

Local Law No. 21 (Major City Events) 2017

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Local Law No.21 (Major City Events) 2017,
made in accordance with the provisions of the *Local Government Act 2009,*
by the Council of the City of Gold Coast by resolution dated the 25 July 2017.

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Council of the City of Gold Coast Local Law No. 21 (Major City Events) 2017

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Council of the City of Gold Coast Local Law No. 21 (Major City Events) 2017

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 21 (Major City Events) 2017*.

2 Object

The object of this local law is to —

- (a) deliver social, economic and environmental benefits for the local government area by facilitating and attracting major city events to the local government area; and
- (b) enable the local government to hold major city events in the local government area; and
- (c) facilitate the holding of major city events by persons other than the local government in the local government area; and
- (d) facilitate the safe and orderly running of major city events in the local government area; and
- (e) promote the enjoyment of participants and spectators of major city events held in the local government area; and
- (f) provide authorised persons with special powers—
 - (i) to ensure the safety, security, enjoyment and health of persons attending a major city event held in the local government area; and
 - (ii) to protect the property of persons attending a major city event held in the local government area from damage; and
- (g) regulate traffic and pedestrian movement associated with the holding of a major city event in the local government area; and
- (h) promote the safety, security, enjoyment and health of persons at venues and facilities which are used or to be used for any part of a major city event held in the local government area; and
- (i) promote the safe and efficient movement of traffic on roads which are used or to be used to transport persons attending a major city event held in the local government area; and
- (j) prohibit the undertaking of unauthorised commercial activity in relation to major city events held in the local government area; and
- (k) prohibit the undertaking of unauthorised commercial activity on a public place, for example, a road, park, reserve, bathing reserve or council facility at which a major city event is held in the local government area; and
- (l) restrict the undertaking of commercial activities in primary areas and secondary areas to—
 - (i) commercial activities other than unauthorised commercial activities;

- and
- (ii) commercial activities which are of economic significance to the local government area in recognition of the need to—
 - (A) prevent or minimise unlawful or environmental nuisance in primary areas and secondary areas; and
 - (B) preserve and enhance public safety in primary areas and secondary areas; and
 - (C) prevent inappropriate loss of amenity in primary areas and secondary areas; and
 - (iii) commercial activities undertaken with the written approval of the local government; and
 - (iv) commercial activities (other than unauthorised commercial activity) which promote major city events held in the local government area; and
 - (m) ensure that the operation of a regulated activity in a primary area during a primary period, or a secondary area during a secondary period, complies with—
 - (i) the Local Governmental Acts (including the other local laws of the local government) that regulate the regulated activity by subjecting the regulated activity to an inspection and enforcement regime; and
 - (ii) the additional requirements for the operation of a regulated activity specified in this local law.

3 Definitions — the dictionary

The dictionary in the schedule (Dictionary) of this local law defines particular words used in this local law.

4 Relationship to other laws

- (1) This local law does not apply to —
 - (a) the operation of a regulated activity on a State-controlled road unless the written agreement of the chief executive of the department which administers the *Transport Operations (Road Use Management) Act 1995* has been obtained for the local government to approve the operation of the regulated activity on State-controlled roads within the local government area; or
 - (b) the operation of a regulated activity which is authorised or required to be operated in the performance of an express duty or the discharge of an express power under legislation (including subordinate legislation).

Example for paragraph (b)—if incineration was a regulated activity this section would exempt an officer of the Queensland Fire and Emergency Service from being licensed as they have the power to light fires under the *Fire and Emergency Services Act 1990*.
- (2) This local law does not apply to a person operating a regulated activity if the regulated activity is prohibited by—
 - (a) the State government; or

- (b) the local government pursuant to a Local Government Act (other than a local law of the local government).
- (3) This local law does not apply to a person operating a regulated activity if the person is required to be licensed, registered or approved in respect of the operation of the regulated activity by—
 - (a) the State government; or
 - (b) the local government pursuant to a Local Government Act (other than a local law of the local government).

Example for subsection (3)—this local law would not apply to the operation of a regulated activity if the chief executive of the department which administers the *Environmental Protection Act 1994* has approved an application for an environmental authority under the *Environmental Protection Act 1994* in respect of the operation of the regulated activity.

- (4) Despite subsection (3), if a provision of this local law is about a matter mentioned in the *Transport Operations (Road Use Management) Act 1995*, section 66(3)(a) to (f), the provisions of the *Transport Operations (Road Use Management) Act 1995* about the matter no longer apply to the whole or part of the local government's area to which this local law applies.
- (5) The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—
 - (a) the *Ambulance Service Act 1991*; and
 - (b) the *Biosecurity Act 2014*; and
 - (c) the *Building Act 1975*; and
 - (d) the *Civil Aviation Act 1988*; and
 - (e) the *Dangerous Goods Safety Management Act 2001*; and
 - (f) the *Environmental Protection Act 1994*; and
 - (g) the *Fire and Emergency Services Act 1990*; and
 - (h) the *Fisheries Act 1994*; and
 - (i) the *Food Act 2006*; and
 - (j) the *Food Production (Safety) Act 2000*; and
 - (k) the *Gold Coast Waterways Authority Act 2012*; and
 - (l) the *Health Act 1937*; and
 - (m) the *Land Act 1994*; and
 - (n) the *Local Government Act 2009*; and
 - (o) the *Liquor Act 1992*; and
 - (p) the *Major Events Act 2014*; and
 - (q) the *Major Sports Facilities Act 2001*; and
 - (r) the *Plumbing and Drainage Act 2002*; and
 - (s) the *Police Powers and Responsibilities Act 2000*; and
 - (t) the *Public Health Act 2005*; and
 - (u) the *Sustainable Planning Act 2009*; and

- (v) the *Transport Operations (Road Use Management) Act 1995*; and
 - (w) the *Work Health and Safety Act 2011*.
- (6) Any Aboriginal or Torres Strait Islander native title and cultural and heritage rights and interests existing under an Act of the Commonwealth government, State government or local government or the common law must be respected and taken into account.

Part 2 Major city event

5 What is a major city event

A *major city event* is—

- (a) an event prescribed by subordinate local law under section 12 as a major city event; and
- (b) an activity directly associated with the major city event.

Examples of activities directly associated with a major city event—

- a test run for the event;
- qualifying rounds for a sporting event which is a major city event;
- a concert held in association with the major city event.

6 What is a primary area

- (1) A *primary area*, for a major city event, is an area prescribed by subordinate local law under section 12 and shown on a map in the subordinate local law, as 1 or more of the following—
- (a) the area where the major city event is to be held;
 - (b) the area which will be significantly impacted by the holding of the major city event.
- (2) The area prescribed by subordinate local law may include—
- (a) a place to be associated with the major city event, including—
 - (i) a public place where the major city event is shown on a screen for viewing by the public; and
 - (ii) a place set aside for the media to cover the major city event; and
 - (b) infrastructure used for the major city event; and
 - (c) a place near a place or infrastructure mentioned in paragraph (a) or (b).
- (3) For the avoidance of doubt—
- (a) a reference in this local law to a primary area includes any part of the primary area; and
 - (b) for a major city event—1 or more areas may be prescribed by subordinate local law as a primary area for the major city event.

7 What is the primary period

- (1) The *primary period*, for a major city event, is the period prescribed by subordinate

local law under section 12 as the period during which the major city event takes place.

- (2) The period prescribed by subordinate local law may include—
 - (a) a reasonable period before the major city event in order to prepare for the major city event; and
 - (b) a reasonable period after the major city event in order to restore the primary area to the condition the area was in before the major city event took place.
- (3) For the avoidance of doubt, a reference in this local law to a primary period includes any part of the primary period.

8 What is a secondary area

- (1) A **secondary area**, for a major city event, is an area near, or abutting, or used in support of—
 - (a) a major event area prescribed by regulation under the *Major Events Act 2014*; or
 - (b) a primary area that is prescribed by subordinate local law under section 12.
- (2) A secondary area may be prescribed by subordinate local law under section 12 for any of the following—
 - (a) an event which is a major event prescribed by regulation under the *Major Events Act 2014*;
 - (b) a major city event prescribed by subordinate local law under this local law.
- (3) A period (**secondary period**) may be prescribed by subordinate local law under section 12 for any of the following—
 - (a) an event which is a major event prescribed by regulation under the *Major Events Act 2014*;
 - (b) a major city event prescribed by subordinate local law under this local law.
- (4) For the avoidance of doubt—
 - (a) a reference in this local law to a secondary area includes any part of the secondary area; and
 - (b) for a major city event—1 or more areas may be prescribed by subordinate local law as a secondary area for the major city event; and
 - (c) an area prescribed as a secondary area by subordinate local law must be shown on a map in the subordinate local law; and
 - (d) a reference in this local law to a secondary period includes any part of the secondary period.

9 Who is a major city event organiser

The **major city event organiser** for an event which is prescribed by subordinate local law under this local law as a major city event is the person who—

- (a) is prescribed by subordinate local law under this local law as the major city event organiser of the major city event; and
- (b) has agreed with the local government, in writing, to act as the major city

event organiser of the major city event.

Part 3 Prescribing event as a major city event

10 Decision to prescribe

- (1) The local government may only prescribe an event as a major city event if the local government is reasonably satisfied that—
 - (a) the event is a large regional, State, national or international sporting, economic or cultural event; and
 - (b) it is in the public interest for the local government to prescribe the event; and
 - (c) the event will deliver significant social, economic or environmental benefits for the local government area.
- (2) When deciding whether to prescribe an event as a major city event, and without limiting the matters the local government may consider under subsection (1), the local government may consider —
 - (a) the size of the event; or
 - (b) the number of spectators that are likely to attend the event; or
 - (c) the likely extent of media coverage of the event; or
 - (d) the likely contribution that the event will make to the economy of the local government area; or
 - (e) the likely contribution that the event will make to the reputation of the local government as a host city for events; or
 - (f) the likely impact of the event on the amenity of persons who reside in premises within the primary area or the secondary area for the event.

11 Obligation to consult

- (1) If the local government is considering prescribing an event as a major city event, the local government must consult with the following persons—
 - (a) the Minister administering the *Police Service Administration Act 1990*;
 - (b) the Minister administering the *Transport Infrastructure Act 1994*;
 - (c) if the primary area or the secondary area for the major city event is or includes major sports facility land—the Minister administering the *Major Sports Facilities Act 2001*;
 - (d) if the primary area or the secondary area for the major city event is or includes a controlled area under the *Major Events Act 2014* — the Minister administering the *Major Events Act 2014*.
- (2) The local government may also consult with other public authorities before prescribing an event as a major city event.
- (3) If the local government consults with a person under subsection (1), and the person considers that State interests would be satisfactorily dealt with if the event was prescribed as a major city event subject to particular conditions, the person may give written notice of the conditions within a reasonable period.

- (4) If a person gives written notice of conditions under subsection (3), the local government must comply with the conditions.
- (5) If the local government consults with a person under subsection (1), the person may give written notice that the event should not be prescribed as a major city event within a reasonable period.
- (6) If the person gives written notice under subsection (5), the local government must not prescribe the event as a major city event.

