

Major Events Bill 2014

Explanatory Notes

Short title

The short title of the Bill is the *Major Events Bill 2014*.

Policy objectives and the reasons for them

Major events are a significant contributor to the state's economy in terms of bringing both business investment and visitors to Queensland. Major events bring life and vibrancy, encourage community engagement and participation, and provide opportunities for Queensland to showcase a broader range of its assets to the rest of Australia, and the world. Leveraging off major events can increase tourism, create jobs and contribute millions of dollars to the Queensland economy.

The policy objective of the Bill is to provide a generic legislative framework that can be used for the conduct of major events across Queensland. This includes the Gold Coast 2018 Commonwealth Games, 2015 Asian Cup, V8 Supercars motor racing events, and other major events Queensland may decide to host in the future.

A range of Queensland legislation currently used for major events will be consolidated into the Bill. This provides for a more efficient and streamlined framework and reduces red tape and regulatory duplication.

A more efficient model and streamlining of approval processes will provide event organisers with a "One-Stop Shop" for major events. It also puts Queensland on an equal footing with other Australian jurisdictions that have similar legislative frameworks in place.

A generic model provides ongoing red tape reduction by alleviating the need for further event-specific legislation to be drafted for future major events held in Queensland.

Achievement of policy objectives

The Bill will achieve its objectives by providing a single Act containing a range of provisions applicable to major events. A regulation made under the principal Act can declare a major event and identify which particular provisions of the legislation are to apply to the event. This enables government to scale the legislative protections to the particular requirements of the event (which are agreed to by government during the bidding process). While the Gold Coast 2018 Commonwealth Games would require the full suite of the legislation, other major events such as V8 Supercars will require fewer provisions to be invoked.

The Bill provides for:

- Declaration of a major event, a major event area and the organisers of an event.
- Transport management – including major event lanes, temporary road closures and removal of vehicles and vessels.
- Commercial protections to assist organisers to stage an event – including prohibiting street trading in the vicinity of venues, ticket scalping, ambush marketing by intrusion, unauthorised broadcasting, and certain advertising (including aerial advertising, and advertising on buildings and vessels).
- Registration exemptions for visiting health practitioners.
- Crowd and safety powers – including control of entry into and prohibiting certain items from major event areas, and police and authorised person powers to control anti-social behaviour and ensure the safety of patrons.

The Bill also cuts red tape and regulatory duplication across government by:

- Repealing the *Motor Racing Events Act 1990*;
- Repealing the *Health Practitioners (Special Events Exemption) Act 1998*; and
- Omitting Chapter 19, Part 2 of the *Police Powers and Responsibilities Act 2000*.

Alternative ways of achieving policy objectives

Legislation is required to meet contractual commitments government has made to host the Gold Coast 2018 Commonwealth Games and the 2015 Asian Cup. Legislation is also required for the V8 Supercars motor racing events. As a result, non-legislative options are not feasible.

Developing event-specific legislation, as required, for particular major events is an alternative way of achieving the policy objectives. However, this option was rejected as considerable duplication of effort would be required.

A generic model has been adopted because it:

- Removes regulatory duplication and red tape that currently exists;
- Provides ongoing improvements in government administration and support for major events;
- Provides an efficient model for organisers; and
- Increases the ability for Queensland to compete in the limited pool for major events with other Australian States and Territories that have similar frameworks in place.

Estimated cost for government implementation

There will be no appreciable cost to Government in relation to the implementation of this Bill.

Consistency with fundamental legislative principles

Potential breaches of fundamental legislative principles and the reasons for them are outlined below.

Legislation to have sufficient regard to the institution of Parliament

The *Major Events Bill 2014* contains a range of provisions applicable to major events. Under the Bill, a regulation may be made to prescribe a major event and identify which particular provisions of the legislation are to apply to the event. This will enable government to scale the legislative protections to the particular requirements of the event.

The legislative powers are contained in the Bill, with the regulation triggering particular provisions of the Bill for a prescribed major event. Similar models already exist under the *Motor Racing Events Act 1990*, the *Health Practitioners (Special Events Exemption) Act 1998*, and Chapter 19, Part 2 of the *Police Powers and Responsibilities Act 2000*. The Bill will repeal and replace this legislation.

The Bill contains a range of consultation requirements before a major event may be prescribed. This includes consulting with a range of public authorities and local councils. The Minister is also required to consider a range of criteria before recommending the Governor in Council prescribe a major event. The criteria relates to the size of the major event and the likely economic benefits it will deliver to ensure that it is in the public interest to prescribe the event.

This generic model provides Government with the opportunity to reduce regulatory duplication by having one principal Act to be used for a range of major events and is central to the policy rationale for this Bill.

In addition, regulations prescribing major events would be subject to the disallowance procedures provided under the *Statutory Instruments Act 1992*, therefore sufficient regard to the institution of Parliament is provided for in this regard.

Legislation to provide for delegation of administrative power in appropriate cases

The Bill provides for the designation of a *major event organiser*, allowing the organiser to perform certain functions to facilitate and deliver the declared major event. The Bill also provides the major event organiser with the ability to appoint *authorised persons*, who will have a range of powers to enforce various provisions of the Bill. Under the Bill, both the major event organiser and authorised officers could be private sector entities or individuals.

The major event organiser for the Gold Coast 2018 Commonwealth Games will be the Gold Coast 2018 Commonwealth Games Corporation – a statutory body. However, in the case of the V8 Supercars Motor Racing events, the major event organiser will be a private sector entity. The Motor Racing Events Act currently operates on a similar basis where a promoter (also a private sector entity) is declared and given various powers to deliver the event.

