

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Major Events Bill 2014

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Major Events Bill 2014

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### A Bill for

An Act relating to the management of major events

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Major Events Act 2014*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Dictionary**

9 The dictionary at the end of this Act is part of this Act.

10 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
11 Act, and includes references (*signpost definitions*) to other terms  
12 defined elsewhere in this Act.

13 For example, the signpost definition '*advertise*, for division 4.2 (Clean  
14 zones)—see section 30.' means that the term 'advertise' is defined in  
15 that section for division 4.2.

16 *Note 2* A definition in the dictionary (including a signpost definition) applies to  
17 the entire Act unless the definition, or another provision of the Act,  
18 provides otherwise or the contrary intention otherwise appears (see  
19 [Legislation Act](#), s 155 and s 156 (1)).

20 **4 Notes**

21 A note included in this Act is explanatory and is not part of this Act.

22 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of  
23 notes.

- 1     **5           Offences against Act—application of Criminal Code etc**
- 2           Other legislation applies in relation to offences against this Act.
- 3           *Note 1   Criminal Code*
- 4                The [Criminal Code](#), ch 2 applies to all offences against this Act (see
- 5                Code, pt 2.1).
- 6                The chapter sets out the general principles of criminal responsibility
- 7                (including burdens of proof and general defences), and defines terms
- 8                used for offences to which the Code applies (eg ***conduct***, ***intention***,
- 9                ***recklessness*** and ***strict liability***).
- 10          *Note 2   Penalty units*
- 11                The [Legislation Act](#), s 133 deals with the meaning of offence penalties
- 12                that are expressed in penalty units.

## Division 2.1 Major event declaration

## 6 Major event—declaration

- (1) The Executive may, not later than 28 days before the proposed date of an event, declare the event to be a major event (a *major event declaration*).
- (2) The Executive may only make a major event declaration in relation to an event if satisfied that—
  - (a) it is in the public interest to make the declaration; and
  - (b) the event is a major event at an international, national, State or Territory level.
- (3) In deciding whether to make a major event declaration, the Executive must consider whether the event will do any of the following:
  - (a) generate significant tourism opportunities for the ACT by attracting a large number of international participants or spectators;
  - (b) significantly raise the ACT's international profile;
  - (c) require a high level of professional management and coordination;
  - (d) attract significant sponsorship and media coverage;
  - (e) attract large numbers of people as participants or spectators;
  - (f) offer substantial cultural, economic, social, sporting or other benefits for the ACT and ACT residents.
- (4) The Executive may not declare a public protest or demonstration to be a major event.

(5) A major event declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(6) The Executive must also publish the major event declaration in a daily newspaper.

(7) Failure to publish a declaration in accordance with subsection (6) does not affect the validity of the declaration.

## **7 Major event—declaration requirements**

(1) A major event declaration for an event must—

(a) describe the event; and

(b) state the organiser of the event; and

(c) state the proposed time and date of the event; and

(d) state the location of the venue for the event; and

(e) state the period for which the declaration is in force; and

(f) state that a notice may be given under the following provisions for the event:

(i) section 25 (Notice of protected symbol);

(ii) section 31 (Notice of clean zone);

(iii) section 38 (Notice of protection of ticketing arrangements); and

(g) state anything else prescribed by regulation.

(2) A major event declaration for an event may state that a specified item is a prohibited item for section 12 (1), definition of ***prohibited item***, paragraph (b) if the Executive considers it reasonable in the circumstances.

*Note* A major event declaration for an event may also exclude an item mentioned in s 12 (1), def ***prohibited item***, par (a).

**8 Major event declaration—variation**

(1) The Minister may, not later than 7 days before the proposed date of a major event, vary the major event declaration for the event in relation to any of the matters mentioned in section 7.

(2) The Minister may only vary a major event declaration for a major event if satisfied that the variation is reasonably necessary for—

(a) the good management of the event; or

(b) the safety and enjoyment of people at the event.

**Example**

The ACT is hosting a conference that will be attended by a number of leaders from other countries. The major event venue, as described in the major event declaration for the event, includes the route from Canberra airport to the conference venue. After an updated security assessment, the route needs to be changed to ensure the safety of the conference participants.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(3) A variation is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

(4) The Minister must also publish the major event declaration variation in a daily newspaper.

(5) Failure to publish a variation in accordance with subsection (4) does not affect the validity of the variation.

## Division 2.2 Important sporting event notice

### 9 Important sporting event—notice

- (1) For part 3 (Crowd management), the Minister may, not later than 7 days before the proposed date of a sporting event, give notice that the event is an important sporting event (an *important sporting event notice*).

*Note* Pt 4 (Protection of commercial arrangements) and pt 5 (Protection of ticketing arrangements) do not apply to an important sporting event.

- (2) The Minister may only give an important sporting event notice in relation to an event if satisfied that its making is reasonably necessary for—

- (a) the safety of people attending the event; and
- (b) the avoidance of disruptions to the event.

- (3) In deciding whether to make an important sporting event notice, the Minister must consider—

- (a) the nature of the event; and
- (b) the number of people expected to attend the event; and
- (c) any other relevant matter.

- (4) A notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (5) The Minister must also publish the important sporting event notice in a daily newspaper.

- (6) Failure to publish a notice in accordance with subsection (5) does not affect the validity of the notice.

- 1     **10**           **Important sporting event notice—requirements**
- 2           (1) An important sporting event notice for a sporting event must—
- 3               (a) describe the event; and
- 4               (b) state the organiser of the event; and
- 5               (c) state the proposed time and date of the event; and
- 6               (d) state the location of the venue for the event; and
- 7               (e) state the period for which the notice is in force.
- 8           (2) An important sporting event notice for a sporting event may state
- 9               that a specified item is a prohibited item for section 12 (1),
- 10              definition of *prohibited item*, paragraph (b) if the Executive
- 11              considers it reasonable in the circumstances.
- 12           *Note*       An important sporting event notice for an event may also exclude an
- 13               item mentioned in s 12 (1), def *prohibited item*, par (a).

**Part 3**                      **Crowd management**

**Division 3.1**              **Application—pt 3**

**11**                      **Application—pt 3**

This part (other than section 23 (Offence—ban orders)) applies to—

- (a) a major event—for the major event declaration period; and
- (b) an important sporting event—for the important sporting event notice period.

**Division 3.2**              **Crowd management**

**12**                      **Meaning of *prohibited item***

(1) In this Act:

*prohibited item*, for a major event or important sporting event, means—

- (a) unless excluded by the major event declaration for the major event or the important sporting event notice for the important sporting event, the following:
  - (i) a prohibited weapon or prohibited article;
  - (ii) a knife;
  - (iii) a dangerous good;
  - (iv) a dangerous substance or explosive;
  - (v) a flare, firework, smoke bomb or petrol;
  - (vi) a drug of dependence or prohibited substance;
  - (vii) a fire extinguisher;
  - (viii) alcohol;

- 1 (ix) paint stored in a container of any kind;
- 2 (x) a loud hailer, megaphone or any other device that can
- 3 amplify the human voice;
- 4 (xi) broadcast equipment or any device that may interfere with
- 5 broadcast equipment authorised by the event organiser to
- 6 be used in the event venue;
- 7 (xii) a whistle, horn or bugle or a similar thing likely to
- 8 interfere with the event;
- 9 (xiii) a flag that is longer or wider than 900mm;
- 10 (xiv) a flagpole that is longer than 1m;
- 11 (xv) an egg, ball, paint bomb or a thing likely to be intended
- 12 for use as a projectile;
- 13 (xvi) a glass item (other than optical lenses, or an infant's food
- 14 or drink container);
- 15 (xvii) a metal can (other than an infant's food or drink
- 16 container);
- 17 (xviii) an animal, other than—
- 18 (A) a guide dog or other animal assisting a person with
- 19 disability; or
- 20 (B) a police dog, police horse or other animal used for
- 21 the management of the event; or
- 22 (C) an animal competing or participating in the event;
- 23 (xix) a bicycle, scooter, skateboard, roller skates, roller blades
- 24 or similar wheeled device, other than a wheeled device
- 25 used by—
- 26 (A) a person with disability for mobility; or
- 27 (B) a police officer or another person for the
- 28 management of the event; or

