

**Authorised Version**  
**Major Sporting Events Amendment Act 2013**  
**No. 16 of 2013**

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**Authorised Version**



**Victoria**

# **Major Sporting Events Amendment Act 2013<sup>†</sup>**

**No. 16 of 2013**

[Assented to 26 March 2013]

**The Parliament of Victoria enacts:**

## **PART 1—PRELIMINARY**

### **1 Purpose**

The main purpose of this Act is to amend the **Major Sporting Events Act 2009** to—

- (a) extend the crowd management provisions to additional major sporting events and venues; and

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Part 1—Preliminary

s. 2

- (b) further provide for the powers of authorised officers in relation to crowd management; and
- (c) provide for new offences and infringement offences; and
- (d) enhance banning order powers; and
- (e) extend the aerial advertising provisions to additional major sporting events; and
- (f) provide further for the enforcement of offences against the sports event ticketing provisions; and
- (g) make other minor and consequential amendments to the Act.

## 2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision referred to in subsection (1) does not come into operation before 1 December 2013, it comes into operation on that day.

## 3 Principal Act

In this Act, the **Major Sporting Events Act 2009** is called the Principal Act.

See:  
Act No.  
30/2009  
and  
amending  
Act Nos  
68/2009,  
65/2010,  
29/2011,  
79/2011 and  
21/2012.  
LawToday:  
www.  
legislation.  
vic.gov.au

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**PART 2—CROWD MANAGEMENT**

**4 Definitions**

(1) In section 3(1) of the Principal Act—

(a) **insert** the following definitions—

**"Caulfield Guineas Day** means the fourth Saturday before Melbourne Cup Day;

**Docklands Stadium concourse** means—

(a) the land shown hatched on the plan LEGL./11-080 kept in the Central Plan Office maintained under the **Survey Co-ordination Act 1958** other than the part of that land comprising Docklands Stadium; and

(b) any other land or stratum of land to which an order under subsection (3) applies;

**Lakeside Stadium** means the area shown hatched on the plan LEGL./11-036 kept in the Central Plan Office maintained under the **Survey Co-ordination Act 1958**;

**Thousand Guineas Day** means the third Wednesday before Melbourne Cup Day;"

- (b) in the definition of ***aerial advertising limitation time***, in paragraph (d) for "Motor Cycle" **substitute** "Motorcycle";
- (c) in the definition of ***aerial advertising venue***, in paragraph (d) for "Motor Cycle" **substitute** "Motorcycle";
- (d) in the definition of ***event organiser***, in paragraph (d) for "Motor Cycle" **substitute** "Motorcycle";

- 
- (e) in the definition of *event venue*, in paragraph (c) after "Stadium" **insert** ", and, in accordance with section 61(3A), the Docklands Stadium concourse";
- (f) in the definition of *event venue*, for paragraph (h) **substitute**—
- "(h) the Lakeside Stadium;
- (ha) the Caulfield Racecourse on any of the following—
- (i) Caulfield Cup Day;
- (ii) Caulfield Guineas Day;
- (iii) Thousand Guineas Day;
- (hb) the Flemington Racecourse on a day that a race meeting of the Melbourne Cup Carnival takes place;
- (hc) the Moonee Valley Racecourse on Cox Plate Day;";
- (g) in the definition of *major sporting event*, after paragraph (d) **insert**—
- "(da) any Melbourne Cup Carnival race meeting held at the Flemington Racecourse;
- (db) any Caulfield Cup Day race meeting held at the Caulfield Racecourse;
- (dc) any Caulfield Guineas Day race meeting held at the Caulfield Racecourse;
- (dd) any Thousand Guineas Day race meeting held at the Caulfield Racecourse;
- (de) any Cox Plate Day race meeting held at the Moonee Valley Racecourse;".

