

Brisbane City Council

Events Local Law 2022

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Dedicated to a better Brisbane

Brisbane City Council

Events Local Law 2022

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Part 1 Preliminary

1 Short title

This local law may be cited as the Events Local Law 2022.

2 Main purposes

The main purposes of this local law are to—

- (a) ensure that prescribed events are regulated;
- (b) safeguard the health, safety and amenity of people attending those prescribed events; and
- (c) safeguard the health, safety and amenity of the community in which the prescribed event is undertaken.

3 Application

This local law applies to prescribed events in the city of Brisbane.

4 Exemptions from local law

The following events are exempt from the application of this local law—

- (a) events being undertaken—
 - (i) at a facility listed in Schedule 1 of the *Major Sports Facilities Regulation 2014*;
 - (ii) at a venue that is regulated under Council's *Amplified Music Venues Local Law 2006*;
 - (iii) at an indoor facility within the Brisbane Showgrounds situated at 600 Gregory Terrace, Bowen Hills;
 - (iv) at the Brisbane Convention and Exhibition Centre situated at Glenelg Street, South Brisbane;
 - (v) by a school within the school grounds; or
 - (vi) under any arrangement or agreement, that expressly permits the undertaking of the event, entered into by Council with any person on any terms and conditions acceptable to Council;
- (b) a sporting event undertaken at a dedicated sporting facility unless it involves a firearm activity or a motorsport activity;
- (c) a private party;
- (d) a public assembly under the *Peaceful Assembly Act 1992*; and
- (e) a thoroughbred, harness or greyhound race meeting or training activity undertaken at a purpose-built facility for such activities.

5 Definitions

The dictionary in Schedule 1 defines particular words used in this local law.

Part 2 Permits for prescribed events

Division 1 Requirement to hold permit

6 Requirement to hold permit

A person must not undertake a prescribed event unless a permit for that prescribed event has been issued by Council under this local law and remains in force.

Maximum penalty—50 penalty units.

Division 2 Self-assessment

7 Self-assessment of self-assessable events

- (1) Council may establish a self-assessment system under this local law for the approval of a permit required under section 6.
- (2) A person may apply for, and Council may issue, a self-assessable permit only if the event is a self-assessable event.
- (3) If a person properly undertakes self-assessment through a system established under subsection (1), and a permit is issued under that self-assessable system, this local law applies to that permit.

Division 3 Application for permit

8 Application for permit

- (1) An applicant must apply for a permit for a self-assessable event in accordance with section 7 and the self-assessable events rule.
- (2) An applicant must apply for a permit for an assessable event in accordance with sections 9(1) and 9(2) and the assessable events rule.

9 Application for permit for an assessable event

- (1) An application for a permit for an assessable event must be made in the approved form.
- (2) An application for a permit for an assessable event must be—
 - (a) made at least 30 business days before the assessable event; and
 - (b) accompanied by—
 - (i) a plan of the location or place where the assessable event is to be undertaken and details and drawings of buildings,

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- layout and other structural elements of the location or place, including any temporary structures;
- (ii) a detailed statement of the nature of the activity to be conducted or undertaken at the assessable event;
 - (iii) the dates and hours that the assessable event will be open to the public and the proposed bump-in and bump-out times;
 - (iv) the expected number of people anticipated to be accommodated at, or to attend, the assessable event on the day of the assessable event, or where the assessable event is scheduled to be undertaken over more than one day, the expected number of people anticipated to be accommodated at, or to attend, the assessable event for the duration of the assessable event;
 - (v) an emergency response and evacuation plan developed or endorsed by an appropriately qualified person that considers the expected number of persons anticipated at the assessable event;
 - (vi) if traffic flow is likely to be impacted by the assessable event, a traffic management plan prepared by, or endorsed by, an appropriately qualified person that demonstrates the pedestrian and vehicular traffic involved in bump-in, bumpout and assessable event operations, and considers the expected number of persons anticipated to be accommodated at, or attending, the assessable event;
 - (vii) if the applicant is not the owner or occupier of the land upon which the assessable event is to be undertaken, the written consent of the registered proprietor or person otherwise exercising control or management over or with respect to the land;
 - (viii) if any approval is required under any other law, evidence of that relevant approval or evidence that the approval has been sought;
 - (ix) a certificate of currency for public liability insurance for an aggregate amount of at least \$20 million, or other amount agreed with Council;
 - (x) if an outdoor musical performance where the sound pressure level is expected to exceed 95dBC when measured 15 metres from any speaker, or a firearm activity or a motorsport activity forms any part of the assessable event, a noise management plan in accordance with section 11;

