

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**OLYMPIC EVENTS SECURITY
AMENDMENT BILL 2000**

EXPLANATORY MEMORANDUM

**Circulated by authority of
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Independent**

Outline

The measures in this Bill are designed to ensure that major events held in the ACT, whether of a sporting or community nature, are conducted safely and without incidents of violence or public nuisance.

The Bill amends the legislation used earlier this year for the Olympic events held in Canberra. In recognition that the Olympics were a unique event justifying a greater than normal expectation and level of security, the Bill restricts any special security measures for major sporting or community events to police officers.

Clause Notes

Clauses 1 and 2 refer to the title of the Bill and commencement of the Act.

Clause 3 states that the Act being amended is the *Olympic Events Security Act 2000*, the Principal Act.

Clause 4 provides a substitute for section 4 of the Principal Act. An event may be declared to be a major event by the Minister, having given regard to the nature of the event and the number and kind of people expected to attend the event. A few examples of a major event are included in notes to the clause, such as a Papal mass, a concert, a national or international sporting event, an agricultural or trade show and new Year's Eve celebrations.

The Minister may only declare an event a major event if satisfied there is a necessity to ensure the safety of people attending the event and for the avoidance of disruptions. Any such declaration is a disallowable instrument.

Schedule 1 contains a number of additional amendments. Their purpose is twofold: (1) to remove references to the Olympics and substitute the term major events; and (2) to restrict additional security measures to members of the Australian Federal Police.

Clauses 1.1 and 1.2 provides a substitute long title for the Principal Act and renames the Principal Act the *Major Events Security Act 2000*.

Clause 1.3 renames Part 2 of the Principal Act.

Clause 1.4 states the details that must be included in a declaration of a major event. These are: a brief description of the event (including date time and location), conditions of entry, a description of any prohibited item and a notification of any parts of the venue to which access is restricted area.

The purpose of this clause is to ensure that both an event and any measures which are to apply to it can be readily identified.

Clauses 1.5 and 1.6 requires the declaration to be published in full in the Gazette and in a daily newspaper circulating in the Territory at least 7 days prior to the event taking place.

The effect of the *Subordinate Laws Act 1989* is that the requirement to publish a Gazette notice must be observed if the declaration is to be valid. However, subclause 6 (4) of the Principal Act expressly provides that if publication in a newspaper does not occur as required, that failure to do so will not invalidate a declaration. A declaration will come into force from the time set in the declaration and will have effect for the period set in or by the declaration, unless it is revoked before then.

Clause 1.7 provides the statutory conditions of entry. The Minister may state in a declaration certain conditions of entry to a major event. There are three conditions of entry that may be applied either alone or in combination with each other. They are:

- 1) That persons attending the event must, if asked by a police officer, permit a search of his or her personal property. The purpose of this condition is to check whether prohibited items are being brought into the venue;
- 2) That persons attending the event must, if asked by a police officer, permit a frisk search to be carried out on them. Again, the purpose of this condition is to enable a "pat-down" of the person's outer garments to check for a concealed prohibited item;
- 3) That persons attending the event must not take into the venue any prohibited items that are dangerous or could cause disruptions to the event.

When the declaration includes a condition banning prohibited items, the Minister must list in the declaration any prohibited items for that event. Based on experience with other major events, it is probable that a list of prohibited items would include things like alcohol, glass bottles and flares.

Clause 1.8 omits Part 3 from the Principal Act and provides a substitute Part.

The objective of the provisions of this Part is to facilitate the safe and smooth conduct of a major event. The powers contained in this Part may only be exercised by a police officer. The substitute clauses detail the following provisions:

Division 3.1 – Restricted areas

Section 8 - Entry to restricted areas. The occupier of a venue must clearly indicate which parts of a venue are restricted. An example of the purpose of this provision is to enable the playing surface for a sporting event and the player's changing rooms to be off limits to spectators and to ensure that police have the power to eject from the venue any spectators who enter these areas with the intention of creating a nuisance.

Division 3.2 – Statutory conditions of entry

Section 9 - Search of personal property. This clause applies if one of the statutory conditions of entry provides for searches of personal property. This clause empowers a police officer to ask persons either entering or inside the venue to permit a search of their personal property. Refusal to permit such a search without reasonable excuse is an offence.

Section 10 - Frisk search of people. This clause applies if one of the statutory conditions of entry provides for frisk searches. This clause empowers a police officer to ask persons either entering or inside the venue to permit a search of their person. Refusal to permit such a search without reasonable excuse is an offence.

Section 11 - Prohibited items. This clause applies if one of the statutory conditions of entry relates to prohibited items. It is an offence to take into a venue a prohibited item or to possess such an item inside a venue without reasonable excuse. However, no offence is committed if a person with a prohibited item disposes of the item (for example, by returning it to their car or putting it in a bin) before going inside the venue.

Division 3.3 – Other powers of police officers

Section 12 - People entering venue. In order to identify any people who have the potential to be violent or create a nuisance at a major event, this clause empowers a police officer to ask a person seeking to enter a venue to provide their name and address. Refusal to do so, or providing a false name and address is an offence.

The clause also enables a police officer to refuse entry to a person providing there are reasonable grounds for believing the person is likely to commit an offence against the Act or breach a condition of entry set by the organisers of the event.

Section 13 - Direction to leave venue. This clause explains that a person can be directed to leave a major event venue if there are reasonable grounds for believing they have committed an offence while in the venue. Failure to obey a direction to leave a venue by a police officer is an offence, at which time a police officer may forcibly remove the person from the venue. A person may only be detained by a police officer for the length of time it takes to remove them from the venue.

Clause 1.9 makes it an offence to enter a major event venue without having bought a ticket, obtained the consent of the occupier or otherwise obtained having been authorised to be there. This clause is directed primarily at persons who try to sneak in to an event or who steal or forge tickets to the event.

Clause 1.10 omits section 15 of the Principal Act and provides a replacement section. This clause makes it an offence to enter or remain in any part of a

major event venue without the consent of the occupier. This clause is intended to control conduct which is considered antisocial or disruptive. It is likely that in most cases, the offender would be cautioned or removed from the venue, rather than charged with the offence.

Clause 1.11 amends section 16 of the Principal Act by replacing references to the Olympics with a major event.

Clause 1.12 omits sections 17, 18 and 19 from the Principal Act and provides replacement sections.

Section 17 - Obligations of ticket sellers. If a person is selling tickets to a major event, or has a reasonable expectation that an event to which they are selling tickets will be declared a major event, they have an obligation to inform purchasers of tickets that statutory conditions do, or may, apply to the event.

Section 18 - Effect of disallowance of declaration. As it is possible for the Legislative Assembly to disallow a declaration regarding a major event after the event to which it relates has already occurred, it is necessary for the Act to deal with the consequences of such a disallowance.

This section negates any offences committed under the Act and discontinues any prosecutions or investigations for offences under the Act. Any fines or costs paid by the Territory would be refunded.

Clause 18 - Regulation-making power. This section contains a general power for the Executive to make regulations under the Act.

Dictionary. A dictionary containing a number of terms used in the Bill is included.