

Major Sports Facilities Amendment Bill 2006

Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Premier and Minister for Trade

Short Title of the Bill

Major Sports Facilities Amendment Bill 2006

Objectives of the Amendments

The objectives of the amendments are to:

- clarify that public sale forums do not commit a ticket scalping offence merely because they provided a forum which may have been used for unlawful resale or purchase of a ticket;
- expand the definition of national and international sport event to clarify the application to matches between interstate teams and State and international teams; and
- correct a numbering error in the title of the Act.

Consistency with Fundamental Legislative Principles

The amendments are consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

The Department of Local Government, Planning, Sport and Recreation, the Major Sports Facilities Authority and Crown Law were consulted on the amendments.

Notes on Provisions

Amendment 1 amends Clause 1 to correct the numbering of the short title of the Act.

Amendment 2 amends Clause 3 to insert a definition of ‘public sale forum’ for the purposes of Part 4A. Public sale forums include newspapers and Internet websites.

Amendment 3 amends clause 3 to insert a new section 30C(5) which provides that a person does not commit a ticket scalping offence merely because the person is connected to providing a public sale forum that may be used by someone else for the unlawful sale or purchase of a ticket. This clarifies that a public sale forum, such as eBay, is not legally liable for ticket scalping if the only connection with the offence is that the sale took place through the forum. However, active promotion of ticket scalping by such forums would remove this protection, and sections of the Criminal Code dealing with procuring or counselling the commission of an offence may also apply.

Amendment 4 amends clause 7 to insert a further definition of a national or international sport event in the Dictionary. This clarifies that a national or international sport event includes interstate matches (such as the State of Origin rugby league series) and events involving a State team and a team representing another country (such as the Super 14 rugby union competition).

Amendment 5 amends clause 7 to insert reference to the definition of ‘public sale forum’ in the Dictionary.