

# Major Events Act 2009 No 73

[2009-73]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**
  - [Environmental Planning and Assessment Amendment \(Part 3A Repeal\) Act 2011 No 22](#) (not commenced — to commence on 1.10.2011)
  - [Transport Legislation Amendment Act 2011 No 41](#) (not commenced)

### Authorisation

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# Major Events Act 2009 No 73



New South Wales

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# Major Events Act 2009 No 73



New South Wales

An Act to facilitate the holding and conduct of major events in New South Wales; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Major Events Act 2009*.

### 2 Commencement

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

### 3 Objects of Act

The objects of this Act are as follows:

- (a) to attract, support and facilitate the holding and conduct of major events in New South Wales, in particular, events that are anticipated to be of a large scale with a significant number of participants or spectators (whether of a sporting, cultural or other nature),
- (b) to increase the benefits flowing from major events to the people of New South Wales,
- (c) to promote the safety and enjoyment of participants and spectators at major events,
- (d) to prevent unauthorised commercial exploitation of major events at the expense of event organisers and sponsors,
- (e) to enable authorities that are to manage, co-ordinate or regulate major events to be established or designated by regulation,
- (f) to make provision for the following matters in relation to major events:
  - (i) traffic control and the co-ordination of transport and parking,
  - (ii) the regulation of commercial exploitation of the events, including the prevention of ambush marketing and unauthorised use of official titles and insignia,

(iii) safety and crowd management,

(g) to ensure that government agencies are authorised to facilitate and support the holding and conduct of major events.

#### 4 Definitions

(1) In this Act:

**board governed authority** means a major event authority that is declared by a regulation under section 8 (2) (b) to be an authority governed by a board.

**chief executive** means a chief executive of a major event authority appointed under section 11.

**chief executive governed authority** means a major event authority that is declared by a regulation to be an authority governed by a chief executive.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**government agency** means:

(a) a public authority constituted by or under an Act, or

(b) a NSW Government agency, or

(c) a Division of the Government Service, or

(d) a local council, or

(e) a State owned corporation,

but does not include the NSW Police Force.

**major event** means an event that is declared under Part 2 to be a major event.

**major event authority** means a major event authority constituted under Part 3.

**major event period**, in relation to a major event, means the period specified by a regulation under section 5 for which the declaration of the major event is in force.

**major event venue or facility**—see subsection (2).

**public place** means a public place within the meaning of the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#), and includes a school within the meaning of that Act.

**responsible authority**, in relation to a major event, means the person or body designated as the responsible authority for the major event under Part 2.

**road and transport plan** means a plan prepared by a responsible authority for a major event that sets out policies and procedures to be followed in relation to the provision of integrated road and transport services in relation to the major event.

**RTA** means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

**the State** includes the Crown in right of the State and the Government of the State.

**traffic** includes vehicular traffic, pedestrian traffic, cyclist traffic, traffic in or on the water and all other kinds of traffic.

**transport area** means a transport area declared under Division 3 of Part 4.

- (2) For the purposes of this Act, a **major event venue or facility** is:
- (a) any of the following that have been declared to be a major event venue or facility by the Minister by order published in the Gazette:
    - (i) a venue or facility used for the conduct of a major event,
    - (ii) a media centre or other communications facility for the media for a major event,
    - (iii) lodgings and other accommodation for persons attending a major event,
    - (iv) transport and other physical infrastructure associated with a major event,
    - (v) any other development (within the meaning of the [Environmental Planning and Assessment Act 1979](#)) determined by the Minister to be required for, or is associated with, a major event, and
  - (b) any public place, or any part of a public place, that is within 50 metres of a major event venue or facility, being a public place, or part of a public place, that is specified or described in an order of the Minister published in the Gazette, and
  - (c) any place prescribed by the regulations for the purposes of this subsection, but is only such a venue or facility during the relevant major event period.
- (3) Notes included in this Act do not form part of this Act.

## Part 2 Major events

### 5 Declaration of major event

- (1) The regulations may declare an event to be a major event.
- (2) The Minister may recommend the making of a regulation under subsection (1) only if the Minister is of the opinion that:



- (a) it is in the public interest to make the regulation, and
  - (b) the event in respect of which the regulation is to be made is a major event at an international, national or State level.
- (3) Without limiting any other matters the Minister may consider, the Minister may have regard to the following matters before determining whether to recommend the making of a regulation under subsection (1):
- (a) the potential size of the event,
  - (b) the likely number of spectators for the event,
  - (c) the possible media coverage of the event,
  - (d) the possible economic impact of the event,
  - (e) the potential contribution to New South Wales's international profile as a host of major events,
  - (f) the commercial arrangements for the event, if known,
  - (g) the views of the event organiser, including the organiser's event management experience and expertise,
  - (h) possible factors affecting the operational organisation of the event, such as the following:
    - (i) preparation of road and transport plans,
    - (ii) the need for emergency management plans,
    - (iii) the need for security plans and consultation with police and emergency services,
  - (i) if known, the views of local councils directly affected by the event in relation to the arrangements made or to be made for the event,
  - (j) the possible need for consultation and agreements to be made between the event organiser and affected local councils in relation to the event, including any agreements about the restoration of event venues and facilities.
- (4) A regulation made under subsection (1) must:
- (a) describe the event, and
  - (b) specify the period for which the declaration of the major event is in force (the **major event period**), and
  - (c) declare which provisions of Part 4 (if any) apply in relation to the event and specify

the period (or periods) that those provisions so apply.

- (5) A regulation made under this section may be amended by another regulation.
- (6) The regulations may not declare an industrial or political demonstration or protest to be a major event.

## **6 Designation of responsible authority**

A regulation made under section 5 (1) must designate one of the following as the responsible authority for the major event:

- (a) a major event authority or other government agency,
- (b) a public official (within the meaning of the *Public Interest Disclosures Act 1994*).

## **7 Appointment of advisory committees**

- (1) The responsible authority for a major event may appoint such advisory committees as the responsible authority considers appropriate for the purposes of advising the responsible authority for the purposes of this Act.
- (2) An advisory committee has such functions as the responsible authority may from time to time determine in writing in respect of it.
- (3) An advisory committee consists of such committee members appointed by the responsible authority as the responsible authority thinks fit.
- (4) An advisory committee member holds office for such period as is specified in the instrument of appointment of the committee member, but any such appointment may be terminated by the responsible authority at any time.
- (5) One of the advisory committee members, in and by the instrument by which the committee member is appointed or another instrument made by the responsible authority, is to be appointed as chairperson of the committee.
- (6) An advisory committee member is entitled to be paid such fees and allowances (if any) as the Minister may determine, from time to time, in respect of the committee member.
- (7) Subject to the regulations and any directions of the responsible authority, the procedure of an advisory committee appointed under this section is to be as determined by the advisory committee.
- (8) The responsible authority may dissolve an advisory committee appointed under this section.

## **Part 3 Major event authorities**

### **8 Constitution of major event authorities**

- (1) The regulations may establish a corporation and constitute the corporation as a major event authority for the purposes of a specified major event.
- (2) Such a regulation must:
  - (a) specify a corporate name for the major event authority, and
  - (b) declare whether the authority is a chief executive governed authority or a board governed authority, and
  - (c) set out the functions of the authority in relation to the major event.
- (3) A major event authority is a NSW Government agency.

### **9 Management of authorities**

- (1) The affairs of a major event authority are to be managed and controlled by:
  - (a) if the authority is a chief executive governed authority—the chief executive of the authority, or
  - (b) if the authority is a board governed authority—the chief executive, subject to and in accordance with any directions given to the chief executive by the board of the authority.
- (2) A major event authority is subject to the control and direction of the Minister in the exercise of its functions.

### **10 Major event authority boards**

- (1) There is constituted a major event authority board for each board governed authority.
- (2) A major event authority board is to be called the “[*name of board governed authority*] Board”.
- (3) The members of a board of a major event authority are to be appointed by the Minister.
- (4) The regulations are to determine the number of the members of the board of a major event authority and the qualifications (if any) those members must have.
- (5) Schedule 1 contains provisions relating to board governed authorities.

### **11 Chief executives of major event authorities**

- (1) The Minister is to appoint a chief executive for each major event authority.

- (2) If the major event authority is a board governed authority, the chief executive may be represented at any meeting of the board by a person nominated for the time being by the chief executive. In representing the chief executive, the person nominated has and may exercise the same functions as the chief executive has at such a meeting (including voting rights), and is taken to be the chief executive.
- (3) If the major event authority is a chief executive governed authority, except when making a recommendation to the Minister, the chief executive is, in the exercise of his or her functions, subject to the control and direction of the Minister.
- (4) Any act, matter or thing done in the name of, or on behalf of, the major event authority by the chief executive of that major event authority is taken to have been done by the major event authority.
- (5) The employment of a chief executive appointed by the Minister under subsection (1) is subject to Part 3.1 of the *Public Sector Employment and Management Act 2002*, but is not subject to Chapter 1A or 2 of that Act.

