

Sports Event Ticketing (Fair Access) Act 2002

Act No. 47/2002

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1. Purpose	1
2. Commencement	2
3. Definitions	2
4. Meaning of "sports event"	4
5. Act binds the Crown	4
6. Extra-territorial operation of Act	4
PART 2—DECLARATION OF AN EVENT	5
7. Notice of intention to declare an event	5
8. Declaration of an event	5
9. Minister may revoke a declaration of an event	6
PART 3—APPROVAL OF TICKET SCHEME	8
10. Requirement to lodge a ticket scheme proposal	8
11. Decision whether to approve a ticket scheme	8
12. Ticket scheme proposal for an event that has not been declared	9
13. Replacement proposal if declaration applies to the event generally	11
14. Authorisations to sell or distribute tickets	12
15. Variation of approved ticket scheme	12
16. Cancellation of approval of ticket scheme	12
PART 4—GUIDELINES	14
17. Guidelines	14
PART 5—OFFENCES	15
18. Holding the event before there is an approved ticket scheme	15
19. Failing to comply with an approved ticket scheme	15
20. Selling event tickets contrary to the ticket conditions	16
21. Offences are indictable	17
22. Charges may only be filed by the Department Head	17

<i>Section</i>	<i>Page</i>
23. Offences by bodies corporate	17
24. Imputing a state of mind to bodies corporate	18
25. Offences by unincorporated associations	18
PART 6—AUTHORISED OFFICERS AND ENFORCEMENT	19
26. Appointment of authorised officers	19
27. Identity cards	19
28. Entry or search of premises with consent or with a warrant	19
29. Announcement before entry	21
30. Court order to answer questions or produce information or documents	22
31. Seizure etc. of documents under the order	24
32. Copies of seized documents	25
33. Return of seized documents or things	25
34. Protection against self-incrimination	26
35. Offence of giving false or misleading information	26
36. Offence to hinder, obstruct or impersonate authorised officer	27
37. Entry to be reported to Department Head	27
38. Complaints about exercise of powers	28
39. Service of documents	28
40. Confidentiality	28
41. Requirement to publish or produce information	29
PART 7—OTHER MATTERS	30
42. VCAT review of certain decisions	30
43. Delegation by Department Head	30
44. Regulations	31
PART 8—CONSEQUENTIAL AMENDMENT TO THE MAGISTRATES' COURT ACT 1989	32
45. Schedule 4 to the Magistrates' Court Act 1989	32
ENDNOTES	33



Victoria

No. 47 of 2002

Sports Event Ticketing (Fair Access) Act 2002[†]

[Assented to 22 October 2002]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The main purpose of this Act is to maximise access by members of the public to tickets to certain sports events by—

- (a) allowing the Minister to declare certain sports events for the purposes of this Act; and
- (b) requiring the sale and distribution of tickets to declared events to be in accordance with a scheme approved by the Minister, which may involve placing conditions on the sale or distribution of tickets to the event; and
- (c) providing offences for certain breaches of an approved ticket scheme for a declared event or of conditions on the sale or distribution of tickets to the event.

2. Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3. Definitions

In this Act—

"approved ticket scheme" for a declared event means a ticket scheme for the event that is currently approved by the Minister under section 11;

"authorised officer" means a person appointed as an authorised officer under section 26;

"declared event" means—

- (a) a sports event in respect of which there is a current declaration under section 8; and
- (b) if the event is to be replayed or re-scheduled for any reason, includes the replaying of the event or the re-scheduled event;

"Department" means—

- (a) the Department of Tourism, Sport and the Commonwealth Games; or
- (b) if the name of that Department changes under the **Public Sector Management and Employment Act 1998**, the Department as known by its new name;

"Department Head" means the Department Head (within the meaning of the **Public Sector Management and Employment Act 1998**) of the Department;