12 Prescribing event as a major city event

- (1) If the local government decides to prescribe an event as a major city event, this section prescribes —
 - (a) matters that must be prescribed by subordinate local law; and
 - (b) matters that may be prescribed by subordinate local law.
- (2) A subordinate local law must prescribe each of the following for the major city event—
 - (a) the event prescribed as a major city event; and
 - (b) if there is a primary area for the major city event — the primary area; and
 - (c) if there is a primary period for the major city event — the primary period; and
 - (d) if there is a major city event organiser for the major city event —
 - (i) the major city event organiser; and
 - (ii) the provisions of this local law that may be exercised by the major city event organiser and the period when those provisions may be exercised by the major city event organiser.
- (3) A subordinate local law may prescribe—
 - (a) that a provision of this local law applies to the major city event for 1 or more of the following—
 - (i) the primary area, or a specified part of the primary area, for the major city event;
 - (ii) the primary period for the major city event, or another period; and
 - (b) that a provision of this local law does not apply to the major city event for 1 or more of the following—
 - (i) the primary area, or a specified part of the primary area, for the major city event;
 - (ii) the primary period for the major city event, or another period.
- (4) A subordinate local law may prescribe the following for the major city event —
 - (a) the secondary area for the major city event; and
 - (b) the secondary period for the major city event.
- (5) A subordinate local law may prescribe—
 - (a) that a provision of this local law applies to the major city event for 1 or more of the following—

- (i) the secondary area, or a specified part of the secondary area, for the major city event;
 - (ii) the secondary period for the major city event, or another period; and
 - (b) that a provision of this local law does not apply to the major city event for 1 or more of the following—
 - (i) the secondary area, or a specified part of the secondary area, for the major city event;
 - (ii) the secondary period for the major city event, or another period.
- (6) A subordinate local law may prescribe each of the following for the major city event—
 - (a) a requirement that a person must not operate a regulated activity on premises unless authorised by a permit, notwithstanding that a subordinate local law made under a local law of the local government (other than this local law) (an *other local law*) specifies that the operation of the regulated activity may be undertaken subject only to compliance with prescribed criteria; and
 - (b) a requirement that a person must not change the manner of operation of a regulated activity on premises unless authorised by a permit, notwithstanding that a subordinate local law made under an other local law specifies that the operation of the regulated activity may be undertaken subject only to compliance with prescribed criteria.
- (7) A subordinate local law may prescribe that an activity which is prohibited under an other local law may, if authorised by a permit, be undertaken on premises, notwithstanding that the activity is prohibited under the other local law.
- (8) Subsection (9) applies if—
 - (a) an activity is a regulated activity under an other local law; and
 - (b) the activity must not be operated by a person on premises unless authorised by a permit granted by the local government under the other local law.
- (9) A subordinate local law may specify—
 - (a) for the purposes of subsection (8), an activity; and
 - (b) that, for the purposes of the major city event, the activity may be operated—
 - (i) in 1 or more specified areas; and
 - (ii) during 1 or more specified periods; and
 - (iii) without a permit granted by the local government under the other local law; but
 - (iv) only if the person operating the activity on the premises complies with prescribed criteria.

13 Interface with Major Events Act 2014

For the avoidance of doubt, for a major city event—

- (a) the local government must not, by subordinate local law, prescribe an area as a primary area or a secondary area for the major city event if the area includes part, or the whole, of a major event area prescribed by regulation

- under the *Major Events Act 2014*; and
- (b) if the local government, by subordinate local law, prescribes an area as a primary area or a secondary area for the major city event and the whole, or any part, of the primary area or secondary area is, on or after the commencement of the subordinate local law, prescribed by regulation as a major event area under the *Major Events Act 2014*, this local law does not apply to the major event area which is prescribed by regulation from the commencement of the regulation; and
 - (c) if an area is prescribed by regulation as a controlled area under the *Major Events Act 2014* on or after the commencement of this local law then—
 - (i) the local government may, by subordinate local law, prescribe part, or the whole, of the controlled area as a secondary area for the major city event; and
 - (ii) for the controlled area—if there is an inconsistency between a provision of the *Major Events Act 2014* and a provision of this local law, the provision of the *Major Events Act 2014* prevails to the extent of the inconsistency.

Part 4 Carrying out works for major city event

14 Temporary works and maintenance in primary area or secondary area

- (1) This section applies if the local government, or a major city event organiser with the approval of the local government, intends to carry out any of the following works on a public place within a primary area or a secondary area—
 - (a) temporary works on, over or under the public place for a major city event;

Example of temporary works — erecting a grandstand or barricade
 - (b) other activities that the local government considers necessary for, or incidental to, the temporary works;
 - (c) maintenance on the temporary works.
- (2) The local government or major city event organiser may enter onto the public place to carry out the works.
- (3) Subsection (4) applies if—
 - (a) a vehicle is left unattended on a public place (other than a road)¹; or
 - (b) property other than a vehicle is left unattended on a public place.
- (4) If the local government or major city event organiser needs to move the vehicle or property to carry out the works under subsection (1), an authorised person may—
 - (a) deal with the vehicle in accordance with part 5, division 4; or
 - (b) seize, remove, impound and deal with the property in accordance with part 6.

¹ See also *Transport Operations (Road Use Management) Act 1995*, section 100 (Removal of things from roads) about the removal of a vehicle from a road.

Part 5 Major city event provisions

Division 1 When part applies

15 When part applies

For the avoidance of doubt, if the local government decides to prescribe an event as a major city event—

- (a) a subordinate local law made under section 12(3) may prescribe—
 - (i) that a provision of this local law (including a provision of this part) applies to the major city event for 1 or more of the following—
 - (A) the primary area, or a specified part of the primary area, for the major city event;
 - (B) the primary period for the major city event, or another period; and
 - (ii) that a provision of this local law (including a provision of this part) does not apply to the major city event for 1 or more of the following—
 - (A) the primary area, or a specified part of the primary area, for the major city event;
 - (B) the primary period for the major city event, or another period; and
- (b) a subordinate local law made under section 12(5) may prescribe—
 - (i) that a provision of this local law (including a provision of this part) applies to the major city event for 1 or more of the following—
 - (A) the secondary area, or a specified part of the secondary area, for the major city event;
 - (B) the secondary period for the major city event, or another period; and
 - (ii) that a provision of this local law (including a provision of this part) does not apply to the major city event for 1 or more of the following—
 - (A) the secondary area, or a specified part of the secondary area, for the major city event;
 - (B) the secondary period for the major city event, or another period.

Division 2 People and vehicles in primary area or secondary area

Subdivision 1 Crowd and safety powers

16 Entering and exiting primary area

- (1) Subsection (2) applies if the local government or a major city event organiser designates an entrance or an exit for a primary area for a major city event.

- (2) A person must not enter or exit the primary area except through an entrance or exit designated by the local government or a major city event organiser under subsection (1).

Maximum penalty—20 penalty units.

- (3) A person must not enter, or remain in, the primary area unless—
 - (a) the person is authorised, in writing, by the local government or a major city event organiser, whether under an occupant's pass or otherwise; or
 - (b) if the local government, a major city event organiser or another person is charging an entry fee for the period the person remains in the primary area—the person pays the entry fee; or
 - (c) if no entry fee is payable for entry to the primary area, but 1 or more conditions of entry are imposed by the local government, a major city event organiser or another person—the person complies with each condition of entry; or
 - (d) the person is an emergency worker and the person enters, or remains in, the primary area for an emergency purpose.

Maximum penalty—20 penalty units.

17 Occupant's pass

- (1) A person who lives, works or has a business within a restricted access area may apply to the local government for a pass (an *occupant's pass*) that authorises the person to enter and remain in the restricted access area during the restricted access period for the restricted access area.
- (2) The application must be in the form approved by the local government.
- (3) The local government must grant the application if the local government is satisfied the applicant needs access to the restricted access area during the restricted access period—
 - (a) to enable the applicant to travel to or from the place where the applicant lives, works or has a business; or
 - (b) for the ordinary use and enjoyment of those places.
- (4) An occupant's pass may be granted subject to conditions, including a condition limiting the period for which the pass is valid to the days and times stated on the pass.

18 Conduct while entering or within restricted access area

- (1) A person must not do any of the following in a primary area or a secondary area for a major city event—
 - (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 another temporary structure;
 - (d) erect or affix a decoration or equipment if the activity has an adverse social, economic or environmental impact on the conduct of the major city event;
 - (e) tout for business;

- (f) distribute a document;
- (g) busk;
- (h) another thing prescribed by subordinate local law.

Maximum penalty—20 penalty units.

- (2) A person must not, while entering or within a primary area or a secondary area for a major city event, have a thing, or leave a thing unattended, in a public place, in circumstances where the thing may do 1 or more of the following—
- (a) in the opinion of an authorised person, give rise to a risk of personal injury or property damage;
 - (b) interfere with traffic or pedestrian movement associated with the holding of the major city event;
 - (c) otherwise disrupt the holding of the major city event.

Maximum penalty—20 penalty units.

- (3) A person does not contravene this section if—
- (a) if the thing is done or possessed within the primary area — the person has the written approval of the local government to do or possess the thing within the primary area; or
 - (b) if the thing is done or possessed within the secondary area — the person has the written approval of the local government to do or possess the thing within the secondary area; or
 - (c) the person has a reasonable excuse; or
 - (d) if the thing is done under subsection (1)(a) or (b) at a place in the secondary area other than a public place — the thing was done—
 - (i) at the place before the secondary period for the secondary area; and
 - (ii) in the course of the person’s ordinary activities; or
 - (e) if a person is contravening this section and the local government has given a compliance notice² to the person requiring the person to stop the contravention—the person complies with the compliance notice.

- (4) If a person is contravening this section, the local government may give a compliance notice to the person requiring the person to stop the contravention.

Example – a compliance notice may require the person to immediately and safely remove a thing used in the contravention of this section from the place at which the contravention is occurring.

- (5) If the person does not comply with a compliance notice given under subsection (4), an authorised person may seize³, remove, impound and deal with a thing in the possession of the person in contravention of this section in accordance with part 6.
- (6) In this section *thing* includes an animal.

19 Entering onto performance or ticket holder area

² See *Local Law No. 3 (Administration) 2008*, section 42 (Compliance notice).

³ See *Local Law No. 3 (Administration) 2008*, sections 44 and 45 and the *Local Government Act 2009*, chapter 5, part 2, division 2 regarding the performance of work, powers of entry and cost recovery.

- (1) A person must not—
- (a) enter onto, or remain on, a playing field, or a competition or performance area being used for an activity which is directly or indirectly associated with a major city event; or
 - (b) enter onto, or remain on, an area within a primary area which may only be entered subject to the production of a ticket or other evidence of a person's right to be in the area unless the person is able to produce a ticket or other evidence of the person's right to be in the area; or
 - (c) enter onto, or remain on, an area within a primary area which is not open to the public; or
 - (d) obstruct a performer or participant who is participating in a major city event.
- Maximum penalty—
- (a) for paragraphs (a), (b) and (c)—40 penalty units;
 - (b) for paragraph (d)—50 penalty units.
- (2) Subsection (1) does not apply to a person who—
- (a) is a performer or participant in the major city event; or
 - (b) is involved in the control or management of a sporting, cultural or other event that forms part of the major city event; or
 - (c) is authorised by the local government or a major city event organiser to enter onto the playing field, competition or performance area or ticket holder area; or
 - (d) has a reasonable excuse.

20 Evidence of right to be in primary area or part of primary area

An authorised person may ask a person who is within a primary area to produce—

- (a) if entry to the primary area is subject to the production of a ticket—a ticket entitling the person to be in the primary area, or the part of the primary area in which the person is; or
- (b) other evidence of the person's right to be in the primary area or part.

