

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Olympic Events Security Bill 1999

A BILL

FOR

An Act relating to security for Olympic events and Olympic related events

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART 1—PRELIMINARY

1. Short title

5 This Act may be cited as the *Olympic Events Security Act 1999*.

2. Commencement

(1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

10 (2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

5 **3. Definitions**

In this Act, unless the contrary intention appears—

“authorised person” means—

- (a) a police officer; or
- (b) a person authorised under section 16;

10 “declaration” means a declaration made under subsection 4 (1);

“frisk search” means—

- (a) a search of a person conducted by quickly running the hands over the person’s outer garments; and
- (b) an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person;

15 “occupier”, in relation to an Olympic venue, includes the organiser of an Olympic event;

“Olympic event” means a sporting event or other event to which a declaration applies;

20 “Olympic Games” means—

- (a) the Games of the XXVII Olympiad in Sydney in the year 2000; or
- (b) the Paralympic Games in Sydney in the year 2000;

25 “Olympic venue”, in relation to an Olympic event, means, for the period that the declaration of the event is in force—

- (a) the place stated in the declaration as the location for the event; and
- (b) any place reasonably incidental to the holding of the event;

30 “personal property”, in relation to a person, means things carried by the person or things apparently in the immediate control of the person (but does not include clothing being worn by the person);

“prohibited item”, in relation to an Olympic venue, means a thing stated to be a prohibited item in the declaration of the event to be held at the venue;

35 “restricted area”, in relation to an Olympic venue, means a part of the venue designated by an occupier as an area to which entry is

restricted to persons who have the consent or other authorisation of the occupier;

“statutory condition of entry”, in relation to an Olympic venue, means a condition mentioned in subsection 7 (1) that is stated in the declaration of the event to be a statutory condition of entry to the venue.

PART 2—DECLARATION OF OLYMPIC EVENTS

4. Minister may make declaration

(1) The Minister may declare a sporting event or other event that is part of, or is associated with, an Olympic Games to be an Olympic event.

(2) A declaration shall be in writing.

(3) In deciding whether to make a declaration, the Minister shall have regard to—

- (a) the nature of the event;
- (b) the number of persons expected to attend the event; and
- (c) any other relevant matter.

(4) The Minister shall not make a declaration unless he or she is satisfied that its making is reasonable and necessary—

- (a) for the safety of persons attending the event; and
- (b) for the avoidance of disruptions to the event.

(5) A declaration is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

5. Requirements for a declaration

A declaration shall—

- (a) contain a brief description of the event to which it applies;
- (b) state the time and date of the event and the location of the Olympic venue for that event;
- (c) state the period during which it is to be in force;
- (d) state any statutory conditions of entry applicable to the Olympic venue;
- (e) if the declaration includes the statutory condition that a person shall not take into or possess in the Olympic venue a prohibited item—state the prohibited item; and
- (f) if an occupier notifies the Minister that part of the Olympic venue is a restricted area—state that the venue contains a restricted area.

6. Notification and operation of a declaration

(1) Notice of the making of a declaration shall be published at least 7 days before the date of the event described in the declaration in—

- (a) the *Gazette*; and
- 5 (b) a daily newspaper published and circulating in the Territory.

(2) A notice of the making of a declaration shall contain the matters stated in paragraphs 5 (a) to (f) (inclusive).

(3) Despite subsection 6 (2) of the *Subordinate Laws Act 1989*, a declaration shall be published in full in the *Gazette*.

10 (4) Failure to publish a notice of the making of a declaration in a daily newspaper published and circulating in the Territory does not affect the validity of the declaration.

(5) A declaration—

- 15 (a) takes effect on the date, and at the time (if any), stated in the declaration; and
- (b) unless sooner revoked, ceases to have effect on the date, and at the time (if any), stated in, or ascertained in accordance with, the declaration.

7. Statutory conditions of entry

20 (1) The Minister may state in a declaration that any of the following conditions of entry apply to the Olympic venue:

- (a) that a person seeking to enter or in the Olympic venue shall, if asked by an authorised person, permit a search to be made of his or her personal property;
- 25 (b) that a person seeking to enter or in the Olympic venue shall, if asked by an authorised person, permit a frisk search to be made of his or her person;
- (c) that a person shall not take into or possess in the Olympic venue a prohibited item.

30 (2) If a declaration includes a statement to the effect that a person shall not take into or possess in the Olympic venue a prohibited item, the Minister shall state in the declaration anything that is a prohibited item.

PART 3—OLYMPIC VENUES

Division 1—Restricted areas

8. Entry to restricted areas

5 (1) An occupier of an Olympic venue shall take reasonable steps to inform the public of a restricted area, whether by signs or otherwise.

(2) A person shall not, without reasonable excuse, enter or remain in a restricted area without the consent or other authorisation of the occupier.

Penalty: 10 penalty units.

Division 2—Statutory conditions of entry

10 **9. Search of personal property**

(1) An authorised person may ask a person seeking to enter or in an Olympic venue to permit a search to be made of his or her personal property.

(2) The person shall not, without reasonable excuse, refuse to permit an authorised person to search his or her personal property.

