



Western Australia

Commonwealth Heads of Government Meeting (Special Powers) Act 2011

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Commonwealth Heads of Government Meeting (Special Powers) Act 2011

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Western Australia

Commonwealth Heads of Government Meeting (Special Powers) Act 2011

No. 23 of 2011

An Act to give police officers, certain other persons and the Corruption and Crime Commission special powers with respect to the Commonwealth Heads of Government Meeting in Perth in 2011 and associated meetings, events, functions and activities, to amend the *Corruption and Crime Commission Act 2003* and for related purposes.

Part 1 — Preliminary

1. Short title

This is the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) sections 3 to 5, 81 and Parts 8 to 10 — on the day after that day;
- (c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Terms used

In this Act (other than Part 8) —

additional security area means an area that is declared to be an additional security area by an order made under section 8;

attend an event includes —

- (a) be involved in the event; and
- (b) in the case of an event that consists of the provision of accommodation, be accommodated in the accommodation provided;

authorised person means a person appointed under section 56(1) as an authorised person;

basic search has the meaning given in section 25(1);

CHOGM event means —

- (a) any meeting, event, function or activity that forms part of CHOGM (Perth); or
- (b) any function held for the benefit of people attending CHOGM (Perth); or

- (c) any entertainment event held for the benefit of people attending CHOGM (Perth); or
- (d) the accommodation provided for people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth); or
- (e) the arrival at, or departure from, any airport of people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth); or
- (f) any other meeting, event, function or activity that is declared to be a CHOGM event by an order made under section 14;

CHOGM period means the period prescribed by the regulations for the purposes of this definition;

CHOGM (Perth) means the Commonwealth Heads of Government Meeting (**CHOGM**) to be held in Perth during the CHOGM period and includes associated meetings, events, functions and activities held during that period;

CHOGM security area means —

- (a) a core security area; or
- (b) an additional security area;

Commissioner means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

core security area means an area that is declared to be a core security area by the regulations;

excludable person means a person who may be excluded from a CHOGM security area under section 43;

excluded persons list means a list compiled under section 42 by the Commissioner;

fail to comply includes refuse to comply;

frisk search has the meaning given in section 25(2);

personal details, in relation to a person, means —

- (a) the person's full name; and
- (b) the person's date of birth; and
- (c) the address where the person is residing; and
- (d) the address where the person usually resides, if that is different from the address referred to in paragraph (c);

police vehicle means a vehicle used or operated for the purposes of activities engaged in by a police officer while performing any functions of a police officer (whether under this Act or otherwise);

prohibited item means any of the following —

- (a) spray paint cans;
- (b) chains;
- (c) handcuffs or other devices capable of being used to lock persons to other persons or things;
- (d) poles that are more than one metre in length;
- (e) marbles, ball-bearings or similar spherical items;
- (f) smoke devices;
- (g) flares;
- (h) flammable or noxious liquids or substances;
- (i) offensive liquids or substances;
- (j) laser pointers;
- (k) devices that are capable of being used to interfere with broadcast or communication devices;
- (l) any other things (or things belonging to a class of things) prescribed by the regulations;

recognised law enforcement officer means a person who holds an appointment under section 50;

restricted area means an area that is designated as a restricted area by an order made under section 12;

s. 4

road —

- (a) has the meaning given in the *Road Traffic Act 1974* section 5(1); and
- (b) includes a private road created under the *Transfer of Land Act 1893* Part IVA or as defined in the *Land Administration Act 1997* section 3(1);

special justification has the meaning given in section 72;

special power means a power conferred by any provision of Part 3 or 4 on a police officer or an authorised person;

vehicle has the meaning given in the *Road Traffic Act 1974* section 5(1);

vessel —

- (a) means any thing used, or capable of being used, in navigation by water, of whatever size and whether or not it has any means of propulsion; and
- (b) includes —
 - (i) a hovercraft, seaplane or other similar craft; and
 - (ii) a submarine or other submersible.

