



New South Wales

Sporting Venues Management Bill 2002

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Sporting Venues Management Bill 2002

Act No , 2002

An Act to incorporate the Minister administering this Act as a corporation sole; to vest in the Corporation the Sydney International Shooting Centre; to enable other land to be vested in the Corporation; to constitute the Sydney International Shooting Centre Trust; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

Clause 1 Sporting Venues Management Bill 2002

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Sporting Venues Management Act 2002*.

2 Commencement

- (1) Except as provided by subsection (2), this Act commences on 30 June 2002.
- (2) Part 3 and Schedule 2 commence on a day to be appointed by proclamation.

3 Definitions

In this Act:

corporate lands means the lands for the time being described in Schedule 1.

Corporation means the corporation sole with the corporate name “Minister administering the *Sporting Venues Management Act 2002*” constituted under section 4.

exercise a function includes perform a duty.

function includes a power, authority or duty.

Sydney International Shooting Centre means the land described as Lot 1 DP 875790.

Part 2 Corporation sole

4 Minister to be corporation sole for certain purposes

- (1) The Minister is, for the purpose of exercising those functions expressed to be conferred or imposed on the Corporation by or under this or any other Act, hereby incorporated as a corporation sole with the corporate name “Minister administering the *Sporting Venues Management Act 2002*”.
- (2) The Corporation:
 - (a) has perpetual succession, and
 - (b) is to have an official seal, and
 - (c) may take proceedings, and be proceeded against, in its corporate name, and
 - (d) may do and suffer all things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the Corporation is constituted, and
 - (e) is, for the purposes of any Act, a statutory body representing the Crown.

5 Objects of Corporation

The objects of the Corporation are:

- (a) to maintain and improve the corporate lands, and
- (b) to encourage the use and enjoyment of the corporate lands by the public and such clubs, associations or other bodies as the Corporation considers appropriate, and
- (c) to make all reasonable attempts to ensure that any new development carried out on corporate lands accords with best practice environmental and planning standards.

6 Functions of Corporation

- (1) The functions of the Corporation are:
 - (a) to manage and develop the corporate lands in accordance with the Corporation’s objects, and

- (b) to permit the use of the whole or any part of the corporate lands for activities of a sporting or recreational nature, including the use of those lands for major events and general community access, and
 - (c) to ensure that proper asset management plans are in place and are implemented for the corporate lands, and
 - (d) to enter into any contract or arrangement with any person for the purpose of promoting the objects of the Corporation.
- (2) The Corporation may, in such manner and subject to such terms and conditions as it thinks fit, sell, lease, exchange or otherwise dispose of or deal with the corporate lands and grant easements or rights of way over those lands or any part of those lands.
- (3) The Corporation may also exercise functions with respect to the management or operation of the following facilities:
- (a) the Dunc Gray Velodrome at Bankstown,
 - (b) the Sydney International Equestrian Centre at Horsley Park,
 - (c) the Ryde Aquatic Leisure Centre,
 - (d) the Blacktown Olympic Centre.
- (4) The Corporation has and may exercise such functions as are conferred or imposed on it by or under any other Act.
- (5) The Corporation has and may exercise such functions, in addition to those specified in this section, as are reasonably necessary to achieve its objects.

7 Exercise of functions—principles of ecologically sustainable development

In carrying out its functions, the Corporation is to take into consideration, where relevant, the principles of ecologically sustainable development within the meaning of the *Local Government Act 1993*.

8 Vesting of Sydney International Shooting Centre in Corporation

- (1) The Sydney International Shooting Centre is vested in the Corporation for an estate in fee simple free of any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land is vested in the Corporation, except the following:

- (a) the easement for a pipeline deposited in the office of the Registrar-General under dealing number Q163797,
 - (b) the right of carriageway and easement for services deposited in the office of the Registrar-General under dealing number DP 806494.
- (2) The Sydney International Shooting Centre is subject to a lease that is taken to have been granted by the Corporation to the Cecil Park Clay Target Club for the balance of the term of, and on the same terms and conditions as, the lease granted by the Minister administering the *Environmental Planning and Assessment Act 1979* to the Blacktown and District Clay Target Club Limited over part of Lot 15 DP 810503 and deposited in the office of the Registrar-General under dealing number Z779494.

9 Vesting of additional land

- (1) The Governor may from time to time, by proclamation, amend Schedule 1 for the purpose of adding to the land for the time being described in that Schedule.
- (2) Land for which a description is added to Schedule 1 is vested in the Corporation for an estate in fee simple free of any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land is vested in the Corporation, except as otherwise provided in that Schedule.
- (3) A proclamation under this section may contain provisions of a savings or transitional nature consequent on the making of the proclamation (including provisions conferring on the Corporation rights and liabilities in respect of trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates continuing to exist in respect of the land described in the proclamation).
- (4) The Governor may from time to time, by proclamation, amend Schedule 1 for the purpose of removing any land described in Schedule 1 that has ceased to be vested in the Corporation.