Examples of evidence for paragraph (b)—

- *an occupant's pass*
- *another authorisation from the local government.*

21 Directing person to leave primary area or secondary area

- (1) This section applies to —
- (a) a person within the primary area (a ***restricted area***) for a major city event during the primary period for the major city event who—
 - (i) in the opinion of an authorised person, is committing an offence under a Local Government Act; or
 - (ii) does not produce a ticket or other evidence of the person's right to be in all or part of the primary area under section 20; and

- (b) a person within a secondary area (also a *restricted area*) for a major city event who, in the opinion of an authorised person, is committing an offence under a Local Government Act other than a minor traffic offence.
- (2) An authorised person may direct the person (the *recipient*)—
 - (a) to leave the restricted area—
 - (i) immediately; or
 - (ii) within another time stated by the authorised person; and
 - (b) not to enter the restricted area for a period of not longer than 24 hours.
- (3) The recipient must comply with the direction.
Maximum penalty—20 penalty units.

22 Decision to give a direction

- (1) This section applies if an authorised person is deciding whether to give a direction under section 21(2).
- (2) In deciding whether to give a direction under section 21(2), the person proposing to give the direction may consider 1 or more or all of the following—
 - (a) the likely impact (excluding a financial impact) on—
 - (i) the recipient; and
 - (ii) any other person affected by the conduct that forms the basis for the proposed direction or any previous direction given to the recipient; and
 - (b) public safety and order; and
 - (c) the nature and gravity of the conduct of the recipient including—
 - (i) whether the conduct of the recipient relates to actual or threatened harm to human health or safety or personal injury of other persons using the restricted area;
 - (ii) whether the conduct of the recipient relates to actual or threatened damage to property in or on the restricted area;
 - (iii) whether the conduct of the recipient is conduct which interferes or is likely to interfere with the ordinary and reasonable use and enjoyment of the restricted area during the major city event by any other person; and
 - (d) the likely impact of the conduct of the recipient on each of the following—
 - (i) the safe and orderly running of the major city event;
 - (ii) the enjoyment of participants and spectators of the major city event;
 - (iii) the safety of persons attending the major city event;
 - (iv) the protection of property of persons attending the major city event from damage;
 - (v) the regulation of traffic and pedestrian movement associated with the holding of the major city event;
 - (vi) the safety, security, enjoyment and health of persons at venues and

facilities which are used or to be used for any part of the major city event;

- (vii) the safe movement of traffic on roads which are used or to be used to transport persons attending the major city event;
- (viii) the prohibition of the undertaking of unauthorised commercial activity in relation to the major city event;
- (ix) the prohibition of the undertaking of unauthorised commercial activity on a public place at which the major city event is being held;
- (x) the promotion of commercial activity (other than unauthorised commercial activity) in relation to the major city event.

23 Administration of direction to leave

- (1) If the holder of a permit is directed to leave a restricted area under section 21(2), the permit is suspended by force of section 21(2), when the permit holder is directed to leave the restricted area.
- (2) If the holder of a permit is directed not to enter a restricted area for a period under section 21(2), the permit is suspended by force of section 21(2), for the period during which the person must not enter the restricted area.
- (3) If a direction under section 21 is given to a minor, the authorised person must, as soon as reasonably practicable, notify a parent or guardian of the minor unless a parent or guardian cannot be found after reasonable inquiry.
- (4) The local government may vary or revoke a direction given under section 21(2), by written application from the recipient if—
 - (a) new facts or circumstances have arisen since the direction was given that make it appropriate for the direction to be varied or revoked; and
 - (b) a requirement of the direction is no longer a reasonable means of preventing the recipient from engaging in conduct within the restricted area that could form the basis for a direction by an authorised person to leave the restricted area.
- (5) In determining whether to vary or revoke a direction under section 21(2), the local government must consider the matters set out in section 22(2).
- (6) After deciding whether to vary or revoke a direction under section 21(2), the local government must give the recipient—
 - (a) if the local government is satisfied it is appropriate to vary the direction — a varied direction; or
 - (b) if the local government is satisfied that the direction is not reasonable — notice stating that the direction has been revoked; or
 - (c) if the local government decides not to vary or revoke the notice — a written notice stating the decision.
- (7) A varied direction given under subsection (6) is a direction for all purposes.
- (8) If a direction is varied or revoked under subsection (6) and notice of the variation or revocation is given to a minor, as soon as reasonably practicable, notice of the variation or revocation must be given to a parent or guardian of the minor unless a parent or guardian cannot be found after reasonable inquiry.

24 Application of Local Law No. 3 (Administration) 2008, part 4 division 4

For the avoidance of doubt, *Local Law No. 3 (Administration) 2008*, sections 30, 30A and 30B do not apply to a person on a public place within—

- (a) the primary area for a major city event during the primary period for the major city event; or
- (b) the secondary area for a major city event during the secondary period for the major city event.

Subdivision 2 Vehicles**25 Bringing vehicles into primary area**

For a major city event, a person must not bring a vehicle into the primary area during the primary period for the major city event unless—

- (a) the vehicle is—
 - (i) on a road that is open to the public; or
 - (ii) a police or emergency vehicle; or
- (b) the person is authorised, in writing, by the local government or a major city event organiser; or
- (c) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

26 Leaving vehicles in primary area

- (1) For a major city event, a person must not park or leave a vehicle within the primary area during the primary period for the major city event unless—
 - (a) the vehicle is in a place authorised for parking or leaving a vehicle; or
 - (b) the vehicle is a police or emergency vehicle; or
 - (c) the person is authorised, in writing, by the local government or a major city event organiser; or
 - (d) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies if a vehicle is left within a primary area on a public place (other than a road)⁴ in contravention of subsection (1).
- (3) An authorised person may deal with the vehicle in accordance with part 5, division 4.

Subdivision 3 Prohibition of bicycles etc on footpaths**27 Prohibition of bicycles etc on footpaths**

⁴ See footnote 1.

- (1) For a major city event, this section applies to—
 - (a) the primary area for the major city event; and
 - (b) the secondary area for the major city event.
- (2) A person must not travel in or on a wheeled recreational device or a wheeled toy on a footpath prescribed under a subordinate local law⁵.
Maximum penalty for subsection (2) — 20 penalty units.
- (3) A person must not ride a bicycle on a footpath prescribed under a subordinate local law⁶.
Maximum penalty for subsection (3) — 20 penalty units.

Subdivision 4 Drones

28 Regulation of the use of drones

- (1) For a major city event, a person must not undertake drone operation over or in—
 - (a) the primary area for the major city event; or
 - (b) the secondary area for the major city event.Maximum penalty—20 penalty units.
- (2) However, subsection (1) does not apply to a person who—
 - (a) is authorised by the local government to undertake drone operation; or
 - (b) is authorised by a major event organiser to undertake drone operation; or
 - (c) has a reasonable excuse.

Division 3 Limits on commercial activity for major city event

Subdivision 1 Selling during major city event

29 Selling on public place within primary area or secondary area

- (1) For a major city event, this section applies to—
 - (a) the primary area for the major city event; and
 - (b) the secondary area for the major city event.
- (2) A person must not, in a public place, do any of the following (each a *selling activity*)—
 - (a) sell or distribute a thing;
 - (b) another activity prescribed by subordinate local law.Maximum penalty—50 penalty units.
- (3) However, subsection (2) does not apply if—

⁵ See *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, section 242.

⁶ See *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, section 250.

- (a) the selling activity is an activity which is permitted by subordinate local law; or
 - (b) the person has the written approval of the local government.
- (4) If a person is contravening subsection (2), the local government may give a compliance notice⁷ to the person requiring the person to stop the contravention.

Example - the compliance notice may require the person to—

- (a) *cease the selling activity; and*
 - (b) *remove any thing used in the undertaking of the selling activity from the public place—*
 - (i) *immediately; or*
 - (ii) *within another time stated in the compliance notice.*
- (5) If the person does not comply with a compliance notice given under subsection (4), an authorised person may seize, remove, impound and deal with any thing used in the undertaking of the selling activity in contravention of this section in accordance with part 6.

Subdivision 2 Marketing and advertising

30 Ambush marketing in primary area or secondary area

- (1) For a major city event, this section applies to—
- (a) the primary area for the major city event; and
 - (b) the secondary area for the major city event.
- (2) However, if a major event is prescribed by regulation under the *Major Events Act 2014*, subsection (3) does not apply.
- (3) A person must not, unless the person has the written approval of the local government—
- (a) at a place which is a public place — promote a person, a thing or a service; or
 - (b) do something that suggests the person, thing or service is a sponsor or affiliate or has the approval of—
 - (i) the major city event; or
 - (ii) an event associated with the major city event; or
 - (iii) the local government.

Maximum penalty—50 penalty units.

- (4) Also, for an event which is prescribed by regulation under the *Major Events Act 2014* as a major event, a person must not, unless the person has the written approval of the local government, do something that suggests the person is undertaking an activity with the approval of the local government.

Maximum penalty—50 penalty units.

- (5) If a person is contravening this section, the local government may give a

⁷ See footnote 2.

compliance notice⁸ to the person requiring the person to stop the contravention.

Example – the compliance notice may require the person to, within a reasonable time—

- (a) *remove a thing that is used in the marketing in contravention of this section; or*
- (b) *cover a thing that is used in the marketing in contravention of this section.*

- (6) If the person does not comply with a compliance notice given under subsection (5), an authorised person may seize⁹, remove, impound and deal with a thing used in contravention of this section in accordance with part 6.

31 Advertising in primary area or secondary area

- (1) For a major city event, this section applies to—
- (a) premises within the primary area for the major city event; and
 - (b) premises within the secondary area for the major city event.
- (2) However, if a major event is prescribed by regulation under the *Major Events Act 2014*, subsection (3) does not apply.
- (3) A person must not display, or permit to be displayed, an advertising device on the premises, including on the outside of a building or structure on the premises.

Maximum penalty—50 penalty units.

- (4) However, subsection (3) does not apply if—
- (a) the person covers the advertising device during—
 - (i) if the premises are within the primary area—the primary period;
 - (ii) if the premises are within the secondary area—the secondary period;
 - or
 - (b) the person has the written approval of the local government to display the advertising device; or
 - (c) the advertising device is a type of advertising device prescribed by subordinate local law; or
 - (d) if the premises are within the primary area—the advertising device —
 - (i) was displayed before the primary period; and
 - (ii) was displayed in the course of the person’s ordinary activities; and
 - (iii) does not imply that the advertiser is a sponsor of the major city event;
 - or
 - (e) if the premises are within the secondary area—the advertising device —
 - (i) was displayed before the secondary period; and
 - (ii) was displayed in the course of the person’s ordinary activities; and
 - (iii) does not imply that the advertiser is a sponsor of the major city event.
- (5) If a person is contravening this section, the local government may give a compliance notice to the person requiring the person to stop the contravention.
- (6) If the person does not comply with a compliance notice given under subsection (5)

⁸ See footnote 2.

⁹ See footnote 3.

an authorised person may enter the premises and—

- (a) take the action that is required under the compliance notice; or
- (b) seize¹⁰, remove, impound and deal with the advertising device in accordance with part 6.

32 Advertising on a vehicle

- (1) For a major city event, this section applies to—
 - (a) the primary area for the major city event; and
 - (b) the secondary area for the major city event.
- (2) However, if a major event is prescribed by regulation under the *Major Events Act 2014*, subsection (3) does not apply.
- (3) A person must not upon any road for the purpose of business advertising—
 - (a) carry any advertising device; or
 - (b) in respect of a vehicle on which or alongside of which an advertising device is being displayed — drive, or permit to be driven, that vehicle on a road or cause or permit that vehicle to stop on a road in such circumstances that the primary purpose for the vehicle is being driven or stopped at the material time is business advertising,

unless the person is the holder of the written approval of the local government authorising the person to do so and unless the person complies in every respect with the terms and conditions of the approval.

Maximum penalty—20 penalty units.

