

Authorised Version No. 012
Major Sporting Events Act 2009

No. 30 of 2009

Authorised Version incorporating amendments as at
1 July 2014

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Authorised Version No. 012
Major Sporting Events Act 2009

No. 30 of 2009

Authorised Version incorporating amendments as at
1 July 2014

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

- (a) to re-enact with amendments and to consolidate into one Act the law relating to major sporting events and to venues for events;
- (b) to repeal the **Major Events (Aerial Advertising) Act 2007**, the **Major Events (Crowd Management) Act 2003** and the **Sports Event Ticketing (Fair Access) Act 2002** and consequentially amend other Acts.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Definitions

(1) In this Act—

Acts non-application order means an order made under section 15;

advertising means any form of communication (including selling or giving away any goods or services) made to the public or a section of the public in relation to any—

- (a) goods or services;
- (b) brand of goods or services;

(c) person who provides goods or services—

and includes—

- (d) a banner or other sign towed by or attached to a vessel;
- (e) matter displayed on a vessel, other than its normal markings and livery;
- (f) matter displayed on a flag, other than a state or national flag, that has an area of more than 5 square metres;
- (g) any laser or digital projection of advertising that is not aerial;

advertising limitation period in relation to a major sporting event to which Part 7 applies means—

- (a) the period—
 - (i) starting 7 days before the major sporting event starts; and
 - (ii) ending 2 days after the major sporting event ends; or
- (b) if a different period is specified in a major sporting event order, a period specified in that order to be an advertising limitation period for that major sporting event;

advertising on vessels authorisation means an authorisation given by an event organiser under section 118;

aerial advertising includes—

- (a) skywriting or sign writing 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 identifying the operator of that aircraft or the manufacturer of that aircraft;
- (d) matter displayed on—
 - (i) a hang glider, parachute, paraglider or similar device, other than its normal markings; or
 - (ii) a banner or sign attached to a hang glider, parachute, paraglider or similar device;
- (e) a banner or sign attached to a person suspended from a hang glider, parachute, paraglider or similar device;
- (f) any laser or digital projection of advertising;

aerial advertising authorisation means an authorisation given under section 127(1);

aerial advertising event means—

- (a) the Boxing Day cricket test;
- (ab) any One Day International cricket match held at the MCG;
- (ac) any Twenty20 international cricket match held at the MCG;
- (b) the Australian Open Tennis Championships;
- (c) the Australian Formula One Grand Prix;
- (d) the Australian Motorcycle Grand Prix;
- (e) the AFL Grand Final;
- (f) a match in the AFL Finals Series;

S. 3(1) def. of *aerial advertising event* amended by No. 16/2013 s. 18(1).

- (fa) the Australian Football League match played at the MCG on ANZAC Day;
- (g) Caulfield Cup Day;
- (h) Cox Plate Day;
- (i) the Melbourne Cup Carnival;
- (j) an event specified in a major sporting event order as an aerial advertising event;
- (k) if an event referred to in paragraphs (a) to (j) is to be replayed or rescheduled for any reason, that replayed event or that rescheduled event;

S. 3(1) def of
*aerial
advertising
limitation time*
amended by
No. 16/2013
ss 4(1)(b),
18(2).

aerial advertising limitation time means—

- (a) in relation to the Boxing Day cricket test, from 9.00 a.m. until 7.00 p.m. on each day of that event;
- (ab) in relation to any One Day International cricket match held at the MCG from 12 noon until 11 p.m. on the day of that event;
- (ac) in relation to any Twenty20 international cricket match held at the MCG from 2 p.m. until 11 p.m. on the day of that event;
- (b) in relation to the Australian Open Tennis Championships, from 9.00 a.m. until midnight on each day of that event;

-
- (c) in relation to the Australian Formula One Grand Prix, from the later of—
- (i) the opening time fixed by regulations made under the **Australian Grands Prix Act 1994**; or
 - (ii) 9.00 a.m.—
on each day of that event until the closing time fixed by regulations made under that Act;
- (d) in relation to the Australian Motorcycle Grand Prix, from 9.00 a.m. until 7.00 p.m. on each day of that event;
- (e) in relation to the AFL Grand Final, from 9.00 a.m. until 7.00 p.m. on the day of that event;
- (f) in relation to a match in the AFL Finals Series, from 4 hours before the advertised starting time of the match until 2 hours after the actual end of the match on the day of that match;
- (fa) in relation to an Australian Football League match played at the MCG on ANZAC Day, from 9 a.m. until 7 p.m.;
- (g) in relation to Caulfield Cup Day, from 2 hours before the advertised starting time of the first race until 2 hours after the actual starting time of the last race on the day of that event;
- (h) in relation to Cox Plate Day, from 2 hours before the advertised starting time of the first race until 2 hours after the actual starting time of the last race on the day of that event;

- (i) in relation to the Melbourne Cup Carnival, from 2 hours before the advertised starting time of the first race until 2 hours after the actual starting time of the last race on each day of that event;
- (j) in relation to an event specified in a major sporting event order as an aerial advertising event, the aerial advertising limitation time specified in that order;

S. 3(1) def of
*aerial
advertising
venue*
amended by
No. 16/2013
ss 4(1)(c),
18(3).

aerial advertising venue means—

- (a) in relation to the Boxing Day cricket test, the MCG;
- (ab) in relation to any One Day International cricket match held at the MCG, the MCG;
- (ac) in relation to any Twenty20 international cricket match held at the MCG, the MCG;
- (b) in relation to the Australian Open Tennis Championships, Melbourne Park;
- (c) in relation to the Australian Formula One Grand Prix, the area declared by notice under section 27 of the **Australian Grands Prix Act 1994** in respect of the year specified in that notice;
- (d) in relation to the Australian Motorcycle Grand Prix, the Phillip Island Grand Prix Circuit;
- (e) in relation to the AFL Grand Final, the MCG;

- (f) in relation to a match in the AFL Finals Series, the MCG or Docklands Stadium, as the case requires;
- (fa) in relation to the Australian Football League match played at the MCG on ANZAC Day, the MCG;
- (g) in relation to Caulfield Cup Day, the Caulfield Racecourse;
- (h) in relation to Cox Plate Day, the Moonee Valley Racecourse;
- (i) in relation to the Melbourne Cup Carnival, the Flemington Racecourse;
- (j) in relation to an event specified in a major sporting event order as an aerial advertising event, the venue specified in that order as an aerial advertising venue for that event;

AFL Finals Series means any matches played between the end of the home and away rounds of the AFL Premiership season and the AFL Grand Final to determine the participants in the AFL Grand Final and held at the MCG or Docklands Stadium, including any Qualifying Finals, Semi-Finals and Preliminary Finals;

AFL Grand Final means the Australian Football League Grand Final;

aircraft includes an airship, a blimp, a hot-air balloon, a helicopter or an ultra-light aircraft;

Albert Park has the same meaning as it has in section 3 of the **Australian Grands Prix Act 1994**;

S. 3(1) def. of
ANZAC Day
inserted by
No. 16/2013
s. 18(4).

ANZAC Day has the meaning given in section 3 of the **ANZAC Day Act 1958**;

approved ticket scheme for a sports ticketing event means a ticket scheme for the event that is currently approved by the Minister under section 157;

Australian Formula One Grand Prix has the same meaning as "Formula One event" has in the **Australian Grands Prix Act 1994**;

Australian Grand Prix Corporation means the Australian Grand Prix Corporation established by the **Australian Grands Prix Act 1994**;

Australian Motorcycle Grand Prix has the same meaning as "Australian Motorcycle Grand Prix event" has in the **Australian Grands Prix Act 1994**;

Australian Open Tennis Championships means the Grand Slam tennis championships conducted annually by Tennis Australia in Melbourne;

authorised applicant, in Division 4 of Part 3, means—

- (a) the event organiser of an event to which Part 3 applies;
- (b) any person authorised by Part 3 or any other law to use protected event logos or images or protected event references in relation to an event to which Part 3 applies;
- (c) the holder of a broadcasting authorisation;

authorised officer means a person appointed as an authorised officer under section 183 and, in Part 4, includes a police officer;

S. 3(1) def. of *authorised officer* amended by No. 37/2014 s. 10(Sch. item 104.1(b)).

ban order means an order imposed by a court under section 87;

* * * * *

S. 3(1) def. of *Bob Jane Stadium* repealed by No. 16/2013 s. 4(2)(a).

Boxing Day cricket test means the cricket test match held at the MCG commencing on 26 December in each year;

broadcasting authorisation means an authorisation under section 40;

broadcasting equipment means equipment used—

- (a) to broadcast, telecast or transmit by any means whatever any sound or image; or
- (b) to make a sound recording; or
- (c) to make a recording of moving images, whether by film, television, video, digitally or otherwise—

and includes a film, digitally recorded images and a sound recording;

Caulfield Cup Day means the third Saturday before Melbourne Cup Day;

Caulfield Guineas Day means the fourth Saturday before Melbourne Cup Day;

S. 3(1) def. of *Caulfield Guineas Day* inserted by No. 16/2013 s. 4(1)(a).

Caulfield Racecourse means the land described in item 2 of Schedule 2 to the **Racing Act 1958**;

commercial arrangements period in relation to a major sporting event to which Part 3 applies means—

- (a) the period—
 - (i) starting 3 months before the major sporting event starts; and
 - (ii) ending one month after the major sporting event ends; or
- (b) if a different period is specified in a major sporting event order, a period specified in that order to be a commercial arrangements period for that major sporting event;

Cox Plate Day means the second Saturday before Melbourne Cup Day;

crowd management period in relation to a major sporting event to which Part 4 applies means—

- (a) the period—
 - (i) starting 7 days before the major sporting event starts; and
 - (ii) ending 2 days after the major sporting event ends; or
- (b) if a different period is specified in a major sporting event order, a period specified in that order to be a crowd management period for that major sporting event;

dangerous goods has the same meaning as in section 3(1) of the **Dangerous Goods Act 1985**;

Department means the Department of Planning and Community Development;

distress signal means a pyrotechnic device intended for signalling, warning, rescue or similar purposes, and includes marine flares and signals, landing flares, highway fusees, line-carrying rockets, anti-hail rockets, cloud rockets, avalanche rockets and smoke generators;

Docklands Stadium means the stadium in the area bounded by La Trobe Street, Wurundjeri Way, Bourke Street and Harbour Esplanade in the docklands area within the meaning of the **Docklands Act 1991**;

Docklands Stadium concourse means—

- (a) the land shown hatched on the plan LEGL./11-080 kept in the Central Plan Office maintained under the **Survey Co-ordination Act 1958** other than the part of that land comprising Docklands Stadium; and
- (b) any other land or stratum of land to which an order under subsection (3) applies;

S. 3(1) def. of **Docklands Stadium concourse** inserted by No. 16/2013 s. 4(1)(a).

event area means an area of land that is specified in a major sporting event order to be an event area for the purposes of a major sporting event;

event organiser, other than in Part 9, means—

- (a) in relation to the Boxing Day cricket test, Cricket Australia
ABN 53 006 089 130;
- (b) in relation to the Australian Open Tennis Championships, Tennis Australia
ABN 61 006 281 125;

S. 3(1) def. of **event organiser** amended by No. 16/2013 s. 4(1)(d).

- (c) in relation to the Australian Formula One Grand Prix, the Australian Grand Prix Corporation;
- (d) in relation to the Australian Motorcycle Grand Prix, the Australian Grand Prix Corporation;
- (e) in relation to the AFL Finals Series and the AFL Grand Final, the Australian Football League ABN 97 489 912 318;
- (f) in relation to Caulfield Cup Day, the Melbourne Racing Club ABN 96 267 203 634;
- (g) in relation to Cox Plate Day, the Moonee Valley Racing Club ABN 45 806 588 917;
- (h) in relation to the Melbourne Cup Carnival, the Victoria Racing Club Limited ACN 119 214 078;
- (i) a person specified as the event organiser for a major sporting event in a major sporting event order;

S. 3(1) def. of *event venue* amended by No. 16/2013 s. 4(1)(e)(f).

event venue means—

- (a) the MCG;
- (b) Phillip Island Grand Prix circuit;
- (c) the Docklands Stadium, and, in accordance with section 61(3A), the Docklands Stadium concourse;
- (d) the Melbourne Sports and Aquatic Centre land;
- (e) the State Netball and Hockey Centre land;
- (f) national tennis centre land;
- (g) Olympic Park land;

-
- (h) the Lakeside Stadium;
 - (ha) the Caulfield Racecourse on any of the following—
 - (i) Caulfield Cup Day;
 - (ii) Caulfield Guineas Day;
 - (iii) Thousand Guineas Day;
 - (hb) the Flemington Racecourse on a day that a race meeting of the Melbourne Cup Carnival takes place;
 - (hc) the Moonee Valley Racecourse on Cox Plate Day;
 - (i) any venue specified as an event venue in a major sporting event order;
 - (j) an area of land that is specified as an event venue in a major sporting event order;

Note

The definition of *land* in section 38 of the **Interpretation of Legislation Act 1984** includes land covered by water.

facilities includes demountable or temporary pools, grandstands, media facilities, spectator facilities, competitor facilities and commercial, franchise or entertainment facilities, broadcasting facilities, timing facilities and other facilities for the operation or conduct of an event;

firm means a partnership or other unincorporated body but does not include a trust;

Flemington Racecourse means the land described in item 4 of Schedule 2 to the **Racing Act 1958**;

football includes soccer;

S. 3(1) def. of
*Lakeside
Stadium*
inserted by
No. 16/2013
s. 4(1)(a).

Lakeside Stadium means the area shown hatched on the plan LEGL./11-036 kept in the Central Plan Office maintained under the **Survey Co-ordination Act 1958**;

laser pointer means a hand-held article designed or adapted to emit laser beams;

S. 3(1) def. of
*major
sporting event*
amended by
No. 16/2013
s. 4(1)(g).

major sporting event means—

- (a) the Australian Open Tennis Championships;
- (b) any Australian Football League match held at the MCG or the Docklands Stadium;
- (c) any international or interstate cricket match held at the MCG or the Docklands Stadium;
- (d) any international, national or state league football match held at an event venue;
- (da) any Melbourne Cup Carnival race meeting held at the Flemington Racecourse;
- (db) any Caulfield Cup Day race meeting held at the Caulfield Racecourse;
- (dc) any Caulfield Guineas Day race meeting held at the Caulfield Racecourse;
- (dd) any Thousand Guineas Day race meeting held at the Caulfield Racecourse;
- (de) any Cox Plate Day race meeting held at the Moonee Valley Racecourse;

(e) any event specified in a major sporting event order as a major sporting event—

and includes any opening ceremony or closing ceremony, parade or similar activity or event connected with the major sporting event and specified in a major sporting event order applying to the major sporting event;

major sporting event order means an order made under section 7;

major sporting events guidelines means the guidelines issued by the Minister under section 25;

MCG has the same meaning as **Ground** has in the **Melbourne Cricket Ground Act 2009**;

Melbourne Cup Carnival means the event that consists of the following race meetings—

- (a) Victoria Derby Day;
- (b) Melbourne Cup Day;
- (c) Oaks Day;
- (d) Stakes Day;

Melbourne Cup Day means the first Tuesday in November;

Melbourne Park has the same meaning as it has in the **Melbourne and Olympic Parks Act 1985**;

Melbourne Sports and Aquatic Centre land has the same meaning as in the **State Sport Centres Act 1994**;

Moonee Valley Racecourse means the land described in item 7 of Schedule 2 to the **Racing Act 1958**;

national tennis centre land has the same meaning as in the **Melbourne and Olympic Parks Act 1985**;

no compensation order means an order made under section 17;

Oaks Day means the first Thursday after Melbourne Cup Day;

Office of Sport and Recreation Victoria means staff of the Department of Planning and Community Development engaged in the administration of this Act;

Olympic Park land has the same meaning as in the **Melbourne and Olympic Parks Act 1985**;

operational arrangements period in relation to a major sporting event to which Part 6 applies means—

- (a) the period—
 - (i) starting 3 months before the major sporting event starts; and
 - (ii) ending one month after the major sporting event ends; or
- (b) if a different period is specified in a major sporting event order, a period specified in that order to be an operational arrangements period for that major sporting event;

person includes an unincorporated association and a firm;

Note

See also section 38 of the **Interpretation of Legislation Act 1984**.

Phillip Island Grand Prix circuit has the same meaning as it has in the **Australian Grands Prix Act 1994**;

police officer has the same meaning as in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 104.1(a)).

prohibited item means—

- (a) an animal, other than—
 - (i) if a person is blind, deaf or otherwise suffering a disability, a guide dog used by that person or to assist that person; or
 - (ii) a police dog or a police horse; or
 - (iii) an animal competing or participating in a major sporting event;
- (b) a laser pointer;
- (c) a distress signal;
- (d) dangerous goods;
- (e) a prohibited weapon within the meaning of the **Control of Weapons Act 1990**;
- (f) a controlled weapon within the meaning of the **Control of Weapons Act 1990**, the possession of which would constitute an offence under that Act;
- (g) a firearm within the meaning of the **Firearms Act 1996**;
- (h) a bicycle (other than a police bicycle or a bicycle for use in competing or

S. 3(1) def. of *prohibited item* amended by No. 16/2013 s. 4(2)(b).

participating in a major sporting event),
scooter, skateboard, roller skates or
roller blades;

- (i) a firework;
- (j) a horn or bugle;
- (k) a whistle or loud hailer;

* * * * *

- (m) any items which are in such a quantity
that a reasonable person could infer that
those items are to be used for
commercial purposes;
- (n) a public address system, electronic
equipment, broadcast equipment or
similar device which may interfere with
broadcast equipment or similar devices
being used by the event organiser or a
person authorised by the event
organiser or otherwise under this Act to
use such equipment or devices;

protected event logo or image means any logo,
image, mascot, emblem or other design
which is prescribed to be a protected event
logo or image or declared under section 31 to
be a protected event logo or image or any
part of such logo, image, mascot, emblem or
other design;

protected event reference means any words,
expression or figures that are prescribed to
be protected event references or declared
under section 31 to be protected event
references, including any combination of
those references, whether with or without
other words, expression or figures;

Secretary means the person who for the time
being is the Department Head under the

Public Administration Act 2004 of the
Department of Planning and Community
Development;

sponsorship-like arrangement, in Part 3, means—

- (a) a right to associate a person or a person's goods or services with—
 - (i) a major sporting event to which that Part applies; or
 - (ii) the event organiser of a major sporting event to which that Part applies; or
 - (iii) any event or activity associated with a major sporting event to which that Part applies;
- (b) an affiliation or association (whether commercial or non-commercial) with—
 - (i) a major sporting event to which that Part applies; or
 - (ii) the event organiser of a major sporting event to which that Part applies; or
 - (iii) any event or activity associated with a major sporting event to which that Part applies;

sporting competition space includes, but is not limited to—

- (a) a playing field;
- (b) a track;
- (c) an arena;
- (d) a court or a rink;
- (e) a swimming pool or diving pool;

- (f) a road which is being used for a major sporting event;
- (g) an area of open water which is being used for a major sporting event;
- (h) any area delineated as sporting competition space for a major sporting event;
- (i) any area for the official use of participants in, or persons officiating at, a match, game, sport or an event;

sports event, in Part 9, means—

- (a) a type of match, game or other event; or
- (b) a series of matches, games or other events; or
- (c) a tournament—

involving the playing of sport (whether or not for competition) at a ground or other place (whether indoors or outdoors) to which persons are admitted on payment of a fee or charge, or after making a donation, to view the playing of the sport or to enter or remain at the ground or place and, in the case of a sports event that consists of a series of matches, games or other events or a tournament, includes any opening or closing ceremonies connected with the series or tournament;

sports event organiser, in Part 9, means a person—

- (a) who is responsible (whether fully or substantially) for—
 - (i) the organisation and holding of a sports event; and

(ii) the receipt of revenue from the sports event; or

(b) to whom an order under subsection (2) applies;

sports ticketing event means—

- (a) a sports event to which a sports ticketing event declaration applies; and
- (b) if an event referred to in paragraph (a) is to be replayed or rescheduled for any reason, includes the replaying of the event or the rescheduled event;

sports ticketing event declaration means a declaration made under section 152;

Stakes Day means the first Saturday after Melbourne Cup Day;

State Netball and Hockey Centre land has the same meaning as in the **State Sport Centres Act 1994**;

swimming pool includes an area designated for use for open-water swimming;

Thousand Guineas Day means the third Wednesday before Melbourne Cup Day;

S. 3(1) def. of **Thousand Guineas Day** inserted by No. 16/2013 s. 4(1)(a).

ticket scheme for a sports ticketing event or a sports event means a scheme concerning the sale and distribution of tickets to the event;

ticket scheme proposal for a sports ticketing event or a sports event means a proposal by the sports event organiser that sets out details of the ticket scheme for the event;

ticketing guidelines means the guidelines issued by the Minister under section 163;

vehicle has the same meaning as it has in section 3(1) of the **Road Safety Act 1986**;

venue manager means the person who is responsible (whether fully or substantially) for—

- (a) the organisation and use of the venue;
- or
- (b) the receipt of revenue from the venue;

vessel has the same meaning as it has in section 3(1) of the **Marine Safety Act 2010**;

S. 3(1) def. of vessel amended by No. 65/2010 s. 420(Sch. 3 item 10.1).

Victoria Derby Day means the first Saturday before Melbourne Cup Day;

works includes—

- (a) installation of services or facilities;
- (b) construction and removal of temporary demountable structures or facilities;
- (c) relocation of buildings, structures or facilities.

(2) For the purposes of the definition of *sports event organiser*, the Minister, by order published in the Government Gazette, may declare a person to be a sports event organiser if the Minister is of the opinion that, for a particular sports event, the person is responsible (whether fully or substantially) for—

- (a) the organisation and holding of the sports event; and
- (b) the receipt of revenue from the sports event.

