



New South Wales

Major Events Amendment Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Motor Sports Bill 2022*.

Overview of Bill

The objects of this Bill are to amend the *Major Events Act 2009* (*the Act*) as follows—

- (a) to simplify the process for the application of various provisions of the Act to a major event by requiring certain matters to be prescribed by the regulations rather than requiring an order of the Minister to be published in the Gazette,
- (b) to insert a new definition of *major event area* to replace the definition of *major event venue or facility*,
- (c) to enable development for the purposes of a major event to be taken to be exempt development for the purposes of the *Environmental Planning and Assessment Act 1979* with the approval of the Minister,
- (d) to enable the regulations to place limitations on the delegation of key regulatory functions by a responsible authority to a person outside the government sector,
- (e) to reflect technological changes,
- (f) to make other minor and consequential amendments.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Major Events Act 2009 No 73

Schedule 1[1] and [3] change the defined term *major event venue or facility* to *major event area* and provide for the Minister, by order published in the Gazette, to declare an area to be the major event area for a major event. **Schedule 1[2], [9], [15], [21], [23]–[25], [27] and [33]** make consequential amendments.

Schedule 1[7] and [8] require public notices relating to road closures to be published on the website of TfNSW. **Schedule 1[11]** requires declarations of the responsible authority enabling the removal of unattended motor vehicles or trailers from certain areas to be published on the website of TfNSW. These notices and declarations are currently required to be published in a newspaper.

Schedule 1[10] and [19] recast existing provisions without significant changes.

Schedule 1[12] enables the regulations to prescribe an area as a controlled area for a major event and **Schedule 1[13]** makes a consequential amendment. **Schedule 1[16]** enables the regulations to prescribe an area as an advertising controlled site for a major event and **Schedule 1[17] and [18]** make consequential amendments. The relevant provisions of the Act currently require an order of the Minister published in the Gazette to identify or designate a controlled area or advertising controlled site for a major event.

Schedule 1[14] and [32] consolidate various definitions of *authorised officer* into a single provision for the authorisation of persons as authorised officers. **Schedule 1[1]** makes a consequential amendment.

Schedule 1[20] amends the definition of *aircraft* to include drones or other unmanned aerial vehicles for the purposes of a provision prohibiting certain aerial advertising.

Schedule 1[22] enables the regulations to prescribe the official insignia and official title of a major event, rather than requiring the publication of a notice in the Gazette for these purposes.

Schedule 1[26] enables certain matters that would otherwise be development or an activity within the meaning of the *Environmental Planning and Assessment Act 1979* (the *Planning Act*) to be taken to be exempt development for the purposes of the Planning Act. The responsible authority for the major event must obtain written approval from the Minister to carry out the major event activity and the major event activity must be carried out in accordance with the Minister's written approval. The current provisions are limited to the application of environmental planning instruments and development consents under the Planning Act.

Schedule 1[29] provides that compensation is not payable for economic loss by or on behalf of a person prescribed as the promoter of a major event for an act or omission that is a major event-related matter or that arises, directly or indirectly, from a major event-related matter. The proposed provision does not apply to acts causing the death of a person, personal injury to a person or damage to property. In addition, the proposed provision does not affect compensation payable by the promoter under an indemnity or other agreement. **Schedule 1[1], [5] and [6]** make consequential amendments.

Schedule 1[30] enables the regulations to prohibit the delegation, by a responsible authority, of its key regulatory functions to a person other than a member of staff of the responsible authority, a government agency or member of staff of a government agency or a member of the NSW Police Force. **Schedule 1[31]** inserts a definition of *key regulatory function*, being a function prescribed by the regulations as a key regulatory function.

Schedule 1[35] and [36] update references to superseded technology. **Schedule 1[34]** makes a consequential amendment.

Schedule 1[4] makes a minor amendment. **Schedule 1[28]** makes a minor amendment to a heading.



