014* before its repeal are taken to have been appointed as rangers under the Act.

## **Schedule 2      Amendment of Sydney Olympic Park Authority Act 2001 No 57**

**Schedule 2** enables the Governor, by written order, to transfer assets, rights and liabilities of the Sydney Olympic Park Authority to another public sector agency.

## **Schedule 3      Amendment of other legislation**

### **Sporting Venues Authorities Regulation 2019**

**Schedule 3.7[1]** provides a ranger or police officer may direct a person to leave land or a facility vested in or managed by a sporting venues authority if the ranger or police officer considers the person is contravening a provision of the Act or the Regulation.

**Schedule 3.7[2]** confirms the capacity for Venues NSW or a ranger to call in the aid of a police officer to assist with the removal of a person from the land of a sporting venues authority.

**Schedule 3.7[3] and [6]** omit redundant provisions.

**Schedule 3.7[4]** updates references as a result of the amendments made by Schedule 1.

**Schedule 3.7[5]** provides certain term of office provisions do not apply to members of a membership advisory committee who were members of the Sydney Cricket and Sports Ground Trust or a member of the former board of management of Venues NSW immediately before the dissolution of those bodies.

### **Sporting Venues (Invasions) Regulation 2016**

**Schedule 3.8** prescribes the Sydney Cricket Ground and Sydney Football Stadium as sporting venues to which the provisions of the *Sporting Venues (Invasions) Act 2003* apply.

### **Amendment of other legislation**

**Schedules 3.1–3.6 and 3.9–3.14** make consequential amendments arising from the dissolution of the Sydney Cricket and Sports Ground Trust.