- (3) The Governor in Council, by Order published in the Government Gazette, may declare land or a stratum of land to be included as part of the Docklands Stadium concourse for the purposes of this Act for a specified period.
- (4) An Order under subsection (3) must include a plan or a reference to a lodged plan kept in the Central Plan Office maintained under the **Survey Co-ordination Act 1958** of the land or stratum of land to which the Order applies.
- (5) An Order under subsection (3) must not apply to land or a stratum of land unless—
- (a) it is in the area bounded by La Trobe Street, Wurundjeri Way, Bourke Street and Harbour Esplanade in the docklands area within the meaning of the **Docklands Act 1991**, excluding any footpaths running along those roads; and
 - (b) it is in an area accessible to the public.

S. 3(3)
inserted by
No. 16/2013
s. 4(3).

S. 3(4)
inserted by
No. 16/2013
s. 4(3).

S. 3(5)
inserted by
No. 16/2013
s. 4(3).

4 Act binds the Crown

This Act binds the Crown, not only in right of Victoria, but also, as far as the legislative power of the Parliament permits, the Crown in all its other capacities.

5 Extraterritorial operation

It is the intention of the Parliament that, as far as the legislative power of the Parliament permits, the operation of this Act includes operation in relation to acts, transactions and matters done, entered into or occurring outside Victoria, whether in or outside Australia.

6 Application of Act

If any Part or provision of this Act applies to a major sporting event or an event venue or event area, Part 1, Part 2, Part 10, Part 11, Part 12 and

Major Sporting Events Act 2009
No. 30 of 2009
Part 1—Preliminary

s. 6

Part 13 also apply to the extent necessary for the effective operation of the relevant Part or provision.

PART 2—ORDERS, DECLARATIONS AND GUIDELINES

Division 1—Major sporting event orders

7 Governor in Council may make major sporting event order

- (1) Subject to this Part, on the recommendation of the Minister, the Governor in Council may make an order that an event is a major sporting event for the purposes of this Act.
- (2) A major sporting event order must be published in the Government Gazette.

8 Content of major sporting event order

- (1) A major sporting event order must specify—
 - (a) the event which is the major sporting event; and
 - (b) the venue which is the event venue for that major sporting event.
- (2) In addition, a major sporting event order may specify—
 - (a) a person to be an event organiser for the major sporting event;
 - (b) an area of land to be an event area for the event venue or the major sporting event;
 - (c) an event to be an aerial advertising event;
 - (d) the period or periods during which the event is to be conducted;
 - (e) if Part 4 applies, the crowd management period or crowd management periods, as the case requires, if the period is or periods are different to the period in paragraph (a) of the definition of *crowd management period*;

- (f) if Part 6 applies, the operational arrangements period or operational arrangements periods, as the case requires, if the period is or periods are different to the period in paragraph (a) of the definition of *operational arrangements period*;
- (g) if Part 7 applies, the advertising limitation period or advertising limitation periods, as the case requires, if the period is or periods are different to the period in paragraph (a) of the definition of *advertising limitation period*;

Note

See section 12 for commercial arrangements periods.

- (h) a period of time or specified dates during which the order applies or does not apply;
- (i) the specified Parts or provisions of the Act which apply, or do not apply, in relation to the major sporting event specified in the order;
- (j) the specified Parts or provisions of the Act which apply, or do not apply, in relation to any person, venue or period of time specified in the order;
- (k) that police officers are to exercise enforcement powers under Part 3, Part 6, Part 7 or Part 8 in relation to an event, venue or period of time specified in the order;
- (l) any opening ceremony or closing ceremony, parade or similar activity or event connected with the major sporting event to be part of the major sporting event; or
- (m) any combination of the matters referred to in paragraphs (a) to (l).

S. 8(2)(k)
amended by
No. 37/2014
s. 10(Sch.
item 104.2).

9 Minister to consider certain criteria before making recommendation for major sporting event order

- (1) Before recommending to the Governor in Council that a major sporting event order be made, the Minister must be of the opinion that—
- (a) it is in the public interest to make the order; and
 - (b) the event in respect of which the order is to be made is a major event at an international, national or State level.
- (2) In addition to the matters specified in subsection (1), in determining whether to recommend the making of a major sporting event order and the scope of that order, the Minister is to have regard to the following—
- (a) the size of the event;
 - (b) the likely number of spectators for the event;
 - (c) the likely media coverage of the event;
 - (d) the projected economic impact of the event;
 - (e) the contribution to Victoria's international profile as a host of major events;
 - (f) the commercial arrangements for the event;
 - (g) the event management experience and expertise of the event organiser;
 - (h) the factors affecting the operational organisation of the event, including measures taken or to be taken by the event organiser in relation to the planning of the event such as—
 - (i) preparation of traffic and transport management plans;

S. 9(1)(a)
amended by
No. 29/2011
s. 3(Sch. 1
item 56).

- (ii) emergency management plans;
 - (iii) security plans and consultation with police and emergency services;
 - (i) the views of municipal councils directly affected by the event in relation to the arrangements made or to be made for the event;
 - (j) the consultation and agreements between the event organiser and affected municipal councils in relation to the event, including any agreements about the restoration of event venues and event areas.
- (3) In addition to the matters specified in subsection (1), the Minister must be of the opinion that the proposed event venue—
- (a) hosts, or is suitable to host, international, national or state level events; and
 - (b) has, or will have for the purposes of the event, the capacity to be set up for major sporting events either permanently or temporarily; and
 - (c) has, or will have for the purposes of the event, clear entry and exit points; and
 - (d) has, or will have for the purposes of the event, clear boundaries delineating the sporting competition space.

10 Major sporting event order—event areas

- (1) In the case of a major sporting event order which specifies an area of land to be an event area, the Minister must be of the opinion that the land is—
- (a) adjacent to an event venue; or

-
- (b) required for the establishment or management of an event venue for a major sporting event; or
 - (c) required for the establishment, conduct or management of a major sporting event; or
 - (d) required for purposes ancillary to, or in connection with, the conduct or management of the major sporting event or any activity forming part of the event.
- (2) If a major sporting event order specifies an area of land to be an event area, the event organiser for the major sporting event, the venue manager of the event venue or the manager of an event area for that event, as the case requires—
- (a) must identify the event area by causing signs or notices to be erected on or in close proximity to the area stating that the area is an event area; and
 - (b) may—
 - (i) demarcate an event area by the use of fencing, barriers or other permanent or temporary means of physical demarcation; and
 - (ii) erect signs or cause signs to be erected on or in close proximity to the area stating the restrictions or conditions (if any) which apply in relation to that event area.
- (3) Subsection (2) does not limit the power of an event organiser, a venue manager or a manager of an event area to delineate an event area by means in addition to signs, notices, fencing or barriers.

11 Major sporting event order—aerial advertising event

- (1) In the case of a major sporting event order which specifies an event as an aerial advertising event, the Minister—
- (a) must be satisfied that—
 - (i) the event is a major event at the international or national level; and
 - (ii) unauthorised aerial advertising would be likely to adversely affect—
 - (A) the commercial arrangements of the event; or
 - (B) the operations of the event; and
 - (b) must have regard to—
 - (i) the size of the event; and
 - (ii) the likely media coverage of the event; and
 - (iii) the projected economic impact of the event; and
 - (iv) the contribution to Victoria's international profile as a host of major events.
- (2) In addition to the matters set out in section 8, a major sporting event order which specifies an event as an aerial advertising event must specify—
- (a) the aerial advertising venue for the event; and
 - (b) the aerial advertising limitation time in respect of each day of the event.

12 Major sporting event order—commercial arrangements

- (1) In the case of a major sporting event order which specifies that Part 3 applies to a major sporting event, the Minister—
 - (a) must be satisfied that—
 - (i) the event is a major event at the international or national level; and
 - (ii) the event has commercial arrangements that are likely to be adversely affected by unauthorised broadcasting or unauthorised use of logos, images or references, or both, as the case requires; and
 - (b) must have regard to—
 - (i) the size of the event; and
 - (ii) the likely media coverage of the event; and
 - (iii) the projected economic impact of the event; and
 - (iv) the contribution to Victoria's international profile as a host of major events.
- (2) In addition to the matters set out in section 8, a major sporting event order which specifies that Part 3 applies to a major sporting event—
 - (a) must specify the commercial arrangements period or commercial arrangements periods for the major sporting event, if the period is or periods are different to the period in paragraph (a) of the definition of *commercial arrangements period*;
 - (b) may specify the time or dates in respect of each day of the event when Part 3 applies.

S. 13(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.2).

13 Consultation prior to making major sporting event order

- (1) If a major sporting event order is to specify that police officers may exercise enforcement powers under Part 3, Part 6, Part 7 or Part 8 as specified in the order, the Minister must consult with the Chief Commissioner of Police before making the order.
- (2) If a major sporting event order is to affect the operation of any other Act, the Minister must consult with the Minister administering that other Act before making the order.

14 Major sporting event order that specifies reserved land

- (1) If a proposed major sporting event order is to apply to land which is reserved or deemed to be reserved under the **Crown Land (Reserves) Act 1978**, the Minister must consult with the Minister administering the **Crown Land (Reserves) Act 1978** before making the order.
- (2) If a major sporting event order is to apply to land in Albert Park which is in a declared area within the meaning of the **Australian Grands Prix Act 1994** or a designated access area within the meaning of that Act, the Minister must consult with the Minister administering that Act before making a major sporting event order in respect of that land.
- (3) If a proposed major sporting event order is to apply to land which is unreserved Crown land, the Minister must consult with the Minister administering the **Land Act 1958** before making the order.

Division 2—Acts non-application orders

15 Acts non-application order

- (1) On the recommendation of the Minister, the Governor in Council may make an order that any Act referred to in Part 5 and specified in the order does not apply to the development or use of an event venue or event area for the purposes of a major sporting event specified in the order—
 - (a) to the extent specified in the order; and
 - (b) for the period specified in the order.
- (2) Before making a recommendation under subsection (1), the Minister must be of the opinion that—
 - (a) it is in the public interest to make the order; and
 - (b) it is necessary to make the order—
 - (i) for the effective management and conduct of the major sporting event; or
 - (ii) for the effective preparation or management and conduct of the event venue or an event area for that event.
- (3) An Acts non-application order must be published in the Government Gazette.

Note

This order is subject to tabling in Parliament and disallowance.

16 Consultation prior to making Acts non-application order

Before recommending that an Acts non-application order be made, the Minister must consult with the Minister administering the Act which the Acts non-application order will affect.

Division 3—No compensation orders

17 No compensation order

- (1) On the recommendation of the Minister, the Governor in Council may make an order that a major sporting event is subject to section 18.
- (2) Before making a recommendation under subsection (1), the Minister must be of the opinion that—
 - (a) it is in the public interest to make the order; and
 - (b) a no compensation order is necessary to ensure the effective management, conduct or organisation of the major sporting event.
- (3) A no compensation order must be published in the Government Gazette.

Note

This order is subject to tabling in Parliament and disallowance.

18 No compensation payable

On the making of a no compensation order in respect of a major sporting event, this section applies and no compensation is payable in respect of any loss, damage or injury, other than the death of, or personal injury or bodily injury to, a person, resulting from or arising out of any act or omission done in good faith by any person in the administration or purported administration of this Act, a provision of this Act, or the regulations in relation to the management, conduct or organisation of—

- (a) the major sporting event to which a no compensation order applies; or

- (b) any event, activity or program associated with the major sporting event to which a no compensation order applies.

Division 4—General matters relating to orders

19 Multiple orders for one event

Without limiting the operation of this Part, more than one order under this Part may be made in respect of the same major sporting event.

20 Date on which order takes effect

An order made under this Part takes effect—

- (a) on the date that the order is published in the Government Gazette; or
(b) if a later date is specified in the order, on that later date.

21 Describing land in orders

Without limiting the use of any other means to describe land, an order under this Part may describe land by reference to a plan of survey attached to the order or lodged in the Central Plan Office maintained under the **Survey Co-ordination Act 1958**.

22 Orders to be laid before Parliament and certain orders subject to disallowance

- (1) The Minister must cause the following orders to be laid before each House of Parliament within 7 sitting days of that House after the order is published in the Government Gazette—
- (a) a major sporting event order that applies Part 3 to an event (commercial arrangements);
(b) a major sporting event order that applies Part 7 to an event (advertising other than aerial advertising);

- (c) a major sporting event order that applies Part 8 to an event (aerial advertising);
 - (d) an Acts non-application order;
 - (e) a no compensation order.
- (2) A failure to comply with subsection (1) does not affect the operation or effect of the order but the Scrutiny of Acts and Regulations Committee of the Parliament may report the failure to each House of the Parliament.
- (3) An Acts non-application order may be disallowed in whole or in part by either House of Parliament.
- (4) A no compensation order may be disallowed in whole or in part by either House of Parliament.
- (5) Part 5 of the **Subordinate Legislation Act 1994** applies to an Acts non-application order and a no compensation order as if—
- (a) a reference in that Part to a "statutory rule" were a reference to the Acts non-application order or the no compensation order, as the case requires; and
 - (b) a reference in section 23(1)(c) of that Act to "section 15(1)" were a reference to subsection (1).
- (6) A reference to an Acts non-application order and a no compensation order in this section includes a reference to any amendment of either of those orders.

23 Scope of orders

An order under this Part—

- (a) may be of general or limited application;
- (b) may differ according to differences in time, place or circumstance.

24 Amendment and revocation of orders

- (1) On the recommendation of the Minister, the Governor in Council, by order published in the Government Gazette, may amend or revoke an order made under this Part.
- (2) This Part applies to the amendment or revocation of an order made under this Part in the same way as it does to the making of an order.

Division 5—Major sporting events guidelines

25 Major sporting events guidelines

- (1) The Minister may make guidelines in relation to minimum event planning standards for event organisers of major sporting events or venue managers of event venues including, but not limited to—

- (a) traffic and transport management;
- (b) emergency management;
- (c) environmental impact management;
- (ca) crowd management;

S. 25(1)
amended by
No. 16/2013
s. 26(1)(a).

S. 25(1)(ca)
inserted by
No. 16/2013
s. 26(1)(b).

- (d) event security.

- (1A) A guideline made under subsection (1)(ca) does not apply to an authorised officer who is a police officer.

S. 25(1A)
inserted by
No. 16/2013
s. 26(2),
amended by
No. 37/2014
s. 10(Sch.
item 104.3).

- (2) The Minister must ensure that the major sporting events guidelines are—
 - (a) published in the Government Gazette; and

-
- (b) laid before each House of the Parliament within 10 sitting days of that House after the guidelines are published in the Government Gazette.

26 Failure to comply with major sporting events guidelines

- (1) If an event organiser fails to comply with any major sporting events guidelines applicable to the major sporting event for which the event organiser is responsible, the Minister may recommend to the Governor in Council the making of an order under subsection (2).
- (2) On the recommendation of the Minister, the Governor in Council may make an order varying or revoking, in whole or in part, the major sporting event order, or any other order under this Part, that applies to the relevant event.
- (3) An order under subsection (2) must be published in the Government Gazette.
-

PART 3—COMMERCIAL ARRANGEMENTS

Division 1—Application of Part

27 Application of commercial arrangements provisions

- (1) This Part only applies if a major sporting event order specifies that this Part, or Division 2 of this Part or Division 3 of this Part, applies to—
 - (a) a specified major sporting event; or
 - (b) a specified event venue in relation to that event; or
 - (c) an event area in relation to that event.
- (2) If a major sporting event order specifies that only Division 2 of this Part or Division 3 of this Part applies, Divisions 1, 4 and 5 of this Part also apply to the extent necessary for the effective operation of the relevant Division applying to the major sporting event, event venue or event area, as the case requires.

28 Part does not derogate from other rights

Nothing in this Part derogates from any rights subsisting in or any remedy available to any person under any other law or any contract or agreement in relation to—

- (a) protected event logos or images; or
- (b) any other logos or images; or
- (c) protected event references.

Note

Other laws which may give rights or provide remedies include the Copyright Act 1968, the Trade Marks Act 1995, the Designs Act 2003 and the Competition and Consumer Act 2010 of the Commonwealth and the **Australian Consumer Law and Fair Trading Act 2012**.

**Note to s. 28
amended by
No. 21/2012
s. 239(Sch. 6
item 27).**

29 Part does not affect rights relating to use of business or company names

Nothing in this Part affects any rights conferred on any person prior to the commencement of a major sporting event order in relation to an event to which this Part applies in relation to—

S. 29(a)
amended by
No. 79/2011
s. 33.

- (a) a name that is registered in relation to a business under the Business Names Registration Act 2011 of the Commonwealth prior to that commencement; or
- (b) a registered name of a company incorporated under the Corporations Act prior to that commencement.

30 Part does not affect rights in respect of passing off

- (1) Nothing in this Part affects the use of any logos or images or references by a person on or after the commencement of a major sporting event order in relation to an event to which this Part, or Division 2 of this Part, applies if, immediately before that commencement, the person would have been entitled to prevent another person from passing off by means of the use of the logos or images or the references, or of similar logos or images or references, goods, services or a business as the goods, services or business of the first-mentioned person.
- (2) In an action or proceedings in respect of passing off brought against the event organiser of an event to which this Part, or Division 2 of this Part, applies or a person authorised to use protected event logos or images or protected event references arising out of the use of logos or images or references referred to in subsection (1), it is a defence if the event organiser or the person authorised to use protected event logos or images or protected event references satisfies the court

that at the time of the use, the event organiser or the person authorised to use protected event logos or images or protected event references was not aware that the person bringing the action or proceedings was entitled to prevent the passing off.

Division 2—Authorising use of logos, images and references

31 Minister may declare protected event logos or images or protected event references

- (1) The Minister may declare in respect of a major sporting event to which this Division of this Part applies—
 - (a) that specified logos or images are protected logos or images for that event;
 - (b) that specified references are protected event references for that event.
- (2) A declaration under subsection (1) must be published in the Government Gazette.
- (3) Before making a declaration under subsection (1), the Minister must be satisfied that—
 - (a) the logos, images or references relate to and are sufficiently connected to the identity and conduct of the major sporting event; and
 - (b) the event has commercial arrangements that are likely to be adversely affected by unauthorised use of logos, images or references.
- (4) The Minister may require the event organiser of an event to which this Division of this Part applies to publish a notice in a newspaper circulating generally in Victoria of the making of a declaration by the Minister under this section.

- (5) A notice required to be published under subsection (4) must be in the form and include the information determined by the Minister.

32 Event organiser may authorise use of protected event logos or images or protected event references

- (1) For the purposes of this Part, the event organiser of an event to which this Division of this Part applies may authorise a person to use protected event logos or images or protected event references in respect of that event.
- (2) An authorisation under this section must be in writing.

33 Minister may authorise non-commercial use of protected event logos or images or protected event references

- (1) For the purposes of this Part, the Minister may authorise a person to use protected event logos or images or protected event references in respect of an event to which this Division of this Part applies for non-commercial use.
- (2) The Minister must not authorise a person under subsection (1) unless the Minister has first consulted with the relevant event organiser of the event to which this Division of this Part applies.
- (3) If the Minister authorises a person to use any protected event logos or images or protected event references in respect of an event to which this Division of this Part applies, the Minister must cause the relevant event organiser to be notified of that authorisation.
- (4) An authorisation under this section must be in writing.

34 What can an authorisation contain?

- (1) An authorisation under section 32 or 33 is subject to any terms and conditions which the event organiser or Minister, as the case requires, believes are reasonable to impose, including, but not limited to—
 - (a) the duration of the authorisation;
 - (b) whether the authorisation applies generally or in specified circumstances;
 - (c) whether the authorisation authorises the use of all protected event logos or images or protected event references or specified kinds of protected event logos or images or protected event references in relation to the event to which this Division of this Part applies.
- (2) An authorisation under section 32 or 33 expires at the earlier of—
 - (a) the expiration date specified in the authorisation; or
 - (b) if no date is specified, 12 months after the end of the major sporting event to which the authorisation relates.

35 Register of authorisations

- (1) An event organiser of an event to which this Division of this Part applies must—
 - (a) maintain a register of authorisations given under section 32 or 33; and
 - (b) record in the register of authorisations—
 - (i) each authorisation by the event organiser under section 32; and

- (ii) each authorisation by the Minister under section 33 of which the event organiser has been notified under that section.
- (2) The register of authorisations must include the following—
 - (a) the name of any person authorised by the event organiser under section 32 or the Minister under section 33 to use protected event logos or images or protected event references in relation to an event to which this Division of this Part applies;
 - (b) the date of the authorisation and the period of its duration.
- (3) The register of authorisations may be—
 - (a) inspected by any person at any reasonable time, without charge; and
 - (b) made available for inspection on the Internet.

36 Use of protected event logos, images and references which do not need authorisation

- (1) The following persons may use protected event logos or images or protected event references without the authorisation of the event organiser of an event to which this Division of this Part applies—
 - (a) the event organiser;
 - (b) a person who has been authorised in writing by the Minister to use protected event logos and images or protected event references under this Part.

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- (2) Subject to subsection (3), any person may use protected event logos or images or protected event references without the authorisation of the event organiser or the Minister in the following specified circumstances—
- (a) if the use is incidental to—
 - (i) the provision of information, including the reporting of news and the presentation of current affairs; or
 - (ii) the purposes of criticism and review, including criticism or review in a newspaper, magazine or similar periodical, a broadcast or a film;
 - (b) if the use is for—
 - (i) the purposes of professional advice; or
 - (ii) research or study purposes; or
 - (iii) educational purposes.
- (3) A person referred to in subsection (2) is not authorised to use a protected event logo or image or a protected event reference if the use—
- (a) is for promotional, marketing or commercial purposes; or
 - (b) suggests a sponsorship-like arrangement.

37 Offence to engage in conduct that suggests sponsorship, approval or affiliation

- (1) A person must not engage in conduct which would suggest to a reasonable person that goods or services have a sponsorship, approval or affiliation that they do not have with—
- (a) an event to which this Division of this Part applies; or
 - (b) the event organiser of an event to which this Division of this Part applies; or

- (c) any event or activity associated with an event to which this Division of this Part applies.

