

**1999**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**OLYMPIC EVENTS SECURITY BILL 1999**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
Gary Humphries MLA, Minister for Justice and Community Safety**

## **OLYMPIC EVENTS SECURITY BILL 1999**

### **Outline**

The measures in this Bill are designed to ensure that Olympic events, particularly soccer matches, to be held in Canberra next year are conducted safely and without incidents of violence such as those which have marred previous Olympic Games and international soccer matches.

The measures in the Bill can be applied selectively to particular Olympic events for which it is considered necessary to make additional security arrangements. The application of measures to particular events is to occur through a Ministerial declaration, which will be a disallowable instrument. A Ministerial declaration for an event will be published in both the Gazette and in a major daily newspaper circulating in Canberra at least a week before the event so that spectators are put on notice that special security arrangements apply to that event.

The special security measures which can be selected to apply to Olympic events are:

- powers to request searches of personal property, such as bags or "esbies", which will enable security personnel to check for prohibited items hidden in such places;
- powers to request that a person permit a frisk search or "pat down" of the outer clothing, which will enable security personnel to check whether a person has concealed a prohibited item within that clothing;
- powers to ban a person from bringing a prohibited item into the Olympic venue.

Other measures which will apply to Olympic events covered by a declaration are:

- powers to refuse entry to person believed on reasonable grounds to be likely to commit an offence under the proposed Act or to breach a condition of entry set by the organisers;
- powers to ask for a person's name and address – this power will enable the authorities to identify fans who are known to have caused trouble at other events (such as notorious soccer hooligans); and
- powers to remove from the venue a person who commits an offence at the event, including the new offence of interference with an Olympic event.

The new powers will be exercised by police and "authorised persons". These persons are non-police officers approved by the Minister (or by a senior police officer to whom the Minister has delegated this power). The purpose of using "authorised persons" is to ensure that there are sufficient security staff available for duty at Olympic events without compromising other essential policing activities in Canberra.

It is anticipated that Emergency Services staff, professional security guards and some of the Olympic volunteers being recruited by Sydney Organising Committee for the Olympic games (SOCOG) may be "authorised" to exercise some or all of the new powers.

Finally, the Bill contains provisions dealing with the effects of disallowance and enabling regulations to be made for the purposes of the proposed Act.

### **Financial Implications**

The Bill will impose no additional costs on the Territory in relation to its hosting of Olympic events.

## **Notes on Clauses**

### **PART 1 PRELIMINARY**

#### **Clause 1 Short title**

The Bill, once enacted, will be known as the *Olympic Events Security Act 1999*.

#### **Clause 2 Commencement**

This clause explains when the provisions in the proposed Act will take effect. The formal provisions (which deal with the short title and commencement) will take effect when the enactment is notified in the Gazette. The substantive provisions will take effect either on a date set by the Minister in a Gazette notice or on the day after six months have expired from the date the enactment was notified in the Gazette, whichever happens first.

#### **Clause 3 Definitions**

This clause explains key words and phrases used in the proposed Act. The defined terms are: authorised person, declaration, frisk search, occupier, Olympic event, Olympic venue, Olympic Games, personal property, prohibited item, restricted area, and statutory condition of entry.

### **PART 2 DECLARATION OF OLYMPIC EVENTS**

The proposed Act will only apply to an event if the Minister declares that it is an Olympic event. This Part explains the criteria and procedures for making a declaration, the content of a declaration and the means for ensuring that the public are informed about the making of a declaration.

#### **Clause 4 Minister may make declaration**

This clause empowers the Minister to declare that an event is an "Olympic event", thereby applying measures in the proposed Act to that event. The Minister's declaration must be in writing. To ensure that the new powers and offences contained in the proposed Act are not invoked lightly, a declaration can only be made after the Minister has considered the nature of event, the size of the expected crowd and any other relevant matters, and he or she is satisfied that a declaration is reasonable and necessary for public safety and to avoid disruptions to the event.

#### **Clause 5 Requirements for a declaration**

It is anticipated that not all of the new measures in the proposed Act will be necessary for every Olympic event to be held in Canberra in 2000. For this reason, the proposed Act enables the Minister to select, through the process of making a declaration, the types of measures that will apply to particular events to which it is considered necessary that the proposed Act apply.

Clause 5 lists the matters which must be included in a declaration that an event is an "Olympic event". The purpose of this clause is to ensure that both an event and any measures which are to apply to it can be readily identified. It requires the Minister to include brief details of the event, such as its date and time and where it will occur, how long the declaration will be in force, any statutory conditions of entry for that event, any items which persons attending the event will be prohibited from bringing with them and whether there are parts of the venue for the event to which access is restricted.

