




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 14 February 2017

POLICE POWERS AND RESPONSIBILITIES (COMMONWEALTH GAMES) AMENDMENT BILL

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (2.45 pm): I present a bill for an act to amend the Police Powers and Responsibilities Act 2000 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Police Powers and Responsibilities (Commonwealth Games) Amendment Bill 2017 [[163](#)].

Tabled paper: Police Powers and Responsibilities (Commonwealth Games) Amendment Bill 2017, explanatory notes [[164](#)].

I rise to introduce the Police Powers and Responsibilities (Commonwealth Games) Amendment Bill 2017. The 2018 Commonwealth Games on the Gold Coast is bound to be an exciting time for the City of the Gold Coast, for our great state and for sports fans and non-sports fans alike. The games will be the largest sporting event staged in Australia this decade and will be one of the largest international sporting events worldwide. Not since the 2000 Sydney Olympics and the 2006 Melbourne Commonwealth Games have Queenslanders had the opportunity to access such a spectacular sporting event. It is an opportunity that simply should not be missed. It will bring benefits, both direct and indirect, for all Queenslanders that will extend long after the games.

Communities across the state have already benefited from the construction work and improvements undertaken to venues and existing infrastructure in preparation for the games. The games venues program has resulted in several world-class facilities already being opened. This infrastructure has delivered more jobs for Queenslanders and will leave a lasting arts and cultural legacy for the Gold Coast.

Additionally, the games will attract an influx of international tourists to our state and will have a large global audience. It is an amazing opportunity for the Gold Coast and Queensland to showcase itself to the world, and I cannot think of any better ambassadors for our state than the army of 15,000 passionate volunteers who will help deliver a great games.

Preparing for such a spectacular is a mammoth task requiring extensive planning and organisation from a wide range of agencies at a federal, state and local government level and from the private sector. An examination of the hard facts about the games gives some insight into the enormity of the task. Over 11 days of competition Queensland will host over 6,500 elite athletes and team officials from 70 nations and territories. These athletes will participate in a variety of sports at a range of world-class venues at the Gold Coast, Brisbane, Cairns and Townsville. Some 1.5 million spectators will have the opportunity to witness the efforts of these athletes, and over 3,000 media personnel will be present to ensure the games reaches a global audience of 1.5 billion people.

One key priority in games planning has been the safety and security of the games and in particular the safety and security of persons attending the games including athletes, officials, spectators, media personnel and members of the local community. The Queensland Police Service has been

working in partnership with the Gold Coast 2018 Commonwealth Games Corporation, Goldoc, and the Office of the Commonwealth Games to ensure that the games will be as safe as possible. Goldoc has engaged a consortium of four specialist Australian security companies to deploy more than 4,000 security officers. These companies are MSS Security, Wilson Security, SecureCorp and SNP. These security officers will be available to assist the large contingent of Queensland police officers and specialist personnel from other law enforcement agencies and the Australian Defence Force to deliver a safe games.

Meeting the security needs of the games creates challenges beyond those of other major events hosted in Queensland. Usually, major events are conducted over a short period of time and limited to one location or venue. However, the games will be held over an 11-day period with security arrangements commencing well before the opening ceremony. The games will involve multiple locations including venues across our state. I want to make it very clear that the games is also a very different event to the G20 leaders summit held in Brisbane in 2014 and a very different policing response is planned. The G20 involved a large number of police officers deployed for a short period of time in a central location. Security planning for the G20 took into account previous experiences of large-scale civil disobedience and violent protest activity. The games, by contrast, are a celebration of sport which will be conducted in a friendly and welcoming atmosphere, providing a positive visitor experience for all. Security planning for the games will incorporate a high-visibility policing model across the 18 competition venues and even more non-competition venues during a month-long duration.

However, the challenge of delivering a safe games is compounded by the current global and national security environment. We live in difficult times—an unfortunate reality of a world threatened by terrorism. The current general public national terrorism threat level remains at probable. Recent tragic overseas and domestic experiences with attacks in open public spaces and on public transport highlight the need for an intense focus on public safety and demonstrate the complexities involved in developing an appropriate policing response. Given the size and scale of the games, a focus of the Queensland Police Service in planning security for the games is the enhancement of safety and the protection of people in areas where crowds are expected to form outside games venues and in other public areas including public transport hubs and networks. Detailed planning is underway by Goldoc and other agencies to ensure crowds can move swiftly and safely in and around games venues and between transport hubs and games venues.

