



Western Australia

Major Events Act 2023

Major Events Act 2023

Contents

Part 1 — Preliminary

1.	Short title	2
2.	Commencement	2
3.	Objects	2
4.	Terms used	2
5.	Act binds Crown	8

Part 2 — Establishing a major event

Division 1 — Power to make regulations establishing major event

6.	Prescription of major event and other key matters	9
7.	Specification of major event organiser	10
8.	Specification of major event area	10
9.	Specification of major event period	11
10.	Specification of responsible authority	11
11.	Specification of controlled area and control period	11

Division 2 — Criteria for establishing major event

12.	Criteria for recommending event be prescribed as major event	12
13.	Minister must consult before recommending section 6 regulations	13

Division 3 — Suspension or modification of other legislation

14.	Power to suspend or modify legislation in Schedule 1	14
15.	Criteria for suspending or modifying legislation	15

**Part 3 — Temporary works for
major events**

16.	Provisions apply only if section 6 regulations specify that they apply	17
17.	Minister may authorise temporary works for purposes of major event	17
18.	Conditions and duration of temporary works approval	17
19.	Authority conferred by temporary works approval	18
20.	Development approval not required	18
21.	Power to move unattended vehicles or vessels	19
22.	Land must be restored to pre-works condition	20

**Part 4 — Management of roads,
waters and traffic**

23.	Provisions apply only if section 6 regulations specify that they apply	21
24.	Traffic and transport management plan must be prepared	21
25.	Consultation regarding proposed traffic and transport management plan	23
26.	Road closures for major event	24
27.	Effect of road closure on traffic laws	25
28.	Closures of waters for major event	26
29.	Establishment of major event lanes	27
30.	Transport CEO must give notice of major event lanes	27
31.	Major event lane permits	28
32.	Unauthorised use of major event lane	29
33.	Authorised officers may stop vehicles in major event lane	29
34.	Authorised officers may inspect and verify permits	30
35.	Leaving vehicles or vessels in major event area	32
36.	Authorised officers may move vehicles or vessels	33

Part 5 — Safety and crowd management

Division 1 — Application of Part

- | | | |
|-----|------------------------------------------------------------------------|----|
| 37. | Provisions apply only if section 6 regulations specify that they apply | 34 |
|-----|------------------------------------------------------------------------|----|

Division 2 — Entry to and movement in major event area

- | | | |
|-----|-----------------------------------------------------------|----|
| 38. | Designated entries and exits must be used | 34 |
| 39. | Entry fee must be paid | 35 |
| 40. | Occupant's pass | 35 |
| 41. | Entry to playing field or competition or performance area | 36 |
| 42. | Entry to restricted area | 36 |
| 43. | Bringing vehicles into major event area | 37 |

Division 3 — Conduct in and over major event area

- | | | |
|-----|------------------------------------------------|----|
| 44. | Possession of prohibited items | 38 |
| 45. | Endangering others or disrupting a major event | 39 |
| 46. | Obstructing performers or participants | 40 |
| 47. | Possession and consumption of liquor | 40 |
| 48. | Control of airspace | 41 |
| 49. | Other prohibited conduct | 42 |

Division 4 — Enforcement powers

- | | | |
|-----|-----------------------------------------------------------|----|
| 50. | Searches and inspection on entry | 42 |
| 51. | Power to request surrender of prohibited items and liquor | 43 |
| 52. | Power to request ticket or other evidence be produced | 44 |
| 53. | Power to refuse unauthorised entry | 44 |
| 54. | Searches and inspection inside major event area | 44 |
| 55. | General power relating to conduct of persons | 45 |
| 56. | Power to request personal details | 46 |
| 57. | Direction to leave major event area | 46 |
| 58. | Entry bans | 47 |
| 59. | Taking of photographs | 47 |

Part 6 — Restrictions on commercial activities

60.	Provisions apply only if section 6 regulations specify that they apply	49
61.	Sale or distribution of things on road and in public places	49
62.	Ambush marketing	50
63.	Advertising on buildings or structures	51
64.	Advertising on vehicles	52
65.	Advertising on vessels	53
66.	Aerial advertising	54
67.	Broadcasting or recording major event	55

Part 7 — Use of official logos or titles

68.	Declaration of official logo or official title	56
69.	Major event organiser may authorise use of official logo or title	56
70.	Unauthorised use of official logo or official title	57
71.	Other remedies not affected	58

Part 8 — Authorised officers

Division 1 — Application of Part

72.	Provisions apply if responsible authority specified for major event	59
-----	---------------------------------------------------------------------	----

Division 2 — Appointment of authorised officers

73.	Appointment of authorised officers	59
74.	Eligibility for appointment as authorised officer	60
75.	Restrictions on functions	61
76.	Identity cards	62

Division 3 — Offences

77.	Impersonating authorised officer	63
78.	Obstruction of authorised officer	63

Part 9 — Ancillary provisions relating to powers of authorised officers

Division 1 — Moving vehicles or vessels

79.	Application of Division	64
80.	Police must be notified if vehicle or vessel is moved	64
81.	Movement of vehicle or vessel	64
82.	Major event organiser must give notice to collect	65
83.	Disclosure of information	66
84.	Major event organiser may charge moving fee	66
85.	Storage of moved vehicles or vessels	67
86.	Release of vehicle or vessel from storage	68
87.	Disposal of uncollected vehicles or vessels	68

Division 2 — Seized things

88.	Application of Division	70
89.	Terms used	70
90.	Receipt for seized things	70
91.	Seized things must be given to department or returned	71
92.	Application of <i>Criminal and Found Property Disposal Act 2006</i>	71
93.	Compensation for seizure	72

Division 3 — Surrendered things

94.	Application of Division	73
95.	Terms used	73
96.	Storage and collection of surrendered things	73
97.	Firearms, prohibited weapons, controlled weapons and explosives	74

Part 10 — Miscellaneous

98.	Police officer may exercise powers of authorised officers	75
99.	Police powers to seize and examine things	75
100.	Court may order forfeiture, destruction and disposal of things	76
101.	Directions to major event organiser	77

Contents

102.	Major event organiser may be required to erect signs	77
103.	No liability in nuisance	77
104.	Protection from tortious liability	77
105.	Powers and duties of responsible authority	79
106.	Delegation by chief executive officers and employing authorities	80
107.	Regulations	80
108.	Review of Act	81

Part 11 — Transitional provision

109.	Consultation undertaken before commencement day	82
------	-------------------------------------------------	----

Part 12 — Amendments to other Acts

110.	<i>Health (Miscellaneous Provisions) Act 1911</i> amended	83
	175A. Chief Health Officer may act in relation to major event	83
111.	<i>Major Events (Aerial Advertising) Act 2009</i> amended	83
112.	<i>Public Order in Streets Act 1984</i> amended	84
113.	<i>Unclaimed Money Act 1990</i> amended	84

**Schedule 1 — Legislation that may be
suspended or modified in
relation to a major event**

Notes

Compilation table	86
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Defined terms



Western Australia

Major Events Act 2023

An Act —

- **to facilitate and regulate the holding and conduct of major events in Western Australia; and**
- **to make consequential and related amendments to other Acts; and**
- **for related purposes.**

Part 1 — Preliminary

1. Short title

This is the *Major Events Act 2023*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Objects

The objects of this Act are as follows —

- (a) to attract, support and retain major events in the State;
- (b) to deliver economic and social benefits to the State by making the State a more attractive and competitive destination for major events;
- (c) to facilitate the safe and orderly running of major events;
- (d) to promote the enjoyment of participants and spectators of major events;
- (e) to protect, in an appropriate manner, the commercial interests of major event organisers who hold major events in the State.

4. Terms used

In this Act —

aerial advertising has the meaning given in the *Major Events (Aerial Advertising) Act 2009* section 3;

affiliate, of a major event, means a person, service or thing that —

- (a) is a sponsor of or is otherwise commercially affiliated with the major event; or
- (b) has been approved by the major event organiser;

authorised officer means a person appointed as an authorised officer under section 73(1);

Commissioner of Police means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892* section 5;

controlled area, in relation to a major event, means an area specified in section 6 regulations as a controlled area for the major event;

controlled weapon has the meaning given in the *Weapons Act 1999* section 3;

control period, in relation to a major event, means a period specified in section 6 regulations as a control period for the major event;

department means the department of the Public Service principally assisting in the administration of this Act or the provision of this Act in which the term is used;

direction to leave has the meaning given in section 57(1);

drive, in relation to a vehicle, has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

emergency vehicle means a vehicle —

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty; or
- (b) of a fire brigade on official duty in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger; or

s. 4

- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment; or
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and authorised to carry a siren or bell for use as a warning instrument; or
- (e) authorised as an emergency vehicle for the purposes of this Act by the Transport CEO;

emergency vessel means a vessel —

- (a) when conveying a police officer on official duty or when that vessel is stationary at any place connected with the official duty; or
- (b) being used for the provision of emergency services; or
- (c) authorised as an emergency vessel for the purposes of this Act by the Maritime CEO;

employing authority, in relation to a State agency or public service officer, has the meaning given in the *Public Sector Management Act 1994* section 5;

entry ban has the meaning given in section 58(1);

explosive means a substance or article that is controlled as an explosive under the *Dangerous Goods Safety Act 2004*;

firearm has the meaning given in the *Firearms Act 1973* section 4;

inspect, in relation to a thing, includes the following —

- (a) handle, open and examine the thing or any of its contents;
- (b) give the thing, or any of its contents, a security scan;

liquor has the meaning given in the *Liquor Control Act 1988* section 3(1);

local government CEO, in relation to a local government or local government employee, means the chief executive officer of the local government;

local government employee means an employee as defined in the *Local Government Act 1995* section 1.4;

logo includes a symbol or other design;

major event —

- (a) means an event prescribed as a major event in section 6 regulations; and
- (b) includes any other event or activity directly associated with the event prescribed as a major event;

major event area, in relation to a major event, means an area specified in section 6 regulations as a major event area for the major event;

major event lane means a marked lane, or the part of a marked lane, of a road —

- (a) beginning at a “major event lane” sign prescribed by the regulations for the purposes of section 29(2)(a); and
- (b) ending at an “end major event lane” sign prescribed by the regulations for the purposes of section 29(2)(b);

major event lane notice has the meaning given in section 30(1);

major event lane permit has the meaning given in section 31(1);

major event organiser, in relation to a major event, means a person specified in section 6 regulations as the major event organiser for the major event;

major event period, in relation to a major event, means the period specified in section 6 regulations as the major event period for the major event;

Maritime CEO means the chief executive officer of the department of the Public Service principally assisting in the administration of the *Western Australian Marine Act 1982*;

moving fee has the meaning given in section 84(1);

s. 4

notice to collect has the meaning given in section 82(1);

occupant's pass has the meaning given in section 40(1);

occupier, in relation to land, means a person who, in exercise of a right of possession, is in actual occupation of the land;

official logo, in relation to a major event, means an official logo for the major event declared by a regulation under section 68(1)(a);

official title, in relation to a major event, means an official title for the major event declared by a regulation under section 68(1)(b);

owner —

- (a) in relation to a vehicle, has the meaning given in the *Road Traffic (Administration) Act 2008* section 5; and
- (b) in relation to a vessel, has the meaning given in the *Western Australian Marine Act 1982* section 3(1);

personal details, in relation to a person, means —

- (a) the person's full name; and
- (b) the address where the person usually resides;

place includes land, premises, a vehicle, vessel, aircraft or train, or a part of land, premises, a vehicle, vessel, aircraft or train;

prohibited item means a thing that a person is prohibited under section 44(1) from having in the person's possession in a major event area;

prohibited weapon has the meaning given in the *Weapons Act 1999* section 3;

public place means a place to which the public, or any section of the public, has or is permitted to have access, whether on payment or otherwise;

reasonably suspects has the meaning given in the *Criminal Investigation Act 2006* section 4;

responsible authority, in relation to a major event, means a person, State agency or local government specified in section 6 regulations as a responsible authority for the major event;

road has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

road closure means a road closure effected under section 26(1);

section 6 regulations, in relation to a major event, means regulations relating to the major event that are made for the purposes of section 6;

section 14 regulations, in relation to a major event, means regulations relating to the major event that are made for the purposes of section 14;

security scan means a scan with an electronic or mechanical device, whether hand-held or not, to detect any thing;

sell, in relation to liquor, has the meaning given in the *Liquor Control Act 1988* section 3(1);

