

Major Events Security Declaration 2011 (No 1)

Disallowable instrument DI2011–294

made under the

Major Events Security Act 2000, s 4 (Declaration of events as major events)

EXPLANATORY STATEMENT

This Declaration applies the provisions of the *Major Events Security Act 2000* (the Act) to the visit of the President of the United States of America to the Australian War Memorial in the ACT on 17 November 2011. The declaration is a disallowable instrument.

Clause 1 is a technical clause that details the title of the Instrument.

Clause 2 declares the visit of the President of the United States of America to the Australian War Memorial in the ACT on 17 November 2011 as a major event.

Clause 3 states that the declaration is in force from 6am on 17 November 2011 to 12pm on 17 November 2011.

Clause 4 is a technical clause that sets out what requirements are to be included in Schedule 1.

Clause 5 details that the instrument expires at 12pm on 17 November 2011.

Schedule 1

Part 1.1 details the particulars of the declaration under the *Major Events Security Act 2000*. This Part explains that the description of the event and the proposed time and date of the event to which the declaration applies.

Part 1.2 sets out the statutory conditions of entry which will apply to the event covered by the declaration. Section 7 of the Act enables a declaration to specify particular conditions of entry to major events. A person attending the event must comply with any statutory conditions of entry. The Act contains offences relating to breaches of the statutory conditions. The statutory conditions listed in this part require persons entering or within the venue to undergo searches, if requested, and prohibit persons bringing certain items, known as “prohibited items”, into the venue.

Part 1.3 explains what are ‘prohibited items’ under the declaration, and cannot be taken into the major event venue.

Part 1.4 explains that there are restricted areas within the venue. Under the Act, it is an offence to enter or remain in a restricted area without authorisation.

The *War Memorial Regulation 1983*, uses the terms ‘Memorial Building’ and ‘Memorial land’ to define the areas of responsibility of the Australian War Memorial. Section 3 of the regulation provides that "Memorial land" means the land made available by the Commonwealth pursuant to paragraph 6 (2) (b) of the *Australian War Memorial Act 1962* , being the land specified in the Schedule to a notice dated 22 June 1967 and published in the Gazette on 29 June 1967. The restricted area coincides with "Memorial land" and also includes Treloar Crescent.

The formal description of the restricted area for the major event venue is necessary to ensure that there is legal certainty as to the area which is covered by the declaration. ACT Policing will conduct security operations for the event and exercise powers under the Act for that area.