4. Purpose

- (1) The purpose of this Act is to promote the security and safety of people attending the Commonwealth Heads of Government Meeting in Perth in 2011 and associated meetings, events, functions and activities by giving police officers, certain other persons and the Corruption and Crime Commission special powers with respect to CHOGM (Perth).
- (2) The purpose referred to in subsection (1) includes (without limitation) —
 - (a) promoting the security and safety of the venues and facilities used for CHOGM (Perth); and
 - (b) promoting the security and safety of the accommodation for people attending CHOGM (Perth).

5. Act binds Crown

This Act binds the State and, so far as the legislative power of the State permits, the Crown in all its other capacities.

[Parts 2-6 (s. 6-71) expired (see s. 96(1)).]

Part 7 — Miscellaneous

[Division 1 (s. 72-73) expired (see s. 96(1)).]

Division 2 — Evidential matters

74. Proof of unpublished orders and of appointments

- (1) In proceedings for an offence against this Act or any other Act, the following averments in the indictment or prosecution notice are sufficient evidence of the facts averred unless the contrary is shown —
 - (a) that an order was made under section 8 declaring a stated area to be an additional security area, the date and time when the order was signed, the period specified in the order for which the area was to be an additional security area, the time or times (if any) at which the area was to be an additional security area, and any matters specified or stated under section 11;
 - (b) that an order was made under section 12 designating a stated area within a CHOGM security area to be a restricted area, the date and time when the order was signed, and the period (if any) specified in the order for which the area was to be a restricted area;
 - (c) that an order was made under section 14 declaring a stated meeting, event, function or activity to be a CHOGM event, and the date and time when the order was signed;
 - (d) that a stated person was, at a stated time or during a stated period —
 - (i) a recognised law enforcement officer; or
 - (ii) an authorised person.
- (2) Subsection (1)(a) does not apply if the order made under section 8 is published in the *Gazette*.

- (3) Subsection (1)(b) does not apply if the order made under section 12 is published in the *Gazette*.
- (4) Subsection (1)(c) does not apply if the order made under section 14 is published in the *Gazette*.

[Division 3-6 (s. 75-82) expired (see s. 96(1)).]

Division 7 — Review of Act

83. Review of Act

- (1) The Commissioner must carry out and complete a review of the operation and effectiveness of this Act not later than 3 months after the CHOGM period ends.
- (2) Within one month after completing the review, the Commissioner must prepare a report based on the review and give the report to the Minister.
- (3) As soon as practicable after receiving the report from the Commissioner, the Minister must cause the report to be laid before each House of Parliament.

[Part 8 (s. 84-93) expired (see s. 96(1)).]

**Part 9 — *Corruption and Crime Commission*
Act 2003 amended**

94. Act amended

This Part amends the *Corruption and Crime Commission Act 2003*.

95. Section 91 amended

After section 91(5) insert:

- (6) The Commission must include in the report required under this section the number of findings made under the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011* section 87(2) in the year to which the report relates.
- (7) This subsection and subsection (6) expire at the end of 31 December 2012.

Part 10 — Expiry of Act

96. Expiry of Act

- (1) Parts 2 to 6, 7 (other than Divisions 2 and 7) and 8 expire at the end of 5 November 2011.
- (2) The rest of this Act expires on a day fixed by proclamation.
- (3) A proclamation cannot be made under subsection (2) unless the Commissioner has given the Minister a certificate signed by the Commissioner stating that the operation of this Act is no longer necessary.

Notes

¹ This is a compilation of the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011*. The following table contains information about that Act.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Commonwealth Heads of Government Meeting (Special Powers) Act 2011</i>	23 of 2011	11 Jul 2011	s. 1 and 2: 11 Jul 2011 (see s. 2(a)); s. 3-5, 81 and Pt. 8-10: 12 Jul 2011 (see s. 2(b)); Pt. 2-7 (except s. 81): 8 Oct 2011 (see s. 2(c) and <i>Gazette</i> 7 Oct 2011 p. 4067)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
additional security area	3
attend	3
authorised person	3
basic search	3
CHOGM	3
CHOGM (Perth)	3
CHOGM event	3
CHOGM period	3
CHOGM security area	3
Commissioner	3
core security area	3
excludable person	3
excluded persons list	3
fail to comply	3
frisk search	3
personal details	3
police vehicle	3
prohibited item	3
recognised law enforcement officer	3
restricted area	3
road	3
special justification	3
special power	3
vehicle	3
vessel	3