- 1 (C) a person competing or participating in the event;  
2 and
- 3 (b) anything else stated in the major event declaration for the  
4 major event or the important sporting event notice for the  
5 important sporting event.
- 6 (2) In this section:
- 7 *dangerous substance*—see the *Dangerous Substances Act 2004*,  
8 section 10.
- 9 *drug of dependence*—see the *Drugs of Dependence Act 1989*,  
10 dictionary.
- 11 *explosive*—see the *Dangerous Substances Act 2004*, section 73.
- 12 *firearm*—see the *Firearms Act 1996*, section 6.
- 13 *knife*—see the *Crimes Act 1900*, dictionary.
- 14 *prohibited article*—see the *Prohibited Weapons Act 1996*,  
15 section 4B.
- 16 *prohibited substance*—see the *Drugs of Dependence Act 1989*,  
17 dictionary.
- 18 *prohibited weapon*—see the *Prohibited Weapons Act 1996*,  
19 section 4A.

20 **13 Offences—unauthorised entry to event venue**

- 21 (1) A person commits an offence if—
- 22 (a) the person goes into, or stays in, a part of an event venue; and
- 23 (b) the person does not have the permission of the event organiser  
24 or venue manager to go into, or stay in, that part of the venue.
- 25 Maximum penalty: 5 penalty units.

- 1 (2) A person commits an offence if—  
2 (a) the person goes onto, or stays on, the playing surface at an  
3 event venue; and  
4 (b) the person does not have the permission of the event organiser  
5 or venue manager to go onto, or stay on, the playing surface.  
6 Maximum penalty: 50 penalty units.  
7 (3) An offence against subsection (2) is a strict liability offence.  
8 (4) For this section, a person is taken to have the permission of the  
9 event organiser or venue manager to go into, or stay in, a part of an  
10 event venue or go onto, or stay on, the playing surface of an event  
11 venue if the person is—  
12 (a) an authorised person; or  
13 (b) competing or participating in the major event or important  
14 sporting event in the event venue.  
15 (5) In this section:  
16 *playing surface*, at an event venue—  
17 (a) means the area on which a sport is to be, or is being, played as  
18 part of the major event or important sporting event; and  
19 (b) includes—  
20 (i) any adjacent area required for the sport to be played; and  
21 (ii) any area reasonably incidental to the sport being played.  
22 **Examples—par (b) (ii)**  
23 • players' dressing room  
24 • other field in the venue used by the players for warming up  
25 *Note* An example is part of the Act, is not exhaustive and may  
26 extend, but does not limit, the meaning of the provision in  
27 which it appears (see [Legislation Act](#), s 126 and s 132).

- 1     **14           Offence—interference with event**
- 2           (1) A person commits an offence if, in an event venue, the person—
- 3               (a) engages in violent or disorderly behaviour; or
- 4               (b) disrupts, interferes with, delays or obstructs the conduct of the
- 5                     event, or an activity associated with the event; or
- 6               (c) in any other way interferes with the reasonable enjoyment of a
- 7                     major event or important sporting event, or an activity
- 8                     associated with the event, by someone else.
- 9           Maximum penalty: 15 penalty units.
- 10          **Examples—par (b)**
- 11               • throwing flares, fireworks, balls, bottles or other objects
- 12               • damaging the playing surface of a sporting field
- 13          **Examples—par (c)**
- 14               • displaying a sign or gesturing in a way that is reasonably likely to agitate
- 15                     other people
- 16               • intentionally blocking the view of someone else
- 17          *Note*     An example is part of the Act, is not exhaustive and may extend, but
- 18                     does not limit, the meaning of the provision in which it appears (see
- 19                     [Legislation Act](#), s 126 and s 132).
- 20          (2) In this section:
- 21               *event* means—
- 22                     (a) a major event; or
- 23                     (b) an important sporting event.

**15 Offence—possessing prohibited item**

- (1) A person commits an offence if the person—
- (a) is in an event venue; and
  - (b) without the permission of the event organiser or venue manager—
    - (i) takes a prohibited item into the venue; or
    - (ii) has a prohibited item in the venue.

Maximum penalty: 25 penalty units.

- (2) For subsection (1) (b), a person is taken to have the permission of the event organiser or venue manager if the person takes a prohibited item into a venue, or possesses a prohibited item in the venue, because the person is—
- (a) exercising a function as an authorised person and the prohibited item is required for the exercise of the function; or
  - (b) competing or participating in a major event or important sporting event in the event venue and the prohibited item is required for the person to compete or participate in the event.
- (3) An offence against this section is a strict liability offence.
- (4) An authorised person may request the person to surrender the prohibited item.
- (5) If the person refuses to comply with the request, a police officer may confiscate the prohibited item.

*Note 1* An authorised person may direct the person to leave the event venue for failing to comply with the request (see s 21).

*Note 2* Div 7.1 provides for the retention, return and disposal of prohibited items surrendered or confiscated under this section or seized under s 49 (Police officer may seize things).

**Division 3.3                      Crowd management powers**

**16                      Offence—authorised person may search personal property**

(1) An authorised person may ask a person to permit a search to be made of the person's personal property if—

- (a) the person is entering (or about to enter) an event venue; or
- (b) the person is in an event venue.

(2) The person must permit the authorised person to search the person's personal property.

Maximum penalty: 10 penalty units.

(3) An offence against this section is a strict liability offence.

(4) In this section:

*personal property*, of a person, means things carried by the person or things apparently in the immediate control of the person, but does not include clothing being worn by the person.

**17                      Offence—authorised person may do scanning search**

(1) An authorised person may ask a person to permit a scanning search of the person if—

- (a) the person is entering (or about to enter) an event venue; or
- (b) the person is in an event venue.

(2) The person must permit an authorised person to do a scanning search of the person.

Maximum penalty: 10 penalty units.

(3) An offence against this section is a strict liability offence.

- 1 (4) In this section:
- 2 *scanning search*, of a person, means a search of the person by
- 3 electronic or other means that does not require the person to remove
- 4 the person's clothing or to be touched by someone else.
- 5 **Examples**
- 6 1 passing a portable electronic or other device over a person
- 7 2 requiring a person to pass by or through an electronic or other device
- 8 *Note* An example is part of the Act, is not exhaustive and may extend, but
- 9 does not limit, the meaning of the provision in which it appears (see
- 10 [Legislation Act](#), s 126 and s 132).
- 11 **18 Offence—police officer may do other searches**
- 12 (1) A police officer may ask a person to permit an ordinary search or
- 13 frisk search of the person if—
- 14 (a) the person is entering (or about to enter) an event venue; or
- 15 (b) the person is in an event venue.
- 16 (2) The person must permit a police officer to do the search.
- 17 Maximum penalty: 10 penalty units.
- 18 (3) An offence against this section is a strict liability offence.
- 19 (4) In this section:
- 20 *frisk search*, of a person, means—
- 21 (a) a search of the person conducted by quickly running the hands
- 22 over the person's outer garments; and
- 23 (b) an examination of anything worn or carried by the person that
- 24 is conveniently and voluntarily removed by the person.

1           *ordinary search*, of a person, means a search of the person, or of the  
2           person's personal property, that may include—

3           (a) requiring the person to remove the person's overcoat, coat or  
4           jacket and any gloves, shoes or hat; and

5           (b) an examination of those items or personal property.