## **12 Dissolution, amalgamation and change of name and governance of major event authorities**

- (1) The regulations may:
  - (a) dissolve a major event authority, or
  - (b) change the name of a major event authority, or
  - (c) change the nature of governance of a major event authority:
    - (i) from board governed to chief executive governed, or
    - (ii) from chief executive governed to board governed, or
  - (d) amalgamate 2 or more major event authorities.
- (2) Schedule 2 contains provisions relating to dissolutions, changes and amalgamations made under this section.
- (3) A regulation under subsection (1) (d) that amalgamates 2 or more major event authorities must declare whether the amalgamated authority is a chief executive governed authority or a board governed authority.
- (4) A regulation under this section may contain provisions, not inconsistent with the provisions of or made under Schedule 2, of a savings and transitional nature consequent on the making of the regulation.

## **Part 4 Facilitation of major events**

### **Division 1 Application of Part**

#### **13 Provisions of Part apply only if regulations provide**

- (1) A provision of this Part does not apply in relation to a major event unless a regulation declares that it applies.
- (2) A provision of this Part applies only:
  - (a) during the relevant major event period, or
  - (b) if a shorter period is prescribed by the regulations in relation to the provision—during that shorter period.

### **Division 2 Co-ordination and co-operation of government agencies**

#### **14 Obligations of government agencies**

A government agency has the following obligations in respect of a major event:

- (a) to co-operate with the responsible authority for the major event in the exercise of the responsible authority's functions, including complying with any reasonable request of the responsible authority for information to enable the responsible authority to exercise its functions,
- (b) to comply with the responsible authority's road and transport plan for the major event in respect of which it has received notification by the responsible authority,
- (c) to provide resources and assistance in accordance with any request of the responsible authority that is authorised by or under this Act,
- (d) to notify the responsible authority of any proposed exercise of the agency's functions that may impact adversely on the exercise of the responsible authority's functions.

#### **15 Powers of government agencies**

Despite the provisions of any other Act or law, a government agency is:

- (a) authorised to exercise any of its functions in order to comply with a request, direction or decision of a responsible authority made or given under this Act, and
- (b) authorised and empowered to enter into agreements for the purposes of this Act with a responsible authority and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

#### **16 Minister may direct government agencies to co-operate**

- (1) The Minister may, by notice in writing given to a prescribed government agency,

direct the agency to comply with a request, direction or decision of a responsible authority for a major event made or given under this Act.

- (2) In this section, **prescribed government agency** means a government agency prescribed by the regulations for the purposes of this section.

### **17 SES, RFS and others may assist in the provision of government services for major events**

- (1) The State Emergency Service, the NSW Rural Fire Service and any other person or body prescribed by the regulations for the purposes of this section have the function of assisting the responsible authority in the delivery of services for the major event concerned, including (but not limited to) the following:
- (a) crowd management services and access control services for venues or facilities,
  - (b) traffic or pedestrian control.
- (2) The functions referred to in subsection (1) are in addition to any functions conferred or imposed on the State Emergency Service, the NSW Rural Fire Service or other person or body by or under any other Act or law.
- (3) Nothing in this section requires the State Emergency Service or the NSW Rural Fire Service, or any member of those Services, to undertake any task or activity without the consent of the Commissioner of the State Emergency Service or the Commissioner of the NSW Rural Fire Service (as the case may be).
- (4) The *Security Industry Act 1997* does not apply to or in respect of any person who is carrying out functions under this section.

### **18 Dispute resolution**

- (1) If there is a dispute between the responsible authority for a major event and a government agency concerning the operation of any provision of this Act and the parties have after reasonable efforts been unable to resolve the dispute themselves, either party may request a review of the matter by the responsible Ministers (namely, the Minister responsible for the responsible authority and the Minister responsible for the government agency concerned).
- (2) If the same Minister is responsible for both the responsible authority and the government agency concerned, the review is to be by that Minister.
- (3) If the dispute is not resolved by the responsible Ministers or Minister, the dispute is to be referred to the Premier.
- (4) The responsible authority and the government agency concerned are to give effect to any decision of the responsible Ministers, Minister or the Premier in resolution of the dispute.

- (5) A reference in this section to the Minister responsible for a government agency is, in the case of a government agency that is a local council, a reference to the Minister administering the *Local Government Act 1993*.

## **Division 3 Management of roads and traffic**

### **Subdivision 1 Transport areas**

#### **19 Declaration of transport areas**

- (1) The Minister may, by order published in the Gazette, declare an area specified in the order to be a transport area.
- (2) The Minister may make an order under this section only if the Minister is satisfied that the order is required to enable integrated road and transport services to be provided for a major event.
- (3) As soon as practicable after making an order under this section, the Minister is to cause a copy of the order to be given to the Commissioner of Police and any government agency that has any of the functions referred to in section 20 (1) in the transport area concerned.
- (4) An order under this section takes effect on the day the order is published in the Gazette or on a later day specified in the order.
- (5) An order under this section remains in force for the period specified in the order.

#### **20 Government agencies to comply with responsible authority's directions**

- (1) A responsible authority for a major event may direct a government agency to exercise in a particular way any of the following functions that the government agency has in a transport area:
  - (a) any function relating to the provision of transport,
  - (b) any function relating to the regulation or movement of traffic,
  - (c) any function relating to the provision, regulation or prohibition of parking,
  - (d) any function that might impact on any of the functions of a government agency referred to in paragraph (a), (b) or (c).
- (2) A government agency is to comply, as far as is reasonably possible, with a direction given to it under this section.

## Subdivision 2 Road transport legislation

### 21 Definitions—Subdivision 2

(1) In this Subdivision:

**major event lane**—see section 24 (3).

**private road** means an area that is not open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

**road** has the same meaning as in the [Road Rules 2008](#).

**road transport legislation** has the same meaning as in the [Road Transport \(General\) Act 2005](#).

(2) Words and expressions used in this Subdivision that are defined in the road transport legislation have the same meanings as in that legislation.

### 22 Relationship with road transport legislation

(1) This Subdivision is to be construed with, and as if it formed part of, the road transport legislation.

(2) However, unless otherwise specified, in this Subdivision:

(a) references to provisions are references to provisions of this Act, and

(b) references to this Act are references to the [Major Events Act 2009](#).

(3) In the event of an inconsistency between this Subdivision and the road transport legislation, this Subdivision prevails to the extent of the inconsistency.

(4) The provisions of this Subdivision and section 62 (Compensation not payable in respect of major event-related matters) have effect despite Part 2.1 of the [Road Transport \(General\) Act 2005](#).

(5) For the avoidance of doubt, section 201 (Supplying police officer's details and giving warnings) of the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#) does not apply to the exercise of a power that is conferred by this Subdivision.

### 23 Major event lane signs

(1) A sign that is a reasonable likeness (within the meaning of rule 316 (4) of the [Road Rules 2008](#)) of the diagram prescribed by the regulations under the [Road Transport \(Safety and Traffic Management\) Act 1999](#) as a major event lane sign is a major event lane sign for the purposes of this Subdivision.

(2) A sign that is a reasonable likeness (within the meaning of rule 316 (4) of the [Road Rules 2008](#)) of the diagram prescribed by the regulations under the [Road Transport](#)



*(Safety and Traffic Management) Act 1999* as an end major event lane sign is an end major event lane sign for the purposes of this Subdivision.

- (3) A sign to which this section applies is a prescribed traffic control device for the purposes of Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*.

## 24 Use of lanes

- (1) A driver must not drive, during a major event period, in a major event lane unless:
- (a) the driver is driving:
    - (i) a vehicle that displays, in accordance with instructions given by the responsible authority, a permit issued by the responsible authority for the major event to drive the vehicle in the major event lane, or
    - (ii) a public bus or taxi, or
    - (iii) a police vehicle or an emergency vehicle, or
  - (b) the driver is driving in the major event lane in the same circumstances as a driver is permitted to drive in a transit lane under rule 158 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

- (2) A person may ride a bicycle in a major event lane.
- (3) A **major event lane** is a marked lane, or part of a marked lane:
- (a) beginning at a major event lane sign, and
  - (b) ending at an end major event lane sign.

## 25 Major event lane permits

- (1) The responsible authority for a major event may issue a permit to a person to authorise the person to drive a vehicle (or be driven in a vehicle) in a major event lane (a **major event lane permit**).
- (2) A police officer may direct the person in charge of a vehicle that is displaying a major event lane permit (or a document that purports to be such a permit) in a major event lane to remove the permit or document from the vehicle and give it to the officer.
- (3) A police officer to whom such a permit or document is given may do any one or more of the following:
- (a) inspect the permit or document,
  - (b) request the person purporting to be the holder of the permit to identify himself or herself,

(c) request and inspect the identification of that person for the purpose of confirming that person's identity,

(d) if the officer has reasonable grounds to suspect that:

(i) a permit given to the officer is not being used by the holder of the permit, or

(ii) a document purporting to be a permit is not a permit,

confiscate the permit or document.