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New South Wales

Major Events Amendment Bill 2022

No. , 2022

A Bill for

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

The Legislature of New South Wales enacts—

1

1 Name of Act

2

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

3

2 Commencement

4

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

5

Schedule 1	Amendment of Major Events Act 2009 No 73	1
[1] Section 4 Definitions		2
	Omit section 4(1), definitions of <i>major event period</i> and <i>major event venue or facility</i> .	3
	Insert in alphabetical order—	4
	<i>authorised officer</i> , for a major event, means a person authorised under section 69A to be an authorised officer for the major event.	5
	<i>major event area</i> , for a major event, means an area declared under section 4B to be a major event area for the major event.	6
	<i>major event period</i> —see section 5(4)(b).	7
	<i>promoter</i> , for a major event, means the person prescribed as the promoter for the major event under section 5(4)(d).	8
[2] Section 4(2)		9
	Omit the subsection.	10
[3] Section 4B		11
	Insert before Part 2—	12
	4B Declaration of major event area	13
	(1) The Minister may, by order published in the Gazette, declare an area to be the major event area for a major event.	14
	(2) The Minister must not make an order for the purposes of subsection (1) unless the Minister considers that the whole of the proposed major event area is necessary to enable the conduct of the major event.	15
[4] Section 5 Declaration of major event		16
	Insert “in accordance with section 13,” before “declare which” in section 5(4)(c).	17
[5] Section 5(4)(d)		18
	Insert at the end of section 5(4)(c)—	19
	, and	20
	(d) prescribe a person as the promoter of the major event.	21
[6] Section 22 Relationship with road transport legislation		22
	Omit “section 62 (Compensation not payable in respect of major event-related matters)” from section 22(4).	23
	Insert instead “sections 62 and 62A”.	24
[7] Section 26 Road closures—integrated road and transport services		25
	Omit “in a newspaper circulating generally in New South Wales” from section 26(3).	26
	Insert instead “on the website of TfNSW”.	27
[8] Section 27 Road closures—major events		28
	Omit “in a newspaper circulating generally in New South Wales” from section 27(9).	29
	Insert instead “on the website of TfNSW”.	30

[9] Section 28 Road closures—short periods	1
Omit “at or near any major event venue or facility” from section 28(2)(b).	2
Insert instead “within or near a major event area”.	3
[10] Section 30 Offences relating to road closures	4
Omit section 30(6). Insert instead—	5
(6) In this section—	6
<i>authorised officer</i> means—	7
(a) a person who has received, for the purposes of this section, written authorisation from TfNSW or the responsible authority for the major event, or	8
(b) a police officer.	10
[11] Section 34 Declarations under sections 32 and 33	11
Omit “in a newspaper circulating generally in New South Wales”.	12
Insert instead “on the website of TfNSW”.	13
[12] Section 37 Control of sale and distribution of articles in certain public places	14
Omit section 37(1). Insert instead—	15
(1) For the purposes of this section, the regulations may prescribe an area as a <i>controlled area</i> for a major event.	17
(1A) A controlled area must be—	18
(a) the area comprising or comprising and adjacent to—	19
(i) a transport facility or interchange, or	20
(ii) a major event area, or	21
(b) a public place within 100m of—	22
(i) a transport facility or interchange, or	23
(ii) a major event area.	24
[13] Section 37(8)	25
Insert “also” after “may”.	26
[14] Sections 37(9), definition of “authorised officer”, 44(2), 45(4), 46(8) and 73(6)	27
Omit the provisions.	28
[15] Sections 38(2), 41(1)(b), 43(1) and (2), 44(1)(e), 45–49, 59(1) and 72(2)(c)	29
Omit “venue or facility” wherever occurring. Insert instead “area”.	30
[16] Section 39 Prohibition of certain advertising on buildings and structures	31
Omit section 39(1)–(3). Insert instead—	32
(1) For the purposes of this section, the regulations may prescribe a site as an <i>advertising controlled site</i> for a major event.	33
(2) An advertising controlled site must be—	34
(a) in a major event area for the major event, or	35
(b) in an area within 500m of a major event area for the major event.	36