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- (2) In section 3(1) of the Principal Act—
- (a) the definition of *Bob Jane Stadium* is **repealed**;
  - (b) in the definition of *prohibited item* paragraph (1) is **repealed**.
- (3) After section 3(2) of the Principal Act **insert**—
- "(3) The Governor in Council, by Order published in the Government Gazette, may declare land or a stratum of land to be included as part of the Docklands Stadium concourse for the purposes of this Act for a specified period.
- (4) An Order under subsection (3) must include a plan or a reference to a lodged plan kept in the Central Plan Office maintained under the **Survey Co-ordination Act 1958** of the land or stratum of land to which the Order applies.
- (5) An Order under subsection (3) must not apply to land or a stratum of land unless—
- (a) it is in the area bounded by La Trobe Street, Wurundjeri Way, Bourke Street and Harbour Esplanade in the docklands area within the meaning of the **Docklands Act 1991**, excluding any footpaths running along those roads; and
  - (b) it is in an area accessible to the public."

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## 5 Application of crowd management provisions

(1) After section 61(3) of the Principal Act **insert—**

"(3A) The following provisions of this Part apply to the Docklands Stadium concourse on any day that a major sporting event is held at the event venue referred to in paragraph (c) of the definition of *event venue* as if the Docklands Stadium concourse were an event venue on that day—

- (a) sections 63, 64 and 84;
- (b) sections 75 to 78, 80, 81, 83, 85 to 89 and 90A in so far as those sections relate to sections 63, 64 or 84;
- (c) Division 6 in so far as it relates to sections 63, 85, 89(1) or 89(2)."

(2) At the foot of section 61 of the Principal Act **insert—**

"**Note**

See also section 6."

## 6 New section 67A inserted

After section 67 of the Principal Act **insert—**

**"67A Offence to deface or damage sporting competition space or structure in that space**

- (1) A person must not deface or damage a sporting competition space within an event venue except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units.



- (2) A person must not deface or damage any structure, equipment or vehicle in a sporting competition space within an event venue except with the authorisation of the venue manager or event organiser.

Penalty: 20 penalty units."

**7 New section 74A inserted**

After section 74 of the Principal Act **insert**—

**"74A Offence to enter a venue without a ticket or authority**

A person must not, without reasonable excuse, enter any part of an event venue for which a ticket for a major sporting event is required on a day on which the major sporting event is held at the venue without—

- (a) a valid ticket for that event; or
- (b) the authorisation of the venue manager or the event organiser.

Penalty: 20 penalty units."

**8 Venue manager or event organiser may authorise certain activities**

In section 75(1) of the Principal Act—

- (a) after "67," **insert** "67A,";
- (b) for "or 74" **substitute** ", 74 or 74A".

**9 Direction to leave event venue or event area**

In section 83(1)(a) of the Principal Act—

- (a) for "67," **substitute** "67, 67A(1), 67A(2),";
- (b) for "73 or 74" **substitute** "73, 74 or 74A".

## 10 Directions to leave—disruptive behaviour etc.

At the end of section 84 of the Principal Act  
**insert—**

"(2) An authorised officer who is a member of the police force may require a person who has been given a direction under subsection (1) to give his or her name and address to the officer.

### **Note**

Section 184(2) sets out that an authorised officer must produce his or her identity card for inspection when exercising a power under this Act."

## 11 Ban orders

In section 87(2)(a) of the Principal Act for "68 or 69" **substitute** "67(2), 67A(1), 67A(2), 68, 69, 85(1), 85(2) or 85(3)".

## 12 Power to require name and address

- (1) In section 88(1) of the Principal Act for "68, 69, 70, 71, 72, 73 or 74" **substitute** "67A(1), 67A(2), 68, 69, 70, 71, 72, 73, 74, 74A, 85(1), 85(2), 85(3), 86(7) or 87(6)".
- (2) In section 88(2) of the Principal Act for "state" **substitute** "give".
- (3) In section 88(2)(b) of the Principal Act—
  - (a) after "67," **insert** "67A(1), 67A(2),";
  - (b) for "or 74" **substitute** ", 74, 74A, 85(1), 85(2), 85(3), 86(7) or 87(6)".

