

House of Assembly

As passed all stages and awaiting assent.

This is an unofficial copy and is subject to correction.

South Australia

Budget Measures Bill 2014

A BILL FOR

An Act to make amendments to various Acts for the purposes of the 2014 State Budget.

Contents

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Schedule 1—Budget Measures

Part 1—Amendment of *Education Act 1972*

- 1 Amendment of section 5—Interpretation
- 2 Amendment of section 22—Interruption of service
- 3 Insertion of section 22A
 - 22A Special provisions relating to certain temporary officers of the teaching service
- 4 Amendment of section 23—Transfer of teachers to other Government employment
- 5 Amendment of section 24—Rights of persons transferred to the teaching service

Part 2—Amendment of *First Home and Housing Construction Grants Act 2000*

- 6 Amendment of section 3—Definitions
- 7 Amendment of section 5—Ownership of land and homes
- 8 Amendment of section 7—Entitlement to grants
- 9 Insertion of section 12B
 - 12B Criteria—seniors housing grant
- 10 Amendment of section 14—Application for grant
- 11 Amendment of section 17—Commissioner to decide applications
- 12 Insertion of section 18BAC
 - 18BAC Seniors housing grant
- 13 Amendment of section 18BB—Market value of homes
- 14 Amendment of section 18C—Amount of grants must not exceed consideration
- 15 Amendment of section 20—Payment in anticipation of compliance with residence requirement
- 16 Amendment of section 41—Protection of confidential information
- 17 Transitional provision

Part 3—Amendment of *Mining Act 1971*

- 18 Amendment of section 17—Royalty
- 19 Amendment of section 17E—Penalty for unpaid royalty
- 20 Amendment of section 73E—Royalty
- 21 Insertion of section 73EA

- 73EA Notification of relevant event
- 22 Amendment of section 73F—Passing of property in minerals
- 23 Transitional provision

Part 4—Amendment of *Passenger Transport Act 1994*

- 24 Insertion of Part 5A
 - Part 5A—Special passenger services for events
 - 44A Interpretation
 - 44B Notification of event
 - 44C Planning for passenger transport services for events
 - 44D Power of Minister to charge fee in certain circumstances
 - 44E Recovery of costs by venue managers not prevented
-

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Budget Measures Act 2014*.

2—Commencement

- (1) Subject to this section, this Act will be taken to have come into operation on 1 July 2014.
- (2) Part 1 of Schedule 1 will come into operation on a day to be fixed by proclamation.
- (3) Clauses 19 to 22 (inclusive) of Part 3 of Schedule 1 will be taken to have come into operation on 19 June 2014.
- (4) Part 4 of Schedule 1 will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In a Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Schedule 1—Budget Measures

Part 1—Amendment of *Education Act 1972*

1—Amendment of section 5—Interpretation

Section 5(2)(a)—delete paragraph (a) and substitute:

- (a) —
 - (i) in the case of an officer to whom section 22A applies—the period (if any) of the officer's continuous service in the teaching service determined in accordance with that section; or
 - (ii) in any other case—the period (if any) of the officer's continuous service in the teaching service; and

2—Amendment of section 22—Interruption of service

Section 22—after subsection (4) insert:

- (5) This section does not apply in relation to an officer of the teaching service to whom section 22A applies.

3—Insertion of section 22A

After section 22 insert:

22A—Special provisions relating to certain temporary officers of the teaching service

- (1) This section applies to an officer of the teaching service who is, or was during any relevant period, a prescribed temporary teacher (other than an officer of a class declared by the regulations to be excluded from the operation of this section).
- (2) On the commencement of this section—
 - (a) all entitlements in respect of long service leave and skills and experience retention leave accrued or purportedly accrued before the commencement of this section by an officer of the teaching service to whom this section applies will be taken to be extinguished; and
 - (b) the Minister must confer entitlements in respect of long service leave and skills and experience retention leave determined in accordance with this section on an officer of the teaching service to whom this section applies in respect of the officer's service completed before the commencement of this section.
- (3) The entitlement to long service leave and skills and experience retention leave of an officer of the teaching service to whom this section applies is to be determined as follows:
 - (a) to the extent that the officer's service was completed before the commencement of this section—the entitlement is to be determined by the Minister as if the officer had been lawfully appointed under section 101B or a corresponding previous provision of this Act or the repealed Act;
 - (b) to the extent that the officer's service is completed on or after the commencement of this section—the entitlement is to be determined by the Minister—
 - (i) as if the officer had been lawfully appointed under section 15 or a corresponding previous provision of this Act or the repealed Act; and
 - (ii) on the basis that subsection (5) applies, and has always applied, to the question of whether a particular period of the officer's service is a period of continuous service.