Penalty: 100 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

- (2) A person must not engage in conduct which would suggest to a reasonable person that any person has a sponsorship, approval or affiliation that the person does not have with—
- (a) an event to which this Division of this Part applies; or
 - (b) the event organiser of an event to which this Division of this Part applies; or
 - (c) any event or activity associated with an event to which this Division of this Part applies.

Penalty: 100 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

38 Offence to use protected event logos or images or protected event references without authorisation

- (1) A person must not use—
- (a) protected event logos or images or protected event references in relation to an event to which this Division of this Part applies; or
 - (b) any thing that is substantially identical to or deceptively similar to protected event logos or images or protected event references in relation to an event to which this Division of this Part applies—

if the use—

- (c) is for commercial purposes; or
- (d) is for promotional, advertising or marketing purposes, whether or not for commercial gain; or
- (e) would suggest a sponsorship-like arrangement to a reasonable person.

Penalty: 100 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

(2) Subsection (1) does not apply to—

- (a) any use of protected event logos or images or protected event references that has been authorised under section 32 by the event organiser for that event; or
- (b) any use of protected event logos or images or protected event references that has been authorised under section 33 by the Minister in respect of that event; or
- (c) any use of protected event logos or images or protected event references in accordance with section 36; or
- (d) any use of protected event logos or images or protected event references or any other logos or images that is otherwise authorised by or under this Act or any other law.

39 Meaning of marked with logos or images or references

For the purposes of this Part, goods are to be taken to be marked with protected logos or images or protected references or any thing that is substantially identical to or deceptively similar to protected logos or images or protected references,

if the logos or images or references are affixed to, annexed to, marked on or incorporated in or with—

- (a) the goods; or
- (b) any covering or container in which the goods are wholly or partly enclosed; or
- (c) anything placed in or attached to any covering or container in which the goods are wholly or partly enclosed; or
- (d) anything that is attached to the goods or around which the goods are wrapped or wound.

Division 3—Authorised broadcasting

40 Event organiser may authorise broadcasting

- (1) Subject to subsection (2), the event organiser of an event to which this Division of this Part applies may authorise a person to—
 - (a) broadcast, telecast or transmit by any means whatever any sound or image of that event or any part of that event at or from a place within or outside the event venue or an event area for that event; or
 - (b) make any sound recording or any film, television, video or digital recording of moving images of that event or any part of that event for profit or gain, or for a purpose that includes profit or gain, at or from a place within or outside an event venue or an event area for that event.
- (2) An event organiser must not give a broadcasting authorisation if, in the opinion of the event organiser, the activity authorised would adversely affect—

- (a) the organisation or conduct of the event to which this Division of this Part applies; or
- (b) any commercial arrangements relating to the event to which this Division of this Part applies.

(3) A broadcasting authorisation must be in writing.

41 Application for broadcasting authorisation

An application for a broadcasting authorisation must be made in the manner and form determined by the Secretary.

42 What can a broadcasting authorisation contain?

A broadcasting authorisation is subject to any terms and conditions which the event organiser of an event to which this Division of this Part applies believes are reasonable to impose including but not limited to—

- (a) the duration of the authorisation;
- (b) whether the authorisation applies generally or in specified circumstances;
- (c) whether the authorisation applies to a specified person or persons or to a specified class or classes of person.

43 Offence to broadcast without broadcasting authorisation

(1) A person must not broadcast, telecast or transmit by any means whatever any sound or image of an event to which this Division of this Part applies or any part of that event at or from a place within or outside an event venue or an event area for that event unless the person—

- (a) has a broadcasting authorisation; and

(b) is acting in accordance with that broadcasting authorisation.

Penalty: 400 penalty units, in the case of a natural person;

2400 penalty units, in the case of a body corporate.

(2) Subsection (1) does not apply if the broadcast, telecast or transmission is not for profit or gain, or for a purpose that includes profit or gain and—

(a) is not a substantial part of the event; or

(b) is for the purpose of—

(i) criticism or review; or

(ii) parody or satire; or

(iii) the reporting of news; or

(iv) a judicial proceeding or the giving or receiving of legal advice; or

(v) providing official library services for a member of Parliament; or

(vi) private and domestic use.

44 Offence to make recording without broadcasting authorisation

A person must not make any sound recording or any film, television, video or digital recording of moving images of an event to which this Division of this Part applies or any part of that event for profit or gain, or for a purpose that includes profit or gain, at or from a place within or outside an event venue or an event area for that event unless the person—

(a) has a broadcasting authorisation; and

(b) is acting in accordance with that broadcasting authorisation.

Penalty: 400 penalty units, in the case of a natural person;
2400 penalty units, in the case of a body corporate.

Division 4—Enforcement

45 Injunctions

- (1) An authorised applicant may apply to the Supreme Court, County Court or Magistrates' Court for the grant of an injunction restraining a person from engaging in conduct that constitutes—
 - (a) a contravention of section 37, 38, 43 or 44;
or
 - (b) attempting or conspiring to contravene section 37, 38, 43 or 44; or
 - (c) aiding, abetting, counselling or procuring a person to contravene section 37, 38, 43 or 44; or
 - (d) inducing or attempting to induce a person, whether by threats, promises or otherwise, to contravene section 37, 38, 43 or 44; or
 - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of section 37, 38, 43 or 44.
- (2) A court may grant an injunction restraining a person from engaging in conduct of the kind referred to in paragraphs (a) to (e) of subsection (1)—
 - (a) if the court is satisfied, on the balance of probabilities, that the person is engaging in or has been engaging in conduct of that kind,

- whether or not it appears to the court that the person intends to engage again or continue to engage in the conduct; or
- (b) if it appears to the court that, in the event that the injunction is not granted, it is likely that the person will engage in conduct of that kind, whether or not that person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind; or
 - (c) if the court determines it to be appropriate, by consent of all the parties to the proceedings, whether or not the person has engaged in, or is likely to engage in conduct of that kind.
- (3) Pending determination of an application under this section, the court may grant an interim injunction if, in the opinion of the court, it is desirable to do so.
- (4) An application for an injunction under this section may be made *ex parte*.

46 Power to rescind or vary injunctions

The Supreme Court, County Court or Magistrates' Court (as the case requires) may rescind or vary an injunction or an interim injunction granted by it under section 45.

47 Power of court to require corrective advertising

- (1) On the application of an authorised applicant, if a court is satisfied, on the balance of probabilities, that there has been a contravention of section 37, 38, 43 or 44, the court may make either or both of the following orders—

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- (a) an order requiring any person involved in the contravention to disclose any information which is in the person's possession or to which the person has access, which is information specified in the order or information of a class of information specified in the order—
- (i) to the public or any person or class of persons specified in the order; and
 - (ii) in the manner specified in the order;
- (b) an order requiring any person involved in the contravention to publish an advertisement in the terms specified or determined in accordance with the order—
- (i) at the expense of the person; and
 - (ii) in the manner and at the times specified in the order.
- (2) A court may make an order under this section whether or not an injunction is granted under section 45.

48 Actions for damages

- (1) If an authorised applicant suffers any injury or damage because of a contravention of section 37, 38, 43 or 44, the applicant may recover the amount of the loss or damage or damages in respect of the injury by proceeding against any person involved in the contravention.
- (2) A proceeding under this section may be brought in any court of competent jurisdiction.
- (3) A proceeding under subsection (1) must not be commenced more than 3 years after the date on which the cause of action accrued.

- (4) A court may make an order under this section whether or not an injunction is granted under section 45.

49 Account of profits

- (1) An authorised applicant may apply to a court for an account of profits in respect of a contravention of section 37, 38, 43 or 44 by proceeding against any person involved in the contravention.
- (2) A proceeding under this section may be brought in any court of competent jurisdiction.
- (3) A proceeding under subsection (1) must not be commenced more than 3 years after the date on which the cause of action accrued.
- (4) A court may make an order under this section whether or not an injunction is granted under section 45.

50 No entitlement to both damages and account of profits

An authorised applicant is not entitled to bring proceedings for both damages under section 48 and an account of profits under section 49 in respect of the same contravention of section 37, 38, 43 or 44 (as the case requires).

Division 5—Seizure and forfeiture

51 Seizure of goods and advertising material during commercial arrangements period

- (1) Subject to subsection (2), a police officer or an authorised officer may seize goods or advertising material if the police officer or the authorised officer—

S. 51(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.3).

- (a) finds goods or advertising material that are marked with or use—
- (i) protected event logos or images or protected event references in relation to an event to which Division 2 of this Part applies; or
 - (ii) any thing that is substantially identical to or deceptively similar to protected event logos or images or protected event references in relation to an event to which Division 2 of this Part applies; and
- (b) believes on reasonable grounds that the marking with or use of the logos or images or references or thing referred to in paragraph (a), as the case requires, has not been authorised under this Act or by or under any other law.
- (2) A police officer or an authorised officer may only seize goods or advertising material referred to in subsection (1) if the goods or advertising material are found in an event venue or an event area for an event to which Division 2 of this Part applies during a commercial arrangements period for that event.

S. 51(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.3).

52 Seized goods or advertising material to be given to Office of Sport and Recreation Victoria

- (1) A police officer or an authorised officer, as the case requires, as soon as practicable, must give goods or advertising material seized under section 51 to the Office of Sport and Recreation Victoria.
- (2) Subject to subsection (3), the Office of Sport and Recreation Victoria must retain goods or advertising material seized under section 51 until the goods or advertising material—

S. 52(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.3).

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- (a) are forfeited to the Crown under section 53 or 60; or
 - (b) are returned to the person from whom they were seized in accordance with section 59; or
 - (c) are returned to their lawful owner by court order or otherwise.
- (3) If goods or advertising material seized under section 51 are still being retained under this section 12 months after the date of seizure and no ongoing proceedings in respect of the goods or advertising material are in existence at that date, the goods or advertising material are forfeited to the Crown.
- (4) If goods or advertising material are forfeited to the Crown under subsection (3)—
- (a) the Minister may direct that the goods or material be disposed of in any manner that the Minister thinks fit; and
 - (b) if the Minister directs that the goods or material are to be disposed of by sale—
 - (i) the Minister must consult with the relevant event organiser before that sale; and
 - (ii) the proceeds of the sale must be paid into the Consolidated Fund.

53 Voluntary forfeiture to Crown

- (1) Before proceedings are instituted for an offence against section 37 or 38 in relation to any goods or advertising material seized under section 51, the person from whom they were seized may voluntarily forfeit the goods or advertising material to the Crown.

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- (2) A voluntary forfeiture under subsection (1) must be by written notice given to the Office of Sport and Recreation Victoria.
- (3) On receipt of a notice of voluntary forfeiture under subsection (2)—
- (a) the seized goods or advertising material are forfeited to the Crown; and
 - (b) the Office of Sport and Recreation Victoria must cause the relevant event organiser to be notified that the goods or advertising material have been voluntarily forfeited to the Crown.
- (4) If any seized goods or advertising material are forfeited to the Crown under this section—
- (a) the Minister may direct that the goods or material be disposed of in any manner that the Minister thinks fit; and
 - (b) if the Minister directs that the goods or material are to be disposed of by sale—
 - (i) the Minister must consult with the relevant event organiser before that sale; and
 - (ii) the proceeds of the sale must be paid into the Consolidated Fund.

54 Seizure of broadcasting equipment

- (1) Subject to subsection (3), if a police officer or an authorised officer believes on reasonable grounds that a person has committed, is committing or is about to commit an offence against section 43 or 44, the police officer or the authorised officer, as the case requires, may seize any broadcasting equipment being used by that person if—

S. 54(1)
amended by
No. 37/2014
s. 10(Sch.
item
104.4(a)(i)).

Major Sporting Events Act 2009
No. 30 of 2009
Part 3—Commercial Arrangements

s. 54

S. 54(1)(a)
amended by
No. 37/2014
s. 10(Sch.
item
104.4(a)(ii)).

- (a) the police officer or the authorised officer has requested that the person cease the activity which may constitute an offence against section 43 or 44 (as the case requires); and
- (b) the person does not cease the activity after that request.

S. 54(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.4(b)).

- (2) If a police officer or an authorised officer seizes any broadcasting equipment under this section, the police officer or the authorised officer, as the case requires, must give the person a written receipt for the equipment seized indicating—

S. 54(2)(b)
amended by
No. 37/2014
s. 10(Sch.
item 104.4(b)).

- (a) the nature of the equipment seized; and
- (b) the date and time that the police officer or the authorised officer took possession of the equipment; and

S. 54(2)(c)
amended by
No. 37/2014
s. 10(Sch.
item 104.4(b)).

- (c) the name and rank of the police officer who seized the equipment or the name of the authorised officer who seized the equipment, as the case requires.

- (3) A receipt referred to in subsection (2) must be given—

- (a) if possible, immediately; or
- (b) if it is not possible to do so immediately, as soon as is reasonably practicable.

S. 54(4)
amended by
No. 37/2014
s. 10(Sch.
item 104.4(b)).

- (4) A police officer or an authorised officer may only seize broadcasting equipment under subsection (1) during a commercial arrangements period for an event to which Division 3 of this Part applies.

55 Seized broadcasting equipment to be given to Office of Sport and Recreation Victoria

- (1) A police officer or an authorised officer, as the case requires, as soon as practicable, must give broadcasting equipment seized under section 54 to the Office of Sport and Recreation Victoria.
- (2) The Office of Sport and Recreation Victoria must retain broadcasting equipment seized under section 54 until the broadcasting equipment—
 - (a) in the case of broadcasting equipment other than a film, digitally recorded images or a sound recording, is returned in accordance with section 56; or
 - (b) in any case, is returned to the person from whom it was seized or its lawful owner—
 - (i) in accordance with this Act; or
 - (ii) by court order or otherwise.

S. 55(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.5).

56 Return of broadcasting equipment within 28 days

- (1) The Office of Sport and Recreation Victoria must ensure that broadcasting equipment seized under section 54 is returned to the person from whom it was seized within 28 days after the date on which it was seized.
- (2) Subsection (1) does not apply to broadcasting equipment which is a film, digitally recorded images or a sound recording.

57 Application to Magistrates' Court for return of broadcasting equipment

- (1) A person from whom broadcasting equipment has been seized under section 54 may apply to the Magistrates' Court for the return of that equipment.

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- (2) An application under subsection (1)—
- (a) may be made at any time after the seizure;
and
 - (b) must not be made if proceedings for an offence against section 43 or 44 have been commenced in respect of that seized broadcasting equipment.
- (3) On an application under subsection (1), the Magistrates' Court may make any of the following orders or any combination of those orders—
- (a) an order for the return of the broadcasting equipment if, in the opinion of the Court, it can be returned consistently with the interests of justice;
 - (b) an order for the return of the broadcasting equipment subject to any specified conditions;
 - (c) any other order it considers appropriate in relation to the broadcasting equipment.

58 Power for event organiser to retain film etc. for up to 6 months

- (1) If broadcasting equipment seized under section 54 includes a film, digitally recorded images or a sound recording, the event organiser of the event to which Division 3 of this Part applies may retain the film, digitally recorded images or sound recording for a period not exceeding 6 months after the date of seizure.
- (2) If a film, digitally recorded images or a sound recording is still being retained by the relevant event organiser under this section 6 months after the seizure and no ongoing proceedings in respect of the film, digitally recorded images or sound recording are in existence at that date, the film,

digitally recorded images or sound recording must be returned to—

- (a) the person from whom it was seized under section 54; or
- (b) its lawful owner.

59 Recovery of things seized and compensation

(1) If any goods or advertising material have been seized under section 51 and the goods or advertising material have not been voluntarily forfeited under section 53 and—

- (a) proceedings are not instituted for an offence against section 37 or 38 in relation to the seized goods or advertising material within 6 months of the seizure; or
- (b) after proceedings have been instituted and completed, the accused is not found guilty—

S. 59(1)(b)
amended by
No. 68/2009
s. 97(Sch.
item 83.1).

the person from whom they were seized is entitled to recover—

- (c) the seized goods or advertising material or, if they have been destroyed, compensation equal to the market value of the goods or advertising material at the time of the seizure; and
 - (d) compensation for any loss suffered by reason of the seizure of the goods or advertising material.
- (2) If any broadcasting equipment has been seized under section 54 and it has not been returned under section 56 or by court order or otherwise and—

S. 59(2)(b)
amended by
No. 68/2009
s. 97(Sch.
item 83.1).

- (a) proceedings are not instituted for an offence against section 43 or 44 in relation to the seized broadcasting equipment within 6 months of the seizure; or
 - (b) after proceedings have been instituted and completed, the accused is not found guilty—
the person from whom the equipment was seized is entitled to recover—
 - (c) the seized broadcasting equipment, or, if it has been destroyed, compensation equal to the market value of the broadcasting equipment at the time of the seizure; and
 - (d) compensation for any loss suffered by reason of the seizure of the broadcasting equipment.
- (3) An action for the payment of compensation under subsection (1) or (2) may be brought in any court of competent jurisdiction against the relevant event organiser.

60 Court may order forfeiture to the Crown

- (1) A court which finds a person guilty of an offence against section 37 or 38 may order that any goods or advertising material to which the offence relates be forfeited to the Crown.
- (2) A court which finds a person guilty of an offence against section 43 or 44 may order that any broadcasting equipment used in the commission of the offence be forfeited to the Crown.
- (3) If any goods, advertising material or broadcasting equipment are forfeited to the Crown under subsection (1) or (2) (as the case requires)—
 - (a) the Minister may direct that the goods, advertising material or broadcasting equipment be disposed of in any manner that the Minister thinks fit; and

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- (b) if the Minister directs that the goods, advertising material or broadcasting equipment is to be disposed of by sale—
- (i) in the case of goods or advertising material, the Minister must consult with the relevant event organiser before that sale; and
 - (ii) the proceeds of the sale must be paid into the Consolidated Fund.
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PART 4—CROWD MANAGEMENT

Division 1—Application of Part

61 Application of crowd management provisions

- (1) This Part applies to a major sporting event, other than an event referred to in paragraph (e) of the definition of *major sporting event*.
- (2) This Part applies to a major sporting event, referred to in paragraph (e) of the definition of *major sporting event* if the major sporting event order specifies this Part applies in relation to that event.
- (3) This Part applies to an event venue, other than an event venue referred to in paragraph (i) or (j) of the definition of *event venue*.

S. 61(3A)
inserted by
No. 16/2013
s. 5(1).

- (3A) The following provisions of this Part apply to the Docklands Stadium concourse on any day that a major sporting event is held at the event venue referred to in paragraph (c) of the definition of *event venue* as if the Docklands Stadium concourse were an event venue on that day—
 - (a) sections 63, 64 and 84;
 - (b) sections 75 to 78, 80, 81, 83, 85 to 89 and 90A in so far as those sections relate to sections 63, 64 or 84;
 - (c) Division 6 in so far as it relates to sections 63, 85, 89(1) or 89(2).
- (4) This Part applies to an event venue referred to in paragraph (i) or (j) of the definition of *event venue* if the major sporting event order specifies this Part applies in relation to that venue.

- (5) This Part applies to an event area in respect of a major sporting event if the major sporting event order specifies this Part applies in relation to that area.

Note

See also section 6.

**Note to s. 61
inserted by
No. 16/2013
s. 5(2).**

Division 2—Managing crowd behaviour

62 Offence to possess prohibited items

- (1) A person in an event venue or an event area must not possess a prohibited item except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.

- (2) This section does not apply to the following prohibited items—
- (a) distress signals;
 - (b) fireworks.

63 Offence to possess lit distress signal or fireworks

A person in an event venue or an event area must not have in his or her possession any lit distress signal or lit firework except with the authorisation of the venue manager or event organiser.

Penalty: 30 penalty units.

64 Offence to throw lit distress signal or firework

A person in an event venue or an event area must not throw any lit distress signal or lit fireworks except with the authorisation of the venue manager or event organiser.

Penalty: 40 penalty units.

65 Offence to possess unlit distress signal or fireworks

A person in an event venue or an event area must not have in his or her possession any unlit distress signal or unlit firework except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.

66 Alcohol in event venues and event areas

- (1) Subject to subsection (2), a person in an event venue or an event area must not have in his or her possession any alcohol that has not been purchased at the event venue or event area in accordance with the **Liquor Control Reform Act 1998**.

Penalty: 20 penalty units.

- (2) A person in an event venue or an event area may have alcohol in his or her possession that has not been purchased at the event venue or event area in accordance with the **Liquor Control Reform Act 1998** if the venue manager or the event organiser has given authorisation for the possession of such alcohol.

67 Entry into sporting competition space

- (1) A person must not enter a sporting competition space within an event venue unless the person—
- (a) is participating in a match, game, sport or event held with the permission of the venue manager or event organiser; or
 - (b) is engaged in the control or management of any such match, game, sport or event; or

- (c) has the authorisation, or is a member of a class of person that has the authorisation, of the venue manager or the event organiser to enter or remain in the sporting competition space; or
- (d) is, or is a member of a class of person that is, otherwise authorised to enter and remain in the sporting competition space.

Penalty: 10 penalty units.

- (2) A person who is in the sporting competition space must not, without reasonable excuse, disrupt the match, game, sport or event.

Penalty: 60 penalty units.

67A Offence to deface or damage sporting competition space or structure in that space

S. 67A
inserted by
No. 16/2013
s. 6.

- (1) A person must not deface or damage a sporting competition space within an event venue except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.

- (2) A person must not deface or damage any structure, equipment or vehicle in a sporting competition space within an event venue except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.

68 Offence to throw or kick projectiles

- (1) A person must not throw or kick any stone, bottle or other projectile within an event venue or event area.

Penalty: 20 penalty units.

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- (2) Subsection (1) does not apply to a person who throws or kicks a projectile—
- (a) in the course of—
 - (i) participating in the match, game, sport or event being held at the event venue or event area; or
 - (ii) officiating at such a match, game, sport or event; or
 - (iii) officially acting as a volunteer engaged in the management or conduct of such a match, game, sport or event; or
 - (b) with the authorisation of the venue manager or event organiser.