- (4) Without limiting the liability of any other person where an offence is committed in relation to a breach of subsection (3)(b), the person who at the time of the commission of the breach was the owner of the vehicle shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.
- (5) If a person is contravening this section, the local government may give a compliance notice to the person requiring the person to stop the contravention.
- (6) If the person does not comply with a compliance notice given under subsection (5), an authorised person may remedy the contravention by covering any advertising device which is displayed in contravention of this section.
- (7) In this section—

business advertising includes advertising for a single event, financial venture, fete, stall or sale;

trailer has the meaning given in the *Transport Operations (Road Use Management) Act 1995*;

vehicle includes a trailer.

Division 4 Moving vehicles in primary area or secondary

¹⁰ See footnote 3.

area

33 Power to move or remove vehicles left in primary area or secondary area

- (1) This section applies if—
 - (a) a vehicle is to be moved under section 14(4); or
 - (b) a vehicle is left within a primary area in contravention of section 26 and section 26(3) applies.
- (2) This section does not apply if an authorised person considers on reasonable grounds that a vehicle has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) An authorised person may take steps that are reasonable and necessary to—
 - (a) move the vehicle to another place; or
 - (b) remove and securely store the vehicle; or
 - (c) remove the vehicle from the primary area or the secondary area.
- (4) The local government must, within 14 days after moving or removing the vehicle, give the operator of the vehicle a written notice that states—
 - (a) the vehicle has been moved or removed; and
 - (b) how the vehicle may be recovered; and
 - (c) if the local government considers, on reasonable grounds, the vehicle has been abandoned—
 - (i) the vehicle is considered to be abandoned; and
 - (ii) the vehicle may be sold if the vehicle is not recovered within 2 months.
- (5) If the operator cannot be identified or located within 14 days, the notice may be given by publishing the notice in a newspaper circulating generally in the local government area.
- (6) However, the local government need not give the notice if—
 - (a) the vehicle has insufficient value to justify giving the notice; or
 - (b) it is otherwise impracticable to give the notice.

34 Moving expenses

- (1) This section applies if a vehicle is moved under section 33 by an authorised person.
- (2) The local government may recover the reasonable costs (the *moving expenses*) of moving the vehicle, securely storing the vehicle, and publishing any newspaper notice for the vehicle, from—
 - (a) the person who was in charge of the vehicle immediately before the vehicle was moved; or
 - (b) if the person in charge cannot be identified—the operator of the vehicle, unless the vehicle was being used without the operator's consent.

- (3) If the moving expenses are paid, the local government must release the vehicle to the operator of the vehicle or in accordance with the operator's written directions.

35 Disposing of vehicle

- (1) This section applies if the local government considers, on reasonable grounds, a vehicle has been abandoned within a primary area or a secondary area because—
 - (a) the moving expenses are not paid within 2 months after a notice is given under section 33; or
 - (b) if the local government decides not to give a notice under section 33—at least 2 months have passed since the decision.
- (2) The local government may dispose of the vehicle—
 - (a) by selling the vehicle; or
 - (b) if the proceeds of sale are not likely to cover the reasonable expenses that would be incurred by the local government in selling the vehicle—in the way the local government considers appropriate.
- (3) If the vehicle is sold, the sale proceeds must be applied in the order specified in section 38A of the *Local Government Act 2009*.
- (4) If the sale proceeds are less than the sale and moving expenses, the difference between the proceeds and the expenses—
 - (a) is a debt payable to the local government by the person who is liable for the moving expenses; and
 - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
- (5) If the vehicle is not sold, the moving expenses and the expenses reasonably incurred by the local government in disposing of the vehicle—
 - (a) are a debt payable to the local government by the person who is liable for the moving expenses; and
 - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
- (6) The local government may waive all or part of the expenses mentioned in this section.
- (7) The person to whom a vehicle is sold, whether by public auction or otherwise, gains clear title to the vehicle freed and discharged from the interests of others.

Part 6 Seizing evidence and other things

36 Receipt for seized things

- (1) This section applies if an authorised person seizes anything under section 14, 18, 29, 30 or 31 unless—
 - (a) the authorised person reasonably believes there is no one apparently in possession of the thing or the thing has been abandoned; or
 - (b) because of the condition, nature and value of the thing, it would be

unreasonable to require the authorised person to comply with this section.

- (2) An authorised person must, as soon as practicable after seizing the thing, give the owner or the person in control of the thing before the thing was seized a receipt for the thing that generally describes the thing and its condition.
- (3) However, if an owner or person from whom the thing is seized is not present when the thing is seized, the receipt may be given by leaving the receipt in a conspicuous position and in a reasonably secure way at the place at which the thing is seized.
- (4) The receipt may relate to more than 1 seized thing.

37 Keeping seized thing pending return or forfeiture

- (1) The authorised person must give the seized thing to the local government as soon as practicable after seizure.
- (2) The local government must keep the seized thing until the thing is—
 - (a) returned to its owner under section 39; or
 - (b) forfeited to the local government under section 40 or 41.

38 Access to seized thing

- (1) Until a seized thing is returned or forfeited, the local government must allow an owner of the thing to inspect the thing, free of charge—
 - (a) at any reasonable time; and
 - (b) from time to time.
- (2) However, subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection.

39 Return of seized thing and compensation

- (1) This section applies if—
 - (a) a seized thing has some intrinsic value; and
 - (b) it is lawful for the owner to possess the thing; and
 - (c) the chief executive officer has not decided to forfeit the seized thing to the local government under section 40.
- (2) The local government must return the seized thing to an owner—
 - (a) generally—at the end of 6 months after the seizure; or
 - (b) if a proceeding for an offence involving the thing is started within the 6 months—at the end of the proceeding and any appeal from the proceeding.
- (3) However, if the thing was seized as evidence, the local government must return the seized thing to an owner as soon as practicable after the local government is satisfied that it is no longer necessary to retain the thing as evidence.
- (4) If a seized thing has been destroyed, the local government must pay, to the thing's owner, compensation—
 - (a) equal to the market value of the thing when the thing was destroyed; and

- (b) for any other loss or damage incurred by the owner as a result of the seizure.
- (5) However, no compensation is payable by the local government to the owner of a thing if an authorised person seizes the thing and, when the thing was seized—
 - (a) it had no intrinsic value; or
 - (b) it was perishable, for example, flowers.
- (6) This section does not affect a lien or other security over the seized thing.
- (7) In this section—
destroyed, for a seized thing, includes damaged to the extent that the thing is no longer fit for its designed use.

40 Forfeiture of seized thing by chief executive officer decision

- (1) The chief executive officer may decide a seized thing is forfeited to the local government if—
 - (a) the thing has no intrinsic value; or
 - (b) it is not lawful for the owner to possess the thing; or
 - (c) the local government reasonably believes it is necessary to keep the thing to prevent the thing being used to commit the offence for which the thing was seized; or
 - (d) the local government, after making reasonable inquiries, cannot find an owner; or
 - (e) the local government, after making reasonable efforts, cannot return the thing to an owner; or
 - (f) an authorised person has given the owner or the person in control of the thing a receipt for the thing under section 36(2) and the owner of the thing has failed to request the return of the thing at the end of 6 months after the seizure of the thing.
- (2) However, the chief executive officer is not required to—
 - (a) make inquiries if it would be unreasonable to make inquiries to find an owner; or
 - (b) make efforts if it would be unreasonable to make efforts to return the thing to an owner.
- (3) In deciding—
 - (a) whether it is reasonable to make inquiries or efforts; and
 - (b) if inquiries or efforts are made—what inquiries or efforts, including the period over which they are made, are reasonable;the thing's condition, nature and value must be considered.
- (4) If the chief executive officer decides a thing is forfeited to the local government, the thing becomes the property of the local government.

41 Court may order forfeiture of seized thing to the local government

- (1) This section applies if a court convicts a person of an offence against section 18,

29, 30 or 31.

- (2) When imposing a sentence on the person for the offence, or granting an injunction or making an order, the court may also order a seized thing to be forfeited to the local government if—
 - (a) the person is the owner of the thing; and
 - (b) the item was the subject of a contravention of section 18, 29, 30 or 31.
- (3) The court may also make an order that the court considers appropriate to enforce the forfeiture.

42 How property may be dealt with

- (1) This section applies if, under section 40 or 41, a thing becomes the property of the local government.
- (2) The chief executive officer may deal with the thing as the chief executive officer considers appropriate (including, for example, by destroying it or giving it away).
- (3) The chief executive officer must not deal with the thing in a way that could prejudice the outcome of an appeal against the forfeiture under this part.
- (4) If the chief executive officer sells a thing, the proceeds of the sale must be applied in the order specified in s38A of the *Local Government Act 2009*.

Part 7 Notice of primary area powers

43 Signs to be erected describing primary area powers

- (1) The local government must, subject to subsection (3), for each major city event, exhibit a sign at each public entrance to the primary area during the primary period for the major city event specifying the subject matter that the local government or an authorised person may exercise under this local law in the primary area pursuant to the following provisions of this local law—
 - (a) section 14 (Temporary works and maintenance in primary area or secondary area); or
 - (b) section 16 (Entering and exiting primary area); or
 - (c) section 18 (Conduct while entering or within restricted access area); or
 - (d) section 29 (Selling on public place within primary area or secondary area); or
 - (e) section 30 (Ambush marketing in primary area or secondary area).
- (2) In this section, **public entrance**, to a primary area, means an entrance designated by the local government as an entrance that members of the public may use to enter the primary area.
- (3) However, subsection (1) does not apply if the local government determines, by resolution, that a sign should not be exhibited.

Example — the local government may determine not to exhibit a sign if the local government is of the opinion that —

- *the sign would cause a visual nuisance; or*
- *the sign would encourage vandalism; or*

- *the sign would be contrary to the purpose for which a public place is to be used; or*
 - *the sign would not be cost effective; or*
 - *the primary area does not have an entrance which may be designated by the local government as an entrance members of the public may use to enter the primary area.*
- (4) A certificate stating that a specified sign—
- (a) was or was not exhibited under this section; or
 - (b) contained specified words; or
 - (c) was exhibited at a specified place,
- is evidence of the matter and, in the absence of evidence in rebuttal of the matter, is conclusive evidence of the matter.
- (5) In this section, **certificate** means a certificate purporting to be signed by the chief executive officer of the local government.

Part 8 Contractual powers

44 Contractual powers

A **major city event contract** is a contract entered into by the local government and a person which relates, directly or indirectly, to 1 or more of the following—

- (a) the use of a public place which is wholly or partly within a restricted access area;
- (b) a matter the subject of an approval under a local law in circumstances where the matter is to be undertaken wholly or partly within a restricted access area;
- (c) a matter that is regulated by a subordinate local law pursuant to this local law in circumstances where the matter is to be undertaken wholly or partly within a restricted access area.

45 Permit requirement and major city event contracts

- (1) This section applies if a person enters into a major city event contract which requires the person to operate an activity which is a regulated activity under an other local law and the activity is, or is to be, operated wholly or partly within a restricted access area.
- (2) Without limitation, the terms and conditions of a major city event contract may—
 - (a) require the person to apply for a permit for the operation of an activity which is a regulated activity under an other local law of the local government; and
 - (b) provide for the grant, by the local government, of a permit authorising the operation of an activity which is a regulated activity.
- (3) The local government may grant the permit if satisfied that the operation of the regulated activity wholly or partly within the restricted access area will result in, or facilitate, 1 or more of the following—
 - (a) the holding of a major city event in the local government area;
 - (b) the delivery of social, economic or environmental benefits to the local

government area by facilitating and attracting major city events to the local government area;

- (c) the safe and orderly running of a major city event in the local government area;
- (d) the enjoyment of participants and spectators of a major city event held in the local government area;
- (e) the safety of persons attending a major city event held in the local government area;
- (f) the promotion of commercial activity (other than unauthorised commercial activity) in relation to a major city event;
- (g) compliance with the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract which has been entered into by the local government about the holding of the major city event.

