

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.







New South Wales

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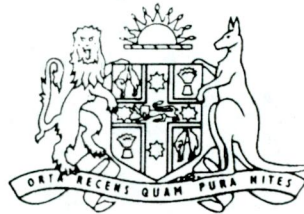
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New South Wales

## **Sydney Cricket and Sports Ground Amendment Bill 1997**

No     , 1997

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### **A Bill for**

An Act to amend the *Sydney Cricket and Sports Ground Act 1978* to increase penalties for offences and to provide for the issue of penalty notices; to amend the *Justices Act 1902*; and for other purposes.

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

**1 Name of Act**

This Act is the *Sydney Cricket and Sports Ground Amendment Act 1997*.

**2 Commencement**

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This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Sydney Cricket and Sports Ground Act 1978 No 72**

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The *Sydney Cricket and Sports Ground Act 1978* is amended as set out in Schedule 1.

**4 Amendment of Justices Act 1902 No 27**

The *Justices Act 1902* is amended as set out in Schedule 2.

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

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The *Sydney Cricket Ground and Sydney Football Stadium By-law 1994* is amended as set out in Schedule 3.



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## Schedule 1 Amendment of Sydney Cricket and Sports Ground Act 1978

(Section 3)

### [1] Section 24A

Insert before section 25: 5

#### 24A Prohibited entry to playing fields

(1) A person must not enter or remain on a playing field within the Ground unless the person:

(a) is participating in a cricket match, football match, game, sport or event held with the permission of the Trust, or 10

(b) is engaged in the control or management of any such cricket match, football match, game, sport or event, or

(c) has, or is a member of a class of persons that has, been given permission by the Trust to go on the playing field. 15

Maximum penalty: 50 penalty units.

(2) In this section, *the Ground* means such parts of the scheduled lands as are vested or dedicated from time to time pursuant to Part 3, and includes the land commonly known as the Sydney Cricket Ground and the Sydney Football Stadium. 20

### [2] Section 29 By-laws

Omit "1 penalty unit" from section 29 (3). 25  
Insert instead "10 penalty units".

### [3] Section 29 (4)

Insert ", and any amount paid under section 30A (Penalty notices) as the penalty prescribed under that section for an alleged offence," after "by-law". 30

**[4] Section 30A**

Insert after section 30:

**30A Penalty notices**

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the by-laws, being an offence prescribed by the by-laws as a penalty notice offence. 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 may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the by-laws for the offence if dealt with under this section. 10
- (3) A penalty notice may be served personally or by post. 15
- (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) 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. 20
- (6) The by-laws may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and 25
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of offences. 30
- (7) 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.

- (8) 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.
- (9) In this section, *authorised officer* means a person authorised by the Trust for the purposes of this section, a police officer or any other person of a class prescribed by the by-laws.

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**Schedule 2      Amendment of Justices Act 1902**

(Section 4)

**Section 100I Interpretation**

Insert in alphabetical order in paragraph (a) of the definition of *penalty notice* in section 100I (1):

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*Sydney Cricket and Sports Ground Act 1978, section 30A,*



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

(Section 5)

- [1] Clause 14 Prohibited entry to playing fields** 5  
Omit the clause.
- [2] Clause 15 Removal from ground**  
Insert "or section 24A (Prohibited entry to playing fields) of the Act" after "this Part" in clause 15 (1).
- [3] Clause 15A Banning from ground** 10  
Omit "clause 14" wherever occurring.  
Insert instead "section 24A of the Act".
- [4] Clause 15A (4)**  
Insert after clause 15A (3):
- (4) A person who has been removed under this Part as a result of contravening clause 14 (as in force before the commencement of section 24A of the Act) is for the purposes of this clause taken to have been so removed as a result of contravening that section. 15