

[Act 1997 No 93]



New South Wales

Sydney Cricket and Sports Ground Amendment Bill 1997

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Sydney Cricket and Sports Ground Act 1978* as follows:

- (a) to transfer to the Act the offence that is currently in the by-laws of unlawful entry to the playing field, and to increase the maximum penalty for that offence from 1 penalty unit to 50 penalty units,
- (b) to increase the maximum penalty that a by-law can impose for a breach of a provision of the by-laws from 1 penalty unit to 10 penalty units,
- (c) to provide for the issue of penalty notices in respect of offences against the by-laws or the Act, as an alternative to court proceedings.

The Bill also amends:

- (a) the *Justices Act 1902* to include in the penalty notice enforcement scheme under that Act the penalty notices that will now be able to be issued under the *Sydney Cricket and Sports Ground Act*, and
 - (b) the *Sydney Cricket Ground and Sydney Football Stadium By-law 1994* to delete the offence of unlawful entry to the playing field that is being moved to the Act and to make other consequential amendments.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Sydney Cricket and Sports Ground Act 1978*.

Clause 4 is a formal provision that gives effect to the Schedule containing the amendment to the *Justices Act 1902*.

Clause 5 is a formal provision that gives effect to the Schedule containing the amendments to the *Sydney Cricket Ground and Sydney Football Stadium By-law 1994*.

Schedule 1 Amendment of Sydney Cricket and Sports Ground Act 1978

Offence of unlawful entry to playing field

A by-law under the Act currently creates an offence of unlawful entry to a playing field, with a maximum penalty of 1 penalty unit. **Schedule 1 [1]** moves the offence to the Act and increases the penalty to a maximum of 50 penalty units. **Schedule 3 [1]** removes the offence from the by-law.

Increase in maximum penalty for breach of by-laws

The Act currently allows the by-laws to impose a maximum penalty of 1 penalty unit for a contravention of the by-laws. **Schedule 1 [2]** increases the maximum penalty that a by-law can impose to 10 penalty units.

Penalty notices

Currently proceedings for offences under the Act can only be taken in court. **Schedule 1 [4]** permits an authorised officer to issue a penalty notice for an alleged offence. If the penalty required by the penalty notice is paid, the matter does not go to court. **Schedule 1 [3]** makes it clear that (as with penalties recovered by court proceedings) penalties paid under penalty notices are paid to the Trust to be used for the purposes of the Act.

Schedule 2 Amendment of Justices Act 1902

The Schedule amends a provision of the *Justices Act 1902* to include the new penalty notices in the provisions of that Act that deal with the enforcement of penalty notices by means of the issue of courtesy letters and enforcement orders.

**Schedule 3 Amendment of Sydney Cricket Ground and
Sydney Football Stadium By-law 1994**

The Schedule deletes from the by-law the offence of unlawful entry to a playing field, which is to be transferred to the Act. The Schedule also makes consequential amendments to other provisions of the by-law to reflect the fact that the unlawful entry offence will now be in the Act.