"event organiser" of a sports event means—

- (a) the person who is responsible (whether fully or substantially) for—
 - (i) the organisation and holding of the event; and
 - (ii) the receipt of revenue from the event; or
- (b) if the Minister determines in writing that a person who is responsible (whether fully or substantially) for any of the things in paragraph (a) for a particular sports event is the event organiser of that event—that person;

"person" includes an unincorporated association;

"sports event" has the meaning given by section 4;

"ticket scheme" for a declared event or a sports event means a scheme concerning the sale and distribution of tickets to the event;

"ticket scheme proposal" for a declared event or a sports event means a proposal by the event organiser that sets out details of the ticket scheme for the event.

4. Meaning of "sports event"

(1) In this Act, "**sports event**" means—

- (a) a type of match, game or other event; or
- (b) a series of matches, games or other events; or
- (c) a tournament—

involving the playing of sport (whether or not for competition) at a ground or other place (whether indoors or outdoors) to which persons are admitted on payment of a fee or charge, or after making a donation, to view the playing of the sport or to enter or remain at the ground or place.

(2) A "**sports event**" that consists of a series of matches, games or other events or a tournament includes any opening or closing ceremonies connected with the series or tournament.

5. Act binds the Crown

This Act binds the Crown—

- (a) in right of the State of Victoria; and
- (b) to the extent that the legislative power of the Parliament permits, in all its other capacities.

6. Extra-territorial operation of Act

- (1) This Act operates both within and outside Victoria.
 - (2) This Act operates outside Victoria to the extent that the legislative power of the Parliament permits.
-

PART 2—DECLARATION OF AN EVENT

7. *Notice of intention to declare an event*

- (1) If the Minister considers that—
- (a) a sports event is major (having regard to the likely number of spectators for the event); and
 - (b) it is appropriate to declare the event for the purposes of this Act—

the Minister may, no less than 9 months before the event is to be held, give written notice to the event organiser that the Minister intends to declare the event for the purposes of this Act.

- (2) The notice must—
- (a) specify whether the proposed declaration will apply to—
 - (i) the holding of the event on a particular occasion only; or
 - (ii) the holding of the event generally (regardless of when or how often the event is held) until the declaration is revoked; and
 - (b) state that within 14 days after receiving the notice the event organiser may give a written submission to the Minister on whether the event should be declared.

8. *Declaration of an event*

- (1) Within 14 days after the end of the period for giving the Minister a submission on whether an event should be declared, the Minister must—

- (a) declare the event for the purposes of this Act if he or she considers it appropriate to do so having regard to the event organiser's submission (if any); or
 - (b) decide not to declare the event for the purposes of this Act—and notify the event organiser accordingly.
- (2) If the Minister declares the event, the declaration must specify whether it applies to—
 - (a) the holding of the event on a particular occasion only; or
 - (b) the holding of the event generally (regardless of when or how often the event is held) until the declaration is revoked.
- (3) The Minister must ensure that a copy of the declaration is published in the Government Gazette.
- (4) The declaration applies to the holding of the event regardless of whether the event organiser changes.

Note 1: The event organiser may apply for review of a decision to declare the event (see section 42).

Note 2: Under section 12, an event organiser may seek to have the event declared by giving the Minister a ticket scheme proposal for the event. If the Minister makes the declaration, it is taken to have been made under this section but the event organiser cannot apply for review of the decision to declare the event.