(4) A person to whom a direction is given under subsection (2) must immediately comply with that direction.

Maximum penalty: 20 penalty units.

## **26 Road closures—integrated road and transport services**

(1) This section applies to roads within transport areas.

(2) The RTA may, at the direction of the responsible authority for a major event, close a road for any length of time during the major event period for the purpose of providing integrated road and transport services for the major event.

(3) A road cannot be closed under this section unless the RTA has, not less than 7 days before the proposed closure, given public notice of the proposed closure by a notice published in a newspaper circulating generally in New South Wales.

## **27 Road closures—major events**

(1) This section applies to roads whether or not the roads are within a transport area.

(2) The responsible authority for a major event may prepare a traffic management plan, or plans, for all roads on which activities associated with a major event are to be conducted.

(3) The responsible authority may, in accordance with a traffic management plan:

(a) control and regulate traffic in any manner and for any purpose, and

(b) temporarily close a road, or part of a road, at any time and for any purpose.

(4) A traffic management plan may, with the consent of the owner or occupier of a private road, apply to a private road in the same way as it applies to roads that are not private roads, subject to subsection (5).

(5) A traffic management plan cannot authorise the closure of a private road unless the owner or occupier of the private road has consented to the closure. Such a consent may be given generally or in a particular case or class of cases.

- (6) A traffic management plan is to be prepared in consultation with the RTA and does not have effect unless and until the RTA has consented in writing to the plan.
- (7) The consent of the RTA under subsection (6) is taken to be a consent for the purposes of the *Roads Act 1993* and the road transport legislation in so far as the consent of the RTA would, but for this subsection, be required under that Act or that legislation in relation to any matter dealt with in or arising under the traffic management plan.
- (8) A traffic management plan may be amended from time to time. Subsection (6) applies to the amendment of a traffic management plan in the same way as it applies to the preparation of a traffic management plan.
- (9) A road cannot be closed under this section unless the RTA has, not less than 7 days before the proposed closure, given public notice of the proposed closure by a notice published in a newspaper circulating generally in New South Wales.

## **28 Road closures—short periods**

- (1) This section applies to roads whether or not the roads are within a transport area.
- (2) The RTA may, at the direction of the responsible authority for a major event, close a road for a period not exceeding 3 consecutive days during the relevant major event period for any of the following purposes:
  - (a) facilitating the conduct of the major event,
  - (b) controlling and regulating traffic at or near any major event venue or facility,
  - (c) ensuring the safety of persons,
  - (d) protecting property from damage.
- (3) It is not necessary to give public notice of the closure of a road under this section.

## **29 Road closure to be for shortest possible period**

It is the duty of the RTA and the responsible authority for a major event to ensure that a road is not closed under this Subdivision for a period longer than is necessary to serve the purpose for which the road is closed.

## **30 Offences relating to road closures**

- (1) If, under this Subdivision, a road is closed to vehicles (whether or not it is also closed to pedestrians) by the use of a sign or barrier, a person must not bring a vehicle onto the road contrary to the sign or by removing, interfering with or going beyond the barrier, except as permitted by an authorised officer.

Maximum penalty: 30 penalty units.

- (2) If, under this Subdivision, a road is closed to vehicles (whether or not it is also closed to pedestrians) by the use of a sign or barrier, a person in charge of a vehicle situated on the road who is informed by an authorised officer that the road is closed and directed by an authorised officer to remove the vehicle from the road must remove the vehicle from the road as soon as practicable after the direction is given.

Maximum penalty: 30 penalty units.

- (3) If, under this Subdivision, a road is closed to pedestrians (whether or not it is also closed to vehicles) by the use of a sign or barrier, a person must not, without reasonable excuse, enter the road contrary to the sign or by removing, interfering with or going beyond the barrier, except as permitted by an authorised officer.

Maximum penalty: 30 penalty units.

- (4) If, under this Subdivision, a road is closed to pedestrians (whether or not it is also closed to vehicles) by the use of a sign or barrier, a person on the road who is informed by an authorised officer that the road is closed and directed by an authorised officer to leave the road must leave the road as soon as practicable after the direction is given.

Maximum penalty: 30 penalty units.

- (5) A person must not damage, remove or interfere with a sign or barrier erected or provided for the purpose of closing a road under this Subdivision, except as permitted by an authorised officer.

Maximum penalty: 30 penalty units.

- (6) In this section, **authorised officer** means a person authorised by the RTA or the responsible authority for the major event concerned, or a police officer.

### **31 Effect of road closure**

A road, or any part of a road, does not cease to be a road for the purposes of the road transport legislation, the [Motor Accidents Compensation Act 1999](#) or any other Act or law because it is closed or access to it is restricted or the use of it is restricted under this Subdivision or any other Act.

### **32 Removal of unattended motor vehicles—generally**

- (1) This section applies to an unattended motor vehicle or trailer that:
- (a) is standing unlawfully, or
  - (b) constitutes a danger to persons or property, or
  - (c) is causing an obstruction.

(2) The responsible authority for a major event may declare that, for the whole or any specified part of the major event period, section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* applies to motor vehicles or trailers to which this section applies on the following places in the same way as it applies to an unattended motor vehicle or trailer unlawfully standing on a prescribed place within the meaning of that section:

- (a) a major event lane,
- (b) a road that has been closed under this Subdivision,
- (c) a specified parking space,
- (d) a road notified by the Minister by order published in the Gazette as a major event route,
- (e) a road or area designated by signs erected by the responsible authority or the RTA as a tow-away area or Special Event Clearway.

### **33 Removal of unattended motor vehicles—breach of parking restrictions**

The responsible authority for a major event may declare that, for the whole or any specified part of a major event period, section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* applies to unattended motor vehicles or trailers that are parked on specified roads in breach of a parking restriction in the same way as it applies to an unattended motor vehicle or trailer unlawfully standing on a prescribed place within the meaning of that section.

### **34 Declarations under sections 32 and 33**

A declaration under section 32 (Removal of unattended motor vehicles—generally) or 33 (Removal of unattended motor vehicles—breach of parking restrictions) is to be published in a newspaper circulating generally in New South Wales and has effect from the date of publication or, if a later date is specified in the declaration for that purpose, on the later date so specified.

### **35 Removal of unattended motor vehicles—emergencies**

(1) At any time during a major event period, the responsible authority for the major event may:

- (a) request a police officer, or
- (b) direct another authorised officer,

to remove an unattended motor vehicle or trailer from a road within a transport area if the responsible authority is of the opinion that it is necessary to do so.

(2) The provisions of section 76 (2)–(8A) of the *Road Transport (Safety and Traffic*

*Management) Act 1999* apply to the removal of an unattended motor vehicle or trailer in accordance with this section in the same way as they apply to the removal of an unattended motor vehicle or trailer in accordance with that section.

- (3) However, it is not necessary that the unattended motor vehicle or trailer is standing unlawfully.
- (4) In this section, **authorised officer** has the same meaning as in section 76 of the *Road Transport (Safety and Traffic Management) Act 1999*.

### **36 Penalty notices**

For the avoidance of doubt, and without limiting the application of any other powers of prosecution or enforcement under the road transport legislation, penalty notices may be issued under the road transport legislation in relation to offences created by this Subdivision.

## **Division 4 Commercial and airspace controls**

### **37 Control of sale and distribution of articles in certain public places**

- (1) For the purposes of this section, **a controlled area** is any of the following areas:
  - (a) the area comprising, or comprising and adjacent to, a transport facility or interchange or a major event venue or facility, being an area that is specified or described in an order of the Minister published in the Gazette for the purposes of this section,
  - (b) a public place, or any part of a public place, that is within 100 metres (or such greater distance as is prescribed by the regulations) of a transport facility or interchange or a major event venue or facility, being a public place, or part of a public place, that is shown on a map referred to in an order of the Minister published in the Gazette for the purposes of this section.
- (2) A person must not sell or distribute a prescribed article during the sales control period in a controlled area without the approval of the responsible authority.

Maximum penalty: 50 penalty units.

- (3) An authorised officer may give a direction to a person who sells or distributes any prescribed article during the sales control period in a controlled area without the approval of the responsible authority to remove the article, and any other prescribed articles within the person's possession or under the person's control, from the area immediately or by such other time as may be directed.
- (4) A person must not fail or refuse to comply with a direction given to the person by an authorised officer under subsection (3).

Maximum penalty: 50 penalty units.