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**13 New section 88A inserted**

After section 88 of the Principal Act **insert—**

**"88A Requirement to produce evidence of name and address**

- (1) If a person gives a name and address in response to a request made under section 88(1) and the authorised officer believes on reasonable grounds that the name or the address may be false, the authorised officer may request the person to produce evidence of his or her name and address.
- (2) If a person gives a name and address in response to a request made under section 84(2) or 90(5A) and the authorised officer who is a member of the police force believes on reasonable grounds that the name or the address may be false, the authorised officer may request the person to produce evidence of his or her name and address.
- (3) A person must comply with a request under subsection (1) or (2) unless he or she has a reasonable excuse not to do so.

Penalty: 5 penalty units."

**14 Refusal to give name and address**

In section 89 of the Principal Act for "section 88" (wherever occurring) **substitute** "sections 84(2), 88 and 90(5A)".

## 15 Inspection

After section 90(5) of the Principal Act **insert—**

- "(5A) An authorised officer who is a member of the police force may require a person who has been given a direction under subsection (4) or (5) to give his or her name and address to the officer.

### **Note**

Section 184(2) sets out that an authorised officer must produce his or her identity card for inspection when exercising a power under this Act."

## 16 New section 90A inserted

After section 90 of the Principal Act **insert—**

### **"90A Disclosure of information**

- (1) An authorised officer who is not a member of the police force must not disclose any information obtained during the course of the officer's duties or the exercise of a power under section 88 or 88A except as authorised under this section.

Penalty: 50 penalty units.

- (2) An authorised officer referred to in subsection (1) is authorised and may disclose information obtained in the course of the officer's duties or the exercise of a power under section 88 or 88A—
- (a) if the authorised officer reasonably believes that the disclosure is necessary—
- (i) for or in connection with the administration of this Act; or

- 
- (ii) to assist a relevant person or the authorised officer to exercise a power, or perform a duty or function, under this Act or the regulations made under this Act; or
- (b) in the following circumstances—
- (i) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings; or
  - (ii) for the purposes of any other legal proceedings; or
  - (iii) to a court or tribunal in the course of legal proceedings; or
  - (iv) pursuant to an order of a court or tribunal; or
  - (v) to the extent reasonably required for any other law enforcement purposes; or
  - (vi) with the written authority of the Secretary; or
  - (vii) with the written authority of the person to whom the information relates.
- (3) In this section—
- relevant person*** means—
- (a) the Secretary; or
  - (b) a person authorised under section 167(1)(b); or
  - (c) a person authorised to bring a proceeding under section 188(1)(b) or (d); or

(d) the Director of Public Prosecutions; or

(e) a member of the police force."

**17 Infringement notices, penalties and offences**

(1) In section 91(1) of the Principal Act—

(a) for "67(1)," **substitute** "66(1), 67(1), 67A(1), 67A(2),";

(b) after "70," **insert** "74, 74A,";

(c) for "or 85(3)" **substitute** ", 85(3), 89(1) or 89(2)".

(2) In section 91(3)(a) of the Principal Act—

(a) for "65, 67(1)," **substitute** ", 66(1), 67(1), 67A(1), 67A(2),";

(b) for "70 and" **substitute** "70, 74A".

(3) After section 91(3)(a) of the Principal Act **insert**—

"(ab) against sections 74, 89(1) and 89(2) is 1 penalty unit; and

(ac) against section 65 is 5 penalty units; and"

(4) In section 91(3)(b) of the Principal Act for "3 penalty units" **substitute** "7.5 penalty units".

