

Version No. 002
Major Events (Crowd Management) Act
2003

Act No. 19/2003

Version incorporating amendments as at 5 April 2005

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to promote the safety and enjoyment of participants and spectators at certain venues and major events.

2. Commencement

- (1) Subject to sub-section (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 July 2003, it comes into operation on that day.

3. Definitions

- (1) In this Act—

"authorised officer" means—

- (a) a person appointed to be an authorised officer under section 25; or
- (b) a member of the police force;

"dangerous goods" has the same meaning as in section 3(1) of the **Dangerous Goods Act 1985**;

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"distress signal" means a pyrotechnic device intended for signalling, warning, rescue or similar purposes, and includes marine flares and signals, landing flares, highway fusees, line-carrying rockets, anti-hail rockets, cloud rockets, avalanche rockets and smoke generators;

"Docklands Stadium" means the stadium in the area bounded by La Trobe Street, Wurundgeri Way, Bourke Street and Harbour Esplanade in the docklands area within the meaning of the **Docklands Authority Act 1991**;

"laser pointer" means a hand-held battery-operated article designed or adapted to emit laser beams;

"managed access area" means an area of land that is declared under section 6 to be a managed access area;

"major event" means an event that is referred to in section 5(1);

"managed venue" means—

- (a) a venue that is referred to in section 4;
- or
- (b) an area of land that is specified in an Order under made section 5(2);

"Melbourne Cricket Ground" has the same meaning as **"Ground"** in the **Melbourne Cricket Ground Act 1933**;

"Melbourne Sports and Aquatic Centre land" has the same meaning as in the **State Sport Centres Act 1994**;

"national tennis centre land" has the same meaning as in the **Melbourne and Olympic Parks Act 1985**;

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"Olympic Park land" has the same meaning as in the **Melbourne and Olympic Parks Act 1985**;

"Phillip Island Grand Prix circuit" has the same meaning as in the **Australian Grands Prix Act 1994**;

"Secretary" means the person who for the time being is the Department Head under the **Public Administration Act 2004** of the Department for Victorian Communities;

S. 3(1) def. of "Secretary" amended by No. 108/2004 s. 117(1) (Sch. 3 item 122.1).

"State Netball and Hockey Centre land" has the same meaning as in the **State Sport Centres Act 1994**;

"venue manager" means the person who is responsible (whether fully or substantially) for—

- (a) the organisation and use of the venue;
or
- (b) the receipt of revenue from the venue.

- (2) If under the **Public Administration Act 2004** the name of the Department for Victorian Communities is changed, the reference in subsection (1) in the definition of "Secretary" to that Department must, from the date when the name is changed, be treated as a reference to the Department by its new name.

S. 3(2) amended by No. 108/2004 s. 117(1) (Sch. 3 item 122.2).

PART 2—MANAGED VENUES AND MAJOR EVENTS

4. Managed venues

The following venues are managed venues for the purposes of this Act—

- (a) Melbourne Cricket Ground;
- (b) Phillip Island Grand Prix circuit;
- (c) the Docklands Stadium;
- (d) any building on Melbourne Sports and Aquatic Centre land;
- (e) any building on State Netball and Hockey Centre land;
- (f) national tennis centre land;
- (g) Olympic Park land.

5. Major events

- (1) The following events are major events for the purposes of this Act—
 - (a) the Australian Open Tennis Championships;
 - (b) any Australian Football League match held at the Melbourne Cricket Ground or the Docklands Stadium;
 - (c) any international or interstate cricket match held at the Melbourne Cricket Ground or the Docklands Stadium;
 - (d) any event that is the subject of an Order made under sub-section (2).
- (2) Subject to sub-section (3), the Minister, by Order published in the Government Gazette, may declare an event to be a major event if the Minister is of the opinion that it is in the public interest to do so.

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- (3) If a proposed major event is to take place on land which is reserved or deemed to be reserved under the **Crown Land (Reserves) Act 1978**, the Minister must consult with the Minister administering the **Crown Land (Reserves) Act 1978** before making an Order under sub-section (2) in respect of that land.
 - (4) An Order made under sub-section (2) must specify—
 - (a) any area of land on which the event is to take place; and
 - (b) the venue manager of any land on which the event is to take place; and
 - (c) the date or dates on which the event is to take place.
 - (5) Without limiting the use of any other means to describe land, an Order made under sub-section (2) may describe land by reference to a plan of survey attached to the Order or lodged in the Central Plan Office established under the **Survey Co-ordination Act 1958**.
 - (6) An area of land referred to in an Order made under sub-section (2) is deemed to be a managed venue for the purposes of this Act.

