



Queensland

Police Powers and Responsibilities (Commonwealth Games) Amendment Act 2017

Act No. 19 of 2017

An Act to amend the Police Powers and Responsibilities Act 2000 for particular purposes

[Assented to 5 June 2017]



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Police Powers and Responsibilities (Commonwealth Games) Amendment Act 2017

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The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Police Powers and Responsibilities (Commonwealth Games) Amendment Act 2017*.

2 Commencement

Section 5(2) and (4) commences on 23 April 2018.

3 Act amended

This Act amends the *Police Powers and Responsibilities Act 2000*.

4 Insertion of new ch 19A

After section 619—

insert—

**Chapter 19A Additional powers
for Commonwealth
Games**

Part 1 Preliminary

619A Purpose of chapter

The purpose of this chapter is to provide police officers with special powers during the Games major event period to promote—

- (a) the safety and security of persons attending any event, function or activity that is part of the Commonwealth Games; and
- (b) the safety of other members of the public.

619B Definitions for chapter

In this chapter—

Commonwealth Games means the XXI Commonwealth Games.

designated website means—

- (a) the department’s website; or
- (b) another website nominated by the commissioner.

explosives detection see section 34.

Games major event area means a major event area prescribed for the Commonwealth Games under the *Major Events Act 2014*, section 12(2)(b).

Games major event organiser means the major event organiser prescribed for the Commonwealth Games under the *Major Events Act 2014*, section 12(2)(a).

Games major event period means the major event period prescribed for the Commonwealth Games under the *Major Events Act 2014*, section 12(2)(c).

protective security zone see section 619F.

residence means premises, or a part of premises, that are a residence within the meaning of section 619L(3) and (4).

619C Meaning of entering protective security zone

A reference in this chapter to a person or vehicle

entering a protective security zone includes a reference to—

- (a) a person or vehicle attempting to enter the protective security zone; or
- (b) a person or vehicle about to enter the protective security zone.

619D Application of chapter

This chapter applies if the Commonwealth Games is prescribed as a major event under the *Major Events Act 2014*, section 12(1).

619E Exemption from recording information in enforcement registers

Chapter 21, part 2, division 3 does not apply in relation to a police officer who is exercising a power under this chapter.

Part 2 Protective security zones

619F What is a *protective security zone*

- (1) A *protective security zone* is—
 - (a) an area prescribed by regulation under section 619G as a protective security zone; or
 - (b) an area declared under section 619H as a protective security zone.
- (2) A protective security zone may include—
 - (a) an area associated with the Commonwealth Games; and
 - (b) public transport infrastructure or a part of the public transport network associated

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with, or used to transport members of the public to or from, the Commonwealth Games.

(3) In this section—

public transport infrastructure see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

public transport network see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

619G Prescribing protective security zones

- (1) A regulation may prescribe an area of land or water, other than a Games major event area, to be a protective security zone for a stated period.
- (2) The protective security zone prescribed under subsection (1) must be shown on a map in the regulation.
- (3) The map, showing the exact location of the boundary of the protective security zone, must be able to be accessed, free of charge, on the designated website.
- (4) The exact location of the boundary of the protective security zone must be held in digital electronic form by the department.

619H Declaring protective security zones

- (1) The commissioner may by written order (a *zone order*) declare an area of land or water, other than a Games major event area, to be a protective security zone for a stated period.
- (2) However, the commissioner may declare an area to be a protective security zone only if the commissioner is reasonably satisfied—

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- (a) the declaration is necessary for the safety and security of persons entering or in the area; and
 - (b) the Games major event organiser has been advised of the proposed declaration; and
 - (c) urgent action is required to declare the area to be a protective security zone.
- (3) The commissioner must obtain the Minister's approval to declare an area to be a protective security zone unless the commissioner is reasonably satisfied a delay in obtaining the Minister's approval would be likely to substantially compromise the safety and security of persons entering or in the area.
 - (4) If the commissioner makes a zone order without the Minister's approval, the commissioner must inform the Minister about the making of the order and its terms as soon as practicable after the order is made.
 - (5) A zone order has effect when it is published on the designated website or at a later time stated in the order.
 - (6) The Minister must table a zone order in the Legislative Assembly within 14 sitting days after the order is made.
 - (7) A failure by the Minister to table a zone order under subsection (6) does not affect the order's validity.