6           *personal property*, of a person—see section 16 (Offence—  
7           authorised person may search personal property).

8       **19           Offence—police officer may ask for person's name and**  
9       **address**

10           (1) A police officer may require a person entering (or about to enter) an  
11           event venue to state the person's name and home address.

12           (2) The person must comply with the requirement.

13           Maximum penalty: 5 penalty units.

14           (3) An offence against this section is a strict liability offence.

15       **20           Authorised person may refuse entry**

16           An authorised person may refuse a person entry to an event venue if  
17           the authorised person believes on reasonable grounds that the  
18           person—

19           (a) has committed, or is likely to commit, an offence against—

20                   (i) this Act; or

21                   (ii) while seeking to enter into or while in the venue—another  
22                   law applying in the ACT; or

23           (b) is likely to contravene a condition of entry to the event venue  
24           imposed by an event organiser or a venue manager for the  
25           event.

21 **Authorised person may give direction**

(1) An authorised person may—

(a) direct a person to leave an event venue and not re-enter the venue for a period of 24 hours if the authorised person believes on reasonable grounds that the person has committed, or is likely to commit, an offence against—

(i) this Act; or

(ii) while seeking to enter into or while in the venue—another law applying in the ACT; or

(b) give a direction reasonably necessary for—

(i) the good management of an event; or

(ii) the safety and enjoyment of people at an event.

**Examples**

a direction to a person to—

- move from stairs, aisles, passageways or bridges
- stop standing in a place that blocks the view of another person seated
- stop climbing on a tree, roof, fence, barrier or barricade

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(2) In this section:

**event** means—

(a) a major event; or

(b) an important sporting event.

**22 Offences—failure to comply with direction**

(1) A person commits an offence if the person—

(a) is given a direction under section 21; and

(b) fails to comply with the direction.

Maximum penalty: 10 penalty units.

*Note* **Fail** includes refuse (see [Legislation Act](#), dict, pt 1).

(2) A person commits an offence if the person—

(a) is given a direction to leave an event venue under section 21 (1) (a); and

(b) enters, or attempts to enter, the venue within 24 hours after the time the notice is given.

Maximum penalty: 20 penalty units.

(3) If a person commits an offence under subsection (1) or (2), a police officer may use such force as is reasonably necessary to—

(a) apprehend and detain the person; or

(b) remove the person from, or stop the person from re-entering, the event venue.

(4) A police officer exercising powers under subsection (3) may act with such assistance as is reasonably necessary from an authorised person appointed under section 41.

(5) A person must not be detained under subsection (3) (a) for longer than is reasonably necessary to remove the person from the event venue.

1     **23           Offence—ban orders**

- 2           (1) This section applies if a person (an *offender*)—
- 3               (a) has been convicted or found guilty of a ban order offence; or
- 4               (b) is banned from a place under a corresponding law; or
- 5               (c) has been convicted or found guilty of a corresponding ban
- 6               order offence.
- 7           (2) An interested person may apply to the Magistrates Court for 1 or
- 8               more of the following orders:
- 9               (a) an order banning the offender from entering a stated event
- 10              venue or future venue (or stated part of the venue) for the
- 11              crowd management period for the relevant event;
- 12              (b) an order banning the offender from attending a stated part of a
- 13              stated—
- 14                  (i) major event; or
- 15                  (ii) important sporting event; or
- 16                  (iii) future event.
- 17           (3) The interested person must give notice of the application to the
- 18               offender.
- 19           (4) The court may make the order if satisfied that—
- 20               (a) there is a risk that the offender may disrupt a major event,
- 21               important sporting event or future event; and
- 22               (b) making the order is likely to reduce the risk.
- 23           (5) An order must be for a period not longer than 12 months.

1 (6) On application from the offender, the court must revoke an order  
2 under this section if after the order was made—

3 (a) if subsection (1) (a) applies to the offender—the offender  
4 successfully appealed against the conviction for, or finding of  
5 guilt of, the ban order offence; or

6 (b) if subsection (1) (b) applies to the offender—the order in the  
7 other jurisdiction is revoked.

8 (7) An offender commits an offence if—

9 (a) an order under this section applies to the offender; and

10 (b) the offender enters an event venue in contravention of the  
11 order.

12 Maximum penalty: 50 penalty units.

13 (8) In this section:

14 ***ban order offence*** means an offence against—

15 (a) the following provisions of this Act:

16 (i) section 12 (Meaning of *prohibited item*);

17 (ii) section 14 (Offence—interference with event);

18 (iii) section 15 (Offence—possessing prohibited item), if the  
19 prohibited item is an item mentioned in section 12 (1),  
20 definition of ***prohibited item***, paragraph (a) (i) to (v);

21 (iv) section 22 (Offences—failure to comply with direction);  
22 or

23 (b) the following provisions of the *Crimes Act 1900*, committed by  
24 the offender in an event venue during the crowd management  
25 period for the event:

26 (i) section 19 (Intentionally inflicting grievous bodily harm);

27 (ii) section 20 (Recklessly inflicting grievous bodily harm);

- 1 (iii) section 21 (Wounding);
- 2 (iv) section 22 (Assault with intent to commit other offence);
- 3 (v) section 23 (Inflicting actual bodily harm);
- 4 (vi) section 24 (Assault occasioning actual bodily harm);
- 5 (vii) section 25 (Causing grievous bodily harm);
- 6 (viii) section 26 (Common assault);
- 7 (ix) section 27 (Acts endangering life etc);
- 8 (x) section 28 (Acts endangering health etc);
- 9 (xi) section 30 (Threat to kill);
- 10 (xii) section 31 (Threat to inflict grievous bodily harm);
- 11 (xiii) section 33 (Possession of object with intent to kill etc);
- 12 (xiv) section 35A (Affray);
- 13 (xv) section 116 (Destroying or damaging property);
- 14 (xvi) section 391 (Fighting);
- 15 (xvii) section 393 (Indecent exposure); or
- 16 (c) the following provisions of the *Liquor Act 2010*, committed by
- 17 the offender in an event venue during the crowd management
- 18 period for the event:
  - 19 (i) section 108 (Offence—abuse, threaten, intimidate staff);
  - 20 (ii) section 138 (Offence—fail to leave premises when
  - 21 directed).

1           ***corresponding ban order offence*** means an offence under a law of  
2           another Australian jurisdiction—

- 3           (a) prescribed by regulation; or  
4           (b) that substantially corresponds to a ban order offence under this  
5           section.

6           ***corresponding law*** means a law of another Australian jurisdiction—

- 7           (a) prescribed by regulation; or  
8           (b) that substantially corresponds to this section.

9           ***crowd management period*** means—

- 10          (a) for a major event—the major event declaration period; and  
11          (b) for an important sporting event—the important sporting event  
12          notice period.

13          ***future event*** means an event that is likely to be the subject of—

- 14          (a) a declaration under section 6 (Major event—declaration); or  
15          (b) a notice under section 9 (Important sporting event—notice).

16          ***future venue*** means a venue that is likely to be the subject of—

- 17          (a) a declaration under section 6 (Major event—declaration); or  
18          (b) a notice under section 9 (Important sporting event—notice).

19          ***interested person*** means—

- 20          (a) the chief police officer; or  
21          (b) an event organiser; or  
22          (c) a venue manager.