State agency means —

- (a) an agency as defined in the *Public Sector Management Act 1994* section 3(1); or
- (b) a non-SES organisation as defined in the *Public Sector Management Act 1994* section 3(1);

State land means land of the Crown in right of Western Australia, whether or not designated for any public purpose, other than the following —

- (a) land that the Crown has lawfully agreed to alienate;
- (b) land occupied by the Crown under a lease or licence;
- (c) land occupied under a lease or licence lawfully granted by the Crown;
- (d) a WA event venue;

temporary works include —

- (a) the erection or construction of any temporary building or structure; and

(b) the temporary alteration of any building or structure;

temporary works approval means an approval granted by the Minister under section 17(1);

traffic and transport management plan means the plan referred to in section 24(1);

Transport CEO means the chief executive officer of the department of the Public Service principally assisting in the administration of the *Road Traffic (Administration) Act 2008*;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008* section 4;

vessel has the meaning given in the *Western Australian Marine Act 1982* section 3(1);

WA event venue means —

- (a) the Centre as defined in the *Western Australian Sports Centre Trust Act 1986* section 3; or
- (b) a Trust venue as defined in the *Arts and Culture Trust Act 2021* section 3;

WA event venue controller means —

- (a) in relation to the Centre as defined in the *Western Australian Sports Centre Trust Act 1986* section 3, the Western Australian Sports Centre Trust; or
- (b) in relation to a Trust venue as defined in the *Arts and Culture Trust Act 2021* section 3, the Arts and Culture Trust;

weapon has the meaning given in the *Weapons Act 1999* section 3.

5. Act binds Crown

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

Part 2 — Establishing a major event

Division 1 — Power to make regulations establishing major event

6. Prescription of major event and other key matters

- (1) The regulations may prescribe any event of a sporting, cultural or other nature as a major event.
- (2) The regulations must specify the following in relation to the major event —
 - (a) the major event organiser;
 - (b) a major event area;
 - (c) the major event period;
 - (d) the provisions of Parts 3 and 4 (if any) that apply to the major event;
 - (e) the provisions of Parts 5 and 6 (if any) that apply to the major event, and the area to which and period during which, those provisions apply.
- (3) The regulations may specify a responsible authority for the major event.
- (4) The regulations may specify the following in relation to the major event —
 - (a) a controlled area for the major event;
 - (b) the control period;
 - (c) the provisions of Part 6 (if any) that apply to a controlled area and the period during which those provisions apply.
- (5) Regulations referred to in subsection (2)(e) may specify —
 - (a) that a provision of Part 5 or 6 applies to a major event area or any part of a major event area; and

- (b) that a provision of Part 5 or 6 applies during the major event period or any part of the major event period.
- (6) Regulations referred to in subsection (4)(c) may specify —
 - (a) that a provision of Part 6 applies to a controlled area or any part of a controlled area; and
 - (b) that a provision of Part 6 applies during the control period or any part of the control period.

7. Specification of major event organiser

Section 6 regulations may specify 1 or more persons as the major event organiser.

8. Specification of major event area

- (1) Section 6 regulations may specify 1 or more areas in which a major event is to take place as a major event area.
- (2) An area specified as a major event area may also include the following —
 - (a) a place to be associated with the major event, including —
 - (i) a public place where the event is shown on a screen for public viewing; and
 - (ii) a place set aside for the media to cover the event;
 - (b) infrastructure to be used for the major event, including any road to be used for the event;
 - (c) a place near a place or infrastructure mentioned in paragraph (a) or (b).
- (3) A major event area may be specified by a land description or by reference to a map held by the chief executive officer of the department, or both.
- (4) If a major event area is specified by reference to a map held by the chief executive officer of the department, section 6

regulations must include for information purposes a map depicting the major event area.

9. Specification of major event period

- (1) Section 6 regulations may specify all or any part of the period in which a major event is to take place as the major event period.
- (2) The period specified as the major event period may also include the following —
 - (a) a reasonable period before the major event takes place in order to prepare for the major event;
 - (b) a reasonable period after the major event takes place in order to restore a major event area or any other land to the condition it was in before the major event took place or any works done in connection with the major event were carried out.

10. Specification of responsible authority

Section 6 regulations may specify 1 or more of the following as a responsible authority for the major event —

- (a) the major event organiser;
- (b) a State agency;
- (c) a local government.

11. Specification of controlled area and control period

- (1) Section 6 regulations may specify —
 - (a) 1 or more areas that are near a major event area as a controlled area; and
 - (b) the major event period, or a shorter period, as a control period.
- (2) A controlled area may be specified by reference to a land description or by reference to a map held by the chief executive officer of the department, or both.

- (3) If a controlled area is specified by reference to a map held by the chief executive officer of the department, section 6 regulations must include for information purposes a map depicting the controlled area.

Division 2 — Criteria for establishing major event

12. Criteria for recommending event be prescribed as major event

- (1) The Minister may recommend the making of regulations that prescribe an event as a major event for the purposes of section 6(1) only if the Minister confirms in writing that the Minister is of the opinion that —
 - (a) the event to be prescribed is a large event of State, national or international significance; and
 - (b) it is in the public interest for the event to be prescribed as a major event.
- (2) Without limiting the matters that the Minister may have regard to in deciding whether to recommend that an event be prescribed as a major event, the Minister may have regard to the following —
 - (a) the size of the event;
 - (b) the prestige or reputation of the event;
 - (c) the number of people that are likely to attend the event;
 - (d) the likely extent of media coverage of the event;
 - (e) the likely social and economic benefits that hosting the event will confer on the State;
 - (f) whether the event is sponsored or otherwise supported by the State;
 - (g) the likely contribution that the event will make to the State's national or international reputation as a host of major events.

13. Minister must consult before recommending section 6 regulations

- (1) Before recommending the making of any section 6 regulations, the Minister must consult about the proposed regulations with the following —
- (a) the Minister administering the *Criminal Investigation Act 2006*;
 - (b) the Minister administering the *Heritage Act 2018*;
 - (c) the Minister administering the *Planning and Development Act 2005*;
 - (d) the Minister administering the *Public Health Act 2016*;
 - (e) the Minister administering the *Road Traffic (Administration) Act 2008*;
 - (f) if any navigable waters are within or proposed to be within a major event area — the Minister administering the *Western Australian Marine Act 1982*;
 - (g) if a major event area includes or is proposed to include any part of a region as defined in the *Regional Development Commissions Act 1993* section 3(1) — the Minister administering that Act;
 - (h) each local government that has located within its district all or part of a major event area or proposed major event area;
 - (i) if a major event area includes or is proposed to include a WA event venue — the WA event venue controller;
 - (j) if a State agency is or is proposed to be a responsible authority for the major event — the Minister who is responsible for the State agency or to whom the administration of the Act under which the State agency is constituted or continued is committed;
 - (k) if a local government is or is proposed to be a responsible authority for the major event — the local government.

- (2) The Minister may also consult with any other person about the proposal.
- (3) This section extends to regulations that amend section 6 regulations.
- (4) However, this section does not apply to regulations that amend section 6 regulations if the Minister confirms in writing that in the Minister's opinion —
 - (a) the amendment is a minor amendment; or
 - (b) the amendment is required as a matter of urgency.
- (5) This section does not apply to regulations that revoke the prescription of an event as a major event.

Division 3 — Suspension or modification of other legislation

14. Power to suspend or modify legislation in Schedule 1

- (1) The regulations may suspend or modify the operation of an Act referred to in Schedule 1, or any subsidiary legislation under an Act referred to in that Schedule, in respect of the following —
 - (a) a use of land in a major event area for the purposes of a major event;
 - (b) any development or activities carried out in a major event area for the purposes of a major event (including any works or activities authorised by a temporary works approval);
 - (c) a major event area, or any part of a major event area, during the major event period or any part of the major event period.
- (2) A power to suspend the operation of an Act or subsidiary legislation is a power to specify that the Act or subsidiary legislation, or any provision of the Act or subsidiary legislation, does not apply in respect of a matter or thing referred to in subsection (1)(a), (b) or (c).

- (3) A power to modify the operation of an Act or subsidiary legislation is a power to specify that the Act or subsidiary legislation, or any provision of the Act or subsidiary legislation, applies in respect of a matter or thing referred to in subsection (1)(a), (b) or (c) with the modifications specified in the regulations.
- (4) If Schedule 1 specifies particular provisions of an Act, a power to suspend or modify the Act or subsidiary legislation under the Act is limited to —
 - (a) the specified provisions of the Act and provisions that affect the operation of those specified provisions, such as definitions; and
 - (b) any subsidiary legislation under the Act relating to those specified provisions.
- (5) If Schedule 1 specifies a particular subject-matter in relation to an Act, a power to suspend or modify the Act or subsidiary legislation under the Act is limited to —
 - (a) provisions of the Act that relate to that subject-matter; and
 - (b) any subsidiary legislation under the Act relating to that subject-matter.

15. Criteria for suspending or modifying legislation

- (1) The Minister may recommend the making of section 14 regulations that suspend or modify the operation of an Act or any subsidiary legislation under an Act only if the Minister confirms in writing that —
 - (a) in the Minister's opinion the suspension or modification —
 - (i) is in the public interest; and
 - (ii) is necessary for the effective preparation for, or management or conduct of, the major event;
 - and

- (b) the Minister administering the Act concerned has agreed to the suspension or modification.
- (2) This section extends to regulations that amend section 14 regulations.
- (3) However, this section does not apply to regulations that revoke a suspension or modification of the operation of an Act or subsidiary legislation.

Part 3 — Temporary works for major events

16. Provisions apply only if section 6 regulations specify that they apply

A provision of this Part applies in relation to a major event only if section 6 regulations provide that it applies to the major event.

17. Minister may authorise temporary works for purposes of major event

- (1) The Minister may, by notice (a *temporary works approval*), authorise a major event organiser to carry out any of the following —
 - (a) temporary works on, over or under land in a major event area for the purposes of the major event;
 - (b) other activities that the major event organiser considers necessary for, or incidental to, the temporary works;
 - (c) maintenance on the temporary works.
- (2) The Minister must cause the temporary works approval to be published —
 - (a) in a newspaper that circulates in the major event area or generally in the State; and
 - (b) on the department's website.
- (3) A temporary works approval may be varied or revoked by further notice published in accordance with subsection (2).

18. Conditions and duration of temporary works approval

- (1) A temporary works approval is subject to the following conditions —
 - (a) any conditions specified in the regulations;
 - (b) any further conditions specified by the Minister in the temporary works approval.

s. 19

- (2) A temporary works approval has effect until the end of the major event period for the major event, or any shorter period specified by the Minister in the temporary works approval.
- (3) A temporary works approval ceases to have effect if it is revoked by the Minister.

19. Authority conferred by temporary works approval

- (1) A major event organiser may enter land in the major event area and carry out the works or activities authorised by a temporary works approval if —
 - (a) the land is State land; or
 - (b) the owner of the land and the occupier (if any) consent to the works or activities concerned.
- (2) The major event organiser must comply with any conditions of the temporary works approval.
- (3) A temporary works approval does not affect the application of any other written law to the works or activities that are the subject of the approval, except as provided by section 20 and any section 14 regulations.

20. Development approval not required

- (1) In this section —

planning Act means —

 - (a) the *Planning and Development Act 2005*; or
 - (b) the *Hope Valley-Wattleup Redevelopment Act 2000*; or
 - (c) the *Metropolitan Redevelopment Authority Act 2011*; or
 - (d) the *Swan and Canning Rivers Management Act 2006*; or
 - (e) the *Swan Valley Planning Act 2020*;

planning authority, in relation to land, means a Minister, State agency, local government or person who has power under a planning Act to approve or refuse to approve development on the land.