Part 9 Permits

46 Requirement for a permit

- (1) For the avoidance of doubt, a person, other than the local government, must not operate an activity which is a regulated activity under an other local law of the local government unless authorised by a permit granted under the other local law if the activity is operated—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (2) Subsection (3) applies if a person, other than the local government, must not operate a regulated activity unless authorised by a permit granted under an other local law.
- (3) The local government may grant a permit authorising the operation of the regulated activity if satisfied that the operation of the regulated activity will have adequate regard, in all the circumstances, to—
 - (a) the criteria specified in section 51(2) for the grant of the permit; and
 - (b) the criteria specified in the other local law for the grant of the permit.

47 Application of this part

- (1) This part applies if—
 - (a) a local law of the local government requires that a person must not operate a regulated activity on premises unless authorised by a permit granted by the local government under the local law; and
 - (b) the operation of the regulated activity is, or is to be, undertaken—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) Subsection (3) applies if an event is —

- (a) prescribed by regulation as a major event under the *Major Events Act 2014*; and
 - (b) prescribed by subordinate local law as a major city event.
- (3) For this part—
- (a) ***restricted access area*** —
 - (i) does not include the major event area prescribed by regulation for the major event; but
 - (ii) if a controlled area is prescribed by regulation for the major event—includes the controlled area; and
 - (b) ***restricted access period*** —
 - (i) does not include the major event period prescribed by regulation for the major event; but
 - (ii) if a control period is prescribed by regulation for the major event—includes the control period.

48 Application of this local law to regulated activities

- (1) If there is an inconsistency between a requirement about an application for a permit in this local law and a requirement about an application for a permit in another local law of the local government, the requirement in this local law prevails to the extent of the inconsistency.
- (2) If there is an inconsistency between the criteria about which the local government must be satisfied before the local government may grant a permit in respect of the operation of the regulated activity under this local law (the ***major city event criteria***) and the criteria about which the local government must be satisfied before the local government may grant the permit in respect of the operation of the regulated activity under another local law of the local government (the ***standard criteria***), the major city event criteria prevails (over the standard criteria) to the extent of the inconsistency.
- (3) If there is an inconsistency between the conditions subject to which a permit may be granted in respect of the operation of the regulated activity under this local law (each a ***major city event condition***) and the conditions subject to which a permit may be granted in respect of the operation of the regulated activity under another local law of the local government (each a ***standard condition***), the major city event conditions prevail (over the standard conditions) to the extent of the inconsistency.
- (4) If there is an inconsistency between the criteria about which the local government must be satisfied before the local government may change a condition of a permit in respect of the operation of the regulated activity under this local law (the ***major city event change criteria***) and the criteria about which the local government must be satisfied before the local government may change a condition of the permit in respect of the operation of the regulated activity under another local law of the local government (the ***standard change criteria***), the major city event change criteria prevails (over the standard change criteria) to the extent of the inconsistency.
- (5) If there is an inconsistency between the criteria about which the local government must be satisfied before the local government may amend, renew or transfer a

permit in respect of the operation of the regulated activity under this local law (the **major city event amendment, renewal or transfer criteria**) and the criteria about which the local government must be satisfied before the local government may amend, renew or transfer the permit in respect of the operation of the regulated activity under an other local law of the local government (the **standard amendment, renewal or transfer criteria**), the major city event amendment, renewal or transfer criteria prevails (over the standard amendment, renewal or transfer criteria) to the extent of the inconsistency.

- (6) If there is an inconsistency between the circumstances in which the local government may cancel or suspend a permit in respect of the operation of the regulated activity under this local law (the **major city event cancellation or suspension criteria**) and the circumstances in which the local government may cancel or suspend a permit in respect of the operation of the regulated activity under an other local law of the local government (the **standard cancellation or suspension criteria**), the major city event cancellation or suspension criteria prevails (over the standard cancellation or suspension criteria) to the extent of the inconsistency.

49 Application for a permit

- (1) This section applies if—
- (a) a permit is required for the operation of a regulated activity under an other local law of the local government; and
 - (b) the regulated activity to be authorised by the permit will be operated—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) The application for the permit must be accompanied by—
- (a) full details of how the operation of the regulated activity in the restricted access area during the restricted access period will—
 - (i) deliver social, economic and environmental benefits for the local government area by facilitating and attracting major city events to the local government area; and
 - (ii) facilitate the safe and orderly running of the major city event; and
 - (iii) promote the enjoyment of participants and spectators of the major city event; and
 - (iv) ensure the safety of persons attending the major city event; and
 - (v) protect the property of persons attending the major city event from damage; and
 - (vi) impact on traffic and pedestrian movement associated with the holding of the major city event; and
 - (vii) minimise environmental nuisance in the restricted access area; and
 - (viii) preserve and enhance public safety in the restricted access area; and
 - (ix) prevent an inappropriate loss of amenity in the restricted access area; and
 - (x) restrict the undertaking of commercial activities in the restricted

access area to—

- (A) commercial activities other than unauthorised commercial activities; and
 - (B) commercial activities undertaken with the written approval of the local government; and
- (b) such other information and materials as are requested by the local government or specified in a subordinate local law.
- (3) The local government may waive a requirement of section 49 (Application for a permit)—
- (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirement; or
 - (c) in the circumstances specified in a subordinate local law; or
 - (d) if the local government is the owner of the premises on which the regulated activity is to be undertaken.

50 Proposal requiring multiple permits

- (1) If a proposal involves a major city event permit the local government may, if practicable, deal with each act, matter or thing in respect of which the permit of the local government is sought together.
- (2) If the local government decides that a particular aspect of an application for a major city event permit should be refused, it may grant the major city event permit for particular aspects of the application even though other aspects of the application are not acceptable to the local government.
- (3) If the local government decides that a particular aspect of a proposal which is the subject of multiple applications for a major city event permit should be refused, it may refuse one or more applications required for the proposal even though other aspects of the proposal for which a major city event permit is required may be acceptable to the local government.
- (4) In this section—

major city event permit, for a regulated activity to be undertaken or operated —

- (a) wholly or partly within a restricted access area; and
- (b) during the whole or any part of a restricted access period,

means a permit to undertake or operate 1 or more or all acts, matters or things which comprise the undertaking or operation of the restricted activity.

Example: If the regulated activity of the display of an advertising device is to be operated at numerous premises within a restricted access area during a restricted access period, the local government may grant a major city event permit authorising the display of an advertising device at the numerous premises.

proposal—

- (a) means an act, matter or thing in respect of which a permit of the local government is sought; and
- (b) if a regulated activity is to be undertaken or operated—
 - (i) wholly or partly within a restricted access area; and

(ii) during the whole or any part of a restricted access period, may include 1 or more or all acts, matters or things which comprise the undertaking or operation of the regulated activity in respect of which a permit of the local government is sought.

51 Grant of a permit

- (1) This section applies if—
 - (a) a permit is required for the operation of a regulated activity under an other local law of the local government; and
 - (b) the regulated activity to be authorised by the permit will be operated—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) In deciding whether to grant the permit, the criteria that the local government may have regard to, to the extent that the criteria are relevant to the grant of the permit, include whether the operation of the regulated activity in the restricted access area during the restricted access period will—
 - (a) facilitate the holding of the major city event; and
 - (b) facilitate the delivery of social, economic and environmental benefits for the local government area by facilitating and attracting major city events to the local government area; and
 - (c) facilitate the safe and orderly running of the major city event; and
 - (d) promote the enjoyment of participants and spectators of the major city event; and
 - (e) promote the safety of persons attending the major city event; and
 - (f) protect the property of persons attending the major city event; and
 - (g) detrimentally impact on the regulation of traffic and pedestrian movement associated with the holding of the major city event; and
 - (h) result in environmental nuisance in the restricted access area; and
 - (i) preserve and enhance public safety in the restricted access area; and
 - (j) result in an inappropriate loss of amenity in the restricted access area; and
 - (k) restrict the undertaking of commercial activities in the restricted access area to—
 - (i) commercial activities other than unauthorised commercial activities; and
 - (ii) commercial activities undertaken with the written approval of the local government; and
 - (l) promote commercial activity (other than unauthorised commercial activity) in relation to the major city event; and
 - (m) facilitate compliance with, and the fulfilment of, the objects specified in section 2 of this local law; and
 - (n) for a major event — facilitate compliance by the major event organiser of

- the major event with 1 or more of the obligations imposed on the major event organiser in relation to the holding of the major event; and
- (o) facilitate compliance by a major city event organiser with 1 or more of the obligations imposed on the major city event organiser under this local law in relation to the holding of the major city event; and
 - (p) facilitate compliance by the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract which has been entered into by the local government about the holding of the major city event.
- (3) Also, the local government may grant the permit if satisfied that the operation of the regulated activity in the restricted access area during the restricted access period will have no, or negligible, impact on any of the following—
- (a) the reputation of the local government area as a place at which major city events may be held;
 - (b) the local government's ability to attract major city events to the local government area;
 - (c) the safe and orderly running of the major city event;
 - (d) the enjoyment of participants and spectators of the major city event;
 - (e) the safety of persons attending the major city event;
 - (f) the protection of property of persons attending the major city event from damage;
 - (g) the regulation of traffic and pedestrian movement associated with the holding of the major city event;
 - (h) the safety, security, enjoyment and health of persons at venues and facilities which are used or to be used for any part of the major city event;
 - (i) the safe movement of traffic on roads which are used or to be used to transport persons attending the major city event.
- (4) For the purposes of determining whether the criteria specified in subsection (2) or (3) have been satisfied—
- (a) the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the regulated activity; and
 - (b) the local government may have regard to the applicant's antecedence in terms of compliance or otherwise with a local law of the local government; and
 - (c) the local government is not obliged to look beyond—
 - (i) any information or materials submitted to the local government in respect of the application; and
 - (ii) any other information held by the local government which is relevant to the application.

52 Conditions of a permit

- (1) This section applies if—

-
- (a) a permit is required for the operation of a regulated activity under an other local law of the local government; and
 - (b) the regulated activity to be authorised by the permit will be operated—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
 - (2) The permit for the operation of the regulated activity in the restricted access area during the restricted access period may be granted by the local government on conditions the local government considers appropriate.
 - (3) The conditions of the permit may require the holder of the permit to take specified measures to—
 - (a) facilitate the holding of the major city event; and
 - (b) facilitate the safe and orderly running of the major city event; and
 - (c) promote the enjoyment of participants and spectators of the major city event; and
 - (d) promote the safety of persons attending the major city event; and
 - (e) protect the property of persons attending the major city event from damage; and
 - (f) regulate traffic and pedestrian movement associated with the holding of the major city event; and
 - (g) promote the safety, security, enjoyment and health of persons at venues and facilities which are used or to be used for any part of the major city event; and
 - (h) prevent or minimise environmental nuisance in the restricted access area; and
 - (i) preserve and enhance public safety in the restricted access area; and
 - (j) prevent an inappropriate loss of amenity in the restricted access area;
 - (k) prohibit the undertaking of unauthorised commercial activity in relation to the major city event; and
 - (l) prohibit the undertaking of unauthorised commercial activity on a public place at which the major city event is held; and
 - (m) promote commercial activity (other than unauthorised commercial activity) in relation to the major city event; and
 - (n) facilitate compliance by the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract which has been entered into by the local government about the holding of the major city event.
 - (4) The local government may specify, by subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit for the operation of a regulated activity within a restricted access area during a restricted access period.
 - (5) For the avoidance of doubt, the operation of a regulated activity by the holder of a permit, and any person operating the regulating activity, may, to the extent authorised by the conditions of the permit, result in 1 or more of the following—

- (a) a loss of amenity;
 - (b) environmental nuisance;
 - (c) a nuisance;
 - (d) an adverse effect on the surrounding community;
 - (e) the obstruction of traffic on, or the use of, a road;
 - (f) the obstruction of the use and enjoyment of a bathing reserve;
 - (g) non-compliance with prescribed criteria.
- (6) The conditions of the permit may require the holder of the permit to—
- (a) take out specified insurance indemnifying a person who may suffer personal injury, loss or damage as a result of the operation of the regulated activity; and
 - (b) if the permit authorises the holder of the permit to use a specified part of a public place for the operation of the regulated activity — pay 1 or more specified amounts to the local government at specified intervals.