6. Managed access areas

- (1) Subject to sub-section (2), the Minister, by Order published in the Government Gazette, may declare an area adjacent to a managed venue to be a managed access area for the purposes of this Act.
- (2) If a proposed managed access area or any part of a proposed managed access area is land which is reserved or deemed to be reserved under the **Crown Land (Reserves) Act 1978**, the Minister must consult with the Minister administering the **Crown Land (Reserves) Act 1978** before making

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an Order under sub-section (1) in respect of that land.

- (3) An Order made under sub-section (1) must specify—
 - (a) the relevant area of land; and
 - (b) the date or dates on which the relevant area of land is a managed access area.
- (4) Without limiting the use of any other means to describe land, an Order made under sub-section (1) may describe land by reference to a plan of survey attached to the Order or lodged in the Central Plan Office established under the **Survey Co-ordination Act 1958**.

7. Orders to be tabled in Parliament

The Minister must cause an Order made under this Part to be laid before each House of Parliament within 7 sitting days of that House after the Order is published in the Government Gazette.

8. Amendment and revocation of Orders

- (1) The Minister, by Order published in the Government Gazette, may amend or revoke an Order made under this Part.
- (2) This Part applies to the amendment or revocation of an Order made under this Part in the same way as it does to the making of an Order.

PART 3—CROWD MANAGEMENT

9. Inspection

- (1) An authorised officer may—
 - (a) request a person to produce and open for inspection any bag, basket, or other receptacle that the person intends to take into or has in a managed venue or managed access area;
 - (b) request a person who intends to enter a managed venue or managed access area—
 - (i) to walk through screening equipment;
 - (ii) to allow an officer to pass hand-held screening equipment over or around the person or around things in the person's possession;
 - (iii) to allow things in the person's possession to pass through screening equipment or to be examined by X-ray.
 - (2) An authorised officer may direct a person not to enter the managed venue or managed access area for a period of 24 hours if the person refuses to comply with a request made under sub-section (1).
 - (3) An authorised officer may direct a person who is in a managed venue or managed access area and who refuses to comply with a request under sub-section (1) to leave the managed venue or managed access area and not re-enter the managed venue or managed access area for a period of 24 hours.
 - (4) In this section—

"screening equipment" means a metal detector or similar device for detecting objects or particular substances.
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10. Prohibited items

- (1) A person in a managed venue or managed access area must not have in his or her possession any of the following items—
 - (a) animals (other than, if the person is blind, deaf or otherwise suffering a disability, a guide dog);
 - (b) laser pointers;
 - (c) distress signals;
 - (d) dangerous goods;
 - (e) whistles or loud hailer;
 - (f) prohibited weapons or controlled weapons within the meaning of the **Control of Weapons Act 1990** whose possession would constitute an offence under that Act;
 - (g) bicycles, skateboards, roller skates, roller blades or scooters.
- (2) Nothing in this section prevents any venue manager from prohibiting any item not referred to in this section from being brought into the managed area or managed access area.
- (3) Sub-section (1) does not apply to a person who has, or a member of a class of person that has, been given permission by the venue manager to have in his or her possession an item referred to in sub-section (1).

11. Alcohol in managed venues and managed access areas

- (1) Subject to sub-section (2), a person in a managed venue or managed access area must not have in his or her possession any alcohol that has not been purchased at the managed venue or managed access area in accordance with the **Liquor Control Reform Act 1998**.
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- (2) A person in a managed venue or managed access area may have alcohol in his or her possession that has not been purchased at the managed venue or managed access area in accordance with the **Liquor Control Reform Act 1998** if the venue manager has authorised the possession of such alcohol.

