



New South Wales

# **Sporting Venues (Pitch Invasions) Bill 2003**

## **Explanatory note**

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

## **Overview of Bill**

The object of this Bill is to prohibit unauthorised entry to the playing fields of certain sporting venues. The maximum penalty for the offence is 50 penalty units (currently \$5,500). A penalty notice may be issued in respect of the offence. Upon removal from the venue for a contravention, a person is banned from the venue for 12 months. A person removed from a venue for committing a further contravention at the venue or entering the venue while banned is banned for life from the venue. A person banned during a Rugby World Cup match is banned from all Rugby World Cup matches in the State.

## **Outline of provisions**

### **Part 1 Preliminary**

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

**Clause 2** provides for the commencement of the proposed Act on assent.

**Clause 3** contains interpretation provisions, including definitions of terms used in the proposed Act. In particular it provides that:

*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.

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

**Clause 4** makes it an offence to 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 doing so:

- (a) is a participant, or
- (b) is engaged in the control or management of the match, or
- (c) is an authorised officer, or
- (d) has been authorised to enter the playing field.

The maximum penalty is 50 penalty units (currently \$5,500).

**Clause 5** provides that a person who is removed from a designated sporting venue for a contravention of clause 4 is banned for 12 months from entering the venue.

**Clause 6** provides that 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 clause 4 having previously been banned under this Part from entering the venue, or
- (b) for a contravention of clause 8.

**Clause 7** provides that 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* as a result of a contravention of a law at a Rugby World Cup match is also banned from entering all Rugby World Cup matches in the State.

**Clause 8** makes it an offence, with a maximum penalty of 50 penalty units (currently \$5,500), for a person who is banned from entering a sporting venue under this Part to enter the sporting venue while the ban is in force.

**Clause 9** provides that a person who contravenes any provision of this Part at a sporting venue may be removed from the venue by an authorised officer who, in doing so, may use such force as is reasonable in the circumstances.

**Clause 10** provides that an authorised officer at a sporting venue who suspects on reasonable grounds that a person has been involved in the contravention of a provision of this Part at the venue may require the person to state his or her full name and residential address. It is an offence with a maximum penalty of 20 penalty units (currently \$2,200) for the person to fail without reasonable excuse to comply, or to furnish information that the person knows to be false or misleading in a material particular.

**Clause 11** provides that an authorised officer at a sporting venue who suspects on reasonable grounds that a person at the venue has been involved in the contravention of a provision of this Part at the venue may take a photograph or make another form of image of the person.

### **Part 3      Miscellaneous**

**Clause 12** provides for a police officer to 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.

**Clause 13** provides for penalty notice amounts of \$500 for offences under the proposed Act.

**Clause 14** provides for proceedings for offences under the proposed Act to be dealt with summarily before a Local Court.

**Clause 15** provides a general regulation-making power.

**Clause 16** is a formal provision giving effect to Schedule 1 (Savings and transitional provisions).

**Clause 17** is a formal provision giving effect to the consequential amendment set out in Schedule 2.

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

**Schedule 1** provides a power to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

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

**Schedule 2** contains a consequential amendment to the *Fines Act 1996*.

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Explanatory note

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New South Wales

# Sporting Venues (Pitch Invasions) Bill 2003

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New South Wales

# **Sporting Venues (Pitch Invasions) Bill 2003**

No. , 2003

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## **A Bill for**

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.

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**The Legislature of New South Wales enacts:** 1

**Part 1 Preliminary** 2

**1 Name of Act** 3

This Act is the *Sporting Venues (Pitch Invasions) Act 2003*. 4

**2 Commencement** 5

This Act commences on the date of assent to this Act. 6

**3 Interpretation** 7

(1) In this Act: 8

*authorised officer* means: 9

(a) in connection with the operation of a provision of this Act in 10  
respect of a sporting venue—a person authorised for the 11  
purposes of this Act by the venue director, and 12

(b) a police officer. 13

*designated sporting venue* means the following sporting venues: 14

(a) Central Coast Express Advocate Stadium (formerly known as 15  
Graham Park), 16

(b) WIN Stadium (being the stadium under the management of 17  
the Wollongong Sportsground Trust), 18

(c) a sporting venue prescribed by the regulations. 19

**Note.** Section 7 applies to Rugby World Cup venues not otherwise within the 20  
meaning of *designated sporting venue*. 21

*exercise* a function includes perform a duty. 22

*function* includes a power, authority or duty. 23

*match* means a sporting match, sporting game or sporting 24  
competition, and includes any performance or formalities held or 25  
conducted in conjunction with the match, but does not include a 26  
training session or rehearsal. 27

*playing field* means the playing field or other competition area of a 28  
sporting venue, and includes any area between the playing field and 29  
any structure intended to be a barrier between competitors 30  
competing on the competition area and spectators. 31



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***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.