Given the delegation of administrative power is required to enable the major event organiser to stage the event (and that Government has made a conscious decision to prescribe the event and the event organiser to enable the delivery of the event), it is considered that the delegation is appropriate in this regard.

The delegation of some administrative powers to major event organisers is also balanced with the ability for the Minister to direct the major event organiser. Under the Bill, the major event organiser is bound to comply with a direction given by the Minister. This provides the Minister with the ability to direct the major event organiser if the Minister forms the view that doing so is in the best interests of the State.

As mentioned above, the Bill also provides for the appointment of authorised persons to enforce various provisions of the legislation. This is based on the approach that is currently contained in both the Police Powers and Responsibilities Act and the Motor Racing Events Act.

Under the Bill, police officers are automatically appointed as authorised persons if the authorised persons provisions in the Bill are triggered by a regulation. In addition, other persons (including public service employees, private contractors or appropriately trained volunteers) may also be appointed. This approach allows for flexibility in enforcement options for a major event, and helps free up valuable police resources for where they are needed most – with authorised persons able to perform duties such as bag checks or directing persons within a major event area.

A major event organiser will be required to provide each authorised person who is not a police officer with an identification card which describes the powers that the person is authorised to exercise under the legislation.

The Bill includes some safeguards. For example, only a police officer can use reasonable force. In addition, a person can only be appointed as an authorised person if they have the necessary experience, expertise or training to carry out the functions of the training. The relevant training requirements for authorised persons can be stipulated in the regulation that is declaring the major event. While a major event organiser may administratively appoint an authorised person, Government retains the ability to prescribe experience, expertise and training requirements in the regulation that must be met before the major event organiser can appoint a person as an authorised person.

Therefore the Bill provides for the delegation of administrative power in appropriate cases.

Legislation to have sufficient regard to the rights and liberties of individuals

The Bill has the potential to impact on the commercial activities of persons who work or conduct business in a prescribed major event area. Relevant provisions include prohibiting trading on roads and in public places and prohibitions on unauthorised advertising both in airspace and places near major event areas that are prescribed as controlled areas.

These provisions prohibit activity by a third party that seeks to benefit from the goodwill or increased interest in a major event, without paying for the privilege of becoming an official sponsor. Without them, the official sponsorship model would be undermined by allowing third parties to affiliate themselves with a major event without paying for the privilege. The effects of this would have a significant impact on major events and their feasibility. Losses in revenue would have to be recovered from other sources such as increased ticket prices, or result in reduced event budgets which would impact on the overall delivery of the event.

The Bill contains a range of safeguards in relation to commercial activities including providing for authorised uses of official logos and titles, authorised advertising (including aerial advertising) and authorised street trading. In addition the Bill provides that the regulation can prescribe types of trading and advertising that are permissible. The advertising restrictions also contain a range of safeguards, which include that they do not apply if the:

- advertisement is covered; or
- advertising was displayed before the major event period, was displayed in the course of ordinary activities, and does not imply that the advertiser is a sponsor of the major event.

The Bill consolidates a range of relevant provisions relating to safety and crowd management for major events that are currently in Chapter 19, Part 2 of the Police Powers and Responsibilities Act and the Motor Racing Events Act. Some of the provisions in the Bill that relate to crowd and safety powers have the potential to impact on the rights and liberties of individuals, particularly within the prescribed major event area. However, these provisions are required to enable a major event to be staged effectively and to ensure the safety and security of patrons. Ensuring the safety and security of patrons will help establish and maintain Queensland's reputation as a major event destination and assist in managing anti-social behaviour.

The Bill provides that an authorised person may request a person to undergo a search as a condition of entry to a major event area. A search of a person would be similar to a search conducted prior to a person being permitted to enter a departure area at an airport. It is non-intrusive and does not affect the dignity of a person. Searches are necessary to ensure that prohibited items are not brought into a major event area. A person must consent to this search. Failure to comply with a request for a search is not an offence. However, a person who refuses such a request can be refused entry to the major event area and directed not to re-enter the major event area for 24 hours.

The Bill prohibits a range of conduct within a major event area, which includes offering a service, soliciting money, touting for business, distributing a document, busking and erecting a tent or other temporary structure. These prohibitions will help prevent persons from seeking to exploit a major event for their own gain. They are also intended to maintain the amenity of the major event area and ensure patrons are able to enjoy the event.

The Bill will also help prevent certain items from being taken into the major event area. Items that will be prohibited are those that can cause harm to other attendees or otherwise have a likely detrimental impact on the major event, and patrons' enjoyment of the event. Prohibitions for animals being taken into the major event area do not apply to guide, hearing or assistance dogs; and person's pets if the person lives in the major event area.

The Bill provides that an authorised person may direct a person to leave a major event area. However, this power is limited to a range of circumstances such as if the person is committing an offence, appears drunk or adversely affected by a drug, does not consent to search before entering a major event area, or does not produce a ticket or other evidence of their right to be in the major event area. A person who does not follow a direction to leave a major event area commits an offence. Only a police officer may use reasonable force to remove the person from the major event area.

The Bill also contains a range of exemptions in relation to noise, light and nuisance. These provisions are currently contained in the Motor Racing Events Act, and are required for a declared major event to occur (e.g. otherwise noise restrictions could prevent a declared motor racing event from taking place). These provisions only come into effect during the declared major event period. Therefore their impacts are not ongoing. In addition, consultation and communication strategies with affected parties can be used to inform and minimise impacts, thus ensuring that sufficient regard to the rights and liberties is provided for in this regard.