- (xi) the prescribed fee, if any;
 - (xii) any documentation required by any rules or procedures made under this local law; and
 - (xiii) any other relevant material or supporting documentation.
- (3) Without limiting subsection (2), an applicant must, if requested by Council, within 10 business days of the request being made, provide—
- (a) a noise management plan in accordance with section 11;
 - (b) an event risk assessment and an event risk management plan; and
 - (c) any further information or documents that may assist Council to decide the application.
- (4) An application that complies with this section 9 is a ***properly made application***.
- (5) Subject to subsection (6), Council may waive any requirement or any part of any requirement under this section 9 in its absolute discretion.
- (6) Prior to Council waiving the requirement under any of subsections 2(b)(vi) to (viii) inclusive, Council must consult with the State if:
- (a) traffic flow is likely to impact a State-controlled road;
 - (b) the event will be held on State-owned or State-controlled land; or
 - (c) approval from the State is required by law.

10 Withdrawal of application

At any time prior to a decision being made in accordance with section 12, an applicant may withdraw their application for a permit.

11 Noise management plans for assessable events

- (1) A noise management plan must—
- (a) identify mitigation measures proposed by the applicant to minimise the impact of noise from an assessable event;
 - (b) set out the frequency or times that those mitigating measures will be carried out; and
 - (c) make provision for monitoring and recording compliance with the plan.
- (2) Without limiting the generality of subsection (1), a noise management plan must also address the following matters, if applicable—
- (a) the location and height of a stage;
 - (b) the location and height of the speakers;
 - (c) the direction of the speakers;

- (d) details of the sound system;
- (e) noise measurement procedures;
- (f) hours of operation; and
- (g) community notification and engagement strategy for the assessable event.

12 Deciding applications

- (1) Council must, in relation to a properly made application for a permit—
 - (a) approve the application, with or without conditions; or
 - (b) refuse the application.
- (2) If Council approves the application, in whole or in part, under subsection (1)(a) Council must issue a permit and, if applicable, advise the applicant in writing of the applicant's right to a review of that decision to impose any conditions under section 33.
- (3) If Council refuses the application, in whole or in part, under subsection (1)(b) Council must advise the applicant in writing of—
 - (a) the grounds for the refusal; and
 - (b) the applicant's right to a review of that decision under section 33.

13 Criteria to be considered

- (1) In considering a properly made application for a permit, Council may have regard to—
 - (a) if the applicant has previously undertaken any event—
 - (i) any complaints received in relation to that event;
 - (ii) any non-compliance with conditions of any permit or approval that may have been issued; and
 - (iii) the applicant's general conduct and undertaking of the event;
 - (b) whether the location or place where the assessable event is to be undertaken is appropriate for the nature of the activity proposed and the number of people anticipated to attend, or be accommodated at, the assessable event;
 - (c) whether the assessable event, or its operation, would unreasonably detract from the amenity of the area;
 - (d) whether appropriate sanitary conveniences and refuse collection facilities will be provided for the assessable event;
 - (e) the security, traffic, crowd control and emergency procedures, necessary to ensure the safety, protection and convenience of patrons, nearby residents and the public;

- (f) any applicable Commonwealth, State or local government standards or requirements;
 - (g) the public interest; and
 - (h) any risk mitigation measures proposed by the applicant.
- (2) In considering the matters under subsection (1) Council may consult with—
- (a) the owners and occupiers of buildings or land that Council considers may be affected by the assessable event; and
 - (b) other regulatory authorities.

14 Term of permit

A permit commences and expires on the dates specified in the permit unless revoked earlier.

15 Production of permit on demand

A permit holder must produce the permit to an authorised person upon demand.

Maximum penalty—50 penalty units.