69 Offence to damage or deface

Within an event venue or event area, a person must not deface or damage any building, fence, barrier, barricade, seat, chair, table, structure, vehicle, craft, truck, pipe, tap, tap fitting, conduit, electrical equipment, wiring or sign except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.

70 Offence to damage flora

A person must not damage any trees, plants or other flora within an event venue or event area except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.

71 Offence to block stairs, exits or entries

A person must not, without reasonable excuse, block any stairs, steps, aisle, gangway, overpass, underpass, bridge, passage, entry, exit or other thoroughfare in an event venue or event area except with the authorisation of the venue manager or event organiser.

Penalty: 10 penalty units.

72 Offence to climb on fence, barrier or barricade

Except with the authorisation of the venue manager or event organiser, a person must not, without reasonable excuse, climb on any fence, barrier or barricade—

- (a) in an event venue or event area; or
- (b) delineating the boundaries of an event venue or event area.

Penalty: 10 penalty units.

73 Offence to obstruct view of seated person

Except with the authorisation of the venue manager or event organiser, a person in an event venue or event area must not, without reasonable excuse, stand in a place or in a particular manner that deliberately obstructs the view of any other person seated in a seat in the immediate vicinity.

Penalty: 10 penalty units.

74 Offence to climb roof or parapet of building

A person must not climb a roof or parapet of a building within an event venue or event area except with the authorisation of the venue manager or event organiser.

Penalty: 10 penalty units.

S. 74A
inserted by
No. 16/2013
s. 7.

74A Offence to enter a venue without a ticket or authority

A person must not, without reasonable excuse, enter any part of an event venue for which a ticket for a major sporting event is required on a day on which the major sporting event is held at the venue without—

- (a) a valid ticket for that event; or
- (b) the authorisation of the venue manager or the event organiser.

Penalty: 20 penalty units.

Division 3—Authorisations

75 Venue manager or event organiser may authorise certain activities

S. 75(1)
amended by
No. 16/2013
s. 8.

- (1) For the purposes of Division 2, the venue manager or an event organiser of an event to which this Part applies may authorise a person or class of person to carry out an activity which would otherwise be an offence against section 62, 63, 64, 65, 66, 67, 67A, 68, 69, 70, 71, 72, 73, 74 or 74A.
- (2) An application for an authorisation under this section may be made—
 - (a) in writing; or
 - (b) in any other manner required by the venue manager or the event organiser.
- (3) The venue manager or event organiser must not give an authorisation under subsection (1) if, in the opinion of the venue manager or event organiser, the carrying out of that activity would adversely affect—
 - (a) the organisation or conduct of the event to which this Part applies; or

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- (b) any commercial arrangements relating to the event to which this Part applies.
- (4) An authorisation under this section may be given—
- (a) in writing; or
 - (b) if the authorisation relates to an activity under section 62, 66 or 67, orally, if the venue manager or the event organiser considers this is appropriate; or
 - (c) if the authorisation applies to the general public or part of the general public, by publishing a notice setting out the details of the authorisation, including any conditions to which the authorisation is subject, in a newspaper circulating generally in Victoria; or
 - (d) if the authorisation applies to a group or class of person, including the general public or part of the general public by—
 - (i) causing signs or notices to be erected or displayed at or near the entrance to the event venue or event area setting out details of the authorisation, including any conditions to which the authorisation is subject; and
 - (ii) as far as practicable, ensuring that those signs or notices are displayed in such a place and manner that the details are reasonably likely to be seen by persons affected by them; or
 - (e) in any other manner that the venue manager or the event organiser considers appropriate, having regard to the nature of the activity and the persons being authorised.

76 What can an authorisation contain?

An authorisation under section 75 is subject to any terms and conditions which the venue manager or the event organiser of the event to which this Part applies, as the case requires, believes are reasonable to impose, including but not limited to—

- (a) the duration of the authorisation;
- (b) whether the authorisation applies generally or in specified circumstances;
- (c) whether the authorisation applies to a specified person or persons or to a specified class or classes of person;
- (d) whether the authorisation applies to a specified type of activity or to a specified class or classes of activity.

77 Offence to fail to comply with terms and conditions

A person to whom an authorisation under section 75 applies, or who belongs to a class in respect of which an authorisation under section 75 applies, must not, without reasonable excuse, contravene a term or condition of the relevant authorisation.

Penalty: 20 penalty units.

78 Production of authorisation

- (1) An authorised officer or a police officer may direct a person to whom an authorisation under section 75 applies, or who belongs to a class in respect of which an authorisation under section 75 applies, to produce for inspection that authorisation or evidence of that person's authorisation—

S. 78(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.5).

-
- (a) immediately; or
 - (b) within 7 days at a police station or the place of business of the authorised officer.
- (2) A person must comply with a direction under subsection (1).

Penalty: 5 penalty units.

Division 4—Dealing with prohibited items

79 Powers of venue managers to prohibit other items

- (1) Nothing in the definition of *prohibited item* in section 3 prevents a venue manager from prohibiting any item not referred to in that definition from being brought into the event venue or event area for which the venue manager is responsible.
- (2) If a venue manager has determined that any item not referred to in the definition of *prohibited item* is not to be brought into an event venue or event area for which the venue manager is responsible, the venue manager must—
 - (a) cause signs or notices to be erected or displayed at or near the entrance to the event venue or event area setting out details of the determination that an item is not to be brought into an event venue or event area; and
 - (b) as far as practicable, ensure that those signs are displayed in such a place and manner that the details are reasonably likely to be seen by persons affected by them at the entrances to the event venue or event area.

80 Surrender or confiscation of prohibited items

- (1) An authorised officer may request a person to surrender any item that—
 - (a) is a prohibited item which the person has in his or her possession in contravention of section 62, 63 or 65; or
 - (b) a venue manager has prohibited being brought into an event venue or event area under section 79(2) which the person has brought into that venue or that area; or
 - (c) a person has in his or her possession in contravention of section 66 (alcohol).
- (2) If a person refuses to comply with a request under subsection (1), an authorised officer may—
 - (a) direct the person not to enter the event venue or event area for a period of 24 hours; or
 - (b) if the person is in an event venue or an event area, direct the person—
 - (i) to leave the event venue or event area; and
 - (ii) to not re-enter the event venue or event area for a period of 24 hours.
- (3) If a person refuses to comply with a request under subsection (1), in addition to the powers in subsection (2), an authorised officer who is a police officer may confiscate the prohibited item.

S. 80(3)
amended by
No. 37/2014
s. 10(Sch.
item 104.5).

81 Police may retain or otherwise deal with prohibited item for purpose of proceedings

- (1) Without limiting any other power in relation to proceedings for an offence, if, under this Division, an item is surrendered to an authorised officer who is a police officer or confiscated by an authorised officer who is a police officer or

S. 81(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.6).

otherwise comes into the possession of a police officer, that police officer—

- (a) may retain the item for the purposes of proceedings for an offence against this Act or the regulations and deal with that item in accordance with law; and
 - (b) in the case of a prohibited item of a kind referred to in paragraph (a), (h), (j), (k), (m) or (n) of the definition of *prohibited item* in section 3, may photograph or otherwise take a record of that item for the purpose of proceedings for an offence against this Act or the regulations and—
 - (i) on request of the person from whom the item was confiscated or who surrendered the item, return it to the person when the person leaves the event venue or the event area; or
 - (ii) if that person does not request the return of the item under subparagraph (i), give that item to the Office of Sport and Recreation Victoria to be dealt with in accordance with section 82; or
 - (iii) return the item to its lawful owner, if known, within 28 days after it was confiscated or surrendered under this Division; or
 - (iv) otherwise deal with that item in accordance with law.
- (2) If proceedings for an offence against section 62, 63, 65 or 66 have been commenced in respect of an item to which this section applies, subject to any court order, that item must not be returned to the person who surrendered it or from whom it was confiscated.

82 Storage of surrendered items or confiscated items at event venues

- (1) Subject to section 81, a venue manager must ensure that an item that has been surrendered by a person in compliance with a request under section 80(1) or confiscated under this Division is—
 - (a) stored at the event venue or event area in a secure manner in accordance with directions made by the Minister from time to time and provided by the Minister to the venue manager; and
 - (b) returned to the person upon request when the person leaves the event venue or event area or within 28 days after the item is so surrendered.
- (2) An item that is not collected by the person who surrendered it in compliance with a request under section 80(1) or from whom it was confiscated must be stored by the venue manager until whichever of the following happens first—
 - (a) the person requests the item's return; or
 - (b) the expiration of 28 days after the item was surrendered or confiscated, as the case requires.
- (3) Despite anything to the contrary in this section, if a surrendered item or a confiscated item—
 - (a) is a firearm within the meaning of the **Firearms Act 1996**, a controlled weapon within the meaning of the **Control of Weapons Act 1990**, the possession of which would constitute an offence under that Act, or a prohibited weapon within the meaning of the **Control of Weapons Act 1990**, the venue manager must ensure that the item is given to a police officer within 24 hours after the item is surrendered or confiscated;

S. 82(3)(a)
amended by
No. 37/2014
s. 10(Sch.
item 104.7).

- (b) is a dangerous good, laser pointer, distress signal, firework or any other item prohibited by the venue manager under section 79 and the item is not collected within 28 days after it was surrendered or confiscated, the venue manager must cause the item to be destroyed;
- (c) is a perishable foodstuff, the venue manager may destroy or dispose of the item after the end of the day on which the item is surrendered or confiscated;
- (d) not referred to in paragraph (a) or (b) is not collected within 28 days after it was surrendered or confiscated, the venue manager may sell the item and retain the proceeds of the item's sale.

Division 5—Dealing with offenders

83 Direction to leave event venue or event area

- (1) Subject to subsection (2), an authorised officer may direct a person to leave and not re-enter or not to enter an event venue or an event area if the authorised officer—
 - (a) believes on reasonable grounds that the person has committed an offence against section 62, 63, 64, 65, 66, 67, 67A(1), 67A(2), 68, 69, 70, 71, 72, 73, 74 or 74A; and
 - (b) has informed the person that the authorised officer has formed the belief referred to in paragraph (a); and
 - (c) has, prior to making the direction, requested that person to leave or not to enter the event venue or event area and that person has refused to leave or has entered.

S. 83(1)(a)
amended by
No. 16/2013
s. 9.

S. 83(1)(b)
amended by
No. 37/2014
s. 10(Sch.
item 104.8).

- (2) A direction under subsection (1)—
- (a) must specify that the direction applies for a period of 24 hours; and
 - (b) may be given in either or both of the following ways—
 - (i) orally;
 - (ii) in writing served personally on the person to whom it applies.

S. 84
amended by
No. 16/2013
s. 10 (ILA
s. 39B(1)).

84 Directions to leave—disruptive behaviour etc.

- (1) An authorised officer may direct a person who is in an event venue or event area to leave the event venue or event area and not re-enter the event venue or event area for a period of 24 hours if the authorised officer believes on reasonable grounds that—
- (a) the person is disrupting or interrupting any match, game, sport or event organised by the event organiser; or
 - (b) the person is engaging in conduct which is a risk to the safety of that person or other spectators; or
 - (c) the person is causing unreasonable disruption or unreasonable interference to spectators of the event or persons engaged in the conduct or management of the event or event venue.
- (2) An authorised officer who is a police officer may require a person who has been given a direction under subsection (1) to give his or her name and address to the authorised officer.

S. 84(2)
inserted by
No. 16/2013
s. 10,
amended by
No. 37/2014
s. 10(Sch.
item 104.9).

Note

Section 184(2) sets out that an authorised officer must produce his or her identity card for inspection when exercising a power under this Act.

85 Refusal to leave event venue or event area and re-entry

(1) A person must not, contrary to a direction given by an authorised officer under section 80, 83 or 90—

- (a) enter the event venue or event area for a period of 24 hours; or
- (b) attempt to enter the event venue or event area for a period of 24 hours.

Penalty: 20 penalty units.

(2) A person must leave an event venue or an event area immediately after being directed to do so by an authorised officer under section 80, 83, 84 or 90.

Penalty: 20 penalty units.

(3) A person who has left an event venue or event area after being directed to do so by an authorised officer under section 80, 83, 84 or 90 must not—

- (a) enter or re-enter the event venue or event area for a period of 24 hours; or
- (b) attempt to enter or re-enter the event venue or event area for a period of 24 hours.

Penalty: 20 penalty units.

(4) A police officer, using no more force than is reasonably necessary, may—

- (a) prevent a person from entering or attempting to enter an event venue or event area contrary to a direction not to enter the event venue or event area for a period of 24 hours under section 80, 83 or 90;
- (b) remove a person from an event venue or event area after the person has refused to

S. 85(4)
amended by
No. 37/2014
s. 10(Sch.
item 104.10).

comply with a direction to leave the event venue or event area under section 80, 83, 84 or 90;

- (c) prevent a person from re-entering or attempting to re-enter an event venue or event area contrary to a direction to leave the event venue or event area and not re-enter for a period of 24 hours under section 80, 83, 84 or 90.

86 Repeat offenders

- (1) This section applies to a person who has been convicted or found guilty of an offence against section 62, 64, 67(2) or 85 on 2 or more occasions within the period of 5 years immediately before the date on which an application under subsection (2) is made.
- (2) If a police officer suspects on reasonable grounds that a person to whom this section applies is likely to disrupt an event to which this Part applies or a series of events to which this Part applies, the police officer may apply to the Magistrates' Court for an order prohibiting the person from entering any event venue or any event area at which the event to which this Part applies or series of such events is to take place (either wholly or in part) during a crowd management period for that event.
- (3) A police officer making an application under subsection (2) must serve notice of that application on the person in respect of whom the application is made.
- (4) On an application under subsection (2), the Magistrates' Court may make an order prohibiting the person in respect of whom the application is made from entering either or both an event venue or an event area to which this Part applies during all or part of a crowd management period for that

S. 86(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.10).

S. 86(3)
amended by
No. 37/2014
s. 10(Sch.
item 104.10).

event if the Court is satisfied on the balance of probabilities that—

- (a) the person was served with notice of the application under subsection (3); and
 - (b) the person is a person to whom this section applies; and
 - (c) the person is likely to disrupt the event to which this Part applies or series of such events which is the subject of the application.
- (5) The Magistrates' Court order must specify—
- (a) the event venue or the event area or part of the event venue or event area in respect of which the order is made; and
 - (b) the event to which this Part applies, or series of such events, in respect of which the order is made; and
 - (c) the period for which the order is in force.
- (6) The Magistrates' Court, on the application of a person to whom an order under this section applies, must quash the order if—
- (a) at the time that the order was made, the person had been convicted or found guilty of at least 2 offences against section 62, 64, 67(2) or 85; and
 - (b) after the order was made, the person successfully appealed against the person's conviction for or finding of guilt of one or more offences under section 62, 64, 67(2) or 85 so that the person is no longer convicted or found guilty of at least 2 such offences.

- (7) A person to whom an order under this section applies must not enter an event venue or an event area in contravention of that order.

Penalty: 60 penalty units.

87 Ban orders

- (1) In this section *offender* means a person who is found guilty of an offence specified in subsection (2).
- (2) The following offences are offences for which a court may make a ban order—
- (a) an offence against section 63, 64, 65, 67(2), 67A(1), 67A(2), 68, 69, 85(1), 85(2) or 85(3);
 - (b) an offence against section 62 where the prohibited item was an item specified in paragraph (d), (e), (f) or (g) of the definition of *prohibited item*;
 - (c) an offence against section 16, 17, 18, 22, 23, 24 or 30 of the **Crimes Act 1958** if committed by the offender in an event venue or event area during an event to which this Part applies;
 - (d) an offence against section 23 of the **Summary Offences Act 1966** if committed by the offender in an event venue or event area during an event to which this Part applies.
- (3) If a court finds a person guilty of an offence specified in subsection (2), the court may make any one, or a combination, of the following orders in respect of the offender—
- (a) an order banning the offender from entering the event venue and event area where the offence was committed;

S. 87(2)(a)
amended by
No. 16/2013
s. 11.

-
- (b) an order banning the offender from attending—
- (i) a specified event to which this Part applies at the event venue and event area where the offence was committed; or
 - (ii) two or more specified events to which this Part applies at the event venue and event area where the offence was committed;
- (c) an order banning the offender from attending a specified category of event to which this Part applies at any event venue where those events take place.
- (4) A court may impose a ban order on an offender for a period of up to 5 years.
- (5) A ban order must specify—
- (a) the event venue and event area in respect of which the ban order is made; and
 - (b) the event to which this Part applies or events to which this Part applies in respect of which the ban order is made; and
 - (c) the period for which the ban order is in force.
- (6) A person to whom a ban order applies must not enter an event venue or event area in contravention of that order.

Penalty: 60 penalty units.

Note

See section 7(1)(k) of the **Sentencing Act 1991**.

- (7) Nothing in subsection (6) affects the powers of the court that made the order or of the Supreme Court in relation to contempt of court.

88 Power to require name and address

S. 88(1)
amended by
No. 16/2013
s. 12(1).

(1) An authorised officer may require a person to give his or her name and address to the authorised officer if the authorised officer believes on reasonable grounds that the person has committed an offence against section 62, 63, 64, 65, 66, 67, 67A(1), 67A(2), 68, 69, 70, 71, 72, 73, 74, 74A, 85(1), 85(2), 85(3), 86(7) or 87(6).

S. 88(2)
amended by
No. 16/2013
s. 12(2).

(2) Before requiring a person to give his or her name and address, an authorised officer must—

(a) produce his or her identity card; and

S. 88(2)(b)
amended by
No. 16/2013
s. 12(3).

(b) inform the person that the authorised officer believes that the person has committed an offence against section 62, 63, 64, 65, 66, 67, 67A(1), 67A(2), 68, 69, 70, 71, 72, 73, 74, 74A, 85(1), 85(2), 85(3), 86(7) or 87(6) (as the case requires); and

(c) inform the person that it is an offence against this Act—

(i) to fail or refuse to give his or her name and address to an authorised officer when directed to do so; or

(ii) to give a false or misleading name and address to an authorised officer.

S. 88A
inserted by
No. 16/2013
s. 13.

88A Requirement to produce evidence of name and address

(1) If a person gives a name and address in response to a request made under section 88(1) and the authorised officer believes on reasonable grounds that the name or the address may be false, the authorised officer may request the person to produce evidence of his or her name and address.

- (2) If a person gives a name and address in response to a request made under section 84(2) or 90(5A) and the authorised officer who is a police officer believes on reasonable grounds that the name or the address may be false, the authorised officer may request the person to produce evidence of his or her name and address.

S. 88A(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.10).

- (3) A person must comply with a request under subsection (1) or (2) unless he or she has a reasonable excuse not to do so.

Penalty: 5 penalty units.

89 Refusal to give name and address

- (1) A person in an event venue or an event area to which this Part applies must not fail or refuse to give his or her name and address to an authorised officer when required to do so under sections 84(2), 88 and 90(5A).

S. 89(1)
amended by
No. 16/2013
s. 14.

Penalty: 5 penalty units.

- (2) A person in an event venue or an event area to which this Part applies must not give a false or misleading name and address to an authorised officer when required to give his or her name and address under sections 84(2), 88 and 90(5A).

S. 89(2)
amended by
No. 16/2013
s. 14.

Penalty: 5 penalty units.

90 Inspection

- (1) An authorised officer may—
- (a) request a person to produce and open for inspection and search by an authorised officer any bag, basket, or other receptacle that the person—
- (i) intends to take into an event venue or an event area; or
- (ii) has in an event venue or an event area;

S. 90(1)(d)(ii)
amended by
No. 37/2014
s. 10(Sch.
item
104.11(a)).

- (b) request a person to produce and empty of its contents any bag, basket or other receptacle that the person—
 - (i) intends to take into an event venue or an event area; or
 - (ii) has in an event venue or an event area;
 - (c) request a person who intends to enter, or has entered, an event venue or an event area to turn out that person's pockets;
 - (d) request a person who intends to enter an event venue or an event area—
 - (i) to walk through screening equipment;
 - (ii) to allow an authorised officer to pass hand-held screening equipment over or around the person or around things in the person's possession;
 - (iii) to allow things in the person's possession to pass through screening equipment or to be examined by X-ray.
- (2) If a request under subsection (1)(b) or (1)(c) is made of a person by an authorised officer—
- (a) the person may request that the inspection be conducted in private; and
 - (b) the authorised officer must conduct the inspection in a private area set aside by the venue manager or event organiser for that purpose.
- (3) For the purposes of inspection and search under this section, an authorised officer may—
- (a) search through any bag, basket or other receptacle; or
 - (b) search through and move the contents of that bag, basket or other receptacle; or

- (c) search through and move the contents of a person's pockets turned out in accordance with subsection (1)(c).
- (4) An authorised officer may direct a person not to enter the event venue or event area for a period of 24 hours if the person refuses to comply with a request made under subsection (1).
- (5) An authorised officer may direct a person who is in an event venue or an event area and who refuses to comply with a request under subsection (1) to leave the event venue or event area and not re-enter the event venue or event area for a period of 24 hours.
- (5A) An authorised officer who is a police officer may require a person who has been given a direction under subsection (4) or (5) to give his or her name and address to the authorised officer.

S. 90(5A) inserted by No. 16/2013 s. 15, amended by No. 37/2014 s. 10(Sch. item 104.11(b)).

Note

Section 184(2) sets out that an authorised officer must produce his or her identity card for inspection when exercising a power under this Act.

- (6) In this section—

screening equipment means a metal detector or similar device for detecting objects or particular substances.

90A Disclosure of information

S. 90A inserted by No. 16/2013 s. 16.

- (1) An authorised officer who is not a police officer must not disclose any information obtained during the course of the authorised officer's duties or the exercise of a power under section 88 or 88A except as authorised under this section.

S. 90A(1) amended by No. 37/2014 s. 10(Sch. item 104.12(a)).

Penalty: 50 penalty units.