Legislation does not confer immunity from proceeding or prosecution without adequate justification

The Bill provides that compensation is not payable by or for the State for an act or omission that is a major event related matter, or any activity associated with a major event other than:

- An act or omission causing personal injury or death;
- An act or omission done in the absence of good faith or negligently; and
- When an agreement between the State and a major event organiser provides for the State to take liability.

As the State is usually not the entity staging the event, it is considered appropriate that liability remain with a major event organiser, except for the above cases. The proposal is considered to be justified in this regard.

It should be noted that when a state employee is performing the duties of an *authorised person* as part of their public service or police service employment, they will be covered by the civil liability provisions in the *Public Service Act 2008* or the *Police Service Administration Act 1990* respectively.

Consultation

The Gold Coast 2018 Commonwealth Games Corporation, the Australian Commonwealth Games Association, Tourism and Events Queensland, Stadiums Queensland, the Local Government Association of Queensland and the Chamber of Commerce and Industry Queensland were consulted.

In addition, consultation was undertaken with local councils who will be directly impacted by the Bill as the V8 Supercars motor racing events and/or the Commonwealth Games events will be taking place within their local authorities. The local councils included the City of the Gold Coast, Brisbane City Council, Townsville City Council and Cairns Regional Council.

Consultation has taken place with the Major Sporting Events Taskforce in the Federal Department of Health. The Civil Aviation Safety Authority was also consulted in relation to the control of airspace provisions contained in the Bill.

Consistency with legislation of other jurisdictions

A range of existing legislation in other jurisdictions was considered during the development of this Bill.

Similar major events legislation is in force in other Australian jurisdictions, including the:

- *Major Events Act 2009* (New South Wales);
- *Major Sporting Events Act 2009* (Victoria); and
- *Major Events Act 2013* (South Australia).

In addition, legislation developed for particular Commonwealth Games used in other jurisdictions was also considered including:

- *Commonwealth Games Arrangements Act 2001* (Victoria); and
- *Glasgow Commonwealth Games Act 2008* (Scotland).

Clause 91 of the Bill includes a displacement provision for the *Corporations Act 2001* to avoid any direct inconsistencies between the corporations legislation and clause 91 of this Bill.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that, when enacted, the Bill will be cited as the *Major Events Act 2014*.

Clause 2 provides that the Act commences on 1 January 2015.

Clause 3 details the main purposes of the Act.

Clause 4 provides that the Act will apply to all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States. However the State of Queensland, the Commonwealth or another State can not be prosecuted for an offence against this Act.

Note: By virtue of section 33A of the *Acts Interpretation Act 1954*, a reference to a State as referred to above includes a reference to the Australian Capital Territory and the Northern Territory.

Clause 5 provides for the Act to apply inside Queensland, and outside Queensland to the full extent of the extraterritorial legislative power of the Parliament of Queensland.

Part 2 Definitions

Clause 6 notes that particular words used in the Bill are contained in the dictionary in Schedule 2 of the Bill.

Clause 7 provides that major events are events prescribed by regulation. Activities directly associated with the major event can also be included as a prescribed major event for the purposes of this Bill. Examples include a test run for the event, qualifying rounds of a motor race, and a concert held in association with the major event.

Clause 8 provides that the major event organiser for a major event is the person prescribed by regulation as the major event organiser of the major event.

Clause 9 provides that a major event area is the area that a major event is to be held. This would generally be the venue or facility used for the conduct of the major event, but it can also include:

- A public place where the major event will be shown on a screen for viewing by members of the public;
- A media centre or other communications facility for the media for a major event; and
- Physical infrastructure used for the major event.

A major event area must be prescribed by regulation and shown on a map in the regulation.

Clause 10 provides that the major event period is the period of time prescribed by regulation for the major event to take place.

Clause 11 provides that a controlled area for a major event is an area near a prescribed major event area that is prescribed by regulation.

Part 3 Prescribing major events

Clause 12 provides for the Governor in Council, on the recommendation of the Minister, to prescribe an event as a major event. The regulation must also prescribe the major event organiser, major event area, major event period and which provisions of the Bill are to apply to the major event.

The regulation may also prescribe a controlled area for the major event, the control period, and the provisions of the Bill that apply to the controlled area and the period when those provisions apply.

Prescribing a major event by regulation is the only method to activate the legislation, which ensures that it is only used to meet specific commitments Government has made to host a major event and/or when Government makes a conscious decision to activate the legislation. This enables Government to scale the legislative protections to the particular requirements of the event. For example, while the Gold Coast 2018 Commonwealth Games may require the full suite of legislation, other major events may only require fewer provisions to be triggered.

Clause 13 requires the Minister to consult with other relevant Ministers before recommending that the Governor in Council prescribe a major event, if this will impact on another portfolio. It also requires the Minister to consult with directly affected local councils if a major event is being considered that is within their local government area. Other public authorities may also be consulted. These requirements are intended to ensure that comprehensive consultation is undertaken before a major event is prescribed.

This clause also provides that prior to recommending to the Governor in Council that a major event be prescribed, the Minister must be reasonably satisfied that the event is a large State, national or international sporting or cultural event and it is in the public interest for the Governor in Council to prescribe the major event. The Bill provides a range of criteria which may be considered in making the decision.

Part 4 Carrying out works for major events

Division 1 Carrying out works in declared construction area

Clause 14 provides that the Minister may, by gazette notice, declare an area that is proposed to be a major event area as a declared construction area. Details of the declared construction area must be published in a newspaper, and if the declared construction area is identified by a map or a plan, then this map or plan must be displayed on the department's website. A regulation that prescribes a major event area may include some or all of a declared construction area in the major event area.