16 Amendment of conditions of permit by Council

- (1) Council may, by notice in writing to a permit holder, add, amend or remove one or more permit conditions if Council considers it necessary or appropriate.
- (2) A notice under subsection (1), must provide the permit holder with no less than 5 business days to make written submissions to Council about the proposed addition, amendment, or removal of one or more permit conditions.
- (3) Council must consider any written submissions made under subsection (2).
- (4) After considering any written submissions, Council must decide to—
 - (a) add, amend or remove one or more permit conditions; or
 - (b) take no further action.
- (5) Council must give the permit holder a notice (**condition decision notice**) advising of—
 - (a) its decision under subsection (4); and
 - (b) the permit holder's right to a review of that decision under section 33.
- (6) Any addition, amendment or removal of one or more permit conditions takes effect from the time specified in the condition decision notice.

17 Compliance with conditions of permit

- (1) A permit holder must comply, and take all reasonable steps to ensure others comply, with every condition of the permit.
- (2) A permit holder must not contravene a condition of the permit, unless the permit holder has a reasonable excuse.
Maximum penalty for subsection (2)—50 penalty units.

18 Amendment of permit

- (1) Subject to subsection (2), a permit holder may apply to Council to amend a permit issued under this local law (an **amendment application**).
- (2) An amendment application under subsection (1) must be—
 - (a) in writing and state—
 - (i) the proposed amendment; and
 - (ii) the reasons why the amendment is sought; and
 - (b) accompanied by the prescribed fee.
- (3) Council may—
 - (a) approve one or more of the amendments; or
 - (b) refuse one or more of the amendments.
- (4) If Council approves the amendment application, in whole or in part, under subsection (3)(a) it must issue an amended permit.
- (5) If Council refuses the amendment application, in whole or in part, under subsection (3)(b) it must advise the applicant in writing of the grounds for refusal.
- (6) A decision under this section is not open to an application for review under section 33.

19 Renewal of permit

- (1) Subject to subsection (2), a permit holder may apply to Council for a renewal of a permit issued under this local law (a **renewal application**).
- (2) A renewal application must be lodged in the approved form and be accompanied by the prescribed fee at least 30 business days prior to the expiry of the current permit.
- (3) Council must, within 20 business days of receipt of a renewal application—
 - (a) approve the renewal application, with or without conditions; or
 - (b) refuse the renewal application.
- (4) If Council approves the renewal application under subsection (3)(a) it must issue a permit and, if applicable, advise the applicant in writing of

the applicant's right to a review of that decision to impose any conditions under section 33.

- (5) If Council refuses the renewal application under subsection (3)(b) it must advise the applicant in writing of the grounds for refusal and the applicant's right to a review of that decision under section 33.

20 Transfer of permit

- (1) Subject to subsection (2), a person may apply to Council to transfer a permit issued to a permit holder under this local law to themselves (the **transferee**).
- (2) An application to transfer a permit (a **transfer application**) must—
 - (a) be made in writing by the transferee in the approved form and be accompanied by—
 - (i) written consent of the permit holder to transfer the permit;
 - (ii) the prescribed fee; and
 - (iii) evidence of any relevant approval and public liability insurance in the name of the transferee, if applicable.
- (3) Council may—
 - (a) approve the transfer application; or
 - (b) refuse the transfer application.
- (4) If Council approves the transfer application under subsection (3)(a), it must transfer the permit to the transferee.
- (5) If Council refuses the transfer application under subsection (3)(b), it must advise the applicant in writing of the grounds for refusal and the applicant's right to a review of that decision under section 33.

21 Surrender of permit

A permit holder may, at any time prior to its expiry, surrender a permit by written notice to Council.

22 Suspension or revocation of permit

- (1) Council may, at any time, suspend a permit for any reason in its absolute discretion by written notice to the permit holder (**suspension notice**).
- (2) Any suspension made under subsection (1) takes effect from the time specified in the suspension notice.
- (3) Subject to subsection (5), Council may, at any time, revoke a permit for any reason in its absolute discretion.
- (4) Without limiting subsection (1) or subsection (3), Council may suspend or revoke a permit upon any one or more of the following grounds—