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**PART 3—AERIAL ADVERTISING AND SPORTS EVENT  
TICKETING AMENDMENTS**

**18 Definitions**

- (1) In section 3(1) of the Principal Act, in the definition of *aerial advertising event*—
- (a) after paragraph (a) **insert**—
    - "(ab) any One Day International cricket match held at the MCG;
    - (ac) any Twenty20 international cricket match held at the MCG;"
  - (b) after paragraph (f) **insert**—
    - "(fa) the Australian Football League match played at the MCG on ANZAC Day;"
  - (c) after paragraph (j) **insert**—
    - "(k) if an event referred to in paragraphs (a) to (j) is to be replayed or rescheduled for any reason, that replayed event or that rescheduled event;"
- (2) In section 3(1) of the Principal Act, in the definition of *aerial advertising limitation time*—
- (a) after paragraph (a) **insert**—
    - "(ab) in relation to any One Day International cricket match held at the MCG from 12 noon until 11 p.m. on the day of that event;
    - (ac) in relation to any Twenty20 international cricket match held at the MCG from 2 p.m. until 11 p.m. on the day of that event;"

(b) after paragraph (f) **insert**—

"(fa) in relation to an Australian Football League match played at the MCG on ANZAC Day, from 9 a.m. until 7 p.m.;".

(3) In section 3(1) of the Principal Act, in the definition of *aerial advertising venue*—

(a) after paragraph (a) **insert**—

"(ab) in relation to any One Day International cricket match held at the MCG, the MCG;

(ac) in relation to any Twenty20 international cricket match held at the MCG, the MCG;";

(b) after paragraph (f) **insert**—

"(fa) in relation to the Australian Football League match played at the MCG on ANZAC Day, the MCG;".

(4) In section 3(1) of the Principal Act **insert** the following definition—

"*ANZAC Day* has the meaning given in section 3 of the *ANZAC Day Act 1958*";".

## **19 Power of authorised officer to require information or documents repealed**

Section 144 of the Principal Act is **repealed**.

## **20 Protection against self-incrimination**

Section 146(2) of the Principal Act is **repealed**.

## **21 Ticketing guidelines**

After section 163(2) of the Principal Act **insert**—

"(2A) For the purposes of subsection (2)(b) and (c), a condition prohibiting or restricting the sale or distribution of tickets for a sports ticketing



event includes doing any of the following without the written consent of the sports event organiser—

- (a) advertising tickets for sale at a price that exceeds the face value purchase price of each of the tickets;
- (b) offering tickets for sale, or selling tickets, at a price that exceeds the face value purchase price of each of the tickets;
- (c) using tickets for promotional or other commercial activities;
- (d) using tickets to enhance demand for other goods and services."

**22 New sections 166A and 166B inserted**

After section 166 of the Principal Act **insert**—

**"166A Sale of 5 or less tickets at a premium (scalping)**

- (1) A person who is not authorised to do so must not sell tickets for a sports ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is printed if the sale is—
  - (a) of 5 or less tickets; and
  - (b) at a premium price, being a price that—
    - (i) in the case of more than one ticket being sold, exceeds the combined face value purchase price of all those tickets;

- (ii) in the case of one ticket being sold, exceeds its face value purchase price.

Penalty: 30 penalty units.

- (2) Nothing in this section limits the operation of section 166.

**166B Advertising for resale of 5 or less tickets at a premium**

- (1) A person who is not authorised to do so must not advertise or offer for resale tickets for a sports ticketing event on which a ticket condition under an approved ticket scheme prohibiting or restricting the sale or distribution of the tickets is printed if the advertisement or offering for resale is—
  - (a) for 5 or less tickets; and
  - (b) at a premium price, being a price that—
    - (i) in the case of more than one ticket being sold, exceeds the combined face value purchase price of all those tickets;
    - (ii) in the case of one ticket being sold, exceeds its face value purchase price.

Penalty: 30 penalty units.

- (2) Nothing in this section limits the operation of section 166."

**23 Section 167 substituted and new sections 167A to 167F inserted**

For section 167 of the Principal Act **substitute—**

**"167 Who can commence proceedings for offences?**

- (1) A proceeding for an offence against this Part may be commenced by—
  - (a) the Secretary; or
  - (b) a person authorised in writing by the Secretary for the purposes of this section; or
  - (c) the Director of Public Prosecutions; or
  - (d) a member of the police force.
- (2) A proceeding commenced under subsection (1) may be taken over and continued at any time by any other person authorised by subsection (1) to commence proceedings.
- (3) In a proceeding for an offence against this Part, it must be presumed, in the absence of evidence to the contrary, that the person commencing the proceeding was authorised to commence the proceeding.