53 Power to change the conditions of a permit

- (1) This section applies if—
- (a) the local government may change a condition of a permit for the operation of a regulated activity under an other local law of the local government; and
 - (b) the permit authorises the operation of the regulated activity —
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) The local government may also change a condition of the permit—
- (a) if the change is necessary having regard to the criteria specified in section 51(2); or
 - (b) to facilitate compliance with 1 or more of the criteria specified in section 51(2).
- (3) The local government may only change a condition of the permit if the local government complies with each requirement prescribed in the other local law for a change of a condition of the permit.

54 Amendment, renewal or transfer of a permit

- (1) This section applies if—
- (a) the holder of a permit may make an application to the local government under an other local law¹¹ of the local government to—
 - (i) amend the permit; or
 - (ii) renew the permit; or

¹¹ See, for example, *Local Law No. 7 (Council Property) 2008*, section 21, *Local law No. 9 (Parks and Reserves) 2008*, section 28, *Local Law No. 10 (Bathing Reserves) 2004*, section 27, *Local Law No. 11 (Roads and Malls) 2008*, section 17, *Local Law No. 16 (Licensing) 2008*, section 11 and *Local Law No. 44 (Heavy Vehicle Parking) 2007*, section 11.

- (iii) transfer the permit to another person; and
- (b) the permit authorises the operation of a regulated activity—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) The local government may amend, renew or transfer the permit subject to such conditions as the local government considers appropriate, including conditions which are necessary—
 - (a) having regard to the criteria specified in section 51(2); or
 - (b) to facilitate compliance with 1 or more of the criteria specified in section 51(2).

Example—

To facilitate compliance by the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract for a major city event, the local government may renew a permit for the operation of a regulated activity subject to a condition requiring the suspension of the permit—

- (a) *in the secondary area, or a specified part of the secondary area, for the major city event; and*
- (b) *for the secondary period, or a specified part of the secondary period, for the major city event.*
- (3) The local government may only amend, renew or transfer the permit if the local government complies with each requirement prescribed in the other local law for—
 - (a) if the application is for the amendment of the permit—the amendment of the permit;
 - (b) if the application is for the renewal of the permit—the renewal of the permit;
 - (c) if the application is for the transfer of the permit—the transfer of the permit.

55 Renewal of a permit

- (1) This section applies if—
 - (a) the local government may renew a permit under an other local law¹² of the local government; and
 - (b) the permit authorises the operation of a regulated activity—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) The local government may renew the permit subject to such conditions as the local government considers appropriate, including conditions which are necessary—
 - (a) having regard to the criteria specified in section 51(2); or
 - (b) to facilitate compliance with 1 or more of the criteria specified in section 51(2).

¹² See, for example, *Local Law No. 7 (Council Property) 2008*, section 22, *Local Law No. 10 (Bathing Reserves) 2004*, section 28, *Local Law No. 16 (Licensing) 2008*, section 12 and *Local Law No. 44 (Heavy Vehicle Parking) 2007*, section 12.

Example—

To facilitate compliance by the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract for a major city event, the local government may renew a permit for the operation of a regulated activity subject to a condition requiring the suspension of the permit—

- (a) in the secondary area, or a specified part of the secondary area, for the major city event; and*
 - (b) for the secondary period, or a specified part of the secondary period, for the major city event.*
- (3) The local government may only renew the permit if the local government complies with each requirement prescribed in the other local law for the renewal of the permit.

56 Cancellation or suspension of a permit

(1) This section applies if—

- (a) the local government may cancel or suspend a permit under an other local law¹³ of the local government; and
- (b) the permit authorises the operation of a regulated activity—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.

(2) The local government may also cancel or suspend the permit —

- (a) having regard to the criteria specified in section 51(2); or
- (b) to facilitate compliance with 1 or more of the criteria specified in section 51(2).

Example—

To facilitate compliance by the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract for a major city event, the local government may suspend a permit for the operation of a regulated activity—

- (a) in the secondary area, or a specified part of the secondary area, for the major city event; and*
 - (b) for the secondary period, or a specified part of the secondary period, for the major city event.*
- (3) The local government may only cancel or suspend the permit if the local government complies with each requirement prescribed in the other local law for—
- (a) if the local government intends to cancel the permit—the cancellation of the permit;
 - (b) if the local government intends to suspend the permit—the suspension of the permit.

56A Suspension of a permit

(1) This section applies if—

- (a) under an other local law of the local government, the local government may

¹³ See, for example, *Local Law No. 7 (Council Property) 2008*, section 23, *Local Law No. 9 (Parks and Reserves) 2008*, section 29, *Local Law No. 10 (Bathing Reserves) 2004*, section 29, *Local Law No. 11 (Roads and Malls) 2008*, section 18, *Local Law No. 16 (Licensing) 2008*, section 13 and *Local Law No. 44 (Heavy Vehicle Parking) 2007*, section 13.

- cancel, but not suspend, a permit; and
- (b) the permit authorises the operation of a regulated activity—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.
- (2) The local government may suspend the permit if—
 - (a) the holder of the permit agrees to the suspension; or
 - (b) the local government considers the suspension is necessary—
 - (i) having regard to the criteria specified in section 51(2); or
 - (ii) to facilitate compliance with 1 or more of the criteria specified in section 51(2).

Example—

To facilitate compliance by the local government with 1 or more of the contractual obligations imposed on the local government under a major city event contract for a major city event, the local government may suspend a permit for the operation of a regulated activity—

- (a) in the secondary area, or a specified part of the secondary area, for the major city event; and*
- (b) for the secondary period, or a specified part of the secondary period, for the major city event.*
- (3) If the local government is satisfied it is necessary to suspend a permit, the local government must—
 - (a) give the holder of the permit a written notice stating —
 - (i) the reason for the proposed suspension; and
 - (ii) that the proposed suspension is to take effect immediately or on a specific date; and
 - (iii) that the holder of the permit may make written representations to the local government about the proposed suspension; and
 - (iv) the time (at least 15 business days after the written notice is given to the holder of the permit) within which written representations may be made; and
 - (v) the period of the proposed suspension or that the proposed suspension will take effect until the local government gives the holder of the permit a written notice stating that the permit will be reinstated on a certain date; and
 - (b) consider any written representations made by the holder of the permit within the time stated in the written notice.
- (4) After considering any written representations made by the holder of the permit the local government must give the holder of the permit—
 - (a) if the local government is not satisfied that the suspension is necessary, a written notice stating it has decided not to suspend the permit; or
 - (b) if the local government is satisfied that the suspension is necessary, a written notice stating—
 - (i) it has decided to suspend the permit; and
 - (ii) that the suspension is to take effect immediately or on a specific date; and

- (iii) the period of the suspension or that the suspension will take effect until the local government gives the holder of the permit a written notice stating that the permit will be reinstated on a certain date.
- (5) Before the local government suspends a permit under subsection (4), the local government must consider the impact of the suspension of the permit, other than a financial impact on the holder of the permit, on those persons who would be affected by the regulated activity ceasing to be operated.
- (6) Subject to subsection (7), the suspension of the permit takes effect from the day the written notice was given to the holder of the permit—
 - (a) under subsection (3)(a), when no written representations are made by the holder of the permit within the time stated in the written notice; or
 - (b) under subsection (4)(b), when written representations are made by the holder of the permit within the time stated in the written notice and the local government decides that the suspension is necessary.
- (7) If the local government is satisfied that it is necessary to suspend a permit under subsection (2), it may specify in the written notice given under subsections (3)(a) or (4)(b) that the suspension is to take effect from a date specified in the written notice, in which case the suspension of the permit takes effect from the day specified in the written notice.
- (8) If the local government has suspended a permit, the holder of the permit must cease to operate the regulated activity immediately after the suspension takes effect.

Maximum penalty for subsection (8) — 50 penalty units.

56B Urgent suspension of a permit

- (1) This section applies if a permit granted under an other local law of the local government authorises the operation of a regulated activity—
 - (a) on a public place which is wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (2) In addition to the things the local government may do under sections 56 and 56A, the local government may suspend the permit if—
 - (a) the holder of the permit agrees to the suspension; or
 - (b) the suspension is urgently necessary—
 - (i) having a regard to the criteria specified in section 51(2); or
 - (ii) to facilitate compliance with 1 or more of the criteria specified in section 51(2).
- (3) If the local government is satisfied that the suspension is necessary, the local government must give to the holder of the permit a written notice stating—
 - (a) it has decided to suspend the permit; and
 - (b) that the suspension is to take effect immediately or on a specific date; and
 - (c) the period of the suspension or that the suspension will take effect until the local government gives the holder of the permit a written notice stating that

the permit will be reinstated on a certain date.

- (4) Before the local government suspends a permit under subsection (3), the local government must consider the impact of the suspension of the permit, other than a financial impact on the holder of the permit, on those persons who would be affected by the regulated activity ceasing to be operated.
- (5) The suspension of the permit takes effect—
 - (a) if the written notice specifies that the suspension is to take effect immediately—immediately on the day the written notice is given to the holder of the permit; or
 - (b) if the written notice specifies that the suspension is to take effect on a later specific date—on the specific date.
- (6) If the local government has suspended a permit, the holder of the permit must cease to operate the regulated activity immediately after the suspension takes effect.

Maximum penalty for subsection (6) — 50 penalty units.

57 General compliance provision

- (1) This section applies if a person is operating a regulated activity or the holder of a permit which authorises the operation of a regulated activity—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (2) The person must ensure that the operation of the regulated activity does not result in any of the following—
 - (a) the unsafe or disorderly running of the major city event;
 - (b) property damage for persons attending the major city event;
 - (c) an inappropriate loss of amenity in the restricted access area;
 - (d) a significant reduction in any of the following—
 - (i) the enjoyment of participants and spectators of the major city event;
 - (ii) the safety, security, enjoyment and health of persons attending the major city event;
 - (iii) the safety, security, enjoyment and health of persons at venues and facilities which are used or to be used for any part of the major city event.

Maximum penalty—50 penalty units.

Part 10 Review

58 Application of this part

This part applies if—

- (a) a person applies for a review of a decision of the local government or an authorised person made under a local law; and

- (b) the local government must carry out the review in accordance with the process for resolving administrative action complaints established by the local government in accordance with the provisions of chapter 9, part 4 of the *Local Government Regulation 2012*; and
- (c) the decision relates to an activity, including a regulated activity under a local law of the local government, which is, or is to be, undertaken—
 - (i) wholly or partly within a restricted access area; and
 - (ii) during the whole or any part of a restricted access period.