#### **Clause 6 Notification and operation of a declaration**

This clause explains how the making of a declaration is to be publicised, so that persons who intend to go to an event will be able to know which of the new measures will apply. It also explains when declarations come into force and when they cease to have effect.

A notice about a declaration that an event is an Olympic event must be published in both the Gazette and in a daily newspaper circulating in the Territory. These notices will contain the full text of the declaration and must be published at least 7 days before the relevant event takes place. The effect of the *Subordinate Laws Act 1989* is that the requirement to publish a Gazette notice must be observed if the declaration is to be valid. However, subclause 6(4) expressly provides that if publication in a newspaper does not occur as required, that failure will not invalidate a declaration.

A declaration will come into force from the time set in the declaration and will have effect for the period set in or by the declaration, unless it is revoked before then.

#### **Clause 7 Statutory conditions of entry**

This clause explains that the Minister is able, at his or her discretion, to apply certain statutory conditions of entry to an Olympic event when making a declaration under proposed section 4. There are three statutory conditions of entry which can be applied either alone, all together or in any combination. They are:

- that persons attending the event must permit searches of their personal property, if requested - the purpose of this condition is to enable checks of things such as bags and "esbies" to see whether prohibited items are being brought into the venue;
- that persons attending the event must permit a frisk search to be carried out on them, if requested - again, the purpose of this condition is to enable a "pat down" of the person's outer garments to check whether a person has concealed a prohibited item on his or her body;
- that persons attending the event must not take into the venue any prohibited items - the purpose of this provision is to prevent a person bringing in certain

items which are prohibited; these could be items which are dangerous or which may cause disruptions to the event.

Where the declaration includes a condition banning prohibited items, the Minister must list in the declaration any prohibited items for that event. In practice, a list of items to be prohibited for an event would be developed in consultations between the Australian Federal Police and the organisers of the event and recommended to the Minister for inclusion in a declaration. Based on experience with other major events, it is probable that a list of prohibited items would include things like alcohol, glass bottles, flares and other things which can be used as weapons.

### **PART 3 OLYMPIC VENUES**

The objective of the provisions in this Part is to facilitate the safe and smooth conduct of Olympic events. This Part details the measures which may apply to Olympic venues while a declaration under proposed section 4 is in force. The term "Olympic venue" is defined in proposed section 3, which makes it clear that a place is only an "Olympic venue" for the period set by the declaration for the event. The clauses in this Part confer powers on "authorised persons" to do certain things. The clauses in this Part also create certain new offences for particular conduct in Olympic venues. The powers contained in this Part can be exercised by "authorised persons". This term is defined in proposed section 3 and, briefly, means police officers and other persons who have been authorised by the Minister or his or her delegate to exercise certain powers at the Olympic venue.

#### ***Division 1 Restricted areas***

##### **Clause 8 Entry to restricted areas**

This clause requires the occupier of a venue to indicate which areas are "restricted areas". It is an offence for a person to be in a restricted area without a reasonable excuse if the person either is not authorised to be in that area or does not have the occupier's consent to be there.

The purpose of the provision is to enable areas, for example playing surfaces, judging booths or players' changing rooms, to be "off limits" to spectators and, in conjunction with proposed section 13, to ensure that police have the power to eject from the venue any spectators who enter these areas unlawfully.

#### ***Division 2 Statutory conditions of entry***

##### **Clause 9 Search of personal property**

This clause applies if one of the statutory conditions in relation to the venue is the condition dealing with searches of personal property. This clause empowers authorised persons to ask persons either entering or inside the venue to permit a search of their personal property. Refusing to permit a search of personal property to be conducted, without reasonable excuse, is an offence.

**Clause 10 Frisk search of persons**

This clause applies if one of the statutory conditions of entry is the condition dealing with frisk searches. This clause empowers authorised persons to ask persons either entering or inside the venue to permit a frisk search of their person. Refusing to permit a frisk search to be conducted, without reasonable excuse, is an offence.

**Clause 11 Prohibited items**

This clause applies if one of the statutory conditions of entry is the condition dealing with prohibited items. It is an offence to take a prohibited item into a venue or to possess such a item inside a venue, with reasonable excuse. Subclause 11(2) makes it clear that no offence is committed if a person with a prohibited item disposes of the item (for example, by returning it to his or her car or by putting it in a bin) before going inside the venue.

**Division 3 Other powers of authorised persons****Clause 12 Persons entering venue**

It is an unfortunate fact that some fans of particular soccer teams have resorted to violent behaviour in the past and have been "banned" by police and sports officials in several European countries from attending international soccer matches. The Australian Federal Police and Olympic organisers are aware that some of these fans may seek to attend Olympic events.