12. Surrender of prohibited items

- (1) An authorised officer may request a person to surrender any item that the person intends to bring, or has brought, into a managed venue or managed access area in contravention of section 10 or 11.
- (2) An authorised officer may direct a person not to enter the managed venue or managed access area for a period of 24 hours if the person refuses to comply with a request under sub-section (1).
- (3) An authorised officer may direct a person who is in a managed venue or a managed access area and who refuses to comply with a request under sub-section (1) to leave the managed venue or managed access area and not re-enter the managed venue or managed access area for a period of 24 hours.

13. Storage of items at managed venues

- (1) A venue manager must ensure that an item that has been surrendered by a person in compliance with a request under section 12(1) is—
- (a) stored at the managed venue or managed access area in a secure manner in accordance with directions made by the Minister from time to time and provided by the Minister to the venue manager; and

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- (b) returned to the person upon request when the person leaves the managed venue or managed access area or within 28 days after the item is so surrendered.
- (2) An item that is not collected by the person who surrendered it in compliance with a request under section 12(1) must be stored by the venue manager until—
- (a) the person requests the item's return; or
 - (b) the expiration of 28 days after the item was surrendered—
- whichever happens first.
- (3) Despite anything to the contrary in this section, if—
- (a) a surrendered item is a prohibited weapon or a controlled weapon within the meaning of the **Control of Weapons Act 1990** whose possession would constitute an offence under that Act, the venue manager must ensure that the item is given to a member of the police force within 24 hours after the item is surrendered;
 - (b) a surrendered item is a dangerous good, laser pointer, distress signal or other item prohibited by the venue manager under section 10(2) and the item is not collected within 28 days after it was surrendered, the venue manager must destroy the item;
 - (c) a surrendered item is a perishable foodstuff, the venue manager may destroy or dispose of the item after the end of the day on which the item is surrendered;
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- (d) a surrendered item not referred to in paragraph (a) or (b) is not collected within 28 days after it was surrendered, the venue manager may sell the item and retain the proceeds of the item's sale.

14. Entry to playing fields etc.

- (1) A person must not enter a playing field, track or arena within a managed venue unless the person—
- (a) is participating in a cricket match, football match, game, sport or event held with the permission of the venue manager; or
 - (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 person that has, been given permission by the venue manager to go on the playing field, track or arena.

Penalty: 10 penalty units.

- (2) While on a playing field, track or arena, a person must not, without reasonable excuse, disrupt a cricket match, football match, game, sport or event unless the person—
- (a) is participating in a cricket match, football match, game, sport or event held with the permission of the venue manager; or
 - (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 person that has, been given permission by the venue manager to go on the playing field, track or arena.

Penalty: 60 penalty units.

15. Disruptive behaviour prohibited

An authorised officer may direct a person who is in a managed venue or managed access area to leave the managed venue or managed access area and not re-enter the managed venue or managed access area for a period of 24 hours if the authorised officer believes on reasonable grounds that the person is disrupting or interrupting any cricket match, football match, game, sport or event organised by the venue manager or causing annoyance to spectators.

16. Refusal to leave managed venue or managed access area and re-entry

- (1) A person must not, contrary to a direction given by an authorised officer under section 9 or 12—
- (a) enter the managed venue or managed access area for a period of 24 hours; or
 - (b) attempt to enter the managed venue or managed access area for a period of 24 hours.

Penalty: 20 penalty units.

- (2) A person must leave a managed venue or managed access area immediately after being directed to do so by an authorised officer under section 9, 12 or 15.

Penalty: 20 penalty units.

- (3) A person who has left a managed venue or managed access area after being directed to do so by an authorised officer under section 9, 12 or 15 must not—

- (a) enter or re-enter the managed venue or managed access area for a period of 24 hours; or

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- (b) attempt to enter or re-enter the managed venue or managed access area for a period of 24 hours.

Penalty: 20 penalty units.