9. Minister may revoke a declaration of an event

- (1) The Minister may revoke, in writing, a declaration of an event under section 8 if he or she considers it is appropriate to do so, whether the declaration applies to—
 - (a) the holding of the event on a particular occasion only; or
-

- (b) the holding of the event generally (regardless of when or how often the event is held).
- (2) As soon as practicable after a declaration is revoked, the Minister must ensure that a copy of the revocation is—
- (a) given to the event organiser; and
 - (b) published in the Government Gazette.
-

PART 3—APPROVAL OF TICKET SCHEME

10. Requirement to lodge a ticket scheme proposal

- (1) Within 60 days after receiving notice that the Minister has declared an event for the purposes of this Act, the event organiser must give the Minister a ticket scheme proposal.
- (2) The proposal must comply with the guidelines under section 17.
- (3) The Minister may require the event organiser to provide further details of the proposal within a specified time.
- (4) The Minister may extend the time for giving the Minister a proposal or further details of a proposal.
- (5) An event organiser may, with the Minister's written approval, give the Minister a replacement ticket scheme proposal at any time before receiving notice from the Minister that—
 - (a) the ticket scheme set out in the earlier proposal is an approved ticket scheme; or
 - (b) the Minister has refused to approve the ticket scheme set out in the earlier proposal.

11. Decision whether to approve a ticket scheme

- (1) If an event organiser gives the Minister a ticket scheme proposal for an event, the Minister must—
 - (a) approve the ticket scheme for the event set out in the proposal (with or without modifications); or
 - (b) refuse to approve the ticket scheme for the event set out in the proposal—and notify the event organiser accordingly (with reasons in the case of a refusal).
-

-
- (2) The Minister must do so within 28 days after—
 - (a) receiving the proposal; or
 - (b) if the Minister required the event organiser to provide further details of the proposal, receiving those further details.
 - (3) The Minister may refuse to approve the ticket scheme set out in a proposal if—
 - (a) the proposal does not comply with the guidelines under section 17; or
 - (b) the event organiser fails to comply with a requirement to provide further details of the proposal; or
 - (c) the Minister considers it appropriate to do so for any other reason.
 - (4) If the Minister refuses to approve a ticket scheme set out in a proposal the event organiser may, with the Minister's written approval, give the Minister a replacement ticket scheme proposal (and this section applies to the replacement ticket scheme proposal).
 - (5) An approved ticket scheme for an event applies to the holding of the event regardless of whether the event organiser changes.

Note: The event organiser may apply for review of a decision to refuse to approve the ticket scheme set out in a ticket scheme proposal (see section 42).

12. *Ticket scheme proposal for an event that has not been declared*

- (1) An event organiser of a sports event that has not been declared for the purposes of this Act may give the Minister a ticket scheme proposal for the event (regardless of when the event is to be held).

- (2) If the Minister considers it appropriate to both—
- (a) declare the event for the purposes of this Act; and
 - (b) approve the ticket scheme for the event set out in the proposal (with or without modifications)—
- the Minister may do so and must notify the event organiser accordingly.
- (3) If the Minister declares the event and approves the ticket scheme—
- (a) the declaration must comply with section 8(2); and
 - (b) the Minister must ensure that a copy of the declaration is published in the Government Gazette; and
 - (c) the declaration is taken to have been made under section 8 but the decision to declare the event is not, despite section 42(1)(a), subject to review by the Tribunal; and
 - (d) the ticket scheme for the event is taken to have been approved by the Minister under section 11.
- (4) However, if the Minister decides not to declare the event and approve the ticket scheme—
- (a) the Minister must notify the event organiser accordingly but is not required to give reasons for the decision; and
 - (b) the Minister's decision is not, despite section 42(1)(b), subject to review by the Tribunal.
- (5) The Minister must notify the event organiser in accordance with sub-section (2) or (4) within 28 days after receiving the ticket scheme proposal.

- (6) In this section, "**Tribunal**" has the same meaning as in section 42.

13. *Replacement proposal if declaration applies to the event generally*

- (1) If—
- (a) there is an approved ticket scheme for a declared event; and
 - (b) the declaration of the event applies to the holding of the event generally (regardless of when or how often the event is held)—

the event organiser may, with the Minister's written approval, give the Minister a replacement ticket scheme proposal.

Note: Under sub-section (4)(b), if the ticket scheme set out in the replacement ticket scheme proposal is approved, it only applies to an event that is held at least 9 months after the approval is given.

