

Community Support and Services Committee

Report No. 51, 57th Parliament

Subordinate legislation tabled between 1 May 2024 and 11 June 2024

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 1 May 2024 and 11 June 2024. It reports on any issues identified by the committee relating to:

- the policy to be given effect by the legislation
- its consistency with fundamental legislative principles (FLP)
- its compatibility with human rights
- its lawfulness.

It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA), and the human rights certificate with the *Human Rights Act 2019* (HRA).

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
61	Major Events (Motor Racing Events) (Townsville 500) Amendment Regulation 2024	11 June 2024	TBA ¹

3 Committee consideration of the subordinate legislation



The committee identified potential human rights issues in relation to the Major Events (Motor Racing Events) (Townsville 500) Amendment Regulation 2024. However, the committee was ultimately satisfied that the subordinate legislation is consistent with FLPs and compatible with human rights.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of s 24 of the LSA
- the human rights certificate tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

The committee acknowledges that the Major Events (Motor Racing Events) (Townsville 500) Amendment Regulation 2024 poses a degree of risk in relation to human rights; however, it is satisfied that the subordinate legislation is compatible with human rights.

The following section provides a brief overview of the subordinate legislation.

¹ Note that the disallowance date for SL No. 61 is after the dissolution date of the 57th Parliament. The dissolution date can be calculated once sitting dates for the 58th Parliament have been advised by the Leader of the House.

4 Major Events (Motor Racing Events) (Townsville 500) Amendment Regulation 2024

The objective of SL No. 61 was to facilitate the 2024 NTI Townsville 500 V8 (Townsville 500) motor racing event, held from 5 to 7 July 2024. It achieved this by prescribing the event as a 'major event' under the *Major Events Act 2014* (MEA). SL No. 61 also prescribed:

- the major event period for the event (from 4 July 2024 to midday 8 July 2024)²
- periods for carrying out temporary works for the event (the beginning of the day on 10 June 2024 to midday on 4 July 2024, and midday on 8 July 2024 to midnight on 20 July 2024)³
- the official title of the event (2024 NTI Townsville 500).⁴

Rights and liberties of individuals

Fundamental legislative principles require that legislation should have sufficient regard to the rights and liberties of individuals.⁵ The explanatory notes identified that the subordinate legislation might limit the rights and liberties of individuals wishing to access public infrastructure, and that it would impose limitations on accessing the event area.⁶

Restrictions in SL No. 61 include altered access to roads and paths, limitations on entering the event area (e.g., not being able to enter the event area without paying the entry fee),⁷ and individuals being subject to possible infringements on their rights within the event area. Potential infringements include being frisked by a police officer,⁸ having restrictions on what a person can possess or do upon entry to the major event,⁹ being directed to immediately leave the event, and not being permitted to park a car in the area.¹⁰

The explanatory notes contend that the limitations on the rights and liberties of individuals are reasonable and justifiable on the grounds that the Townsville 500: 'is consistent with the objectives of the MEA; meets the public's expectation during the nominated duration based off historic hosting of the event; and ensures public safety during the duration of the event'.¹¹

SL No. 61 can be seen as impacting, or potentially impacting, the following human rights:

Freedom of movement¹² – The Human Rights Certificate (HRC) that accompanied SL No. 61 acknowledged that the legislation impacts this right by limiting persons' ability to move freely due to road closures and other restrictions on vehicles, persons being subject to a possible decision to leave an area, and demarcating entry and exit points. The HRC stated that the limitations are reasonable as they 'ensure appropriate behaviour of visitors and spectators, and are necessary to ensure the major event organisers have sufficient capacity to provide for and manage a safe event space for the Townsville 500 event'.¹³

Freedom of expression¹⁴ – the HRC acknowledged that the legislation impacts this right through advertising restrictions, limits on conduct within the event area, prohibitions on broadcast, and

² SL No. 61, s 4.

³ SL No. 61, s 5.

⁴ SL No. 61, s 6.

⁵ *Legislative Standards Act 1992*, s 4(2)(a).

⁶ Explanatory notes, p 2.

⁷ Unless certain exceptions apply, such as the person has an occupant's pass: *Major Events Act 2014* (MEA), ss 18(1)-(4), 19.

⁸ Major Events (Motor Racing Events) Regulation 2015, s 15.

⁹ No weapons or soliciting money for example, see MEA, s 20.

¹⁰ Except in specified circumstances, see MEA, s 28.

¹¹ Explanatory notes, p 2.

¹² HRA, s 19, 'Every person lawfully within Queensland has the right to move freely within Queensland'.

¹³ Human rights certificate, p 4.

¹⁴ HRA, s 21, Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds'.

prohibiting use of official logos.¹⁵ The HRC contended this limitation is justifiable, as it prevents unauthorised third parties from exploiting the event, and that individuals may still broadcast if:

- (i) on a personal electronic device;
- (ii) for personal use; and
- (iii) for a purpose other than for profit or gain.¹⁶

Property rights¹⁷ – the HRC acknowledged that the legislation impacts this right through entry conditions on a person’s property (if within the event area); limits on conduct within the event area (such as not being permitted to sell or distribute certain items without approval); powers to move unattended vehicles; powers to remove articles of clothing from a person or items from a vehicle; and powers to inspect a person’s possessions.¹⁸ Responding to this limitation, the HRC stated:

These limitations are considered reasonable and are aimed at preventing unauthorised persons from seeking to exploit a major event for their own gain. The provisions are intended to protect the rights of the event organisers and sponsors from unauthorised street trading, consistent with the object of the [MEA].¹⁹

Privacy and reputation²⁰ – the HRC acknowledged that the legislation impacts this right by providing that individuals entering the major event area may be asked to consent to inspections of their possessions and vehicles, and to the use of electronic detection devices. Within the major event area, persons may also be asked to consent to opening and allowing the inspection of an item in their possession. Persons directed to leave the major event area may be asked to have their photo (or other image) taken. Persons who are found to be committing, or are reasonably suspected of having just committed, an offence against the MEA, may be required to state their name and address, and provide evidence to verify that statement.²¹ The HRC contended that any limitations on the right to privacy are non-arbitrary, and necessary to protect the safety of spectators, and to enforce the MEA. It stated, ‘The inspection of property and the search of a person is necessary to ensure prohibited items are not being carried and is similar to a search at an airport or private ticketed venue’.²²

Conclusion

On balance, the committee considers the economic and tourism benefits for Townsville from hosting the event outweigh the potential temporary inconvenience to local residents and others resulting from noise, road closures and diversions, and other restrictions associated with the event, such that any breach of fundamental legislative principles is justified. The committee is of the view that any limitations to human rights are only to an extent that is reasonable and demonstrably justified in accordance with s 13 of the HRA.



Adrian Tantara MP

Chair

August 2024

¹⁵ See for example, MEA, pt 5, div 3, subdivisions 3, 4; pt 6.

¹⁶ Human rights certificate, p 5.

¹⁷ HRA, s 24, ‘A person must not be arbitrarily deprived of the person’s property’.

¹⁸ Human rights certificate, p 3.

¹⁹ Human rights certificate, p 6.

²⁰ HRA, s 25, ‘A person has the right— (a) not to have the person’s privacy, family, home or correspondence unlawfully or arbitrarily interfered with’.

²¹ Human rights certificate, pp 3-4.

²² Human rights certificate, p 7.

Community Support and Services Committee

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