- (2) Despite anything to the contrary in a planning Act, the approval of a planning authority under a planning Act, or any permit or other authorisation under a planning Act, is not required for a major event organiser to carry out any works or activities authorised by a temporary works approval.
- (3) Subsection (2) ceases to have effect at the end of the period in which the temporary works approval has effect or a longer period agreed by the planning authority for the land on which the works or activities are carried out.

21. Power to move unattended vehicles or vessels

- (1) An authorised officer may move a vehicle or vessel, or authorise another person to move a vehicle or vessel, if the vehicle or vessel is on State land in a major event area and the officer reasonably believes that —
 - (a) the vehicle or vessel is unattended; and
 - (b) it is necessary to move the vehicle or vessel to enable any works or activities authorised by a temporary works approval to be carried out.
- (2) The vehicle or vessel may be moved —
 - (a) to a public place where it is permitted to leave the vehicle or vessel (without restriction as to time); or
 - (b) to a place where the vehicle or vessel is to be stored.
- (3) The power conferred by this section must be exercised in accordance with the requirements of the traffic and transport management plan (if any) for the major event.
- (4) Part 9 Division 1 applies if a vehicle or vessel is moved under this section.
- (5) This section does not apply in respect of the following —
 - (a) a pram, stroller, wheelchair or other mobility aid;
 - (b) a vehicle or vessel of a class exempted from the application of this section by the regulations.

22. Land must be restored to pre-works condition

- (1) In this section —
pre-works condition, in relation to land, means the condition the land was in immediately before works or activities were carried out on the land under a temporary works approval.
- (2) A major event organiser who carries out works or activities under a temporary works approval must restore the land to a condition that is reasonably comparable to its pre-works condition by the end of the period in which the approval has effect.
- (3) If a major event organiser fails to comply with subsection (2), the owner of the land may —
 - (a) carry out any works reasonably necessary to restore the land to a condition that is reasonably comparable to its pre-works condition; and
 - (b) recover the costs of those works from the major event organiser as a debt in a court of competent jurisdiction.
- (4) Subsections (2) and (3) are subject to any written agreement between the major event organiser and the owner of the land relating to the works or activities and the restoration of the land concerned.

Part 4 — Management of roads, waters and traffic

23. Provisions apply only if section 6 regulations specify that they apply

A provision of this Part applies in relation to a major event only if section 6 regulations provide that it applies to the major event.

24. Traffic and transport management plan must be prepared

- (1) The major event organiser must prepare a traffic and transport management plan for a major event.
- (2) A traffic and transport management plan must include details of the following —
 - (a) road closures;
 - (b) closures of waters;
 - (c) major event lanes;
 - (d) arrangements for the use of major event lanes, including —
 - (i) arrangements for the issue of major event lane permits; and
 - (ii) the persons who will be permitted to drive a vehicle in a proposed major event lane without displaying a major event lane permit;
 - (e) arrangements for access to major event areas by emergency vehicles and emergency vessels;
 - (f) arrangements to facilitate the safety and movement of pedestrians, cyclists and users of scooters, skateboards and other rideable devices (both manual and electric) in major event areas;
 - (g) arrangements to reduce the impact of the major event on road demand, including any proposed special arrangements for transport services during the major event period;

- (h) arrangements for the parking or leaving of vehicles, and the mooring, anchoring or leaving of vessels, in major event areas, including —
 - (i) any restrictions proposed by the major event organiser; and
 - (ii) proposed arrangements for the movement and storage of vehicles or vessels under the powers conferred on authorised officers by section 21(1) or 36(1) (if applicable to the major event);
 - (i) arrangements for access to any major event area by residents, workers and business owners and their visitors during the major event period;
 - (j) any other measures for the management of traffic in and around major event areas.
- (3) A traffic and transport management plan may identify a marked lane, or a part of a marked lane, of a road as a major event lane if the road —
- (a) is inside a major event area; or
 - (b) provides performers or participants in a major event with access to a major event area from another place.
- (4) A traffic and transport management plan must permit drivers of emergency vehicles to drive in a major event lane without displaying a major event lane permit.
- (5) A traffic and transport management plan, or any amendment to it, does not take effect as the traffic and transport management plan for a major event until it is approved in writing by —
- (a) the Transport CEO; and
 - (b) if the major event area includes any navigable waters — the Maritime CEO.

25. Consultation regarding proposed traffic and transport management plan

- (1) The major event organiser must consult with the following about a proposed traffic and transport management plan —
 - (a) the Transport CEO;
 - (b) the Commissioner of Police;
 - (c) the Fire and Emergency Services Commissioner (being the chief executive officer of the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*);
 - (d) the Commissioner of Main Roads holding office under the *Main Roads Act 1930*;
 - (e) the Public Transport Authority of Western Australia established by the *Public Transport Authority Act 2003* section 5;
 - (f) the Maritime CEO;
 - (g) the chief executive officer of the department of the Public Service principally assisting in the administration of the *Work Health and Safety Act 2020*;
 - (h) if a major event area is in or includes any part of a local government district, or a major event lane is proposed to be located in a local government district — the local government for the local government district.
- (2) The major event organiser may also consult with other public officials and public authorities when preparing a proposed traffic and transport management plan.
- (3) This section applies to any proposed amendment to a traffic and transport management plan in the same way as it applies to a proposed traffic and transport management plan.

- (4) This section does not apply to an amendment to a traffic and transport management plan if —
 - (a) the major event organiser confirms in writing that, in its opinion, the amendment is —
 - (i) a minor amendment; or
 - (ii) required as a matter of urgency;
 - and
 - (b) the amendment is agreed to by —
 - (i) the Transport CEO; and
 - (ii) if the major event area includes any navigable waters — the Maritime CEO.

26. Road closures for major event

- (1) The major event organiser may close all or part of a road within a major event area to use by any person or vehicle (or both) for all or part of the major event period.
- (2) A closure under subsection (1) must be effected by the erection of signs, barriers or notices at or near the entrance to the road concerned.
- (3) The major event organiser must not exercise a power conferred by this section except in accordance with —
 - (a) a traffic and transport management plan for the major event; or
 - (b) the approval of the Transport CEO.
- (4) The Transport CEO must cause notice of the details of the road closure to be published in the *Gazette*.
- (5) A failure to publish a notice under subsection (4) does not invalidate a road closure.
- (6) A person must not enter, drive a vehicle on or use a road in contravention of a road closure under subsection (1).

Penalty for this subsection: a fine of \$3 000.

- (7) A person does not contravene subsection (6) if the person —
 - (a) is acting with the written authorisation of the major event organiser; or
 - (b) has a reasonable excuse.
- (8) Subsection (6) does not apply —
 - (a) to a police officer while performing the duties of a police officer; or
 - (b) to an emergency vehicle; or
 - (c) to a vehicle of a class exempted from the application of subsection (6) by the regulations.

27. Effect of road closure on traffic laws

- (1) A road that is subject to a road closure does not cease to be —
 - (a) a public place; or
 - (b) a road for the purposes of the *Road Traffic Act 1974* or any other written law.
- (2) Subsection (1) is subject to any section 14 regulations that suspend or modify the application of a written law in relation to a major event.
- (3) During the period in which a road closure has effect, a person attending or participating in a major event is not, by reason only of being on or proceeding over a road that is the subject of a road closure, guilty of any offence against the provisions of any other written law regulating the movement of traffic or pedestrians or relating to the obstruction of a street if the person —
 - (a) is acting in compliance with the road closure; and
 - (b) is not obstructing the free passage of any emergency vehicle.

- (4) Subsection (3) does not authorise a contravention of any direction given by a police officer under the *Public Order in Streets Act 1984* section 9A.

28. Closures of waters for major event

- (1) In this section —
waters means any navigable waters —
- (a) of the territorial sea adjacent to the State; or
 - (b) of the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State; or
 - (c) within the limits of the State.
- (2) The major event organiser may close all or part of any waters within a major event area to use by any person or vessel (or both) for all or part of the major event period.
- (3) A closure under subsection (2) must be effected by the erection of signs, barriers or notices over, or at or near the entrance to, the waters concerned.
- (4) The major event organiser must not exercise a power conferred by this section except in accordance with —
- (a) a traffic and transport management plan for the major event; or
 - (b) the approval of the Maritime CEO.
- (5) The Maritime CEO must cause notice of the details of the closure of waters to be published in the *Gazette*.
- (6) A failure to publish a notice under subsection (5) does not invalidate a closure of waters.
- (7) A person must not enter, or navigate a vessel in, waters in contravention of a closure of waters under subsection (2).
Penalty for this subsection: a fine of \$3 000.

- (8) A person does not contravene subsection (7) if the person —
 - (a) is acting with the written authorisation of the major event organiser; or
 - (b) has a reasonable excuse.
- (9) Subsection (7) does not apply —
 - (a) to a police officer while performing the duties of a police officer; or
 - (b) to an emergency vessel; or
 - (c) to a vessel of a class exempted from the application of subsection (7) by the regulations.

29. Establishment of major event lanes

- (1) A marked lane, or a part of a marked lane, of a road may be established as a major event lane for all or part of the major event period if it is identified as a major event lane in the traffic and transport management plan for a major event.
- (2) The regulations may prescribe the form of the following signs that must be used to establish a major event lane —
 - (a) a “major event lane” sign to designate the beginning of a major event lane;
 - (b) an “end major event lane” sign to designate the end of a major event lane.
- (3) A sign prescribed for the purposes of subsection (2)(a) or (b) is taken to be a road sign under the *Road Traffic Act 1974* and that Act applies to the erection, establishment and display of road signs, or of road markings or other devices, in connection with the establishment of a major event lane.

30. Transport CEO must give notice of major event lanes

- (1) The Transport CEO must cause a notice (a *major event lane notice*) of the establishment of a major event lane to be published in the *Gazette*.

- (2) The major event lane notice must specify the following —
- (a) the major event for which the major event lane is established;
 - (b) the location of the major event lane;
 - (c) the period for which the major event lane has effect;
 - (d) the drivers who are permitted to drive a vehicle in the major event lane during that period, being —
 - (i) drivers of vehicles that display a major event lane permit; and
 - (ii) drivers of emergency vehicles; and
 - (iii) drivers of any other vehicles of a class specified in the notice as being a class of vehicle that is permitted to use a major event lane without displaying a major event permit.
- (3) A failure to comply with this section does not invalidate the establishment of a major event lane.

31. Major event lane permits

- (1) The major event organiser may issue a permit (a *major event lane permit*) to a person that authorises a vehicle to be driven in a major event lane —
- (a) by the person to whom the permit is issued; or
 - (b) by another person while the person to whom the permit is issued is a passenger in the vehicle; or
 - (c) by an employee or other person engaged by the person to whom the permit is issued.
- (2) A major event lane permit may be issued subject to reasonable conditions, including conditions that specify —
- (a) the times of day during which the major event lane may be used; or
 - (b) the purposes for which the major event lane may be used.

32. Unauthorised use of major event lane

- (1) A person must not drive a vehicle in a major event lane unless —
- (a) the person is acting as authorised by a major event lane permit and the vehicle being driven by the person displays the major event lane permit; or
 - (b) the vehicle is an emergency vehicle; or
 - (c) the person is driving a vehicle of a class specified in a major event lane notice as being a class of vehicle that is permitted to use a major event lane without displaying a major event permit.

Penalty for this subsection: a fine of \$3 000.

- (2) A vehicle displays a major event lane permit only if the vehicle displays the permit in a prominent position and so that it is clearly visible from the front exterior of the vehicle.
- (3) The regulations may apply exceptions or defences provided for in the *Road Traffic Code 2000* to an offence against subsection (1).