- (4) In making a determination under subsection (3)(a), the Minister must ensure that the entitlements of an officer are not less than the officer would have been entitled to had he or she been appointed under the *Public Sector Act 2009* or a corresponding previous Act (as in force at the time of appointment) instead of this Act.
- (5) For the purposes of this or any other Act, where either before or after the commencement of this section the service of a person employed under this Act, or the repealed Act, was interrupted otherwise than by resignation or dismissal for misconduct and he or she is, or was, subsequently appointed as an officer of the teaching service within the prescribed period after the date of that interruption, his or her service before the interruption and his or her service after the interruption will (except to the extent to which he or she has received long service leave, or payment in lieu of long service leave, in respect of any such period of service) be taken into account as though that service were continuous.
- (6) For the purposes of this or any other Act, where an officer has previously been in prescribed employment and his or her service in the prescribed employment is continuous with his or her service as an officer (determined in accordance with this section as if the prescribed employment was employment in the teaching service), the long service leave to which he or she is entitled under this Act will be determined on the basis that his or her service in the prescribed employment is effective service (and section 24(3), (4) and (5) will be taken to apply to the service as if section 24(6) had not been enacted).
- (7) To the extent that a matter relating to the long service leave or skills and experience retention leave of an officer to whom this section applies is not able to be determined under another provision of this section, the matter is to be determined in accordance with a determination of the Minister.
- (8) If a person was, during a particular period, both an officer of the teaching service to whom this section applies and an officer of the teaching service to whom this section does not apply, this section will be taken to apply only in respect of that part of the officer's service undertaken as a prescribed temporary teacher.
- (9) Nothing in this section affects the validity of—
 - (a) a period of long service leave or skills and experience retention leave; or
 - (b) a payment of a monetary amount in lieu of long service leave or skills and experience retention leave,taken or made under this or any other Act before the commencement of this section.
- (10) This section has effect despite—
 - (a) any other provision of this Act or a provision of any other Act or law; and

- (b) a term of a contract, enterprise bargaining agreement, undertaking or other instrument or agreement (however described) that was in force immediately before the commencement of this section.
- (11) In this section—
- prescribed employment* has the same meaning as in section 24(2);
- prescribed period*, in relation to an interruption of an officer's service as contemplated by subsection (5), means—
- (a) 3 calendar months (disregarding any period of school vacation falling immediately after the officer's service before the interruption and immediately before his or her service after the interruption); or
 - (b) if a longer period is prescribed by the regulations for the purposes of this definition—that period;
- prescribed temporary teacher* means an officer of the teaching service who—
- (a) —
 - (i) was, before the commencement of this section, purportedly appointed under section 9 of this Act (as in force at the time of the purported appointment); or
 - (ii) was or is (whether before or after the commencement of this section) appointed or purportedly appointed under section 15 of this Act; and
 - (b) was not, or is not, so appointed on a permanent basis.
- (12) The regulations may make provisions of a saving or transitional nature in respect of the operation of this section.

4—Amendment of section 23—Transfer of teachers to other Government employment

Section 23—after subsection (2) insert:

- (3) For the purposes of the *Public Sector Act 2009* and any other Act, the question of whether particular service of an officer who is an officer of the teaching service to whom section 22A applies is continuous service is to be determined in accordance with that section.

5—Amendment of section 24—Rights of persons transferred to the teaching service

Section 24—after subsection (5) insert:

- (6) This section does not apply to a person who is, or who will be on becoming an officer of the teaching service, an officer of the teaching service to whom section 22A applies.

