

Police Powers and Responsibilities (Commonwealth Games) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 200

made under the

Police Powers and Responsibilities Act 2000

General Outline

Short title

Police Powers and Responsibilities (Commonwealth Games) Amendment Regulation 2017

Authorising law

Sections 619G and 809 of the *Police Powers and Responsibilities Act 2000*.

Policy objectives and the reasons for them

The objective of the *Police Powers and Responsibilities (Commonwealth Games) Amendment Regulation 2017* (the Amendment Regulation) is to amend the *Police Powers and Responsibilities Regulation 2012* to prescribe protective security zones for the 2018 Gold Coast Commonwealth Games (the Games).

The Games will be hosted on the Gold Coast between 4-15 April 2018 with events also being held in Brisbane, Cairns and Townsville. The Games will be the largest international sporting event staged in Australia this decade. The staging of the Games in the current global environment requires careful security planning and application.

The *Police Powers and Responsibilities (Commonwealth Games) Amendment Act 2017* (the Act) commenced on 5 June 2017 to address the unique security requirements associated with the Games. The Act inserted new chapter 19A (sections 619A – 619Q) into the *Police Powers and Responsibilities Act 2000* (PPRA) to provide additional police powers to protect crowded places associated with the Games, other than prescribed major event areas.

The additional police powers will only apply in defined areas, called protective security zones, and will allow police officers to:

- search a person in a protective security zone (s 619J);
- stop, detain and search vehicles entering or in a protective security zone (s 619K);

- enter and search premises, excluding residential premises, in a protective security zone without warrant, however, a police officer can search a residence with consent of the occupier or if the 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 (s 619L);
- use a firearms and explosives detection dog to search public places, premises that are not residences and yards of private places in a protective security zone (s 619M); and
- give a general direction to persons in a public place in a protective security zone to ensure the safety of persons in the zone (s 619P).

Section 619G provides that an area of land or water, other than a Games major event area, may be prescribed by regulation as a protective security zone for a stated period. Protective security zones may include an area associated with the Games and public transport infrastructure or part of the public transport network associated with, or used to transport members of the public to or from, the Games.

The Queensland Police Service (QPS), in consultation with the Office of the Commonwealth Games (OCG), Department of Tourism, Major Events, Small Business and the Commonwealth Games and the Gold Coast 2018 Commonwealth Games Corporation (GOLDOC), has undertaken extensive security planning to determine the location, boundaries and periods for protective security zones. Considerations included the following:

- the type of event/s or activity planned in the zone, for example, competition, entertainment, transport, media or accommodation;
- venue location, design and use;
- environmental features including geography, natural boundaries and adjacent land use (for example, retail, residential or recreational);
- spectator capacity, expected crowd numbers and flow through rates;
- location, timing and capacity of supporting public transport systems and planned pedestrian routes;
- known threats and intelligence; and
- best practice policing.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the *Police Powers and Responsibilities Regulation 2012* to prescribe protective security zones at the Gold Coast, Brisbane, Cairns, Townsville and Logan (for the railway line) to facilitate security arrangements for the Games. The protective security zones are listed in the Amendment Regulation as follows:

Gold Coast venues

- Broadbeach Precinct
- Carrara Sports Precinct
- Commonwealth Games Village Precinct
- Coolangatta Beachfront
- Coomera Indoor Sports Centre
- Currumbin Beachfront
- Cycling Road Race Course
- Cycling Time Trial Course

- Games Family Hotel
- Marathon Course
- Nerang Mountain Biking
- Oxenford Studios
- Robina Stadium
- Southport Broadwater Precinct
- Surfers Paradise Festival Live Site
- Triathlon Field of Play

Brisbane venues

- Brisbane Venues
- South Bank Games Festival

Townsville venues

- Townsville Games Festival
- Townsville Venues CBD
- Townsville Venues Entertainment Centre

Cairns venues

- Cairns Games Festival
- Cairns Venues

Heavy Rail and Light Rail Networks

- Gold Coast Train Line – Heavy Rail Network
- Gold Coast Light Rail Network (G:Link)
- Helensvale Transport Hub

These protective security zones are prescribed by reference to maps in the regulation. Some maps are accompanied by descriptions to improve certainty of zone boundaries.