- (5) If a person fails or refuses to comply with a direction given under subsection (3) for the removal of a prescribed article, the article is forfeited to the Crown and may be seized by an authorised officer.
- (6) A person whose article is forfeited to the Crown under this section may appeal against the forfeiture to the Local Court within 21 days after the forfeiture.
- (7) The Local Court may determine the appeal by:
  - (a) upholding the forfeiture, or
  - (b) ordering the return of the article to the appellant, or
  - (c) making such other order as it thinks fit.
- (8) The regulations may make provision for or with respect to:
  - (a) approvals under this section, including:
    - (i) applications for approval, and
    - (ii) application fees, and
    - (iii) determination of applications, and
    - (iv) appeals against determinations of applications, and
  - (b) the making and determination of appeals under subsection (7).
- (9) In this section:

**authorised officer** means any of the following who have been authorised in writing by the responsible authority for the major event concerned for the purposes of this section:

- (a) a police officer,
- (b) an officer or employee of a government agency,
- (c) a person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

**prescribed article** means an article of a class prescribed by the regulations as being a prescribed article for the purposes of this section.

**sales control period** means the period prescribed by the regulations for the purposes of this section.

**sell** includes any of the following:

- (a) sell by wholesale, retail, auction or tender,
  - (b) hire,
  - (c) barter or exchange,
  - (d) supply for profit,
  - (e) offer for sale or hire, receive for sale or hire, have in possession for sale or hire or expose or exhibit for sale or hire,
  - (f) conduct negotiations for sale or hire,
  - (g) consign or deliver for sale or hire,
  - (h) solicit for sale or hire,
  - (i) cause or permit anything referred to above,
- and includes to sell from a standing vehicle or any article.

- (10) A regulation for the purposes of the definition of **sales control period** in subsection (9) that extends a sales control period may be made before or during that period.

### 38 Control of airspace

- (1) In this section:

**CASA** means the Civil Aviation Safety Authority established by the [Civil Aviation Act 1988](#) of the Commonwealth.

**Commonwealth Air Navigation Regulations** means the [Air Navigation Regulations 1947](#) of the Commonwealth.

**Commonwealth Airspace Regulations** means the [Airspace Regulations 2007](#) of the Commonwealth.

**controlled airspace** means airspace that CASA has determined under the Commonwealth Airspace Regulations to be a control area or control zone.

**restricted area** means airspace that CASA has declared under the Commonwealth Airspace Regulations to be a restricted area.

**State air navigation** means air navigation within New South Wales to and in relation to which the Commonwealth Air Navigation Regulations are applied as if they were State law by section 4 of the [Air Navigation Act 1938](#).

- (2) A person must not, during a major event and in the course of State air navigation, cause an aircraft to enter, or operate an aircraft within, controlled airspace or a restricted area that is over a major event venue or facility unless permitted to do so



by or under relevant Commonwealth law (including permission by or under an instrument given under such a law).

Maximum penalty: 2,000 penalty units.

- (3) The provisions of this section prevail to the extent of any inconsistency between this section and the provisions of the Commonwealth Air Navigation Regulations (as applied to and in relation to State air navigation by the [Air Navigation Act 1938](#)).
- (4) This section does not apply to the operation of:
  - (a) a military aircraft, or an aircraft of the NSW Police Force, when being operated for military, security or emergency purposes, or
  - (b) an aircraft when being operated exclusively for emergency purposes relating to human life or safety, or the protection of property.

### **39 Prohibition of certain advertising on buildings and structures**

- (1) For the purposes of this section, an **advertising controlled site** is any of the following:
  - (a) a major event venue or facility, being a venue or facility designated by the Minister by an order published in the Gazette for the purposes of this section,
  - (b) an area within 500 metres of a major event venue or facility, being an area designated by the Minister by an order published in the Gazette for the purposes of this section.

#### **Note—**

The Minister may amend or repeal an order made under this section. See section 43 of the [Interpretation Act 1987](#).

- (2) An area is an advertising controlled site for the purposes of this section only for:
  - (a) the period specified in the order, or
  - (b) if no period is specified in the order—the relevant major event period or, if the major event period has already commenced, the remainder of that period.
- (3) Notice of an order designating any venue, facility or area to be an advertising controlled site for the purposes of this section must be published in at least one newspaper circulating generally in the State and, if the venue, facility or area to which the order relates is outside the Sydney Metropolitan area, in a newspaper circulating in the locality of the venue, facility or area.
- (4) Except as authorised or permitted by the responsible authority for the major event, a person who is the owner or occupier or the holder of a lease or licence relating to a building or structure that is (or is part of) an advertising controlled site must not, while

the land is an advertising controlled site:

- (a) cause or permit any advertising material to be fixed to or placed on the building or structure, or
- (b) fail to ensure that any advertising material already fixed to or placed on a building or structure is covered, obliterated or removed.

Maximum penalty:

- (a) in the case of an individual—250 penalty units, or
  - (b) in the case of a corporation—500 penalty units.
- (5) A person authorised by the responsible authority for the major event for the purposes of this subsection may cover, obliterate or remove any advertising material that is on a building or structure in contravention of subsection (4).
- (6) A person authorised under subsection (5) may enter:
- (a) an advertising controlled site to undertake the covering, obliteration or removal referred to in that subsection, and
  - (b) other adjacent premises, if necessary to undertake that covering, obliteration or removal.
- (7) A person is not entitled under this section to enter a part of premises used only for residential purposes, except with the consent of the occupier of the part.
- (8) In exercising functions under subsections (5) and (6), the person must:
- (a) cause as little damage as possible, and
  - (b) produce to any person apparently in charge of the premises who requests its production the person's authorisation under that subsection.
- (9) It is a defence to a prosecution for an offence against subsection (4) that relates to an area referred to in subsection (1) (b), if the defendant establishes that the advertising material concerned:
- (a) was fixed to or placed on the building or structure before the relevant order was made, and
  - (b) was so fixed or placed by a person as part of the person's ordinary activities and not in anticipation of the major event concerned, and
  - (c) does not contain any statement, or make any inference, that the advertiser is a sponsor or supporter of, or is in any way connected with, the major event concerned.

(10) For the avoidance of doubt, the functions under subsections (5) and (6) may be exercised in relation to advertising material even if a person is able to establish the defence under subsection (9) in relation to that material.

(11) This section does not apply to the following advertising material:

(a) any advertising material:

(i) that has an area of not more than one square metre, or

(ii) comprising a series of related advertisements that together have an area of not more than one square metre,

(b) any advertising material that is exempted from this section by the regulations.

#### **40 Prohibition of certain aerial advertising**

(1) For the purposes of this section, **advertising controlled airspace** means airspace that is within unaided sight of a major event venue or facility that is prescribed by the regulations for the purposes of this section, but only during such periods as are prescribed by the regulations in relation to the place.

(2) A person must not display an advertisement, or cause an advertisement to be displayed, in advertising controlled airspace, except with the approval of the responsible authority for the major event concerned.

Maximum penalty: 2,000 penalty units.

(3) An application for the approval of the responsible authority under this section may be made in such form and manner as is determined by the responsible authority.

(4) The responsible authority may determine an application by granting the application, unconditionally or subject to conditions, or by refusing the application.

(5) For the purposes of this section, the responsible authority may grant approval to a person, or to classes or descriptions of persons, only if in its opinion the display of the advertisement will not adversely affect the organisation or conduct of the major event.

(6) The determination of the responsible authority with respect to an application for approval is final.

(7) For the purposes of this section:

**advertisement** includes advertising by any of the following methods:

(a) skywriting or signwriting by an aircraft,

(b) a banner, or other sign, towed by or attached to an aircraft,

(c) matter displayed on an aircraft, other than its normal markings and livery,

- (d) matter displayed on a hang glider, parachute, paraglider or similar device, other than its normal markings, or on a banner or sign attached to a hang glider, parachute, paraglider or similar device,
- (e) a banner, or other sign, attached to a person suspended from a hang glider, parachute, paraglider or similar device.

**aircraft** includes an airship or a balloon.

#### **41 Commercial and other activities**

- (1) A person must not do any of the following at a major event venue or facility, except as authorised by the responsible authority:
  - (a) provide, or offer to provide, any services for fee, gain or reward,
  - (b) sell or attempt to sell a ticket for admission to a major event venue or facility,
  - (c) use any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video) for a commercial purpose,
  - (d) damage, destroy or remove any building, structure or equipment,
  - (e) leave any rubbish or litter, except in a receptacle provided for the purpose,
  - (f) collect or attempt to collect money from members of the public,
  - (g) busk,
  - (h) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area,
  - (i) operate or use any radio, television, record-player, tape recorder, compact disc player, musical instrument or other sound-generating device in a manner that unduly interferes with the amenity of the area,
  - (j) erect a tent or other temporary structure,
  - (k) paint, erect or affix any decoration, sign or other equipment,
  - (l) carry or discharge or have in the person's possession any firearm (within the meaning of the *Firearms Act 1996*) or prohibited weapon (within the meaning of the *Weapons Prohibition Act 1998*), unless:
    - (i) the person is a police officer of the State or the Commonwealth, or
    - (ii) the person is the holder of a licence under the *Security Industry Act 1997*, is carrying out functions authorised by the licence, and is the holder of the relevant licence or permit under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998* (as the case requires).