- (a) the prescribed event is not being, or has not been, undertaken in a clean, sanitary and safe manner to the satisfaction of Council;
 - (b) the permit holder has—
 - (i) not complied with a requirement of this local law including any condition of a permit;
 - (ii) had any permit or approval issued by a Commonwealth, State or other local government, in relation to the prescribed event refused, cancelled, suspended or otherwise revoked; or
 - (iii) been convicted of an offence against this local law.
 - (c) the condition of the location or place at which the prescribed event is to be undertaken is, in the opinion of Council, unfit for use or presents a danger to the community.
- (5) Before revoking a permit, Council must—
- (a) give written notice to the permit holder of the proposed revocation (**proposed revocation notice**);
 - (b) allow the permit holder at least 10 business days from the date the notice is given to make written submissions to Council about the proposed revocation; and
 - (c) consider any written submission made by the permit holder in response to the proposed revocation notice.
- (6) After considering any submissions, Council must decide to—
- (a) revoke the permit; or
 - (b) take no further action.
- (7) After considering any submissions by the permit holder, Council must give the permit holder a notice (**revocation decision notice**) advising of—
- (a) its decision under subsection (6); and
 - (b) if Council revokes the permit under subsection (6)(a), the permit holder's right to a review of that decision under section 33.
- (8) Any revocation takes effect from the time specified in the revocation decision notice.

Part 3 Offences

23 Power to require information

- (1) For monitoring or enforcing compliance with this local law, an authorised person may, subject to subsection (2), request any person to give the authorised person information to help the authorised person ascertain whether the local law is being complied with.

- (2) When making a request under subsection (1), the authorised person must warn the person it is an offence to fail to comply with the request, unless the person has a reasonable excuse.

24 Failure to give information

- (1) A person of whom a request is made under section 23 must comply with the request, unless the person has a reasonable excuse.

Maximum penalty for subsection (1)—50 penalty units.

- (2) It is not a reasonable excuse for a person to fail to give the information because giving the information might tend to incriminate the person.
- (3) However, if the person is a natural person, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.

25 False or misleading information

A person must not provide information in, or in connection with, any application under this local law that the person knows, or ought reasonably to know, is false or misleading.

Maximum penalty—50 penalty units.

26 Obstructing an authorised person

A person must not obstruct an authorised person, or any person assisting an authorised person, in the exercise of powers under this local law, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

Part 4 Enforcement

27 Inspection

- (1) An authorised person may attend and inspect the location or place where any prescribed event is to be, is being, or has been, undertaken to investigate whether—
 - (a) the conditions of the relevant permit issued under this local law are being, or have been, complied with;
 - (b) the requirements of this local law including any subordinate local law or rules and guidelines made under this local law are being, or have been, complied with;
 - (c) an oral compliance direction or a compliance notice is being, or has been, complied with; or

- (d) work that is the subject of, or was carried out under, an oral compliance direction or a compliance notice is being, or has been, completed as required by the oral compliance direction or the compliance notice.
- (2) For the purposes of section (1), an authorised person may enter the location or place in which the prescribed event is to be, is being, or has been undertaken—
 - (a) at any time during the prescribed event (including bump-in and bump-out times) without the permission of the occupier of the land; or
 - (b) before or after the prescribed event, if—
 - (i) the occupier of the land asks the authorised person to enter the location or place in which the prescribed event is to be undertaken or has been undertaken; or
 - (ii) the land is a public place and is not closed to the public.

28 Oral compliance directions

- (1) If a person engages in conduct that an authorised person considers is, or is preparatory to, a contravention of this local law, without reasonable excuse, an authorised person may give that person an oral compliance direction to do either or both of the following—
 - (a) immediately stop the conduct; or
 - (b) take specified action to remedy the contravention.
- (2) An oral compliance direction may be given under this section 28 in addition to any other enforcement action prescribed by this local law.
- (3) A person must comply with an oral compliance direction given under this section 28 unless the person has a reasonable excuse.
Maximum penalty for subsection (3)—50 penalty units.

29 Compliance notices

- (1) An authorised person may give a notice (a **compliance notice**) to a person if an authorised person is satisfied on reasonable grounds that—
 - (a) the person—
 - (i) is contravening this local law; or
 - (ii) has contravened this local law in circumstances that make it likely that the contravention will continue or be repeated;and

