



Australian Capital Territory

# **Major Events Security Act 2000**

**A2000-41**

**Republication No 4**

**Effective: 24 November 2005 – 21 September 2009**

Republication date: 24 November 2005

Last amendment made by A2005-54

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Major Events Security Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 24 November 2005. It also includes any amendment, repeal or expiry affecting the republished law to 24 November 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Major Events Security Act 2000

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24/11/05

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Australian Capital Territory

# Major Events Security Act 2000

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An Act relating to security for events declared to be major events

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Major Events Security Act 2000*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

### 3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 2 Declaration of major events

### 4 Declaration of events as major events

- (1) The Executive may declare an event to be a major event.

**Examples of events that may be declared major events**

A Papal mass, a concert, a national or international sporting event or other competition, an agricultural or trade show and New Year's Eve celebrations.

- (2) In deciding whether to make a declaration, the Executive must have regard to—
- (a) the nature of the event; and
  - (b) the number and kind of people expected to attend the event; and
  - (c) any other relevant matter.
- (3) The Executive may make a declaration only if satisfied that its making is reasonable and necessary—
- (a) for the safety of people attending the event; and
  - (b) for the avoidance of disruptions to the event.
- (4) The Executive may not declare a public protest or demonstration to be a major event.
- (5) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 5 Requirements for declaration

A declaration must—

- (a) contain a brief description of the event to which it applies; and

- (b) state the proposed time and date of the event and the location of the venue for the event; and
- (c) state the period during which it is to be in force; and
- (d) state any statutory conditions of entry applying to the venue; and
- (e) if the declaration includes the statutory condition that a person must not take into or possess in the venue a prohibited item—state the prohibited item; and
- (f) if an occupier notifies the Executive that part of the venue is a restricted area—state that the venue contains a restricted area.

## **6 Notification and operation of declaration**

- (1) At least 7 days before the proposed date of the event described in a declaration, notice of the making of the declaration must be published in a daily newspaper published and circulating in the ACT.
- (2) A notice of the making of a declaration must contain the matters stated in section 5 (a) to (f).
- (3) Failure to publish a notice of the making of a declaration in a daily newspaper published and circulating in the ACT does not affect the validity of the declaration.
- (4) Unless sooner revoked, a declaration expires on the date, and at the time (if any), stated in, or worked out in accordance with, the declaration.

## **7 Statutory conditions of entry**

- (1) The Executive may state in a declaration that any of the following conditions of entry apply to the major event venue:



- (a) that a person seeking to enter or in the venue must, if asked by a police officer, permit a search to be made of his or her personal property;
  - (b) that a person seeking to enter or in the venue must, if asked by a police officer, permit a frisk search to be made of the person;
  - (c) that a person must not take into or possess in the venue a prohibited item.
- (2) If a declaration includes a statement to the effect that a person must not take into or possess in the major event venue a prohibited item, the Executive must state in the declaration anything that is a prohibited item.

## **Part 3 Major event venues**

### **Division 3.1 Restricted areas**

#### **8 Entry to restricted areas**

- (1) An occupier of a major event venue must take reasonable steps to inform the public of a restricted area, whether by signs or otherwise.
- (2) A person commits an offence if—
  - (a) the person enters or stays in a restricted area; and
  - (b) the person does not have the occupier's consent to be in the area.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

### **Division 3.2 Statutory conditions of entry**

#### **9 Search of personal property**

- (1) A police officer may ask a person to permit a search to be made of the person's personal property if—
  - (a) the person is entering (or about to enter) a major event venue; or
  - (b) the person is in a major event venue.
- (2) The person must permit a police officer to search the person's personal property.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) This section applies only if the declaration of the event to be held at a major event venue states that it is a condition of entry to the venue that a person entering or in the venue must, if asked by a police officer, permit a search to be made of the person's personal property.

## **10 Frisk search of people**

- (1) A police officer may ask a person to permit a frisk search of the person if—
- (a) the person is entering (or about to enter) a major event venue; or
  - (b) the person is in a major event venue.
- (2) The person must permit a police officer to frisk search the person.  
Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) This section applies only if the declaration of the event to be held at a major event venue states that it is a condition of entry to the venue that a person entering or in the venue must, if asked by a police officer, permit a frisk search to be made of the person.

## **11 Prohibited items**

- (1) A person commits an offence if the person takes a prohibited item into, or has a prohibited item in, a major event venue.  
Maximum penalty: 10 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) It is not an offence against subsection (1) if the person disposes of the item before entering the major event venue.

- (4) This section applies to the venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the venue that a person must not take into or possess in the venue a prohibited item.

### **Division 3.3 Other powers of police officers**

#### **12 Name and address**

- (1) A police officer may require a person entering (or about to enter) a major event venue to state the person's name and home address.
- (2) A person must comply with a requirement made of the person under subsection (1).

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

*home address*, of a person, means the address of the place where the person usually lives.