**Part 4** **Protection of commercial arrangements**

**Division 4.1** **Protected symbols**

**24** **Application—div 4.1**

- (1) This division does not apply to a major event to the extent that the *Major Sporting Events (Indicia and Images) Protection Act 2014* (Cwlth) applies to the event.
- (2) This division does not affect a right or remedy available to a person in relation to a symbol that is a protected symbol to the extent that the following apply to the symbol:
  - (a) the *Copyright Act 1968* (Cwlth);
  - (b) the *Trade Marks Act 1995* (Cwlth);
  - (c) the *Designs Act 2003* (Cwlth);
  - (d) the *Competition and Consumer Act 2010* (Cwlth).
- (3) This division does not affect a right or remedy available to a person before the commencement of a major event in relation to—
  - (a) a business name registered under the *Business Names Registration Act 2011* (Cwlth) before the commencement of the major event; or
  - (b) a company name registered under the *Corporations Act* before the commencement of the major event.
- (4) This division does not affect a right or remedy available to a person before the commencement of a major event, in relation to preventing another person from passing off goods, services or a business as the goods, services or business of the first person.

- 1     **25           Notice of protected symbol**
- 2           (1) The Minister may give notice for a major event that a symbol is a
- 3               protected symbol.
- 4           (2) The Minister may only give notice if satisfied that—
- 5               (a) the symbol relates to and is sufficiently connected to the
- 6               identity and conduct of the major event; and
- 7               (b) the event organiser has commercial arrangements in relation to
- 8               the event that are likely to be adversely affected by the
- 9               unauthorised use of the symbol.
- 10          (3) If notice is given for a major event, the Minister must state the
- 11             period for which the notice is in force (the *protection period*).
- 12          (4) A notice is a notifiable instrument.
- 13             *Note*       A notifiable instrument must be notified under the [Legislation Act](#).
- 14          (5) The Minister must also publish the notice in a daily newspaper.
- 15          (6) Failure to publish a notice in accordance with subsection (5) does
- 16             not affect the validity of the notice.
- 17          (7) In this section:
- 18             *symbol*—
- 19               (a) means any design, emblem, image, logo, mascot, mark or
- 20               word; and
- 21               (b) includes any visual or aural representation of any part of those
- 22               things.

1        **26                      Offences—unauthorised use of protected symbol**

2                      (1) A person commits an offence if—

3                              (a) the person uses a protected symbol in the protection period for  
4    a major event; and

5                              (b) the use is for a commercial purpose; and

6                              (c) the person does not have the written permission of the event  
7    organiser for the event to do so.

8                      Maximum penalty: 300 penalty units.

9                      (2) A person commits an offence if—

10                              (a) the person is a secondary user of a protected symbol in the  
11    protection period for a major event; and

12                              (b) the secondary use is for a commercial purpose; and

13                              (c) the person does not have the written permission of the event  
14    organiser for the event to do so.

15                      Maximum penalty: 200 penalty units.

16                      (3) In this section:

17                      ***protected symbol***—

18                              (a) means a symbol the subject of a notice under section 25 (1);  
19    and

20                              (b) includes anything that so closely resembles the symbol that a  
21    reasonable person is likely to mistake it for the symbol.

22                      ***protection period***—see section 25 (3).

23                      ***secondary user***—see section 27 (2).

1     **27**           **When protected symbol is used for a *commercial***  
2                   ***purpose*—pt 4**

3           (1) For this part, a person (a *user*) uses a protected symbol for a major  
4           event for a *commercial purpose*, if—

5               (a) the user applies the protected symbol to the user's goods or  
6               services; and

7               (b) the application is for the primary purpose of advertising or  
8               promoting, or enhancing the demand for, the goods or services;  
9               and

10              (c) the application would suggest, to a reasonable person, that the  
11              user is or was a sponsor of, or is or was a provider of other  
12              support for—

13                   (i) the major event; or

14                   (ii) any other event arranged by the event organiser for the  
15                   major event in connection with the major event.

16              *Note*     Par (c) is affected by s 28.

17           (2) Also, a person (a *secondary user*) uses a protected symbol for a  
18           major event for a *commercial purpose* if—

19               (a) another person has used the event's symbol for a commercial  
20               purpose in relation to goods or services; and

21               (b) the other person is not authorised in writing by the event  
22               organiser for the event to use the protected symbol for a  
23               commercial purpose; and

24               (c) any of the following applies:

25                   (i) for goods and services—the secondary user supplies, or  
26                   offers to supply, the goods or services;

- 1 (ii) for goods—the secondary user—  
2 (A) exposes the goods for supply by the secondary user;  
3 or  
4 (B) keeps the goods for supply by the secondary user or  
5 by another person.
- 6 (3) In this section:  
7 *supply*, of goods or services, includes—  
8 (a) for goods—supply (including resupply) by sale, exchange,  
9 lease, hire or hire-purchase; and  
10 (b) for services—provide, grant or confer.
- 11 **28 Presumption etc relating to advertising or promotion etc**  
12 For section 27 (1) (c)—  
13 (a) the application of a protected symbol by a person for the  
14 primary purpose of advertising or promoting, or enhancing the  
15 demand for, the goods or services, is on the face of it enough to  
16 suggest the existence of a sponsorship arrangement, or the  
17 provision of support; and  
18 (b) doing any of the following is not alone enough to suggest the  
19 existence of a sponsorship arrangement, or the provision of  
20 other support:  
21 (i) using a protected symbol for the primary purpose of  
22 criticism or review;  
23 (ii) using a protected symbol for the primary purpose of  
24 providing information, including through reporting news  
25 and presenting current affairs.

**Division 4.2                      Clean zones**

**29                      Application—div 4.2**

- (1) This division applies to a major event for the protection period for the event.
- (2) In this section:
- protection period*—see section 31 (1).

**30                      Definitions—div 4.2**

- (1) In this division:
- advertise* means any form of communication (including selling or giving away goods or services) made to the public or a section of the public in relation to any—
- (a) goods or services; or
- (b) brand of goods or services; or
- (c) person who provides goods or services.
- clean zone*, for a major event, means the location stated in the notice under section 31 (1) for the event.
- (2) For this division, a person *advertises* if the person—
- (a) pays for, commissions, or authorises the advertisement; or
- (b) receives consideration for the placement or location of the advertisement.

**31                      Notice of clean zone**

(1) The Minister may give notice for a major event that a location is a clean zone for a stated period (the *protection period*).

(2) The Minister may only give notice in relation to a major event if satisfied that the event organiser has commercial arrangements in relation to the event that are likely to be adversely affected by unauthorised advertising in or near the clean zone.

(3) A notice is a notifiable instrument.

*Note*                      A notifiable instrument must be notified under the [Legislation Act](#).

(4) The Minister must also publish the notice in a daily newspaper.

(5) Failure to publish a notice in accordance with subsection (4) does not affect the validity of the notice.

**32                      Offences—unauthorised street trading in or adjacent to clean zone**

(1) A person commits an offence if the person—

(a) street trades in a clean zone for a major event; and

(b) does not have the written permission of the event organiser for the event to do so.

Maximum penalty: 300 penalty units.

(2) A person commits an offence if the person—

(a) street trades in an area adjacent to a clean zone for a major event to a person in the clean zone; and

(b) does not have the written permission of the event organiser for the event to do so.

Maximum penalty: 200 penalty units.

- 1           (3) In this section:
- 2                 *street trade*—
- 3                 (a) means sell or give away goods or services; but
- 4                 (b) does not include operating an existing business out of existing
- 5                         permanent premises of the business.
- 6       **33           Offence—unauthorised advertising in clean zone**
- 7           A person commits an offence if the person—
- 8                 (a) advertises in a clean zone for a major event; and
- 9                 (b) does not have the written permission of the event organiser for
- 10                         the event to do so.
- 11           Maximum penalty: 300 penalty units.
- 12       **34           Offence—unauthorised advertising that is clearly visible**
- 13                 **from clean zone**
- 14           (1) A person commits an offence if the person—
- 15                 (a) advertises; and
- 16                 (b) the advertising is clearly visible from a place within the clean
- 17                         zone for the event; and
- 18                 (c) does not have the written permission of the event organiser for
- 19                         the event to do so.
- 20           Maximum penalty: 250 penalty units.
- 21           (2) For this section, advertising is *clearly visible* from a place within the
- 22                 clean zone for a major event if the advertising could be seen by a
- 23                 person in the clean zone without the person using visual apparatus
- 24                 other than contact lenses or glasses.