Clause 15 provides that the Minister may authorise a person to enter a declared construction area to perform works, maintenance on the works, or other associated activities, for a major event. The person can only perform these works if acting in accordance with the Minister's authorisation; or if the entity that owns, occupies or controls the land agrees.

The clause also provides for the land to be returned to the condition it was in prior to the works being carried out as soon as reasonably practicable after the construction period. Improvements to the land may be agreed to with the owner, occupier or controller of the land as part of this process.

Division 2 Temporary works and maintenance in major event area

Clause 16 will enable temporary works and maintenance (such as erecting a temporary grandstand) on public land that will become the major event area to be performed by the major event organiser. This work is limited to a period prescribed in the regulation, and enables the works and maintenance to be performed for a major event.

Prior to work commencing under this clause, a notice must be published in a newspaper. In addition, work can only be performed under this clause if it is in accordance with the Minister's authorisation; or if the entity that owns, occupies or controls the land agrees.

Vehicles may be moved by authorised persons to enable the major event organiser to carry out works under this clause.

The clause also provides for the land to be returned to the condition it was in prior to the works being carried out as soon as reasonably practicable after the construction period. Improvements to the land may be agreed to with the owner, occupier or controller of the land as part of this process.

Part 5 Major event provisions

Division 1 When part applies

Clause 17 provides for a provision of this part that is prescribed by regulation to apply to the major event for the major event period, or a shorter period of time prescribed by regulation.

Division 2 People and vehicles in major event area

Subdivision 1 Crowd and safety powers

Clause 18 contains requirements about entering and exiting major event areas. Penalties apply to persons who do not follow these requirements. However, it also provides for the "reasonable excuse defence" to apply to these entry and exit requirements.

This clause also provides that an authorised person may request a person entering a major event area to consent to any of the following:

- The use of an electronic device including a metal detector on the person and/or their possessions.
- A search of articles in the person's possession.

- Removal of the person's overcoat, coat, jacket or similar item of clothing and any gloves, shoes or hat (or other headwear).
- If the person enters a major event area in a vehicle – a search of the vehicle.

Failure to comply with a request to search under this clause is not an offence. However, a person who refuses such a request can be directed to leave the major event area under clause 26 and directed not to re-enter the major event area for 24 hours.

Clause 19 provides for the issue of occupant's passes by major event organisers, which may be applied for by persons who live, work or have a business within the major event area.

Clause 20 relates to conduct while entering or within a major event area. It lists items that may be prohibited from being taken into the major event area. Prohibitions for animals being taken into the major event area do not apply to guide, hearing or assistance dogs; and persons' pets if the person lives within the major event area. Penalties apply to persons who do not follow these requirements. These restrictions do not apply to police officers performing their duties.

The clause creates an offence for persons who light an explosive device, flare or other distress signal within a major event area.

This clause also provides that a person must not throw any object that could injure a person, damage property or disrupt the event including an explosive, a flare or other distress signal. More severe penalties apply to flares and similar explosive devices that are thrown due to the higher level of risk they pose. This provision does not apply to performers or participants, or a spectator who returns an object in a way that is not intended to contravene this clause.

A range of provisions relating to a person's conduct within the major event area are also contained in this clause. These provisions relate to preventing persons from seeking to exploit a major event for their own gain and impacting on the amenity of the major event area and other person's enjoyment at the major event.

Clause 21 provides that persons must not enter restricted areas unless they are authorised in writing to enter by the major event organiser or by Stadiums Queensland for major sports facility land, are a performer or participant in the major event, or are involved in the preparation of the major event. Penalties apply to persons who do not follow this clause.

Clause 22 relates to entering onto a playing field or competition or performance area for a major event. It contains separate offences for:

- Entering onto a playing field, or a competition or performance area; and
- Obstructing a performer or participant who is participating in the major event.

The latter offence attracts a more significant penalty due to the inconvenience and disruption caused to the major event and the level of risk on the performer or participant of the major event if they are interfered with.

Clause 23 relates to persons bringing liquor into a major event area. It provides that a person must not bring liquor into a major event area, unless for sale or supply under the *Liquor Act 1992*. It also provides that persons must only sell, supply or consume liquor in accordance with the *Liquor Act 1992*.

Penalties apply to persons who contravene clause 23. However, a person does not commit an offence under this provision if the person supplies or consumes liquor in a place the person lives in, or accommodation the person is staying in, within the major event area.

Clause 24 provides that an authorised person may ask a person who is inside a major event area to produce a ticket entitling the person to be in the major event area or the part of the major event area, or other evidence of their right to be in the major event area or part of the major event area. Examples of evidence include an occupant's pass or an authorisation from the major event organiser.

Clause 25 provides that an authorised person may ask a person to consent to opening a bag, container or other thing in possession of the person, or allow the authorised person to inspect it. Failure to comply with a request to search under this clause is not an offence. However, a person who refuses such a request can be directed to leave the major event area and directed not to re-enter the major event area for 24 hours.

Clause 26 provides that an authorised person may direct a person to leave a major event area. A person commits an offence if they do not comply with this direction. This clause provides that the major event organiser may ban the person from re-entering the major event area for a time up to the end of the major event period. A major event organiser may take a photograph or other image of the person to effect the banning of a person from a major event area.

If a person fails to comply with a direction under this clause, a police officer may use reasonable force to remove the person from the major event area.

Subdivision 2 Vehicles

Clause 27 provides that a person must not bring a vehicle into a major event area unless the vehicle is on a road that is open to the public or a police or emergency vehicle, or the person is authorised in writing to bring the vehicle into the major event area by the major event organiser or by Stadiums Queensland for major sports facility land.