Major Sporting Events Act 2009
No. 30 of 2009
Part 4—Crowd Management

s. 90A

S. 90A(2)
amended by
No. 37/2014
s. 10(Sch.
item
104.12(b)).

- (2) An authorised officer referred to in subsection (1) is authorised and may disclose information obtained in the course of the authorised officer's duties or the exercise of a power under section 88 or 88A—
- (a) if the authorised officer reasonably believes that the disclosure is necessary—
 - (i) for or in connection with the administration of this Act; or
 - (ii) to assist a relevant person or the authorised officer to exercise a power, or perform a duty or function, under this Act or the regulations made under this Act; or
 - (b) in the following circumstances—
 - (i) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings; or
 - (ii) for the purposes of any other legal proceedings; or
 - (iii) to a court or tribunal in the course of legal proceedings; or
 - (iv) pursuant to an order of a court or tribunal; or
 - (v) to the extent reasonably required for any other law enforcement purposes; or
 - (vi) with the written authority of the Secretary; or
 - (vii) with the written authority of the person to whom the information relates.

(3) In this section—

relevant person means—

- (a) the Secretary; or
- (b) a person authorised under section 167(1)(b); or
- (c) a person authorised to bring a proceeding under section 188(1)(b) or (d); or
- (d) the Director of Public Prosecutions; or
- (e) a police officer.

S. 90A(3) def. of *relevant person* amended by No. 37/2014 s. 10(Sch. item 104.12(c)).

Division 6—Infringements

91 Infringement notices, penalties and offences

- (1) A police officer may serve an infringement notice on a person who the police officer has reason to believe has committed an offence against section 63, 65, 66(1), 67(1), 67A(1), 67A(2), 68, 69, 70, 74, 74A, 85(1), 85(2), 85(3), 89(1) or 89(2) or the regulations.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
- (3) The infringement penalty for an offence—
 - (a) against sections 66(1), 67(1), 67A(1), 67A(2), 68, 69, 70, 74A, 85(1), 85(2) and 85(3) or against an offence in the regulations is 2 penalty units; and
 - (ab) against sections 74, 89(1) and 89(2) is 1 penalty unit; and

S. 91(1) amended by Nos 16/2013 s. 17(1), 37/2014 s. 10(Sch. item 104.13).

S. 91(3)(a) amended by Nos 16/2013 s. 17(2), 70/2013 s. 3(Sch. 1 item 29). S. 91(3)(ab) inserted by No. 16/2013 s. 17(3).

Major Sporting Events Act 2009
No. 30 of 2009
Part 4—Crowd Management

s. 91

S. 91(3)(ac)
inserted by
No. 16/2013
s. 17(3).

(ac) against section 65 is 5 penalty units; and

S. 91(3)(b)
amended by
No. 16/2013
s. 17(4).

(b) against section 63 is 7·5 penalty units.

PART 5—APPLICATION OF OTHER ACTS

92 Application of Part

This Part only applies if an Acts non-application order applies to—

- (a) a specified major sporting event; or
- (b) a specified event venue or specified event area in relation to that event.

93 Planning and Environment Act 1987

Nothing in the **Planning and Environment Act 1987** or in any planning scheme applies to the development or use of an event venue or event area if an Acts non-application order specifies that the Act or scheme does not apply.

94 Heritage Act 1995

Despite anything to the contrary in the **Heritage Act 1995**, a permit or consent is not required under that Act for the development or use of an event venue or event area if an Acts non-application order specifies that the Act does not apply.

95 Environment Effects Act 1978

The **Environment Effects Act 1978** does not apply to any works carried out in an event venue or event area if an Acts non-application order specifies that the Act does not apply.

96 Coastal Management Act 1995

Despite anything to the contrary in the **Coastal Management Act 1995**, a consent is not required under that Act for the development or use of an event venue or event area if an Acts non-application order specifies that the Act does not apply.

97 Crown Land (Reserves) Act 1978 and Land Act 1958

- (1) During any period specified in an Acts non-application order, land which is an event venue or an event area may be entered and used for any of the following purposes—
- (a) access to an event venue or an event area to which the Acts non-application order applies;
 - (b) the carrying out of works at an event venue or an event area for the purposes of the major sporting event specified in the order;
 - (c) the storage of goods, vehicles and equipment for the purposes of those works;
 - (d) the maintenance and repair of those works.
- (2) This section applies despite anything to the contrary in the **Land Act 1958**, any Crown grant, the **Crown Land (Reserves) Act 1978**, any reservation under that Act or any regulations made under that Act or the **Land Act 1958**.

98 Building Act 1993

- (1) During any period specified in an Acts non-application order, despite anything to the contrary in the **Building Act 1993**, the Minister administering that Act may declare that the administration and enforcement, in relation to all or part of an event venue or event area for a major sporting event, of any of the provisions of that Act and the regulations made under that Act is to be carried out—
- (a) by the Secretary or any other person or body specified in the order; and
 - (b) in accordance with the terms and conditions of the order.

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- (2) A declaration under subsection (1) by the Minister administering the **Building Act 1993** must be by order published in the Government Gazette.
 - (3) The **Building Act 1993** and the regulations under that Act apply for the purposes of this section as if any reference to a council or a relevant building surveyor or a municipal building surveyor were a reference to the relevant person or body specified in an order under this section.

99 Limitation on powers to make local laws

- (1) If an Acts non-application order specifies that the **Local Government Act 1989** does not apply in accordance with this section, a Council must not make a local law under the **Local Government Act 1989** for or with respect to—
 - (a) an event venue or an event area for the purposes of an event specified in the Acts non-application order; or
 - (b) the carrying out of works for the purposes of the development or use of an event venue or an event area for the purposes of an event specified in the Acts non-application order, including the timing of works (including hours for building) for, and standards of, construction of those works; or
 - (c) restricting the emanation of noise or light, other than noise or light which is a danger to health, from an event venue or an event area for the purposes of an event specified in the Acts non-application order; or
 - (d) restricting the use of any road for access to or egress from an event venue or an event area for the purposes of an event specified in the Acts non-application order.

- (2) Without limiting sections 111(2), 111(3) and 111(4) of the **Local Government Act 1989**, a local law, whether made before or after the commencement of an Acts non-application order applying this section to an event specified in that order, is inoperative to the extent that it makes provision for or with respect to or affecting any matter or thing referred to in subsection (1).
- (3) Without limiting subsection (2), a local law is inoperative to the extent that it is inconsistent with the exercise of any powers or functions under this Act—
 - (a) by the venue manager or event organiser in relation to an event specified in the Acts non-application order; or
 - (b) by the Secretary in relation to an event specified in the Acts non-application order.
- (4) Without limiting subsection (3), a local law is inoperative to the extent that it has the effect of, or is exercised in a manner directed at, preventing, hindering or disrupting the Secretary, the venue manager or the event organiser in the performance of an obligation or the pursuit of a right under any agreement, if the Governor in Council, by order published in the Government Gazette, declares it to be inoperative.

S. 100
amended by
No. 16/2013
s. 27.

100 Noise and light

Nothing in the **Public Health and Wellbeing Act 2008** or the **Local Government Act 1989** or regulations or local laws under those Acts applies in respect of noise or light (other than noise or light which is dangerous to health) emanating from an event venue or an event area if an Acts non-application order specifies that those Acts do not apply.

PART 6—GENERAL OPERATIONAL ARRANGEMENTS

Division 1—Application of Part

101 Application

This Part applies if a major sporting event order specifies that this Part applies to—

- (a) a specified major sporting event; or
- (b) a specified event venue or specified event area in relation to that event.

Division 2—Access control by event organiser

102 Event organiser to manage event venues and event areas during operational arrangements period

- (1) Nothing in this section derogates from any rights subsisting in, or any remedy available to, any venue manager or manager of an event area under any other law or any contract or agreement between the venue manager or manager of an event area and the event organiser of an event to which this Part applies.
- (2) An event organiser of an event to which this Part applies is responsible for, and has all powers necessary to control access to, an event venue or an event area by participants, officials, volunteers, spectators and other persons during an operational arrangements period for that event.
- (3) Nothing in this section derogates from any powers an authorised officer has under any other Act or law except to the extent that they are modified by an order under this Act.

Division 3—Removal of offenders by police

103 Power to remove offenders

S. 103(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

- (1) If a police officer believes on reasonable grounds that—
- (a) an assembly is being carried on in any part of—
 - (i) an event venue to which this Part applies; or
 - (ii) an event area to which this Part applies; and
 - (b) the assembly is being carried on in a manner involving unlawful physical violence to persons or unlawful damage to property; and
 - (c) because of the number of persons involved in the assembly, it is not practicable to preserve or restore public order by arresting a person or persons involved in the assembly who is, or who are, committing an offence involving unlawful physical violence to persons or unlawful damage to property—

the police officer may remove that person or those persons from the event venue or the event area (as the case requires).

S. 103(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

- (2) In order to remove a person from an event venue or an event area to which this Part applies, a police officer may use such force as is reasonable in the circumstances.

S. 103(3)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

- (3) Nothing in this section limits any powers of arrest that a police officer has under any other law.
- (4) Any action taken under this section does not prevent the institution of proceedings in respect of an offence.

104 Interference with activities

- (1) A person must not in any way intentionally interfere with or hinder the carrying out of any works at an event venue or in an event area to which this Part applies.

Penalty: 10 penalty units.

- (2) A person must not in any way intentionally cause any other person to interfere with or hinder the carrying out of any works at an event venue or in an event area to which this Part applies.

Penalty: 10 penalty units.

Division 4—Vehicle and vessel access and removal

105 Vehicles and vessels in event venue or event area

- (1) During an operational arrangements period for an event to which this Part applies, a person must not, without reasonable excuse, bring a vehicle or a vessel into an event venue or event area except—

- (a) with the written authorisation of the event organiser or the venue manager; or
(b) otherwise in accordance with this Act.

Penalty: 20 penalty units.

- (2) Subsection (1) does not apply to the bringing into an event venue or event area of a pram, stroller, wheelchair or other mobility aid.

106 Parking or leaving vehicles or mooring or anchoring vessels in an event venue or event area

- (1) During an operational arrangements period for an event to which this Part applies, a person must not, without reasonable excuse, park or leave standing a vehicle in an event venue or event area except—

- (a) with the written authorisation of the event organiser or the venue manager; or
- (b) otherwise in accordance with this Act.

Penalty: 20 penalty units.

- (2) Subsection (1) does not apply to the parking or leaving standing in an event venue or event area of a pram, stroller, wheelchair or other mobility aid.

- (3) During an operational arrangements period for an event to which this Part applies, a person must not, without reasonable excuse, moor, anchor or cause to be adrift a vessel in an event venue or event area except—

- (a) with the written authorisation of the event organiser or the venue manager; or
- (b) otherwise in accordance with this Act.

Penalty: 20 penalty units.

107 Removal of vehicles or vessels obstructing event venue or event area

S. 107(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

- (1) During an operational arrangements period for an event to which this Part applies, a police officer or an authorised officer may move or cause to be moved a vehicle which is parked or left standing or a vessel which is moored, anchored or adrift—

- (a) in an event venue or event area, if that vehicle or vessel, as the case requires, is not authorised to be in that venue or area; or
- (b) so close to an event venue or event area as to obstruct access to, or egress from, it by vehicles, vessels or pedestrians.

S. 107(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

- (2) During an operational arrangements period for an event to which this Part applies, a police officer or an authorised officer may move, or cause to be moved, a vehicle which is parked or left standing

or a vessel which is moored, anchored or adrift in an event venue or an event area if, in the opinion of the police officer or the authorised officer (as the case requires), the vehicle or vessel is—

- (a) a danger to other vehicles, vessels or persons in that venue or area; or
 - (b) causing or likely to cause traffic congestion; or
 - (c) hindering or obstructing, or likely to hinder or obstruct—
 - (i) the event or an associated event, activity or program; or
 - (ii) any activity associated with or ancillary to the event or an associated event, activity or program; or
 - (iii) access to or egress from any facilities used for the purposes of the event.
- (3) Subsection (2) applies whether or not the vehicle or vessel is authorised to be in the event venue or the event area.
- (4) A police officer acting in accordance with this section may—
- (a) enter a vehicle or a vessel using reasonable force, if necessary, for the purpose of conveniently or expeditiously moving it; and
 - (b) move the vehicle or vessel to the nearest convenient place.
- (5) The Chief Commissioner of Police or the event organiser may recover from the owner of a vehicle or vessel moved under this section any reasonable costs incurred in moving it.

S. 107(4)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

S. 107(6)(b)
amended by
No. 65/2010
s. 420(Sch. 3
item 10.2).

- (6) In this section, *owner*—
- (a) in relation to a vehicle, has the same meaning as it has in Part 7 of the **Road Safety Act 1986**; and
 - (b) in relation to a vessel, has the same meaning as it has in section 3(1) of the **Marine Safety Act 2010**.

Division 5—Road closures and road modifications

108 Definition of traffic

In this Division, *traffic* means vehicular traffic, pedestrian traffic and all other kinds of traffic.

109 Temporary closure of roads

- (1) Subject to subsection (3), for the purpose of enabling works to be carried out at an event venue or event area to which this Part applies, the Minister may temporarily close a road to traffic if the Minister considers it necessary to do so to enable those works to be carried out.
- (2) Subject to subsection (3), the Minister may temporarily close a road or part of a road to traffic generally or to a particular class of traffic if the Minister considers it necessary to do so—
 - (a) for the purposes of conducting an event to which this Part applies or an associated activity; or
 - (b) for any purpose associated with or ancillary to the conduct of that event or activity.
- (3) The Minister must not temporarily close a road under subsection (1) or (2) unless the Minister has consulted—
 - (a) with the Minister administering the **Road Management Act 2004**; and

- (b) if the road is a road to which Division 2 of Part 9 of the **Local Government Act 1989** applies, with the Minister administering that Act and the relevant local council; and
- (c) if the road is in a declared area within the meaning of the **Australian Grands Prix Act 1994** or in a designated access area within the meaning of that Act, with the Minister administering that Act; and
- (d) if the road is in the part of Albert Park that is not Melbourne Sports and Aquatic Centre land, with the Minister administering the **Crown Land (Reserves) Act 1978**; and
- (e) if the road is in the part of Albert Park that is Melbourne Sports and Aquatic Centre land, with the Minister administering the **State Sport Centres Act 1994** and the Minister administering the **Crown Land (Reserves) Act 1978**; and
- (f) with any other relevant road authority within the meaning of the **Road Management Act 2004**.

110 Temporary modification of roads

- (1) Subject to subsection (4), for the purpose of enabling works to be carried out at an event venue or event area to which this Part applies, the Minister may temporarily modify a road if the Minister considers it necessary to do so to enable those works to be carried out.
- (2) Subject to subsection (4), the Minister may temporarily modify a road or part of a road if the Minister considers it necessary to do so—
 - (a) for the purposes of conducting an event to which this Part applies or an associated activity; or

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- (b) for any purpose associated with or ancillary to the conduct of that event or activity.
- (3) For the purposes of this section, modifications include, but are not limited to—
- (a) establishing tow-away zones;
 - (b) altering line markings on a road;
 - (c) converting a road to a one-way road.
- (4) The Minister must not temporarily modify a road under subsection (1) or (2) unless the Minister has consulted—
- (a) with the Minister administering the **Road Management Act 2004**; and
 - (b) if the road is a road to which Division 2 of Part 9 of the **Local Government Act 1989** applies, with the Minister administering that Act and the relevant local council; and
 - (c) if the road is in a declared area within the meaning of the **Australian Grands Prix Act 1994** or in a designated access area within the meaning of that Act, with the Minister administering that Act; and
 - (d) if the road is in the part of Albert Park that is not Melbourne Sports and Aquatic Centre land, with the Minister administering the **Crown Land (Reserves) Act 1978**; and
 - (e) if the road is in the part of Albert Park that is Melbourne Sports and Aquatic Centre land, with the Minister administering the **State Sport Centres Act 1994** and the Minister administering the **Crown Land (Reserves) Act 1978**; and
 - (f) with any other relevant road authority within the meaning of the **Road Management Act 2004**.

111 Duration of powers

The Minister may exercise a power under this Division during an operational arrangements period for an event to which this Part applies and for such reasonable times before and after that operational arrangements period as are necessary for the effective management of that event.

112 Deemed permit under section 99B of Road Safety Act 1986

- (1) For the purposes of preparation for the conducting of an event to which this Part applies or an associated activity which involves conducting a non-road activity within the meaning of section 99B of the **Road Safety Act 1986** on a highway within the meaning of that Act, the Secretary is deemed to be a person to whom a permit under that section has been issued.
- (2) For the purposes of conducting an event to which this Part applies or an associated activity which involves conducting a non-road activity within the meaning of section 99B of the **Road Safety Act 1986** on a highway within the meaning of that Act, the event organiser of the event to which this Part applies is deemed to be a person to whom a permit under that section has been issued.

113 Road Safety Act 1986 not to apply

The **Road Safety Act 1986** and any regulations made under that Act, including the Road Rules, do not apply to or in relation to a vehicle or its driver while the vehicle is being driven—

- (a) in an event to which this Part applies; or
- (b) with the approval of the Minister administering this Act, within the event venue or an event area for an event to which this Part applies for the purpose of providing services in respect of that event.

Division 6—Restoration of areas

114 Event venues and event areas to be restored to reasonable condition

- (1) An event venue to which this Part applies and an event area to which this Part applies must be restored by the event organiser to a condition reasonably comparable to its condition immediately before the beginning of an operational arrangements period for that event as soon as practicable after the end of that period.
- (2) The event organiser of an event to which this Part applies must take all reasonable steps to ensure compliance with subsection (1).
- (3) If there is a dispute between the committee of management or other land manager (as the case requires) and the event organiser about the standard of restoration in an event venue or event area, the committee of management or the land manager (as the case requires) or the event organiser may refer the matter—
 - (a) to the Minister administering this Act for a decision on the matter; or
 - (b) if the land is reserved under the **Crown Land (Reserves) Act 1978**, to the Minister administering the **Crown Land (Reserves) Act 1978** and the Minister administering this Act for a decision on the matter.

**PART 7—ADVERTISING OTHER THAN AERIAL
ADVERTISING**

115 Application

- (1) Part 8 does not apply to advertising to which this Part applies.
- (2) This Part applies if a major sporting event order specifies that this Part applies to—
 - (a) a specified major sporting event; or
 - (b) a specified event venue or a specified event area in relation to that event.

116 Prohibition of unauthorised advertising

- (1) Subject to subsection (5), during an advertising limitation period for an event to which this Part applies, a person who is the owner or occupier or the holder of a lease or licence relating to a building or structure in an area which is an event venue to which this Part applies or an event area to which this Part applies must not cause or permit any advertising material to be affixed to or placed on, or to remain on, the building or structure except as authorised or permitted by the event organiser of that event.
- (2) The event organiser of an event to which this Part applies may obliterate or remove any advertising material on a building or structure in contravention of subsection (1) in—
 - (a) an event venue to which this Part applies; or
 - (b) an event area to which this Part applies.
- (3) In exercising its powers under subsection (2), an event organiser must cause as little damage as possible.
- (4) Subsection (1) does not apply to any advertising relating to an Australian Formula One Grand Prix—

- (a) displayed during an advertising limitation period for an event to which this Part applies in an event venue in Albert Park or an event area in Albert Park; and
 - (b) which is authorised under the **Australian Grands Prix Act 1994** or regulations made under that Act.
- (5) Subsection (1) does not affect—
- (a) any condition of use of an event venue established in any agreement between a venue manager and the event organiser; and
 - (b) any condition of use of an event area established in any agreement between a venue manager or a manager of an event area and the event organiser; and
 - (c) any pre-existing advertising displayed for purposes unrelated to the holding of the event to which this Part applies.

117 Offence to display unauthorised advertising on vessels

- (1) During an advertising limitation period for an event to which this Part applies, a person must not display commercial advertising, or cause commercial advertising to be displayed, on a vessel that is within sight of the event venue or an event area unless the person—
- (a) has an advertising on vessels authorisation; and
 - (b) is acting in accordance with that advertising on vessels authorisation.

Penalty: 400 penalty units, in the case of a natural person;
2400 penalty units, in the case of a body corporate.

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- (2) Despite subsection (1), a person does not commit an offence against that subsection if the person—
- (a) has an advertising on vessels authorisation for another event to which this Part applies at another event venue or event area; and
 - (b) carries out the activity referred to in subsection (1) in the course of conducting an activity authorised by that advertising on vessels authorisation.

118 Event organiser may authorise advertising on vessels

- (1) Subject to subsection (2), the event organiser of an event to which this Part applies may authorise a person to display advertising on a vessel within sight of the event venue or an event area during an advertising limitation period for that event.
- (2) An event organiser of an event to which this Part applies must not give an advertising on vessels authorisation if, in the opinion of the event organiser, the display of advertising on the vessel would adversely affect—
- (a) the organisation or conduct of the event; or
 - (b) any commercial arrangements relating to the event; or
 - (c) in the case of an event that is conducted annually, the future conduct of that event.
- (3) An advertising on vessels authorisation must be in writing.

119 Application for advertising on vessels authorisation

An application for an advertising on vessels authorisation must be made in the manner and form determined by the event organiser of the event to which this Part applies.

120 What can an advertising on vessels authorisation contain?

An advertising on vessels authorisation is subject to any terms and conditions which the event organiser of an event to which this Part applies believes are reasonable to impose including but not limited to—

- (a) the duration of the authorisation;
- (b) whether the authorisation applies generally or in specified circumstances in relation to the event, the event venue or an event area;
- (c) whether the authorisation applies to a specified person or persons or to a specified class or classes of person;
- (d) whether the authorisation applies to a specified vessel or vessels or to a specified class or classes of vessel;
- (e) whether the authorisation applies to a specified type of advertising or to a specified class or classes of advertising.