The Queensland Police Service continues to build on the experience of delivering security for the 2014 G20 Summit by pursuing an external assurance program to ensure the policing response is appropriate to meet the safety and security requirements for the games. For example, the Queensland Police Service Commonwealth Games Group has maintained strong engagement with Police Scotland, the London Metropolitan Police and French Police Nationale to incorporate lessons learned from the 2014 Glasgow Commonwealth Games, the 2012 London Olympics, Euro 2016 and recent terror events. These relationships have ensured the QPS is implementing best practice and appropriate situational awareness into games security planning. Although the Major Events Act 2014 is expected to apply to the games, police powers within that act will be limited to prescribed games major event areas. The Major Events Act does not address security requirements outside of prescribed major event areas. Existing police powers in the Police Powers and Responsibilities Act 2000 also do not address the unique security issues associated with the games in the current security environment.

This bill, which I have just introduced, will allow police to use balanced and proactive powers that will deter offenders from causing public harm and reassure the community that police are on the job looking after their safety. The bill addresses games security issues by amending the Police Powers and Responsibilities Act to provide police with additional powers for the games. These powers will apply in designated areas associated with the games which will be known as protective security zones. A protective security zone may include an area of land or water, other than a games major event area, that is associated with the games. It may also include public transport infrastructure or a part of the public transport network associated with, or used to transport members of the public to or from, the games. Protective security zones will ordinarily be prescribed by regulation. The regulation must state the period for which the zone applies and include a map showing the boundary of the zone. The map must also be displayed on the Queensland Police Service website or another website designated by the Police Commissioner.

However, if there is an urgent need for an area to become a protective security zone, the commissioner may, by written order, declare an area to be a protective security zone. This declaration may only be made if the commissioner is reasonably satisfied that the declaration is necessary for the safety and security of persons entering or in the area, the games major event organiser has been notified and urgent action is required to declare the area as a protective security zone. The commissioner must obtain the minister's approval to declare an area to be a protective security zone unless a delay in obtaining this approval is likely to substantially compromise the safety and security of

persons in the area. In such an instance, the commissioner may declare the area to be a protective security zone without the minister's approval but must later inform the minister about the making of the order.

It is not expected that these declarations will be made frequently. They will be made in circumstances where there is not enough time to make a regulation to prescribe a zone or in urgent situations. A declaration may be necessary to facilitate urgent contingency arrangements if a prescribed protective security zone is no longer able to be used as planned. For example, a suspicious package may be located in a prescribed protective security zone planned to be used as the designated pedestrian approach to a games major event area. As the prescribed protective security zone can no longer be used until the police response and initial investigation is completed, an alternate pedestrian approach to the major event area must be used instead. Declaring the alternate pedestrian approach as a protective security zone will allow police officers to use the same powers, thus ensuring the safety of pedestrians moving to, from and around the games major event area.

The number and size of protective security zones required to be prescribed for the games is still being determined as venue and transport planning remains ongoing and games major events areas are yet to be finalised. However, based on preliminary planning by the Queensland Police Service, it is intended that protective security zones will be required to protect areas adjoining entry points to prescribed major events areas, designated pedestrian routes from transport hubs to venues, park-and-ride locations and areas adjacent to road based fields of play—for example, the triathlon and marathon. Protective security zones may also include games transport hubs, some transport networks and the main vehicle screening point if these areas are not otherwise prescribed as major event areas.

The purpose of a protective security zone is to allow police to use the additional powers contained in the bill within the zone. These powers are considered imperative by the Queensland Police Service to enhance the safety and security of persons in these zones. I will briefly explain each of these powers. Police officers will have the power to frisk search any person entering or in a protective security zone and inspect any article in the person's possession. If reasonably practicable before conducting the search or inspection, the police officer must give the person an explanation about the powers to be exercised and ask for the person's cooperation. Relevant search safeguards under the Police Powers and Responsibilities Act will apply to the search. These include ensuring minimal embarrassment to the person, taking reasonable care to protect the dignity of the person and, unless urgent, the search being conducted by a police officer of the same sex as the person to be searched.

Communication will be an important aspect of the search power. This search power is required so that a police officer can quickly and immediately search a person within a protective security zone. If nothing is found, the person can immediately proceed on his or her way. However, if the search locates an item of interest, the police officer can take any necessary action to deal with the person or situation in accordance with the existing provisions of the Police Powers and Responsibilities Act.

Police officers will also have the power to stop, detain and search a vehicle and anything in or on a vehicle entering or in a protective security zone. As with the power to search a person, this power will enable a police officer to immediately search a vehicle to maintain the safety and security of the protective security zone. Relevant safeguards in the Police Powers and Responsibilities Act will apply to these vehicle searches.

Additionally, the bill permits a police officer to enter and search any premises in a protective security zone without a warrant. This power does not extend to residences unless the occupier consents to the search or the police officer reasonably suspects an offence that will endanger the safety of a person may be committed in or from the residence.