10 Effect of vesting of land

- (1) The vesting of land effected by section 8 (1) or 9 (2) does not operate to vest in the Corporation any pipeline, cable or related apparatus owned by a person other than the Corporation and used for the conveyance of gas, electricity, water, drainage, sewage or any other

thing and lawfully situated on the land immediately before the vesting of the land.

- (2) If an interest in land of a person (other than a public or local authority) is divested by the operation of section 8 (1) or 9 (2):
 - (a) compensation is payable for the divesting of that interest, and
 - (b) Part 3 of the *Land Acquisition (Just Terms Compensation) Act 1991* applies as if section 8 (1) or a proclamation under section 9 (1) were an acquisition notice published by the Corporation under that Act.
- (3) Despite subsection (2), no compensation is payable to a person for the divesting by section 8 (1) of the lease granted by the Minister administering the *Environmental Planning and Assessment Act 1979* to the Blacktown and District Clay Target Club Limited (as referred to in section 8 (2))
- (4) In subsection (2):

interest in land has the same meaning as in the *Land Acquisition (Just Terms Compensation) Act 1991*.

11 Acquisition of land

- (1) The Corporation may, for the purposes of this Act, acquire land (including an interest in land) by agreement or compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) The other purposes for which land may be acquired under subsection (1) include the purposes of future sale, lease or disposal, that is, to enable the Corporation to exercise the Corporation's functions in relation to any land.

Part 3 Sydney International Shooting Centre Trust

12 Definitions

In this Part (and Schedule 2):

Shooting Centre means the Sydney International Shooting Centre.

Trust means the Sydney International Shooting Centre Trust constituted under section 13.

trustee means a trustee appointed by the Minister under section 14.

13 Constitution of Trust

- (1) There is constituted by this Act a trust under the corporate name of the “Sydney International Shooting Centre Trust”.
- (2) The Trust:
 - (a) has and may exercise the functions conferred or imposed on it by or under this or any other Act, and
 - (b) is, for the purposes of any Act, a statutory body representing the Crown, and
 - (c) is, in the exercise of its functions, subject to the control and direction of the Minister.

14 Appointment of trustees and procedure of Trust

- (1) The Trust consists of 9 trustees appointed by the Minister.
- (2) The trustees are to include:
 - (a) at least 1 person representing the Cecil Park Clay Target Club, and
 - (b) at least 1 person representing the New South Wales Amateur Pistol Association, and
 - (c) at least 1 person representing the Federation of Hunting Clubs, and
 - (d) at least 1 person representing the New South Wales Small Bore and Air Rifle Association, and
 - (e) at least 1 person who, in the Minister’s opinion, represents local government, and

- (f) at least 1 person nominated by the Director-General of the Department of Sport and Recreation, and
 - (g) at least 1 person who, in the Minister's opinion, has commercial and business management skills, and
 - (h) an independent person as Chairperson of the Trust.
- (3) If a club or association mentioned in subsection (2) (a)–(d) ceases to exist, the trustees are to include a person or persons appointed in accordance with the requirements prescribed by the regulations.
- (4) Schedule 2 has effect with respect to the trustees and the procedure of the Trust.

15 Functions of Trust

- (1) The function of the Trust is to care for, control and manage the Shooting Centre.
- (2) The Trust may, and when requested by the Minister must, make reports and recommendations to the Minister with respect to the Trust and the Shooting Centre.

16 Management agreement for Shooting Centre

- (1) The Trust must ensure that a management agreement for the administration, operation and maintenance of the Shooting Centre is entered into with one of the following within 6 months after the commencement of this section:
 - (a) a public sector venue operator,
 - (b) an independent private sector venue operator,
 - (c) a committee of the Trust formed to take responsibility as the operator of the Shooting Centre.
- (2) The Trust may enter into the management agreement only with the support of the votes of a majority of the trustees, including the trustee or trustees nominated by the Director-General of the Department of Sport and Recreation.
- (3) If the Trust does not enter into a management agreement for administration, operation and maintenance of the Shooting Centre as required by this section, the Trust is taken to be dissolved.

- (4) If the Trust is so dissolved:
- (a) the Corporation is to place the Shooting Centre under the care, control and management of the Director-General of the Department of Sport and Recreation, and
 - (b) the Governor may, by proclamation, amend this Act by omitting this Part and Schedule 2.