Clause 28 provides that a person must not park or leave a vehicle in a major event area unless the vehicle is in a place authorised for parking or leaving a vehicle, the vehicle is a police or emergency vehicle, or the person is authorised in writing to park or leave the vehicle in the major event area by the major event organiser or by Stadiums Queensland for major sports facility land.

Subdivision 3 Control of airspace

Clause 29 provides that unauthorised aircraft must not operate over or in a restricted area that relates to a major event during the major event period. This applies to all forms of aircraft including dirigibles and blimps, and remote controlled aircraft and drones. Penalties apply to unauthorised aircraft that operate over or in a restricted area as provided in this clause.

This clause does not apply to aircraft permitted by the Civil Aviation Safety Authority (CASA), military or police aircraft, or aircraft being used for an emergency purpose.

Division 3 Limits on commercial activity for major event

Subdivision 1 Selling during control period or major event period

Clause 30 provides a person must not sell or distribute items from public land in a major event area or a controlled area during a prescribed period. Its intent is to prevent unauthorised third parties from exploiting the major event for their own gain.

Penalties apply to persons who do not comply with this provision. An authorised person may also direct a person to remove articles suspected of being sold or distributed in contravention of this section from the major event area or controlled area. It is an offence if a person does not comply with this direction. In addition, if a person does not comply with this direction, an authorised person may seize the thing in accordance with part 7, division 4, subdivision 3 of the Bill.

Subdivision 2 Resale of tickets

Clause 31 prohibits a person from selling tickets within a controlled area or a major event area, or at a price that is 10% more than the original sale price of the ticket. The original sales price is defined as the price of the ticket when it was originally brought from the major event organiser or an agent authorised by the major event organiser and a fee or commission charged for the ticket.

Subdivision 3 Marketing and advertising

Clause 32 prohibits ambush marketing in a major event area or controlled area during a prescribed period. This includes promoting a person, thing or service; or doing something to suggest sponsorship or affiliation with the major event without the written approval of the major event organiser. The intention of this clause is to prevent marketing activity by a third party that seeks to “ambush” the goodwill or increased interest of a major event by suggesting that it is associated with the event, without paying for the privilege of becoming an official sponsor. This can include publicity stunts or handing out merchandise to spectators outside a major event area in the hope that it will be taken into the event.

Penalties apply to contraventions of this clause. In addition, authorised persons are able to direct a person to remove or cover items being used in ambush marketing. It is an offence if a person does not comply with this direction. An authorised person may also seize an item if a person does not comply with this direction in accordance with part 7, division 4, subdivision 3 of the Bill.

Clause 33 prohibits unauthorised advertising in a controlled area or major event area during the control period. It creates an offence for a person displaying or permitting to be displayed, an advertisement on property, including on the outside of a building or structure on the property. The intention is to prevent third parties from advertising within a major event area or a controlled area and to benefit from a major event, without becoming an official sponsor.

The clause does not apply to advertisements that are covered; where the person has the written approval of the major event organiser to display the advertisement; or the advertisements were displayed before the major event period, were displayed in the course of ordinary activities, and do not imply the advertiser is a sponsor of the major event.

Under this clause, an authorised person may cover or remove any unauthorised advertising. However the authorised person cannot enter onto land where a person lives without their consent, and must take reasonable steps to prevent damage arising from covering or removing an advertisement.

Clause 34 prohibits unauthorised advertising being displayed on a vessel inside the major event area, or visible from the major event area or controlled area unless authorised by the major event organiser.

Clause 35 prohibits unauthorised advertising in airspace above or visible from a major event area or controlled area for a prescribed period. This provision covers skywriting and attaching, displaying or towing advertisements behind a person or aircraft. Penalties apply to contraventions of this clause.

Its intention is to prevent third parties from “ambushing” a major event through aerial advertising in major event airspace without becoming an official sponsor. Normal markings on an aircraft, such as the normal branding on a commercial passenger jet, are not captured by this clause.

Subdivision 4 Broadcasting or recording major event

Clause 36 provides that a person must not broadcast or record a major event unless the person has the written approval of the major event organiser or the person broadcasts or records the major event on a personal electronic device for personal use and for a purpose other than profit or gain. Penalties apply for a contravention of this clause.

Division 4 Roads and traffic

Clause 37 requires the major event organiser to prepare a traffic and transport management plan for a major event and details what is to be included in the plan. When preparing the traffic and transport management plan, the major event organiser must consult with the chief executive of transport, who must agree to the plan before it is to have effect. The major event organiser may also consult with other public authorities when preparing the plan.

This plan is not intended to replace Transport Management Plans (TMPs) that are required under other instruments. For example, Development Approval conditions or Ministerial Community Infrastructure Designations under the *Sustainable Planning Act 2009* require TMPs to be in place for major sports facilities. Major event organisers may utilise existing TMPs for major sports facilities, with adaptations as required for the major event.

Clause 38 provides that a regulation may declare a major event lane, which must be shown by a map in the regulation. It also provides that the chief executive of transport must install major event lane signs on a road that has been declared to be a major event lane in accordance with the Manual of Uniform Traffic Control Devices, and remove these signs after the declaration ends.

Clause 39 provides for the major event organiser to issue permits to enable persons to use major event lanes. Persons must not drive a vehicle in a major event lane unless a major event lane permit is displayed on the vehicle in a way that is clearly visible from outside the vehicle or the person is driving an emergency vehicle or a vehicle prescribed by regulation to use the

major event lane. Penalties apply for contraventions of this clause. The reasonable excuse defence applies if major event lane signs are not appropriately installed on the road (consistent with clause 38 of the Bill).