Maximum penalty: 20 penalty units.

- (2) An authorisation under this section may be given to a person or a class of persons.

#### **42 Use of official title and official insignia**

- (1) A person must not use any official title, or official insignia, of a major event for a commercial purpose without the written consent of the responsible authority.

Maximum penalty: 200 penalty units.

- (2) A consent under this section:

- (a) may be given with or without conditions (including conditions requiring payment to the responsible authority or another person), and
- (b) may be revoked by the responsible authority for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.

- (3) In this section:

**official insignia** means a logo, symbol or other design approved by the responsible authority for the purposes of this section by notice published in the Gazette.

**official title** means the title of the major event approved by the responsible authority for the purposes of this section by notice published in the Gazette.

### **Division 5 Safety and crowd management at major events**

#### **43 Crowd management**

- (1) The responsible authority for a major event may do any one or more of the following:
- (a) limit the number of persons who may enter a major event venue or facility or any part of a major event venue or facility,
- (b) prohibit categories of persons from entering, or limit categories of persons who may enter, or limit the number of persons within categories of persons who may enter, a major event venue or facility or any part of a major event venue or facility,
- (c) close a major event venue or facility or any part of a major event venue or facility to the public,
- (d) charge admission to a major event venue or facility or any part of a major event venue or facility,
- (e) prohibit persons from entering a major event venue or facility or any part of a major event venue or facility:

- (i) if they are in possession of any prohibited thing, or
  - (ii) if, in the opinion of a person authorised by the responsible authority, they are or appear to be intoxicated.
- (2) The responsible authority for a major event may do any one or more of the following:
- (a) prohibit the entry of vehicles or vessels to a major event venue or facility or any part of a major event venue or facility,
  - (b) regulate or otherwise control the entry of vehicles or vessels to a major event venue or facility or any part of a major event venue or facility,
  - (c) refuse to admit a vehicle or vessel to a major event venue or facility or any part of a major event venue or facility.
- (3) The responsible authority may take any action referred to in subsection (1) or (2) by means of the erection of a sign or the giving of a direction to the person concerned.
- (4) A person must not do anything in wilful contravention of a sign erected or a direction given under this section.
- Maximum penalty: 20 penalty units.
- (5) Nothing in this section limits any other function of the responsible authority under this Act.
- (6) This section does not prohibit a person with a disability (within the meaning of the [Disability Discrimination Act 1992](#) of the Commonwealth) from being accompanied by an assistance animal (that is, an animal referred to in section 9 of that Act).
- (7) In this section, **prohibited thing** means the following:
- (a) an animal,
  - (b) a distress signal,
  - (c) dangerous goods (within the meaning of the [Dangerous Goods \(Road and Rail Transport\) Act 2008](#)),
  - (d) a firearm, or ammunition, within the meaning of the [Firearms Act 1996](#),
  - (e) a prohibited weapon within the meaning of the [Weapons Prohibition Act 1998](#),
  - (f) a firework,
  - (g) any other thing prescribed by the regulations for the purposes of this definition.

#### 44 Personal conduct

- (1) A person must not do any of the following at a major event venue or facility:
- (a) use indecent, obscene or threatening language,
  - (b) behave in an offensive or indecent manner,
  - (c) cause serious alarm or affront to a person by disorderly conduct,
  - (d) obstruct a person in the performance of the person's work or duties,
  - (e) fail to comply with a reasonable request or direction given for the purpose of securing good order and management and enjoyment of a major event venue or facility, or any part of a major event venue or facility, by the responsible authority or an authorised officer.

Maximum penalty: 10 penalty units.

- (2) In this section, **authorised officer** means any of the following who have been authorised in writing by the responsible authority for the major event concerned for the purposes of this section:
- (a) a police officer,
  - (b) an officer or employee of a government agency,
  - (c) a person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

#### 45 Request to undergo search as condition of entry to major event venue or facility

- (1) A person's entry to a major event venue or facility (or any part of a major event venue or facility) is subject to the condition that the person must comply with such of the following requests as may be made of the person:
- (a) a request by an authorised officer that the person undergo a search conducted by electronic means (such as by passing an electronic detection device over or in close proximity to the person or by the person passing through a detection device),
  - (b) a request by an authorised officer that the person allow a search of articles in the person's possession and identify articles in the person's possession,
  - (c) a request by an authorised officer that the person remove his or her overcoat, coat or jacket or similar article of clothing and any gloves, shoes and hat (or other headwear), and allow an examination of those items,
  - (d) if the person enters in a vehicle or vessel—a request by an authorised officer that

the person open the vehicle or vessel, or part of it, for inspection and allow the vehicle, vessel or part to be searched.

**Note—**

A failure to comply with such a request is not an offence. However, a person who refuses such a request may be excluded from entry to the major event venue or facility or part of the major event venue or facility concerned under subsection (2).

- (2) An authorised officer may exclude a person who refuses such a request from entry to the major event venue or facility or part of the major event venue or facility concerned.
- (3) Reasonable force may be used to effect the person's exclusion.
- (4) In this section, **authorised officer** means any of the following who have been authorised in writing by the responsible authority for the major event concerned for the purposes of this section:
  - (a) a police officer,
  - (b) an officer or employee of a government agency,
  - (c) a person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

**46 Directions to leave**

- (1) An authorised officer may require a person who is in any part of a major event venue or facility, or who is seeking entry to any part of a major event venue or facility, to produce a ticket or permit authorising the person to enter that part of the major event venue or facility.
- (2) An authorised officer may direct a person to leave a part of a major event venue or facility if the person is not authorised by a ticket or permit to be in that part of the major event venue or facility.
- (3) An authorised officer may request a person who is in any part of a major event venue or facility:
  - (a) to open any bag, container or other thing in the person's possession in order that its contents may be inspected, and
  - (b) to permit any thing in the person's possession, and the contents of any such thing, to be inspected.

**Note—**

A failure to comply with such a request is not an offence. However, a person who refuses such a request may be directed to leave the major event venue or facility or any part of the major event venue or facility



concerned under subsection (4) (c). Failure to comply with such a direction is an offence under subsection (5).

- (4) An authorised officer may direct a person to leave a major event venue or facility or any part of a major event venue or facility if the officer believes on reasonable grounds that:
- (a) the person is contravening or has contravened any provision of this Act or the regulations or is committing or has committed any other offence at the major event venue or facility, or
  - (b) the person is failing or has failed to comply with a notice or direction referred to in section 43 (Crowd management), or
  - (c) the person is failing or has failed to comply with a request under subsection (3), or
  - (d) the person is causing a significant disruption or inconvenience or behaving in an offensive manner or in a manner likely to endanger the person or another person, or
  - (e) the person is about to contravene a provision of this Act or the regulations at a major event venue or facility.
- (5) A person must not fail to comply with a direction under this section.  
Maximum penalty: 50 penalty units.
- (6) An authorised officer may remove from the major event venue or facility any person who fails to comply with a direction under this section.
- (7) Reasonable force may be used to effect the person's removal.
- (8) In this section, **authorised officer** means any of the following who have been authorised in writing by the responsible authority for the major event concerned for the purposes of this section:
- (a) a police officer,
  - (b) an officer or employee of a government agency,
  - (c) a person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

#### **47 Prohibited entry to playing fields**

A person must not enter or remain on a playing field or other competition area within a sportsground that is a major event venue or facility unless the person:

- (a) is a participant in a sport or event held with the authorisation of the relevant responsible authority, or

- (b) is engaged in the control or management of any such sport or event, or
- (c) has, or is a member of a class of persons that has, been authorised by the relevant responsible authority to enter the playing field or other competition area.

Maximum penalty: 50 penalty units.

#### **48 Responsible authority may ban persons for specified period**

- (1) If a responsible authority for a major event is of the opinion that a person has contravened any provision of this Act or the regulations, the responsible authority may ban the person from entering any major event venue or facility (or part of a major event venue or facility) for such period (not exceeding 6 months) as the responsible authority determines.
- (2) A person who is banned from entering a major event venue or facility under this section must not enter the major event venue or facility while the ban is in force.

Maximum penalty: 50 penalty units.

#### **49 Taking photographs of certain persons**

The responsible authority for a major event may take a photograph or make another form of image of a person who is removed from a major event venue or facility under this Act.

### **Division 6 Environmental Planning and Assessment Act 1979**

#### **50 Relationship with [Environmental Planning and Assessment Act 1979](#)**

- (1) This Division is to be construed with, and as if it formed part of, the [Environmental Planning and Assessment Act 1979](#).
- (2) However, unless otherwise specified, in this Division:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the [Major Events Act 2009](#).
- (3) In the event of an inconsistency between this Division and the [Environmental Planning and Assessment Act 1979](#), this Division prevails to the extent of the inconsistency.