- (2) The Minister may require the event organiser to provide further details of the replacement ticket scheme proposal within a specified time.
- (3) The Minister may extend the time for giving the Minister further details of a replacement ticket scheme proposal.
- (4) Section 11 applies to the replacement ticket scheme proposal and—
 - (a) if the Minister refuses to approve the ticket scheme set out in the replacement ticket scheme proposal, the earlier approved ticket scheme continues to be approved until the Minister revokes the approval; and
 - (b) if the Minister approves the ticket scheme set out in the replacement ticket scheme proposal—

- (i) that approved ticket scheme only applies to; and
- (ii) the earlier approved ticket scheme is taken to be no longer approved for—
an event that is held at least 9 months after that approval is given.

14. *Authorisations to sell or distribute tickets*

If there is an approved ticket scheme for a declared event, the event organiser must—

- (a) ensure that any authorisation to sell or distribute tickets to the event on behalf of the event organiser is given in writing; and
- (b) notify (in writing) the Minister of the name and contact details of each person who is, from time to time, given such an authorisation.

15. *Variation of approved ticket scheme*

An event organiser may vary an approved ticket scheme for the declared event at any time with the Minister's written approval.

16. *Cancellation of approval of ticket scheme*

- (1) The Minister may cancel the approval of a ticket scheme for a declared event, by giving written notice to the event organiser, if the Minister considers it is appropriate to do so because—
 - (a) the event organiser fails to comply with section 14; or
 - (b) there has been a change in circumstances since the approval was given; or
 - (c) the approved ticket scheme is not operating adequately in practice—

or for any other reason.

- (2) A cancellation only takes effect in respect of an event that is held at least 9 months after the cancellation.
 - (3) The Minister must ensure that notice of the cancellation is published in the Government Gazette.
-

PART 4—GUIDELINES

17. Guidelines

- (1) The Minister must make written guidelines setting out requirements for ticket scheme proposals and approved ticket schemes.
 - (2) The guidelines may, for example, require that an approved ticket scheme for an event—
 - (a) provide that a specified minimum proportion of tickets to the event must be made available for sale or distribution to the public generally or to particular classes of persons; and
 - (b) place conditions on the sale or distribution of tickets to the event prohibiting or restricting the sale or distribution of tickets by persons who are not authorised in writing to sell or distribute tickets on behalf of the event organiser; and
 - (c) require certain information to be printed on tickets to the event (such as information about conditions on the sale or distribution of tickets and offences that may apply if a person breaches such a condition).
 - (3) The Minister must ensure that a copy of the guidelines is—
 - (a) published in the Government Gazette; and
 - (b) laid before each House of the Parliament within 10 sitting days of that House after the guidelines are published in the Government Gazette.
-

PART 5—OFFENCES

18. *Holding the event before there is an approved ticket scheme*

The event organiser of a sports event must not, without reasonable excuse, hold the event, sell tickets to the event or authorise (whether orally or in writing) tickets to the event to be sold or distributed at any time between—

- (a) receiving notice of the Minister's intention to declare the event for the purposes of this Act; and
- (b) receiving notice of either of the following—
 - (i) the Minister's decision not to declare the event for the purposes of this Act;
 - (ii) the Minister's approval under section 11 of a ticket scheme for the event.

Penalty: 600 penalty units in the case of a natural person or 3000 penalty units in the case of a body corporate.

19. *Failing to comply with an approved ticket scheme*

- (1) An event organiser of a declared event is guilty of an offence if, without reasonable excuse, the event organiser knowingly fails—
 - (a) to comply with the approved ticket scheme for the event; or
 - (b) to ensure that a person authorised in writing to sell or distribute tickets to the event on behalf of the event organiser does so in accordance with the approved ticket scheme for the event.