In conjunction with this power, the bill allows a police officer to use a firearms and explosives detection dog to carry out firearms and explosives detection in relation to a person entering or in a protective security zone, or a thing in a place in a protective security zone, or on land associated with the place. This power does not extend to residences unless the occupier consents to the search or the police officer reasonably suspects an offence that will endanger the safety of a person may be committed in or from the residence. These powers are required to allow police officers to conduct security sweeps of protective security zones, and premises in the zones, in order to detect explosives or weapons. This will be a key strategy in making protective security zones as safe as possible for the large number of people expected to use the zones and to ensure security arrangements are not compromised.

The bill also provides police officers with the power to give a direction to a person in a public place in a protective security zone 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. The direction may be given individually or to a group. This power is required to promote the safety of persons in the zone at all times.

It is expected that there will be large numbers of people in protective security zones at various times, including waves of people moving from public transport set-down points to venues or waiting for public transport at a public transport hub. An example of a direction is if a pedestrian access route to a venue has become unexpectedly crowded. A police officer may direct a group of people not to move further forward until advised to do so by a police officer to allow a crowded area closer to the venue to clear. Another example is if a small group of people stop in a pedestrian thoroughfare to view something but inadvertently block the free flow of pedestrians through the thoroughfare. A police officer could direct the group to move to the side of or further along the thoroughfare to maintain the flow of pedestrians. These additional police powers are specific to the games and will only apply to protective security zones. The powers will lapse on 22 April 2018, which is one week after the games end.

The bill also exempts police officers from completing enforcement registers for searches of persons, vehicles and premises in protective security zones and searches of persons under the Major Events Act. This is required for operational reasons. Completing enforcement registers can be time consuming and will quickly become unworkable in prescribed major event areas and protective security zones if individual officers are required to perform a large number of searches in a short period of time. Recording these searches could lead to significant delays in the security processing of persons entering major event areas and distract officers from core policing responsibilities in protective security zones, such as monitoring vehicles and crowds for suspicious behaviour and conducting quick security sweeps of premises.

Any concern about not recording these searches in an enforcement register is mitigated, because usual procedure under the Police Powers and Responsibilities Act would apply if a search locates a suspect item, such as a weapon or explosive, as the search would be recorded as part of a person's custody record. The amendment to exempt the recording of searches by police officers under the Major Events Act is the only amendment in the bill that will not lapse at the end of the games. It is required to apply to all future prescribed major events under the Major Events Act. This will reflect the situation prior to the Major Events Act when police officers were not required to record searches at special events under the Police Powers and Responsibilities Act. Given the increasing threat of terrorism and the attractiveness of large public events as terror targets, it is expected that police officers may more frequently use the search powers in the Major Events Act to ensure major event areas remain as safe and secure as possible. Therefore, the exemption from recording the searches in an enforcement register is considered important for both the games and other future prescribed major events.

I consider that this bill strikes the right balance by providing laws that will protect people attending the games whilst still respecting the rights and liberties of individuals. Police powers introduced by this bill are not sweeping. They do not create new offences. They do not displace existing onus-of-proof provisions. They do not impact existing legislative schemes. For example, the right to protest is preserved. What they seek to do is provide reassurance to the community and deter those who wish to do harm by empowering police to do their job as and when needed to enhance public safety during the games.

The powers will only operate within protective security zones and may only be exercised for the limited time that the Commonwealth Games is declared a major event. Relevant safeguards for conducting searches or giving directions under the Police Powers and Responsibilities Act will apply. The additional powers form only one aspect of the policing strategy for the games. This strategy will focus on community engagement and an open-communication approach. The Queensland Police Service understands that the additional police powers require a responsible application and this will be reflected in police training and policy guidelines.

The Queensland Police Service demonstrated best practice policing during the planning and response to the 2014 G20 summit and the Queensland Police Service is committed to providing best practice policing for the Commonwealth Games. The powers will be used only as required in a respectful manner and to support a positive visitor experience. Police officers at the games will be highly visible ambassadors for our state and I know they will represent our state professionally, fairly and diligently.

A significant community engagement and communication strategy is also being implemented for the games and includes many of the games' partners. The Queensland Police Service has a dedicated project team focusing on community engagement. This project is well underway and aims to develop and maintain good working relationships with all relevant internal and external stakeholders and provide impacted sections of the community with timely safety and security information. Public awareness campaigns, particularly in relation to transport and security requirements, will also increase in the lead-up to the games.

Ultimately, meeting the challenge of delivering a safe games will depend on the collaboration and cooperation of agencies at all levels of government and from the private sector. The powers in this bill comprise only one of the range of security measures that need to be undertaken. However, this bill is important in placing our police officers in the best position possible to meet that challenge. I commend this bill to the House.

First Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (3.08 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.