33. Authorised officers may stop vehicles in major event lane

- (1) An authorised officer may, by signalling or otherwise, direct a person in control of a vehicle in a major event lane to stop the vehicle for the purposes of ascertaining whether the person is authorised to drive the vehicle in the major event lane.
- (2) When acting in relation to a vehicle under subsection (1), the authorised officer must clearly identify themselves as an authorised officer exercising the powers of an authorised officer.
- (3) An authorised officer may direct a person in control of a vehicle in a major event lane that is stopped —
- (a) not to move the vehicle until the authorised officer has exercised the authorised officer's powers; or

s. 34

- (b) to move the vehicle to, and keep the vehicle at, a stated reasonable place to allow the authorised officer to exercise the authorised officer's powers; or
 - (c) to get out of the vehicle.
- (4) An authorised officer who gives a direction to a person under subsection (3) must inform the person that a failure to comply with the direction is an offence.
- (5) A person who is given a direction under subsection (1) or (3) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of \$3 000.
- (6) A person does not commit an offence against subsection (5) in respect of a direction under subsection (3) if the person is not informed when the direction is given that a failure to comply with the direction is an offence.
- (7) If a person fails to comply with a direction under subsection (3)(c) to get out of a vehicle, a police officer may use reasonable force to remove the person from the vehicle.
- (8) A power of an authorised officer to stop a vehicle in a major event lane may be exercised —
 - (a) in a major event area; or
 - (b) in any other place, if the person exercising the power is a police officer or an authorised officer acting under the supervision of a police officer.

34. Authorised officers may inspect and verify permits

- (1) An authorised officer may direct a person in control of a vehicle displaying a major event lane permit to produce the permit to the authorised officer for inspection.

- (2) An authorised officer may direct a person who is in control of, or a passenger in, a vehicle in a major event lane to give the officer the person's personal details if —
- (a) the vehicle displays a major event lane permit; and
 - (b) the direction is reasonable for the purpose of verifying that the person who is in control of the vehicle is authorised by the major event lane permit to drive in the major event lane.
- (3) A person who is given a direction under subsection (1) or (2) must not, without reasonable excuse, fail to comply with the direction.
- Penalty for this subsection: a fine of \$3 000.
- (4) A person who is given a direction under subsection (2) must not give any detail that is false or misleading in a material particular in purported compliance with the direction.
- Penalty for this subsection: a fine of \$3 000.
- (5) An authorised officer may request a person who is directed to give the officer personal details under subsection (2) to provide evidence of those personal details if it is reasonable to expect the person to be in possession of that evidence in the circumstances.
- (6) An authorised officer may confiscate a major event lane permit if —
- (a) the authorised officer reasonably suspects that the permit is a forgery; or
 - (b) the authorised officer reasonably suspects that the permit is being used by a person who is not authorised to drive in the major event lane by the permit; or
 - (c) the driver of the vehicle, or a passenger in the vehicle, fails to comply with a direction under subsection (2) or a request under subsection (5).

- (7) A confiscated major event lane permit must be returned to the major event organiser.

35. Leaving vehicles or vessels in major event area

- (1) The major event organiser may designate any public place or part of a public place inside a major event area as an area in which the following is prohibited —
- (a) parking or leaving vehicles;
 - (b) mooring, anchoring or leaving vessels.
- (2) An area must be designated under subsection (1) by the erection of signs or notices.
- (3) The major event organiser must not exercise a power conferred by this section except in accordance with —
- (a) a traffic and transport management plan for the major event; or
 - (b) in the case of a prohibition that applies to vehicles — the approval of the Transport CEO; or
 - (c) in the case of a prohibition that applies to vessels — the approval of the Maritime CEO.
- (4) A person must not park or leave a vehicle in a major event area in a place designated by the major event organiser as an area in which parking or leaving vehicles is prohibited.

Penalty for this subsection: a fine of \$3 000.

- (5) A person must not moor, anchor or leave a vessel in a major event area in a place designated by the major event organiser as an area in which mooring, anchoring or leaving vessels is prohibited.

Penalty for this subsection: a fine of \$3 000.

- (6) A person does not contravene subsection (4) or (5) if the person —
 - (a) is acting with the written authorisation of the major event organiser; or
 - (b) is acting with the written authorisation of a WA event venue controller, but only in relation to any part of a major event area that is a WA event venue; or
 - (c) has a reasonable excuse.
- (7) This section does not apply to the following —
 - (a) a pram, stroller, wheelchair or other mobility aid;
 - (b) an emergency vehicle or emergency vessel;
 - (c) a vehicle or vessel of a class exempted from the application of this section by the regulations.

36. Authorised officers may move vehicles or vessels

- (1) If an authorised officer reasonably suspects that a vehicle or vessel has been left in a major event area in contravention of section 35(4) or (5), the authorised officer may move the vehicle or vessel or authorise it to be moved.
- (2) The vehicle or vessel may be moved —
 - (a) to a public place where the parking or leaving of a vehicle, or the mooring, anchoring or leaving of a vessel, is permitted (without restriction as to time); or
 - (b) to a place where the vehicle or vessel is to be stored.
- (3) The power conferred by this section must be exercised in accordance with the requirements of the traffic and transport management plan (if any) for the major event.
- (4) Part 9 Division 1 applies if a vehicle or vessel is moved under this section.

Part 5 — Safety and crowd management

Division 1 — Application of Part

37. Provisions apply only if section 6 regulations specify that they apply

A provision of this Part —

- (a) applies in relation to a major event only if section 6 regulations provide that it applies to the major event; and
- (b) applies only in relation to a major event area or to a part of a major event area specified in section 6 regulations; and
- (c) applies only during the major event period or a shorter period specified in section 6 regulations.

Division 2 — Entry to and movement in major event area

38. Designated entries and exits must be used

- (1) A person must not enter a major event area or a part of a major event area that has an entrance designated by the major event organiser except through that designated entrance.

Penalty for this subsection: a fine of \$2 000.

- (2) A person must not exit a major event area or a part of a major event area that has an exit designated by the major event organiser except through that designated exit.

Penalty for this subsection: a fine of \$2 000.

- (3) A person does not contravene subsection (1) or (2) if the person has a reasonable excuse.

- (4) Subsections (1) and (2) do not apply to a police officer or other person acting under the authority of a written law.

39. Entry fee must be paid

- (1) A person must not enter or remain in a major event area, or any part of a major event area, if the major event organiser charges a fee to enter the area concerned, unless the person —
- (a) has paid the entry fee; or
 - (b) is the holder of a ticket or other evidence that the entry fee has been paid.

Penalty for this subsection: a fine of \$3 000.

- (2) A person does not contravene subsection (1) if the person —
- (a) is acting with the written authorisation of the major event organiser to be in the area concerned, whether under an occupant's pass or otherwise; or
 - (b) is acting with the written authorisation of a WA event venue controller, but only in relation to any part of the major event area that is a WA event venue; or
 - (c) has a reasonable excuse.
- (3) Subsection (1) does not apply to a police officer or other person acting under the authority of a written law.

40. Occupant's pass

- (1) A major event organiser may grant a pass (an *occupant's pass*) to a person that authorises the person to enter or remain in a major event area or a part of a major event area during the major event period.
- (2) A person may apply to a major event organiser for an occupant's pass if the person resides, works or has a business in a major event area.

- (3) A major event organiser must grant an occupant's pass to an applicant if satisfied that the applicant needs access to the major event area during the major event period —
 - (a) to enable the applicant to travel to or from the place where the applicant resides, works or has a business; or
 - (b) for the ordinary use and enjoyment of that place.
- (4) An occupant's pass may be granted subject to reasonable conditions, including a condition limiting the period for which the pass is valid to specified days and times.

41. Entry to playing field or competition or performance area

- (1) A person must not enter or remain on a playing field, or in a competition or performance area, in a major event area unless the person is a performer or participant in the major event.
Penalty for this subsection: a fine of \$5 500.
- (2) A person does not contravene subsection (1) if the person —
 - (a) has a role in preparing for or holding the major event and the person's presence in the area concerned is necessary in connection with that role; or
 - (b) is acting with the written authorisation of the major event organiser; or
 - (c) has a reasonable excuse.
- (3) Subsection (1) does not apply to a police officer or other person acting under the authority of a written law.

42. Entry to restricted area

- (1) The major event organiser may designate an area within a major event area, other than a WA event venue, as a restricted area that may be used only by particular persons.
- (2) A WA event venue controller may designate an area within a WA event venue in a major event area as a restricted area that may be used only by particular persons.

- (3) An area must be designated as a restricted area by the erection of signs or notices.
- (4) A person must not enter or remain in a restricted area unless the person is a person for whose use the area has been designated as a restricted area.
Penalty for this subsection: a fine of \$3 000.
- (5) A person does not contravene subsection (4) if the person —
 - (a) has a role in preparing for or holding the major event and the person's presence in the restricted area is necessary in connection with that role; or
 - (b) is acting with the written authorisation of the major event organiser and the restricted area was designated by the major event organiser; or
 - (c) is acting with the written authorisation of a WA event venue controller and the restricted area was designated by the WA event controller; or
 - (d) has a reasonable excuse.
- (6) Subsection (4) does not apply to a police officer or other person acting under the authority of a written law.

43. Bringing vehicles into major event area

- (1) A person must not bring a vehicle into a major event area unless the person is on a road that is open to the public.
Penalty for this subsection: a fine of \$3 000.
- (2) A person does not contravene subsection (1) if the person —
 - (a) is acting with the written authorisation of the major event organiser; or
 - (b) is acting with the written authorisation of a WA event venue controller, but only in relation to any part of a major event area that is a WA event venue; or
 - (c) has a reasonable excuse.

- (3) This section does not apply to the following —
- (a) a pram, stroller, wheelchair or other mobility aid;
 - (b) an emergency vehicle;
 - (c) a vehicle of a class exempted from the application of this section by the regulations.

Division 3 — Conduct in and over major event area

44. Possession of prohibited items

- (1) A person must not bring into a major event area, or be in possession of in a major event area, any of the following —
- (a) a firearm;
 - (b) a weapon;
 - (c) an explosive;
 - (d) a flare or other distress signal;
 - (e) a laser pointer;
 - (f) an animal;
 - (g) any other thing prescribed by the regulations.

Penalty for this subsection: a fine of \$3 000.

- (2) A person does not contravene subsection (1) if the person —
- (a) is acting with the written authorisation of the major event organiser to be in possession of the thing concerned; or
 - (b) is required to be in possession of the thing concerned by any other written law; or
 - (c) has a reasonable excuse.
- (3) This section does not apply to a police officer while performing the duties of a police officer.

- (4) Subsection (1)(f) does not apply to bringing an animal into a major event area or being in possession of an animal in a major event area if —
- (a) the person has a disability (as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 4(1)) and the animal is an assistance animal (as defined in section 9(2) of that Act); or
 - (b) the person resides in the major event area and the animal is the person's pet.

45. Endangering others or disrupting a major event

- (1) A person must not while in a major event area throw or propel anything that may injure a person or damage property, including an explosive, flare or other distress signal.
Penalty for this subsection: a fine of \$5 500.
- (2) A person must not while in a major event area throw or propel anything that may disrupt the major event.
Penalty for this subsection: a fine of \$1 500.
- (3) A person does not contravene subsection (1) or (2) if the person —
- (a) is acting with the written authorisation of the major event organiser; or
 - (b) has a reasonable excuse.
- (4) Subsections (1) and (2) do not apply to —
- (a) a performer or participant in the major event doing anything that is part of the ordinary course of the major event; or
 - (b) a spectator at a major event returning a thing that has been thrown or propelled by a performer or participant in the major event, but only if it is returned in a manner that is not intended to injure a person, damage property or disrupt the major event.

46. Obstructing performers or participants

- (1) A person must not obstruct another person in a major event area while the other person is performing or participating in the major event.

Penalty for this subsection: a fine of \$5 500.

- (2) A person does not contravene subsection (1) if the person —
- (a) is acting with the written authorisation of the major event organiser; or
 - (b) has a reasonable excuse.

47. Possession and consumption of liquor

- (1) A person must not bring liquor into a major event area.

Penalty for this subsection: a fine of \$2 000.