Under this clause, an authorised person with the necessary powers may stop a vehicle and inspect the permit. It is an offence for a person to not follow directions of an authorised person under this clause. An authorised person may confiscate a major event lane permit if it is suspected to be a forgery or is being used by another person.

Clause 40 provides the major event organiser with the power to close a road in the major event area to use by persons or vehicles. Despite being closed for use by vehicles and persons, a road does not stop being a public place under other legislation.

Division 5 Visiting health practitioner exemptions for exempt events

Clause 41 provides that this division applies to a major event prescribed by regulation. It may also apply to major events held in other States, if it is likely that visitors will attend Queensland to prepare for the event.

Clause 42 provides that the purpose of this division is to allow visiting health practitioners to be exempted from having to register under State law when practising a health profession for a visitor for an exempt event during the exemption period. The division does not affect the lawful occupation, trade or business of a person in the person's capacity as a health practitioner.

Clause 43 provides that the Health Minister may publish a gazette notice for an exempt event (a registration exemption notice). It includes a requirement that the notice must state the required procedure for visiting health practitioners to notify to the chief health officer their intention to provide health care services to a visitor in Queensland.

This clause also specifies the authority for visiting health practitioners to prescribe, and be issued with, certain drugs and poisons, without contravening the Queensland health practitioner registration legislation and drugs and poisons legislation. In particular, the registration exemption notice may:

- provide for a visiting health practitioner to issue a written prescription for, and be supplied with, a "restricted drug" or "controlled drug" to treat a visitor;
- authorise dispensers (ie. pharmacists) to dispense drugs which may be legally prescribed by a visiting health practitioner; and
- authorise wholesalers to supply S2 and S3 substances to visiting health practitioners.

The authorisations relating to the supply and dispensing of drugs are qualified by a requirement that such authorisations may only be issued under a registration exemption notice where the Minister is satisfied adequate arrangements are in place to guarantee that the drugs will only be prescribed for visitors (as defined in the Bill).

This clause also provides that the visiting health practitioner's authorisation to prescribe drugs may be qualified in a way which permits conditions to be imposed on the authorisation. In keeping with the intent to limit this privilege where necessary, the Minister may for example, withhold prescribing rights for a particular class of drugs or for a particular group of persons by imposing special conditions under this clause.

Clause 44 authorises a visiting health practitioner to provide health care services to a visitor if the health practitioner has been engaged to provide services to the visitor identified in the notice required under clause 43. The clause then qualifies this authorisation so that the exemption only operates during the period specified in the gazette notice and as long as the visiting health practitioner is in compliance with the provisions of this Bill and any conditions imposed under it.

Clause 45 provides for a visiting health practitioner to ensure restricted and controlled drugs are appropriately stored in a secure place, or in accordance with the written instructions given to them by the chief health officer.

Clause 46 provides that a visiting health practitioner does not commit an offence under the Health Practitioner Regulation National Law (Queensland), the *Health (Drugs and Poisons) Regulation 1996*, or the *Drugs Misuse Act 1986* by prescribing, possessing, supplying or administering any substance which can be legally prescribed, possessed, supplied or administered by a local practitioner in Queensland, or by providing health care services in accordance with the Bill (including “holding out” to be so authorised).

The clause also provides that a visitor does not commit an offence under the Health Practitioner Regulation National Law, the Health (Drugs and Poisons) Regulation, or the Drugs Misuse Act by doing anything or possessing any substance as a result of receiving health care services from a visiting health professional in accordance with the Act.

The clause also authorises pharmacists to fill prescriptions issued in accordance with the Bill, and for wholesalers to supply substances in accordance with the Bill without committing offences under the Health Practitioner Regulation National Law, the Health (Drugs and Poisons) Regulation, or the Drugs Misuse Act.

Clause 47 requires dispensers to forward copies of prescriptions received from visiting health practitioners to the Chief Health Officer within 14 days. The copies of prescriptions must clearly list the type and quantities of any drugs issued via prescription. The intent of this provision is to ensure that it is possible to monitor the dispensing and administration of prescription drugs by visiting health practitioners.

Clause 48 creates a duty for the Chief Health Officer to monitor the prescription of controlled and restricted drugs and the wholesale supply of S2 and S3 substances under clause 43. The intent of this provision is to ensure that visiting health practitioners are held accountable for the drugs they are supplied and to minimise the risk of abuse of this privilege. Clause 48 reinforces the monitoring arrangements for controlled and restricted drugs. For S2 and S3 drugs there is an existing requirement under s. 237 of the *Health (Drugs and Poisons) Regulation* for wholesalers to keep a record of all substances supplied for 2 years after the transaction, which can be accessed as required by the Chief Health Officer.

Clause 49 states that a complaint may not be made against a visiting health practitioner under the *Health Ombudsman Act 2013*.

Part 6 Official logos for major event

Clause 50 states that part 6 does not affect or limit a civil right or remedy that exists apart from this part whether at common law or otherwise.

Clause 51 provides that the Minister may declare an official logo or official title for a major event by regulation. The declaration ends at the end of the major event period.

Clause 52 provides the process for authorisation by the major event organiser of the use of the official title and official logo. The authorisation must include certain information.

The clause also creates an offence for the unauthorised use of an official logo or title for a commercial purpose, to promote, advertise, or market a thing or a service, or to suggest a connection with the major event. However, it is not an offence if the official logo or official title is used in the reporting of news or current affairs, review, giving professional advice, or for research or education.

Clause 53 ensures transparency by providing that a major event organiser must keep a register of authorities given to use official titles and logos.