- (b) the person is able to remedy the contravention; and
 - (c) it is appropriate to give the person an opportunity to remedy the contravention.
- (2) A compliance notice must—
- (a) be in writing; and
 - (b) state—
 - (i) the particular provision of this local law that an authorised person considers is being, or has been, contravened;
 - (ii) how it is considered on reasonable grounds that the provision of this local law is being, or has been, contravened;
 - (iii) if the contravention is of a continuing or recurrent nature— that the person must stop the contravention;
 - (iv) any specified action required to be taken by the person;
 - (v) the time by which the person must comply with the compliance notice; and
 - (vi) the prescribed fee to be paid by the person for reinspection, if applicable.
- (3) The time stated under subsection (2)(b)(v) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) any risk posed by the contravention—
 - (i) to public health and safety;
 - (ii) of damage to property; or
 - (iii) of loss of amenity.
- (4) Council may charge a re-inspection fee to ensure that a compliance notice has been complied with.
- (5) A compliance notice may be given under this section 29 in addition to any other enforcement action prescribed by this local law.
- (6) A person who is given a compliance notice must comply with that compliance notice.
- Maximum penalty for subsection (6)—
- (a) for self-assessable events—200 penalty units;
 - (b) for assessable events with an expected attendance of up to and including 10,000 people over the duration of the event—350 penalty units; and
 - (c) for assessable events with an expected attendance of more than 10,000 people over the duration of the event—500 penalty units.

30 Council's power to have work carried out

If a person fails to comply with a compliance notice, an authorised person may take all necessary action to ensure compliance with the notice.

31 Recovery of cost of work

- (1) A person who does not comply with a compliance notice is liable to Council for—
 - (a) any loss, damage or expense incurred by Council through the failure of the person to comply with this local law;
 - (b) any expense associated with inspections conducted to gain or confirm compliance with this local law or a compliance notice given under it; and
 - (c) all other amounts, for which the omission to pay was an element in, or was in any way related to, such failure to comply with this local law.
- (2) Council must give the person to whom the compliance notice is given a written notice setting out the amount for which the person is liable under subsection (1).
- (3) If the amount is not paid on or before the payment date stated in the written notice, Council may recover the amount from the person as a debt due and payable to Council.
- (4) A certificate signed by an authorised person and stating any of the following matters is evidence of the matter—
 - (a) the carrying out of the work or actions by Council;
 - (b) any loss, damage or expenses incurred by Council;
 - (c) the cost of the work;
 - (d) the delivery of the written notice setting out the amount in accordance with subsection (2); or
 - (e) the amount of any costs and fees unpaid at the date of the certificate.
- (5) The procedure for recovery of costs and expenses in this section 31 does not derogate from any right to costs or compensation available to Council under any other law.

32 Summary cessation to prevent serious risk or public nuisance

- (1) If an authorised person reasonably considers it is necessary to immediately order a prescribed event to cease—

- (a) because of a serious risk to health or safety; or
 - (b) to abate a serious public nuisance,
- the authorised person may, by written notice or oral direction to the permit holder, or the person apparently in charge of the prescribed event, order the prescribed event to cease.
- (2) If a permit is in force for a prescribed event, a notice given under this section 32 immediately revokes that permit and section 22 does not apply.
 - (3) A person must not undertake, or continue to undertake, a prescribed event where a notice under this section 32 has been given.
- Maximum penalty for subsection (3)—500 penalty units.

Part 5 Review of decisions

33 Application for review

- (1) A person who is given a notice about a decision under—
 - (a) section 12(1) (permit decision);
 - (b) section 16(4) (condition decision);
 - (c) section 19(3) (renewal decision);
 - (d) section 20(3) (transfer decision); or
 - (e) section 22(6) (revocation decision),(each an **original decision**), may make an application to Council for a review of that original decision under this section.
- (2) The application (a **review application**) must be made within 5 business days from the date that the person is given notice of the original decision or such longer period as Council may allow in its absolute discretion.
- (3) A review application must be in writing and be—
 - (a) accompanied by a statement of the grounds on which the person seeks the review of the original decision; and
 - (b) supported by sufficient information to enable Council to decide the review application.
- (4) A review application stays the original decision.

34 Review process

- (1) A review application must be dealt with by—
 - (a) a person other than the person who made the original decision; and
 - (b) a person holding no less senior office than the person who made the original decision.

- (2) Council must, within 15 business days after receiving a review application, make a decision (the **review decision**) to—
 - (a) confirm the original decision;
 - (b) revoke the original decision; or
 - (c) vary the original decision in a way Council considers appropriate.
- (3) Within 3 business days after making a review decision, Council must give written notice of the review decision to the applicant.
- (4) The notice must include the reasons for the review decision.