To assist in identifying any potentially violent fans who attend Olympic events in Canberra, clause 12 empowers authorised persons to request persons seeking to enter Olympic events to state their names and addresses. It is an offence to refuse to comply with such a request or to state a false name or address.

Clause 12 also enables authorised persons to refuse entry to a person. In brief, a refusal may occur if there are reasonable grounds for believing the person is likely to commit an offence against the proposed Act or breach a condition of entry set by the organisers of the event.

**Clause 13 Direction to leave venue**

This clause explains that a person can be directed to leave an Olympic venue if there are reasonable grounds for believing that he or she has committed an offence while in the venue. It also ensures that authorised persons have the power to detain and forcibly remove a person who fails to leave when directed to do so. The purpose of the provision is to enable disruptive or violent fans to be removed from the venue quickly, without having to charge the person for the offence. In practice, the police or other authorised persons probably would have first warned the person that he or she or she may be committing an offence. The removal powers will give police another option after warning offenders, instead of having to arrest and charge

spectators whose behaviour is excessively rowdy or exuberant. This in turn will mean that such spectators need not incur a criminal record.

Police would, of course, also have their usual powers to arrest fans who commit offences if this is considered appropriate in the circumstances, for example, if the person's behaviour is extremely disruptive or he or she commits a serious offence such as assault or indecent exposure.

The power to detain a person can only be used in order to remove the person from the venue and a person so detained can only be held for the time it takes to remove him or her from the venue. Authorised persons are able to use reasonable and necessary force and assistance to apprehend, detain and remove a person from the venue.

#### **PART 4 OTHER OFFENCES**

##### **Clause 14 Unauthorised entry to an Olympic venue**

This clause makes it an offence to enter or be in an Olympic venue without having bought a ticket, obtained the consent of the occupier or otherwise having been authorised to be there. This clause is directed primarily at persons who try to "sneak in" or who steal or forge tickets to the event.

##### **Clause 15 Interference with an event**

This clause is aimed at controlling conduct by spectators at Olympic events which is antisocial or disruptive, by making such conduct an offence. In brief, the offence is committed either by conduct which adversely impacts on the event itself or which adversely impacts on other spectator's reasonable enjoyment of the event. It is possible that the same conduct could fall into either category, for example, interrupting a soccer match during a penalty kick could also impact on other fans' enjoyment of the match. To avoid the possibility of penalising a person twice for the same conduct, the provision is drafted so that only one offence is committed even if the conduct meets both criteria.

As foreshadowed above, it is likely that in most cases where a person commits the offence of interfering with an event, the offender would probably be cautioned or removed from the venue, rather than charged with the offence.

#### **PART 5 MISCELLANEOUS**

This Part deals with the process for "authorising" persons to exercise the new powers at Olympic venues and the consequences if a declaration, which is a disallowable instrument under the *Subordinate Laws Act 1989*, is disallowed by the Legislative Assembly. It also contains a general regulation making power.



**Clause 16 Authorisation of persons to exercise power**

Crowd control at Olympic events in Australia will utilise considerable police resources and organisers anticipate that there may be Olympic events where the demand for police officers exceeds the supply. In order to ensure that there are sufficient security staff for particular events, the Minister or his or her delegate can authorise non-police personnel (for example, Emergency Services staff, registered security industry staff or trained Olympic volunteers) to exercise some or all of the powers given to police officers under the proposed Act. The Minister's delegate must be a police officer of the rank of sergeant or above.

It is understood that security arrangements for Olympic events, including the selection and training of non-police security personnel, are the subject of ongoing discussions between the ACT Region Australian Federal Police, the Sydney Organising Committee for the Olympic Games (SOCOG) and the New South Wales Police Olympic Security Command.

**Clause 17 Effect of disallowance of declaration**

As it is possible that the Legislative Assembly could disallow a declaration under section 4 after the event to which it relates has already occurred, it is necessary for the proposed Act to deal with the consequences of such a disallowance.

In brief, subclause 17(2) "undoes" any offences against the proposed Act committed by spectators and any acts done in good faith by authorised persons (including the police), organisers or the Territory. Paragraph 17(2)(a) discontinues any prosecutions or investigations for offences under the Act. Paragraph 17(2)(b) quashes any convictions, which are deemed not to have occurred, and any fines and costs paid by to the Territory must be refunded. Paragraph 17(2)(c) protects from criminal or civil liability any acts done in good faith under the declaration by the Territory, the occupier or an authorised person.

**Clause 18 Regulations**

This clause contains a general power for the Executive to make regulations under the proposed Act.