

# Major Events (Gold Coast Commonwealth Games) Regulation 2017

Explanatory notes for SL 2017 No. 198

made under the

*Major Events Act 2014*

## General Outline

### Short title

*Major Events (Gold Coast Commonwealth Games) Regulation 2017*

### Authorising law

Sections 12 and 84(1) of the *Major Events Act 2014* and section 22(1)(b) of the *Statutory Instruments Act 1992*.

### Policy objectives and the reasons for them

The Gold Coast 2018 Commonwealth Games (GC2018) will be staged from 4 to 15 April 2018.

The policy objective of the *Major Events (Gold Coast Commonwealth Games) Regulation 2017* (the Regulation) is to facilitate GC2018. The Regulation will also ensure the Queensland Government meets its GC2018 hosting commitments.

### Achievement of policy objectives

The policy objective will be achieved by prescribing GC2018 as a major event under the *Major Events Act 2014* (the MEA). The Regulation also prescribes:

- the Gold Coast 2018 Commonwealth Games Corporation (GOLDOC), established under the *Commonwealth Games Arrangements Act 2011*, as the major event organiser for GC2018;
- major event areas including competition venues and non-competition venues such as the Commonwealth Games Village, where the MEA will be in force;
- venue and event security provisions from the MEA to apply including controlling entry of persons and vehicles into major event areas, prohibiting certain items (such as flares

and laser pointers) from being brought into major event areas, prohibiting entry into restricted areas and field of play, controls around bringing liquor into major event areas and powers to inspect bags and direct persons to leave major event areas;

- commercial protections from the MEA to apply including prohibiting ticket scalping, unauthorised street trading, ambush marketing, unauthorised broadcasting and unauthorised advertising in certain areas within the prescribed major event areas;
- major event lanes on the Core Games Route Network, and associated road signs and periods of operation, in order to facilitate timely and efficient transport of athletes, officials and public transport;
- arrangements for GOLDOC to appoint persons such as security providers under the *Security Providers Act 1993*, appropriately qualified brand protection personnel and traffic controllers under the *Transport Operations (Road Use Management–Accreditation and Other Provisions) Regulation 2015* as authorised persons under the MEA;
- a new offence prohibiting posters being displayed in major event areas; and
- a range of administrative matters including a requirement for building certifiers to consult with the Queensland Fire and Emergency Services (QFES) before giving a compliance certificate to GOLDOC for building work under section 78(1) of the MEA, and arrangements for GOLDOC to carry out temporary works on public land to get ready for the Games.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the objectives of the MEA, which are to provide for the holding of major events and for the safety of visitors and spectators at major events.

## **Inconsistency with policy objectives of other legislation**

There is no inconsistency between the Regulation and the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Regulation is necessary to enable GOLDOC to stage GC2018, as well as to implement commitments made by the Government to host the event.

GC2018 will be the largest sporting event to be staged in Australia this decade, and the largest the Gold Coast has ever hosted. Across 11 days of competition, athletes from 70 nations and territories will compete in 18 different sports with an integrated para-sports program. Events will be hosted across competition venues on the Gold Coast and in Brisbane with preliminary basketball games in Townsville and Cairns. GC2018 will involve approximately 6,600 athletes and team officials, 1,000 technical officials, a 1,500 strong workforce and 15,000 volunteers. It is estimated that the Games will attract a total 672,000 visitors directly interested in the event.

GC2018 will host approximately 3,000 international accredited media and will be broadcasted to a worldwide cumulative audience of approximately 1.5 billion, with more than 1,000 hours of live broadcast coverage. The promotion of Queensland and the Gold Coast as a tourist destination is expected to result in an additional 490,000 visitors over a nine year period before and after the Games.

GC2018 will support up to 30,000 direct and indirect jobs and increase Queensland's Gross State Product by \$2 billion. GC2018 will create a lasting legacy for Queensland with the investment of approximately \$1.1 billion into sport, community and transport infrastructure.

Overall funding arrangements for GC2018 have been approved. Implementation of the Regulation will not require additional funding.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles (FLPs) as prescribed under the *Legislative Standards Act 1992* (LSA).

A number of FLP safeguards were incorporated into the MEA. The Regulation is machinery in nature and relies on the FLP safeguards established under the MEA.

It is also noted that the MEA's requirement for dates of operation for major events and maps of major event areas to be specified under regulation recognises the rights and liberties of individuals under the LSA. It minimises any potential undue impact and provides clarity and certainty for local residents and businesses to plan their daily activities. This limitation helps to ensure that relevant provisions in the Regulation do not have significant impact outside of these times and areas.

The Office of the Commonwealth Games (OCG) worked with GOLDOC and other Games delivery agencies such as the Queensland Police Service (QPS) and the Department of Transport and Main Roads (DTMR) to prepare maps of major event areas and major event lanes and to minimise the length of prescribed times as much as possible to help manage any impact on local residents and businesses.

In accordance with the MEA, the Regulation deals with authorised persons and the powers that may be exercised by them. It specifies the classes of persons other than those already listed under section 56(1)(a)–(c) of the MEA who may be appointed by GOLDOC as authorised persons. It places limits on the powers of authorised persons who are appointed by GOLDOC under section 56. Police officers are automatically defined as authorised persons under the MEA and no limits are to be prescribed for police officers exercising authorised person powers. Even though police officers will have all of the powers made available to authorised persons, they are not intended to be the primary enforcer and issues would only escalate to police as and when required – which is the consistent practice at other major events. For example, under the MEA only police officers can frisk search patrons and use reasonable force, in addition under the Regulation seizure powers are limited to police officers only.

The Regulation also provides a person must not display a poster in the major event area during the major event period. This is prescribed in accordance with section 20(6)(h) of the MEA, and is entirely consistent with other provisions already contained in section 20 of the MEA. It will help prevent persons from seeking to exploit the event for their own gain, and will also help maintain the amenity of the major event area and ensure patrons are able to enjoy the event. As a protection, the provision will not apply if the poster was displayed before the major event period and was displayed in the course of the person's ordinary activities. A similar provision is currently included in the *Major Events (Motor Racing Events) Regulation 2015* and is in force each year for the Townsville 400 and Gold Coast 600 motor racing events.

The Regulation will expire at the conclusion of GC2018.

## **Consultation**

The Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services, the Minister for Housing and Public Works and Minister for Sport, the Lord Mayor of Brisbane, the Mayor of the City of Gold Coast, the Mayor of the City of Townsville and the Mayor of Cairns Regional Council have been consulted, as required under section 13 of the MEA.

Consultation also occurred with the Commonwealth Games Regulation Working Group (the Regulation Working Group). The Regulation Working Group is comprised of OCG, GOLDOC, QPS, DTMR, Stadiums Queensland, Queensland Health, Department of National Parks, Sport and Racing, QFES, City of Gold Coast, Brisbane City Council, Townsville City Council, Cairns Regional Council and the Australian Government Office for Sport.

The Department of the Premier and Cabinet and Queensland Treasury were also consulted.

All parties consulted support the Regulation.

The Regulation is excluded from the Regulatory Impact Analysis system on the basis that it is a regulatory proposal that is machinery in nature.