619I Provisions applying to Games major event area prevail over provisions applying to protective security zone

- (1) This section applies if a Games major event area and a protective security zone overlap.
- (2) In the area of the overlap, the provisions of the *Major Events Act 2014* that apply to the Games

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major event area prevail over the provisions of this chapter that apply to the protective security zone to the extent of any inconsistency.

Part 3 Special powers in relation to protective security zones

Division 1 Power to search

619J Power to search persons

- (1) This section applies to a person entering or in a protective security zone.
- (2) A police officer may stop and detain the person to do either or both of the following—
 - (a) conduct a frisk search of the person;
 - (b) inspect an article in the person's possession.
- (3) For subsection (2), the police officer may use an electronic detection device, including a metal detector, on the person or the person's possessions.
- (4) If reasonably practicable, the police officer must, before conducting a frisk search of the person or inspecting an article in the person's possession—
 - (a) give the person a reasonable explanation about the powers to be exercised; and
 - (b) ask for the person's cooperation.
- (5) Sections 624 to 626, 628 and 637 apply to a search of a person or an inspection of an article in the person's possession under this section.
- (6) In this section—

inspect, an article, includes handle the article,

open it and examine its contents.

619K Power to stop, detain and search vehicles

- (1) A police officer may—
 - (a) do either of the following—
 - (i) stop a vehicle entering or in a protective security zone;
 - (ii) detain a vehicle in a protective security zone; and
 - (b) require the person in control of the vehicle to allow it to be searched.
- (2) For searching the vehicle, a police officer may do any of the following—
 - (a) detain the vehicle and the person in control of the vehicle for as long as is reasonably necessary to conduct the search;
 - (b) move, or require the person in control of the vehicle to move, the vehicle to a place suitable to conduct the search;
 - (c) search any thing in or on the vehicle and for that purpose open (including by using force to open), or require the person in control of the vehicle to open, a part of the vehicle or any thing in or on the vehicle;
 - (d) undertake an electronic inspection or search of the vehicle, including, for example, with a machine known as a Backscatter van.
- (3) Sections 627 and 628 apply to the search of a vehicle under this section.

619L Power to enter and search premises

- (1) A police officer may enter and search any premises in a protective security zone without a warrant.

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- (2) For subsection (1), the police officer must use only the amount of force reasonably necessary in the circumstances.
- (3) However, subsection (1) does not authorise a police officer to enter premises, or a part of premises, where a person resides (a *residence*), other than—
 - (a) with the consent of the occupier of the residence; or
 - (b) if a police officer reasonably suspects an offence may be committed in or from the residence and the offence would be likely to endanger the safety of a person.
- (4) The following do not form part of a residence—
 - (a) a carport, other than a carport to which access is restricted;
 - (b) the area of a verandah or deck to which access is not restricted and no provision is made to restrict access;
 - (c) the area underneath the residence to which access is not restricted and no provision is made to restrict access;
 - (d) any other external part of the residence, including, for example, the residence's gutters;
 - (e) land around the residence.
- (5) If the power to enter arose only because the occupier of the place consented to the entry, the power is subject to any conditions of the consent and ceases if the consent is withdrawn.
- (6) The consent may provide consent for re-entry and is subject to the conditions of the consent.

Division 2 Power to use firearms and explosives detection dogs

619M Use of firearms and explosives detection dogs

- (1) A police officer may, without a warrant, use a firearms and explosives detection dog to carry out explosives detection in relation to—
 - (a) a person entering or in a protective security zone; or
 - (b) a thing in a place in a protective security zone, or on land associated with the place, whether or not the thing is in the physical possession of a person.
- (2) For carrying out explosives detection under subsection (1), a firearms and explosives detection dog and any police officer may enter and remain on a place in a protective security zone.
- (3) However, subsections (1) and (2) do not authorise a police officer to enter or remain in a residence, or carry out explosives detection in relation to a person or thing in a residence, other than—
 - (a) with the consent of the occupier of the residence; or
 - (b) if a police officer reasonably suspects an offence may be committed in the residence and the offence would be likely to endanger the safety of a person.
- (4) If the power to enter or remain in a residence, or carry out explosives detection in relation to a person or thing in a residence, arose only because the occupier of the place consented to the exercise of the power, the power is subject to any conditions of the consent and ceases if the consent is withdrawn.