1        **35                      Exceptions—s 33 and s 34 offences**

2                      Section 33 and section 34 do not apply to advertising—

- 3                      (a) if, in accordance with honest practices in industrial or  
4                                commercial matters, the advertising is done by an existing  
5                                organisation continuing to carry out its ordinary activities; or

6                      **Example**

7                                An existing business operates from premises within a clean zone. The  
8                                business ordinarily advertises with signs on the outside of the building and  
9                                in the front window. Section 33 and s 34 will not apply to an existing  
10                                business that continues to advertise in the ordinary way.

11                      *Note*              An example is part of the Act, is not exhaustive and may extend,  
12                                but does not limit, the meaning of the provision in which it  
13                                appears (see [Legislation Act](#), s 126 and s 132).

- 14                      (b) on clothing (including shoes) or other personal items being  
15                                worn, carried, or used by—

- 16                                (i) a member of the public, unless that item is being worn,  
17                                        carried, or used in co-ordination with other people with  
18                                        the intention that the advertising intrude on—

19                                        (A) an activity that is part of the major event; or

20                                        (B) the attention of a person attending or watching the  
21                                        major event; or

- 22                                (ii) a person competing or participating in a major event; or

- 23                                (iii) a volunteer engaged in the management or conduct of an  
24                                        activity that is part of the major event; or

- 25                      (c) in a newspaper or magazine, or on a television, radio, or  
26                                electronic device, being used for personal use, unless it is being  
27                                used with the intention that the advertising intrude on—

28                                (i) an activity that is part of the major event; or

29                                (ii) the attention of a person attending or watching the major  
30                                event; or

1 (d) on a train, boat or other vehicle, provided that the vehicle is  
2 being used to carry out its ordinary activities in its usual  
3 manner; or

4 (e) for an aircraft—

5 (i) to the normal markings on the aircraft; or

6 (ii) if the aircraft is used in an emergency or for, or in, the  
7 provision of emergency services.

8 *Note* The defendant has an evidential burden in relation to the matters  
9 mentioned in this section (see [Criminal Code](#), s 58).

10 **36 Defences—s 33 and s 34 offences**

11 It is a defence to a prosecution for an offence against section 33 and  
12 section 34, in relation to an advertisement, if the defendant proves  
13 that—

14 (a) the defendant's business includes publishing or arranging for  
15 the publication of advertisements; and

16 (b) the defendant—

17 (i) received the advertisement in the ordinary course of the  
18 business; and

19 (ii) did not know, and had no reason to believe, that  
20 publishing it would be an offence against section 33 or  
21 section 34.

1 **Part 5** **Protection of ticketing**  
2 **arrangements**

3 **37 Definitions—pt 5**

4 In this part:

5 *original sale price*, of a ticket, includes charges necessary to effect  
6 the sale or trade of the ticket.

7 **Examples—charges**

- 8 • booking fee  
9 • credit card charge  
10 • delivery fee

11 *Note* An example is part of the Act, is not exhaustive and may extend, but  
12 does not limit, the meaning of the provision in which it appears (see  
13 [Legislation Act](#), s 126 and s 132).

14 *ticket*, to a major event, includes a ticket to an activity that is part of  
15 the event.

16 **38 Notice of protection of ticketing arrangements**

- 17 (1) The Minister may give notice for a major event that this part applies  
18 to the event.
- 19 (2) The Minister may only give notice in relation to a major event if the  
20 Minister—
- 21 (a) consults with the event organiser for the major event; and  
22 (b) considers any submissions made by the event organiser about  
23 the need for this part to apply to the major event; and  
24 (c) considers the likely demand by the public for tickets to the  
25 event; and  
26 (d) considers the availability to the public of tickets to the event.

1 (3) A notice is a notifiable instrument.

2 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

3 (4) The Minister must also publish the notice in a daily newspaper.

4 (5) Failure to publish a notice in accordance with subsection (4) does  
5 not affect the validity of the notice.

6 **39 Offence—ticket-scalping**

7 (1) A person commits an offence if—

8 (a) the person sells or trades a ticket to a major event; and

9 (b) the value of the ticket is more than the original sale price of the  
10 ticket; and

11 (c) the person does not have the written permission of the event  
12 organiser to do so.

13 Maximum penalty: 30 penalty units.

14 (2) In this section:

15 *sell or trade*, a ticket, includes any form of transaction in which a  
16 substantial purpose of the transaction is the sale or trade of the ticket  
17 for a value more than the original sale price of the ticket.

18 **40 Offence—unauthorised use of ticket for financial benefit**

19 (1) A person commits an offence if—

20 (a) the person uses a ticket to a major event for a substantial  
21 purpose of—

22 (i) receiving a financial benefit; or

23 (ii) giving a financial benefit to a party related to the person;  
24 and

- 1 (b) the person is not authorised in writing by the event organiser to  
2 do so.

3 Maximum penalty: 30 penalty units.

4 (2) This section does not apply to a person who—

5 (a) has bought or is given a ticket to a major event for personal  
6 use; and

7 (b) sells or trades the ticket for a value not more than the original  
8 sale price of the ticket.

9 (3) In this section:

10 *financial benefit*, in relation to the use of a ticket to a major event,  
11 means anything of economic value including publicity.

12 **Example—publicity**

13 a radio station gives away free tickets on behalf of a sponsor to callers to the  
14 station

15 *Note* An example is part of the Act, is not exhaustive and may extend, but  
16 does not limit, the meaning of the provision in which it appears (see  
17 [Legislation Act](#), s 126 and s 132).

18 *uses*, a ticket, includes—

19 (a) giving the ticket away as a prize in a lottery or competition; or

20 (b) including the ticket with the sale or trade of other goods or  
21 services; or

22 **Example**

23 a restaurant offers a dinner package that includes a free ticket to a major  
24 event

25 (c) exchanging the ticket for the redemption of points in a  
26 customer loyalty scheme.

**Part 6**                      **Authorised people**

**Division 6.1**              **Authorised people—appointment**

**41**                      **Appointment of authorised people**

- (1) The director-general may appoint a person as an authorised person for this Act.

*Note 1*     A police officer is also an authorised person (see dict, def ***authorised person***).

*Note 2*     For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 3*     In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (2) The director-general may appoint a person as an authorised person only if the director-general is satisfied the person—

(a) holds a security licence; and

(b) is, or will be, employed by a person holding a master licence under the [Security Industry Act 2003](#); and

(c) has not—

(i) committed an offence against this Act; or

(ii) been convicted or found guilty of an offence involving fraud, dishonesty, violence, drugs or weapons; and

(d) is capable of competently exercising the functions of an authorised person for this Act.

- (3) The director-general may end the appointment of a person as an authorised person if the person—

(a) ceases to hold a security licence; or

(b) is not employed by a person holding a master licence under the [Security Industry Act 2003](#); or

- 1 (c) commits an offence against this Act; or  
2 (d) has been convicted or found guilty of an offence involving  
3 fraud, dishonesty, violence, drugs or weapons; or  
4 (e) is not capable of competently exercising the functions of an  
5 authorised person for this Act.

6 *Note* An authorised person's appointment also ends if the person resigns (see  
7 [Legislation Act](#), s 210).

8 (4) In this section:

9 *security licence* means a licence under the [Security Industry](#)  
10 [Act 2003](#) that authorises the licensee to carry out crowd control  
11 under section 13 (1) (h) of that Act, whether or not it authorises the  
12 licensee to do anything else.