- (2) A person does not contravene subsection (1) if —
- (a) the person is authorised under the *Liquor Control Act 1988* to sell the liquor in the major event area; or
 - (b) the person is delivering the liquor to a person who is authorised under the *Liquor Control Act 1988* to sell the liquor in the major event area; or
 - (c) the person resides in, or is staying in accommodation in, the major event area.
- (3) A major event organiser may, by the erection of signs or notices, designate any public place or part of a public place in a major event area as an area in which liquor must not be consumed.
- (4) A person must not consume liquor in a major event area in a place designated by the major event organiser as an area in which liquor must not be consumed.

Penalty for this subsection: a fine of \$2 000.

- (5) Subsection (4) does not apply to the consumption of liquor on premises on which the consumption of liquor is authorised by a licence or permit under the *Liquor Control Act 1988*.

48. Control of airspace

- (1) In this section —

CASA means the Civil Aviation Safety Authority established by the *Civil Aviation Act 1988* (Commonwealth) section 8(1);

Commonwealth Air Navigation Regulations means the Regulations as defined in the *Air Navigation Act 1937* section 3;

restricted area means an area declared by CASA to be a restricted area under the regulations under the *Airspace Act 2007* (Commonwealth);

State air navigation means air navigation within Western Australia to and in relation to which the Commonwealth Air Navigation Regulations apply, under the *Air Navigation Act 1937* section 4, as if they were incorporated in that Act.

- (2) A person must not, in the course of State air navigation, operate an aircraft, or cause an aircraft to be operated, in any restricted area that is over a major event area.

Penalty for this subsection: a fine of \$250 000.

- (3) A person does not contravene subsection (2) if —

- (a) the person is permitted to operate the aircraft in the restricted area by or under the *Airspace Act 2007* (Commonwealth); or
- (b) the aircraft is a military aircraft or a police aircraft that is being operated for a military or security purpose; or
- (c) the aircraft is being operated for an emergency purpose.

- (4) The provisions of this section prevail to the extent of any inconsistency between this section and the provisions of the Commonwealth Air Navigation Regulations as they apply to and in relation to State air navigation.

49. Other prohibited conduct

- (1) A person must not do any of the following in a major event area —
- (a) offer a service for a fee, gain or reward;
 - (b) solicit, or attempt to solicit, money from another person;
 - (c) erect a tent or other temporary structure;
 - (d) erect or affix a decoration or equipment;
 - (e) tout for business;
 - (f) distribute a document;
 - (g) busk;
 - (h) any other thing prescribed by the regulations.

Penalty for this subsection: a fine of \$3 000.

- (2) A person does not contravene subsection (1) if the person —
- (a) is acting with the written authorisation of the major event organiser; or
 - (b) has a reasonable excuse.

Division 4 — Enforcement powers

50. Searches and inspection on entry

- (1) An authorised officer may request a person entering or seeking to enter a major event area, or any part of a major event area, to do any of the following —
- (a) undergo a security scan;
 - (b) remove the person's headwear, gloves, footwear or outer clothing (such as a coat or jacket), but not the person's inner clothing or underwear, and allow those things to be inspected;
 - (c) open any bag, container or other thing in the person's possession so that the officer can see the contents;

- (d) allow any thing in the person's possession to be inspected;
 - (e) produce any thing in the person's possession for inspection;
 - (f) if the person enters or seeks to enter in a vehicle or vessel —
 - (i) allow the inspection of the vehicle or vessel or any part of it; and
 - (ii) produce any thing in the vehicle or vessel, or allow any thing in the vehicle or vessel to be removed, for inspection.
- (2) An authorised officer may make a request under subsection (1) for the purposes of —
- (a) ensuring compliance with this Act; or
 - (b) otherwise ensuring the safe and effective conduct of a major event.
- (3) An authorised officer must not make a request under subsection (1) unless the authorised officer reasonably considers it necessary to make the request.
- (4) An authorised officer must inform a person who is the subject of a request under subsection (1) of the reason for making the request if asked to do so by the person.
- (5) An authorised officer may give a direction to leave to a person who does not comply with a request under subsection (1).

51. Power to request surrender of prohibited items and liquor

- (1) An authorised officer may request a person entering, seeking to enter or in a major event area to surrender —
- (a) any thing in the person's possession that the officer reasonably suspects is a prohibited item; or
 - (b) any liquor in the person's possession that the officer reasonably suspects the person is bringing into or has

brought into the major event area in contravention of section 47(1).

- (2) An authorised officer may give a direction to leave to a person who does not comply with a request under subsection (1).

52. Power to request ticket or other evidence be produced

- (1) An authorised officer may request a person entering, seeking to enter or in a major event area or any part of a major event area to produce —
 - (a) a ticket entitling the person to enter or be in the major event area or the part of the major event area concerned; or
 - (b) other evidence of the person's right to enter or be in the major event area or the part of the major event area concerned.
- (2) An authorised officer may give a direction to leave to a person who does not comply with a request under subsection (1).

53. Power to refuse unauthorised entry

An authorised officer may give a direction to leave to a person entering or seeking to enter a major event area or any part of a major event area if the authorised officer reasonably suspects that the person is attempting to enter the major event area or the part of the major event area in contravention of a provision of this Act.

54. Searches and inspection inside major event area

- (1) An authorised officer may request a person who is in a major event area to do any of the following —
 - (a) open any bag, container or other thing in the person's possession so that the officer can see the contents;
 - (b) allow any thing in the person's possession to be inspected;

- (c) produce any thing in the person's possession for inspection.
- (2) An authorised officer may make a request under subsection (1) for the purposes of —
 - (a) ensuring compliance with this Act; or
 - (b) otherwise ensuring the safe and effective conduct of a major event.
- (3) An authorised officer must not make a request under subsection (1) unless the authorised officer —
 - (a) reasonably considers it necessary to make the request; and
 - (b) informs the person of the reason for making the request.
- (4) An authorised officer may give a direction to leave to a person who does not comply with a request under subsection (1).

55. General power relating to conduct of persons

An authorised officer may give a direction to leave to a person in a major event area if the authorised officer reasonably suspects that the person —

- (a) has just committed or is committing an offence; or
- (b) is behaving in a manner that is a risk to the safety of the person or other persons at the major event; or
- (c) is behaving in a disorderly manner; or
- (d) is behaving in a manner that is disrupting the major event or causing unreasonable disruption to, or unreasonable interference with, other persons at the major event; or
- (e) is drunk or adversely affected by a drug.

56. Power to request personal details

- (1) An authorised officer may request a person who is in a major event area and whom the authorised officer reasonably suspects to have just committed or to be committing an offence —
 - (a) to give the authorised officer the person's personal details; and
 - (b) to provide evidence of those personal details if —
 - (i) the officer reasonably suspects that a personal detail given by the person is false; and
 - (ii) it is reasonable to expect the person to be in possession of that evidence in the circumstances.
- (2) An authorised officer may give a direction to leave to a person who does not comply with a request under subsection (1).

57. Direction to leave major event area

- (1) A power conferred by this Act to give a *direction to leave* is a power to direct a person —
 - (a) not to enter or to immediately leave a major event area or any part of a major event area; and
 - (b) not to enter a major event area or any part of a major event area for a specified period not exceeding 24 hours.
- (2) A direction to leave may be given orally or in writing.
- (3) A person given a direction to leave must comply with the direction to leave.

Penalty for this subsection: a fine of \$3 000.
- (4) If a person does not comply with a direction to leave, a police officer may use reasonable force to enforce the direction.

58. Entry bans

- (1) The major event organiser may, by notice in writing given to a person (an **entry ban**), direct the person not to enter a major event area for a specified period if —
 - (a) the person is given a direction to leave for a reason referred to in section 55; and
 - (b) the major event organiser is reasonably satisfied that the person's behaviour justifies banning the person from a major event area for a period exceeding 24 hours.
- (2) An entry ban must not extend beyond the end of the major event period.
- (3) A person given an entry ban must comply with the entry ban.
Penalty for this subsection: a fine of \$8 000.
- (4) If a person does not comply with an entry ban, a police officer may use reasonable force to enforce the entry ban.

59. Taking of photographs

- (1) An authorised officer may take a photograph or other image of a person who is given a direction to leave or entry ban if the authorised officer reasonably considers it necessary for the purposes of enforcing the direction to leave or entry ban.
- (2) The photograph or image may be retained and used by an authorised officer, a responsible authority or the major event organiser only for the following purposes —
 - (a) enforcing the direction to leave or entry ban;
 - (b) any legal proceedings in connection with the direction to leave or entry ban.

- (3) A responsible authority or the major event organiser must ensure that any photograph or image retained under subsection (2) is securely disposed of as soon as practicable after it is no longer required for the purposes referred to in subsection (2).
- (4) This section does not authorise a contravention of the *Surveillance Devices Act 1998*.

Part 6 — Restrictions on commercial activities

60. Provisions apply only if section 6 regulations specify that they apply

- (1) A provision of this Part —
 - (a) applies in relation to a major event only if section 6 regulations provide that it applies to the major event; and
 - (b) applies only in relation to a major event area or to a part of a major event area specified in section 6 regulations; and
 - (c) applies only during the major event period or a shorter period specified in section 6 regulations.
- (2) A provision of this Part —
 - (a) applies in relation to a controlled area only if section 6 regulations provide that it applies to the controlled area; and
 - (b) applies only in relation to the controlled area or to a part of the controlled area specified in section 6 regulations; and
 - (c) applies only during the control period or a shorter period specified in section 6 regulations.

61. Sale or distribution of things on road and in public places

- (1) A person must not sell or distribute a thing on a road or in a public place in a major event area or a controlled area.
Penalty for this subsection: a fine of \$7 000.
- (2) A person does not contravene subsection (1) if the person is acting with the written authorisation of the major event organiser.
- (3) An authorised officer who reasonably suspects that a person is selling or distributing a thing in contravention of subsection (1)

s. 62

may direct the person to remove the thing from the major event area or controlled area immediately or within a specified period.

- (4) An authorised officer who gives a direction to a person under subsection (3) must inform the person that a failure to comply with the direction is an offence.
- (5) A person who is given a direction under subsection (3) must comply with the direction.
Penalty for this subsection: a fine of \$3 000.
- (6) A person does not commit an offence against subsection (5) in respect of a direction under subsection (3) if the person is not informed when the direction is given that a failure to comply with the direction is an offence.
- (7) If a person does not comply with a direction under subsection (3), an authorised officer may seize the thing that the person was directed to remove.
- (8) Subsection (1) does not apply to a sale or distribution of a type exempted from subsection (1) by the regulations.

62. Ambush marketing

- (1) A person must not, while in a major event area or a controlled area, promote a person, service or thing.
Penalty for this subsection: a fine of \$15 000.
- (2) A person must not, while in a major event area or a controlled area, do anything that suggests that a person, service or thing is an affiliate of the major event.
Penalty for this subsection: a fine of \$15 000.
- (3) A person does not contravene subsection (1) or (2) if the person is acting with the written authorisation of the major event organiser.
- (4) An authorised officer who reasonably suspects that a person is contravening subsection (1) or (2) may direct the person to

remove from the major event area or controlled area, or to cover, anything being used in connection with the contravention within a reasonable period specified by the officer.

- (5) An authorised officer who gives a direction to a person under subsection (4) must inform the person that a failure to comply with the direction is an offence.
- (6) A person who is given a direction under subsection (4) must comply with the direction.
Penalty for this subsection: a fine of \$3 000.
- (7) A person does not commit an offence against subsection (6) in respect of a direction under subsection (4) if the person is not informed when the direction is given that a failure to comply with the direction is an offence.
- (8) If a person does not comply with a direction under subsection (4), an authorised officer may seize the thing that the person was directed to remove or cover.