- (2) A person authorised in writing to sell or distribute tickets to a declared event on behalf of the event organiser is guilty of an offence if, without reasonable excuse, the person knowingly does so otherwise than in accordance with the approved ticket scheme for the event.
- (3) An event organiser or person who is guilty of an offence against sub-section (1) or (2) is liable to a fine not exceeding—
 - (a) 600 penalty units in the case of a natural person; or
 - (b) 3000 penalty units in the case of a body corporate.

20. *Selling event tickets contrary to the ticket conditions*

- (1) A person is guilty of an offence if—
 - (a) without reasonable excuse, the person knowingly contravenes a condition that—
 - (i) is printed on a ticket to a declared event; and
 - (ii) prohibits or restricts the sale or distribution of the ticket by a person who is not authorised in writing to sell or distribute tickets on behalf of the event organiser; and
 - (b) the approved ticket scheme for the event requires the condition to be printed on the ticket.
 - (2) A person who is guilty of an offence against sub-section (1) is liable to a fine not exceeding—
 - (a) 60 penalty units in the case of a natural person; or
 - (b) 300 penalty units in the case of a body corporate.
-

(3) However, if the person is guilty of more than one offence against sub-section (1) in respect of a particular declared event held on a particular day, the total fine payable by the person for those offences is not to exceed—

- (a) 600 penalty units in the case of a natural person; or
- (b) 3000 penalty units in the case of a body corporate.

21. *Offences are indictable*

An offence against this Part is an indictable offence.

Note: However, an offence against this Part may be heard and determined summarily (see section 53 of, and Schedule 4 to, the **Magistrates' Court Act 1989**).

22. *Charges may only be filed by the Department Head*

A charge for an offence against this Part may only be filed by the Department Head or his or her delegate.

23. *Offences by bodies corporate*

(1) An officer (within the meaning of the Corporations Act) of a body corporate that is guilty of an offence against this Part is also—

- (a) guilty of the offence; and
- (b) liable to the penalty for the offence that applies to a natural person—

if the officer knowingly authorised or allowed the contravention.

(2) A person may be found guilty of, or convicted for, an offence in accordance with sub-section (1) whether or not the body corporate has been found guilty of, or convicted for, the offence.

- (3) Nothing in this section affects any liability imposed on a body corporate for an offence committed by the body corporate against this Part.

24. *Imputing a state of mind to bodies corporate*

If it is necessary to establish, in any proceedings for an offence against this Part, the state of mind of a body corporate concerning particular conduct it is sufficient to show that—

- (a) the conduct was engaged in by an officer (within the meaning of the Corporations Act) or agent of the body corporate within the scope of his or her actual or apparent authority; and
- (b) the officer or agent had that state of mind.

25. *Offences by unincorporated associations*

If—

- (a) this Part provides that a person is guilty of an offence; and
- (b) the person is an unincorporated association—

that reference to the person is taken to be instead a reference to each member of the committee of management of the association.

PART 6—AUTHORISED OFFICERS AND ENFORCEMENT

26. *Appointment of authorised officers*

- (1) The Department Head may, with the Minister's written approval, appoint a person as an authorised officer.
- (2) The appointment must be in writing and must specify the terms and conditions on which the person is appointed.
- (3) The Department Head may require an authorised officer to undertake specified training before exercising any powers under this Part.

27. *Identity cards*

- (1) The Department Head must issue an identity card to each authorised officer containing a photograph of the officer.
- (2) An authorised officer must produce his or her identity card for inspection—
 - (a) before exercising a power under this Part other than a requirement made by post; and
 - (b) at any time during the exercise of a power under this Part if asked to do so.

Penalty: 10 penalty units.

28. *Entry or search of premises with consent or with a warrant*

- (1) This section applies to premises occupied by—
 - (a) the event organiser of a declared event in respect of which there is an approved ticket scheme; or
 - (b) a person who is authorised in writing to sell or distribute tickets to that event on behalf of the event organiser.