121 Injunctions to restrain conduct

- (1) The event organiser of an event to which this Part applies may apply to the Supreme Court, County Court or Magistrates' Court for the grant of an injunction restraining a person from engaging in conduct that constitutes—
 - (a) a contravention of section 117; or
 - (b) attempting or conspiring to contravene section 117; or
 - (c) aiding, abetting, counselling or procuring a person to contravene section 117; or
 - (d) inducing or attempting to induce a person, whether by threats, promises or otherwise, to contravene section 117; or

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- (e) being in any way directly or indirectly, knowingly concerned in, or party to, the contravention by a person of section 117.
- (2) On an application under subsection (1), the court may grant an injunction restraining a person from engaging in conduct of the kind referred to in paragraphs (a) to (e) of subsection (1)—
- (a) if the court is satisfied that the person is engaging in or has been engaging in conduct of that kind, whether or not it appears to the court that the person intends to engage again or continue to engage in the conduct; or
- (b) if it appears to the court that, in the event that the injunction is not granted, it is likely that the person will engage in conduct of that kind, whether or not that person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind; or
- (c) if the court determines it to be appropriate, by consent of all the parties to the proceeding, whether or not the person has engaged in, or is likely to engage in, conduct of that kind.
- (3) Pending the determination of an application under this section, the court may grant an interim injunction if, in the opinion of the court, it is desirable to do so—
- (a) whether or not it appears to the court that the person intends to engage in or continue to engage in conduct of the kind referred to in paragraphs (a) to (e) of subsection (1); or

- (b) whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.

122 Power to rescind or vary injunctions

A court may rescind or vary an injunction granted by it under section 121.

123 Action for damages

- (1) If any person suffers any loss, injury or damage because of a contravention of section 117, the person may recover the amount of the loss, injury or damage, or damages in respect of the loss, injury or damage, by proceeding against one or more of the following—
- (a) a person who has aided, abetted, counselled or procured the contravention;
 - (b) a person who has induced, whether by threats or promises or otherwise, the contravention;
 - (c) a person who has been in any way, directly or indirectly, knowingly concerned in or party to, the contravention;
 - (d) a person who has conspired with others to effect the contravention.
- (2) Without limiting the powers of the court under subsection (1), an order made by the court under this section may include the recovery of future losses as a result of the potential loss of sponsorship of an event.
- (3) A proceeding under this section may be brought in any court of competent jurisdiction.

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- (4) A proceeding under this section must not be commenced more than 3 years after the date on which the cause of action accrued.
- (5) A court may make an order under this section whether or not an injunction is granted under section 121.
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PART 8—AERIAL ADVERTISING

Division 1—Application

124 Application of aerial advertising provisions

This Part applies to—

- (a) an aerial advertising event;
- (b) an aerial advertising venue.

Division 2—Aerial advertising

125 Offence to display unauthorised aerial advertising

(1) During the aerial advertising limitation time for an aerial advertising event, a person must not display commercial aerial advertising, or cause commercial aerial advertising to be displayed, without an aerial advertising authorisation if—

- (a) that advertising is within sight of the aerial advertising venue or an event area where the aerial advertising event is being conducted; and
- (b) that advertising is displayed in such a manner that the content can be seen by the human eye without the aid of optical apparatus other than contact lenses or spectacles.

Penalty: 400 penalty units, in the case of a natural person;

2400 penalty units, in the case of a body corporate.

(2) Subsection (1) does not apply to a person who flies an aircraft within sight of an aerial advertising venue or an event area where an aerial advertising event is being conducted during the aerial advertising limitation time for that event—

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- (a) in an emergency; or
 - (b) if the aircraft is used for, or in, the provision of emergency services; or
 - (c) for the purposes of gathering information for the reporting of news and the presentation of current affairs.
- (3) Despite subsection (1), a person does not commit an offence against that subsection if the person—
- (a) has an aerial advertising authorisation for another aerial advertising event at another aerial advertising venue or event area; and
 - (b) carries out the activity referred to in subsection (1) in the course of conducting an activity authorised by that aerial advertising authorisation.
- (4) An offence against subsection (1) is an indictable offence.

Note

An offence against this Part may be heard and determined summarily.

126 Application for aerial advertising authorisation

An application for an aerial advertising authorisation must be made in the manner and form determined by the Secretary.

127 Secretary may authorise aerial advertising

- (1) Subject to subsections (2) and (3), the Secretary may authorise a person to display commercial aerial advertising, or cause commercial aerial advertising to be displayed—
- (a) within sight of an aerial advertising venue or an event area where an aerial advertising event is being conducted; and

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- (b) in such a manner that the content can be seen by the human eye without the aid of optical apparatus other than contact lenses or spectacles.
- (2) The Secretary must not give an aerial advertising authorisation if, in the opinion of the Secretary, the display of aerial advertising would adversely affect—
- (a) the organisation or conduct of the relevant aerial advertising event; or
 - (b) any other commercial arrangements relating to the aerial advertising event; or
 - (c) in the case of an aerial advertising event that is conducted annually, the future conduct of that event.
- (3) The Secretary must not give an aerial advertising authorisation unless the Secretary has first consulted with the relevant event organiser of the aerial advertising event.

128 Notification of aerial advertising authorisations

- (1) If the Secretary gives an aerial advertising authorisation, the Secretary must cause the event organiser of the relevant aerial advertising event to which the authorisation relates to be notified of that authorisation.
- (2) If the Secretary delegates a power of the Secretary under this Part to a person referred to in section 130(b) who is the event organiser of an aerial advertising event and that person gives an aerial advertising authorisation to any person, the event organiser must cause the Secretary to be notified of that aerial advertising authorisation.

129 Content of aerial advertising authorisation

- (1) An aerial advertising authorisation must be in writing.
- (2) An aerial advertising authorisation is subject to any terms and conditions which the Secretary believes are reasonable to impose including but not limited to—
 - (a) the duration of the aerial advertising authorisation;
 - (b) whether the aerial advertising authorisation applies generally or in specified circumstances;
 - (c) whether the aerial advertising authorisation applies to a specified person or persons or to a specified class or classes of person;
 - (d) whether the aerial advertising authorisation applies to a specified type of advertising or to a specified class or classes of advertising.

130 Delegation under this Division by Secretary

The Secretary, by instrument, may delegate any of the powers of the Secretary under this Division, other than this power of delegation, to—

- (a) a person employed under Part 3 of the **Public Administration Act 2004** as an executive within the meaning of that Act; or
- (b) a body corporate established under an Act for a public purpose; or
- (c) an event organiser.

Division 3—Remedies

131 Injunctions to restrain conduct

- (1) The event organiser of an aerial advertising event or the Secretary may apply to the Supreme Court, County Court or Magistrates' Court for the grant of an injunction restraining a person from engaging in conduct that constitutes—
 - (a) a contravention of section 125(1); or
 - (b) attempting or conspiring to contravene section 125(1); or
 - (c) aiding, abetting, counselling or procuring a person to contravene section 125(1); or
 - (d) inducing or attempting to induce a person, whether by threats, promises or otherwise, to contravene section 125(1); or
 - (e) being in any way directly or indirectly, knowingly concerned in, or party to, the contravention by a person of section 125(1).
- (2) On an application under subsection (1), the court may grant an injunction restraining a person from engaging in conduct of the kind referred to in paragraphs (a) to (e) of subsection (1)—
 - (a) if the court is satisfied that the person is engaging in or has been engaging in conduct of that kind, whether or not it appears to the court that the person intends to engage again or continue to engage in the conduct; or
 - (b) if it appears to the court that, in the event that the injunction is not granted, it is likely that the person will engage in conduct of that kind, whether or not that person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if

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- the first-mentioned person engages in conduct of that kind; or
- (c) if the court determines it to be appropriate, by consent of all the parties to the proceeding, whether or not the person has engaged in, or is likely to engage in, conduct of that kind.
- (3) Pending the determination of an application under this section, the court may grant an interim injunction if, in the opinion of the court, it is desirable to do so—
- (a) whether or not it appears to the court that the person intends to engage in or continue to engage in conduct of the kind referred to in paragraphs (a) to (e) of subsection (1); or
- (b) whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.

132 Power to rescind or vary injunctions

A court may rescind or vary an injunction granted by it under section 131.

133 Action for damages

- (1) If any person suffers any loss, injury or damage because of a contravention of section 125(1), the person may recover the amount of the loss, injury or damage, or damages in respect of the loss, injury or damage, by proceeding against one or more of the following—
- (a) a person who has aided, abetted, counselled or procured the contravention;

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- (b) a person who has induced, whether by threats or promises or otherwise, the contravention;
 - (c) a person who has been in any way, directly or indirectly, knowingly concerned in or party to, the contravention;
 - (d) a person who has conspired with others to effect the contravention.
- (2) Without limiting the powers of the court under subsection (1), an order made by the court under this section may include the recovery of future losses as a result of the potential loss of sponsorship of an event.
 - (3) A proceeding under this section may be brought in any court of competent jurisdiction.
 - (4) A proceeding under this section must not be commenced more than 3 years after the date on which the cause of action accrued.
 - (5) A court may make an order under this section whether or not an injunction is granted under section 131.

Division 4—Aerial advertising inspection powers

134 Search warrant

- (1) With the written approval of the Secretary, an authorised officer may apply to a magistrate for the issue of a search warrant in relation to particular premises, if the authorised officer believes on reasonable grounds that there is, or may be within the next 72 hours, on the premises a particular thing that may be evidence of the commission of an offence against this Part.
- (2) If a magistrate is satisfied by the evidence, on oath or affidavit, of the authorised officer that there are reasonable grounds to believe that there is, or may

be within the next 72 hours, on the premises a particular thing that may be evidence of the commission of an offence against this Act, the magistrate may issue a search warrant, in accordance with the **Magistrates' Court Act 1989**, authorising an authorised officer named in the warrant and any other person named or otherwise identified in the warrant—

- (a) to enter the premises specified in the warrant, if necessary by force; and
- (b) to do all or any of the following—
 - (i) search for;
 - (ii) seize;
 - (iii) secure against interference—
a thing or things of a particular kind named or described in the warrant and which the authorised officer believes, on reasonable grounds, to be connected with the alleged contravention; and
- (c) in the case of any document of a particular kind, named or described in the warrant, if the authorised officer believes, on reasonable grounds, that it is connected with the alleged contravention, the authorised officer may do all or any of the following—
 - (i) require the document to be produced for inspection;
 - (ii) examine, make copies of or take extracts from the document, or arrange for the making of copies or the taking of extracts to be done on the premises or elsewhere;
 - (iii) remove the document for so long as is reasonably necessary to make copies of or take extracts from the document; and

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- (d) make any still or moving image or audio-visual recording of any thing of a particular kind named or described in the warrant that the authorised officer believes, on reasonable grounds, to be connected with the alleged contravention.
- (3) In addition to any other requirement, a search warrant issued under this section must—
- (a) specify the offence suspected;
 - (b) specify the premises to be searched;
 - (c) include a description of the thing for which the search is to be made;
 - (d) specify any conditions to which the warrant is subject;
 - (e) state whether entry is authorised to be made at any time or during stated hours;
 - (f) specify a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) Subject to subsection (5), a search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and must be in the form prescribed by the regulations under that Act.
- (5) Despite section 78 of the **Magistrates' Court Act 1989**, a search warrant under this section must not authorise an authorised officer to arrest a person.
- (6) Subject to any provision to the contrary in this Act, the rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section.

135 Announcement before entry

- (1) Before executing a search warrant, the authorised officer named in the warrant must—
 - (a) announce that he or she is authorised by the warrant to enter the premises; and
 - (b) give any person at the premises an opportunity to allow entry to the premises.
- (2) The authorised officer need not comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure—
 - (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.

136 Copy of warrant to be given to occupier

If the occupier, or another person who apparently represents the occupier, is present at a premises when a search warrant is being executed, the authorised officer must—

- (a) identify himself or herself to that person by producing his or her identity card for inspection by that person; and
- (b) give to that person a copy of the execution copy of the warrant.

137 Seizure of things not mentioned in the warrant

A search warrant issued under section 134 authorises an authorised officer executing the search warrant, in addition to the seizure of any thing of the kind described in the warrant, to seize any thing which is not of the kind described in the warrant if—

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- (a) the authorised officer believes, on reasonable grounds, that the thing—
 - (i) is of a kind which could have been included in a search warrant issued under section 134; and
 - (ii) will afford evidence about a contravention of section 125; and
 - (b) in the case of seizure, the authorised officer believes, on reasonable grounds, that it is necessary to seize that thing in order to prevent its concealment, loss or destruction or its use in the contravention of this Act.

138 Receipt must be given for any thing seized

- (1) An authorised officer must not seize a thing apparently in the possession or custody of a person unless the authorised officer gives to the person a receipt for the thing seized that—
 - (a) identifies the thing seized and the reason why it is being seized; and
 - (b) states the name of the authorised officer.
- (2) If an authorised officer is unable to discover the identity of—
 - (a) the lawful owner of a thing seized; or
 - (b) the person from whose custody a thing is seized—

the authorised officer must leave the receipt with, or post it to, the owner of the premises from which the thing was seized.

139 Copies of certain seized things to be given

- (1) Subject to subsection (2), if an authorised officer seizes—
 - (a) a document; or

- (b) a thing that can be readily copied; or
- (c) a storage device containing information that can be readily copied—

the authorised officer, as soon as is practicable after the seizure, must give a copy of the thing or information to—

- (d) the owner; or
- (e) the person from whom the document, thing or device was seized.

(2) Subsection (1) does not apply—

- (a) to any document, thing or device moved under section 140(2); or
- (b) if the authorised officer is unable to discover the identity of the lawful owner or person from whom any document, thing or device is seized.

140 Use of equipment to examine or process things

(1) An authorised officer may bring on to any premises any equipment reasonably necessary for the examination or processing of things found at the premises in order to determine whether they are things that may be seized.

(2) If—

- (a) it is not practicable to examine or process the things at the premises; or
- (b) the occupier of the premises consents in writing—

the things may be moved to another place so that the examination or processing can be carried out in order to determine whether they are things that may be seized.

- (3) An authorised officer may operate equipment already at the premises to carry out the examination or processing of a thing found at the premises in order to determine whether it is a thing that may be seized, if the authorised officer believes on reasonable grounds that—
- (a) the equipment is suitable for the examination or processing; and
 - (b) the examination or processing can be carried out without damage to the equipment or the thing.

141 Use or seizure of electronic equipment at premises

- (1) If—
- (a) a thing found at a premises is or includes a disk, tape or other information storage device; and
 - (b) equipment at the premises may be used with the disk, tape or other information storage device; and
 - (c) an authorised officer believes on reasonable grounds that the information stored on the disk, tape or other information storage device is relevant to determine whether this Part has been contravened—

the authorised officer may operate, or may require the occupier or an employee of the occupier to operate, the equipment to access the information.

- (2) If an authorised officer finds that a disk, tape or other information storage device at the premises contains information of the kind referred to in subsection (1)(c), the authorised officer—
- (a) may put the information in documentary form and seize the documents so produced;
or

- (b) may copy the information to another disk, tape or other information storage device and remove that disk, tape or other information storage device from the premises; or
 - (c) if it is not practicable to put the information in documentary form or to copy the information, may seize the disk, tape or other information storage device and the equipment that enables the information to be accessed.
- (3) An authorised officer must not operate or seize equipment for the purposes of this section unless the authorised officer believes on reasonable grounds that the operation or seizure of the equipment can be carried out without damage to the equipment.

142 Return of seized things

- (1) If an authorised officer seizes a thing under this Act, the authorised officer must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If a seized thing has not been returned within 3 months after it was seized, the authorised officer must take reasonable steps to return it unless proceedings have commenced within that 3 month period and those proceedings (including any appeal) have not been completed.

143 Court may extend period

- (1) An authorised officer may apply to the Magistrates' Court within 3 months after seizing a thing or, if an extension has been granted under this section, within that extended period, for an extension of the period during which the seized thing may be retained.

- (2) The Magistrates' Court may order the extension of the period during which a seized thing may be retained if satisfied that retention of the thing is necessary—
 - (a) for the purposes of an investigation into whether an offence has been committed; or
 - (b) to enable evidence of an offence to be obtained for the purposes of a prosecution.
- (3) The Magistrates' Court may adjourn an application to enable notice of the application to be given to any person.

S. 144
repealed by
No. 16/2013
s. 19.

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145 False or misleading information

- (1) A person must not, in response to a request or requirement under this Part, give information that the person knows to be false or misleading in a material detail.

Penalty: 60 penalty units.

- (2) A person must not, in response to a request or requirement under this Part, produce a document that the person knows to be false or misleading in a material detail without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: 60 penalty units.

146 Protection against self-incrimination

- (1) It is a reasonable excuse for a natural person to refuse or fail to give information or do any other thing that the person is required to do by or under this Part, if the giving of the information or the

doing of that other thing would tend to incriminate the person.

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S. 146(2)
repealed by
No. 16/2013
s. 20.

147 Entry to be reported to the Secretary

- (1) If an authorised officer exercises a power of entry under this Part, the authorised officer must report the exercise of the power to the Secretary within 7 days after the entry.
- (2) A report under subsection (1) must include all relevant details of the entry including particulars of—
 - (a) the time and place of the entry; and
 - (b) the purpose of the entry; and
 - (c) the things done while on the premises entered, including details of things seized, copies made and extracts taken; and
 - (d) the time of departure from the entered premises.

148 Register of exercise of powers of entry

The Secretary must keep a register containing the particulars of all matters reported to the Secretary under section 147.

149 Complaints

- (1) Any person may complain to the Secretary about the exercise of a power by an authorised officer under this Part.
- (2) The Secretary must—
 - (a) investigate any complaint made to the Secretary; and

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- (b) provide a written report to the complainant on the results of the investigation.

150 Disclosure of information

- (1) A person must not disclose any information that is obtained by him or her while exercising a power conferred by this Part.

Penalty: 60 penalty units.

- (2) Despite subsection (1), a person may disclose or use such information if—
- (a) the disclosure or use is made in the performance of a duty under, or in connection with, this Part; or
 - (b) the person has the consent of the person to whom the information relates; or
 - (c) the disclosure or use is made in legal proceedings at the direction of a court; or
 - (d) the information is in the public domain at the time it is disclosed or used.
- (3) Subsection (2) is not intended to interfere with any rights another person may have with regard to the disclosure or use of the information.
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PART 9—SPORTS EVENT TICKETING

Division 1—Sports ticketing event declarations

151 Notice of intention to make a sports ticketing event declaration

- (1) If the Minister intends to make a sports ticketing event declaration in respect of a sports event, the Minister must give written notice to the sports event organiser no less than 9 months before the event is to be held.
- (2) A notice under subsection (1) must—
 - (a) specify whether the proposed sports ticketing event declaration will apply to—
 - (i) the holding of the sports event on a particular occasion only; or
 - (ii) the holding of the sports event generally, regardless of when or how often the event is held, until the sports ticketing event declaration is revoked; and
 - (b) state that, within 14 days after receiving the notice, the sports event organiser may give a written submission to the Minister on whether the sports event should be declared as a sports ticketing event.

152 Sports ticketing event declaration

- (1) Within 14 days after the end of the period for giving the Minister a submission under section 151, the Minister must—
 - (a) make the sports ticketing event declaration; or
 - (b) decide not to make the declaration.

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- (2) In making a decision under subsection (1), the Minister—
 - (a) may consider the sports event organiser's submission (if any);
 - (b) must consider whether the sports event is major, having regard to the likely number of spectators for the event; and
 - (c) may consider any other matters the Minister considers appropriate.
 - (3) The Minister must notify the sports event organiser of the Minister's decision under subsection (1).
 - (4) If the Minister makes a sports ticketing event declaration, the declaration must specify whether it applies to—
 - (a) the holding of the sports event on a particular occasion only; or
 - (b) the holding of the sports event generally, regardless of when or how often the event is held, until the sports ticketing event declaration is revoked.
 - (5) The Minister must ensure that a copy of the sports ticketing event declaration is published in the Government Gazette.
 - (6) A sports ticketing event declaration applies to the holding of the event to which it applies, regardless of whether the sports event organiser changes.

153 Minister may revoke sports ticketing event declaration

- (1) The Minister may revoke a sports ticketing event declaration if he or she considers it is appropriate to do so, whether the sports ticketing event declaration applies to—

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- (a) the holding of the sports event on a particular occasion only; or
 - (b) the holding of the sports event generally, regardless of when or how often the event is held.
- (2) A revocation under subsection (1) must be in writing.
 - (3) As soon as practicable after a sports ticketing event declaration is revoked, the Minister must ensure that a copy of the revocation is—
 - (a) given to the sports event organiser; and
 - (b) published in the Government Gazette.

Division 2—Approval of ticket schemes

154 Requirement to lodge a ticket scheme proposal for sports ticketing event

- (1) Within 60 days after receiving notice that the Minister has made a sports ticketing event declaration, a sports event organiser must give the Minister a ticket scheme proposal.
- (2) The ticket scheme proposal must comply with the ticketing guidelines.

155 Further details and extensions

- (1) The Minister may require a sports event organiser to provide further details of the ticket scheme proposal within a specified time.
- (2) The Minister may extend the time for giving the Minister—
 - (a) a ticket scheme proposal; or
 - (b) further details of a ticket scheme proposal.

156 Replacement ticket scheme proposal

With the Minister's written approval, a sports event organiser may give the Minister a replacement ticket scheme proposal at any time before receiving notice from the Minister that—

- (a) the ticket scheme set out in the earlier ticket scheme proposal is an approved ticket scheme; or
- (b) the Minister has refused to approve the ticket scheme set out in the earlier ticket scheme proposal.