#### **51 Modification of environmental planning instruments and development consents**

- (1) Until the expiry date, a person who is authorised or permitted to carry out a permitted activity on land by or under this Act, or a policy, strategy or plan prepared and implemented by the responsible authority for a major event for the purposes of this Act, may carry out that activity on land despite the fact that the carrying out of the activity is not authorised by or is contrary to or inconsistent with:
  - (a) the provisions of an environmental planning instrument applying to the land, or

(b) the terms or conditions of a development consent applying to the land.

(2) For the purposes of subsection (1), a **permitted activity** means:

(a) the use of land for any purpose, or

(b) the erection or use of structures or buildings on the land, or

(c) the demolition or removal of any such structures, or

(d) the carrying out of any work, or

(e) anything done pursuant to a declaration under section 57.

(3) The responsible authority may impose conditions on the carrying out of a permitted activity by a person as referred to in subsection (1).

(4) Subsection (1) does not apply to the carrying out of a permitted activity in contravention of any such condition.

(5) If a building or structure is erected before the expiry date in reliance on subsection (1) and is not removed or demolished before that date, the *Environmental Planning and Assessment Act 1979* and any relevant instrument made under that Act apply on and after the expiry date to the building or structure as if subsection (1) had not authorised its erection.

(6) Until the expiry date, a person does not breach the terms or conditions of a development consent applying to land that regulates:

(a) the hours of operation of an activity (including a business) on or in relation to the land, or

(b) the means of access to the land, or

(c) the emission of noise, including permissible noise levels, on or from the land, or

(d) activities that affect the amenity of the locality,

by the doing of anything that is reasonably necessary to be done by or under, or as a consequence of the operation of, this Act, that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented by the responsible authority for the purposes of this Act or that is done pursuant to a declaration under section 57.

(7) In this section:

**development consent** includes an approval under Part 3A of the *Environmental Planning and Assessment Act 1979*.

**expiry date** means the date prescribed by the regulations in relation to a major event

for the purposes of this section.

## **Division 7 Local Government Act 1993**

### **52 Relationship with Local Government Act 1993**

- (1) This Division is to be construed with, and as if it formed part of, the *Local Government Act 1993*.
- (2) However, unless otherwise specified, in this Division:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the *Major Events Act 2009*.
- (3) In the event of an inconsistency between this Division and the *Local Government Act 1993*, this Division prevails to the extent of the inconsistency.

### **53 Modification of certain approvals**

- (1) A person who is authorised or permitted to do anything by or under this Act, or a policy, strategy or plan prepared and implemented by the responsible authority for a major event for the purposes of this Act, may do that thing despite the fact that the doing of it is not authorised by or is contrary to, or inconsistent with, the terms or conditions of an approval granted under the *Local Government Act 1993*.
- (2) Without limiting subsection (1), a thing is done under this Act if it is done pursuant to a declaration under section 57.
- (3) A person does not breach the terms or conditions of an approval relating to:
  - (a) the management of waste, being an approval under item 1, 2, 3 or 4 of Part C of the Table to section 68 of the *Local Government Act 1993*, or
  - (b) the hours during which an activity may take place, or
  - (c) the means of access to land or premises, or
  - (d) the emission of noise, including permissible noise levels, or
  - (e) the effect of an activity on the amenity of the locality,by the doing of anything that is reasonably necessary to be done by or under, or as a consequence of the operation of, this Act, that is reasonably necessary to be done in order to comply with or give effect to a policy, strategy or plan prepared and implemented by the responsible authority for the purposes of this Act or that is done pursuant to a declaration under section 57.
- (4) A person who is exempt from the requirement to obtain an approval under section 68

of the *Local Government Act 1993* does not cease to be exempt from the requirement by the doing of anything that is reasonably necessary to be done under, or as a consequence of the operation of, this Act.

#### **54 Use of community land**

- (1) Nothing in the *Local Government Act 1993* or an instrument under that Act, including a plan of management for community land, prevents or restricts the use of community land, with the approval of the local council, for any of the following purposes:
  - (a) events approved by the responsible authority in relation to a major event,
  - (b) development for the purposes of temporary major event venues and facilities,
  - (c) an activity or a community event associated with a major event and held during the relevant major event period.
- (2) For the purpose of obtaining an approval of the local council under subsection (1), the use of community land for a purpose specified in that subsection is taken to be an activity prescribed by the regulations as referred to in item 10 of Part F of the Table to section 68 of the *Local Government Act 1993*.

#### **55 Authorised persons**

An employee of a local council who is an authorised person for the purposes of the *Local Government Act 1993* and who exercises functions during the relevant major event period for another local council is taken to have been authorised by that other local council to exercise those functions and to be an authorised person for the purposes of that Act in relation to that other local council.

### **Division 8 Protection of the Environment Operations Act 1997**

#### **56 Relationship with Protection of the Environment Operations Act 1997**

- (1) This Division is to be construed with, and as if it formed part of, the *Protection of the Environment Operations Act 1997*.
- (2) However, unless otherwise specified, in this Division:
  - (a) references to provisions are references to provisions of this Act, and
  - (b) references to this Act are references to the *Major Events Act 2009*.
- (3) In the event of an inconsistency between this Division and the *Protection of the Environment Operations Act 1997*, this Division prevails to the extent of the inconsistency.

## 57 Modification of environmental impacts

- (1) The responsible authority for a major event may declare that any person specified in the declaration may carry out such activities as are so specified, being activities that, in the opinion of the responsible authority, are necessary for, or ancillary to, or otherwise associated with the conduct of the major event, on such days during the major event period and during such hours as are so specified.
- (2) The specification of a person or activity in a declaration may be by means of a class or description of persons or activities.
- (3) A declaration may prohibit a person from causing, permitting or allowing the emission of noise from premises on which activities are carried out at a noise level which, when measured at any point outside the premises, exceeds a specified level. Such a prohibition may be enforced as if it were contained in a noise control notice issued under section 264 of the *Protection of the Environment Operations Act 1997*.
- (4) Before making a declaration, the responsible authority must consult with the Environment Protection Authority concerning the proposed terms of the declaration and must also take into consideration the noise impacts, or the likely noise impacts, of the activity or activities on residents.
- (5) A declaration is to be published in the Gazette.
- (6) A declaration takes effect on the day it is published in the Gazette or, if a later day is specified in the declaration for that purpose, on the later day so specified.
- (7) A declaration has effect despite the terms of:
  - (a) the *Protection of the Environment Operations Act 1997* or any other Act, or
  - (b) any instrument made under the *Protection of the Environment Operations Act 1997* or any other Act, or
  - (c) any approval, consent, licence, permission or any other form of authorisation given or granted under any such Act or instrument, or
  - (d) any trust, estate, interest, dedication, reservation, condition, restriction or covenant affecting the land specified in the declaration.
- (8) The responsible authority may amend or repeal a declaration in the same way as it may make a declaration.

## 58 Effect of declaration

- (1) In this section, **declaration** means a declaration made under section 57.
- (2) Except as provided by section 263 of the *Protection of the Environment Operations Act 1997*, during the period for which a declaration has effect, the relevant responsible

authority is, in relation to the emission of noise, the appropriate regulatory authority for the activities to which the declaration applies and the premises on which the activities are carried out.

- (3) A prevention notice under section 96 of the *Protection of the Environment Operations Act 1997*, or a noise control notice under section 264 of that Act, cannot be given to a person to prohibit the person from causing, permitting or allowing anything to be done that is authorised by a declaration.
- (4) An application cannot be made under section 268 of the *Protection of the Environment Operations Act 1997* in respect of noise emitted in accordance with a declaration.
- (5) A noise abatement direction under section 276 of the *Protection of the Environment Operations Act 1997* cannot be given in respect of noise emitted in accordance with a declaration.

## Division 9 Miscellaneous

### 59 Illegal car parks

- (1) This section applies to land that is within 5 kilometres of any major event venue or facility.
- (2) During the parking control period, a person must not use land to which this section applies for the purpose of a car park (whether or not for fee or reward) if the use of the land for that purpose by the person is not lawful under the *Environmental Planning and Assessment Act 1979*.

Maximum penalty: 50 penalty units in the case of an individual and 250 penalty units in the case of a corporation and, in the case of a continuing offence by an individual or corporation, 20 penalty units for each day the offence continues.

- (3) This section does not limit the operation of any other Act that enables proceedings to be taken in respect of the unlawful use of land.
- (4) In this section, **parking control period** means the period prescribed by the regulations for the purposes of this section.
- (5) A regulation for the purposes of the definition of **parking control period** in subsection (4) that extends a parking control period may be made before or during that period.

### 60 Authorisations for section 51 of the *Trade Practices Act 1974* (Cth) and Competition Code

- (1) The regulations may specifically authorise agreements and conduct of the following kind for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the

*Competition Code of New South Wales:*

- (a) any agreements entered into (whether before or after the commencement of the relevant regulation under this section) by the responsible authority, or by a person or body with the approval of the responsible authority, relating to or in connection with a major event,
- (b) the conduct of the parties in entering into any such agreements,
- (c) the conduct of the parties in performing any such agreements and any matter or thing done or omitted to be done by any of the parties in performing any such agreements.