63. Advertising on buildings or structures

- (1) A person must not cause or permit an advertisement to be displayed on any building or structure in a major event area or a controlled area.
Penalty for this subsection: a fine of \$100 000.
- (2) A person does not contravene subsection (1) if —
 - (a) the person is acting with the written authorisation of the major event organiser; or
 - (b) the advertisement —
 - (i) was displayed before the major event period started; and
 - (ii) was displayed in connection with the person's ordinary business activities for purposes unrelated to the major event; and

- (iii) does not imply that the advertiser or the service or thing advertised is an affiliate of the major event.
- (3) An authorised officer who reasonably suspects that an advertisement is being displayed in contravention of subsection (1) may cover or remove the advertisement.
- (4) An authorised officer may enter a place for the purpose of exercising powers under subsection (3).
- (5) Subsection (4) does not authorise an authorised officer to enter a place that is ordinarily used for human habitation without the occupier's consent (whether or not inhabited at the time).
- (6) An authorised officer must take reasonable steps to prevent or minimise damage to property in the exercise of powers under subsection (3).
- (7) Subsection (1) does not apply to an advertisement that —
 - (a) is of a class exempted from subsection (1) by the regulations; or
 - (b) is fully covered.

64. Advertising on vehicles

- (1) A person must not cause or permit an advertisement to be displayed on a vehicle, or on a banner or other sign that is attached to or towed by a vehicle, that —
 - (a) is within a major event area or a controlled area; or
 - (b) is visible from a major event area or a controlled area.

Penalty for this subsection: a fine of \$55 000.

- (2) A person does not contravene subsection (1) if —
 - (a) the advertisement —
 - (i) forms part of the normal markings or livery of the vehicle; and

- (ii) identifies the manufacturer of the vehicle, or any part of the vehicle, or a business or undertaking in connection with which the vehicle is used; and
 - (iii) does not imply that the advertiser or the service or thing advertised is an affiliate of the major event;
- or
- (b) the person is acting with the written authorisation of the major event organiser; or
 - (c) the person has a reasonable excuse.
- (3) Subsection (1) does not apply if —
 - (a) the advertisement is of a class exempted from subsection (1) by the regulations; or
 - (b) the vehicle is of a class exempted from subsection (1) by the regulations.

65. Advertising on vessels

- (1) A person must not cause or permit an advertisement to be displayed on a vessel, or on a banner or other sign that is attached to or towed by a vessel, that —
 - (a) is within a major event area or a controlled area; or
 - (b) is visible from a major event area or a controlled area.

Penalty for this subsection: a fine of \$55 000.
- (2) A person does not contravene subsection (1) if —
 - (a) the advertisement —
 - (i) forms part of the normal markings or livery of the vessel; and
 - (ii) identifies the manufacturer of the vessel, or any part of the vessel, or a business or undertaking in connection with which the vessel is used; and

- (iii) does not imply that the advertiser or the service or thing advertised is an affiliate of the major event;
 - or
 - (b) the person is acting with the written authorisation of the major event organiser; or
 - (c) the person has a reasonable excuse.
- (3) Subsection (1) does not apply if —
 - (a) the advertisement is of a class exempted from subsection (1) by the regulations; or
 - (b) the vessel is of a class exempted from subsection (1) by the regulations.

66. Aerial advertising

- (1) A person must not display aerial advertising, or cause aerial advertising to be displayed, within sight of a major event area or a controlled area unless the display is in accordance with —
 - (a) the written authorisation of the major event organiser; or
 - (b) an event order under the *Major Events (Aerial Advertising) Act 2009* for another event.

Penalty for this subsection: a fine of \$250 000.

- (2) Subsection (1) does not apply to a person who flies an aircraft within sight of a major event area or controlled area —
 - (a) in an emergency; or
 - (b) if the aircraft is used for, or in the provision of, emergency services.
- (3) The *Major Events (Aerial Advertising) Act 2009* Part 3 and section 16 apply in respect of a contravention of this section in the same way as they apply in respect of a contravention of section 11 of that Act.

67. Broadcasting or recording major event

- (1) In this section —
broadcast means broadcast or transmit electronically or in any other way;
record means take a photograph or make an audio or visual recording.
- (2) A person must not broadcast or record a major event unless the person is acting with the written authorisation of the major event organiser.
Penalty for this subsection: a fine of \$55 000.
- (3) A person does not contravene subsection (2) if the person broadcasts or records the major event on a personal electronic device —
(a) for personal use; and
(b) for a purpose other than for profit or other commercial gain.

Part 7 — Use of official logos or titles

68. Declaration of official logo or official title

- (1) The regulations may declare the following —
 - (a) a logo as an official logo for a major event;
 - (b) a title as an official title for a major event.
- (2) A declaration ceases to have effect at the end of the major event period for the major event.

69. Major event organiser may authorise use of official logo or title

- (1) The major event organiser may, by notice in writing to a person, authorise the person to use an official logo or official title for the major event.
- (2) The notice must state the following —
 - (a) the official logo or official title to which the authorisation applies;
 - (b) the name of the person authorised to use the official logo or official title;
 - (c) any limitations to or conditions of the authorisation;
 - (d) the duration of the authorisation;
 - (e) the date on which the authorisation was given;
 - (f) any other matters required by the regulations.
- (3) The major event organiser must —
 - (a) establish and maintain a register of authorisations given under this section; and
 - (b) include in the register the matters referred to in subsection (2) in relation to each authorisation; and
 - (c) publish the register on its website and in any other manner required by the regulations.

70. Unauthorised use of official logo or official title

- (1) In this section —

deceptively similar, to an official logo or official title, means so nearly resembling the official logo or official title that it is likely to deceive or cause confusion.

- (2) A person must not, except in accordance with an authorisation given by the major event organiser under section 69(1), use an official logo or official title for a major event, or a logo or title that is substantially identical with, or deceptively similar to, an official logo or official title for a major event —

- (a) for a commercial purpose; or
- (b) to promote, advertise or market a thing or service; or
- (c) to suggest that the person, or a thing or service, is an affiliate of the major event when not an affiliate.

Penalty for this subsection: a fine of \$55 000.

- (3) A person does not contravene subsection (2) if the use is for, or incidental to —

- (a) giving information, including reporting news or current affairs; or
- (b) criticising or reviewing something, including in a newspaper, magazine, periodical, broadcast or film; or
- (c) giving professional advice; or
- (d) research or education.

- (4) An authorised officer may seize a thing displaying an official logo or official title for a major event, or a logo or title that is substantially identical with, or deceptively similar to, an official logo or official title for a major event, if the officer reasonably suspects that —

- (a) the thing is intended for sale or hire, or other commercial supply, exploitation or activity; and

s. 71

- (b) the use of the official logo or official title has not been authorised by the major event organiser.

71. Other remedies not affected

This Part does not affect or limit a civil right or remedy that exists apart from this Part, whether at common law or otherwise.

Part 8 — Authorised officers

Division 1 — Application of Part

72. Provisions apply if responsible authority specified for major event

This Part applies in relation to a major event if section 6 regulations specify a responsible authority for the major event.

Division 2 — Appointment of authorised officers

73. Appointment of authorised officers

- (1) A responsible authority for a major event may, by instrument in writing, appoint a person as an authorised officer for the major event.
- (2) An appointment has effect for —
 - (a) the period specified in the instrument of appointment; or
 - (b) if no period is specified, the major event period.
- (3) A responsible authority may appoint a person as an authorised officer only if —
 - (a) the person is eligible for appointment as an authorised officer under section 74; and
 - (b) the responsible authority is reasonably satisfied that the person is a suitable person to be appointed as an authorised officer and to perform the functions of an authorised officer, having regard to the following —
 - (i) the person's experience, expertise, training or qualifications;
 - (ii) any requirements specified in the regulations.
- (4) A person's appointment as an authorised officer ceases to have effect in the following circumstances —
 - (a) the responsible authority revokes the appointment;

- (b) the person resigns as an authorised officer;
- (c) the person ceases to be eligible for appointment as an authorised officer under section 74;
- (d) the period of appointment of the person as an authorised officer ends;
- (e) the major event period ends.

74. Eligibility for appointment as authorised officer

- (1) The following persons are eligible for appointment by a responsible authority for a major event as an authorised officer —
 - (a) a public service officer, but only with the consent of the officer's employing authority;
 - (b) a local government employee, but only with the consent of the local government CEO;
 - (c) an employee of the responsible authority;
 - (d) a person engaged under a contract for service by the responsible authority;
 - (e) a person employed by a person engaged under a contract for service by the responsible authority;
 - (f) any other person of a class prescribed by the regulations.
- (2) The regulations may specify further eligibility requirements for appointment as an authorised officer.
- (3) The appointment of a person as an authorised officer does not mean —
 - (a) that the *Public Sector Management Act 1994* Part 3 or any other written law applying to persons as public service officers applies to the authorised officer; or
 - (b) that the *Local Government Act 1995* Part 5 Division 4 or any other written law applying to local government employees applies to the authorised officer.

- (4) The appointment of a public service officer as an authorised officer does not affect —
- (a) the application to the authorised officer of the *Public Sector Management Act 1994* or any other written law applying to persons as public service officers that applied to the authorised officer at the time of appointment, including any code of conduct applicable to the public service officer; or
 - (b) the powers of an employing authority or State agency in relation to the public service officer.
- (5) The appointment of a local government employee as an authorised officer does not affect —
- (a) the application to the local government employee of the *Local Government Act 1995* or any other written law applying to persons as local government employees that applied to the authorised officer at the time of appointment, including any code of conduct applicable to the local government employee; or
 - (b) the powers of a local government CEO or local government in relation to the local government employee.
- (6) This section does not authorise a contravention of the *Security and Related Activities (Control) Act 1996*.

Note for this section:

The *Security and Related Activities (Control) Act 1996* Part 5 provides that persons who exercise crowd control functions must be licensed as crowd controllers under that Act. It also requires crowd controllers to be employed only by the holder of a crowd control agent's licence.

75. Restrictions on functions

The functions of an authorised officer in relation to a major event are subject to any limitations or conditions specified —

- (a) in the officer's instrument of appointment; or

- (b) in a notice in writing given to the officer by the responsible authority who appointed the authorised officer; or
- (c) in the regulations.

76. Identity cards

- (1) A responsible authority for a major event must give each authorised officer appointed by the responsible authority an identity card.
- (2) The identity card must —
 - (a) identify the person as an authorised officer; and
 - (b) contain a recent photograph of the person; and
 - (c) state an expiry date for the card; and
 - (d) contain any other matter required by the regulations.
- (3) When exercising a power as an authorised officer in relation to a person, the authorised officer must —
 - (a) produce the officer's identity card for the person's inspection; or
 - (b) have the identity card displayed so that it is clearly visible to the person when exercising the power.
- (4) A person must not, without reasonable excuse, fail to return the person's identity card to the responsible authority who appointed the person within 21 days after ceasing to be an authorised officer.

Penalty for this subsection: a fine of \$2 000.
- (5) This section does not apply to a police officer exercising the powers of an authorised officer.

Division 3 — Offences

77. Impersonating authorised officer

A person must not impersonate an authorised officer.

Penalty: a fine of \$10 000.

78. Obstruction of authorised officer

- (1) A person must not hinder or obstruct an authorised officer performing a function or exercising a power under this Act.

Penalty for this subsection: a fine of \$3 000.

- (2) A person does not contravene subsection (1) if the person has a reasonable excuse.

Part 9 — Ancillary provisions relating to powers of authorised officers

Division 1 — Moving vehicles or vessels

79. Application of Division

This Division applies if an authorised officer moves a vehicle or vessel, or authorises a vehicle or vessel to be moved, under a power conferred by section 21(1) or 36(1).

80. Police must be notified if vehicle or vessel is moved

- (1) An authorised officer must, as soon as practicable after a vehicle or vessel is moved, provide a police officer at the police station nearest to the place where the vehicle or vessel was found immediately before it was moved with the following information —
 - (a) the time and date on which the vehicle or vessel was moved;
 - (b) the address to which the vehicle or vessel was moved;
 - (c) identifying particulars of the vehicle or vessel (including the vehicle licence number, if applicable);
 - (d) any other information about the vehicle or vessel that the police officer reasonably requires.
- (2) This section does not apply to a police officer exercising the powers of an authorised officer.