- (4) A member of the police force, using no more force than is reasonably necessary, may—
- (a) prevent a person from entering or attempting to enter a managed venue or managed access area contrary to a direction not to enter the managed venue or managed access area for a period of 24 hours under section 9 or 12;
 - (b) remove a person from a managed venue or managed access area after the person has refused to comply with a direction to leave the managed venue or managed access area under section 9, 12 or 15;
 - (c) prevent a person from re-entering or attempting to re-enter a managed venue or managed access area contrary to a direction to leave the managed venue or managed access area and not re-enter for a period of 24 hours under section 9, 12 or 15.
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PART 4—PROCEEDINGS

17. Repeat offenders

- (1) This section applies to a person who has been convicted or found guilty of an offence under section 14(2) or 16 on 2 or more occasions within the period of 5 years immediately before the date on which an application under sub-section (2) is made.
- (2) If a member of the police force suspects on reasonable grounds that the person is likely to disrupt a major event or series of major events, the member of the police force may apply to the Magistrates' Court for an order prohibiting the person from entering the managed venue (or venues) or managed access area (or areas) at which the major event or series of major events is to take place (either wholly or in part) during the event period.
- (3) On an application under sub-section (2), if the Magistrates' Court is satisfied on the balance of probabilities that the person in respect of whom the application is made is likely to disrupt the major event or series of major events, the Court may make an order prohibiting the person from entering either or both the managed venue (or venues) or managed access area (or areas) during all or part of the event period.
- (4) The Magistrates' Court order must specify—
 - (a) all managed venues and managed access areas in respect of which the order is made; and
 - (b) the event or series of events in respect of which the order is made and the event period.

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- (5) The Magistrates' Court, on the application of the person, must quash an order made under this section if—
- (a) at the time that the order was made, the person had been convicted or found guilty of at least 2 offences against section 14(2) or 16; and
 - (b) after the order was made, the person successfully appealed against the person's conviction for or finding of guilt of one or more offences under section 14(2) or 16 so that the person is no longer convicted or found guilty of at least 2 such offences.
- (6) A person must not enter a managed venue or managed access area in contravention of an order under sub-section (3).

Penalty: 60 penalty units.

- (7) In this section—

"event period" means the period that—

- (a) starts 7 days before the major event or series of major events starts; and
- (b) ends 2 days after the major event or series of major events ends.

18. Power to serve infringement notice

- (1) A member of the police force may serve an infringement notice on a person who the member has reason to believe has committed an offence under section 14(1).
- (2) An infringement notice may be served—
 - (a) by personally serving the infringement notice on the alleged offender; or

-
- (b) by sending the infringement notice by post addressed to the alleged offender's latest known address.

19. Form of notice

An infringement notice must—

- (a) be in the prescribed form; and
- (b) state the penalty fixed for the offence; and
- (c) state that if the amount of the penalty is tendered at the place referred to in the notice the matter will not be brought before the Magistrates' Court unless the notice is withdrawn before the end of the period specified in the notice as the time for payment of the penalty.

20. Withdrawal of infringement notice

- (1) The member of the police force may withdraw an infringement notice at any time within 28 days after the notice is served by serving a withdrawal notice on the alleged offender.
- (2) An infringement notice may be withdrawn even if the appropriate penalty has been paid.
- (3) If a notice of withdrawal is served, the amount of any infringement penalty paid must be refunded and the Consolidated Fund is, to the necessary extent, appropriated accordingly.

21. Infringement penalty

The infringement penalty for an offence against section 14(1) is 2 penalty units.

22. Payment of penalty

- (1) If the person pays the penalty shown on the infringement notice within the time shown in the notice or, if the member of the police force allows, at any time before the service of the summons in respect of the offence—
 - (a) further proceedings may not be taken in respect of the offence; and
 - (b) no conviction is to be recorded against the person for the offence.
- (2) A penalty paid under this section must be applied as if the offender had been convicted of the offence in the Magistrates' Court on a charge filed by the member of the police force who served the infringement notice.

23. Infringement notice not to prejudice further proceedings

- (1) If—
 - (a) a person served with an infringement notice has not paid the penalty within the time specified in the infringement notice; or
 - (b) an infringement notice is withdrawn—proceedings may still be taken or continued for the alleged offence.
 - (2) If proceedings have been taken or continued for an alleged offence because the person has not paid the penalty specified in the infringement notice and a conviction is imposed by the Magistrates' Court, the conviction must not be taken to be a conviction for any purpose except in relation to—
 - (a) the making of the conviction itself; and
 - (b) subsequent proceedings which may be taken in respect of the conviction itself, including proceedings by way of appeal.
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24. Enforcement of infringement penalty