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- (5) The consent to entry may provide consent for re-entry and is subject to the conditions of the consent.
- (6) For the purpose of subsection (3)(b), a police officer may form a reasonable suspicion that a person in the residence has a thing, or there is a thing in the residence, that may be explosives or firearms if the firearms and explosives detection dog indicates it has detected explosives or firearms—
 - (a) on the person, or on or in a thing in the person’s physical possession; or
 - (b) on or in a thing, not in the person’s physical possession but which the police officer reasonably suspects is connected with the person, in the residence; or
 - (c) in the residence.
- (7) This section applies despite any other law.

619N Protection from liability for acts done by firearms and explosives detection dogs

Section 38 applies in relation to a police officer using a firearms and explosives detection dog to carry out explosives detection under this division as if—

- (a) a reference in that section to the handler of a detection dog were a reference to the police officer; and
- (b) a reference in that section to a detection dog were a reference to the firearms and explosives detection dog; and
- (c) a reference in that section to detection were a reference to explosives detection under section 619M.

619O Effect of division on use of firearms and explosives detection dogs under search warrants

To remove any doubt, it is declared that this division does not limit the powers of a police officer to use a firearms and explosives detection dog to carry out explosives detection in conducting a search of a place under a search warrant or without a search warrant.

Division 3 Power to give directions

619P Power to give direction

- (1) A police officer may give a direction to a person entering or in a public place in a protective security zone (including a person in control of a vehicle) if the officer is reasonably satisfied it is necessary to give the direction for the safety of persons entering or in the protective security zone.
- (2) The power under subsection (1) to give a direction to a person includes the power to direct the person—
 - (a) to move to a stated place in the protective security zone; or
 - (b) to leave the protective security zone.
- (3) The direction may be given—
 - (a) to a person individually or to a group of persons generally; and
 - (b) in an amplified way.

Example—

A police officer may, by using a loud hailer or an amplification system, give a direction to a group of persons to move to a stated place to avoid overcrowding.

[s 4A]

Note—

See also sections 633 and 791.

Part 4 Expiry

619Q Expiry of chapter

This chapter expires on 22 April 2018.

4A Replacement of s 808 (Review of motorbike noise provisions)

Section 808—

omit, insert—

808 Review of additional powers for Commonwealth Games

- (1) The commissioner must ensure the operation and effectiveness of chapter 19A is reviewed.
- (2) The commissioner must give a report of the outcome of the review to the Minister by 22 March 2019.
- (3) As soon as practicable after receiving the report, the Minister must table a copy of the report in the Legislative Assembly.
- (4) This section expires on 22 April 2019.
- (5) In this section—

chapter 19A means chapter 19A as in force from time to time before its expiry on 22 April 2018.

5 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definition *explosives detection*—

omit.

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- (2) Schedule 6, definitions *Commonwealth Games*, *designated website*, *explosives detection*, *Games major event area*, *Games major event organiser*, *Games major event period*, *protective security zone* and *residence*—

omit.

- (3) Schedule 6—

insert—

Commonwealth Games, for chapter 19A, see section 619B.

designated website, for chapter 19A, see section 619B.

explosives detection, for chapter 2, part 3 and chapter 19A, see section 34.

Games major event area, for chapter 19A, see section 619B.

Games major event organiser, for chapter 19A, see section 619B.

Games major event period, for chapter 19A, see section 619B.

protective security zone, for chapter 19A, see section 619F.

residence, for chapter 19A, see section 619B.

- (4) Schedule 6—

insert—

explosives detection, for chapter 2, part 3, see section 34.

- (5) Schedule 6, definition *enforcement act*, paragraph (a)—

insert—

(iii) under the *Major Events Act 2014*;