81. Movement of vehicle or vessel

- (1) If an authorised officer moves a vehicle or vessel, or authorises a vehicle or vessel to be moved, to a public place where it is permitted to leave the vehicle or vessel, the authorised officer

must, as soon as practicable, provide the major event organiser with the following information —

- (a) the time and date on which the vehicle or vessel was moved;
 - (b) the address to which the vehicle or vessel was moved;
 - (c) identifying particulars of the vehicle or vessel (including the vehicle licence number, if applicable);
 - (d) any other information about the vehicle or vessel that the major event organiser reasonably requires for the purpose of giving a notice to collect to the owner of the vehicle or vessel.
- (2) If a vehicle or vessel is moved to storage, the vehicle or vessel must be moved to a place of storage that has been approved by the major event organiser.

82. Major event organiser must give notice to collect

- (1) Within 7 days after a vehicle or vessel is moved, the major event organiser must give a notice (a ***notice to collect***) to the owner of the vehicle or vessel.
- (2) A notice to collect must contain the following particulars —
 - (a) the time and date on which the vehicle or vessel was moved;
 - (b) the address to which the vehicle or vessel was moved;
 - (c) identifying particulars of the vehicle or vessel (including the vehicle licence number, if applicable);
 - (d) any moving fees that are payable to the major event organiser in respect of the vehicle or vessel;
 - (e) if the vehicle or vessel has been stored —
 - (i) the arrangements for collecting the vehicle or vessel from storage; and
 - (ii) the circumstances in which the vehicle or vessel may be disposed of by the major event organiser.

- (3) If the major event organiser is unable to identify or locate the owner of the vehicle or vessel within 7 days after it is moved, the major event organiser must cause the notice to collect to be published in a newspaper circulating in the area in which the vehicle or vessel was found immediately before it was moved.
- (4) The major event organiser is taken to have given the owner of the vehicle or vessel a notice to collect when it is published under subsection (3).
- (5) Subsection (3) does not apply if the major event organiser certifies in writing that, in its opinion, the vehicle or vessel has insufficient value to justify publishing the notice to collect.
- (6) A vehicle or vessel may be regarded as having insufficient value to justify publishing a notice to collect only if it has a value that is less than the prescribed value, calculated in the prescribed manner.

83. Disclosure of information

- (1) The Transport CEO may, on the request of the major event organiser, provide the major event organiser with any information held by the Transport CEO about a vehicle that is reasonably required to enable the major event organiser to give a notice to collect to the owner of the vehicle.
- (2) The Maritime CEO may, on the request of the major event organiser, provide the major event organiser with any information held by the Maritime CEO about a vessel that is reasonably required to enable the major event organiser to give a notice to collect to the owner of the vessel.

84. Major event organiser may charge moving fee

- (1) The major event organiser may charge a fee (a *moving fee*) to recover the reasonable expenses incurred by the major event organiser in relation to the following —
 - (a) moving a vehicle or vessel;

- (b) storing a vehicle or vessel;
 - (c) giving or publishing a notice to collect in respect of a vehicle or vessel.
- (2) The person liable for a moving fee is —
 - (a) the owner of the vehicle or vessel at the time and date that the vehicle is moved; or
 - (b) if the owner establishes that another person was in charge of the vehicle or vessel when it was left at the location from which it was moved — that other person.
- (3) The major event organiser may recover a moving fee from the person liable in a court of competent jurisdiction as a debt due to the major event organiser.
- (4) If a police officer exercising the powers of an authorised officer moves a vehicle or vessel or authorises a vehicle or vessel to be moved, the Commissioner of Police may charge a fee to the major event organiser to cover the reasonable expenses incurred by the Commissioner in moving the vehicle or vessel.
- (5) If an authorised officer who is not appointed by the major event organiser moves a vehicle or vessel or authorises a vehicle or vessel to be moved, the responsible authority that appointed the authorised officer may charge a fee to the major event organiser to cover the reasonable expenses incurred by the responsible authority in moving the vehicle or vessel.
- (6) A fee charged under subsection (4) or (5) is taken, for the purposes of subsection (1), to be a reasonable expense incurred by the major event organiser in moving a vehicle or vessel.

85. Storage of moved vehicles or vessels

- (1) The arrangements for storage of a vehicle or vessel that is moved to storage must comply with the requirements of any traffic and transport management plan for the major event.

- (2) Any person authorised by the major event organiser may drive, move, tow or otherwise convey a vehicle or vessel at the place where the vehicle or vessel is stored under the storage arrangements.
- (3) The major event organiser must make arrangements that enable the vehicle or vessel to be collected from storage by the owner during business hours.

86. Release of vehicle or vessel from storage

- (1) The major event organiser must ensure a vehicle or vessel is released to a person from storage if —
 - (a) the major event organiser is satisfied that the person is the owner of the vehicle or vessel; and
 - (b) the person collects the vehicle or vessel from storage in accordance with the arrangements advised by the major event organiser in a notice to collect within 2 months after the notice to collect is given to the owner.
- (2) The major event organiser may refuse to release a vehicle or vessel from storage until the major event organiser has been paid any moving fee payable in respect of the vehicle or vessel, even if the owner of the vehicle or vessel is not the person liable for the fee.
- (3) Payment of the moving fee extinguishes the liability of any person to the major event organiser for the fee.

87. Disposal of uncollected vehicles or vessels

- (1) The major event organiser may dispose of a stored vehicle or vessel —
 - (a) at the end of the period of 2 months beginning on the day on which the notice to collect is given to the owner; or
 - (b) if the major event organiser is unable to identify or locate the owner of a vehicle or vessel, and the major

event organiser certifies in writing that in its opinion a vehicle or vessel has insufficient value to justify publishing a notice to collect, at the end of the period of 2 months beginning on the day on which that opinion is certified.

- (2) The major event organiser may dispose of a stored vehicle or vessel —
 - (a) by selling the vehicle or vessel; or
 - (b) if the proceeds of sale are unlikely to cover the reasonable expenses that would be incurred by the major event organiser in selling the vehicle or vessel — in any way that the major event organiser considers appropriate.
- (3) If the major event organiser sells the vehicle or vessel, the buyer obtains good title to the vehicle or vessel if the buyer acquires it in good faith and without notice of any failure by the major event organiser to comply with this Act in relation to the moving, storage or sale of the vehicle or vessel.
- (4) If the vehicle or vessel is sold, the proceeds of sale must be applied as follows —
 - (a) first, in payment of the major event organiser's reasonable expenses in selling the vehicle or vessel;
 - (b) second, in payment of any moving fee owed to the major event organiser in respect of the vehicle or vessel;
 - (c) the balance (if any) after the payments referred to in paragraphs (a) and (b) must be paid to the owner of the vehicle or vessel.
- (5) The major event organiser may waive payment of all or any part of the expenses or fees referred to in subsection (4).
- (6) The payment of a moving fee, or any part of a moving fee, from the proceeds of sale of a vehicle or vessel extinguishes any

liability of a person to pay the major event organiser the fee or part of the fee.

- (7) If the major event organiser knows the identity, but not the whereabouts, of the owner of a vehicle or vessel, the money referred to in subsection (4)(c) must be paid to the Treasurer to be dealt with under the *Unclaimed Money Act 1990* as prescribed retained money.
- (8) If the major event organiser does not know the identity of the owner of a vehicle or vessel, the money referred to in subsection (4)(c) must be paid to the Treasurer and credited to the Consolidated Account.

Division 2 — Seized things

88. Application of Division

- (1) This Division applies if an authorised officer seizes a thing under section 61(7), 62(8) or 70(4).
- (2) This Division does not apply if a police officer exercising the powers of an authorised officer seizes a thing.

89. Terms used

In this Division —

person entitled to property has the meaning given in the *Criminal and Found Property Disposal Act 2006* section 3;

relevant offence means an offence under section 61(1), 62(1) or (2) or 70(2);

seized thing means a thing seized by an authorised officer under section 61(7), 62(8) or 70(4).

90. Receipt for seized things

- (1) An authorised officer must, as soon as practicable after seizing a thing, give the person who was in possession of the seized thing a receipt for the thing.

- (2) The receipt must include the following information —
- (a) a general description of the seized thing and its condition;
 - (b) the reason for the seizure;
 - (c) an explanation of the person's right to make an application to the appropriate court under the *Criminal and Found Property Disposal Act 2006* section 11 in respect of the seized thing;
 - (d) the address of the place where the seized thing will be held;
 - (e) the name of the authorised officer.
- (3) If a person in possession of a thing is not present when a thing is seized, the authorised officer may give a receipt for the thing —
- (a) by leaving it in a conspicuous position in a reasonably secure manner at the place where the thing was seized; or
 - (b) by leaving it with the owner of the premises in which the thing was seized.
- (4) A receipt may relate to more than 1 seized thing.

91. Seized things must be given to department or returned

An authorised officer must, as soon as practicable after seizing a thing —

- (a) give the seized thing to the chief executive officer of the department; or
- (b) return it to the person from whom it was seized.

92. Application of *Criminal and Found Property Disposal Act 2006*

- (1) The *Criminal and Found Property Disposal Act 2006* applies in respect of a seized thing that is in the department's possession.

- (2) For the purposes of the *Criminal and Found Property Disposal Act 2006* —
 - (a) the department is a prescribed agency; and
 - (b) a seized thing is taken to have been seized in the course of a criminal investigation by the department.
- (3) The chief executive officer of the department must, if practicable, allow a person who is otherwise entitled to possession of a seized thing to have reasonable access to the thing.

93. Compensation for seizure

- (1) A person entitled to property that is a seized thing is entitled to compensation from the major event organiser if proceedings for a relevant offence in respect of the seized thing —
 - (a) are not commenced within 12 months after the thing is seized; or
 - (b) are commenced within 12 months after the thing is seized but the proceedings are discontinued or the accused is found not guilty of the offence.
- (2) The person is entitled to compensation for any loss incurred by the person as a result of the seizure.
- (3) The loss incurred by the person must be calculated having regard to any entitlement of the person under the *Criminal and Found Property Disposal Act 2006*.
- (4) A person is not entitled to compensation under this section if the major event organiser establishes that the person's possession or use of the seized thing, immediately before its seizure, was unlawful (whether or not under this Act).

Note for this section:

The *Criminal and Found Property Disposal Act 2006* Part 5 provides for the release of seized property to a person entitled to the property when the State no longer has authority to retain the seized property.

Division 3 — Surrendered things

94. Application of Division

This Division applies if a thing is surrendered to an authorised officer exercising a power referred to in section 51(1).

Note for this section:

Section 99(5) extends the application of this Division to things seized by police officers in certain circumstances.

95. Terms used

In this Division —

person entitled, to a surrendered thing, means the person who surrendered the thing to an authorised officer;

surrendered thing means a thing surrendered to an authorised officer under section 51(1).

96. Storage and collection of surrendered things

- (1) The major event organiser must ensure that a surrendered thing is —
 - (a) stored at or near the major event area where the thing is surrendered in accordance with any directions made by the Minister and given to the major event organiser; and
 - (b) returned to the person entitled to the surrendered thing on request when the person leaves the major event area or within 28 days after the thing is surrendered.
- (2) A surrendered thing that is not collected by a person when the person leaves a major event area must be stored by the major event organiser until whichever of the following happens first —
 - (a) the person entitled to the surrendered thing requests return of the thing;
 - (b) the expiration of 28 days after the thing is surrendered.

- (3) If a surrendered thing is not collected by the person entitled to it within 28 days after surrendering it, the major event organiser may dispose of the thing, whether by selling it or otherwise.
- (4) Despite subsection (2), the major event organiser may destroy a surrendered thing at any time after the end of the day on which the thing was surrendered if —
 - (a) the thing is likely to perish before it can be disposed of under subsection (3); or
 - (b) it would be dangerous to keep the thing until it can be disposed of under subsection (3).
- (5) This section does not apply to a surrendered thing that is a firearm, a prohibited weapon, a controlled weapon or an explosive.

