

2000

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Osborne)

Olympic Events Security Amendment Bill 2000

A BILL

FOR

An Act to amend the Olympic Events Security Act 2000

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Olympic Events Security Amendment Act 2000*.

5 2 Commencement

This Act commences on the day it is notified in the Gazette.

Job No 2000/180

Olympic Events Security Amendment No , 2000

3 Act amended

This Act amends the *Olympic Events Security Act 2000*.

Note The Act is amended in the body of the Act and in Schedule 1.

4 Substitution

5 Section 4 is omitted and the following section substituted:

“4 Declaration of events as major events

“(1) The Minister may, in writing, declare an event to be a major event.

Examples of events that may be declared major events

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

“(2) In deciding whether to make a declaration, the Minister must have regard to—

- (a) the nature of the event; and
- (b) the number and kind of people expected to attend the event; and
- 15 (c) any other relevant matter.

“(3) The Minister may make a declaration only if satisfied that its making is reasonable and necessary—

- (a) for the safety of people attending the event; and
- (b) for the avoidance of disruptions to the event.

20 **“(4) A declaration is a disallowable instrument.”**

SCHEDULE 1

(See s 3)

ADDITIONAL AMENDMENTS

[1.1] Title—

Omit the title, substitute the following title:

5 **“An Act relating to security for events declared to be major events”.**

[1.2] Sections 1 and 3—

Omit the sections, substitute the following sections:

“1 Name of Act

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

“2 Dictionary

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

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

15 *Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

“3 Notes

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

20 *Note* See *Interpretation Act 1967*, ss 12 (1), (4) and (5) for the legal status of notes.”.

[1.3] Part 2 (heading)—

Omit the heading, substitute the following heading:

“PART 2—DECLARATION OF MAJOR EVENTS”.

[1.4] Section 5—

25 Omit the section, substitute the following section:

“5 Requirements for a declaration

A declaration must—

SCHEDULE 1—continued

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

[1.5] Section 6—

Omit “shall”, substitute “must”.

[1.6] Subsection 6 (1)—

Omit “the date”, substitute “the proposed date”.

15 **[1.7] Section 7—**

Omit the section, substitute the following section:

“7 Statutory conditions of entry

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

- 20 (a) that a person seeking to enter or in the venue must, if asked by a police officer, permit a search to be made of his or her personal property;
- (b) that a person seeking to enter or in the venue must, if asked by a police officer, permit a frisk search to be made of the person;
- 25 (c) that a person must not take into or possess in the venue a prohibited item.

“(2) If a declaration includes a statement to the effect that a person must not take into or possess in the major event venue a prohibited item, the Minister must state in the declaration anything that is a prohibited item.”

SCHEDULE 1—continued

[1.8] Part 3—

Omit the Part, substitute the following Part:

“PART 3—MAJOR EVENT VENUES

“Division 3.1—Restricted areas

5 **“8 Entry to restricted areas**

“(1) An occupier of a major event venue must take reasonable steps to inform the public of a restricted area, whether by signs or otherwise.

“(2) A person must not, without reasonable excuse, enter or remain in a restricted area without the consent or other authorisation of the occupier.

10 Maximum penalty (subsection (2)): 10 penalty units.

“Division 3.2—Statutory conditions of entry

“9 Search of personal property

“(1) A police officer may ask a person seeking to enter or in a major event venue to permit a search to be made of his or her personal property.

15 **“(2)** The person must not, without reasonable excuse, refuse to permit a police officer to search his or her personal property.

Maximum penalty: 10 penalty units.

20 **“(3)** This section applies to the major event venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the venue that a person seeking to enter or in the venue must, if asked by a police officer, permit a search to be made of his or her personal property.

“10 Frisk search of people

“(1) A police officer may ask a person seeking to enter or in a major event venue to permit a frisk search of the person.

25 **“(2)** The person must not, without reasonable excuse, refuse to permit a police officer to frisk search the person.

Maximum penalty: 10 penalty units.

SCHEDULE 1—continued

“(3) This section applies to the major event venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the venue that a person seeking to enter or in the venue must, if asked by a police officer, permit a frisk search to be made.

5 “11 **Prohibited items**

“(1) A person must not, without reasonable excuse, take a prohibited item into, or possess a prohibited item in, a major event venue.