Part 4 Miscellaneous

17 Rangers

- (1) The Director-General of the Department of Sport and Recreation may appoint a member of staff of that Department to be a ranger for the purposes of this Act.
- (2) A ranger may exercise such functions as are conferred on a ranger by the regulations with respect to care, control and management of the corporate lands.
- (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) states 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.

18 Seal of Corporation

- (1) The seal of the Corporation is not to be affixed to any document except in the presence of the Minister, or a member of staff of the Department of Sport and Recreation for the time being authorised by the Minister for the purpose, who is to attest by his or her signature the fact and date of the affixing of the seal.
- (2) All courts and persons acting judicially:
 - (a) must take judicial notice of the seal of the Corporation that has been affixed to any document, and
 - (b) must, until the contrary is proved, presume that the seal was properly fixed.

19 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 4 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 4 years.

20 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.
- (2) In particular, regulations may be made for or with respect to the use and management of the corporate lands.
- (3) The regulations may create an offence punishable by a maximum penalty of 20 penalty units.

Sporting Venues Management Bill 2002

Schedule 1 Land vested in Corporation

Schedule 1 Land vested in Corporation

(Sections 3 and 9)

Sydney International Shooting Centre

Schedule 2 Provisions relating to trustees and procedure of Trust

(Sections 12, 14 (4) and 16 (4))

1 Acting trustees and acting Chairperson

- (1) The Minister may, from time to time, appoint a person to act in the office of a trustee during the illness or absence of the trustee, and the person, while so acting, has and may exercise all the functions of the trustee and is taken to be a trustee.
- (2) The Minister may, from time to time, appoint a trustee to act in the office of Chairperson during the illness or absence of the Chairperson, and the trustee, while so acting, has and may exercise all the functions of the Chairperson and is taken to be the Chairperson.
- (3) The Minister may remove any person from any office to which the person was appointed under this clause.
- (4) A person while acting in the office of a trustee 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 person.
- (5) For the purposes of this clause, a vacancy in the office of trustee or the Chairperson is taken to be an absence from the office of the trustee or Chairperson, as the case may be.

2 Term of office

Subject to this Schedule, a trustee holds office for such period, not exceeding 4 years, as may be specified in the instrument of appointment.

3 Remuneration

A trustee 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 trustee.

4 Casual vacancies

- (1) The office of a trustee becomes vacant if the trustee:
- (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 Trust of which reasonable notice has been given to the trustee personally or by post, except on leave granted by the Minister or unless the trustee 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 at any time remove a trustee from office.
- (3) Without limiting the generality of subclause (2), the Minister may remove from office a trustee who contravenes the provisions of clause 6.

5 Filling of vacancy in office of trustee

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

6 Disclosure of pecuniary interests

- (1) If:
- (a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Trust, and

- (b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,

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

- (2) A disclosure by a trustee at a meeting of the Trust 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 are to be recorded by the Trust 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 Trust.
- (4) After a trustee has disclosed the nature of an interest in any matter, the trustee must not, unless the Minister otherwise determines:
 - (a) be present during any deliberation of the Trust with respect to the matter, or
 - (b) take part in any decision of the Trust with respect to the matter.
- (5) A contravention of this clause does not invalidate any decision of the Trust.
- (6) This clause does not apply to a trustee merely because the trustee is an officer of a club or association mentioned in section 14 (2).

7 Effect of certain other Acts

- (1) Part 2 of the *Public Sector Management Act 1988* does not apply to or in respect of the appointment of a trustee.
- (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 trustee or from accepting and retaining any remuneration payable to that person under this Act as a trustee.

8 Liability of trustees

No matter or thing done by the Trust, any trustee or any person acting under the direction of the Trust, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subjects a trustee or a person so acting personally to any action, liability, claim or demand.

9 General procedure

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

10 Meetings to be held every 4 months

No more than 4 months must elapse between each meeting of the Trust.

11 Quorum

The quorum for a meeting of the Trust is 5 trustees.

12 Presiding trustee

- (1) The Chairperson (or, in the absence of the Chairperson, another trustee elected to chair the meeting by the trustees present) is to preside at a meeting of the Trust.

- (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 Trust at which a quorum is present is the decision of the Trust.

14 Transaction of business outside meetings or by telephone

- (1) The Trust may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Trust 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 Trust.
- (2) The Trust may, if it thinks fit, transact any of its business at a meeting at which trustees (or some trustees) participate by telephone, closed circuit television or other means, but only if any trustee who speaks on a matter before the meeting can be heard by the other trustees.
- (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 trustee have the same voting rights as they have at an ordinary meeting of the Trust.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Trust.
- (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 Minutes

The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

16 First meeting

The Minister may call the first meeting of the Trust in such manner as the Minister thinks fit.