97. Firearms, prohibited weapons, controlled weapons and explosives

- (1) The major event organiser must cause any surrendered thing that is a firearm, a prohibited weapon, a controlled weapon or an explosive to be given to a police officer as soon as practicable and no later than 24 hours after it is surrendered.
- (2) The *Criminal and Found Property Disposal Act 2006* applies to and in relation to any surrendered thing that is given to a police officer under this section as if it were seized property seized in the course of a criminal investigation by the Police Force.

Part 10 — Miscellaneous

98. Police officer may exercise powers of authorised officers

- (1) A police officer may exercise all of the powers of an authorised officer in relation to a major event.
- (2) A provision of this Act that applies if an authorised officer exercises a power under this Act also applies if a police officer exercises the power of the authorised officer, except where the contrary is indicated by this Act.
- (3) The *Criminal Investigation Act 2006* Part 2 applies, with any necessary modifications, to a police officer exercising a power under this Act in the same way as it applies to a police officer exercising a power in that Act.
- (4) A police officer exercising a power under this Act must, if requested by a person in relation to whom the power is exercised, give the person the police officer's official details (as defined in the *Criminal Investigation Act 2006* section 3(1)).
- (5) This section —
 - (a) applies whether or not there is a responsible authority for a major event; and
 - (b) authorises a police officer to exercise a power conferred on an authorised officer by a provision of Part 3, 4, 5 or 6 only if section 6 regulations apply that provision to the major event; and
 - (c) does not limit any powers a police officer has under any other written law.

99. Police powers to seize and examine things

- (1) Terms used in this section have the same meaning as they have in the *Criminal Investigation Act 2006*.

s. 100

- (2) A police officer may seize a thing relevant to an offence that is found by, or surrendered to, an authorised officer or a police officer exercising a power conferred by this Act.
- (3) A police officer may do a forensic examination on a thing relevant to an offence that is found by, or surrendered to, an authorised officer or a police officer exercising a power conferred by this Act, whether or not the police officer seizes it.
- (4) A police officer may, after seizing or doing a forensic examination on a thing —
 - (a) return the thing to the person who was in possession of the thing immediately before it was found or surrendered; or
 - (b) give it to an authorised officer or the major event organiser to be dealt with under Part 9 Division 3; or
 - (c) otherwise deal with it in accordance with law.
- (5) Part 9 Division 3 extends to a thing seized by a police officer that is given to an authorised officer or the major event organiser under subsection (4)(b) as if the thing were a surrendered thing that was surrendered to an authorised officer by the person from whom it was seized on the date of seizure.
- (6) Subject to subsection (4), the *Criminal Investigation Act 2006* applies to and in respect of the seizing and forensic examination of things by police officers exercising powers under this Act in the same way as it applies to police officers exercising powers under that Act.

100. Court may order forfeiture, destruction and disposal of things

- (1) A court that convicts a person of an offence under section 61(1), 62(1) or (2) or 70(2) may, in addition to any other penalty imposed, make an order for the forfeiture to the State, or the destruction or disposal, of a thing if the court is satisfied that the

thing was the subject of, used in, or otherwise involved in, the commission of the offence.

- (2) The *Criminal and Found Property Disposal Act 2006* applies to a thing forfeited to the State under a court order under subsection (1).

101. Directions to major event organiser

- (1) The Minister may give the major event organiser a written direction to do, or refrain from doing, anything necessary for the running of a major event.
- (2) The major event organiser must comply with the direction.

102. Major event organiser may be required to erect signs

- (1) The regulations may require a major event organiser to erect signs in or at the entrance to a major event area that describe the powers that authorised officers or police officers have under this Act in the major event area.
- (2) The regulations may require a major event organiser to erect signs in or at the entrance to a controlled area that describe the powers that authorised officers or police officers have under this Act in the controlled area.

103. No liability in nuisance

An activity carried out within a major event area by, or with the approval of, the major event organiser during the major event period does not constitute a nuisance.

104. Protection from tortious liability

- (1) In this section —
State representative means any Minister, officer, employee or agent of the State.

s. 104

- (2) In this section, a reference to the doing of anything includes a reference to an omission to do anything.
- (3) An action in tort does not lie against a State representative for anything that the State representative has done, in good faith, in connection with —
 - (a) the administration or purported administration of this Act; or
 - (b) the performance or purported performance of a function under this Act; or
 - (c) a major event or any works authorised or carried out for the purposes of a major event.
- (4) The protection given by subsection (3) applies —
 - (a) even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted; and
 - (b) in the case of a thing done by an authorised officer who is a public service officer — even if the responsible authority that appointed the authorised officer is not a State agency.
- (5) The State is also relieved of any liability that it might otherwise have had —
 - (a) for a State representative having done anything to which the protection given by subsection (3) applies; and
 - (b) for anything done in connection with a major event or any works authorised or carried out for the purposes of a major event, whether by the major event organiser or otherwise.
- (6) Subsection (5) does not apply to anything done that causes personal injury to a person or the death of a person.
- (7) This section does not affect —
 - (a) liability of the major event organiser; or

- (b) liability of the State if the major event organiser is a State representative; or
 - (c) liability under an indemnity given, or other agreement made, by the major event organiser or the State that expressly relates to a major event.
- (8) For the purposes of this section —
- (a) a person appointed as an authorised officer who is not a public service officer at the time of appointment does not become a State representative by reason of —
 - (i) that appointment; or
 - (ii) anything in or done under this Act; or
 - (iii) the performance or purported performance of a function under this Act;and
 - (b) the major event organiser does not become a State representative by reason of —
 - (i) being prescribed as the major event organiser by section 6 regulations; or
 - (ii) anything in or done under this Act; or
 - (iii) the performance or purported performance of a function under this Act.

105. Powers and duties of responsible authority

- (1) An employing authority of a State agency may exercise or perform any power or duty of the State agency as a responsible authority for a major event under this Act.
- (2) A local government CEO may exercise or perform any power or duty of the local government as a responsible authority for a major event under this Act.

106. Delegation by chief executive officers and employing authorities

- (1) A chief executive officer or employing authority of a State agency may delegate to a public service officer any power or duty of the chief executive officer or employing authority under another provision of this Act.
- (2) A local government CEO may delegate to a local government employee any power or duty of the local government CEO under another provision of this Act.
- (3) A delegation under subsection (1) or (2) must be in writing signed by the person making the delegation.
- (4) A person to whom a power or duty is delegated under subsection (1) or (2) cannot delegate that power or duty.
- (5) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this section limits the ability of a person to perform a function through an officer or agent.

107. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to this Act.
- (2) Before any of the following regulations are made, the Minister must recommend the making of the regulations concerned —
 - (a) section 6 regulations (including regulations that amend section 6 regulations);

- (b) section 14 regulations (including regulations that amend section 14 regulations).

Note for this subsection:

Sections 12 and 13 set out the circumstances in which the Minister may recommend the making of section 6 regulations and section 15 sets out the circumstance in which the Minister may recommend the making of section 14 regulations.

- (3) The regulations may provide that contravention of a regulation is an offence, and provide, for an offence against the regulations, a penalty not exceeding a fine of \$5 000.

108. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Part 11 — Transitional provision

109. Consultation undertaken before commencement day

- (1) In this section —
commencement day means the day on which section 6 comes into operation.
- (2) Any consultation about proposed section 6 regulations undertaken by a Minister before commencement day is taken to be consultation for the purposes of section 13 by the Minister to whom the administration of section 13 is committed.
- (3) This section applies whether or not the administration of section 13 is committed to the Minister who undertakes the consultation.
- (4) This section does not limit the operation of the *Interpretation Act 1984* section 25.

Part 12 — Amendments to other Acts

110. *Health (Miscellaneous Provisions) Act 1911* amended

- (1) This section amends the *Health (Miscellaneous Provisions) Act 1911*.
- (2) After section 175 insert:

175A. Chief Health Officer may act in relation to major event

- (1) In this section —
major event and *major event area* have the meanings given in the *Major Events Act 2023* section 4.
- (2) The Chief Health Officer may exercise and perform any of the powers or duties of a local government under this Part in relation to the construction, extension or alteration of a public building in a major event area for the purpose of a major event.

111. *Major Events (Aerial Advertising) Act 2009* amended

- (1) This section amends the *Major Events (Aerial Advertising) Act 2009*.
- (2) After section 11(2) insert:
 - (2A) Subsection (1) does not apply to a display of aerial advertising if —
 - (a) the aerial advertising is displayed in relation to a major event (as defined in the *Major Events Act 2023* section 4); and
 - (b) the aerial advertising is displayed during a period in which the *Major Events Act 2023*

s. 112

section 66 applies to the major event and within sight of an area to which that section applies; and

- (c) the display is in accordance with the written authorisation of the major event organiser (as defined in the *Major Events Act 2023* section 4).

112. *Public Order in Streets Act 1984* amended

- (1) This section amends the *Public Order in Streets Act 1984*.
- (2) In section 9A(2):
 - (a) in paragraph (b) delete “1974.” and insert:

1974; or
 - (b) after paragraph (b) insert:
 - (c) the holding or conduct of a major event (as defined in the *Major Events Act 2023* section 4) on a road closed under the *Major Events Act 2023* section 26(1).

113. *Unclaimed Money Act 1990* amended

- (1) This section amends the *Unclaimed Money Act 1990*.
- (2) After section 9(1)(h) insert:
 - (i) is money that under the *Major Events Act 2023* section 87(7) is, or must be, paid to the Treasurer;

Schedule 1 — Legislation that may be suspended or modified in relation to a major event

[s. 14]

Arts and Culture Trust Act 2021

Building Act 2011

Environmental Protection Act 1986, any provisions relating to
noise (as defined in section 3(1) of that Act) or electromagnetic
radiation that is visible light

Heritage Act 2018 Part 5

Jetties Act 1926

Land Administration Act 1997 Parts 4 and 5

Local Government Act 1995 Parts 3 and 9

Planning and Development Act 2005

Public Transport Authority Act 2003

Road Traffic Act 1974

Road Traffic (Administration) Act 2008

Road Traffic (Authorisation to Drive) Act 2008

Road Traffic (Vehicles) Act 2012

Shipping and Pilotage Act 1967

Western Australian Marine Act 1982

Western Australian Sports Centre Trust Act 1986

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Notes

This is a compilation of the *Major Events Act 2023*. For provisions that have come into operation see the compilation table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Major Events Act 2023</i>	12 of 2023	22 May 2023	Pt. 1: 22 May 2023 (see s. 2(a)); Act other than Pt. 1: 23 May 2023 (see s. 2(b))

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
aerial advertising	4
affiliate	4
authorised officer	4
broadcast	67(1)
CASA	48(1)
commencement day	109(1)
Commissioner of Police	4
Commonwealth Air Navigation Regulations	48(1)
controlled area	4
controlled weapon	4
control period	4
deceptively similar	70(1)
department	4
direction to leave	4, 57(1)
drive	4
emergency vehicle	4
emergency vessel	4
employing authority	4
entry ban	4, 58(1)
explosive	4
firearm	4
inspect	4
liquor	4
local government CEO	4
local government employee	4
logo	4
major event	4
major event area	4
major event lane	4
major event lane notice	4, 30(1)
major event lane permit	4, 31(1)
major event organiser	4
major event period	4
Maritime CEO	4
moving fee	4, 84(1)
notice to collect	4, 82(1)
occupant's pass	4, 40(1)
occupier	4
official logo	4
official title	4

Defined terms

owner	4
personal details	4
person entitled	89, 95
place	4
planning Act	20(1)
planning authority	20(1)
pre-works condition	22(1)
prohibited item	4
prohibited weapon	4
public place	4
reasonably suspects	4
record	67(1)
relevant offence	89
responsible authority	4
restricted area	48(1)
road	4
road closure	4
section 14 regulations	4
section 6 regulations	4
security scan	4
seized thing	89
sell	4
State agency	4
State air navigation	48(1)
State land	4
State representative	104(1)
surrendered thing	95
temporary works	4
temporary works approval	4, 17(1)
traffic and transport management plan	4
Transport CEO	4
vehicle	4
vessel	4
WA event venue	4
WA event venue controller	4
waters	28(1)
weapon	4