

**STANDING COMMITTEE ON LEGISLATION**

*Forty-ninth Report — Sports and Entertainment Trust Bill 2023 — Tabling*

**HON DR SALLY TALBOT (South West)** [1.09 pm]: I am directed to present the forty-ninth report of the Standing Committee on Legislation titled *Sports and Entertainment Trust Bill 2023*.

[See paper [3003](#).]

**Hon Dr SALLY TALBOT:** The report that I have just tabled advises the house of the Standing Committee on Legislation's findings and recommendations regarding the Sports and Entertainment Trust Bill 2023. The purpose of the bill is to repeal and replace the Western Australian Sports Centre Trust Act 1986, which established the Western Australian Sports Centre Trust, trading as VenuesWest. VenuesWest manages 14 sport and entertainment venues on behalf of the WA government. This bill intends to establish a new trust—the Sports and Entertainment Trust—and provide a legislative framework for that new trust. The bill will empower the new trust to conduct commercial, retail and promotional activities, thus optimising the use of venues for sports, entertainment and recreation.

The committee considered the bill and found that none of its clauses unjustly offends against fundamental legislative principles. The bill's explanatory memorandum explains that the current act has not been significantly amended since it came into force 37 years ago, and its provisions are no longer contemporary.

The bill would effectively come into operation on a day fixed by proclamation. Proclamation relies on action from the executive government and erodes parliamentary sovereignty. However, the committee determined that commencement upon proclamation was justified because various actions must be completed before the bill's commencement, such as appointing the board, updating terms and conditions of entry to venues, and amending existing contracts. The maximum term of office for a board member would be three years, with the option of re-appointment twice. The minister would appoint board members on skills-based criteria in areas of modern governance practice, such as financial management, human resource management, management of major events, and law and commerce.

The bill seeks to authorise the board of the trust to delegate, in writing, the exercise of any power or duty under the bill. This power is broad in terms of the duties that can be delegated and to whom. However, this delegation must be executed in writing and the person receiving the delegation must not delegate it further. The committee determined that the power to delegate was appropriate for the operation of the trust. The committee considered the power to exclude people from the trust's premises. The underpinning policy is to enhance public safety by allowing the trust to ban people temporarily or permanently from trust venues.

Clause 97 provides for regulations to be made that have the effect of amending primary legislation. This will diminish parliamentary sovereignty by removing Parliament's right to consider or debate amendments before they take effect. However, the regulations would not operate to the extent that they prejudicially affect the existing rights of a person prior to publication or impose a liability on a person for anything done or omitted to be done prior to publication. The committee determined that this clause was justified to transition from the Western Australian Sports Centre Trust to the new trust.

Clause 56 of the bill is an appropriation clause. Bills with appropriation clauses must not originate in the Legislative Council. Section 46 of the Constitution Acts Amendment Act 1899 provides that all appropriation bills shall originate in the Legislative Assembly and that a message from the Governor is an essential precondition to the Assembly considering an appropriation bill. Although failure to comply with the provisions of section 46 of the Constitution Acts Amendment Act 1899 will not affect the validity of any act, the Legislative Assembly may rule the bill out of order. That house ruled the School Boarding Facilities Legislation Amendment and Repeal Bill 2015 out of order on the same basis.

The committee recommends that the bill be withdrawn from the consideration of the Legislative Council and reintroduced in the Legislative Assembly. I commend the report to the house.