59 Stay of operation of decision

- (1) The review of the decision does not stay the decision that is the subject of the application.
- (2) However, the applicant for the review may, immediately after making the application, apply to the Magistrate's Court for a stay of the decision.
- (3) The Court may stay the decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the Court considers appropriate.

Part 11 Enforcement

60 Time for compliance with compliance notice

- (1) This section applies if the local government gives a compliance notice to a person under section 42 of *Local Law No. 3 (Administration) 2008* and the compliance notice requires the person to whom it is given to take specified action or comply with a requirement of the compliance notice—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (2) For *Local Law No. 3 (Administration) 2008*, section 42(4)(b), in deciding the time within which compliance with the compliance notice is required, the local government must consider the likely impact of the local law contravention of the recipient of the compliance notice on each of the following—
 - (a) the reputation of the local government area as a place at which major city events may be held;
 - (b) the local government's ability to attract major city events to the local government area;
 - (c) the safe and orderly running of the major city event;
 - (d) the enjoyment of participants and spectators of the major city event;
 - (e) the safety of persons attending the major city event;
 - (f) the protection of property of persons attending the major city event from damage;
 - (g) the regulation of traffic and pedestrian movement associated with the holding of the major city event;
 - (h) the safety, security, enjoyment and health of persons at venues and facilities

- which are used or to be used for any part of the major city event;
- (i) the safe movement of traffic on roads which are used or to be used to transport persons attending the major city event;
 - (j) the prohibition of the undertaking of unauthorised commercial activity in relation to the major city event;
 - (k) the prohibition of the undertaking of unauthorised commercial activity on a public place at which the major city event is held;
 - (l) the promotion of commercial activity (other than unauthorised commercial activity) in relation to the major city event.
- (3) The local government may give a compliance notice to a person under section 42 of *Local Law No. 3 (Administration) 2008* orally or in writing.
 - (4) The local government must confirm a compliance notice given orally in writing by the next business day following the giving of the compliance notice.

61 Time for compliance with stop order

- (1) This section applies if the local government gives a stop order to a person under section 43 of *Local Law No. 3 (Administration) 2008* and the stop order requires the person to whom it is given to cease to operate a regulated activity—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (2) For *Local Law No. 3 (Administration) 2008*, section 43(1), in deciding the time within which the person must cease to operate the regulated activity, the local government must consider the likely impact of the continued operation of the regulated activity on each of the following—
 - (a) the reputation of the local government area as a place at which major city events may be held;
 - (b) the local government's ability to attract major city events to the local government area;
 - (c) the safe and orderly running of the major city event;
 - (d) the enjoyment of participants and spectators of the major city event;
 - (e) the safety of persons attending the major city event;
 - (f) the protection of property of persons attending the major city event from damage;
 - (g) the regulation of traffic and pedestrian movement associated with the holding of the major city event;
 - (h) the safety, security, enjoyment and health of persons at venues and facilities which are used or to be used for any part of the major city event;
 - (i) the safe movement of traffic on roads which are used or to be used to transport persons attending the major city event;
 - (j) the prohibition of the undertaking of unauthorised commercial activity in relation to the major city event;
 - (k) the prohibition of the undertaking of unauthorised commercial activity on a

- public place at which the major city event is held;
- (l) the promotion of commercial activity (other than unauthorised commercial activity) in relation to the major city event.
- (3) The local government may give a stop order to a person under section 43 of *Local Law No. 3 (Administration) 2008* orally or in writing.
 - (4) The local government must confirm a stop order given orally in writing by the next business day following the giving of the stop order.

62 Time for performance of work

- (1) This section applies if the local government gives a notice to a person under section 44(3) of *Local Law No. 3 (Administration) 2008* and the notice requires the person to take action¹⁴ specified in the notice—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (2) For *Local Law No. 3 (Administration) 2008*, section 44(4), in deciding the reasonable time within which the action specified in the notice must be taken, the local government must consider the likely impact of the failure to take the action specified in the notice on each of the following—
 - (a) the reputation of the local government area as a place at which major city events may be held;
 - (b) the local government's ability to attract major city events to the local government area;
 - (c) the safe and orderly running of the major city event;
 - (d) the enjoyment of participants and spectators of the major city event;
 - (e) the safety of persons attending the major city event;
 - (f) the protection of property of persons attending the major city event from damage;
 - (g) the regulation of traffic and pedestrian movement associated with the holding of the major city event;
 - (h) the safety, security, enjoyment and health of persons at venues and facilities which are used or to be used for any part of the major city event;
 - (i) the safe movement of traffic on roads which are used or to be used to transport persons attending the major city event;
 - (j) the prohibition of the undertaking of unauthorised commercial activity in relation to the major city event;
 - (k) the prohibition of the undertaking of unauthorised commercial activity on a public place at which the major city event is held;
 - (l) the promotion of commercial activity (other than unauthorised commercial activity) in relation to the major city event.
- (3) The local government may give a notice to a person under section 44 of *Local Law No. 3 (Administration) 2008* orally requiring the person to take action specified in

¹⁴ See footnote 3.

the notice.

- (4) The local government must confirm a notice given orally in writing by the next business day following the giving of the oral notice.

Part 12 Authorised person

63 Authorised person

- (1) For the purposes of this local law, *authorised person* means a person who is authorised by the local government under *Local Law No. 3 (Administration) 2008* to exercise the powers of an authorised person under this local law.
- (2) Where there is an inconsistency between part 4 (Powers of council officers) of *Local Law No. 3 (Administration) 2008* of the local government and a provision of this local law, the latter will apply.

Part 13 Subordinate local laws

64 Subordinate local laws

The local government may, in a subordinate local law, specify—

- (a) pursuant to section 12(2)(a) (Prescribing event as a major city event) of this local law, an event as a major city event; and
- (b) pursuant to section 12(2)(b) (Prescribing event as a major city event) of this local law, an area as a primary area; and
- (c) pursuant to section 12(2)(c) (Prescribing event as a major city event) of this local law, a period as a primary period; and
- (d) pursuant to section 12(2)(d) (Prescribing event as a major city event) of this local law, if there is a major city event organiser for a major city event—the major city event organiser and the provisions of this local law that may be exercised by the major city event organiser and the period when those provisions may be exercised by the major city event organiser; and
- (e) pursuant to section 12(3) (Prescribing event as a major city event) of this local law—
 - (i) the provisions of this local law that apply to the following—
 - (A) the primary area, or a specified part of the primary area;
 - (B) the primary period, or another period; and
 - (ii) the provisions of this local law that do not apply to the following—
 - (A) the primary area, or a specified part of the primary area;
 - (B) the primary period, or another period; and
- (f) pursuant to section 12(4)(a) (Prescribing event as a major city event) of this local law, an area as a secondary area; and
- (g) pursuant to section 12(4)(b) (Prescribing event as a major city event) of this local law, a period as a secondary period; and

- (h) pursuant to section 12(5) (Prescribing event as a major city event) of this local law—
 - (i) the provisions of this local law that may apply to the following—
 - (A) the secondary area, or a specified part of the secondary area;
 - (B) the secondary period, or another period; and
 - (ii) the provisions of this local law that do not apply to the following—
 - (A) the secondary area, or a specified part of the secondary area;
 - (B) the secondary period, or another period; and
- (i) pursuant to section 12(6) (Prescribing event as a major city event) of this local law, a requirement that a person must not operate a regulated activity, or change the manner of operation of a regulated activity, on premises unless authorised by a permit, notwithstanding that a subordinate local law made under an other local law specifies that the operation of the regulated activity may be undertaken subject only to compliance with prescribed criteria; and
- (j) pursuant to section 12(7) (Prescribing event as a major city event) of this local law, an activity which is prohibited under an other local law but may, if authorised by a permit, be undertaken on premises, notwithstanding that the activity is prohibited under the other local law; and
- (k) pursuant to section 12(9) (Prescribing event as a major city event) of this local law —
 - (i) an activity; and
 - (ii) 1 or more specified areas where the activity may be operated without a permit; and
 - (iii) 1 or more specified periods during which the activity may be operated without a permit; and
 - (iv) prescribed criteria with which a person operating the activity must comply.
- (l) another thing that a person must not do in a primary area or a secondary area pursuant to section 18 (Conduct while entering or within restricted access area) of this local law; and
- (m) a footpath on which a person must not—
 - (i) travel in or on a wheeled recreational device or a wheeled toy; or
 - (ii) ride a bicycle,pursuant to section 27 (Prohibition of bicycles etc on footpaths) of this local law; and
- (n) a type of selling activity that is prescribed pursuant to section 29(2) (Selling on public place within primary area or secondary area) of this local law; and
- (o) a type of selling activity which is permitted pursuant to section 29(3) (Selling on public place within primary area or secondary area) of this local law; and
- (p) a type of advertising device that is prescribed pursuant to section 31 (Advertising in primary area or secondary area) of this local law; and

(Administration) 2008

67 Application of Local Law No. 3 (Administration) 2008 to this local law

- (1) This section applies if there is an inconsistency between a provision of *Local Law No. 3 (Administration) 2008* (a **standard provision**) and a provision of this local law (a **major city event provision**).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (3) For the avoidance of doubt, the local government may give a compliance notice¹⁵ pursuant to 1 or more of the following—
 - (a) section 18 (Conduct while entering or within restricted access area);
 - (b) section 29 (Selling on public place within primary area or secondary area);
 - (c) section 30 (Ambush marketing in primary area or secondary area);
 - (d) section 31 (Advertising in primary area or secondary area).
- (4) For the avoidance of doubt —
 - (a) an authorised person is authorised to seize, remove, impound and deal with a thing in accordance with part 6 under 1 or more of the following —
 - (i) section 14 (Temporary works and maintenance in primary area or secondary area);
 - (ii) section 18 (Conduct while entering or within restricted access area);
 - (iii) section 29 (Selling on public place within primary area or secondary area);
 - (iv) section 30 (Ambush marketing in primary area or secondary area);
 - (v) section 31 (Advertising in primary area or secondary area); and
 - (b) the authorised person may seize, remove, impound and deal with a thing in accordance with part 6 in lieu of the exercise of a power under part 5 (Miscellaneous) or part 7 (Enforcement) of *Local Law No. 3 (Administration) 2008*.
- (5) Subject to subsections (1) to (4) inclusive, the provisions of *Local Law No. 3 (Administration) 2008* apply to this local law.

Part 16 Amendment of Local Law No. 7 (Council Property) 2008

68 Application of this part

This part amends *Local Law No. 7 (Council Property) 2008*.

¹⁵ See footnote 2.

69 Amendment of Local Law No. 7 (Council Property) 2008

Local Law No. 7 (Council Property) 2008, after part 7—

insert—

‘Part 8 Application of Local Law No. 21 (Major City Events) 2017**29. Application of Local Law No. 21 (Major City Events) 2017 to this local law**

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City Events) 2017*;

restricted access period has the meaning given in *Local Law No. 21 (Major City Events) 2017*.’.

Part 17 Amendment of Local Law No. 9 (Parks and Reserves) 2008**70 Application of this part**

This part amends *Local Law No. 9 (Parks and Reserves) 2008*.

71 Amendment of Local Law No. 9 (Parks and Reserves) 2008

Local Law No. 9 (Parks and Reserves) 2008, after part 8—

insert—

‘Part 8A Application of Local Law No. 21 (Major City Events) 2017**34A. Application of Local Law No. 21 (Major City Events) 2017 to this local law**

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event

provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—

- (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City Events) 2017*;

restricted access period has the meaning given in *Local Law No. 21 (Major City Events) 2017*.