157 Decision to approve a ticket scheme

- (1) If a sports event organiser gives the Minister a ticket scheme proposal for a sports ticketing event, the Minister must—
 - (a) approve the ticket scheme for the sports ticketing event set out in the ticket scheme proposal, with or without modifications; or
 - (b) refuse to approve the ticket scheme for the sports ticketing event set out in the ticket scheme proposal.
- (2) The Minister must—
 - (a) notify the sports event organiser of his or her decision under subsection (1); and
 - (b) in the case of a refusal, include the reasons for the refusal in that notification.
- (3) The Minister must make a decision under subsection (1) and give notification under subsection (2)—
 - (a) within 28 days after receiving the ticket scheme proposal; or

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- (b) if the Minister required the sports event organiser to provide further details of the ticket scheme proposal under section 155, within 28 days after receiving those further details.
- (4) The Minister may refuse to approve the ticket scheme set out in a ticket scheme proposal if—
- (a) the ticket scheme proposal does not comply with the ticketing guidelines; or
 - (b) the sports event organiser fails to comply with a requirement to provide further details of the ticket scheme proposal; or
 - (c) the Minister considers it appropriate to do so for any other reason.
- (5) If the Minister refuses to approve a ticket scheme set out in a ticket scheme proposal the sports event organiser, with the Minister's written approval, may give the Minister a replacement ticket scheme proposal and this Division applies to the replacement ticket scheme proposal.
- (6) An approved ticket scheme for a sports ticketing event applies to the holding of the event regardless of whether the sports event organiser changes.

Note

The sports event organiser may apply for review of a decision to refuse to approve the ticket scheme set out in a ticket scheme proposal: see section 168.

158 Ticket scheme proposal for an event that has not been declared

- (1) A sports event organiser of a sports event that is not the subject of a sports ticketing event declaration may give the Minister a ticket scheme proposal for the event regardless of when the event is to be held.

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- (2) If the Minister considers it appropriate to do so, the Minister may both—
- (a) make a sports ticketing event declaration; and
 - (b) approve the ticket scheme for the event set out in the ticket scheme proposal with or without modifications.
- (3) The Minister must notify the sports event organiser of his or her decision under subsection (2).
- (4) If the Minister makes a sports ticketing event declaration and approves the ticket scheme—
- (a) the sports ticketing event declaration must comply with section 152(4); and
 - (b) the Minister must ensure that a copy of the sports ticketing event declaration is published in the Government Gazette; and
 - (c) the sports ticketing event declaration is taken to have been made under section 152 but the decision to make the declaration is not, despite section 168(1)(a), subject to review by VCAT; and
 - (d) the ticket scheme for the sports ticketing event is taken to have been approved by the Minister under section 157.
- (5) If the Minister decides not to make a sports ticketing event declaration and not to approve the ticket scheme—
- (a) the Minister must notify the sports event organiser accordingly but is not required to give reasons for the decision; and
 - (b) despite section 168(1)(b), the Minister's decision is not subject to review by VCAT.

- (6) The Minister must notify the sports event organiser in accordance with subsection (3) or (5) within 28 days after receiving the ticket scheme proposal.

159 Replacement proposal if declaration applies to the event generally

- (1) With the Minister's written approval, the sports event organiser may give the Minister a replacement ticket scheme proposal if—
- (a) there is an approved ticket scheme for a sports ticketing event; and
 - (b) the sports ticketing event declaration applies to the holding of the event generally, regardless of when or how often the event is held.

Note

Under subsection (4)(b), if the ticket scheme set out in the replacement ticket scheme proposal is approved, it only applies to a sports event that is held at least 9 months after the approval is given.

- (2) The Minister may require the sports event organiser to provide further details of the replacement ticket scheme proposal within a specified time.
- (3) The Minister may extend the time for giving the Minister further details of a replacement ticket scheme proposal.
- (4) Section 157 applies to the replacement ticket scheme proposal and—
- (a) if the Minister refuses to approve the ticket scheme set out in the replacement ticket scheme proposal, the earlier approved ticket scheme continues to apply to the sports ticketing event until the Minister revokes the approval;

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- (b) if the Minister approves the ticket scheme set out in the replacement ticket scheme proposal—
- (i) that approved ticket scheme only applies to a sports event that is held at least 9 months after that approval is given; and
 - (ii) the earlier approved ticket scheme is taken to be no longer approved for a sports event that is held at least 9 months after that replacement approval is given.

160 Authorisations to sell or distribute tickets

If there is an approved ticket scheme for a sports ticketing event, the sports event organiser must—

- (a) ensure that any authorisation to sell or distribute tickets to the sports ticketing event on behalf of the sports event organiser is given in writing; and
- (b) notify the Minister in writing of the name and contact details of each person who is, from time to time, given such an authorisation.

161 Variation of approved ticket scheme

With the Minister's written approval, a sports event organiser may vary an approved ticket scheme for a sports ticketing event at any time.

162 Cancellation of approval of ticket scheme

- (1) The Minister may cancel the approval of a ticket scheme for a sports ticketing event by giving written notice to the sports event organiser if the Minister considers it is appropriate to do so—
 - (a) because the sports event organiser fails to comply with section 160; or

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- (b) because there has been a change in circumstances since the approval was given; or
 - (c) because the approved ticket scheme is not operating adequately in practice; or
 - (d) for any other reason.
- (2) A cancellation only takes effect in respect of a sports event that is held at least 9 months after the cancellation.
 - (3) The Minister must ensure that notice of the cancellation is published in the Government Gazette.

163 Ticketing guidelines

- (1) The Minister must make written guidelines setting out requirements for ticket scheme proposals and approved ticket schemes.
- (2) Without limiting subsection (1), the ticketing guidelines may require that an approved ticket scheme for a sports ticketing event—
 - (a) provide that a specified minimum proportion of tickets to the event must be made available for sale or distribution to the public generally or to particular classes of persons; and
 - (b) place conditions on the sale or distribution of tickets to the event prohibiting or restricting the sale or distribution of tickets by persons who are not authorised in writing to sell or distribute tickets on behalf of the sports event organiser; and
 - (c) require certain information to be printed on tickets to the event, such as information about conditions on the sale or distribution of tickets and offences that may apply if a person contravenes such a condition.

S. 163(2A)
inserted by
No. 16/2013
s. 21.

- (2A) For the purposes of subsection (2)(b) and (c), a condition prohibiting or restricting the sale or distribution of tickets for a sports ticketing event includes doing any of the following without the written consent of the sports event organiser—
- (a) advertising tickets for sale at a price that exceeds the face value purchase price of each of the tickets;
 - (b) offering tickets for sale, or selling tickets, at a price that exceeds the face value purchase price of each of the tickets;
 - (c) using tickets for promotional or other commercial activities;
 - (d) using tickets to enhance demand for other goods and services.
- (3) The Minister must ensure that a copy of the ticketing guidelines is—
- (a) published in the Government Gazette; and
 - (b) laid before each House of the Parliament within 10 sitting days of that House after the ticketing guidelines are published in the Government Gazette.

Division 3—Offences

164 Holding event before there is an approved ticket scheme

- (1) The sports event organiser of a sports ticketing event must not, without reasonable excuse, hold the event at any time during the prohibited time period.

Penalty: 600 penalty units, in the case of a natural person;
3000 penalty units, in the case of a body corporate.

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- (2) The sports event organiser of a sports ticketing event must not, without reasonable excuse, sell tickets to the event at any time during the prohibited time period.
- Penalty: 600 penalty units, in the case of a natural person;
3000 penalty units, in the case of a body corporate.
- (3) The sports event organiser of a sports ticketing event must not, without reasonable excuse, authorise (whether orally or in writing) tickets to the event to be sold or distributed at any time during the prohibited time period.
- Penalty: 600 penalty units, in the case of a natural person;
3000 penalty units, in the case of a body corporate.
- (4) For the purposes of this section, *prohibited time period* means the period between—
- (a) the receipt by the sports event organiser of notice of the Minister's intention to make a sports ticketing event declaration; and
 - (b) the receipt by the sports event organiser of notice of either of the following—
 - (i) the Minister's decision not to make a sports ticketing event declaration; or
 - (ii) the Minister's approval under section 157 of a ticket scheme for the event.
- (5) An offence against a provision of this section is an indictable offence.

Note

An offence against this section may be heard and determined summarily.

165 Failing to comply with an approved ticket scheme

- (1) A sports event organiser of a sports ticketing event must not, without reasonable excuse, knowingly fail to comply with the approved ticket scheme for the event.

Penalty: 600 penalty units, in the case of a natural person;
3000 penalty units, in the case of a body corporate.

- (2) A sports event organiser of a sports ticketing event must not, without reasonable excuse, knowingly fail to ensure that a person authorised in writing to sell or distribute tickets to the event on behalf of the sports event organiser does so in accordance with the approved ticket scheme for the event.

Penalty: 600 penalty units, in the case of a natural person;
3000 penalty units, in the case of a body corporate.

- (3) A person authorised in writing to sell or distribute tickets to a sports ticketing event on behalf of the sports event organiser must not, without reasonable excuse, knowingly sell or distribute the tickets otherwise than in accordance with the approved ticket scheme for the event.

Penalty: 600 penalty units, in the case of a natural person;
3000 penalty units, in the case of a body corporate.

- (4) An offence against a provision of this section is an indictable offence.

Note

An offence against this section may be heard and determined summarily.

166 Selling event tickets contrary to the ticket conditions

- (1) Subject to subsection (2), if—
- (a) an approved ticket scheme for a sports ticketing event requires a condition that prohibits or restricts the sale or distribution of the ticket by a person who is not authorised in writing to sell or distribute tickets on behalf of the sports event organiser to be printed on the ticket; and
 - (b) the condition is printed on a ticket to the sports ticketing event—

a person must not, without reasonable excuse, knowingly contravene the condition.

Penalty: 60 penalty units, in the case of a natural person;

300 penalty units, in the case of a body corporate.

- (2) If a person is guilty of more than one offence against subsection (1) in respect of a particular sports ticketing event held on a particular day, the total fine payable by the person for those offences must not exceed—
- (a) 600 penalty units in the case of a natural person; or
 - (b) 3000 penalty units in the case of a body corporate.

s. 166A

- (3) An offence against a provision of this section is an indictable offence.

Note

An offence against this section may be heard and determined summarily.

S. 166A
inserted by
No. 16/2013
s. 22.

166A Sale of 5 or less tickets at a premium (scalping)

- (1) A person who is not authorised to do so must not sell tickets for a sports ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is printed if the sale is—
- (a) of 5 or less tickets; and
 - (b) at a premium price, being a price that—
 - (i) in the case of more than one ticket being sold, exceeds the combined face value purchase price of all those tickets;
 - (ii) in the case of one ticket being sold, exceeds its face value purchase price.

Penalty: 30 penalty units.

- (2) Nothing in this section limits the operation of section 166.

S. 166B
inserted by
No. 16/2013
s. 22.

166B Advertising for resale of 5 or less tickets at a premium

- (1) A person who is not authorised to do so must not advertise or offer for resale tickets for a sports ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is printed if the advertisement or offering for resale is—
- (a) for 5 or less tickets; and

- (b) at a premium price, being a price that—
- (i) in the case of more than one ticket being sold, exceeds the combined face value purchase price of all those tickets;
 - (ii) in the case of one ticket being sold, exceeds its face value purchase price.

Penalty: 30 penalty units.

- (2) Nothing in this section limits the operation of section 166.

167 Who can commence proceedings for offences?

- (1) A proceeding for an offence against this Part may be commenced by—
- (a) the Secretary; or
 - (b) a person authorised in writing by the Secretary for the purposes of this section; or
 - (c) the Director of Public Prosecutions; or
 - (d) a police officer.

S. 167 amended by No. 68/2009 s. 97(Sch. items 83.2, 83.3), substituted by No. 16/2013 s. 23.

S. 167(1)(d) amended by No. 37/2014 s. 10(Sch. item 104.13).

- (2) A proceeding commenced under subsection (1) may be taken over and continued at any time by any other person authorised by subsection (1) to commence proceedings.
- (3) In a proceeding for an offence against this Part, it must be presumed, in the absence of evidence to the contrary, that the person commencing the proceeding was authorised to commence the proceeding.

s. 167B

S. 167A
inserted by
No. 16/2013
s. 23.

167A Infringement notices, penalties and offences for this Part

S. 167A(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.13).

- (1) A police officer may serve an infringement notice on a person who the police officer has reason to believe has committed an offence against section 166A or 166B.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.
- (3) The infringement penalty for an offence against section 166A or 166B is 5 penalty units.
- (4) For the purposes of this section, an infringement notice—
 - (a) must be in the form required by section 13 of the **Infringements Act 2006**; and
 - (b) must also state that payment of the infringement penalty for the infringement offence will result in the forfeiture of any ticket to which the infringement offence relates.

S. 167B
inserted by
No. 16/2013
s. 23.

167B Seizure of tickets

S. 167B(1)
amended by
No. 37/2014
s. 10(Sch.
item
104.14(a)).

- (1) Subject to the requirements of this section, if a police officer believes on reasonable grounds that a person has committed, is committing or is about to commit an offence against section 166, 166A or 166B, the police officer may seize any tickets to which the offence relates from a person who allegedly has committed, is committing or is about to commit an offence against section 166, 166A or 166B (a *scalper*).

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| (2) Subject to the requirements of this section, if a police officer serves an infringement notice on a person for an infringement offence against section 166A or 166B, the police officer may seize any tickets to which the offence relates from a scalper. | S. 167B(2) amended by No. 37/2014 s. 10(Sch. item 104.14(a)). |
| (3) Before a police officer seizes tickets under subsection (1) or (2), the officer must— | S. 167B(3) amended by No. 37/2014 s. 10(Sch. item 104.14(b)(i)(ii)). |
| (a) inform the person of the police officer's name, rank and place of duty; and | S. 167B(3)(a) amended by No. 37/2014 s. 10(Sch. item 104.14(b)(iii)). |
| (b) if requested by the person, provide the information referred to in paragraph (a) in writing; and | |
| (c) produce the police officer's identification for inspection by the person, unless the officer is in uniform; and | S. 167B(3)(c) amended by No. 37/2014 s. 10(Sch. item 104.14(b)(ii)(iii)). |
| (d) inform the person of the intended seizure and the police officer's power to seize tickets under this section. | S. 167B(3)(d) amended by No. 37/2014 s. 10(Sch. item 104.14(b)(iii)). |
| (4) A police officer is not required to comply with subsection (3) if the police officer believes on reasonable grounds that it is impracticable to do so. | S. 167B(4) amended by No. 37/2014 s. 10(Sch. item 104.14(c)). |
| (5) If a police officer seizes any tickets under this section from a scalper, the police officer must give that person a written receipt for the tickets seized indicating— | S. 167B(5) amended by No. 37/2014 s. 10(Sch. item 104.14(d)). |

s. 167C

S. 167B(5)(b)
amended by
No. 37/2014
s. 10(Sch.
item
104.14(d)).

- (a) the details of the tickets seized; and
- (b) the date and time that the police officer took possession of the tickets; and

S. 167B(5)(c)
amended by
No. 37/2014
s. 10(Sch.
item
104.14(d)).

- (c) the name and rank of the police officer who seized the tickets.

- (6) A receipt referred to in subsection (5) must be given—
 - (a) if possible, immediately; or
 - (b) if it is not possible to do so immediately, as soon as is reasonably practicable.

S. 167C
inserted by
No. 16/2013
s. 23.

167C Temporary surrender of tickets by purchaser for evidentiary purposes

S. 167C(1)
amended by
No. 37/2014
s. 10(Sch.
item 104.15).

- (1) A police officer may request that a person who purchased, is purchasing or is about to purchase a ticket (a *purchaser*) from a person who allegedly has committed, is committing or is about to commit an offence against section 166, 166A or 166B to surrender the ticket for inspection by the police officer.

S. 167C(2)
amended by
No. 37/2014
s. 10(Sch.
item 104.15).

- (2) If a purchaser surrenders a ticket under subsection (1), the police officer—
 - (a) may arrange for a photograph or other image or recording of the ticket to be made; and
 - (b) must record the details of the ticket and its surrender; and
 - (c) may ask for the purchaser's name and address; and

- (d) must return the ticket to the purchaser as soon as the applicable requirements of paragraphs (a) to (c) have been met.

167D Police may retain tickets seized from scalper for purpose of proceedings

S. 167D
inserted by
No. 16/2013
s. 23,
amended by
No. 37/2014
s. 10(Sch.
item 104.16).

Without limiting any other power in relation to proceedings for an offence, including the enforcement of an infringement offence, if a police officer seizes any ticket under section 167B from a scalper, that police officer—

- (a) may retain the ticket for the purposes of—
- (i) proceedings for an offence against section 166, 166A or 166B; or
 - (ii) enforcement of an infringement offence against section 166A or 166B; and
- (b) must otherwise deal with that ticket in accordance with law.

167E Application by scalper to Magistrates' Court for return of tickets

S. 167E
inserted by
No. 16/2013
s. 23.

- (1) A person referred to in section 167B(1) or (2) from whom any ticket has been seized under section 167B may apply to the Magistrates' Court for the return of that ticket.
- (2) An application under subsection (1) may be made at any time after the seizure, but must not be made if—
- (a) proceedings for an offence against section 166, 166A or 166B have been commenced and are ongoing in respect of that seized ticket; or
 - (b) the person on whom an infringement notice has been served for an infringement offence against section 166A or 166B has expiated that offence by payment of the infringement

penalty in accordance with the
Infringements Act 2006.

- (3) On an application under subsection (1), the Magistrates' Court may make any of the following orders or any combination of those orders—
- (a) an order for the return of the ticket;
 - (b) an order for the return of the ticket subject to any specified conditions;
 - (c) any other order it considers appropriate.

S. 167F
inserted by
No. 16/2013
s. 23.

167F Forfeiture to the Crown

- (1) If a person is found guilty of an offence against section 166, 166A or 166B, any ticket to which the offence relates which has been seized under section 167B is taken to be forfeited to the Crown.
- (2) Despite anything to the contrary in Division 5 of Part 2 of the **Infringements Act 2006**, if a person on whom an infringement notice has been served for an infringement offence against section 166A or 166B expiates that offence by payment of the infringement penalty in accordance with that Act, any ticket to which the infringement offence relates which has been seized under section 167B is taken to be forfeited to the Crown.
- (3) The Minister may direct that any tickets forfeited to the Crown under this section be disposed of in any manner that the Minister thinks fit, including destruction.

Division 4—Other matters

168 VCAT review of certain decisions

- (1) A sports event organiser may apply to VCAT for the review of the Minister's decision—
 - (a) under section 152 to make a sports ticketing event declaration; or

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- (b) under section 157 to refuse to approve the ticket scheme set out in a ticket scheme proposal.
- (2) An application for review must be made within 28 days after the later of—
- (a) the day on which the sports event organiser receives notice of the decision; or
 - (b) if the sports event organiser requests a statement of reasons for the decision under the **Victorian Civil and Administrative Tribunal Act 1998**, the day on which the sports event organiser is given the statement or informed under section 46(5) of that Act that the statement will not be given.

169 Delegation by Secretary

- (1) The Secretary, by instrument, may delegate all or any of his or her functions or powers under this Part (other than this power of delegation) to a person employed under Part 3 of the **Public Administration Act 2004**.
- (2) In the performance of a function, or exercise of a power, delegated under this section the delegate is subject to the Secretary's directions.

Division 5—Enforcement of this Part

170 Entry or search of premises with consent or with a warrant

- (1) This section applies to premises occupied by—
 - (a) a sports event organiser of a sports ticketing event in respect of which there is an approved ticket scheme; or
 - (b) a person who is authorised in writing to sell or distribute tickets to that event on behalf of the sports event organiser.

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- (2) For the purposes of monitoring compliance with the approved ticket scheme for a sports ticketing event or, if an authorised officer has a reasonable belief that a person has contravened this Part, for investigating that contravention, an authorised officer may, with the consent of the occupier of the premises—
- (a) enter and search premises to which this section applies, other than residential premises;
 - (b) seize anything found on the premises which the authorised officer reasonably believes to be connected with an alleged contravention;
 - (c) inspect and make copies of, or take extracts from, any document found on the premises.
- (3) With the Secretary's written approval, an authorised officer may apply to a magistrate for the issue of a search warrant for premises to which this section applies if—
- (a) the authorised officer reasonably believes that there may be evidence on the premises that a person may have contravened this Part; and
 - (b) either—
 - (i) the occupier of the premises refuses a request to consent to the authorised officer doing one or more of the things in subsection (2) or the premises are residential premises; or
 - (ii) the authorised officer reasonably believes that it is necessary to apply for a search warrant to obtain or preserve evidence of the alleged contravention.

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- (4) If a magistrate is satisfied that there are reasonable grounds to believe that a particular kind of thing which may be evidence of a contravention of this Part is on the premises, he or she may issue a search warrant in accordance with the **Magistrates' Court Act 1989** authorising a specified authorised officer and any other specified person or persons—
- (a) to enter the premises with any necessary equipment; and
 - (b) to do all or any of the following—
 - (i) search for or seize;
 - (ii) secure against interference;
 - (iii) examine, inspect and make copies of, or take extracts from—
a particular kind of thing or things specified or described in the warrant which the authorised officer reasonably believes to be connected with the alleged contravention.
- (5) The search warrant must state—
- (a) the purpose of the search and nature of the alleged contravention; and
 - (b) any conditions on the warrant; and
 - (c) whether entry is authorised to be made at any time of the day or night or only during particular hours; and
 - (d) when the warrant ceases to have effect, which must be no more than 28 days after it is issued.
- (6) Subject to subsection (7), a search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and must be in the form prescribed by the regulations under that Act.

- (7) Despite section 78 of the **Magistrates' Court Act 1989**, a search warrant under this section must not authorise an authorised officer to arrest a person.
- (8) Except as provided by this Act, the rules to be observed with respect to search warrants under the **Magistrates' Court Act 1989** extend and apply to warrants issued under this section.

171 Announcement before entry

- (1) On executing a search warrant, an authorised officer must announce that he or she is authorised by the warrant to enter the premises unless he or she reasonably believes that immediate entry to the premises is required to ensure—
- (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.
- (2) The authorised officer must—
- (a) identify himself or herself; and
 - (b) give a copy of the warrant to—
 - (i) the occupier; or
 - (ii) if the occupier is not present at the premises, another person at the premises; and
 - (c) if asked to do so, allow the occupier or person a reasonable opportunity to arrange for an Australian legal practitioner (within the meaning of the **Legal Profession Act 2004**) to be present during the search of the premises.

Ss 172, 173
repealed by
No. 16/2013
s. 24.

