

Major Events Bill 2014

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by the Honourable Jann Stuckey MP, Minister for Tourism, Major Events, Small Business and the Commonwealth Games

Title of the Bill

Major Events Bill 2014

Objective of the amendments

The Major Events Bill consolidates a range of legislation currently on the Queensland Statute Book into one piece of legislation. It will provide a generic legislative framework that can be used for major events across Queensland – including the Gold Coast 2018 Commonwealth Games, the 2015 Asian Cup (Soccer), V8 Supercars motor racing events, and other major events Queensland may decide to host in the future. This provides for a more efficient and streamlined legislative framework, reducing red tape and regulatory duplication.

In consideration of the recommendations of the State Development, Infrastructure and Industry Committee (the Committee), including the submissions received during the Committee's examination of the Bill, a number of amendments are to be made to clarify the Bill and to improve its operation.

Achievement of the objectives

The amendments to the Bill address recommendations made by the Committee to clarify the intent and operation of the search powers given to authorised persons.

The intention was to redraft basic search provisions that already exist under the *Police Powers and Responsibilities Act 2000* (the PPRA) for authorised persons in a more modern and less prescriptive style, consistent with how they are provided for in interstate legislation (such as the existing provisions in the New South Wales *Major Events Act 2009*).

Given the concerns that have been raised, clause 18 of the Bill has been amended, based on the current section 568 of the PPRA, to specify:

- (a) an element of reasonableness where an authorised person may make a request of an entrant;
- (b) authorised persons may inspect an article in the person's possession; and
- (c) authorised persons can touch a garment a person is wearing only if they are of the same gender as the entrant.

As the Committee has already noted in its report, authorised persons (other than police officers) are not provided with powers to frisk search persons. Section 569 of the PPRA specifically provides that only a police officer may ask an entrant to consent to a frisk search. Clause 18 of the Bill will also be redrafted to clarify the intent that an authorised person (other than a police officer) is not permitted to frisk search a person.

The Committee was also concerned that steps be taken to ensure that members of the public are aware of the powers of authorised persons, particularly as they relate to searches. To meet these concerns, a new clause has been drafted which requires the major event organiser to place a sign at each designated public entrance to the major event area which identifies the powers that authorised persons have.

A number of further amendments have been prepared to clarify the Bill, and to improve its operation, following consideration of the Bill by the Committee. They include:

- A controlled area is to be shown on a map in the regulation.
- Prohibiting the sale of tickets sold at greater than 10% above the original sale price.
- That reasonable steps be taken by an authorised person when covering or removing an advertisement to prevent damage to the advertisement.
- To provide that the "reasonable excuse" defence applies to unauthorised advertising on vessels.

Alternative ways of achieving policy objectives

Amendments to the Bill are required to achieve the policy objectives.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

The amendments provide greater clarity about the powers of authorised persons, and prescribe specific safeguards including an element of reasonableness where an authorised person may make a request of an entrant, and that authorised persons can touch a garment that an entrant is wearing only if they are the same gender as the entrant. The amendments also specify that only a police officer can frisk search a person (with their consent).

The other amendments will improve the operation and clarity of the Bill, and strengthen the safeguards in the Bill to ensure sufficient regard to the rights and liberties of individuals.

They include:

- Requiring the major event organiser to erect signs at public entrances so members of the public are informed of the powers of authorised persons.
- Requiring authorised persons to take reasonable steps when covering or removing advertisements to prevent damage.
- Providing that a person does not commit an offence in relation to unauthorised advertising on vessels if they have a reasonable excuse.

Consultation

The amendments address the recommendations made by the State Development, Infrastructure and Industry Committee.

Notes on provisions

Clause 1 amends clause 11 of the Bill to provide that a controlled area is shown on a map in the regulation.

Clause 2 amends clause 18 of the Bill to provide greater clarity on the powers of an authorised person. These amendments specify that an authorised person may ask an entrant to consent to the following:

- An inspection of an entrant's belongings;
- The removal of outer garments being worn by the entrant, and allow their inspection by the authorised person;
- The removal of articles from the person's clothing and allowing their inspection;
- The inspection of an article in person's possession;
- The inspection of a vehicle, or a part of a vehicle; and
- The removal of an article from the vehicle as specified by the authorised person, and allowing the authorised person to inspect it.

Clause 3 inserts new subclauses into clause 18 of the Bill, to provide greater clarity about the limits of an authorised person's powers.

New subclause 6 specifies that only a police officer may frisk search a person entering the major event area, and that this may only occur after obtaining the person's consent to the frisk search. It also provides that a frisk search is to be performed in accordance with section 624 of the *Police Powers and Responsibilities Act 2000*.

New subclause 7 specifies that an authorised person must not ask a person for their consent under subclause (5) and that a police officer must not ask a person for their consent to a frisk search unless they reasonably consider it necessary to make the request and tell the entrant the reason for making the request.

New subclause 8 provides that an authorised person may only touch a garment the entrant is wearing if they are of the same gender as the person.

New subclause 9 provides definitions for belongings, frisk search and inspect.

Clause 4 amends a cross-reference in clause 26 of the Bill to account for the new subclauses 18(5) and (6).

Clause 5 amends clause 31 of the Bill so that it applies to tickets that are sold at greater than 10% above the original ticket sale price.

Clause 6 amends clause 33 of the Bill so that the reasonable steps are to taken by an authorised person when covering or removing an advertisement to prevent damage to the advertisement.

Clause 7 amends clause 34 of the Bill so that the “reasonable excuse” defence applies to unauthorised advertising on vessels.

Clause 8 inserts a new Subdivision 4 and clause 74A into the Bill. This clause requires the major event organiser to erect a sign at each designated public entrance to the major event area which describes the powers authorised persons have for the major event.