Clause 54 provides that an authorised person may seize items displaying the official logo or title if the use is not authorised under clause 52 and the authorised person reasonably suspects the person intends to sell the thing.

Part 7 Authorised persons for major events

Division 1 When part applies

Clause 55 provides that this part applies if a regulation prescribing a major event applies a provision of the Bill to a major event that gives an authorised person a power for the event.

Division 2 Appointment

Clause 56 provides that a major event organiser may, by instrument in writing, appoint a person as an authorised person for a major event (including a public service employee; a local government employee; an employee of the major event organiser; or another person prescribed by regulation). It provides that a major event organiser may appoint a person only if they are reasonably satisfied that the person has the necessary experience, expertise or training; or if the person has the experience, expertise or training prescribed by regulation.

The definition of an authorised person provided in the dictionary in Schedule 2 of the Bill, includes a police officer.

Clause 57 provides that an authorised person holds office on certain conditions.

Clause 58 outlines when the office of an authorised person ends.

Clause 59 provides for the resignation of an authorised person.

Division 3 Identity cards

Clause 60 provides for the issue of an identity card to authorised persons by major event organisers. It also provides that police officers do not require an identity card under the Bill.

This clause also contains requirements for the identity card.

Clause 61 outlines when an authorised person must display their identity card when exercising powers under this Bill.

Clause 62 provides that a person must return their identity card to the major event organiser within 21 days after their office ends. Contraventions of this clause result in a penalty.

Division 4 Powers of authorised persons

Subdivision 1 Requiring name and address

Clause 63 provides that an authorised person may require a person's name and address if the authorised person finds a person or reasonably suspects a person is committing an offence. The authorised person may require the person to state or give evidence of their name and address. Penalties apply to persons who do not give their name and address as required by this clause.

A person may not be convicted of an offence under this clause unless the person is found guilty of the offence mentioned above.

Subdivision 2 Stopping and moving vehicles

Clause 64 provides an authorised person with powers to stop a vehicle. It requires a person to clearly identify themselves as an authorised person and empowers an authorised person to give directions to a person operating a vehicle, including stopping the vehicle. Under this clause, penalties apply to persons who do not follow a direction issued by an authorised person to stop, move or get out of the vehicle.

If a person fails to comply with a direction to get out of a vehicle, a police officer may use reasonable force to remove the person from the vehicle.

A person does not commit an offence under this clause if the person is not first warned that failing to comply with a direction is an offence.

Clause 65 enables an authorised person to take reasonable and necessary steps to move and remove vehicles from a major event area following from clauses 16 and 28 of the Bill.

It contains requirements to be followed by a major event organiser to inform the registered operator of the vehicle that it has been moved and how the vehicle may be recovered. It also gives the chief executive of transport the authority to disclose information of the registered operator of the vehicle so that the major event organiser may contact them.

Clause 66 provides for the expenses of moving a vehicle to be recovered by the police commissioner or a major event organiser.

Clause 67 contains the process to be followed by a major event organiser before disposing of a vehicle considered to be abandoned.

Subdivision 3 Seizing evidence and other things

Clause 68 requires an authorised person to issue a receipt for things seized under this Bill. It requires the authorised person to, as soon as reasonably practicable, provide a receipt for the item to the person from whom it was taken – or if the person is not present, leave a receipt in a conspicuous position in a reasonably secure way.

The receipt may be for all items seized and must describe the seized item and its condition.

This section does not apply if the authorised person reasonably believes that there is no-one apparently in possession of the seized item because it has been abandoned or because of the condition, nature and value of the item it would be unreasonable to require the authorised person to comply with this requirement.

Clause 69 provides that if an authorised person seizes something under this Bill, the authorised person must give the thing to the major event organiser as soon as practicable after the seizure. The major event organiser must keep the thing until it is returned to its owner under clause 71, or forfeited to the State under clauses 72 and 73.

Clause 70 provides that a major event organiser must allow an owner to inspect a seized thing provided that it is not impracticable or unreasonable to do so.

Clause 71 provides that where a seized item has some intrinsic value and it is lawful for the owner to possess the item, the major event organiser must return the item to its owner by the end of six months after the seizure or, if a proceeding involving the items has commenced within six months of the seizure, then at the end of that proceeding or any appeal from the proceeding.

If the seized item has been destroyed the major event organiser must pay to the item's owner compensation equal to the market value of the item at the time of seizure, and any other loss or damage incurred by the owner as a result of the seizure.

Clause 72 provides that the chief executive may decide that the item is forfeited to the State if it has no intrinsic value, or the major event organiser, after making reasonable inquiries, cannot find its owner, or after making reasonable efforts cannot return the item to its owner. The major event organiser is not required to make inquiries or efforts if it would be unreasonable to make inquiries to find the owner, or to return the item to the owner. In deciding whether it is reasonable to make inquiries or efforts, regard must be had to the item's condition, nature and value.

This clause also provides that the chief executive may decide a seized item is forfeited to the state if the major event organiser reasonably believes it is necessary to keep the thing to prevent it being used to commit an offence for which it was seized, or it is not lawful for the owner to possess the thing.

Clause 73 provides that if a court convicts a person of an offence under clauses 30, 32 or 52, or makes an order against a person in contravention of a clause, when imposing a sentence or making an order, the court may also order a seized item to be forfeited to the State if the person is the owner of the item and the item is the subject of the contravention. The court may make any order it considers appropriate to enforce the forfeiture.