## 13 **42 Identity cards**

- 14 (1) This section applies in relation to an authorised person appointed  
15 under section 41.  
16 (2) The director-general must give an authorised person an identity card  
17 stating the person's name and that the person is an authorised  
18 person.  
19 (3) The identity card must show—  
20 (a) a recent photograph of the authorised person; and  
21 (b) the card's date of issue and expiry; and  
22 (c) anything else prescribed by regulation.  
23 (4) A person commits an offence if the person—  
24 (a) stops being an authorised person; and

1 (b) does not return the person's identity card to the  
2 director-general as soon as practicable (but not later than  
3 7 days) after the day the person stops being an authorised  
4 person.

5 Maximum penalty: 1 penalty unit.

6 (5) Subsection (4) does not apply to a person if the person's identity  
7 card has been—

8 (a) lost or stolen; or

9 (b) destroyed by someone else.

10 *Note* The defendant has an evidential burden in relation to the matters  
11 mentioned in s (5) (see [Criminal Code](#), s 58).

12 (6) An offence against this section is a strict liability offence.

### 13 **43 Offences—authorised person must show identity card**

14 (1) This section applies in relation to an authorised person appointed  
15 under section 41.

16 (2) An authorised person commits an offence if the authorised person—

17 (a) exercises a power under this Act in relation to a person; and

18 (b) does not first show the person the authorised person's identity  
19 card.

20 Maximum penalty: 10 penalty units.

21 (3) An authorised person commits an offence if the authorised person—

22 (a) is asked to show the authorised person's identity card by—

23 (i) a police officer; or

24 (ii) an investigator; and

25 (b) does not show the authorised person's identity card.

26 Maximum penalty: 10 penalty units.

- 1 (4) An offence against this section is a strict liability offence.
- 2 (5) This section does not apply to an authorised person if the authorised  
3 person's identity card is prominently displayed on the authorised  
4 person's body.
- 5 *Note* The defendant has an evidential burden in relation to the matter  
6 mentioned in s (5) (see [Criminal Code](#), s 58).
- 7 (6) In this section:
- 8 *investigator*—see the [Fair Trading \(Australian Consumer Law\)](#)  
9 [Act 1992](#), dictionary.

## 10 Division 6.2 Powers of authorised people

### 11 44 Definition—div 6.2

- 12 (1) In this division:
- 13 *premises* means only premises that the public is entitled to use or  
14 that are open to the public (whether or not on payment of money)  
15 and—
- 16 (a) for an authorised person appointed under section 41—that are  
17 in—
- 18 (i) a major event venue—for the major event declaration  
19 period; or
- 20 (ii) an important sporting event venue—for the important  
21 sporting event notice period; or
- 22 (b) for a police officer—that are in or near—
- 23 (i) a major event venue—for the major event declaration  
24 period; or
- 25 (ii) a clean zone—for the protection period; or
- 26 (iii) an important sporting event venue—for the important  
27 sporting event notice period.

- 1           (2) In this section:  
2                 *protection period*, in relation to a clean zone—see section 31 (1)  
3                 (Notice of clean zone).

4       **45           Power to enter premises**

- 5           (1) For this Act, an authorised person may—  
6                 (a) at any time when the premises are open for business, enter the  
7                 premises; or  
8                 (b) at any reasonable time, enter premises with the occupier's  
9                 consent.  
10          (2) However, subsection (1) does not authorise entry into a part of  
11          premises that is being used only for residential purposes.  
12          (3) An authorised person may, without the consent of the occupier of  
13          premises, enter land around the premises to ask for consent to enter  
14          the premises.  
15          (4) To remove any doubt, an authorised person may enter premises  
16          under subsection (1) without payment of an entry fee or other  
17          charge.  
18          (5) In this section:  
19                 *at any reasonable time* includes at any time when the public is  
20                 entitled to use the premises, or when the premises are open to or  
21                 used by the public (whether or not on payment of money).

22       **46           Production of identity card**

- 23          (1) An authorised person appointed under section 41 must not remain at  
24          premises entered under this part if the authorised person does not  
25          produce the person's identity card when asked by the occupier.  
26          (2) A police officer must not remain at premises entered under this part  
27          if the officer does not produce evidence that the officer is a police  
28          officer when asked by the occupier.

1     **47           Consent to entry**

2           (1) When seeking the consent of an occupier of premises to enter  
3           premises under section 45 (1) (b), an authorised person must—

4           (a) either—

5                   (i) for an authorised person appointed under section 41—  
6                   produce the person's identity card; or

7                   (ii) for a police officer—produce evidence that the person is a  
8                   police officer; and

9           (b) tell the occupier—

10                   (i) the purpose of the entry; and

11                   (ii) that anything found and seized under this part may be  
12                   used in evidence in court; and

13                   (iii) that consent may be refused.

14           (2) If the occupier consents, the authorised person must ask the occupier  
15           to sign a written acknowledgment (an ***acknowledgment of***  
16           ***consent***)—

17           (a) that the occupier was told—

18                   (i) the purpose of the entry; and

19                   (ii) that anything found and seized under this part may be  
20                   used in evidence in court; and

21                   (iii) that consent may be refused; and

22           (b) that the occupier consented to the entry; and

23           (c) stating the time and date when consent was given.

24           (3) If the occupier signs an acknowledgment of consent, the authorised  
25           person must immediately give a copy to the occupier.

26           *Note*     For how documents may be given, see the [Legislation Act](#), pt 19.5.

1 (4) A court must find that the occupier did not consent to entry to the  
2 premises by the authorised person under this part if—

3 (a) the question arises in a proceeding in the court whether the  
4 occupier consented to the entry; and

5 (b) an acknowledgment of consent is not produced in evidence;  
6 and

7 (c) it is not proved that the occupier consented to the entry.

8 **48 General powers on entry to premises**

9 (1) An authorised person who enters premises under this part may, for  
10 this Act, do 1 or more of the following in relation to the premises or  
11 anything at the premises:

12 (a) inspect or examine;

13 (b) take photographs, films or audio, video or other recordings.

14 *Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the  
15 privilege against self-incrimination and client legal privilege.

16 (2) A police officer who enters premises under this part may also, for  
17 this Act, do 1 or more of the following in relation to the premises or  
18 anything at the premises:

19 (a) take measurements or conduct tests;

20 (b) take samples;

21 (c) require the occupier, or anyone at the premises, to give the  
22 police officer reasonable help to exercise a power under this  
23 part.

24 *Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the  
25 privilege against self-incrimination and client legal privilege.

26 (3) A person must take reasonable steps to comply with a requirement  
27 made of the person under subsection (2) (c).

28 Maximum penalty: 20 penalty units.

1     **49           Police officer may seize things**

- 2           (1) A police officer who enters premises under this part with the  
3           occupier's consent may seize anything at the premises if—
- 4               (a) the police officer is satisfied on reasonable grounds that the  
5               thing is connected with an offence against this Act; and
- 6               (b) seizure of the thing is consistent with the purpose of the entry  
7               told to the occupier when seeking the occupier's consent.
- 8           (2) A police officer who enters premises under this part (whether with  
9           the occupier's consent or otherwise) may seize anything at the  
10          premises if satisfied on reasonable grounds that—
- 11               (a) the thing is connected with an offence against this Act; and
- 12               (b) the seizure is necessary to prevent the thing from being—
- 13                     (i) concealed, lost or destroyed; or
- 14                     (ii) used to commit, continue or repeat the offence.
- 15          (3) Also, a police officer who enters premises under this part (whether  
16          with the occupier's consent or otherwise) may seize anything at the  
17          premises if satisfied on reasonable grounds that the thing poses a  
18          risk to the health or safety of people or of damage to property or the  
19          environment.
- 20          (4) The powers of a police officer under this section are additional to  
21          the powers of a police officer under any other territory law.
- 22          (5) Having seized a thing, a police officer may—
- 23               (a) remove the thing from the premises where it was seized  
24               (the *place of seizure*) to another place; or
- 25               (b) leave the thing at the place of seizure but restrict access to it.

