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22 September 2014

Submission No. 005

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The Research Director
State Development, Infrastructure and Industry Committee
Parliament House
George Street
BRISBANE QLD 4000

By Post and Email to: sdiic@parliament.qld.gov.au

Dear Research Director

Major Events Bill 2014

Thank you for the opportunity to provide a submission on the amendments to the *Major Events Bill 2014* (the Bill) and for granting an extension of time for the provision of our submission. The Society commends the government for undertaking public consultation on the proposed Bill.

As the time frame from review of the Bill has been somewhat truncated, an in-depth analysis has not been conducted. It is possible that there are issues relating to fundamental legislative principles or unintended drafting consequences which we have not identified. We request that the government extend the period by which to provide feedback and also extend the reporting date of the Committee, so that the Committee has a reasonable opportunity to consider the draft legislation and provide more useful and in-depth feedback which will hopefully assist in improving the quality of the legislation being passed. The members of the Society are in a unique position to provide informed feedback based on their extensive experience in practice.

With respect to the proposed amendments, we make the following comments on specific clauses in the Bill.

Clause 7

Clause 7 of the Bill states:

A major event is—

- (a) an event prescribed by regulation under section 12(1) as a major event; and
- (b) any activity directly associated with the major event.

The Society is concerned with ability of a major event to be prescribed by regulation. Regulations are not subject to the same level of scrutiny as legislation. We suggest that a more appropriate course of action would be to prescribe a major event by enactment. In our view, event-specific legislation should be created to deal with major events.

Clause 18

Clause 18 details the powers of authorised persons in regard to persons entering and exiting major event areas. The Society is very concerned with the extensive search powers available to authorised persons under clause 18(5). These include:

- (5) An authorised person may ask a person entering a major event area to consent to all or any of the following—
- (a) the use of an electronic detection device, including a metal detector, on the person or the person's possessions;
 - (b) the authorised person searching and examining the person's possessions;
 - (c) the authorised person asking the person to identify the person's possessions;
 - (d) the removal of a person's outer clothing, shoes, hat or other head gear;
 - (e) if the person is entering the major event area in a vehicle—a search of the vehicle.

It is the Society's clear and unequivocal view that authorised persons should not have the extensive search powers included in clause 18(5). These powers are intrusive and require specialist training. In our view, these powers should only be exercised by appropriately trained police officers.

Clause 56

Clause 56 deals with the appointment of authorised persons and states:

56 appointment and qualifications

- (1) The major event organiser may, by instrument in writing, appoint any of the following persons as an authorised person for a major event for the major event period—
- (a) a public service employee;
 - (b) a local government employee;
 - (c) an employee of the major event organiser;
 - (d) other persons prescribed by regulation.
- (2) However, the major event organiser may appoint a person as an authorised person only if—
- (a) the organiser is reasonably satisfied the person is qualified for appointment because the person has the necessary experience, expertise or training; or
 - (b) the person has the experience, expertise or training prescribed by regulation.

The Society has significant concerns about the ability of major event organisers to appoint authorised persons for major events. In our view this broad, unfettered power may not be an appropriate delegation of administrative power. The Society does not support clause 56.

Clause 65

Clause 65 deals with the power to move or remove vehicles left in a major event area. Clauses 65(3) and (4) outline the procedure which major event organiser must undertake when moving or removing vehicles as outlined below.

- (3) The major event organiser must, within 14 days after moving or removing the vehicle, give the registered operator of the vehicle a written notice that states—
 - (a) the vehicle has been moved or removed; and
 - (b) how the vehicle may be recovered; and
 - (c) if the organiser considers, on reasonable grounds, the vehicle has been abandoned—
 - (i) the vehicle is considered to be abandoned property; and
 - (ii) the vehicle may be sold if the vehicle is not recovered within 2 months.

- (4) If the registered operator can not be identified or located within the 14 days, the notice may be given by publishing the notice in a newspaper circulating generally in the State.

The Society is concerned about Clause 65(5). This clause deems that the major event organiser might not be required to provide written notice to the registered operator of the vehicle if:

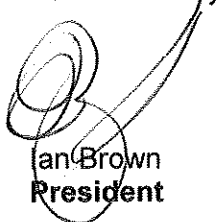
- (a) the vehicle has insufficient value to justify giving the notice; or
- (b) it is otherwise impracticable to give the notice.

This clause is very concerning, and has substantial and inequitable impacts on security interest holders and owners (as opposed to operators of vehicles). Furthermore, no guidance is provided as to what would constitute 'insufficient value' or when it would be 'impracticable' to give a notice.

The Society does not support Clause 65.

If you require clarification of any of the issues of raised in this submission, please do not hesitate to contact the Society. We look forward to receiving a copy of the Committee's report.

Yours faithfully



Ian Brown
President