Part 2—Amendment of *First Home and Housing Construction Grants Act 2000*

6—Amendment of section 3—Definitions

- (1) Section 3, definition of *new home grant scheme*—delete "scheme for the payment of housing construction grants" and substitute:

schemes for the payment of housing construction grants and seniors housing grants

- (2) Section 3, definition of *residence requirement*—delete the definition and substitute:

residence requirement—

- (a) in relation to an applicant for a first home owner grant—means the residence requirement imposed by section 12;
- (b) in relation to an applicant for a seniors housing grant—means the residence requirement imposed by section 12B;

- (3) Section 3—after the definition of *residential property* insert:

seniors housing grant means a grant authorised under section 18BAC;

7—Amendment of section 5—Ownership of land and homes

Section 5(5)—delete "a first home owner grant or housing construction grant" and substitute:

a grant authorised under this Act

8—Amendment of section 7—Entitlement to grants

Section 7—after subsection (5) insert:

- (6) A seniors housing grant is payable on an application under this Act if the requirements of section 18BAC are satisfied.
- (7) Only 1 seniors housing grant is payable in relation to a particular new home.
- (8) A seniors housing grant is not payable in relation to the construction or purchase of a new home if any other grant is payable under this Act in relation to the construction or purchase of the home.

9—Insertion of section 12B

After section 12A insert:

12B—Criteria—seniors housing grant

- (1) An applicant for a seniors housing grant must be—
- (a) a person who has entered into a contract for the purchase of a new home; or
- (b) a person for whom a new home is being built under a comprehensive home building contract; or
- (c) an owner builder who is building a new home.

- (2) If an application for a seniors housing grant is made by 1 person only—
 - (a) the applicant must satisfy the Commissioner that he or she is 60 or more years of age; and
 - (b) the applicant must occupy the home to which the application relates as his or her principal place of residence for a continuous period of at least 6 months (or a shorter period approved by the Commissioner) (the *residence period*), commencing within 12 months after completion of the eligible transaction (or within a longer period approved by the Commissioner) (the *completion period*).
- (3) If an application for a seniors housing grant is made by 2 or more persons—
 - (a) the applicants must satisfy the Commissioner that—
 - (i) at least 1 of the applicants is 60 or more years of age; and
 - (ii) all of the applicants are natural persons; and
 - (b) at least 1 of the applicants who is 60 years or more of age must occupy the home to which the application relates as his or her principal place of residence for a continuous period of at least 6 months (or a shorter period approved by the Commissioner) (the *residence period*), commencing within 12 months after completion of the eligible transaction (or within a longer period approved by the Commissioner) (the *completion period*).
- (4) The Commissioner may, if the Commissioner considers there are good reasons for doing so, vary an applicant's residence requirement at any time (including after the end of the period allowed for compliance with the residence requirement) by approving a shorter residence period or a longer completion period (or both).
- (5) If the Commissioner varies a residence requirement under subsection (4), the requirement as varied will be taken to have been the applicant's residence requirement from the date of the determination of his or her application.
- (6) Subject to subsection (7), an applicant for a seniors housing grant is ineligible if—
 - (a) the applicant or the applicant's spouse or domestic partner has been a party to an earlier application under this Act for a seniors housing grant; and
 - (b) a seniors housing grant was paid on the application.
- (7) However, an applicant for a seniors housing grant is not ineligible if—
 - (a) the seniors housing grant was later paid back; and

- (b) the basis for the repayment of the grant was a failure to comply with the residence requirement or any conditions on which the grant was made; and
- (c) any penalty amount payable under section 39(3) in relation to repayment of the earlier grant has been paid.

10—Amendment of section 14—Application for grant

Section 14(1)—delete "a first home owner grant or a housing construction grant" and substitute:

a grant authorised under this Act

11—Amendment of section 17—Commissioner to decide applications

Section 17—delete "a first home owner grant or a housing construction grant" wherever occurring and substitute in each case:

a grant authorised under this Act

12—Insertion of section 18BAC

After section 18BAB insert:

18BAC—Seniors housing grant

- (1) Subject to this section, a grant (the *seniors housing grant*) is payable on an application under this Act if—
 - (a) the application relates to an eligible transaction that is a new home transaction; and
 - (b) the commencement date of the eligible transaction is on or after 1 July 2014 but before 30 June 2016; and
 - (c) the market value of the home to which the eligible transaction relates is less than \$450 000; and
 - (d) —
 - (i) if the eligible transaction is a comprehensive home building contract for a new home—the contract states that the eligible transaction must be completed within 18 months after the laying of the foundations for the home is commenced or, in any other case, the eligible transaction is completed within 18 months after the laying of the foundations for the home is commenced; and
 - (ii) if the eligible transaction is the building of a new home by an owner builder—the transaction is completed within 18 months after its commencement date; and
 - (iii) if the eligible transaction is a contract for an "off-the-plan" purchase of a new home—

- (A) the contract states that the eligible transaction must be completed on or before 31 December 2017; or
- (B) in any other case, the eligible transaction is completed on or before that date; and
- (e) the transaction for which the grant is sought has been completed.