Part 18 Amendment of Local Law No. 10 (Bathing Reserves) 2004

72 Application of this part

This part amends *Local Law No. 10 (Bathing Reserves) 2004*.

73 Amendment of Local Law No. 10 (Bathing Reserves) 2004

Local Law No. 10 (Bathing Reserves) 2004, after part 10—

insert—

‘Part 10A Application of Local Law No. 21 (Major City Events) 2017

56A. Application of Local Law No. 21 (Major City Events) 2017 to this local law

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.

- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City Events) 2017*;

restricted access period has the meaning given in *Local Law No. 21 (Major City Events) 2017*.

Part 19 Amendment of Local Law No. 11 (Roads and Malls) 2008

74 Application of this part

This part amends *Local Law No. 11 (Roads and Malls) 2008*.

75 Amendment of Local Law No. 11 (Roads and Malls) 2008

Local Law No. 11 (Roads and Malls) 2008, after part 7—
insert—

‘Part 8 Application of Local Law No. 21 (Major City Events) 2017

29 Application of Local Law No. 21 (Major City Events) 2017 to this local law

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—

- (a) wholly or partly within a restricted access area; and
- (b) during the whole or any part of a restricted access period.

- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City Events) 2017*;

restricted access period has the meaning given in *Local Law No. 21 (Major City Events) 2017*.’.

Part 20 Amendment of Local Law No. 16 (Licensing) 2008

76 Application of this part

This part amends *Local Law No. 16 (Licensing) 2008*.

77 Amendment of Local Law No. 16 (Licensing) 2008

Local Law No. 16 (Licensing) 2008, after part 5—
insert—

‘Part 5A Application of Local Law No. 21 (Major City Events) 2017

19A. Application of Local Law No. 21 (Major City Events) 2017 to this local law

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City Events) 2017*;

restricted access period has the meaning given in *Local Law No. 21 (Major City Events) 2017*.

Part 21 Amendment of Local Law No. 44 (Heavy Vehicle Parking) 2007**78 Application of this part**

This part amends *Local Law No. 44 (Heavy Vehicle Parking) 2007*.

79 Amendment of Local Law No. 44 (Heavy Vehicle Parking) 2007

Local Law No. 44 (Heavy Vehicle Parking) 2007, after part 5—
insert—

'Part 6 Application of Local Law No. 21 (Major City Events) 2017**18 Application of Local Law No. 21 (Major City Events) 2017 to this local law**

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City*

Events) 2017;

***restricted access period** has the meaning given in *Local Law No. 21 (Major City Events) 2017*.’.*

Schedule Dictionary

Section 3

advertising device has the meaning given in *Local Law No. 16 (Licensing) 2008*, schedule 1.

application includes a request to the local government under a local law.

approval means a consent, permit, licence, authorisation, registration, membership or approval under a Local Government Act or a local law and includes all conditions of a consent, permit, licence, authorisation, registration, membership or approval.

authorised person see section 63.

bathing reserve has the meaning given in *Local Law No. 10 (Bathing Reserves) 2004*.

bicycle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

building has the meaning given in the *Building Act 1975*.

chief executive officer means the person appointed and employed by the local government as its chief executive officer pursuant to section 194 (Appointing a chief executive officer) of the *Local Government Act 2009*.

commercial activity means any 1 or more of the following—

- (a) selling or distributing a thing;
- (b) promoting a person, thing or service;
- (c) displaying, or permitting to be displayed, an advertising device on premises, including on the outside of a building or structure on the premises.

controlled area, for a major event, means the area that is prescribed by regulation under section 12(3)(a) of the *Major Events Act 2014* as the controlled area for the major event.

control period, for a major event, means the period that is prescribed by regulation under section 12(3)(b) of the *Major Events Act 2014* as the control period for the major event.

council facility has the meaning given in *Local Law No. 7 (Council Property) 2008*.

direction means a written or oral direction given by an authorised person pursuant to this local law.

driver see *Transport Operations (Road Use Management) Act 1995*, schedule 4.

drone operation—

- (a) means the arrival, departure or movement of a UAV, an RPA, an unmanned aircraft or a drone; but
- (b) includes the operation of a UAV, an RPA, an unmanned aircraft or a drone.

emergency vehicle see the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, schedule 5.

emergency purpose has the meaning given in the *Major Events Act 2014*.

emergency worker has the meaning given in the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

environmental nuisance has the meaning given in the *Environmental Protection*

Act 1994.

footpath—

- (a) has the meaning given in the *Transport Operations (Road Use Management) Act 1995*; but
- (b) does not include a separated footpath¹⁶.

hazardous has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, section 100(2).

land has the meaning given in the *Sustainable Planning Act 2009*.

Local Government Act has the meaning given in the *Local Government Act 2009* and includes all approvals, granted pursuant to the Local Government Acts.

local government area means the local government area of the local government.

local government road has the meaning given in *Local Law No. 3 (Administration) 2008*.

local law includes any subordinate local laws and all approvals granted pursuant to a local law.

major city event see section 5.

major city event amendment, renewal or transfer criteria, see section 48.

major city event cancellation or suspension criteria, see section 48.

major city event change criteria see section 48.

major city event condition see section 48.

major city event contract see section 44.

major city event criteria see section 48.

major event means an event prescribed by regulation as a major event under section 12(1) of the *Major Events Act 2014*.

major event area, for a major event, means the area prescribed by regulation under section 12(2)(b) of the *Major Events Act 2014* as the area where the major event is to be held.

major event organiser, for a major event, means the person prescribed by regulation under section 12(2)(a) of the *Major Events Act 2014* as the major event organiser of the major event.

major event period, for a major event, means the period prescribed by regulation under section 12(2)(c) of the *Major Events Act 2014* as the period in which the major event takes place.

major sports facility land means facility land under the *Major Sports Facilities Act 2001*.

minor traffic offence see *Transport Operations (Road Use Management) Act 1995*, section 108 and *Gold Coast City Council Local Law No. 2 (Regulated Parking) 2006*.

moving expenses see section 34.

occupant's pass see section 17.

¹⁶ See *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, section 239.

occupier, of premises, means the person who has the control or management of the premises.

operator, of a vehicle, means—

- (a) if the vehicle is registered — the registered operator of the vehicle;
- (b) if the vehicle is not registered, for example, a bicycle — the driver of the vehicle.

other local law see section 12(6).

owner means in the case of—

- (a) premises—the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent; or
- (b) a vehicle — the person in whose name the vehicle is registered under a law of a State or Territory; or
- (c) property or a thing, other than premises or a vehicle — the person who has a legal or beneficial interest in the property or thing.

park has the meaning given in *Local Law No. 9 (Parks and Reserves) 2008*.

permit —

- (a) means a permit which has been granted pursuant to a local law or amended, renewed or transferred pursuant to a local law which —
 - (i) has not expired pursuant to a local law; and
 - (ii) has not been cancelled pursuant to a local law; and
- (b) for the avoidance of doubt, includes a licence which has been granted pursuant to a local law or amended, renewed or transferred pursuant to a local law which—
 - (i) has not expired pursuant to a local law; and
 - (ii) has not been cancelled pursuant to a local law.

Examples of a permit include—

- A parking permit granted under section 27 of *Local Law No. 2 (Regulated Parking) 2006*;
- A permit granted under section 17 of *Local Law No. 7 (Council Property) 2008*;
- A permit granted under section 21 of *Local Law No. 9 (Parks and Reserves) 2008*;
- A permit granted under section 21 of *Local Law No. 10 (Bathing Reserves) 2004*;
- A permit granted under section 13 of *Local Law No. 11 (Road and Malls) 2008*;
- A permit granted under section 17 of *Local Law No. 12 (Animal Management) 2013*;
- A licence granted under section 7 of *Local Law No. 16 (Licensing) 2008*;
- A licence granted under section 7 of *Local Law No. 44 (Heavy Vehicle Parking) 2007*.

premises—

- (a) means any land, building or structure and includes any part thereof; and
- (b) includes a road.

prescribed criteria means the criteria specified in a subordinate local law with which the operation of a regulated activity must comply.

primary area, for a major city event, means the area prescribed by subordinate local law under section 12 as the primary area for the major city event.

primary period, for a major city event, means the period prescribed by subordinate local law under section 12 as the primary period for the major city event.

property means premises, goods or any other thing.

public entrance see section 43.

public place has the meaning given in *Local Law No. 3 (Administration) 2008*.

reasonably believes means believes on grounds that are reasonable in the circumstances.

registered see *Transport Operations (Road Use Management) Act 1995*, schedule 4.

registered operator, of a vehicle, has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

regulated activity means an activity the undertaking of which requires an approval under a local law.

reserve has the meaning given in *Local Law No. 9 (Parks and Reserves) 2008*.

restricted access area—

(a) generally, for a major city event, means each of the following—

- (i) the primary area prescribed by subordinate local law for the major city event; and
- (ii) the secondary area prescribed by subordinate local law for the major city event; but

(b) for parts 9 to 21 inclusive, see also section 47(3)(a).

restricted access period—

(a) generally, for a major city event, means each of the following—

- (i) if a primary area is prescribed by subordinate local law for the major city event—the primary period prescribed by subordinate local law for the major city event; and
- (ii) if a secondary area is prescribed by subordinate local law for the major city event—the secondary period prescribed by subordinate local law for the major city event; but

(b) for parts 9 to 21 inclusive, see also section 47(3)(b).

restricted area see section 21(1).

road means a local government road or a State-controlled road.

road-related area see *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 13.

RPA has the meaning given in the *Civil Aviation Safety Regulations 1998*.

secondary area, for a major city event, means the area prescribed by subordinate local law under section 12 as the secondary area for the major city event.

secondary period, for a major city event, means the period prescribed by subordinate local law under section 12 as the secondary period for the major city event.

seized thing means a thing seized under section 14, 18, 29, 30 or 31.

standard amendment, renewal or transfer criteria see section 48.

standard cancellation or suspension criteria see section 48.

standard change criteria see section 48.

standard condition see section 48.

standard criteria see section 48.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

structure has the meaning given to the *Local Government Act 2009* and includes a structure as defined under the *Building Act 1975* and any other thing specified in a subordinate local law.

UAV has the meaning given in the *Civil Aviation Safety Regulations 1998*.

unauthorised commercial activity—

- (a) for a major city event, means a commercial activity which is, or is to be, undertaken—
 - (i) at the restricted access area during the restricted access period for the major city event; and
 - (ii) by a person unless the person—
 - (A) has the written approval of the local government to undertake the commercial activity; and
 - (B) if the commercial activity is a regulated activity under a local law of the local government—is the holder of each approval required under a local law of the local government in respect of the undertaking of the regulated activity; but
- (b) for an event which is prescribed by regulation under the *Major Events Act 2014* as a major event—
 - (i) does not include a commercial activity which is, or is to be, undertaken at the major event area for the major event during any of the following—
 - (A) the period which is prescribed by regulation as the major event period for the major event;
 - (B) the period which is prescribed by regulation as the period when the provisions of the *Major Events Act 2014*, part 5, apply to the major event area; but
 - (ii) includes a commercial activity which is, or is to be, undertaken at the controlled area for the major event during any of the following —
 - (A) the period which is prescribed by regulation as the control period for the major event;
 - (B) the period which is prescribed by regulation as the period when the provisions of the *Major Events Act 2014*, part 5, apply to the controlled area.

unlawful environmental nuisance means an environmental nuisance unless the environmental nuisance is authorised to be done under a permit granted by the local government pursuant to a local law.

unmanned aircraft has the meaning given in the *Civil Aviation Safety Regulations 1998*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

wheeled recreational device has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

wheeled toy has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.