- (2) An authorised officer may do any of the following, with the consent of the occupier of the premises, for the purposes of monitoring compliance with the approved ticket scheme for the event or investigating the authorised officer's reasonable belief that a person has contravened this Act—
- (a) enter and search premises to which this section applies;
 - (b) seize anything found on the premises which the authorised officer reasonably believes to be connected with an alleged contravention;
 - (c) inspect and make copies of, or take extracts from, any document found on the premises.
- (3) An authorised officer may, with the Department Head's written approval, apply to a magistrate for the issue of a search warrant for premises to which this section applies if—
- (a) the authorised officer reasonably believes that there may be evidence on the premises that a person may have contravened this Act; and
 - (b) either—
 - (i) the occupier of the premises refuses a request to consent to the authorised officer doing one or more of the things in sub-section (2); or
 - (ii) the authorised officer reasonably believes that it is necessary to apply for a search warrant to obtain or preserve evidence of the alleged contravention.
- (4) If a magistrate is satisfied that there are reasonable grounds to believe that a particular kind of thing connected with a contravention of this Act is on the premises, he or she may issue the search
-

warrant in accordance with the **Magistrates' Court Act 1989** authorising a specified authorised officer and any other specified person or persons—

- (a) to enter the premises with any necessary equipment; and
- (b) to do all or any of the following—
 - (i) search for or seize;
 - (ii) secure against interference;
 - (iii) examine, inspect and make copies of, or take extracts from—

a particular kind of thing or things specified or described in the warrant which the authorised officer reasonably believes to be connected with the alleged contravention.

- (5) The search warrant must state—
 - (a) the purpose of the search and nature of the alleged contravention; and
 - (b) any conditions on the warrant; and
 - (c) whether entry is authorised to be made at any time of the day or night or only during particular hours; and
 - (d) when the warrant ceases to have effect (which must be no more than 28 days after it is issued).
- (6) Except as provided by this Act, the rules to be observed with respect to search warrants under the **Magistrates' Court Act 1989** extend and apply to warrants issued under this section.

29. *Announcement before entry*

- (1) An authorised officer must, on executing a search warrant, announce that he or she is authorised by the warrant to enter the premises.

- (2) However, an authorised officer need not do so if he or she reasonably believes that immediate entry to the premises is required to ensure—
 - (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.
- (3) The authorised officer must—
 - (a) identify himself or herself, and give a copy of the warrant, to—
 - (i) the occupier; or
 - (ii) if the occupier is not present at the premises, another person at the premises; and
 - (b) if asked to do so, allow the occupier or person a reasonable opportunity to arrange for a legal practitioner to be present during the search of the premises.

30. *Court order to answer questions or produce information or documents*

- (1) This section applies to—
 - (a) the event organiser of a declared event in respect of which there is an approved ticket scheme; and
 - (b) a person who is authorised in writing to sell or distribute tickets to that event on behalf of the event organiser; and
 - (c) officers (within the meaning of the Corporations Act), employees or agents of the event organiser, or of persons authorised to sell or distribute tickets to the event, who are involved (directly or indirectly) in the sale or distribution of those tickets.
-

-
- (2) For the purposes of monitoring compliance with the approved ticket scheme for the event or investigating an authorised officer's reasonable belief that a person has contravened this Act, an authorised officer may apply to the Magistrates' Court for an order requiring a person to whom this section applies to do any of the following at a specified time and place—
- (a) answer orally or in writing any questions put by an authorised officer;
 - (b) supply orally or in writing information required by an authorised officer;
 - (c) produce to an authorised officer specified documents or documents of a specified class—
concerning compliance with the approved ticket scheme or the alleged contravention of this Act.
- (3) However, the authorised officer can only make the application with the Department Head's written approval.
- (4) The Magistrates' Court may make the order sought if it is satisfied on the basis of evidence presented by the authorised officer that there are reasonable grounds to believe that a person or persons—
- (a) may not have complied with an approved ticket scheme for a declared event in contravention of this Act; or
 - (b) may have otherwise contravened this Act.
- (5) The order must specify when it ceases to have effect (which must be no more than 28 days after it is made).

