

Passed by both Houses



New South Wales

Sporting Venues Authorities Amendment (Venues NSW) Bill 2011

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Repeals	2
Schedule 1 Amendment of Sporting Venues Authorities Act 2008 No 65	3

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

Legislative Council
2011

Clerk of the Parliaments



New South Wales

Sporting Venues Authorities Amendment (Venues NSW) Bill 2011

Act No , 2011

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

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sporting Venues Authorities Amendment (Venues NSW) Act 2011*.

2 Commencement

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

3 Repeals

The following are repealed:

- (a) *Parramatta Stadium Trust Act 1988*,
- (b) *Parramatta Stadium Trust By-law 2010*.

Schedule 1 Amendment of Sporting Venues Authorities Act 2008 No 65

[1] Long title

Omit “to establish the Hunter Region Sporting Venues Authority; to repeal the *Sporting Venues Management Act 2002* and the *Newcastle International Sports Centre Act 1967*”.

[2] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

function includes a power, authority or duty, and *exercise* a function includes perform a duty.

[3] Sections 8 and 20

Omit the sections.

[4] Section 14 Boards of management

Omit section 14 (1) and (2). Insert instead:

- (1) Each regional sporting venues authority has a board of management consisting of at least 7 and not more than 11 members appointed by the Minister.
- (2) Of the members appointed by the Minister, one is, in and by the instrument of appointment or another instrument made by the Minister, to be appointed Chairperson of the board of management.

[5] Section 14 (5)

Insert after section 14 (4):

- (5) The regulations may provide for the circumstances in which the functions of a board of management may be exercised by the State Sporting Venues Authority or by some other person or body prescribed by the regulations (whether or not to the exclusion of the board of management).

[6] Section 21 Functions of regional sporting venues authorities

Insert after section 21 (1) (c):

- (c1) to establish and manage community facilities and to establish and manage facilities for community and recreational purposes (whether or not on the authority’s land),

[7] Section 21 (3)

Omit “subsection (1) (b) and (c)”. Insert instead “subsection (1) (b)–(c1)”.

[8] Section 33A

Insert before section 34:

33A Advisory committees

- (1) A sporting venues authority may establish advisory committees to provide advice to the authority or to enable the authority to exercise its functions.
- (2) The Minister may also establish advisory committees to provide advice to the Minister or to an authority or to enable an authority to exercise its functions.
- (3) Subject to any directions given by the sporting venues authority or the Minister, the procedure of an advisory committee is to be as determined by the committee.
- (4) A member of an advisory committee established under this section is entitled to be paid such remuneration and allowances (if any) as the Minister may determine in respect of the member.
- (5) An advisory committee established by the Minister may be dissolved by the Minister only.
- (6) An advisory committee established by a sporting venues authority may be dissolved by the authority or by the Minister.
- (7) The regulations may provide for the establishment, functions, membership, procedure and dissolution of an advisory committee and for the appointment, term of office and removal from office of members of any such committee.

[9] Section 34 Use of Newcastle Showground land

Omit the definition of *Authority* from section 34 (5). Insert instead:

Authority means the sporting venues authority in which the Showground land is vested.

[10] Section 37 Rangers

Omit “Department of the Arts, Sport and Recreation” from section 37 (1).

Insert instead “Department of Education and Communities”.

[11] Section 40 Regulations

Insert “, including the imposition of conditions on any such admission” after “part of it” in section 40 (1) (d).

[12] Section 40 (1) (e)

Omit the paragraph. Insert instead:

- (e) the removal of persons from land or any part of land vested in or managed by a sporting venues authority where those persons commit offences, fail to comply with conditions of entry or cause inconvenience to other persons, and

[13] Schedule 1 Regional sporting venues authorities

Omit “Hunter Region Sporting Venues Authority” and “Illawarra Venues Authority”.

Insert instead “Venues NSW”.

[14] Schedule 2 Members and procedure of boards of management

Omit “4 years” from clause 2. Insert instead “3 years”.

[15] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Sporting Venues Authorities Amendment (Venues NSW) Act 2011

[16] Schedule 5, Part 4

Insert after Part 3:

**Part 4 Provisions consequent on enactment of
Sporting Venues Authorities Amendment
(Venues NSW) Act 2011**

14 Dissolution of Parramatta Stadium Trust

- (1) The Parramatta Stadium Trust is dissolved.
- (2) Each person who was a member of the Trust immediately before its dissolution ceases to hold office as such. No compensation is payable to any such person as the result of the operation of this subclause.

15 Dissolution of regional sporting venues authorities

- (1) Hunter Region Sporting Venues Authority and Illawarra Venues Authority are dissolved.
- (2) Each person who was a member of a board of management for either of those regional sporting venues authorities immediately before its dissolution ceases to hold office as such. No compensation is payable to any such person as the result of the operation of this subclause.

16 Transfer of assets, rights and liabilities

- (1) In this clause:
former body means the following:
 - (a) Hunter Region Sporting Venues Authority,
 - (b) Illawarra Venues Authority,
 - (c) Parramatta Stadium Trust.
- (2) On the date of commencement of this clause, the following provisions have effect:
 - (a) the assets of each former body vest in Venues NSW by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
 - (b) the rights and liabilities of each former body become by virtue of this clause the rights and liabilities of Venues NSW,
 - (c) all proceedings relating to those assets, rights or liabilities commenced before that date by or on behalf of, or against, each former body and pending immediately before the transfer are taken to be proceedings pending by or against Venues NSW,
 - (d) any act, matter or thing done or omitted to be done in relation to those assets, rights or liabilities before that date by, to or in respect of each former body is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of Venues NSW,
 - (e) Venues NSW has all the entitlements and obligations of each former body in relation to those assets, rights and liabilities that the former body would have had but for this clause, whether or not the entitlements and obligations were actual or potential on the commencement of this clause,

- (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to any former body or a predecessor of any former body is (to the extent that it relates to those assets, rights or liabilities but subject to the regulations) to be read as, or as including, a reference to Venues NSW.
- (3) 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.
- (4) No attornment to the transferee by a lessee from any former body is required.
- (5) For all purposes, a former body is taken to have had a fee simple, immediately before the commencement of this clause, in land in respect of which it was a reserve trust under the *Crown Lands Act 1989* immediately before that commencement.
- (6) Subclause (5) has effect despite any provision of the *Crown Lands Act 1989* and, in particular, section 100 of that Act.
- (7) Land of a former body transferred by operation of this clause is transferred free of any reservation, grant or dedication to which the land was subject under any Act or law.

17 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.

18 Local Venues Councils

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