Part 6 Miscellaneous

35 Power to make subordinate local law and rules and guidelines

- (1) Council may make subordinate local laws under this local law to provide for the detailed implementation of the broader principles contained in this local law.
- (2) Without limiting subsection (1), Council may make a subordinate local law about any 1 or more of the following—
 - (a) processes and procedures in relation to making an application for a permit;
 - (b) conditions that may be imposed on any permit or type of permit; or
 - (c) evaluation criteria for approving a permit.
- (3) Subject to subsection (4) Council may, by resolution, make rules or guidelines in relation to—
 - (a) general conditions that may be imposed on a permit;
 - (b) procedural requirements relating to self-assessable permits; and
 - (c) technical matters relating to conditions or standards to be applied to a permit.
- (4) Before Council makes a resolution under subsection (3), Council must undertake public consultation for a period of 20 business days about the proposed rules or guidelines.
- (5) Without limiting subsection (3), Council may make rules or guidelines relating to the general conditions and conduct of prescribed events to protect health, safety and amenity of patrons and the community.
- (6) A person who is granted a permit must comply with any subordinate local law made by Council under subsection (2) and any rules or guidelines made by Council under subsection (3).

36 Obligations joint and several

- (1) If this local law imposes an obligation on—

- (a) a permit holder, the obligation is imposed jointly and severally on each person who is the permit holder; and
 - (b) a person or 2 or more persons jointly engaged in an activity to which the obligation relates, the obligation is imposed jointly and severally on each of those persons.
- (2) If an oral direction or a notice is given to a permit holder, the oral direction or notice applies jointly and severally to each person who is the permit holder.
 - (3) Proceedings for an offence may be taken against any 1 or more of the persons who fail to comply with an obligation, oral direction or notice referred to in subsections (1) or (2).
 - (4) It is no defence to proceedings for a breach of sections 28, 29, or 32 that the person was an employee or agent of another person when the direction was given or the compliance notice was issued.
 - (5) If a permit under this local law is held by more than 1 person, each person may be separately convicted of the same offence.
 - (6) A person who is not the permit holder and the permit holder may be separately convicted of the same offence.
 - (7) Council may, by a single action or successive actions, recover amounts payable under this local law from any 1 or more of the persons who fail to comply with this local law or a permit issued under this local law.
 - (8) Council may, by a single action or successive actions, recover costs under this local law from any 1 or more of the persons referred to in subsection (3), but the total amount recovered must not exceed the amount of Council's costs and the interest to which it is entitled.

37 Giving of notice

- (1) Whenever this local law requires written notice to be given the notice may be given personally, by post, or electronically.
- (2) If a person makes an application or submission to Council electronically, that person is deemed to have given consent to Council to give that person any information or notice about their application or submission by electronic means.
- (3) If the notice is given by post, sections 39 and 39A of the *Acts Interpretation Act 1954* will apply to the giving of the notice.
- (4) If the notice is given electronically, the provisions of the *Electronic Transactions (Queensland) Act 2001* will apply to the time and place of dispatch and receipt.

38 Evidence of matters alleged

In any prosecution for a breach of the provisions of this local law every allegation or averment contained in the complaint will be prima facie evidence of the matter so alleged or averred.

39 No right to compensation

Except as provided by the *City of Brisbane Act 2010*, the exercise by Council in good faith and without negligence of any authority conferred upon it by this local law does not give rise to a claim for compensation by any person.

40 Protection from liability

Council or an authorised person is not civilly liable for an act done under this local law, or an omission made under this local law, if acting in good faith and without negligence.

41 Natural justice

An obligation to consider criteria when making a decision under this local law (including an obligation to consult with any person), and any impact of that decision, does not, by necessary implication or otherwise, create an interest in favour of a person, (other than the applicant) sufficient to give rise to a duty to afford natural justice to that person.

Part 7 Repeal and transitional provisions

42 Repeal

- (1) The *Local Law (Entertainment Venues and Events) 1999* is repealed.
- (2) The *Local Law Policy (Entertainment Venues and Events) 1999* is repealed.

43 Transitional provisions

A notice or permit issued or decision made under the repealed *Local Law (Entertainment Venues and Events) 1999* or the repealed *Local Law Policy (Entertainment Venues and Events) 1999* that was in force immediately before the commencement of this local law continues in force as if it were made under this local law.