**167A Infringement notices, penalties and offences for this Part**

- (1) A member of the police force may serve an infringement notice on a person who the member of the police force has reason to believe has committed an offence against section 166A or 166B.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

- (3) The infringement penalty for an offence against section 166A or 166B is 5 penalty units.
- (4) For the purposes of this section, an infringement notice—
  - (a) must be in the form required by section 13 of the **Infringements Act 2006**; and
  - (b) must also state that payment of the infringement penalty for the infringement offence will result in the forfeiture of any ticket to which the infringement offence relates.

**167B Seizure of tickets**

- (1) Subject to the requirements of this section, if a member of the police force believes on reasonable grounds that a person has committed, is committing or is about to commit an offence against section 166, 166A or 166B, the member of the police force may seize any tickets to which the offence relates from a person who allegedly has committed, is committing or is about to commit an offence against section 166, 166A or 166B (a *scalper*).
- (2) Subject to the requirements of this section, if a member of the police force serves an infringement notice on a person for an infringement offence against section 166A or 166B, the member of the police force may seize any tickets to which the offence relates from a scalper.
- (3) Before a member of the police force seizes tickets under subsection (1) or (2), the member must—

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- (a) inform the person of the member's name, rank and place of duty; and
  - (b) if requested by the person, provide the information referred to in paragraph (a) in writing; and
  - (c) produce the member's identification for inspection by the person, unless the member is in uniform; and
  - (d) inform the person of the intended seizure and the member's power to seize tickets under this section.
- (4) A member of the police force is not required to comply with subsection (3) if the member believes on reasonable grounds that it is impracticable to do so.
- (5) If a member of the police force seizes any tickets under this section from a scalper, the member of the police force must give that person a written receipt for the tickets seized indicating—
- (a) the details of the tickets seized; and
  - (b) the date and time that the member of the police force took possession of the tickets; and
  - (c) the name and rank of the member of the police force who seized the tickets.
- (6) A receipt referred to in subsection (5) must be given—
- (a) if possible, immediately; or
  - (b) if it is not possible to do so immediately, as soon as is reasonably practicable.

**167C Temporary surrender of tickets by purchaser for evidentiary purposes**

- (1) A member of the police force may request that a person who purchased, is purchasing or is about to purchase a ticket (a *purchaser*) from a person who allegedly has committed, is committing or is about to commit an offence against section 166, 166A or 166B to surrender the ticket for inspection by the member of the police force.
- (2) If a purchaser surrenders a ticket under subsection (1), the member of the police force—
  - (a) may arrange for a photograph or other image or recording of the ticket to be made; and
  - (b) must record the details of the ticket and its surrender; and
  - (c) may ask for the purchaser's name and address; and
  - (d) must return the ticket to the purchaser as soon as the applicable requirements of paragraphs (a) to (c) have been met.

**167D Police may retain tickets seized from scalper for purpose of proceedings**

Without limiting any other power in relation to proceedings for an offence, including the enforcement of an infringement offence, if a member of the police force seizes any ticket under section 167B from a scalper, that member—

- (a) may retain the ticket for the purposes of—
  - (i) proceedings for an offence against section 166, 166A or 166B; or

(ii) enforcement of an infringement offence against section 166A or 166B; and

(b) must otherwise deal with that ticket in accordance with law.

