

Report of the Independent Review of the Operation and Effectiveness of Chapter 19A of the *Police Powers and Responsibilities Act 2000* (Qld)

Queensland Police Service Response

Background

The 2018 Commonwealth Games (the Games) presented unique security risks requiring the enactment of time limited Chapter 19A ‘Additional powers for Commonwealth Games’ of the *Police Powers and Responsibilities Act 2000 (PPRA)*. While the *Major Events Act 2014 (MEA)* provided sufficient powers to secure major event areas (stadiums and event areas), the amendments addressed security concerns in other areas associated with the Games, particularly places where people gathered to go to and from events, including public transport hubs.

The Chapter 19A amendments enabled police to quickly and efficiently search, without warrant or reasonable suspicion, people, vehicles and places in prescribed protective security zones at the Gold Coast, Brisbane, Cairns and Townsville. Police were also able to use firearm and explosive detection dogs and give directions to ensure the safety and security of people within the zones. More than 2,300 searches were conducted during the Games. No items posing a serious security threat were detected and no formal complaints were made by the public about the searches.

The Queensland Police Service (QPS) engaged the University of Queensland Law School (the Review team) to independently review the Chapter 19A powers under section 808 ‘Review of additional powers for Commonwealth Games’ of the PPRA. The Review team has completed its review titled ‘Report of the Independent Review of the Operation and Effectiveness of Chapter 19A of the *Police Powers and Responsibilities Act 2000* (Qld)’ (the Report).

Overall, the Report is very positive. The Review team found the powers were “extraordinary” but “fit for purpose” and appropriate for the international event, and operationalised in ways that were careful and considered in the context of the Games. It also noted the significant voluntary accountability measures were implemented and used by the QPS, such as the wearing of body-worn cameras by police officers.

The Review team also identified certain limitations with the powers, including a complex framework of policing power due to the interaction of the MEA and the Chapter 19A amendments. The QPS notes that the legislation was prepared in accordance with the

fundamental legislative principle that legislation is to be unambiguously drafted in a sufficiently clear and precise way.

The Review team found that, while the appropriate use of the powers was at the forefront of QPS operational considerations, there was little within the law itself to safeguard against the abuse of powers. Rather, what made enforcement acceptable was good police practice during the “Friendly Games”. The Review team recommended that should similar powers be considered in future legislation, appropriate safeguards should be embedded within the law itself, to ensure that police powers are activated and used in a principled, proportionate and accountable manner.

QPS Response

Following the review, the Report was presented to the Commissioner of Police for endorsement in October 2018. The QPS notes there are no specific recommendations surrounding the use of the powers during the Commonwealth Games.

The QPS provides the following in response to the Report in respect of the two primary aspects of the Report, being:

1. The operation and effectiveness of the use of the powers during the Games
2. Issues relevant to similar powers being sought for policing of future major events

1. Operation and effectiveness of the use of the powers during the Games

In respect of meeting of the legislated requirements of s.808 of the PPRA the Review team formed the view the powers were “fit for purpose” and appropriate in the context of the Games. The report also concluded the powers were operationalised in ways that were careful and considered with significant voluntary accountability measures implemented by the QPS.

The QPS endorses this finding and further attribute this to the legislation was not used in isolation but supported the key policing strategies which included:

- a) the use of intelligence to identify potential threats;
- b) a highly visible armed police presence to deter, prevent, respond promptly to potential incidents;
- c) a behavioural observation capability to identify suspicious behaviours & initiate timely appropriate responses;
- d) early and protracted key messaging to shape positive community perceptions of safety & security;

- e) implementation of detailed security risk assessment processes;
- f) use of specialist security capabilities;
- g) a sound testing & exercising program.

The Report found the overlap of powers with *Major Events Act 2015* created a highly complex legal and regulatory framework. This complexity was navigated by clear delineation of roles and responsibilities between the partners.

The QPS endorses this finding. In the case of the Games, the QPS is of the view this complexity was largely due to practical constraints to extending the provisions of the MEA outside of venues into the public domain. The provisions of the MEA were not intended to provide protection to the areas covered by the PPRA amendments. The complexity primarily arose from the large number of major event areas and their interaction with the public domain. This element of complexity would not arise to the same extent at events not of the scale of the Games, even where the MEA applied.

Whilst the complexity was evident in shaping the legislative framework, in operational terms, the QPS agrees the complexity did not materialise due to the factors outlined in the report including:

- a) clear identification of the roles of security partners;
- b) a clear Commander's Intent which was well understood throughout the QPS;
- c) a Code of Practice explaining the powers and ways they should be used;
- d) compulsory on-line training;
- e) training exercises including deployment exercises that exercised the use of the Ch19A powers.

2. Issues relevant to similar powers being sought for policing of future major events

The QPS has noted the key issues identified by this review for consideration in any future legislative work surrounding the policing of crowded places and major events.

The QPS considers the issues raised regarding legislation for future events to be relevant considerations.

In closing, the QPS considers Operation Sentinel, just like the 2018 Commonwealth Games, a resounding success and an example of the professionalism of the QPS and the ability of its officers to work collaboratively with their colleagues in state and commonwealth agencies to ensure the safety of major events now and into the future.