Schedule 1 Dictionary

amenity, when assessing the effect of a prescribed event in relation to the surrounding area, includes consideration of all or any of the following—

- (a) noise;
- (b) vibration;
- (c) dust;
- (d) odour;
- (e) air quality;
- (f) lighting; and
- (g) use and enjoyment of land.

approved form means a form approved by Council for the purposes of this local law.

assessable event means an event—

- (a) that involves a firearm activity;
- (b) that involves a motorsport activity; or
- (c) where there is an expected attendance of 1,000 people or more over the duration of the event and the event includes one or more assessable risks.

assessable risk means one or more of the following—

- (a) for any outdoor musical performance, if the sound pressure level is expected to exceed 95dBC when measured 15 metres from any speaker;
- (b) any event that is expected to—
 - (i) commence before 7am on any day (excluding bump-in times);
 - (ii) finish after 10pm on any day (excluding bump-out times);
 - (iii) involve the service or consumption of alcohol; or
 - (iv) involve road closures or traffic management;
- (c) any event where the expected attendance is more than 5,000 people at any given time; or
- (d) any event where the expected attendance is more than 10,000 people over the duration of the event.

assessable events rule means the rule made in accordance with section 35 in relation to permits for assessable events.

authorised person means an appropriately qualified person appointed under the *City of Brisbane Act 2010*.

compliance notice has the meaning given to it in section 29(1).

Council means the Brisbane City Council established under the *City of Brisbane Act 2010*.

firearm activity means the discharging of a firearm at a location or place for entertainment, competition or practice, and includes clay pigeon and target shooting, but does not include firearm activities conducted by the police or military or other government agency.

firearm means—

- (a) a gun or other thing ordinarily described as a firearm; or
- (b) a thing ordinarily described as a weapon that, if used in the way for which it was designed or adapted, is capable of being aimed at a target and causing death or injury by discharging a projectile.

but does not include—

- (c) an antique firearm, explosive tool, captive bolt humane killer, spear gun, longbow or crossbow or similar weapon;
- (d) a replica of any of the items listed in (c);
- (e) a gel blaster weapon or paint pellet gun; or
- (f) an air rifle or air pistol.

motorsport activity means the operation or racing of motor vehicles, motorbikes, trucks, go-carts or similar vehicles on a dedicated track or similar facility for entertainment, competition or practice but does not include—

- (a) car club meetings; or
- (b) car shows, exhibitions, and similar displays.

noise management plan means a document in accordance with section 11 that demonstrates how environmental noise impacts from an event will be managed. original decision has the meaning given to it in section 33(1).

outdoor musical performance means a musical performance that is conducted outdoors (including in a tent or other temporary structure) and that involves the electric amplification of live or recorded music.

permit means a permit issued under this local law for a prescribed event.

person apparently in charge means the person who, in the opinion of an authorised person, appears to be in charge or control, or has the management of, or responsibility for, the event including the power to admit persons to or exclude persons from attending the event.

prescribed event means each of—

- (a) an assessable event; and
- (b) a self-assessable event.

prescribed fee means a fee prescribed by Council for the purposes of this local law.

private party means a bona fide event or occasion undertaken on residential or commercial property or public land where—

- (a) the event or occasion is not publicly advertised;
- (b) the event or occasion is not open to the public or casual attendance;
- (c) attendance at the event or occasion is restricted by personal invitation of the function's host;
- (d) admission to the event or occasion does not involve paying a fee for admission or entertainment or services provided at the event or occasion; and
- (e) the function's host does not derive any direct or indirect financial benefit from the event or occasion.

Examples of a bona fide event or occasion—21st birthday party, boardroom lunch, company cocktail party, wedding.

properly made application has the meaning given to it in section 9(4).

review application has the meaning given to it in section 33(2).

school means:

- (a) a State educational institution under the *Education (General Provisions) Act 2006*;
- (b) an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*;
- (c) TAFE Queensland under the *TAFE Queensland Act 2013*; and
- (d) a university.

self-assessable event means an event where there is an expected attendance of 2,000 or more people over the duration of the event but the event does not include any assessable risk.

self-assessable events rule means the rule made in accordance with section 35 in relation to permits for self-assessable events. undertake, for a prescribed event, means to operate, manage or allow to be held.