31. *Seizure etc. of documents under the order*

- (1) If any documents are produced to an authorised officer in accordance with an order made under section 30, the authorised officer may do one or more of the following—
 - (a) inspect the documents or authorise a person to inspect the documents;
 - (b) make copies of or take extracts from the documents;
 - (c) seize the documents if the authorised officer considers the documents necessary for the purpose of obtaining evidence for any proceedings against a person under this Act;
 - (d) secure any seized documents against interference;
 - (e) keep possession of the documents in accordance with this Part.
 - (2) An authorised officer who executes an order under section 30 must as soon as practicable notify the Magistrates' Court in writing of—
 - (a) the time and place of execution; and
 - (b) the documents or classes of documents seized; and
 - (c) if documents were seized under sub-section (1)(c) for the purpose of obtaining evidence of a contravention other than a contravention for which the order was granted, the contravention in respect of which the documents were seized.
 - (3) The Magistrates' Court may direct the authorised officer to bring before the Court a document referred to in sub-section (2)(c) so that the matter may be dealt with according to law.
-

- (4) The Magistrates' Court may direct that a document brought before it under sub-section (3) be returned to its owner, subject to any condition the Court considers appropriate, if the Court considers it can be returned consistently with the interests of justice.

32. *Copies of seized documents*

- (1) If an authorised officer has possession of a document seized from a person under this Part, within 21 days after the seizure the authorised officer must give the person a copy of the document certified as correct by the authorised officer.
- (2) A certified copy of a document is admissible in evidence in all courts and tribunals as of equal validity to the original document.

33. *Return of seized documents or things*

- (1) If an authorised officer seizes a document or other thing under this Part, he or she must take reasonable steps to return the document or thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If the document or thing has not been returned within 3 months after it was seized, the authorised officer must take reasonable steps to return it unless—
- (a) proceedings for the purpose for which the document or thing was kept have started within that 3 month period and those proceedings (including any appeal) have not been completed; or
- (b) the Magistrates' Court makes an order under sub-section (4) extending the period for which the document or thing may be kept.

- (3) An authorised officer may apply to the Magistrates' Court within 3 months after seizing a document or thing under this Part for an extension of the period for which he or she may keep the document or thing.
- (4) The Magistrates' Court may make an order extending the period if it is satisfied that it is necessary to keep the document or thing—
 - (a) for the purposes of an investigation into whether a contravention of this Act has occurred; or
 - (b) to enable evidence of a contravention of this Act to be obtained for the purposes of a proceeding under this Act.
- (5) The Magistrates' Court may adjourn an application to enable notice of the application to be given to a person.

34. *Protection against self-incrimination*

It is a reasonable excuse for a natural person to refuse or fail to give information, or do any other thing (other than produce a document) that the person is required to do under this Part, if giving the information or doing the thing would tend to incriminate the person.

35. *Offence of giving false or misleading information*

- (1) A person must not give information to an authorised officer under this Part that the person knows to be false or misleading in any material particular.

Penalty: 60 penalty units.

- (2) A person must not produce a document to an authorised officer under this Part that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: 60 penalty units.

36. *Offence to hinder, obstruct or impersonate authorised officer*

- (1) A person must not, without reasonable excuse, hinder or obstruct an authorised officer who is exercising a power under this Part.

Penalty: 60 penalty units.

- (2) A person who is not an authorised officer must not, in any way, hold himself or herself out to be an authorised officer.

Penalty: 60 penalty units.

37. *Entry to be reported to Department Head*

- (1) Within 7 days after exercising a power to enter premises under this Part, an authorised officer must report the exercise of the power to the Department Head.

