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*Practice Group(s):*

*Litigation and  
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*Sports*

## New Penalties for Match-Fixers, Unruly Fans and Scalpers at Victorian Sporting Events

*By Stephen Meade and Skye Miller*

### Summary

The Victorian Government recently amended the *Crimes Act 1958* (Vic) so that people will now face up to 10 years imprisonment for engaging in conduct which leads, or could lead, to corruption of the betting outcome of a sporting event. These amendments came into effect on 24 April 2013.

The Government also recently introduced amendments to the *Major Sporting Events Act 1999* (Vic) (MSE Act) to further regulate crowd management, aerial advertising and ticket scalping at major sporting events in Victoria. These amendments came into effect on 15 May 2013 and are summarised below.

### Criminal Conduct Involving Match-Fixing

The *Crimes Amendment (Integrity in Sports) Act 2013* (Vic) addresses the threat posed to the integrity of Australian sports by the possible fixing of matches, races and other sporting events in Victoria.

The amendments follow the Commonwealth, State and Territory governments committing to a National Policy on Match-Fixing in Sport and, among other things, agreeing to adopt nationally consistent legislative arrangements in relation to match-fixing.

As a result of the amendments, the *Crimes Act 1958* (Vic) now contains offences which prohibit persons from:

- knowingly or recklessly engaging in conduct that corrupts, or would corrupt, a betting outcome of an event or an event contingency; or
- facilitating corrupt conduct, which includes encouraging someone to engage in corrupt conduct or helping to conceal corrupt conduct from the police or other bodies empowered to regulate betting on an event.

An "event" is broadly defined in the *Crimes Act 1958* (Vic) to encompass any event that takes place in Victoria or elsewhere on which it is lawful to bet or cause a bet to be placed. The definition of an "event" also expressly provides that it is not limited to sport and would include, for example, betting on the Academy Awards.

An "event contingency" is defined to include all contingencies connected to an event on which a bet can be made, such as which team scores first in a football match or which bowler takes the most wickets in a cricket match.

Significantly, any person found guilty of committing a match-fixing offence will face a maximum penalty of 10 years imprisonment.

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Similar legislation has also been adopted in New South Wales in the *Crimes Amendment (Cheating at Gambling) Act 2012* (NSW) and in South Australia in the *Criminal Law Consolidation (Cheating at Gambling) Amendment Act 2013* (SA).

### Crowd Management and Safety

The *Major Sporting Events Amendment Act 2013* (Vic) was introduced with a view to improving crowd behaviour and safety at major sporting events. The amendments extend the reach and impact of the crowd management provisions in the MSE Act by:

- introducing new offences for persons caught defacing or damaging property at a sporting venue and entering a venue without authority or a valid ticket. These new offences carry a hefty maximum fine, currently AUD2,816.18
- widening the range of offences for which a Court can ban a person from entering a venue, where they have been found guilty of committing an offence under the MSE Act, for up to five years. This includes circumstances where a person is found guilty of:
  - disrupting an event;
  - defacing or damaging a sporting competition space;
  - refusing to leave an event venue after being directed to do so; or
  - entering or re-entering a venue, or attempting to do so, after being directed to leave.
- introducing new penalties for bringing alcohol and flares to sporting events. Patrons will now risk receiving an on-the-spot fine for being in possession of alcohol that was not purchased at the event venue. Similarly, fines for possession of lit and unlit flares have increased in order to deter their use at sporting matches
- increasing the crowd management powers of authorised officers and police officers at major sporting events. This gives them the authority to direct a person to leave an event in a wider range of situations and to request the name and address of a person directed to leave an event, regardless of whether that person has committed an offence
- extending the application of key crowd management provisions in the MSE Act to the Docklands Stadium Concourse, the absence of which has previously led to inconsistencies in crowd management between areas inside and areas immediately outside the stadium
- including key Spring Racing Carnival events, Melbourne Cup and Caulfield Cup, to the list of major events covered by the crowd management provisions in the MSE Act
- extending the existing aerial advertising provisions in the MSE Act to apply to international one day and Twenty20 cricket matches held at the MCG and the AFL's ANZAC day match.

### New Offences for Scalping Small Numbers of Tickets

Ticket scalping offences under the MSE Act have also been extended with the inclusion of two new scalping offences targeted at the illegal sale of a small number of tickets for events that are covered by an approved ticket scheme under the Act.

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As a result, ticket scalpers caught selling, advertising or offering for resale five tickets or less to an event for a price that is above face value will now face a fine of AUD4,225.50.

Anyone caught selling more than five tickets are already subject to existing anti-scalping provisions in the MSE Act, which provide for higher fines of AUD8,450.40 for an individual and AUD42,252.00 for a body corporate. If that person, or body corporate, commits multiple ticket scalping offences under the MSE Act, the maximum fine payable may increase by a multiple of 10.

Police officers have also been granted authority to issue on-the-spot fines, seize tickets from scalpers and ask a person who has bought, is buying or is about to buy a ticket from a scalper to temporarily surrender the ticket to enable details of the ticket to be recorded for evidentiary purposes. The ticket must then be returned to the purchaser as it is not an offence to purchase a ticket from a scalper under the MSE Act.

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