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<b>Part 2</b>	<b>Pitch invasions at sporting venues</b>	1
<b>4</b>	<b>Pitch invasions prohibited</b>	2
	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:	3
	(a) is a participant in the match, or	4
	(b) is engaged in the control or management of the match, or	5
	(c) is an authorised officer, or	6
	(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.	7
	Maximum penalty: 50 penalty units.	8
<b>5</b>	<b>12-month ban for pitch invasion</b>	9
	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).	10
<b>6</b>	<b>Life ban for further pitch invasion or entering when banned</b>	11
(1)	A person is banned for life from entering a designated sporting venue if the person is removed from the venue:	12
	(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	13
	(b) for a contravention of section 8 at the venue.	14
(2)	The life ban starts from when the person was removed from the venue.	15
<b>7</b>	<b>Part extended to all Rugby World Cup venues</b>	16
(1)	A person who is banned under this Part, clause 17 of the <i>Sydney Cricket Ground and Sydney Football Stadium By-law 1999</i> or clause 16 of the <i>Sydney Olympic Park Regulation 2001</i> 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.	17

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(2)	For the purposes of this Part:	1
	<i>Rugby World Cup</i> 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.	2 3 4
	<i>Rugby World Cup match</i> means a match of the Rugby World Cup.	5
	<i>Rugby World Cup venue</i> means a sporting venue in the State that is the venue for a Rugby World Cup match.	6 7
<b>8</b>	<b>Offence of contravening a ban</b>	8
	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.	9 10
	Maximum penalty: 50 penalty units.	11
<b>9</b>	<b>Removal from venue for pitch invasion or contravention of ban</b>	12
(1)	A person who contravenes any provision of this Part at a sporting venue may be removed from the venue by an authorised officer.	13 14
(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.	15 16 17
<b>10</b>	<b>Requirement to state name and address</b>	18
(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.	19 20 21 22 23
(2)	A person must not:	24
	(a) fail without reasonable excuse to comply with a requirement under this section, or	25 26
	(b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading in a material particular.	27 28 29
	Maximum penalty: 20 penalty units.	30
(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.	31 32 33

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Clause 11 Sporting Venues (Pitch Invasions) Bill 2003

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

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|---|------------------------------|
|   | 1                            |
|   | 2                            |
| (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.  | 3<br>4<br>5                  |
| (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. | 6<br>7<br>8<br>9<br>10<br>11 |
| (3) A penalty notice may be served personally or by post.   | 12                           |
| (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.  | 13<br>14<br>15               |
| (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.   | 16<br>17<br>18               |
| (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.  | 19<br>20<br>21<br>22         |
| (7) The regulations may:  | 23                           |
| (a) prescribe the amount of penalty payable for the offence if dealt with under this section, and   | 24<br>25                     |
| (b) prescribe different amounts of penalties for different offences or classes of offences.   | 26<br>27                     |
| (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.   | 28<br>29<br>30               |
| (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.   | 31<br>32<br>33               |

<b>13</b>	<b>Penalty notice amounts</b>	1
	For the purposes of section 12, the amount prescribed is:	2
	(a) \$500 in respect of an offence under section 4, and	3
	(b) \$500 in respect of an offence under section 8, and	4
	(c) \$500 in respect of an offence under section 10.	5
<b>14</b>	<b>Nature of proceedings for offences</b>	6
	Proceedings for an offence under this Act may be dealt with summarily before a Local Court.	7 8
<b>15</b>	<b>Regulations</b>	9
	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.	10 11 12 13
<b>16</b>	<b>Savings and transitional provisions</b>	14
	Schedule 1 has effect.	15
<b>17</b>	<b>Amendment of Fines Act 1996 No 99</b>	16
	The <i>Fines Act 1996</i> is amended as set out in Schedule 2.	17

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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.

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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

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