(2) The amount of the seniors housing grant under this section is as follows:

- (a) if the market value of the home to which the eligible transaction relates does not exceed \$400 000—\$8 500;
- (b) if the market value of the home to which the eligible transaction relates exceeds \$400 000 (but is less than \$450 000)—an amount calculated in accordance with the following formula:

$$A = B - \left(\frac{C (D - E)}{100} \right)$$

where—

A is the amount of the housing construction grant

B is \$8 500

C is 17

D is the market value of the home to which the eligible transaction relates, rounded down to the nearest \$100

E is \$400 000.

- (3) The Commissioner may, in a particular case, if he or she considers there are proper reasons for doing so, extend the time within which an eligible transaction must be completed under this section.
- (4) This section does not give rise to an entitlement to a seniors housing grant if the Commissioner is satisfied that a contract that formed the basis of an eligible transaction for the purchase (or purported purchase) of a new home does not constitute a genuine sale of the new home.
- (5) For the purposes of subsection (4), the Commissioner may take into account the following:
 - (a) whether the parties to the contract are close associates;
 - (b) whether the parties are otherwise not at arm's length;
 - (c) such other matters as the Commissioner considers appropriate.
- (6) For the purposes of subsection (5), 2 persons are close associates if—
 - (a) 1 is a relative of the other; or

- (b) they are related bodies corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth); or
 - (c) 1 is a body corporate and the other is a director, manager or officer of the body corporate; or
 - (d) 1 is a body corporate (other than a public company whose shares are quoted on a financial market) and the other is a shareholder in the body corporate; or
 - (e) 1 has a right to participate (other than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other; or
 - (f) they are in partnership; or
 - (g) 1 is a beneficiary under a trust or an object of a discretionary trust of which the other is a trustee; or
 - (h) they fall within a class of persons prescribed by the regulations for the purposes of this subsection.
- (7) For the purposes of subsection (6), 1 person is a relative of another if the other person is—
- (a) a spouse or domestic partner; or
 - (b) a parent or remoter lineal ancestor; or
 - (c) a son, daughter or remoter lineal descendant; or
 - (d) a brother or sister; or
 - (e) related in any other way prescribed by the regulations for the purposes of this subsection.
- (8) This section does not give rise to an entitlement to a seniors housing grant if the Commissioner is satisfied that the contract that formed the basis of the eligible transaction replaces a contract made before 1 July 2014 (the *earlier contract*), and that the earlier contract was—
- (a) a contract for the purchase of the same home; or
 - (b) a comprehensive home building contract to build the same or a substantially similar home.
- (9) A reference to a first home owner grant or to a first home bonus grant in a following section of this Act will be taken to include a reference to a seniors housing grant under this section.

13—Amendment of section 18BB—Market value of homes

Section 18BB(1)—delete "and 18BAB" and substitute:

, 18BAB and 18BAC

14—Amendment of section 18C—Amount of grants must not exceed consideration

Section 18C—delete "or a housing construction grant, the total amount payable in relation to a home would, but for this section, exceed the consideration for the eligible transaction, the additional payment, first home bonus grant or housing construction grant" and substitute:

, a housing construction grant or a seniors housing grant, the total amount payable in relation to a home would (but for this section) exceed the consideration for the eligible transaction, the additional payment, first home bonus grant, housing construction grant or seniors housing grant

15—Amendment of section 20—Payment in anticipation of compliance with residence requirement

Section 20(3a)—delete "section 12(3)" and substitute:
this Act

16—Amendment of section 41—Protection of confidential information

Section 41(3)(ab)—after "housing construction grant" insert:
or seniors housing grant

17—Transitional provision

- (1) If—
 - (a) a person is entitled to a seniors housing grant under section 18BAC of the principal Act as enacted by clause 12 of this Part; and
 - (b) the person has received a benefit constituted by an *ex gratia* payment by the State in order to provide for a seniors housing grant under section 18BAC enacted by clause 12 of this Part for the period between 1 July 2014 and the day on which this Act is assented to by the Governor,

the amount of the relevant entitlement will be reduced by the amount of the *ex gratia* payment (including so as to fully set off the amount of the relevant entitlement).