Clause 74 provides that where a seized item becomes property of the State under clauses 72 or 73, the chief executive may deal with the item as the chief executive considers appropriate. This may include destroying it, or giving it away. However the chief executive must not deal with the item in a way that could prejudice the outcome of an appeal against its forfeiture. If the chief executive sells the item, the chief executive may, after deducting the costs of the sale, return the proceeds of the sale to the former owner of the item.

Division 5 Offences

Clause 75 creates an offence for impersonating an authorised person.

Clause 76 creates an offence for obstructing an authorised person carrying out their duties under the Bill.

Part 8 Application of Acts to declared major events

Clause 77 applies to works or activity being carried out for a major event. This includes works or activity that are part of the actual event itself, and also works or activity carried out in a declared construction area and temporary works and maintenance in a major event area that are both contained in Part 4 of the Bill.

It exempts the following legislation from the works or activity:

- *City of Brisbane Act 2010*
- *Coastal Protection and Management Act 1995*
- *Economic Development Act 2012*
- *Local Government Act 2009*
- *Sustainable Planning Act 2009*
- *Land Act 1994*, chapter 3, part 1.

These exemptions operate by providing that planning and development approvals under the legislation are not required. The intention of this provision is to enable the works to be expedited by exempting them from the approval time requirements.

However, relevant building assessment provisions under the *Building Act 1975* must be followed. To ensure these provisions are followed, a compliance certificate under the Building Act must be obtained stating that the work complies with the relevant building assessment provisions contained in subclause (3). Only a building certifier may issue a compliance certificate under the Building Act. The intention is to ensure building works are assessed by a building certifier who can issue a certificate stating that the works comply with necessary standards. A compliance certificate may be issued either before or after building work is carried out.

Clause 78 provides that the *Environmental Protection Act 1994* does not apply in relation to any light or noise from a declared construction area or the major event area during the major event period. It also provides that activities carried out in the major event area during the major event period do not constitute a nuisance.

Clause 79 exempts the *Transport Operations (Road Use Management) Act 1995* from applying to roads inside a major event area, except for the provisions that relate to driving while under the influence of alcohol or drugs. This enables motor races that are prescribed major events to be held on public roads without competitors needing to follow road rules, etc, which would otherwise apply. It is required to enable the Townsville and Gold Coast V8 Supercars motor racing events to continue to take place. Both events are street circuits that take place on public roads.

This clause only applies to prescribed major events that are motor racing events.

The Heavy Vehicle National Law (Queensland) also does not apply to roads prescribed under this clause.

Part 9 Miscellaneous

Clause 80 provides that an offence under this Act is a summary offence.

Clause 81 provides that the Minister may give a direction to a major event organiser in relation to the major event. A major event organiser must comply with this direction.

Clause 82 provides that compensation is not payable by or for the State for an act or omission relating to a declared major event, or any activity associated with a major event other than:

- An act or omission causing personal injury or death;
- An act or omission done in the absence of good faith or negligently;
- When an agreement between the State and a major event organiser provides for the State to take liability.

As the State is usually not the entity staging the event, it is considered that liability should remain with a major event organiser, except for the above cases.

When a state employee is performing the duties of an *authorised person* as part of their public service or police service employment, they will be covered by the civil liability provisions in the *Public Service Act 2008* or the *Police Service Administration Act 1990* respectively.

Clause 83 enables the Governor in Council to make regulations under the Act.

Part 10 Repeals

Clause 84 repeals the *Motor Racing Events Act 1990* and the *Health Practitioners (Special Events Exemption) Act 1998*.

Part 11 Transitional provisions

Clause 85 provides for references to repealed Acts to be construed as a reference to this Act.

Clause 86 provides for transitional provisions in relation to special event notices and regulations made under the *Health Practitioners (Special Events Exemption) Act 1998* so that they can have effect under this Bill.

Part 12 Amendment of Acts

Division 1 Amendment of this Act

Clause 87 amends the long title.

Clause 88 amends the schedule number.

Clause 89 renumbers schedule 2 as schedule 1.

Division 2 Amendment of Commonwealth Games Arrangements Act 2011

Clause 90 states that this division amends the Commonwealth Games Arrangements Act 2011.

Clause 91 omits section 54 from the *Commonwealth Games Arrangements Act 2011* and inserts a new section. New section 54 declares section 51 and 52 as corporations displacement provisions for the purposes of the Corporations Act section 5G, generally.

Division 3 Amendment of Environmental Protection Act 1994

Clause 92 states that this division amends the *Environmental Protection Act 1994*.

Clause 93 inserts a note in schedule 1 of the Environmental Protection Act to create a cross-reference to the *Major Events Act 2014*.

Division 4 Amendment of Police Powers and Responsibilities Act 2000

Clauses 94 to 96 make minor amendments to the *Police Powers and Responsibilities Act 2000* (the PPRA)

Clause 97 omits Chapter 19, Part 2 Preserving Safety for special events from the PPRA.

Clauses 98 and 99 make minor amendments to the PPRA.

Clause 100 inserts a definition of a major event into the Dictionary in schedule 6 of the PPRA.

Division 5 Amendment of Tobacco and Other Smoking Products Act 1998

Clauses 101 to 103 insert a new definition of a *major event facility* into the *Tobacco and Other Smoking Products Act 1998*, which includes a major event area.

Division 6 Minor and consequential amendments

Clause 104 states that Schedule 1 amends the Acts it mentions. Schedule 1 contains a range of minor and consequential amendments to the *City of Brisbane Act 2010*, the *Local Government Act 2009*, the *Police Powers and Responsibilities Act 2000* and the *Tobacco and Other Smoking Products Act 1998*.

Schedule 2 contains a dictionary of definitions of terms used throughout the Bill.

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