Maximum penalty: 10 penalty units.

10 “(2) It is not an offence against subsection (1) if the person disposes of the item before entering the major event venue.

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

“Division 3.3—Other powers of police officers

15 “12 **People entering venue**

“(1) A police officer may ask a person seeking to enter a major event venue to provide his or her name or address (or both).

“(2) The person must not, without reasonable excuse—

(a) refuse to comply with the request; or

20 (b) give a name or address that is false in a material particular.

Maximum penalty: 5 penalty units.

“(3) A police officer may refuse a person entry to a major event venue if the police officer has reasonable grounds for believing that—

25 (a) the person has committed, or is likely to commit, an offence against this Act; or

(b) the person is likely to contravene a condition of entry to the venue imposed by an occupier of the venue.

“13 **Direction to leave venue**

30 “(1) A police officer may direct a person to leave a major event venue if the police officer has reasonable grounds for believing that the person has,

SCHEDULE 1—continued

while seeking to enter or in the venue, committed an offence against a law in force in the Territory.

5 “(2) If a person contravenes a direction given by a police officer to leave a major event venue, a police officer may use such force as is reasonable and necessary—

(a) to apprehend and detain the person for the purpose of removing the person from the venue; or

(b) to remove the person from the venue.

10 “(3) A police officer exercising powers under subsection (2) may act with such assistance as is reasonable and necessary.

“(4) A person must not be detained under paragraph (2) (a) for longer than is reasonable and necessary to remove him or her from the venue.”.

[1.9] Section 14—

15 Omit “A person shall not enter or remain in an Olympic venue”, substitute “A person must not enter or remain in a major event venue”.

[1.10] Section 15—

Omit the section, substitute the following section:

“15 Unauthorised entry to event venue

20 A person must not enter or remain in any part of a major event venue where a major event is to be, is being or has just been conducted without the consent or other authorisation of the occupier.

Maximum penalty: 10 penalty units.”.

[1.11] Section 16—

(a) Omit “in an Olympic venue”, substitute “in a major event venue”.

25 (b) Omit “an Olympic event”, substitute “a major event”.

[1.12] Sections 17, 18 and 19—

Omit the sections, substitute the following sections:

“17 Obligations of ticket sellers

“(1) This section applies to a person who sells tickets to an event.

SCHEDULE 1—continued

“(2) If the person has reasonable grounds for believing that the event may be declared a major event, the person must take reasonable steps to tell a person, before the person buys tickets to the event, that statutory conditions of entry may apply to the event.

5 “(3) If the event has been declared a major event, the person must take reasonable steps to tell a person, before the person buys tickets to the event, the statutory conditions of entry that apply to the event.

“18 **Effect of disallowance of declaration**

10 “(1) This section applies if a declaration of a major event is disallowed under section 6 of the *Subordinate Laws Act 1989*.

“(2) Despite section 41 of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*)—

15 (a) if a person has been investigated or prosecuted for an offence against this Act in relation to the major event venue for the event—any investigation of or prosecution for the offence must be discontinued and a person is taken never to have been investigated or prosecuted for the offence; and

(b) if a person has been convicted for an offence against this Act in relation to the venue—

- 20 (i) the conviction for the offence is quashed; and
- (ii) the person is taken never to have been convicted of the offence; and
- (iii) any financial penalty and costs paid to the Territory must be refunded; and

25 (c) a civil or criminal proceeding does not lie against—

- (i) the Territory for an act done or omitted to be done honestly by a police officer or occupier in relation to the venue in the exercise or purported exercise of a power given under this Act; and
- 30 (ii) a person who is or was a police officer or an occupier for an act done or omitted to be done honestly by the person in relation to the venue in the exercise or purported exercise of a power given under this Act.

SCHEDULE 1—continued

“19 Regulation-making power

The Executive may make regulations for this Act.”.

[1.13] Dictionary—

Add at the end the following dictionary:

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“DICTIONARY

(See s 2)

declaration means a declaration made under subsection 4 (1).

frisk search means—

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

major event means an event to which a declaration applies.

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

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

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

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

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

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

SCHEDULE 1—continued

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

Endnotes

Act amended

1 Republished as in force on 5 September 2000. (Republication No 1).

Penalty units

2 Section 33AA of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*) deals with the meaning of offence penalties that are expressed in penalty units.