

Passed by both Houses



New South Wales

Major Events Amendment Bill 2022

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Major Events Amendment Bill 2022

Act No _____, 2022

An Act to make miscellaneous amendments to the *Major Events Act 2009* following a statutory review of the Act.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Major Events Amendment Act 2022*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Major Events Act 2009 No 73

[1] Section 4 Definitions

Omit section 4(1), definitions of *major event period* and *major event venue or facility*.

Insert in alphabetical order—

authorised officer, for a major event, means a person authorised under section 69A to be an authorised officer for the major event.

major event area, for a major event, means an area declared under section 4B to be a major event area for the major event.

major event period—see section 5(4)(b).

promoter, for a major event, means the person prescribed as the promoter for the major event under section 5(4)(d).

[2] Section 4(2)

Omit the subsection.

[3] Section 4B

Insert before Part 2—

4B Declaration of major event area

(1) The Minister may, by order published in the Gazette, declare an area to be the major event area for a major event.

(2) The Minister must not make an order for the purposes of subsection (1) unless the Minister considers that the whole of the proposed major event area is necessary to enable the conduct of the major event.

[4] Section 5 Declaration of major event

Insert “in accordance with section 13,” before “declare which” in section 5(4)(c).

[5] Section 5(4)(d)

Insert at the end of section 5(4)(c)—

, and

(d) prescribe a person as the promoter of the major event.

[6] Section 22 Relationship with road transport legislation

Omit “section 62 (Compensation not payable in respect of major event-related matters)” from section 22(4).

Insert instead “sections 62 and 62A”.

[7] Section 26 Road closures—integrated road and transport services

Omit “in a newspaper circulating generally in New South Wales” from section 26(3).

Insert instead “on the website of TfNSW”.

[8] Section 27 Road closures—major events

Omit “in a newspaper circulating generally in New South Wales” from section 27(9).

Insert instead “on the website of TfNSW”.

[9] Section 28 Road closures—short periods

Omit “at or near any major event venue or facility” from section 28(2)(b).

Insert instead “within or near a major event area”.

[10] Section 30 Offences relating to road closures

Omit section 30(6). Insert instead—

(6) In this section—

authorised officer means—

- (a) a person who has received, for the purposes of this section, written authorisation from TfNSW or the responsible authority for the major event, or
- (b) a police officer.

[11] Section 34 Declarations under sections 32 and 33

Omit “in a newspaper circulating generally in New South Wales”.

Insert instead “on the website of TfNSW”.

[12] Section 37 Control of sale and distribution of articles in certain public places

Omit section 37(1). Insert instead—

(1) For the purposes of this section, the regulations may prescribe an area as a *controlled area* for a major event.

(1A) A controlled area must be—

- (a) the area comprising or comprising and adjacent to—
 - (i) a transport facility or interchange, or
 - (ii) a major event area, or
- (b) a public place within 100m of—
 - (i) a transport facility or interchange, or
 - (ii) a major event area.

[13] Section 37(8)

Insert “also” after “may”.

[14] Sections 37(9), definition of “authorised officer”, 44(2), 45(4), 46(8) and 73(6)

Omit the provisions.

[15] Sections 38(2), 41(1)(b), 43(1) and (2), 44(1)(e), 45–49, 59(1) and 72(2)(c)

Omit “venue or facility” wherever occurring. Insert instead “area”.

[16] Section 39 Prohibition of certain advertising on buildings and structures

Omit section 39(1)–(3). Insert instead—

(1) For the purposes of this section, the regulations may prescribe a site as an *advertising controlled site* for a major event.

(2) An advertising controlled site must be—

- (a) in a major event area for the major event, or
- (b) in an area within 500m of a major event area for the major event.

- (3) Notice of the advertising controlled site must be published in a way the Minister considers appropriate to bring the notice to the attention of persons who may be affected by the prescription of the site as an advertising controlled site.

[17] Section 39(9)

Omit “referred to in subsection (1)(b)”. Insert instead “to which subsection 2(b) applies”.

[18] Section 39(9)(a)

Omit “relevant order was made”.

Insert instead “area was prescribed as an advertising controlled site”.