(2) In this section, **agreement** includes a contract, arrangement or understanding.

**61 No liability in nuisance**

Anything done or omitted to be done by any person:

- (a) in the exercise of functions under this Act or the regulations (including functions which, by this Act, are taken to be functions under another Act or instrument), or
- (b) pursuant to any of the provisions of this Act or the regulations (including provisions which, by this Act, are taken to be provisions of another Act or instrument),

does not constitute a nuisance.

**62 Compensation not payable in respect of major event-related matters**

(1) Compensation is not payable by or on behalf of:

- (a) the State or an authority of the State, or
- (b) a local council, or
- (c) an officer, employee or agent of the State, an authority of the State or a local council,

for an act or omission that is a major event-related matter or that arises (directly or indirectly) from a major event-related matter.

(2) Subsection (1):

- (a) applies only in respect of acts done or omitted to be done in good faith, and
- (b) does not apply to acts or omissions that cause personal injury to a person or the death of a person.

(3) Subsection (1) does not affect compensation payable under any indemnity given, or other agreement made, by the promoter of the major event or a person referred to in



subsection (1), that expressly relates to a major event-related matter.

(4) In this section:

**compensation** includes damages and any other form of monetary compensation.

**major event-related matter** means the following:

- (a) the conduct or holding of any major event,
- (b) works conducted or other things done under an authorisation given under this Act or the regulations,
- (c) the administration or purported administration of this Act,
- (d) the exercise or purported exercise of functions under this Act.

### **63 Civil proceedings to restrain breaches of this Act and certain agreements**

- (1) The responsible authority for a major event may bring proceedings in the Supreme Court for an order to remedy or restrain the following breaches, whether or not any right of the responsible authority has been or may be infringed by or as a consequence of that breach:
  - (a) a breach of this Act,
  - (b) a breach of an agreement, or class of agreements, prescribed by the regulations for the purposes of this section.
- (2) If the Court is satisfied that a breach referred to in subsection (1) has been committed or that such a breach may, unless restrained by order of the Court, be committed, it may make such order as it thinks fit to remedy or restrain the breach.
- (3) Without limiting the powers of the Court under subsection (2), an order made under that subsection may:
  - (a) where the breach relates to a use of any building, work or land—restrain that use, and
  - (b) where the breach is a breach of an agreement—specify actions that must be taken or actions that must cease or be refrained from.
- (4) The functions of the Court under this section are in addition to and not in derogation from any other functions of the Court.
- (5) Nothing in this section limits or otherwise affects other remedies that the responsible authority may have (apart from this section) in relation to a breach of an agreement.
- (6) In this section:

- (a) a reference to a **breach of an agreement** is a reference to:
  - (i) a contravention of or failure to comply with the agreement, and
  - (ii) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with the agreement, and
- (b) a reference to a **breach of this Act** is a reference to:
  - (i) a contravention of or failure to comply with this Act, and
  - (ii) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with this Act, and
- (c) a reference to **this Act** includes a reference to the regulations.

## **Part 5 Miscellaneous**

### **64 Proceedings for offences**

- (1) Proceedings for an offence against a provision of this Act that is to be construed with, and as if it formed part of, another Act or an instrument may be dealt with under the other Act or the instrument as if the offence were an offence against a provision of that other Act or instrument.
- (2) Proceedings for an offence against a provision of this Act that is not to be construed with, and as if it formed part of, another Act or an instrument, or against the regulations may be dealt with:
  - (a) summarily before the Local Court, or
  - (b) summarily before the Supreme Court in its summary jurisdiction.
- (3) If proceedings for an offence to which subsection (2) applies are brought in the Local Court, the maximum penalty that the Court may impose in respect of the offence is, despite any other provision of this Act, 250 penalty units or the maximum penalty provided by this Act, whichever is the lesser.
- (4) If proceedings for an offence to which subsection (2) applies are brought in the Supreme Court in its summary jurisdiction, the Supreme Court may impose a penalty not exceeding the maximum penalty provided by this Act in respect of the offence.

### **65 Effect of this Act on contracts, instruments and related matters**

- (1) The operation of this Act is not to be regarded as:
  - (a) a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) a breach of any instrument, or

- (c) an event of default under any contract or other instrument, or
- (d) giving rise to any remedy by a party to a contract or other instrument, or as causing or permitting the termination of, or exercise of rights under, any contract or other instrument.

(2) Nothing in this section prevents:

- (a) the responsible authority bringing proceedings under section 63 (Civil proceedings to restrain breaches of this Act and certain agreements), if that section applies, or
- (b) a person taking such other action, or bringing such other proceedings, of a kind prescribed by the regulations.

(3) In this section, **instrument** does not include a statutory instrument.

## 66 Exclusion of personal liability

(1) Anything done or omitted to be done by:

- (a) a chief executive of an authority or a person acting under the direction of a chief executive, or
- (b) a member of a board of an authority or a person acting under the direction of such a board or a member of such a board, or
- (c) a committee established by a board of an authority, a member of such a committee or a person acting under the direction of any such committee or member of a committee,

does not subject the chief executive, member of the board or of the committee, or person so acting, personally to any action, liability, claim or demand if the thing was done, or omitted to be done, in good faith for the purpose of administering this Act.

(2) In this section, **authority** means a responsible authority or a major event authority.

## 67 Delegation of Minister's functions

(1) The Minister may delegate to an authorised person any function of the Minister conferred or imposed by or under this Act, other than this power of delegation.

(2) A delegate may sub-delegate to an authorised person any function delegated by the Minister if the delegate is authorised in writing to do so by the Minister.

(3) In this section, **authorised person** means:

- (a) a responsible authority, or
- (b) a member of staff of a responsible authority, or

- (c) a government agency or member of staff of a government agency, or
- (d) a person, a person of a class, or committee of persons, approved by the Minister or prescribed by the regulations.

(4) The procedure for the calling of meetings of a committee of persons (as referred to in subsection (3) (d)) and for the conduct of business at those meetings is to be as determined by the Minister or (subject to any determination of the Minister) by the committee.

### **68 Delegation of responsible authority's functions**

- (1) A responsible authority may delegate to an authorised person any function conferred or imposed on the responsible authority by or under this Act, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the responsible authority if the delegate is authorised in writing to do so by the responsible authority.
- (3) In this section, **authorised person** means:
  - (a) a member of staff of the responsible authority, or
  - (b) a government agency or member of staff of a government agency, or
  - (c) a member of the NSW Police Force, or
  - (d) a person, or committee of persons, of a class approved by the Minister or prescribed by the regulations.
- (4) The procedure for the calling of meetings of a committee of persons (as referred to in subsection (3) (d)) and for the conduct of business at those meetings is to be as determined by the Minister or (subject to any determination of the Minister) by the committee.

### **69 Recovery of fees and charges**

Any charge, fee or money due to a responsible authority under this Act is recoverable by the responsible authority in a court of competent jurisdiction as a debt due to the Crown.

### **70 Identification cards**

- (1) A responsible authority is to provide each authorised officer authorised under this Act by the responsible authority who is not a police officer with an identification card.
- (2) An identification card is a card that:
  - (a) states that it is issued under this Act, and

- (b) gives the name of the person to whom it is issued, and
- (c) describes the nature of the powers conferred, and
- (d) states the date (if any) on which it expires, and
- (e) is signed by a delegate of the responsible authority.

(3) In the course of exercising the functions of an authorised officer under this Act, the authorised officer must, if requested to do so by a person affected by the exercise of any such function, produce the officer's identification card to the person.

**Note—**

See section 201 of the *Law Enforcement (Powers and Responsibilities) Act 2002* in relation to a police officer's obligation to produce evidence that the police officer is a police officer (unless the police officer is in uniform).

## **71 Enforcement**

For the avoidance of doubt it is declared that, if, by this Act, any provisions of this Act are to be construed with, and as if they formed part of, any other Act or statutory instrument, those provisions may be enforced in accordance with the provisions for the enforcement of those Acts or statutory instruments.

## **72 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made for or with respect to the following:
  - (a) the fees and charges that may be imposed for the purposes of this Act,
  - (b) regulating the use by the public of, and the conduct of the public in or on, major event venues and facilities,
  - (c) regulating, restricting or prohibiting the bringing of liquor into, or consumption of liquor within, a major event venue or facility during a major event period,
  - (d) regulating the provision of services by responsible authorities,
  - (e) requirements or guidelines for the preparation of road and transport plans by responsible authorities,
  - (f) conferring on a responsible authority any function that may be exercised by a local council in relation to a public place,
  - (g) requiring the payment of fares or other charges for the use of any facility operated or service provided by a responsible authority or a government agency for the

purposes of this Act.

- (3) The regulations may create an offence punishable by a maximum penalty of 50 penalty units.