Payment of the infringement penalty may be enforced in accordance with Part 2 of Schedule 7 to the **Magistrates' Court Act 1989** if—

- (a) the infringement notice is an infringement notice within the meaning of Schedule 7 to that Act; and
 - (b) the infringement penalty has not been paid within the time specified in the infringement notice; and
 - (c) the infringement notice has not been withdrawn; and
 - (d) proceedings have not been taken under section 23.
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PART 5—GENERAL

25. Authorised officers

- (1) The Secretary may appoint a person to be an authorised officer if—
 - (a) the person holds under Part IIA of the **Private Agents Act 1966**—
 - (i) a security firm's licence; or
 - (ii) a security guard's licence; or
 - (iii) a crowd controller's licence; or
 - (b) the person is employed by a venue manager at the venue and has attained 18 years of age.
- (2) The appointment must be in writing and must specify the terms and conditions on which the person is appointed.
- (3) The Secretary may require an authorised officer appointed under this section to undertake specified training before exercising any powers under this Act.

26. Identification of authorised officers

- (1) The Secretary must issue an identity card to each authorised officer appointed under section 25 that—
 - (a) contains a photograph of the officer; and
 - (b) states the full name of the person to whom it is issued; and
 - (c) states that the person is an authorised officer for the purposes of this Act.
- (2) An authorised officer appointed under section 25 must produce his or her identity card for inspection at any time during the exercise of a power under this Act, if asked to do so.

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Part 5—General

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- (3) If a person appointed to be an authorised officer under section 25 proposes to exercise the functions of an authorised officer and fails to produce on demand his or her identity card, the person is not authorised to exercise those functions in relation to the person making the demand.
- (4) In any proceedings under this Act, an identity card purporting to be issued to a person by the Secretary under this section is evidence of the appointment of that person as an authorised officer.

27. Delegation by Secretary

The Secretary may in writing delegate any of the powers conferred on the Secretary under this Act, other than this power of delegation, to—

- (a) a person employed under Part 3 of the **Public Administration Act 2004**;
- (b) a body corporate established under an Act for a public purpose.

28. Regulations

The Governor in Council may make regulations for or with respect to any matter or thing that is required or permitted by this Act to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

S. 27(a)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 122.2).

PART 6—CONSEQUENTIAL AMENDMENTS

29. Australian Grands Prix Act 1994

- (1) In section 20(f) of the **Australian Grands Prix Act 1994**, after "this Act" **insert** "or any other Act".
- (2) In section 21(1) of the **Australian Grands Prix Act 1994**, after "this Act" (where first occurring) **insert** "or any other Act".

30. Melbourne Cricket Ground Act 1933

For section 7(1) of the **Melbourne Cricket Ground Act 1933** substitute—

- "(1) The function of the Trust is—
- (a) to manage and control and make improvements to the Ground at the Trust's discretion; and
 - (b) to carry out any other function conferred on or given to the Trust by or under any other Act."

31. Melbourne and Olympic Parks Act 1985

In section 6(1) of the **Melbourne and Olympic Parks Act 1985**—

- (a) in paragraph (g), for "lands." **substitute** "lands; and";
- (b) after paragraph (g) **insert**—

"(h) to carry out any other function conferred on or given to the Trust by or under any other Act."

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32. State Sport Centres Act 1994

(1) After section 6(dc) of the **State Sport Centres Act 1994** insert—

"(dd) to carry out any other function conferred on or given to the Trust by or under any other Act;"

(2) In section 22(a) of the **State Sport Centres Act 1994**, after "this Act" insert "or any other Act".

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 20 March 2003

Legislative Council: 30 April 2003

The long title for the Bill for this Act was "to promote the safety and enjoyment of participants and spectators at certain venues and major events and for other purposes."

The **Major Events (Crowd Management) Act 2003** was assented to on 13 May 2003 and came into operation on 1 July 2003: section 2(2).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Major Events (Crowd Management) Act 2003** by Acts and subordinate instruments.

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04

Commencement Date: S. 117(1)(Sch. 3 item 122) on 5.4.05: Government Gazette 31.3.05 p. 602

Current State: This information relates only to the provision/s amending the **Major Events (Crowd Management) Act 2003**

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Endnotes

3. Explanatory Details

No entries at date of publication.