



NSW Legislative Council Hansard

Sporting Venues (Offenders Banning Orders) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 21 September 2005.

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [3.44 p.m.]: I move:

That this bill be now read a second time.

I seek the leave of the House to incorporate the second reading speech in *Hansard*.

Leave granted.

I am pleased to introduce the Sporting Venues (Offenders Banning Orders) Bill 2005.

The purpose of this Bill is to prevent violence and disorder at sporting events by establishing a sports banning orders regime in NSW. These orders will provide for a court to ban persons from attending or being near specific sporting venues where they have been found guilty of certain offences involving violence and disorder at or in connection with certain sporting events.

For many of us sport is part of a way of life. Families and individuals enjoy going to sporting events. What we do not appreciate is the kind of hooligan behaviour that was demonstrated earlier this year during riots at several soccer matches. This kind of behaviour also drags down the public image of the great sporting codes.

In two separate incidents occurring in March and April 2005, supporters from soccer teams Sydney United and Bonnyrigg White Eagles were involved in violent confrontations using flares, fence palings, fireworks and pipe bombs. To date, persons have been charged with offences including riot, violent disorder, assault police and offensive conduct.

In response to the riots, Soccer NSW conducted an independent inquiry chaired by Mr Stepan Kerkyasharian. The Inquiry's Report has now been released and tabled in Parliament. It was good to see that Soccer NSW acknowledged the importance of dealing effectively with the hooligan element.

The Report makes the recommendation for legislative change, proposing that legislation be enacted, covering all sports and applying only to venues where an admission fee is charged to an enclosed area, which permits persons to be banned from future matches.

This Bill represents an important step towards dealing with the hooligans. It will act as a deterrent to people who may become violent at sporting fixtures. When persons are banned, it adds a further deterrent because if they breach a ban, it is a criminal offence.

I would now like to discuss the Bill in more detail.

Clause 4 of the Bill provides for a court to issue an order banning a person from a sporting event if they are found guilty of a sporting event offence, in addition to any other penalty that may be imposed for the offence.

'Sporting Event' is defined in Clause 3 as a sporting event at a venue for which an entry fee is charged or for which club membership is required. Therefore, this Bill does not affect kids playing school sport at the local playing field.

'Sporting Event Offence' is defined to include a range of offences. These include: actual or threatened violence, riot and affray; serious racial vilification pursuant to section 20D of the Anti-Discrimination Act 1977; possession or use of an offensive implement as defined in section 11 B of the Summary Offences Act 1988; and malicious damage to property.

Clause 4 also provides for a court to issue a ban if it is satisfied it will help prevent violence and disorder at or in connection with a sporting event.

'Violence' is defined in Clause 4 to mean violence against persons or property, including threatening violence and behaviour that endangers the life of any person.

'Disorder' includes: the inciting of hatred against an individual or a group of persons in reference to colour, race, nationality and ethnic or national origins; the use of threatening words or threatening or abusive behaviour; and

the displaying of any writing or other thing that is threatening or abusive.

Clause 5 provides that a banning order may prohibit the person from entering or coming within the immediate vicinity of any sporting venue and/or any matches of a certain class of any sporting venue, as specified in the order.

Clause 6 provides that bans will have a maximum duration of 5 years for the first ban, and for any subsequent bans, a maximum duration of 10 years. If a banning order is made in addition to a sentence of imprisonment by way of full-time detention, the court may order that the banning order is to commence on the person's release from detention.

Clause 7 provides for a ban to be appealed at the time it is made as part of the general appeals process. The appeal can go to the issue of the ban per se, or to its duration or other terms.

Clause 8 provides that once a banning order has been in place for two-thirds of its duration, the person subject to the order may apply to the issuing court to revoke the ban. In determining this application, the court must have regard for the person's character, the person's conduct since the ban was made, the nature of the offence which led to the ban and any other circumstances which appear relevant.

Where such an application is made and refused, no further application may be made for a period of 6 months. Clause 9 provides that it is an offence for a person to contravene a banning order. The proposed offence carries a maximum penalty of 6 months imprisonment and/or a 50 penalty unit fine.

Clause 12 provides that the Minister is to review the Act after a period of five years, to determine whether its terms and objectives remain appropriate. A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the five year period.

The Government is satisfied that the objectives of the Bill are required to be met by legislation. It is considered that a sports banning orders regime will act as a significant deterrent for those that may consider disrupting games by violent or offensive means.

I commend this Bill to the House.