- 1 (6) A person commits an offence if—
- 2 (a) the person interferes with a seized thing, or anything
- 3 containing a seized thing, to which access has been restricted
- 4 under subsection (5); and
- 5 (b) the person does not have a police officer's approval to interfere
- 6 with the thing.
- 7 Maximum penalty: 20 penalty units.
- 8 (7) An offence against this section is a strict liability offence.

9 **Division 6.3 Return and forfeiture of things seized**

10 **50 Application—div 6.3**

11 This division applies to a thing seized by a police officer under this

12 part other than a prohibited item seized inside an event venue.

13 *Note 1* Div 7.1 provides for the retention, return and disposal of prohibited

14 items surrendered or confiscated under s 15 (Offence—possessing

15 prohibited item) or seized under s 49 (Police officer may seize things).

16 *Note 2* A prohibited item kept by a police officer under s 61 (a) (Retention and

17 return of certain prohibited items) must be dealt with as if the item was

18 seized under this division.

19 **51 Receipt for things seized**

- 20 (1) As soon as practicable after a police officer seizes a thing under this
- 21 part, the police officer must give a receipt for it to the person from
- 22 whom it was seized.
- 23 (2) If, for any reason, it is not practicable to comply with subsection (1),
- 24 the police officer must leave the receipt, secured conspicuously, at
- 25 the place of seizure under section 49 (Police officer may seize
- 26 things).

(3) A receipt under this section must include the following:

- (a) a description of the thing seized;
- (b) an explanation of why the thing was seized;
- (c) the police officer's name, and how to contact the police officer;
- (d) if the thing is moved from the premises where it is seized—  
where the thing is to be taken.

*Note* If a form is approved under s 65 for this provision, the form must be used.

## **52 Access to things seized**

A person who would, apart from the seizure, be entitled to inspect a thing seized under this part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.

## **53 Return of things seized**

(1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid to the owner by the Territory for the loss of the thing, unless—

- (a) a prosecution for an offence against a territory law in connection with the thing is begun within 1 year after the day the seizure is made and the thing is required to be produced in evidence in the prosecution; or
- (b) an application for the forfeiture of the seized thing is made to a court under the *Confiscation of Criminal Assets Act 2003* or another territory law within 1 year after the day the seizure is made; or
- (c) all proceedings in relation to the offence with which the seizure was connected have ended and the court has not made an order about the thing.

- 1           (2) However, this section does not apply to a thing—
- 2               (a) if the director-general believes on reasonable grounds that the
- 3               only practical use of the thing in relation to the premises where
- 4               it was seized would be an offence against this Act; or
- 5               (b) if possession of it by its owner would be an offence.

6       **54           Forfeiture of things seized**

- 7           (1) This section applies if—
- 8               (a) anything seized under this part has not been returned under
- 9               section 53; and
- 10              (b) an application for disallowance of the seizure under
- 11              section 56—
- 12                      (i) has not been made within 10 days after the day of the
- 13                      seizure; or
- 14                      (ii) has been made within the 10-day period, but the
- 15                      application has been refused or withdrawn before a
- 16                      decision in relation to the application had been made.
- 17           (2) If this section applies to the thing seized—
- 18               (a) it is forfeited to the Territory; and
- 19               (b) it may be sold, destroyed or otherwise disposed of as the
- 20               director-general directs.

21       **55           Power to destroy unsafe thing**

- 22           (1) This section applies to anything inspected or seized under this part
- 23           by a police officer if the police officer is satisfied on reasonable
- 24           grounds that the thing poses a risk to the health or safety of people
- 25           or of damage to property or the environment.
- 26           (2) The police officer may direct a person in charge of the premises
- 27           where the thing is to destroy or otherwise dispose of the thing.

- (3) The direction may state 1 or more of the following:
- (a) how the thing must be destroyed or otherwise disposed of;
  - (b) how the thing must be kept until it is destroyed or otherwise disposed of;
  - (c) the period within which the thing must be destroyed or otherwise disposed of.
- (4) A person in charge of the premises where the thing is commits an offence if the person contravenes a direction given to the person under subsection (2).
- Maximum penalty: 20 penalty units.
- (5) Alternatively, if the thing has been seized under this part, the police officer may destroy or otherwise dispose of the thing.
- (6) Costs incurred by the Territory in relation to the disposal of a thing under subsection (5) are a debt owing to the Territory by, and are recoverable together and separately from, the following people:
- (a) the person who owned the thing;
  - (b) each person in control of the premises where the thing was.
- Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).
- (7) An offence against this section is a strict liability offence.

## **56 Application for order disallowing seizure**

- (1) A person claiming to be entitled to anything seized under this part may apply to the Magistrates Court within 10 days after the day of the seizure for an order disallowing the seizure.
- (2) The application may be heard only if the applicant has served a copy of the application on the director-general.
- Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

- 1           (3) The director-general is entitled to appear as respondent at the  
2           hearing of the application.

3       **57           Order for return of seized thing**

- 4           (1) This section applies if a person claiming to be entitled to anything  
5           seized under this part applies to the Magistrates Court under  
6           section 56 for an order disallowing the seizure.
- 7           (2) The Magistrates Court must make an order disallowing the seizure if  
8           satisfied that—
- 9               (a) the applicant would, apart from the seizure, be entitled to the  
10              return of the seized thing; and
- 11              (b) the thing is not connected with an offence against this Act; and
- 12              (c) possession of the thing by the person would not be an offence.
- 13           (3) The Magistrates Court may also make an order disallowing the  
14           seizure if satisfied there are exceptional circumstances justifying the  
15           making of the order.
- 16           (4) If the Magistrates Court makes an order disallowing the seizure, the  
17           court may make 1 or more of the following ancillary orders:
- 18               (a) an order directing the director-general to return the thing to the  
19              applicant or to someone else who appears to be entitled to it;
- 20              (b) if the thing cannot be returned or has depreciated in value  
21              because of the seizure—an order directing the Territory to pay  
22              reasonable compensation;
- 23              (c) an order about the payment of costs in relation to the  
24              application.

## **Division 6.4                      Enforcement—miscellaneous**

### **58                      Damage etc to be minimised**

- (1) In the exercise, or purported exercise, of a function under this part, an authorised person must take all reasonable steps to ensure that the person causes as little inconvenience, detriment and damage as practicable.
- (2) If an authorised person damages anything in the exercise or purported exercise of a function under this part, the authorised person must give written notice of the particulars of the damage to the person the authorised person believes on reasonable grounds is the owner of the thing.
- (3) The notice must state that—
  - (a) the person may claim compensation from the Territory if the person suffers loss or expense because of the damage; and
  - (b) compensation may be claimed and ordered in a proceeding for compensation brought in a court of competent jurisdiction; and
  - (c) the court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.
- (4) If the damage happens at premises entered under this part in the absence of the occupier, the notice may be given by leaving it, secured conspicuously, at the premises.

### **59                      Compensation for exercise of enforcement powers**

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by an authorised person.
- (2) Compensation may be claimed and ordered in a proceeding for—
  - (a) compensation brought in a court of competent jurisdiction; or

- 1           (b) an offence against this Act brought against the person making  
2           the claim for compensation.
- 3           (3) A court may order the payment of reasonable compensation for the  
4           loss or expense only if satisfied it is just to make the order in the  
5           circumstances of the particular case.
- 6           (4) A regulation may prescribe matters that may, must or must not be  
7           taken into account by the court in considering whether it is just to  
8           make the order.