### **73 Penalty notices**

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice under this section is declared to be a penalty notice for the purposes of the *Fines Act 1996*.
- (4) A penalty notice may be served personally or by post.
- (5) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (6) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (7) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (8) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (9) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (10) In this section, **authorised officer** means any of the following who have been authorised in writing by the responsible authority for the major event concerned for the purposes of this section:

- (a) a police officer,
- (b) an officer or employee of a government agency,
- (c) a person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

#### **74 Offences by corporations**

- (1) If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or has been convicted under the provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.

#### **75 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

### **Schedule 1 Constitution and procedure of board governed major event authorities**

(Section 10 (5))

#### **Part 1 General**

##### **1 Definitions**

In this Schedule:

**board** means a board of a board governed authority.

**Chairperson** means the Chairperson of a board.

**member** means any member of a board.

## **Part 2 Constitution**

### **2 Terms of office of members**

Subject to this Schedule and the regulations, a member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

### **3 Remuneration**

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

### **4 Deputies**

- (1) A member may, from time to time, appoint a person to be the deputy of the member, and may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of a member, a person has all the functions of the member and is taken to be a member.
- (4) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.
- (5) This clause does not operate to confer on the deputy of a member who is the Chairperson the member's functions as Chairperson.

### **5 Vacancy in office of member**

- (1) The office of a member becomes vacant if the member:
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Minister under this clause, or
  - (e) is absent from 3 consecutive meetings of the board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or



- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may remove a member from office at any time.

## **6 Filling of vacancy in office of member**

If the office of any member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

## **7 Chairperson**

- (1) One of the members is, by the instrument of the member's appointment or by a subsequent instrument, to be appointed as Chairperson of the board to hold office during the member's term of office as a member.
- (2) The Chairperson vacates office as Chairperson if he or she:
  - (a) is removed from that office by the Minister under this clause, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member of the board.
- (3) The Minister may at any time remove the Chairperson from office as Chairperson.

## **8 Disclosure of pecuniary interests**

- (1) If:
  - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the board, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.
- (2) A disclosure by a member at a meeting of the board that the member:
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

- (3) Particulars of any disclosure made under this clause must be recorded by the board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the board.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the board otherwise determines:
  - (a) be present during any deliberation of the board with respect to the matter, or
  - (b) take part in any decision of the board with respect to the matter.
- (5) For the purposes of the making of a determination by the board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
  - (a) be present during any deliberation of the board for the purpose of making the determination, or
  - (b) take part in the making by the board of the determination.
- (6) A contravention of this clause does not invalidate any decision of the board.
- (7) This clause applies to a member of a committee of the board and the committee in the same way as it applies to a member of the board and the board.

## **9 Effect of certain other Acts**

- (1) Chapter 2 of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the appointment of a member.
- (2) If by or under any Act provision is made:
  - (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

## **Part 3 Procedure**

### **10 General procedure**

The procedure for the calling of meetings of a board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the board.

### **11 Quorum**

The quorum for a meeting of a board is a majority of its members for the time being.

### **12 Presiding member**

- (1) The Chairperson (or, in the absence of the Chairperson, a person elected by the members of the board who are present at a meeting of the board) is to preside at a meeting of the board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### **13 Voting**

A decision supported by a majority of the votes cast at a meeting of a board at which a quorum is present is the decision of the board.

### **14 Transaction of business outside meetings or by telephone**

- (1) A board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the board.
- (2) A board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the board.

- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

## 15 First meeting

The Minister may call the first meeting of a board in such manner as the Minister thinks fit.

## Schedule 2 Dissolutions, amalgamations and changes of name or nature of governance of major event authorities

(Section 12 (2))

### Part 1 General

#### 1 Definitions

In this Schedule:

**instrument** means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

**transferee** means the person or body to which any assets, rights or liabilities are transferred.

**transferor** means the person or body from which any assets, rights or liabilities are transferred.

#### 2 Regulations to which this Schedule applies

This Schedule applies to the following regulations:

- (a) a regulation under section 12 (1) (a) dissolving a major event authority,
- (b) a regulation under section 12 (1) (b) changing the name of a major event authority,
- (c) a regulation under section 12 (1) (c) (i) changing the nature of governance of a major event authority from board governance to chief executive governance,
- (d) a regulation under section 12 (1) (d) amalgamating 2 or more major event authorities.

#### 3 Effect of regulations

(1) **Dissolution regulations** On and from the date specified in a regulation made under section 12 (1) (a) dissolving a major event authority:

- (a) the major event authority is dissolved, and
- (b) the chief executive of the major event authority ceases to hold office, and

- (c) in the case of a board governed authority, the members of the board (other than the chief executive) cease to hold office, but are not entitled to be paid any compensation by reason of ceasing to hold office, and
  - (d) the assets, rights and liabilities of the major event authority are transferred to:
    - (i) the Crown, or
    - (ii) if another person or body is prescribed by the regulations for the purpose of this clause—that person or body, and
  - (e) Part 2 applies to that transfer.
- (2) **Amalgamation regulations** On and from the date specified in a regulation made under section 12 (1) (d) for the amalgamation of 2 or more major event authorities:
- (a) each major event authority amalgamated by the regulation is dissolved, and
  - (b) the chief executive of each major event authority amalgamated by the regulation ceases to hold office, and
  - (c) the members of any board governed authority involved in the amalgamation (other than any chief executive) cease to hold office, and:
    - (i) if the amalgamated major event authority is a board governed authority, are eligible (if otherwise qualified) to be appointed as members of the board of the amalgamated major event authority, and
    - (ii) are not entitled to be paid any compensation by reason of ceasing to hold office, and
  - (d) the assets, rights and liabilities of each amalgamating major event authority are transferred to the amalgamated major event authority, and
  - (e) Part 2 applies to that transfer.
- (3) **Name change regulations** On and from the date specified in a regulation made under section 12 (1) (b) changing the name of a major event authority, Part 3 applies to that change of name.
- (4) **Change of governance regulations** On and from the date specified in a regulation made under section 12 (1) (c) (i) changing the nature of governance of a major event authority from board governance to chief executive governance, the members of the board of the major event authority (other than the chief executive) cease to hold office, but are not entitled to be paid any compensation by reason of ceasing to hold office.
- (5) **Effect on compensation rights** Nothing in this Schedule affects any compensation rights to which the chief executive of a dissolved or amalgamating major event authority

may be entitled under Part 3.1 of the *Public Sector Employment and Management Act 2002* as a consequence of ceasing to hold office as such.

## **Part 2 Transfers**

### **4 Vesting of undertaking in transferee**

- (1) When any assets, rights or liabilities are transferred by a transfer to which this Part applies, the following provisions have effect:
  - (a) the assets of the transferor vest in the transferee by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
  - (b) the rights or liabilities of the transferor become by virtue of this clause the rights or liabilities of the transferee,
  - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,
  - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,
  - (e) the transferee has all the entitlements and obligations of the transferor in relation to those assets, rights and liabilities that the transferor would have had but for the regulation giving rise to the transfer, whether or not those entitlements and obligations were actual or potential at the time the regulation took effect,
  - (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor is (to the extent to which it relates to those assets, rights or liabilities) taken to include a reference to the transferee.
- (2) The operation of this clause is not to be regarded:
  - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) as an event of default under any contract or other instrument.

- (3) No attornment to the transferee by a lessee from the transferor is required.
- (4) A transfer is subject to the terms and conditions of the regulation giving rise to the transfer.
- (5) No compensation is payable to any person or body in connection with a transfer to which this Part applies except to the extent (if any) to which the regulation giving rise to the transfer so provides.

#### **5 Date of vesting**

A transfer to which this Part applies takes effect on the date specified in the regulation giving rise to the transfer.

#### **6 Consideration for vesting**

The Minister may, by order in writing, specify the consideration on which a transfer to which this Part applies is made and the value or values at which the assets, rights or liabilities are transferred.

#### **7 No duties on transfer**

Duty under the [Duties Act 1997](#) is not chargeable for or in respect of:

- (a) a transfer to which this Part applies, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).

#### **8 Confirmation of vesting**

- (1) The Minister may, by notice in writing, confirm a transfer of particular assets, rights or liabilities by operation of this Part.
- (2) Such a notice is conclusive evidence of that transfer.

### **Part 3 Changes of name**

#### **9 Name changes do not affect status of service**

A change of name of a major event authority by a regulation does not operate:

- (a) to create a new legal entity, or
- (b) to prejudice or affect the identity of the body corporate constituted as a major event authority or its continuity as a body corporate, or
- (c) to affect the property, or the rights or obligations, of the major event authority, or
- (d) to render defective any legal proceedings by or against the major event authority,

and any legal proceedings that could have been continued or commenced by or against the major event authority by its former name may be continued or commenced by or against it by its new name.

## **Schedule 3 Savings, transitional and other provisions**

### **Part 1 General**

#### **1 Regulations**

(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

    this Act

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Schedule 4 (Repealed)**