**167E Application by scalper to Magistrates' Court for return of tickets**

- (1) A person referred to in section 167B(1) or (2) from whom any ticket has been seized under section 167B may apply to the Magistrates' Court for the return of that ticket.
- (2) An application under subsection (1) may be made at any time after the seizure, but must not be made if—
  - (a) proceedings for an offence against section 166, 166A or 166B have been commenced and are ongoing in respect of that seized ticket; or
  - (b) the person on whom an infringement notice has been served for an infringement offence against section 166A or 166B has expiated that offence by payment of the infringement penalty in accordance with the **Infringements Act 2006**.
- (3) On an application under subsection (1), the Magistrates' Court may make any of the following orders or any combination of those orders—
  - (a) an order for the return of the ticket;
  - (b) an order for the return of the ticket subject to any specified conditions;
  - (c) any other order it considers appropriate.

**167F Forfeiture to the Crown**

- (1) If a person is found guilty of an offence against section 166, 166A or 166B, any ticket to which the offence relates which has been seized under section 167B is taken to be forfeited to the Crown.
- (2) Despite anything to the contrary in Division 5 of Part 2 of the **Infringements Act 2006**, if a person on whom an infringement notice has been served for an infringement offence against section 166A or 166B expiates that offence by payment of the infringement penalty in accordance with that Act, any ticket to which the infringement offence relates which has been seized under section 167B is taken to be forfeited to the Crown.
- (3) The Minister may direct that any tickets forfeited to the Crown under this section be disposed of in any manner that the Minister thinks fit, including destruction."

**24 Court order to answer questions or produce information or documents and seizure of documents under the order**

Sections 172 and 173 of the Principal Act are **repealed**.

**25 Protection against self-incrimination**

In section 176 of the Principal Act **omit** "(other than produce a document)".

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**PART 4—MISCELLANEOUS AMENDMENTS**

**26 Major sporting events guidelines**

- (1) In section 25(1) of the Principal Act—
- (a) after "sporting events" **insert** "or venue managers of event venues";
  - (b) after paragraph (c) **insert**—  
"(ca) crowd management;".
- (2) After section 25(1) of the Principal Act **insert**—  
"(1A) A guideline made under subsection (1)(ca) does not apply to an authorised officer who is a member of the police force.".

**27 Noise and light**

In section 100 of the Principal Act for "**Health Act 1958**" substitute "**Public Health and Wellbeing Act 2008**".

**28 Repeal of Division 1 of Part 13**

Division 1 of Part 13 of the Principal Act is **repealed**.

**29 New section 205A inserted**

After section 205 of the Principal Act **insert**—

**"205A Major Sporting Events Amendment Act 2013—transitional provisions**

- (1) A major sporting event order made under section 7(1) and in force immediately before the commencement of section 4(1) of the **Major Sporting Events Amendment Act 2013** continues, on and from that commencement, to have effect until it expires despite any inconsistency with this Act.

- (2) Section 87(2)(a) as amended by section 11 of the **Major Sporting Events Amendment Act 2013** applies only to an offence against section 67(2), 67A(1), 67A(2), 85(1), 85(2) or 85(3) alleged to have been committed on or after the commencement of section 11 of that Act.
  - (3) For the purposes of subsection (2), if an offence is alleged to have been committed between 2 dates, one before and one after the commencement of section 11 of the **Major Sporting Events Amendment Act 2013**, the alleged offence is taken to have been committed before that commencement.
  - (4) Sections 167B to 167F apply only to an offence against section 166 alleged to have been committed on or after the commencement of section 23 of the **Major Sporting Events Amendment Act 2013**.
  - (5) For the purposes of subsection (4), if an offence against section 166 is alleged to have been committed between 2 dates, one before and one after the commencement of section 23 of the **Major Sporting Events Amendment Act 2013**, the alleged offence is taken to have been committed before that commencement."
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**PART 5—REPEAL OF AMENDING ACT**

**30 Repeal of amending Act**

This Act is **repealed** on 1 December 2014.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## ENDNOTES

- † *Minister's second reading speech—*  
*Legislative Assembly: 20 February 2013*  
*Legislative Council: 7 March 2013*

The long title for the Bill for this Act was "A Bill for an Act to amend the **Major Sporting Events Act 2009** in relation to events and event venues, crowd management, aerial advertising and sports event ticketing and for other purposes."