[19] Section 40 Prohibition of certain aerial advertising

Omit section 40(1). Insert instead—

- (1) For the purposes of this section, the regulations may prescribe airspace as *advertising controlled airspace* for a major event.
- (1A) The advertising controlled airspace must be within the line of sight of a major event area for the major event.

[20] Section 40(7), definition of “aircraft”

Omit “or a balloon”. Insert instead “, balloon or drone or other unmanned aerial vehicle”.

[21] Sections 41(1) and 44(1)

Omit “at a major event venue or facility” wherever occurring.

Insert instead “within a major event area”.

[22] Section 42 Use of official title and official insignia

Omit “for the purposes of this section by notice published in the Gazette” wherever occurring in section 42(3).

Insert instead “and prescribed by the regulations for the purposes of this section”.

[23] Section 46 Directions to leave

Omit “at the major event” from section 46(4)(a). Insert instead “within the major event”.

[24] Section 46(4)(e)

Omit “at a major event”. Insert instead “within the major event”.

[25] Section 47 Prohibited entry to playing fields

Insert “part of” before “a major event”.

[26] Section 50

Omit sections 50 and 51. Insert instead—

50 Exempt development under Environmental Planning and Assessment Act 1979

- (1) A major event activity for the purposes of a major event is taken to be exempt development for the purposes of the *Environmental Planning and Assessment Act 1979* if—

- (a) the responsible authority for the major event has obtained written approval from the Minister to carry out the major event activity for the purposes of the major event, and
 - (b) the major event activity is carried out in accordance with the Minister's written approval.
- (2) In this section—
- major event activity** means the following—
- (a) development within the meaning of the *Environmental Planning and Assessment Act 1979*,
 - (b) an activity within the meaning of the *Environmental Planning and Assessment Act 1979*,
 - (c) anything done under a declaration under section 57.

[27] Section 54 Use of community land

Omit “major event venues and facilities” from section 54(1)(b).

Insert instead “venues or facilities for a major event”.

[28] Section 55, heading

Insert “**under *Local Government Act 1993***” after “persons”.

[29] Section 62A

Insert after section 62—

62A Compensation not payable by promoter for economic loss

- (1) Compensation is not payable by or on behalf of a protected person for economic loss arising because of an act done—
 - (a) in good faith, and
 - (b) for a major event-related matter.
- (2) This section does not—
 - (a) apply to acts that cause—
 - (i) the death of a person, or
 - (ii) personal injury to a person, or
 - (iii) damage to property, or
 - (b) affect compensation payable by a protected person under an indemnity or other agreement.
- (3) In this section—

act includes omission.

compensation includes damages and any other form of monetary compensation.

done includes omitted to be done.

major event-related matter means the following matters and includes anything arising from the matter—

 - (a) the conduct or holding of any major event,
 - (b) works or other things done under an authorisation given under this Act or the regulations.

protected person means—

- (a) a promoter, or
- (b) an employee or agent of a promoter.

[30] Section 68 Delegation of responsible authority's functions

Insert after section 68(3)—

- (3A) A delegation, or sub-delegation, to an authorised person referred to in subsection (3)(d)—
 - (a) must be limited to a specified major event, and
 - (b) must not apply to a key regulatory function.

[31] Section 68(5)

Insert after section 68(4)—

- (5) In this section—
key regulatory function means a function prescribed by the regulations as a key regulatory function.

[32] Section 69A

Insert after section 69—

69A Authorisation of authorised officers

- (1) The responsible authority for a major event may authorise a person mentioned in subsection (2) to be an authorised officer for the major event.
- (2) An authorised officer may be—
 - (a) a police officer, or
 - (b) an officer or employee of a government agency, or
 - (c) a person, or a member of a class of persons, prescribed by the regulations.
- (3) The responsible authority may limit the functions that may be exercised by an authorised officer, including by reference to specified provisions of this Act.

[33] Section 72 Regulations

Omit “in or on, major event venues and facilities” from section 72(2)(b).

Insert instead “in, a major event area”.

[34] Schedule 1 Constitution and procedure of board governed major event authorities

Omit “**telephone**” from clause 14, heading. Insert instead “**telecommunication**”.

[35] Schedule 1, clause 14(2)

Omit “closed-circuit television”. Insert instead “audio visual link”.

[36] Schedule 1, clause 14(5)

Omit “facsimile”. Insert instead “email”.

[37] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 1(1)—

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