#### **12A Refusal of entry**

A police officer may refuse a person entry to a major event venue if the officer believes on reasonable grounds that the person—

- (a) has committed, or is likely to commit, an offence against this Act; or
- (b) is likely to contravene a condition of entry to the venue imposed by an occupier of the venue.

#### **13 Direction to leave venue**

- (1) A police officer may direct a person to leave a major event venue if the police officer has reasonable grounds for believing that the person has, while seeking to enter or in the venue, committed an offence against a law in force in the ACT.

- (2) If a person contravenes a direction given by a police officer to leave a major event venue, a police officer may use such force as is reasonable and necessary—
  - (a) to apprehend and detain the person for the purpose of removing the person from the venue; or
  - (b) to remove the person from the venue.
- (3) A police officer exercising powers under subsection (2) may act with such assistance as is reasonable and necessary.
- (4) A person must not be detained under subsection (2) (a) for longer than is reasonable and necessary to remove him or her from the venue.

## Part 4 Other offences

### 14 Unauthorised entry to major event venue

- (1) A person commits an offence if—
  - (a) the person enters, or stays in, a major event venue; and
  - (b) the person is not authorised to enter, or stay in, the venue.Maximum penalty: 10 penalty units.
- (2) For subsection (1), a person is authorised to enter, or stay in, a major event venue if the person—
  - (a) has paid the entrance fee (if any); or
  - (b) has the occupier's consent to be in the venue; or
  - (c) is allowed for another reason to enter, or stay in, the venue.
- (3) A person commits an offence if—
  - (a) the person enters, or stays in, a part of a major event venue; and
  - (b) a major event has just been, is being, or is to be, conducted in that part of the venue; and
  - (c) the person does not have the occupier's consent, or is not allowed for another reason, to enter, or stay in, that part of the venue.Maximum penalty: 10 penalty units.
- (4) An offence against this section is a strict liability offence.

**15 Interference with event**

- (1) A person commits an offence if, in a major event venue, the person—
- (a) behaves in an intimidating or harassing way; or
  - (b) injures a person or damages property; or
  - (c) engages in violent behaviour; or
  - (d) disrupts, interferes with, delays or obstructs the conduct of a major event, or an activity associated with the event, by throwing anything or in any other way; or
  - (e) in any other way interferes with the reasonable enjoyment of a major event, or an activity associated with the event, by someone else.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

## Part 5 Miscellaneous

### 17 Obligations of ticket sellers

- (1) This section applies to a person who sells tickets to an event.
- (2) If the person has reasonable grounds for believing that the event may be declared a major event, the person must take reasonable steps to tell a person, before the person buys tickets to the event, that statutory conditions of entry may apply to the event.
- (3) If the event has been declared a major event, the person must take reasonable steps to tell a person, before the person buys tickets to the event, the statutory conditions of entry that apply to the event.

### 18 Effect of disallowance of declaration

- (1) This section applies if a declaration of a major event is disallowed under the *Legislation Act 2001*.
- (2) Despite the *Legislation Act 2001*, section 84 (Saving of operation of repealed and amended laws)—
  - (a) if a person has been investigated or prosecuted for an offence against this Act in relation to the major event venue for the event—any investigation of or prosecution for the offence must be discontinued and a person is taken never to have been investigated or prosecuted for the offence; and
  - (b) if a person has been convicted for an offence against this Act in relation to the venue—
    - (i) the conviction for the offence is quashed; and
    - (ii) the person is taken never to have been convicted of the offence; and
    - (iii) any financial penalty and costs paid to the Territory must be refunded; and



- (c) a civil or criminal proceeding does not lie against—
- (i) the Territory for an act done or omitted to be done honestly by a police officer or occupier in relation to the venue in the exercise or purported exercise of a power given under this Act; and
  - (ii) a person who is or was a police officer or an occupier for an act done or omitted to be done honestly by the person in relation to the venue in the exercise or purported exercise of a power given under this Act.

## **19 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Dictionary

(see s 2)

*Note 1* The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- contravene
- exercise
- function
- police officer.

***declaration*** means a declaration made under section 4 (1).

***frisk search*** means—

- (a) a search of a person conducted by quickly running the hands over the person's outer garments; and
- (b) an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.

***major event*** means an event to which a declaration applies.

***major event venue***, in relation to a major event, means, for the period that the declaration of the event is in force—

- (a) the place stated in the declaration as the location for the event; and
- (b) any place reasonably incidental to the holding of the event.

***occupier***, of a major event venue, includes the organiser of a major event at the venue.

***personal property***, of a person, means things carried by the person or things apparently in the immediate control of the person, but does not include clothing being worn by the person.

***prohibited item***, for a major event venue, means something stated to be a prohibited item in the declaration of the event to be held at the venue.

***restricted area***, for a major event venue, means a part of the venue designated by an occupier as an area to which entry is restricted to people who have the consent or other authorisation of the occupier.

***statutory condition of entry***, for a major event venue, means a condition mentioned in section 7 (1) that is stated in the declaration of the event to be a statutory condition of entry to the venue.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

The *Major Events Security Act 2000* was originally the *Olympic Events Security Act 2000*. It was renamed by the *Olympic Events Security Amendment Act 2001* A2001-76 (see amdt 1.2).