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174 Copies of seized documents

- (1) If an authorised officer has possession of a document seized from a person under this Part, within 21 days after the seizure the authorised officer must give the person a copy of the document certified as being a copy of the document seized by the authorised officer.
- (2) A certified copy of a document is admissible in evidence in all courts and tribunals as of equal validity to the original document.

175 Return of seized documents or things

- (1) If an authorised officer seizes a document or other thing under this Part, he or she must take reasonable steps to return the document or thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If the document or thing has not been returned within 3 months after it was seized, the authorised officer must take reasonable steps to return it unless—
 - (a) proceedings for the purpose for which the document or thing was kept have started within that 3 month period and those proceedings (including any appeal) have not been completed; or
 - (b) the Magistrates' Court makes an order under subsection (4) extending the period for which the document or thing may be kept.
- (3) An authorised officer may apply to the Magistrates' Court within 3 months after seizing a document or thing under this Part for an extension of the period for which he or she may keep the document or thing.

- (4) The Magistrates' Court may make an order extending the period if it is satisfied that it is necessary to keep the document or thing—
 - (a) for the purposes of an investigation into whether a contravention of this Part has occurred; or
 - (b) to enable evidence of a contravention of this Part to be obtained for the purposes of a proceeding under this Part.
- (5) The Magistrates' Court may adjourn an application to enable notice of the application to be given to a person.

S. 176
amended by
No. 16/2013
s. 25.

176 Protection against self-incrimination

It is a reasonable excuse for a natural person to refuse or fail to give information, or do any other thing that the person is required to do under this Part, if giving the information or doing the thing would tend to incriminate the person.

177 Offence of giving false or misleading information

- (1) A person must not give information to an authorised officer under this Part that the person knows to be false or misleading in any material particular.

Penalty: 60 penalty units.

- (2) A person must not produce a document to an authorised officer under this Part that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: 60 penalty units.

178 Entry to be reported to Secretary

- (1) Within 7 days after exercising a power to enter premises under this Part, an authorised officer

must report the exercise of the power to the Secretary.

- (2) The report must include all relevant details of the entry including particulars of—
 - (a) the purpose, time and place of the entry; and
 - (b) the things done while on the premises, including details of things seized, copies made and extracts taken; and
 - (c) when the authorised officer left the premises.
- (3) The Secretary must keep a register containing the particulars of all reports made under this section.

179 Complaints about exercise of powers

- (1) A person may complain to the Secretary about the exercise of a power by an authorised officer under this Part.
- (2) The Secretary must—
 - (a) investigate the complaint; and
 - (b) provide a written report to the complainant on the results of the investigation.

180 Service and sending of documents under this Part

- (1) A written requirement by an authorised officer under this Part may be served personally or by registered mail to a person—
 - (a) at the last known place of business, employment or residence of the person; or
 - (b) in the case of a body corporate, at its registered office.
- (2) A person who provides a document or information as required by an authorised officer under this Part may send that document or information to the Secretary by registered mail.

181 Confidentiality

- (1) An authorised officer must not, except to the extent necessary to exercise his or her powers under this Part, give to any other person (whether directly or indirectly) information relating to a person's business or personal affairs acquired by the authorised officer in exercising those powers.

Penalty: 60 penalty units.

- (2) Subsection (1) does not apply to the giving of information—
- (a) to a court or tribunal in the course of legal proceedings; or
 - (b) in accordance with an order of a court or tribunal; or
 - (c) to the extent reasonably required to enable the investigation or the enforcement of a law of this State, another State, a Territory or the Commonwealth; or
 - (d) with the written authority of the Secretary; or
 - (e) with the written authority of the person to whom the information relates.

182 Requirement to publish or produce information

- (1) For the purpose of monitoring compliance with this Part, the Secretary or, subject to subsection (2), an authorised officer may require a publisher of a publication to produce specified information which has been published by the publisher in the form in which it is kept by the publisher.
- (2) An authorised officer can only require the information to be produced with the Secretary's written approval.

PART 10—AUTHORISED OFFICERS

183 Appointment of authorised officers

- (1) The Secretary may appoint a person to be an authorised officer if—
- (a) the person holds under the **Private Security Act 2004**—
 - (i) a private security business licence that authorises that person to carry on the business of providing the services of other persons to act as a security guard or a crowd controller; or
 - (ii) a private security individual operator licence that authorises that person to act as a security guard or a crowd controller; or
 - (b) the person is a person who the Secretary believes has the appropriate skills, knowledge or experience to be appointed as an authorised officer; or
 - (c) the person is a member of a class of person appropriate to be appointed as an authorised officer.
- (2) An appointment under subsection (1)—
- (a) must be in writing; and
 - (b) must specify the terms and conditions on which the person is appointed; and
 - (c) may specify particular major sporting events in respect of which the person may exercise powers, functions or duties as an authorised officer; and

- (d) may specify particular event venues or event areas in which the person may exercise powers, functions or duties as an authorised officer; and
 - (e) may specify the functions, duties or powers under this Act to which it relates; and
 - (f) may be subject to any conditions that the Secretary considers to be appropriate.
- (3) The Secretary may require an authorised officer appointed under this section to undertake specified training before exercising any powers, functions or duties under this Act.

184 Identification of authorised officers

- (1) The Secretary must issue to each person appointed as an authorised officer an identity card that—
- (a) contains a photograph of the person; and
 - (b) states the full name of the person to whom it is issued; and
 - (c) states that the person is an authorised officer for the purposes of this Act or a specified Part or provisions of this Act.
- (2) An authorised officer must produce his or her identity card for inspection at any time during the exercise of a power under this Act, if asked to do so.
- (3) If a person appointed to be an authorised officer proposes to exercise the functions of an authorised officer and fails to produce on demand his or her identity card, the person is not authorised to exercise those functions in relation to the person making the demand.

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- (4) In any proceedings under this Act, an identity card purporting to be issued to a person by the Secretary under this Part is evidence of the appointment of that person as an authorised officer.

185 Offence to hinder or obstruct authorised officer

A person must not, without reasonable excuse, obstruct or hinder an authorised officer in the exercise of his or her powers, functions or duties under this Act.

Penalty: 60 penalty units.

186 Offence to impersonate authorised officer

A person must not impersonate an authorised officer.

Penalty: 60 penalty units.

187 Delegation by Secretary

The Secretary, in writing, may delegate any of the powers conferred on the Secretary under this Part, other than this power of delegation, to—

- (a) a person employed under Part 3 of the **Public Administration Act 2004** as an executive within the meaning of that Act; or
 - (b) a body corporate established under an Act for a public purpose.
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PART 11—ENFORCEMENT

188 Who can bring proceedings for offences?

- (1) A proceeding for an offence against this Act, other than an offence against Part 9, may be brought by—
- (a) the Secretary; or
 - (b) a person authorised in writing by the Secretary for the purposes of this section; or
 - (c) the Director of Public Prosecutions; or
 - (d) with the written authority of the Secretary, an authorised officer who is not a police officer; or
 - (e) a police officer.

S. 188(1)(d)
amended by
No. 37/2014
s. 10(Sch.
item 104.17).

S. 188(1)(e)
amended by
No. 37/2014
s. 10(Sch.
item 104.17).

- (2) A proceeding commenced under subsection (1) may be taken over and continued at any time by any other person authorised by subsection (1) to take proceedings.
- (3) In a proceeding for an offence against this Act, it must be presumed, in the absence of evidence to the contrary, that the person bringing the proceeding was authorised to bring the proceeding.

189 Offences by bodies corporate

- (1) If a body corporate contravenes any provision of this Act, each officer of the body corporate is deemed to have contravened the same provision if the officer knowingly authorised or permitted the contravention.

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- (2) A person may be proceeded against and convicted under a provision in accordance with subsection (1) whether or not the body corporate has been proceeded against under that provision.
 - (3) Nothing in this section affects any liability imposed on a body corporate for an offence committed by the body corporate against this Act.

190 Conduct by officers, employees or agents

- (1) If, in any proceeding under this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show—
 - (a) that the conduct was engaged in by an officer of that body corporate within the scope of the officer's actual or apparent authority and the officer had that state of mind; or
 - (b) that the conduct was engaged in by an agent of the body corporate and—
 - (i) the agent acted at the specific direction or with the specific consent or agreement of the body corporate; and
 - (ii) the agent had that state of mind; and
 - (iii) the body corporate was aware of the agent's state of mind when the conduct was engaged in.
- (2) For the purposes of any proceeding under this Act, any conduct engaged in on behalf of a body corporate is deemed to have been engaged in also by the body corporate if the conduct was engaged in by—
 - (a) an officer of the body corporate within the scope of the officer's actual or apparent authority; or

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- (b) any other person at the specific direction or with the specific consent or agreement of an officer of the body corporate, if the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the officer.
- (3) If, in any proceeding under this Act, it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show—
- (a) that the conduct was engaged in by an employee of that person within the scope of the employee's actual or apparent authority and the employee had that state of mind; or
- (b) that the conduct was engaged in by an agent of the person and—
- (i) the agent acted at the specific direction or with the specific consent or agreement of the person; and
- (ii) the agent had that state of mind; and
- (iii) the person was aware of the agent's state of mind when the conduct was engaged in.
- (4) For the purposes of any proceeding under this Act, any conduct engaged in on behalf of a person other than a body corporate (*the principal*) is deemed to have been engaged in also by the principal if the conduct was engaged in by—
- (a) an employee of the principal within the scope of the employee's actual or apparent authority; or
- (b) any other person at the specific direction or with the specific consent or agreement of an employee of the principal, if the giving of the direction, consent or agreement is within the

scope of the actual or apparent authority of the employee.

- (5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

191 Actions by firms and unincorporated association

If this Act provides that a person, being a firm or an unincorporated association, is guilty of an offence, that reference to the person—

- (a) in the case of a partnership, is to be read as a reference to each member of the partnership; and
- (b) in the case of any other unincorporated body, is to be read as a reference to each member of the committee of management of the body.
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PART 12—MISCELLANEOUS

192 Interaction with Australian Grands Prix Act 1994

- (1) Subject to subsections (2) and (3), nothing in this Act affects the following in respect of an event area for a major sporting event or in respect of an event venue—
- (a) the undertaking of works at Albert Park by the Australian Grand Prix Corporation in accordance with a licence granted under section 28 of the **Australian Grands Prix Act 1994**; or
 - (b) the exercise by the Australian Grand Prix Corporation of a power to close roads under section 33 of the **Australian Grands Prix Act 1994**; or
 - (c) the exercise of any powers or functions under the **Australian Grands Prix Act 1994** by the Minister administering that Act.
- (2) Before undertaking works referred to in subsection (1)(a) or before exercising a power to close roads referred to in subsection (1)(b), the Australian Grand Prix Corporation must consult with the Secretary or the event organiser in relation to the relevant major sporting event, as the case requires, if those works or that road closure may affect—
- (a) the carrying out of works for the purposes of the major sporting event; or
 - (b) the exercise of any power or function under this Act in respect of—
 - (i) an event venue for the purposes of a major sporting event; or
 - (ii) an event area for the purposes of a major sporting event.

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- (3) Before exercising a power or function referred to in subsection (1)(c), the Minister administering the **Australian Grands Prix Act 1994** must consult with the Minister administering this Act if the exercise of that power or function under that Act may affect—
- (a) the carrying out of works for the purposes of a major sporting event; or
 - (b) the exercise of any power or function under this Act in respect of—
 - (i) an event venue for the purposes of a major sporting event; or
 - (ii) an event area for the purposes of a major sporting event.
- (4) If there is a dispute between the Secretary or the event organiser and the Australian Grand Prix Corporation about the exercise of any power or function referred to in subsection (1)(a) or (b) in relation to a major sporting event, the Secretary or the event organiser (as the case requires) or the Australian Grand Prix Corporation may refer the matter to the Minister administering the **Australian Grands Prix Act 1994** and the Minister administering this Act for a joint decision on the matter.

193 Service of documents

- (1) In addition to any other lawful method of service, if, under this Act (other than Part 9), a document or notice is required or permitted to be served on or given to a person, the document or notice may be served or given—

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- (a) if the person is a natural person—
- (i) by giving it to or serving it personally on the person; or
 - (ii) by sending it by post to the person at the person's usual or last known place of residence or business; or
- (b) if the person is a corporation, by leaving it at or sending it by post to the registered office of the corporation within the meaning of the Corporations Act.
- (2) In addition to any other lawful method of service, if, under this Act (other than Part 9), a document or notice is required or permitted to be served on or given to a firm, the document may be served or given by leaving it at or sending it by post to the principal place of business of the firm.

194 Regulations

- (1) The Governor in Council may make regulations for or with respect to—
- (a) the care, control, management and use of an event venue or event area during a major sporting event;
 - (b) prohibiting or regulating any activity in an event venue or event area for the purposes of a major sporting event or major sporting events generally;
 - (c) regulating the behaviour of persons in an event venue or event area to ensure public safety, good order and decency for the purposes of a major sporting event or major sporting events generally;
 - (d) prohibiting or regulating the entry or admission of persons to an event venue or event area for the purposes of a major

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- sporting event or major sporting events generally;
- (e) prohibiting or regulating the driving, parking or leaving parked of vehicles or the anchoring, mooring or leaving of vessels, within an event venue or event area for the purposes of a major sporting event or major sporting events generally;
 - (f) prescribing penalties not exceeding 20 penalty units for a contravention of the regulations;
 - (g) any matter or thing required or permitted by this Act to be prescribed or that is necessary to be prescribed to give effect to this Act.
- (2) Regulations made under this Act—
- (a) may be of general or limited application;
 - (b) may differ according to differences in time, place or circumstances;
 - (c) may confer a discretionary authority or impose a duty on a specified person or class of persons;
 - (d) may leave any matter or thing to be from time to time determined, approved or dispensed with by the Secretary;
 - (e) may exempt specified persons or classes of persons from complying with all or any of the regulations;
 - (f) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method, formulated, issued, prescribed or published by any other person, whether—
 - (i) wholly or partially or as amended by the regulations; or

- (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
 - (iii) as formulated, issued, prescribed or published from time to time.
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**PART 13—CONSEQUENTIAL AND OTHER AMENDMENTS,
TRANSITIONAL PROVISIONS AND REPEALS**

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Pt 13 Div. 1
(Heading and
ss 195–199)
repealed by
No. 16/2013
s. 28.

Division 2—Repeals and transitional provisions

200 Repeal of Acts

- (1) The **Major Events (Crowd Management) Act 2003** is repealed.
- (2) The **Major Events (Aerial Advertising) Act 2007** is repealed.
- (3) The **Sports Event Ticketing (Fair Access) Act 2002** is repealed.

201 Interpretation of Legislation Act 1984

Nothing in this Division affects or limits the operation of the **Interpretation of Legislation Act 1984** unless the contrary intention appears.

**202 Major Events (Crowd Management) Act 2003—
transitional provisions**

- (1) A major event declared by Order made under section 5(2) of the **Major Events (Crowd Management) Act 2003** and in force immediately before the commencement of this Act is deemed, on and from that commencement, to be a major sporting event for the date or dates specified in the Order as if the Order made under section 5(2) of the **Major Events (Crowd Management) Act 2003** were a major sporting event order made under this Act.

- (2) A managed venue declared by Order made under section 5A(1) of the **Major Events (Crowd Management) Act 2003** and in force immediately before the commencement of this Act is deemed, on and from that commencement, to be an event venue for the date or dates specified in the Order as if the Order made under section 5A(1) of the **Major Events (Crowd Management) Act 2003** were a major sporting event order made under this Act.
- (3) A managed access area declared by Order made under section 6(1) of the **Major Events (Crowd Management) Act 2003** and in force immediately before the commencement of this Act is deemed, on and from that commencement, to be an event area for the date or dates specified in the Order as if the Order made under section 6(1) of the **Major Events (Crowd Management) Act 2003** were a major sporting event order made under this Act.
- (4) Despite the repeal of section 10C of the **Major Events (Crowd Management) Act 2003**, any item to which that section applied immediately before the commencement of this Act is taken to be an item to which section 79 applies.
- (5) Despite the repeal of the **Major Events (Crowd Management) Act 2003**, a ban order imposed on an offender under section 17A of that Act and in force immediately before that repeal, continues in force for the period specified in the ban order as if the ban order had been made under this Act.

**203 Major Events (Aerial Advertising) Act 2007—
transitional provisions for specified events**

A specified event declared by Order made under section 4(1) of the **Major Events (Aerial Advertising) Act 2007** and in force immediately before the commencement of this Act is deemed, on and from that commencement, to be an aerial

advertising event for the date or dates specified in the Order as if the Order made under section 4(1) of the **Major Events (Aerial Advertising) Act 2007** were a major sporting event order specifying the event to be an aerial advertising event under this Act.

204 Sports Event Ticketing (Fair Access) Act 2002— transitional provisions

- (1) A declared event declared under section 8(1) of the **Sports Event Ticketing (Fair Access) Act 2002** and being a declared event in force immediately before the commencement of this Act is deemed, on and from that commencement, to be a sports event to which a sports ticketing event declaration applies under this Act for the date or dates specified in the declaration made under section 8(1) of the **Sports Event Ticketing (Fair Access) Act 2002** as if that declaration were a sports ticketing event declaration made under this Act.
- (2) An approved ticket scheme for a declared event under section 11 of the **Sports Event Ticketing (Fair Access) Act 2002** in force immediately before the commencement of this Act is deemed, on and from that commencement, to be an approved ticket scheme under this Act.
- (3) Guidelines made under section 17 of the **Sports Event Ticketing (Fair Access) Act 2002** in force immediately before the repeal of that Act continue in force, despite that repeal, as if they were ticketing guidelines under this Act.

205 Authorised officers

On and from the commencement of this Act, an authorised officer appointed under the **Major Events (Crowd Management) Act 2003**, the **Major Events (Aerial Advertising) Act 2007** or

the **Sports Event Ticketing (Fair Access) Act 2002** whose appointment is in force immediately before that commencement, is taken to be an authorised officer appointed under this Act—

- (a) with the functions, duties and powers under this Act corresponding to the functions, duties and powers under the relevant repealed Act under which that person was originally appointed as an authorised officer; and
- (b) for a period corresponding to the remaining period of that person's appointment as an authorised officer under the relevant repealed Act under which he or she was originally appointed.

S. 205A
inserted by
No. 16/2013
s. 29.

**205A Major Sporting Events Amendment Act 2013—
transitional provisions**

- (1) A major sporting event order made under section 7(1) and in force immediately before the commencement of section 4(1) of the **Major Sporting Events Amendment Act 2013** continues, on and from that commencement, to have effect until it expires despite any inconsistency with this Act.
- (2) Section 87(2)(a) as amended by section 11 of the **Major Sporting Events Amendment Act 2013** applies only to an offence against section 67(2), 67A(1), 67A(2), 85(1), 85(2) or 85(3) alleged to have been committed on or after the commencement of section 11 of that Act.
- (3) For the purposes of subsection (2), if an offence is alleged to have been committed between 2 dates, one before and one after the commencement of section 11 of the **Major Sporting Events Amendment Act 2013**, the alleged offence is

taken to have been committed before that commencement.

- (4) Sections 167B to 167F apply only to an offence against section 166 alleged to have been committed on or after the commencement of section 23 of the **Major Sporting Events Amendment Act 2013**.
- (5) For the purposes of subsection (4), if an offence against section 166 is alleged to have been committed between 2 dates, one before and one after the commencement of section 23 of the **Major Sporting Events Amendment Act 2013**, the alleged offence is taken to have been committed before that commencement.

206 Regulations dealing with transitional matters

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including the repeals and amendments made by this Act.
- (2) Regulations made under this section may—
 - (a) have a retrospective effect to a day on or from the date that this Act receives the Royal Assent; and
 - (b) be of limited or general application; and
 - (c) leave any matter or thing to be decided by a specified person or class of person; and
 - (d) provide for the exemption of persons or proceedings or a class of persons or proceedings from any of the regulations made under this section.

Major Sporting Events Act 2009

No. 30 of 2009

Part 13—Consequential and Other Amendments, Transitional Provisions and
Repeals

s. 206

- (3) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
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ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 26 February 2009

Legislative Council: 2 April 2009

The long title for the Bill for this Act was "A Bill for an Act to re-enact with amendments and to consolidate into one Act the law relating to major sporting events and to venues for events, to repeal the **Major Events (Aerial Advertising) Act 2007**, the **Major Events (Crowd Management) Act 2003** and the **Sports Event Ticketing (Fair Access) Act 2002**, to consequentially amend other Acts and for other purposes."

The **Major Sporting Events Act 2009** was assented to on 23 June 2009 and came into operation on 24 June 2009: section 2.

Major Sporting Events Act 2009
No. 30 of 2009

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Major Sporting Events Act 2009** by Acts and subordinate instruments.

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 83) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Marine Safety Act 2010, No. 65/2010

Assent Date: 28.9.10
Commencement Date: S. 420(Sch. 3 item 10) on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 56) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Business Names (Commonwealth Powers) Act 2011, No. 79/2011

Assent Date: 21.12.11
Commencement Date: S. 33 on 28.5.12: Special Gazette (No. 151) 8.5.12 p. 1
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Australian Consumer Law and Fair Trading Act 2012, No. 21/2012

Assent Date: 8.5.12
Commencement Date: S. 239(Sch. 6 item 27) on 1.7.12: Special Gazette (No. 214) 28.6.12 p. 1
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Major Sporting Events Amendment Act 2013, No. 16/2013

Assent Date: 26.3.13
Commencement Date: Ss 4–29 on 15.5.13: Special Gazette (No. 175) 15.5.13 p. 1
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 3(Sch. 1 item 29) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Major Sporting Events Act 2009**

Major Sporting Events Act 2009
No. 30 of 2009

Endnotes

**Victoria Police Amendment (Consequential and Other Matters) Act 2014,
No. 37/2014**

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 104) on 1.7.14: Special Gazette
(No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s
amending the **Major Sporting Events Act 2009**

Endnotes

3. Explanatory Details

No entries at date of publication.