15 Penalty: 10 penalty units.

(3) Subsection (1) applies to the Olympic venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the Olympic venue that a person seeking to enter or in the Olympic venue shall, if asked by an authorised person, permit a search to be made of his or her
20 personal property.

10. Frisk search of persons

(1) An authorised person may ask a person seeking to enter or in an Olympic venue to permit a frisk search to be made of his or her person.

25 (2) The person shall not, without reasonable excuse, refuse to permit an authorised person to frisk search his or her person.

Penalty: 10 penalty units.

(3) Subsection (1) applies to the Olympic venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the Olympic venue that a person seeking to enter or in the Olympic venue shall, if asked by an authorised person, permit a frisk search to be made of his or
30 her person.

11. Prohibited items

(1) A person shall not, without reasonable excuse, take a prohibited item into, or possess a prohibited item in, an Olympic venue.

35 Penalty: 10 penalty units.

(2) It is not an offence under subsection (1) if the person disposes of the item before entering the Olympic venue.

(3) Subsection (1) applies to the Olympic venue only if the declaration of the Olympic event to be held at the venue states that it is a condition of entry to the Olympic venue that a person shall not take into or possess in the Olympic venue a prohibited item.

Division 3—Other powers of authorised persons

12. Persons entering venue

(1) An authorised person may request a person seeking to enter an Olympic venue to provide his or her name or address (or both).

(2) The person shall not, without reasonable excuse—

- (a) refuse or fail to comply with the request; or
- (b) give a name or address that is false in a material particular.

Penalty: 5 penalty units.

(3) An authorised person may refuse a person entry to an Olympic venue if the authorised person has reasonable grounds for believing that—

- (a) the person has committed, or is likely to commit, an offence against this Act; or
- (b) the person is likely to contravene a condition of entry to the venue imposed by an occupier of the venue.

13. Direction to leave venue

(1) An authorised person may direct a person to leave an Olympic venue if the authorised person has reasonable grounds for believing that the person has, while seeking to enter or in the venue, committed an offence against a law in force in the Territory.

(2) If a person contravenes a direction given by an authorised person to leave a venue, an authorised person may use such force as is reasonable and necessary—

- (a) to apprehend and detain the person for the purpose of removing the person from the venue; or
- (b) to remove the person from the venue.

(3) An authorised person exercising his or her powers under subsection (2) may use such assistance as is reasonable and necessary.

(4) A person shall not be detained under paragraph (2) (a) for longer than is reasonable and necessary to remove him or her from the venue.

PART 4—OTHER OFFENCES

14. Unauthorised entry to an Olympic venue

A person shall not enter or remain in an Olympic venue unless the person—

- 5 (a) has paid the entrance fee (if any);
- (b) has the consent of the occupier; or
- (c) is otherwise authorised to enter or remain in the venue.

Penalty: 10 penalty units.

15. Interference with an event

10 A person shall not, in an Olympic venue—

- (a) disrupt, interfere with, delay or obstruct the conduct of an Olympic event or an activity associated with the event; or
- (b) interfere with the reasonable enjoyment of an Olympic event, or an activity associated with the event, by another person.

15 Penalty: 10 penalty units.

PART 5—MISCELLANEOUS

16. Authorisation of persons to exercise powers

(1) The Minister may authorise a person to exercise the powers of an authorised person.

20 (2) An authorisation shall be in writing.

(3) An authorisation shall state—

- (a) the powers that the person may exercise; and
- (b) the Olympic venue at which the powers may be exercised.

25 (4) The Minister may delegate his or her powers under this section to a police officer holding or performing the duties of the rank of sergeant or a higher rank.

(5) A delegation shall be in writing.

17. Effect of disallowance of declaration

30 (1) This section applies if a declaration of an Olympic event is disallowed under section 6 of the *Subordinate Laws Act 1989*.

(2) Despite section 38 of the *Interpretation Act 1967* (as modified by section 10 of the *Subordinate Laws Act 1989*)—

- (a) if a person has been investigated or prosecuted for an offence against this Act in relation to the Olympic venue for the event—any

investigation of or prosecution for the offence shall be discontinued and a person is taken never to have been investigated or prosecuted for the offence;

- 5 (b) if a person has been convicted for an offence against this Act in relation to the Olympic venue for the event—
- (i) the conviction for the offence is quashed;
 - (ii) the person is taken never to have been convicted of the offence; and
 - 10 (iii) any monetary penalty and costs paid to the Territory shall be refunded; and
- (c) no civil or criminal proceedings lie against—
- (i) the Territory for an act done or omitted to be done in good faith by an authorised person or occupier in relation to the Olympic venue for the event in the exercise or purported exercise of a power conferred by this Act; and
 - 15 (ii) a person who is or was an authorised person or an occupier for an act done or omitted to be done in good faith by the person in relation to the Olympic venue for the event in the exercise or purported exercise of a power conferred by this
 - 20 Act.

18. Regulations

The Executive may make regulations for the purposes of this Act.

NOTE

Penalty units

See section 33AA of the *Interpretation Act 1967*.