

Commonwealth Games Arrangements (Relevant Places for Police Seizure Powers) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 230

made under the

Commonwealth Games Arrangements Act 2011

General Outline

Short title

Commonwealth Games Arrangements (Relevant Places for Police Seizure Powers) Amendment Regulation 2017

Authorising law

Sections 66 and 80 of the *Commonwealth Games Arrangements Act 2011*

Policy objectives and the reasons for them

The *Commonwealth Games Arrangements Act 2011* (the Act) protects the Gold Coast 2018 Commonwealth Games (GC2018) brand. The Act prohibits the unauthorised use of certain images and references for commercial or promotional purposes. The relevant protected images and references have previously been prescribed under the Act and the *Commonwealth Games Arrangements Regulation 2013* (the Regulation).

The Act also authorises police officers to seize goods, materials or devices marked with protected images and references in contravention of the Act. These police seizure powers are limited to relevant places that are prescribed by regulation.

The policy objective of the *Commonwealth Games Arrangements (Relevant Places for Police Seizure Powers) Amendment Regulation 2017* (the Amendment Regulation) is to prescribe these relevant places to help protect the GC2018 brand.

Achievement of policy objectives

The policy objective of the Amendment Regulation will be achieved by including a new Part 3 and a new Schedule 6 to the Regulation to prescribe relevant places for police seizure powers and their periods of operation.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Act, in line with Government commitments to host GC2018.

Only places that align with the criteria contained in section 66(3) of the Act are prescribed as relevant places. They include competition venues that are prescribed as major event areas under the *Major Events (Gold Coast Commonwealth Games) Regulation 2017* and public places associated with GC2018.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Amendment Regulation prescribes the places where police will be able to seize goods, material or devices marked with protected images or references in contravention of the Act during the lead up to and throughout the Games.

By limiting the prescribed relevant places and periods when the seizure powers are in force, police resources will be used effectively and relevant protected images and references will be adequately protected.

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

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

The Act requires all relevant places be prescribed to operate within the seizure period of 1 January 2018 and 30 April 2018. As provided for under the Act, the relevant places will only operate for limited durations within the broader seizure period.

Prescribed relevant places and periods when the police seizure powers are in force have been carefully limited to ensure minimal impact on the rights and liberties of individuals. This will help ensure the Amendment Regulation does not have a significant impact outside of these times and locations and that it has sufficient regard for the rights and liberties of individuals.

Consultation

Consultation has occurred with the Gold Coast 2018 Commonwealth Games Corporation and the Queensland Police Service. All parties consulted support the Amendment Regulation.

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

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