



New South Wales

# Sporting Venues (Pitch Invasions) Act 2003 No 44

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New South Wales

## **Sporting Venues (Pitch Invasions) Act 2003 No 44**

Act No 44, 2003

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An Act to make provision for prohibiting unauthorised entry to the playing fields of certain sporting venues; to make special provision for the Rugby World Cup 2003; and for other purposes. [Assented to 30 September 2003]

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**The Legislature of New South Wales enacts:**

**Part 1 Preliminary**

**1 Name of Act**

This Act is the *Sporting Venues (Pitch Invasions) Act 2003*.

**2 Commencement**

This Act commences on the date of assent to this Act.

**3 Interpretation**

(1) In this Act:

*authorised officer* means:

- (a) in connection with the operation of a provision of this Act in respect of a sporting venue—a person authorised for the purposes of this Act by the venue director, and
- (b) a police officer.

*designated sporting venue* means the following sporting venues:

- (a) Central Coast Express Advocate Stadium (formerly known as Graham Park),
- (b) WIN Stadium (being the stadium under the management of the Wollongong Sportsground Trust),
- (c) a sporting venue prescribed by the regulations.

**Note.** Section 7 applies to Rugby World Cup venues not otherwise within the meaning of *designated sporting venue*.

*exercise* a function includes perform a duty.

*function* includes a power, authority or duty.

*match* means a sporting match, sporting game or sporting competition, and includes any performance or formalities held or conducted in conjunction with the match, but does not include a training session or rehearsal.

*playing field* means the playing field or other competition area of a sporting venue, and includes any area between the playing field and any structure intended to be a barrier between competitors competing on the competition area and spectators.

***venue director***, in relation to a sporting venue, means the occupier of the venue and includes, in respect of a match at the venue, any person authorised by the occupier of the venue to be the venue director in respect of the match.

- (2) Notes included in this Act do not form part of this Act.

## **Part 2 Pitch invasions at sporting venues**

### **4 Pitch invasions prohibited**

A person must not enter or remain on the playing field of a designated sporting venue during a match held with the authorisation of the venue director unless the person:

- (a) is a participant in the match, or
- (b) is engaged in the control or management of the match, or
- (c) is an authorised officer, or
- (d) has, or is a member of a class of persons who have, been authorised by the venue director or an authorised officer to enter the playing field.

Maximum penalty: 50 penalty units.

### **5 12-month ban for pitch invasion**

A person who is removed from a designated sporting venue for a contravention of section 4 at the venue is banned for 12 months from entering the venue (the ban starting from when the person was removed from the venue).

### **6 Life ban for further pitch invasion or entering when banned**

- (1) A person is banned for life from entering a designated sporting venue if the person is removed from the venue:
  - (a) for a contravention of section 4 at the venue, having previously been banned under this Part from entering the venue (whether or not the ban is still in force), or
  - (b) for a contravention of section 8 at the venue.
- (2) The life ban starts from when the person was removed from the venue.

### **7 Part extended to all Rugby World Cup venues**

- (1) A person who is banned under this Part, clause 17 of the *Sydney Cricket Ground and Sydney Football Stadium By-law 1999* or clause 16 of the *Sydney Olympic Park Regulation 2001* from entering a Rugby World Cup venue as a result of a contravention of a law at a Rugby World Cup match is (while so banned) also banned from entering any Rugby World Cup venue on any day that a Rugby World Cup match is held there.

- (2) For the purposes of this Part:

***Rugby World Cup*** means the Rugby World Cup 2003 rugby union tournament under the control and direction of the International Rugby Board and conducted in Australia in 2003.

***Rugby World Cup match*** means a match of the Rugby World Cup.

***Rugby World Cup venue*** means a sporting venue in the State that is the venue for a Rugby World Cup match.

## **8 Offence of contravening a ban**

A person who is banned from entering a sporting venue under this Part must not enter the sporting venue while the ban is in force.

Maximum penalty: 50 penalty units.

## **9 Removal from venue for pitch invasion or contravention of ban**

- (1) A person who contravenes any provision of this Part at a sporting venue may be removed from the venue by an authorised officer.
- (2) An authorised officer acting in accordance with this section may use such force as is reasonable in the circumstances for the purpose of exercising the officer's functions under this section.

## **10 Requirement to state name and address**

- (1) An authorised officer at a sporting venue who suspects on reasonable grounds that a person at the venue has committed, or has been involved in the commission of, a contravention of a provision of this Part at the venue may require the person to state his or her full name and residential address.
- (2) A person must not:
- (a) fail without reasonable excuse to comply with a requirement under this section, or
  - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

- (3) A person is not guilty of an offence against this section unless it is established that the authorised officer warned the person that the failure to comply with the requirement is an offence.

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Part 2 Pitch invasions at sporting venues

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### **11 Taking photographs of certain persons**

An authorised officer at a sporting venue who suspects on reasonable grounds that a person at the venue has committed, or has been involved in the commission of, a contravention of a provision of this Part at the venue may take a photograph or make another form of image of the person.



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## **Part 3      Miscellaneous**

### **12    Penalty notices**

- (1) A police officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against a provision of Part 2.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations, or, if there is no amount prescribed by the regulations, by section 13, for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) This section does not affect a ban under Part 2, such a ban remaining in force notwithstanding the payment of an amount payable under a penalty notice.
- (6) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (7) The regulations may:
  - (a) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (b) prescribe different amounts of penalties for different offences or classes of offences.
- (8) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (9) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

**13 Penalty notice amounts**

For the purposes of section 12, the amount prescribed is:

- (a) \$500 in respect of an offence under section 4, and
- (b) \$500 in respect of an offence under section 8, and
- (c) \$500 in respect of an offence under section 10.

**14 Nature of proceedings for offences**

Proceedings for an offence under this Act may be dealt with summarily before a Local Court.

**15 Regulations**

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.

**16 Savings and transitional provisions**

Schedule 1 has effect.

**17 Amendment of Fines Act 1996 No 99**

The *Fines Act 1996* is amended as set out in Schedule 2.

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## **Schedule 1 Savings and transitional provisions**

(Section 16)

### **1 Savings or transitional regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Sporting Venues (Pitch Invasions) Act 2003 No 44

Schedule 2      Amendment of Fines Act 1996

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## **Schedule 2    Amendment of Fines Act 1996**

(Section 17)

### **Schedule 1 Statutory provisions under which penalty notices issued**

Insert in alphabetical order:

*Sporting Venues (Pitch Invasions) Act 2003*, section 12

[Second reading speech made in—  
Legislative Assembly on 4 September 2003  
Legislative Council on 16 September 2003]

BY AUTHORITY