**Part 7                      Miscellaneous**

**Division 7.1              Surrendered or confiscated prohibited items**

**60                      Definitions—div 7.1**

In this division:

***collection period***, in relation to a returnable item, means—

- (a) for an item other than perishable food—the period—
  - (i) starting from the time the item holder leaves the event venue on the day the item was surrendered, confiscated or seized; and
  - (ii) ending 28 days after the day the item was surrendered, confiscated or seized; and
- (b) for perishable food—the period—
  - (i) starting from the time the item holder leaves the event venue on the day the item was surrendered, confiscated or seized; and
  - (ii) ending at the end of the day the item was surrendered, confiscated or seized.

***item holder***, in relation to a returnable item, means the person—

- (a) who surrendered the item; or
- (b) from whom the item was confiscated or seized.

***non-returnable item*** means an item mentioned in section 12 (1), definition of ***prohibited item***, paragraph (a) (i) to (vi) surrendered or confiscated under section 15 (Offence—possessing prohibited item) or seized under section 49 (Police officer may seize things).

1            ***returnable item*** means a prohibited item—

2            (a) surrendered or confiscated under section 15 (Offence—  
3            possessing prohibited item) or seized under section 49 (Police  
4            officer may seize things); and

5            (b) to which section 61 (a) does not apply.

6            **61            Retention and return of certain prohibited items**

7            Without limiting any other territory law—

8            (a) a police officer—

9                    (i) for a non-returnable item—must keep the item; or

10                    (ii) for any other prohibited item—may keep the prohibited  
11                    item for a proceeding for an offence against this Act; and

12            (b) the police officer must deal with an item kept under  
13            paragraph (a) as if the item was seized under  
14            division 6.3 (Return and forfeiture of things seized); and

15            (c) for a prohibited item to which paragraph (a) does not apply—  
16            an authorised person must—

17                    (i) tell the item holder that the item holder may within the  
18                    collection period collect the item from the event venue or  
19                    another location where the item is stored in a secure way;  
20                    and

21                    (ii) do either of the following:

22                            (A) if the item holder requests the return of the item  
23                            within the collection period—return the item to the  
24                            item holder;

25                            (B) if the item holder does not collect the item within the  
26                            collection period—deal with the item in accordance  
27                            with section 62 (2).

**62                      Storage and disposal of returnable items**

- (1) A venue organiser must ensure that a returnable item surrendered or confiscated under section 15 (Offence—possessing prohibited item) or seized under section 49 (Police officer may seize things) is stored in a secure way until the earlier of the following:
- (a) the item is collected by the item holder;
  - (b) the end of the collection period.
- (2) If a returnable item has not been collected under section 61 within the collection period—
- (a) it is forfeited to the venue organiser; and
  - (b) the venue organiser may sell, destroy or otherwise dispose of the item.

**Division 7.2                      Other matters**

**63                      Obligations of ticket sellers**

- (1) This section applies to a person (a *ticket seller*) who sells tickets to an event.
- (2) If the ticket seller believes on reasonable grounds that the event may be declared a major event, the ticket seller must take reasonable steps to tell each person buying a ticket to the event, before the person buys the ticket, that this Act may apply to the event.
- (3) If the event is declared a major event, the ticket seller must take reasonable steps to tell each person buying a ticket to the event, before the person buys the ticket, that this Act applies to the event.

**64 Effect of disallowance of declaration**

- (1) This section applies if a major event declaration is disallowed under the [Legislation Act](#).
- (2) Despite the [Legislation Act](#), section 84 (Saving of operation of repealed and amended laws)—
- (a) if a person has been investigated or prosecuted for an offence against this Act in relation to the major event—any investigation of or prosecution for the offence must be discontinued and a person is taken never to have been investigated or prosecuted for the offence; and
  - (b) if a person has been convicted for an offence against this Act in relation to the major event—
    - (i) the conviction for the offence is quashed; and
    - (ii) the person is taken never to have been convicted of the offence; and
    - (iii) any financial penalty and costs paid to the Territory must be refunded; and
  - (c) a civil or criminal proceeding does not lie against—
    - (i) the Territory for an act done or omitted to be done honestly by an authorised person, the event organiser or venue manager (a *major event party*) in relation to the major event in the exercise or purported exercise of a power under this Act; and
    - (ii) a major event party for an act done or omitted to be done honestly by the party in relation to the major event in the exercise or purported exercise of a power under this Act.

- 1     **65**                    **Approved forms**
- 2                    (1) The Minister may approve forms for this Act.
- 3                    (2) If the Minister approves a form for a particular purpose, the
- 4                    approved form must be used for the purpose.
- 5                    *Note*            For other provisions about forms, see the [Legislation Act](#), s 255.
- 6                    (3) An approved form is a notifiable instrument.
- 7                    *Note*            A notifiable instrument must be notified under the [Legislation Act](#).
- 8     **66**                    **Regulation-making power**
- 9                    The Executive may make regulations for this Act.
- 10                   *Note*            A regulation must be notified, and presented to the Legislative
- 11                   Assembly, under the [Legislation Act](#).

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- [Corporations Act](#)
- daily newspaper
- fail
- found guilty
- home address
- magistrate
- Magistrates Court
- police officer.

***advertise***, for division 4.2 (Clean zones)—see section 30.

***authorised person*** means—

- (a) a police officer; or
- (b) a person appointed under section 41.

***clean zone***, for a major event, for division 4.2 (Clean zones)—see section 30.

***collection period***, in relation to a returnable item, for division 7.1 (Surrendered or confiscated prohibited items)—see section 60.

***commercial purpose***, for part 4 (Protection of commercial arrangements)—see section 27.

***event organiser***, for a major event or important sporting event, means the person stated in the major event declaration or important sporting event notice as the organiser of the event.

- 1           **event venue** means—
- 2           (a) for a major event—the major event venue; or
- 3           (b) for an important sporting event—the important sporting event
- 4           venue.
- 5           **important sporting event** means a sporting event to which an
- 6           important sporting event notice applies.
- 7           **important sporting event notice** means a notice given under
- 8           section 9.
- 9           **important sporting event notice period** means the period stated in
- 10          the important sporting event notice for which the notice is in force.
- 11          **important sporting event venue**, for an important sporting event,
- 12          means—
- 13          (a) the place stated in the important sporting event notice as the
- 14             location for the event (as added to or varied by any crowd
- 15             management notice); and
- 16          (b) any place reasonably incidental to the holding of the event.
- 17          **item holder**, in relation to a returnable item, for division 7.1
- 18          (Surrendered or confiscated prohibited items)—see section 60.
- 19          **major event** means an event to which a major event declaration
- 20          applies.
- 21          **major event declaration** means a declaration made under section 6.
- 22          **major event declaration period** means the period stated in the major
- 23          event declaration for which the declaration is in force.
- 24          **major event venue**, for a major event, means—
- 25          (a) the place stated in the major event declaration as the location
- 26             for the event (as varied by any notice under section 8 (Major
- 27             event declaration—variation)); and
- 28          (b) any place reasonably incidental to the holding of the event.

- 1           ***non-returnable item***, for division 7.1 (Surrendered or confiscated  
2 prohibited items)—see section 60.
- 3           ***original sale price***, of a ticket, for part 5 (Protection of ticketing  
4 arrangements)—see section 37.
- 5           ***premises***, for division 6.2 (Powers of authorised people)—see  
6 section 44.
- 7           ***prohibited item***, for a major event or important sporting event—see  
8 section 12.
- 9           ***returnable item***, for division 7.1 (Surrendered or confiscated  
10 prohibited items)—see section 60.
- 11          ***ticket***, to a major event, for part 5 (Protection of ticketing  
12 arrangements)—see section 37.
- 13          ***venue manager***, in relation to an event venue, means the person  
14 responsible (whether wholly or in part) for the management and use  
15 of the venue.

## Endnotes

## 1 Presentation speech

Presentation speech made in the Legislative Assembly on 14 August 2014.

## 2 Notification

Notified under the [Legislation Act](#) on 2014.

### 3 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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