

NORTHERN TERRITORY OF AUSTRALIA

MAJOR CRICKET EVENTS ACT 2003

Act No. 28 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 28 of 2003

AN ACT

to provide for the safe and orderly management, operation and control of certain cricket matches and the venues where those cricket matches are held and for related purposes

*[Assented to 26 June 2003]
[Second reading 1 May 2003]*

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Major Cricket Events Act 2003*.

2. Definitions

In this Act, unless the contrary intention appears –

"cricket ground" means the entire area used for playing a cricket match at a cricket venue;

"cricket venue" means the place (which could be a stadium, arena, field, ground or other area) described in a declaration as the venue where a major cricket event will be held;

"declaration" means a declaration of a major cricket event under section 4;

"major cricket event" means a cricket match, a series of cricket matches or a cricket tournament declared under section 4 to be a major cricket event.

3. Act binds Crown

This Act binds the Crown in right of the Territory, and to the extent the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

4. Declaration of major cricket event

(1) The Minister may, by notice in the *Gazette*, declare any of the following events to be held in the Territory to be a major cricket event:

- (a) a cricket match;
- (b) a series of cricket matches;
- (c) a cricket tournament.

(2) The declaration may be subject to the conditions the Minister considers appropriate.

5. Content of declaration

A declaration is to –

- (a) specify the cricket match, series of cricket matches or cricket tournament to which it relates;
- (b) specify the date when or period during which the major cricket event will be held;
- (c) describe the venue where the major cricket event will be held;
- (d) specify the date on which or period during which the declaration is in force and include a statement that this Act and the Regulations apply in relation to the major cricket event; and
- (e) specify the conditions to which the declaration is subject, if any.

6. Cricket venue

The cricket venue –

- (a) may include areas that are to be used for a purpose ancillary to holding the major cricket event (for example, areas for car parks, for providing access to the venue or to a part of the venue or where spectators may stand or sit to view the cricket); and
- (b) may be comprised of 2 or more non-contiguous areas.

7. Effect of declaration

An offence against this Act or the Regulations can only be committed while a declaration is in force.

8. Prohibition of certain conduct at major cricket event

- (1) A person must not –
 - (a) unless the person is authorised to do so, enter or be present in or on a cricket ground or any other part of a cricket venue;
 - (b) throw or project objects on to a cricket ground; or
 - (c) engage in conduct that causes or is likely to cause injury or harm to, or otherwise interfere with, disrupt, hinder or distract, a person playing in, umpiring or otherwise having a role in the conduct of a cricket match played at a major cricket event (for example, a referee, coach, groundsman or person who provides medical support to cricket players).

Penalty: If the offender is a natural person – 45 penalty units.

If the offender is a body corporate – 450 penalty units.

- (2) An offence against subsection (1)(a) or (b) is a regulatory offence.

9. Offences by bodies corporate

(1) If a body corporate commits an offence against this Act or the Regulations, each person who is a director of the body corporate or an officer concerned in the management of the body corporate is taken to have committed the offence to the same extent as the body corporate unless the court is satisfied that –

- (a) the commission of the offence occurred without the person's knowledge;
- (b) the person was not in a position to influence the conduct of the body corporate in relation to the offence; or
- (c) the person used all due diligence to prevent the commission of the offence by the body corporate.

(2) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

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(3) A proceeding may be brought against a person and an order or finding of guilt may be made in respect of the person by virtue of subsection (1) whether or not the body corporate has been or is being proceeded against or an order or finding of guilt has been or will be made in respect of the body corporate.

(4) This section does not affect a body corporate's liability in relation to an offence committed against this Act or the Regulations or against another Act.

10. Offences by employers

(1) If an employee commits an offence against this Act or the Regulations, the employee's employer is taken to have committed the offence to the same extent as the employee.

(2) It is a defence to a prosecution of an employer for an offence referred to in subsection (1) that the employer did not authorise (either expressly or by implication) the actions of the employee constituting the offence.

(3) A proceeding may be brought against an employer and an order or finding of guilt may be made in respect of the employer by virtue of subsection (1) whether or not the employee has been or is being proceeded against or an order or finding of guilt has been or will be made in respect of the employee.

(4) In this section –

"employee" includes a person who provides services to another person under a contract with the other person or a third party;

"employer" includes a person to whom another person provides services under a contract with the other person or a third party.

11. Liability of employees and agents

(1) Subject to subsection (2), it is no defence to a prosecution of a person in the capacity of an employee or agent for an offence against this Act or the Regulations that the defendant was, at the time of the commission of the offence, an employee or agent of another person.

(2) It is a defence to a prosecution of a person referred to in subsection (1) for an offence against this Act or the Regulations that the person was, at the time of the commission of the offence, under the personal supervision of another person.

12. Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters –

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The Regulations may provide for any of the following matters:

- (a) the organisation, management and control of a major cricket event and the carrying out of works or activities or providing services for the safe and orderly conduct of a major cricket event;
- (b) the control, management and use of a cricket venue and the carrying out of works or activities or providing services in, on or near a cricket venue for the safe and orderly management and use of the cricket venue;
- (c) the prohibition or regulation of entry into a cricket venue or part of a cricket venue;
- (d) the prohibition or regulation of the conduct or activities of persons for the purpose of the safe and orderly conduct of a major cricket event or the safe and orderly use of a cricket venue;
- (e) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act or the Regulations and for the service of a notice relating to payment of the amount on a person alleged to have committed the offence and the particulars to be included in the notice;
- (f) the designation of an offence against the Regulations as a regulatory offence;
- (g) penalties not exceeding 45 penalty units or, where offences are committed by bodies corporate, 450 penalty units for offences against the Regulations.

(3) The Regulations may –

- (a) in prohibiting or regulating conduct or an activity, prohibit or regulate either absolutely or conditionally or in relation to a class of acts, matters or things or a situation or other circumstance;

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- (b) require a matter or thing referred to in the Regulations to be approved by or done to the satisfaction of a specified person (whether a named person, a person by reference to the office or position held by the person or a person from time to time holding, acting in or performing the duties of a specified office or position);
- (c) confer a discretion on a person referred to in paragraph (b); or
- (d) authorise a person or a class of persons to –
 - (i) direct a person who is not complying with or allegedly not complying with this Act or the Regulations to take an action or cease taking an action; or
 - (ii) remove, with the force that is necessary and reasonable, a person who is not complying with or allegedly not complying with this Act or the Regulations, or who fails to comply with a direction referred to in paragraph (a), from a cricket venue.