- (2) To avoid doubt, any set off under this clause extends to a benefit or payment obtained or made before the commencement of this clause.
- (3) Terms used in this clause that are defined in the principal Act have the same respective meanings as in that Act.
- (4) In this clause—

principal Act means the *First Home and Housing Construction Grants Act 2000*.

Part 3—Amendment of *Mining Act 1971*

18—Amendment of section 17—Royalty

Section 17(4)(a)—delete "35 cents" and substitute:
55 cents

19—Amendment of section 17E—Penalty for unpaid royalty

Section 17E(1)—delete "extractive"

20—Amendment of section 73E—Royalty

- (1) Section 73E(1)—delete subsection (1) and substitute:
- (1) Subject to and in accordance with the provisions of this Act, royalty—
 - (a) in the case of a private mine in relation to which a relevant event has occurred—is payable on—
 - (i) extractive minerals recovered from the private mine; and
 - (ii) any other minerals recovered from the private mine on or after the day on which the relevant event occurred; or
 - (b) in any other case—is payable on extractive minerals recovered from the private mine, but is not payable on any other minerals so recovered.
 - (1a) For the purposes of subsection (1), a *relevant event* occurs if, on or after 19 June 2014, there is a change in—
 - (a) the proprietor of the private mine; or
 - (b) the whole or any part of the right to carry out mining operations at the private mine.
 - (1b) A reference in subsection (1a)(a) to a change in the proprietor of a private mine includes a change in a person lawfully claiming under the proprietor whether the claim is of a legal or equitable kind.
 - (1c) If a private mine has 2 or more proprietors, a change in any of those proprietors will be taken to be a relevant event for the purposes of subsection (1a)(a).
 - (1d) Without limiting any other provision, the creation, transfer, assignment, sale or disposal of an interest in proprietary rights in minerals recovered from a private mine under a contract or other instrument or agreement will be taken to be a relevant event for the purposes of subsection (1a)(a).
 - (1e) Without limiting any other provision, an event, transaction or acquisition that would give rise to liability to pay duty under Part 3 Division 6 or 8 or Part 4 of the *Stamp Duties Act 1923*, disregarding any exemptions from such duty applying under that Act, will be taken to be a relevant event for the purposes of subsection (1a)(a).
 - (1f) Without limiting subsection (1e), the acquisition of a controlling interest in a business that—
 - (a) is the proprietor of the private mine; or
 - (b) holds the whole or any part of the right to carry out mining operations at the private mine,

will be taken to be a relevant event for the purposes of subsection (1a)(a).

- (1g) For the purposes of subsection (1f)—
- (a) *business* includes bodies and associations (corporate and unincorporate) and partnerships; and
 - (b) a person has a *controlling interest in a business* if the person would be treated as having a controlling interest in a business for the purposes of section 72 of the *Payroll Tax Act 2009* (disregarding section 72(1)).

- (2) Section 73E(5)—delete "extractive"

21—Insertion of section 73EA

After section 73E insert:

73EA—Notification of relevant event

- (1) If a relevant event within the meaning of section 73E occurs, the person who, as a result of the relevant event, becomes a proprietor of a private mine or acquires a right to carry out mining operations at a private mine (as the case may be) must, within 30 days after the relevant event, notify the Minister of the relevant event.

Maximum penalty: \$5 000.

- (2) The notification of the relevant event must—
- (a) be in writing in a form approved by the Minister; and
 - (b) contain the information about the relevant event and any other details required by the Minister.

22—Amendment of section 73F—Passing of property in minerals

Section 73F(1)—delete subsection (1) and substitute:

- (1) While a mine continues as a private mine under this Act, the property in any minerals recovered from the mine will pass to the person by whom the minerals are lawfully mined on, and in consideration of, payment of royalty or, if royalty is not payable in respect of the minerals, on recovery of the minerals.

23—Transitional provision

The amendment made by clause 18 of this Part to section 17 of the *Mining Act 1971* applies in relation to extractive minerals recovered on or after 1 July 2014.