#### **Major Events Security Act 2000 No 41**

notified 4 September 2000 (Gaz 2000 S48)

s 1, s 2 commenced 4 September 2000 (s 2 (1))

remainder commenced 5 September 2000 (s 2 (2) and Gaz 2000 No S49)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 268**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

amdt 1.3054 commenced 14 September 2001 (amdt 1.3054)

pt 268 remainder commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Olympic Events Security Amendment Act 2001 No 76**

notified LR 14 September 2001

commenced 14 September 2001 (s 2)

#### **Statute Law Amendment Act 2002 No 30 pt 3.47**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.47 commenced 17 September 2002 (s 2 (1))

#### **Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.30**

notified LR 27 October 2005

s 1, s 2 commenced 27 October 2005 (LA s 75 (1))

sch 1 pt 1.30 commenced 24 November 2005 (s 2)

### 4 Amendment history

#### **Title**

title sub 2001 No 76 amdt 1.1

#### **Name of Act**

s 1 sub 2001 No 76 amdt 1.2

## Endnotes

4 Amendment history

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### Dictionary

s 2 orig s 2 om R1 LRA  
ins 2001 No 76 amdt 1.2

### Notes

s 3 sub 2001 No 76 amdt 1.2

### Offences against Act—application of Criminal Code etc

s 3A ins A2005-54 amdt 1.216

### Declaration of major events

pt 2 hdg sub 2001 No 76 amdt 1.3

### Declaration of events as major events

s 4 sub 2001 No 76 s 4  
am 2001 No 44 amdt 1.3054; 2002 No 30 amdt 3.590

### Requirements for declaration

s 5 sub 2001 No 76 amdt 1.4

### Notification and operation of declaration

s 6 am 2001 No 44 amds 1.3055-1.3058; 2001 No 76 amdt 1.5,  
amdt 1.6

### Statutory conditions of entry

s 7 sub 2001 No 76 amdt 1.7

### Major event venues

pt 3 sub 2001 No 76 amdt 1.8

### Restricted areas

div 3.1 hdg (prev pt 3 div 1 hdg) sub 2001 No 76 amdt 1.8

### Entry to restricted areas

s 8 sub 2001 No 76 amdt 1.8  
am A2005-54 amdt 1.217

### Statutory conditions of entry

div 3.2 hdg (prev pt 3 div 2 hdg) sub 2001 No 76 amdt 1.8

### Search of personal property

s 9 sub 2001 No 76 amdt 1.8; A2005-54 amdt 1.218

### Frisk search of people

s 10 sub 2001 No 76 amdt 1.8; A2005-54 amdt 1.218

### Prohibited items

s 11 sub 2001 No 76 amdt 1.8  
am A2005-54 amdt 1.219, amdt 1.220

### Other powers of police officers

div 3.3 hdg (prev pt 3 div 3 hdg) sub 2001 No 76 amdt 1.8

**Name and address**

s 12 sub 2001 No 76 amdt 1.8; A2005-54 amdt 1.221

**Refusal of entry**

s 12A ins A2005-54 amdt 1.221

**Direction to leave venue**

s 13 sub 2001 No 76 amdt 1.8

**Other offences**

pt 4 hdg sub A2005-54 amdt 1.222

**Unauthorised entry to major event venue**

s 14 hdg sub 2002 No 30 amdt 3.591

s 14 am 2001 No 76 amdt 1.9

sub A2005-54 amdt 1.222

**Interference with event**

s 15 sub 2001 No 76 amdt 1.10; A2005-54 amdt 1.222

**Interference with event**

s 16 am 2001 No 76 amdt 1.11; 2002 No 30 amdt 3.592

om A2005-54 amdt 1.222

**Obligations of ticket sellers**

s 17 sub 2001 No 76 amdt 1.12

**Effect of disallowance of declaration**

s 18 am 2001 No 44 amdt 1.3059, amdt 1.3060

sub 2001 No 76 amdt 1.12

**Regulation-making power**

s 19 am 2001 No 44 amdt 1.3061

sub 2001 No 76 amdt 1.12

**Dictionary**

dict

ins 2001 No 76 amdt 1.13

am 2002 No 30 amdt 3.593

def **declaration** ins 2001 No 76 amdt 1.13

def **frisk search** ins 2001 No 76 amdt 1.13

def **major event** ins 2001 No 76 amdt 1.13

def **major event venue** ins 2001 No 76 amdt 1.13

def **occupier** ins 2001 No 76 amdt 1.13

def **personal property** ins 2001 No 76 amdt 1.13

def **prohibited item** ins 2001 No 76 amdt 1.13

def **restricted area** ins 2001 No 76 amdt 1.13

def **statutory condition of entry** ins 2001 No 76 amdt 1.13

## Endnotes

5 Earlier republishings

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### 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	5 September 2000
2	A2001-76	5 December 2001
3	A2002-30	10 October 2002

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