Each protective security zone will apply for the period of time prescribed in the Amendment Regulation for that zone. Most periods extend over many days and range from a 24-hour period for road based events like the triathlon and marathon to a period in excess of five weeks for the Gold Coast Athletes' Village precinct. Although protective security zones will apply continuously (24 hours per day) for the prescribed periods of time, the additional police powers will only be exercised within the zones when required. The continuous time frame will ensure police officers have the powers available when required regardless of event or transport scheduling changes or unplanned occurrences.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the PPRA which include 'to provide powers necessary for effective modern policing and law enforcement' (section 5(b)).

Further, the Amendment Regulation is consistent with the purpose of chapter 19A of the PPRA. Section 619A of the PPRA provides:

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.

The Amendment Regulation is consistent with the purpose of the PPRA as it prescribes protective security zones to authorise police officers to use the additional police powers in chapter 19A within those zones. This will promote the safety and security of people within those zones and the Games generally. Other police powers in the PPRA will continue to apply in areas prescribed as protective security zones.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The QPS received additional funding to plan and deliver the security and public safety response for the Games. Implementation of the Amendment Regulation will form part of the overall security planning and implementation activities being undertaken by the QPS for the Games and no additional funding is required.

Consistency with fundamental legislative principles

The Amendment Regulation applies relevant police powers in chapter 19A of the PPRA to prescribed protective security zones. It does not raise inconsistencies with fundamental legislative principles beyond those addressed in the Explanatory Notes to the Police Powers and Responsibilities (Commonwealth Games) Amendment Bill 2017 (see pages 4-7).

Consultation

Community engagement and public messaging is an important aspect of the overall Games policing strategy. GOLDOC, the OCG, the City of Gold Coast (CoGC) and the QPS recognise there will be social impacts as a result of the Games and residents and businesses on the Gold Coast will be impacted. The social impacts are not limited to the security arrangements undertaken for the Games but are also due to the size, nature and extended duration of the Games themselves. As a result, a significant community engagement and communications strategy has been implemented for the Games and involves multiple agencies.

The communications strategy includes the 'Get Set for the Games' community readiness program which was developed in consultation with Games partners. The program will ensure the host city, local businesses and residents are ready for the Games and given advance notification of any temporary impacts that may affect them. This will allow people to plan ahead and make changes to their routine and operations in the lead up to and during the Games. The program aims to build tolerance and goodwill and strengthen local support for the Games by providing comprehensive and up to date information. It includes direct and indirect stakeholder engagement and mass communication activities.

The State's 'Embracing 2018' website, which is facilitated by the OCG, hosts the 'Get Set for the Games' information and resources and will include information related to the event cities of the Gold Coast, Brisbane, Cairns and Townsville. The website includes travel advice for businesses to help them manage travel challenges for staff, suppliers and freight at Games time. Businesses and residents are encouraged to stay current with the latest information by signing up for email and SMS updates.

The QPS has developed a tailored engagement strategy for the implementation of the amendment regulation. The QPS has been engaging with the Gold Coast community for over 12 months including consulting with key community infrastructure, locations and services, such as shopping centres, hospitals and public transport providers. Consultation will increase in the lead up to, and throughout the duration of, the Games. The QPS will consult with, and work in partnership with, all residents and businesses within proposed protective security zones to best determine how they may be supported during the Games security operation.

The QPS has concluded that the Amendment Regulation is exempt from regulatory impact analysis as it falls within the following exclusion category outlined in the Queensland Government Guide to Better Regulation:

- category (j) 'Regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services'.

Consequently, the Office of Best Practice Regulation was not consulted about the Amendment Regulation.