Part 4—Amendment of *Passenger Transport Act 1994*

24—Insertion of Part 5A

After section 44 insert:

Part 5A—Special passenger services for events

44A—Interpretation

In this Part—

commercial event means any event other than a community event;

community event means an event—

- (a) that is open to the whole or a part of the community; and
- (b) at which attendance is free (whether a fee is charged to participate in the event or not); and
- (c) that is run on a not-for-profit basis;

Department means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act;

event means an event held after the commencement of this Part at a venue in Metropolitan Adelaide;

manager of a venue means—

- (a) the prescribed person or body for the venue; or
- (b) if no such person or body is prescribed—the person or body which has the control and management of the venue;

organiser of an event means the person or body primarily responsible for organising the event;

special passenger service means an alteration of an existing regular passenger service, whether—

- (a) by adding to, supplementing, replacing, delaying or diverting an existing regular passenger service; or
- (b) by waiving or reducing fares (or substituting some other form of consideration) for such a service; or
- (c) by any other means.

44B—Notification of event

(1) If—

- (a) the manager of a venue at which an event is to be held—
 - (i) expects at least 5 000 people to attend the venue during the period of the event; or

(ii) requires a special passenger service, or is of the opinion that a special passenger service may be required, for the purposes of the event (including during any period necessary to set up or prepare for the event or to pack up or clean up after the event);
or

(b) there are reasonable grounds to expect that a special passenger service will be required for the purposes of the event (including during any period necessary to set up or prepare for the event or to pack up or clean up after the event),

the manager must (subject to subsection (2)) notify the Minister of the event—

(c) if the date on which, or the period during which, the event is to be held is set or known by the manager at least 6 months before the event is to be held—at least 6 months before the relevant date or period; or

(d) in any other case—as soon as practicable after the date on which, or the period during which, the event is to be held is set or known by the manager.

(2) If the date on which, or the period during which, an event contemplated by subsection (1)(a) or (b) is to be held is known by the manager on the commencement of this section, the manager must notify the Minister of the event as soon as reasonably practicable after the commencement of this section.

(3) Notification under subsection (1) or (2) may instead be given by the organiser of the event if the manager of the venue so agrees.

(4) The notification of the event must—

(a) be in writing in a form approved by the Minister; and

(b) contain the information about the event and any other details required by the Minister.

(5) For the purposes of this section, a copy of the approved notification form, together with information or details required by the Minister, may be published on the Department's website.

44C—Planning for passenger transport services for events

(1) After receiving notification of an event under this Part, the Minister may require the manager of the venue at which the event is to be held and the organiser of the event to consult with the Minister for the purposes of determining whether a special passenger service should be provided in relation to the event.

(2) The manager or the organiser must provide any additional information or details required by the Minister in connection with subsection (1).

- (3) When making a determination under subsection (1), the Minister must consider the following matters:
- (a) the likely effect of the event on existing regular passenger services;
 - (b) the benefit to members of the public of South Australia (including those attending the event) from the provision of a special passenger service in relation to the event;
 - (c) the cost of providing such a service;
 - (d) any other matter that the Minister thinks relevant.
- (4) If—
- (a) the Minister determines that a special passenger service should be provided in relation to an event; and
 - (b) the event is a commercial event,
- the Minister may, after consulting with the manager of the venue and the organiser of the event, determine a fee (whether of a specified amount or an amount fixed in accordance with a specified formula) to be paid to the Minister for provision of the service.
- (5) A fee determined under this section must be paid by the manager of the venue within the time specified by the Minister, and any fee or part of a fee not paid within that time may be recovered by the Minister as a debt.
- (6) The Minister may waive or reduce a fee payable under this section if the Minister considers it appropriate in the circumstances to do so.

44D—Power of Minister to charge fee in certain circumstances

- (1) This section applies where the Minister—
- (a) has not been notified of an event that is a commercial event; or
 - (b) has been so notified but the manager of the venue at which the event is to be held has not consulted as required by the Minister under section 44C,
- and the Minister determines (on the basis of subsection (3) of that section) that a special passenger service should be provided in relation to the event.
- (2) The Minister may, by notice in writing served on the manager of the venue, require the manager to pay, within the time specified in the notice, the fee for providing the service as determined by the Minister and specified in the notice.
- (3) The Minister may recover as a debt from the manager the whole or any part of a fee required to be paid under subsection (2).

44E—Recovery of costs by venue managers not prevented

Nothing in this Part prevents the manager of a venue at which an event in relation to which a special passenger service is provided from recovering, in the ordinary course of commerce, from the organiser of the event any costs for which the manager may be liable under this Part.