- (2) The report must include all relevant details of the entry including particulars of—

(a) the purpose, time and place of the entry; and

(b) the things done while on the premises, including details of things seized, copies made and extracts taken; and

(c) when the authorised officer left the premises.

- (3) The Department Head must keep a register containing the particulars of all reports made under this section.

38. *Complaints about exercise of powers*

- (1) A person may complain to the Department Head about the exercise of a power by an authorised officer under this Part.
- (2) The Department Head must—
 - (a) investigate the complaint; and
 - (b) provide a written report to the complainant on the results of the investigation.

39. *Service of documents*

- (1) A written requirement by an authorised officer under this Part may be given personally or by certified mail to a person—
 - (a) at the last known place of business, employment or residence of the person; or
 - (b) in the case of a body corporate, at its registered office.
- (2) A person who provides a document or information as required by an authorised officer under this Part may send that document or information to the Department Head by certified mail.

40. *Confidentiality*

- (1) An authorised officer must not, except to the extent necessary to exercise his or her powers under this Part, give to any other person (whether directly or indirectly) information relating to a person's business or personal affairs acquired by the authorised officer in exercising those powers.

Penalty: 60 penalty units.

- (2) Sub-section (1) does not apply to the giving of information—
 - (a) to a court or tribunal in the course of legal proceedings; or

-
- (b) in accordance with an order of a court or tribunal; or
 - (c) to the extent reasonably required to enable the investigation or the enforcement of a law of this State, another State, a Territory or the Commonwealth; or
 - (d) with the written authority of the Department Head; or
 - (e) with the written authority of the person to whom the information relates.

41. Requirement to publish or produce information

- (1) For the purpose of monitoring compliance with this Act, the Department Head or an authorised officer may require a publisher of a publication to produce specified information which has been published by the publisher in the form in which it is kept by the publisher.
 - (2) However, the authorised officer can only require the information to be produced with the Department Head's written approval.
-

PART 7—OTHER MATTERS

42. VCAT review of certain decisions

- (1) If the Minister makes a decision—
- (a) under section 8 to declare an event for the purposes of this Act; or
 - (b) under section 11 to refuse to approve the ticket scheme set out in a ticket scheme proposal—
- the event organiser may apply to the Tribunal for review of the Minister's decision.
- (2) An application for review must be made within 28 days after the later of—
- (a) the day on which the event organiser receives notice of the decision; or
 - (b) if the event organiser requests a statement of reasons for the decision under the **Victorian Civil and Administrative Tribunal Act 1998**, the day on which the event organiser is given the statement or informed under section 46(5) of that Act that the statement will not be given.

- (3) In this section—

"Tribunal" means the Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998**.

43. Delegation by Department Head

- (1) The Department Head may, in writing, delegate all or any of his or her functions or powers under this Act (other than this power of delegation) to a person employed under Part 3 of the **Public Sector Management and Employment Act 1998**.
-

- (2) In the performance of a function, or exercise of a power, delegated under this section the delegate is subject to the Department Head's directions.

44. *Regulations*

The Governor in Council may make regulations for or with respect to any matter or thing—

- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary to be prescribed to give effect to this Act.
-

**PART 8—CONSEQUENTIAL AMENDMENT TO THE
MAGISTRATES' COURT ACT 1989**

45. *Schedule 4 to the Magistrates' Court Act 1989*

In Schedule 4 to the **Magistrates' Court Act 1989**, after clause 64 insert—

"65. *Sports Event Ticketing (Fair Access) Act 2002*

Indictable offences under the **Sports Event Ticketing (Fair Access) Act 2002**, but the maximum fine that the Court may impose in respect of a single offence is—

- (a) 300 penalty units in the case of a natural person; or
 - (b) 1500 penalty units in the case of a body corporate."
-
-

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 14 May 2002

Legislative Council: 10 October 2002

The long title for the Bill for this Act was "to regulate the sale and distribution of tickets to certain sports events to ensure fair access to tickets and for other purposes."