(3)	Notice of the advertising controlled site must be published in a way the Minister considers appropriate to bring the notice to the attention of persons who may be affected by the prescription of the site as an advertising controlled site.	1 2 3 4
[17]	Section 39(9) Omit “referred to in subsection (1)(b)”. Insert instead “to which subsection 2(b) applies”.	5 6
[18]	Section 39(9)(a) Omit “relevant order was made”. Insert instead “area was prescribed as an advertising controlled site”.	7 8 9
[19]	Section 40 Prohibition of certain aerial advertising Omit section 40(1). Insert instead— (1) For the purposes of this section, the regulations may prescribe airspace as <i>advertising controlled airspace</i> for a major event. (1A) The advertising controlled airspace must be within the line of sight of a major event area for the major event.	10 11 12 13 14 15
[20]	Section 40(7), definition of “aircraft” Omit “or a balloon”. Insert instead “, balloon or drone or other unmanned aerial vehicle”.	16 17
[21]	Sections 41(1) and 44(1) Omit “at a major event venue or facility” wherever occurring. Insert instead “within a major event area”.	18 19 20
[22]	Section 42 Use of official title and official insignia Omit “for the purposes of this section by notice published in the Gazette” wherever occurring in section 42(3). Insert instead “and prescribed by the regulations for the purposes of this section”.	21 22 23 24
[23]	Section 46 Directions to leave Omit “at the major event” from section 46(4)(a). Insert instead “within the major event”.	25 26
[24]	Section 46(4)(e) Omit “at a major event”. Insert instead “within the major event”.	27 28
[25]	Section 47 Prohibited entry to playing fields Insert “part of” before “a major event”.	29 30
[26]	Section 50 Omit sections 50 and 51. Insert instead— 50 Exempt development under Environmental Planning and Assessment Act 1979 (1) A major event activity for the purposes of a major event is taken to be exempt development for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> if—	31 32 33 34 35 36 37

(a)	the responsible authority for the major event has obtained written approval from the Minister to carry out the major event activity for the purposes of the major event, and	1 2 3
(b)	the major event activity is carried out in accordance with the Minister's written approval.	4 5
(2)	In this section—	6
	<i>major event activity</i> means the following—	7
(a)	development within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> ,	8 9
(b)	an activity within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> ,	10 11
(c)	anything done under a declaration under section 57.	12
[27]	Section 54 Use of community land	13
	Omit “major event venues and facilities” from section 54(1)(b).	14
	Insert instead “venues or facilities for a major event”.	15
[28]	Section 55, heading	16
	Insert “ under <i>Local Government Act 1993</i> ” after “ persons ”.	17
[29]	Section 62A	18
	Insert after section 62—	19
62A	Compensation not payable by promoter for economic loss	20
(1)	Compensation is not payable by or on behalf of a protected person for economic loss arising because of an act done—	21 22
(a)	in good faith, and	23
(b)	for a major event-related matter.	24
(2)	This section does not—	25
(a)	apply to acts that cause—	26
(i)	the death of a person, or	27
(ii)	personal injury to a person, or	28
(iii)	damage to property, or	29
(b)	affect compensation payable by a protected person under an indemnity or other agreement.	30 31
(3)	In this section—	32
	<i>act</i> includes omission.	33
	<i>compensation</i> includes damages and any other form of monetary compensation.	34 35
	<i>done</i> includes omitted to be done.	36
	<i>major event-related matter</i> means the following matters and includes anything arising from the matter—	37 38
(a)	the conduct or holding of any major event,	39
(b)	works or other things done under an authorisation given under this Act or the regulations.	40 41
	<i>protected person</i> means—	42

	(a) a promoter, or	1
	(b) an employee or agent of a promoter.	2
[30]	Section 68 Delegation of responsible authority's functions	3
	Insert after section 68(3)—	4
	(3A) A delegation, or sub-delegation, to an authorised person referred to in subsection (3)(d)—	5
	(a) must be limited to a specified major event, and	6
	(b) must not apply to a key regulatory function.	7
[31]	Section 68(5)	9
	Insert after section 68(4)—	10
	(5) In this section—	11
	<i>key regulatory function</i> means a function prescribed by the regulations as a key regulatory function.	12
[32]	Section 69A	14
	Insert after section 69—	15
	69A Authorisation of authorised officers	16
	(1) The responsible authority for a major event may authorise a person mentioned in subsection (2) to be an authorised officer for the major event.	17
	(2) An authorised officer may be—	18
	(a) a police officer, or	19
	(b) an officer or employee of a government agency, or	20
	(c) a person, or a member of a class of persons, prescribed by the regulations.	21
	(3) The responsible authority may limit the functions that may be exercised by an authorised officer, including by reference to specified provisions of this Act.	22
[33]	Section 72 Regulations	26
	Omit “in or on, major event venues and facilities” from section 72(2)(b).	27
	Insert instead “in, a major event area”.	28
[34]	Schedule 1 Constitution and procedure of board governed major event authorities	29
	Omit “telephone” from clause 14, heading. Insert instead “telecommunication”.	30
[35]	Schedule 1, clause 14(2)	31
	Omit “closed-circuit television”. Insert instead “audio visual link”.	32
[36]	Schedule 1, clause 14(5)	33
	Omit “facsimile”. Insert instead “email”.	34