



Western Australia

# **Land Forces Event (Special Powers) Act 2026**



# Land Forces Event (Special Powers) Act 2026

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Western Australia

## **Land Forces Event (Special Powers) Act 2026**

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**No. 15 of 2026**

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**An Act to give police officers special powers with respect to the Land Forces International Land Defence Exposition in Perth in 2026 and for related purposes.**

*[Assented to 16 September 2026]*

The Parliament of Western Australia enacts as follows:

## Part 1 — Preliminary

### 1. Short title

This is the *Land Forces Event (Special Powers) Act 2026*.

### 2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

### 3. Terms used

(1) In this Act —

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

***attend***, in relation to an event, includes be involved in the event;

***basic search***, of a person, means a search of the person that complies with the *Criminal Investigation Act 2006* section 63;

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

***event area*** has the meaning given in section 7;

***event period*** means the period beginning on 1 October 2026 and ending on 10 October 2026;

***excludable person*** has the meaning given in section 30;

***excluded persons list*** has the meaning given in section 29(1);

***face covering*** means an item of clothing, hat, helmet, mask or sunglasses, or any other thing worn by a person, that totally or partially covers the person's face;

***fail to comply*** includes refuse to comply;

***Land Forces event*** means the Land Forces International Land Defence Exposition to be held in Perth during the event period;

**Land Forces security area** means —

- (a) the event area; or
- (b) an additional security area;

**move on order** has the meaning given in the *Criminal Investigation Act 2006* section 26A;

**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);

**prohibited item** means any of the following —

- (a) a spray paint can;
- (b) a chain, rope or any other equipment that may be used to climb;
- (c) handcuffs or another device that is capable of being used to lock a person to another person or a thing;
- (d) a bicycle lock or padlock;
- (e) a device that reasonably appears to be constructed or modified to enable a person using the device to resist being safely or quickly removed from a place or safely or quickly separated from a thing, including, for example, a device commonly known as a sleeping dragon or a dragon's den;
- (f) an adhesive that is capable of being used to attach a person to another person or a thing;
- (g) a pole that is more than 1 metre in length;
- (h) a marble, ball bearing or similar spherical item;
- (i) a smoke device;
- (j) a flare;
- (k) a flammable or noxious liquid or substance;

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- (l) an offensive liquid or substance;
- (m) a laser pointer;
- (n) a device that is capable of being used to interfere with a broadcast or communication device;
- (o) a prohibited weapon, edged weapon or controlled weapon (as defined in the *Weapons Act 1999* section 3);
- (p) a firearm, major firearm part or ammunition (as defined in the *Firearms Act 2024* section 5);
- (q) a dangerous or offensive weapon;
- (r) a reptile, insect or other animal capable of causing harm to a person;
- (s) all or part of a traffic barrier;
- (t) an explosive, including a firework;
- (u) a glass bottle or jar;
- (v) a metal can or tin;
- (w) a projectile;
- (x) a hand tool;
- (y) a thing capable of emitting a loud sound, other than a megaphone;
- (z) a thing capable of being used to construct a stage, platform, tripod or tower, or a structure similar to a stage, platform, tripod or tower;
- (za) a thing capable of being used to climb a barrier;
- (zb) a prescribed thing or a thing belonging to a prescribed class;

**public disorder** means —

- (a) a riot or other civil disturbance that gives rise to a serious risk to public safety; or
- (b) a series of riots or other civil disturbances, whether at a single location or at different locations, that give rise to a serious risk to public safety;

**reasonably suspects** has the meaning given in section 4;

**recognised law enforcement officer** means a person who holds an appointment under section 33;

**road** means —

- (a) a road as defined in the *Road Traffic (Administration) Act 2008* section 4; or
- (b) 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 48;

**special power** means a power conferred by a provision of Part 3 on a police officer;

**use**, in relation to a road, includes —

- (a) any use of the road by pedestrians; and
- (b) driving, leaving, parking, standing or stopping a vehicle on the road;

**vehicle** has the meaning given in the *Road Traffic (Administration) Act 2008* section 4.

- (2) The Governor cannot make regulations prescribing a thing or a class of thing for the purposes of paragraph (zb) of the definition of **prohibited item** in subsection (1) unless the Minister has recommended that the thing or class be prescribed.
- (3) The Minister cannot make a recommendation for the purposes of subsection (2) unless satisfied that prescribing the thing or class is necessary to —
  - (a) promote the security or safety of the Land Forces event or people attending the event; or
  - (b) promote the security or safety of the public, in light of activity or risks arising from or relating to the Land Forces event.

**4. Meaning of reasonably suspects**

A police officer ***reasonably suspects*** something at a relevant time if the officer personally has grounds at the time for suspecting the thing and those grounds (even if they are subsequently found to be false or non-existent), when judged objectively, are reasonable.

**5. Object of Act**

The object of this Act is to promote the security and safety of people attending the Land Forces event and the public by giving police officers special powers —

- (a) in the area including and surrounding the venue at which the event is being held, that is, the event area; and
- (b) in additional security areas declared by the Commissioner.

**6. Act binds Crown**

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

## **Part 2 — Land Forces security areas**

### **Division 1 — Event area**

#### **7. Event area**

- (1) The **event area** is the area of land described in Schedule 1.
- (2) In Schedule 1, if an area of land is described by reference to a road (however described), the road includes a carriageway, footpath, median strip, traffic island or verge on the road reserve.

### **Division 2 — Additional security areas**

#### **8. Additional security areas**

- (1) The Commissioner may, with the approval of the Minister, by order declare an area of land within the State (other than an area that is in the event area) to be an additional security area for the period stated in the order.
- (2) An order made under subsection (1) has effect when it is published in the *Gazette* unless section 9 applies (in which case it has effect when the Commissioner signs the order).
- (3) The Commissioner cannot declare an area to be an additional security area unless the Commissioner is satisfied that declaring the area to be an additional security area is necessary to —
  - (a) promote the security or safety of the Land Forces event or people attending the event; or
  - (b) promote the security or safety of the public, in light of activity or risks arising from or relating to the Land Forces event; or
  - (c) control a public disorder arising from or relating to the Land Forces event.

- (4) The area declared must not be larger than is reasonably necessary to promote security or safety or control a public disorder, as described in subsection (3).
- (5) The period for which an area is declared to be an additional security area must —
  - (a) be within the event period; and
  - (b) not be longer than is reasonably necessary to promote security or safety or control a public disorder, as described in subsection (3).
- (6) An order may declare that an area is an additional security area at all times or only at times specified in the order.
- (7) To the extent that the order does not specify the times at which the area is an additional security area, the area is an additional security area at all times during the period for which it is declared to be an additional security area.
- (8) An order made under this section may be made before or during the event period.

**9. Urgent order declaring additional security area**

- (1) The Commissioner may make an order under section 8 without the approval of the Minister and without publishing the order in the *Gazette* if the Commissioner is satisfied that —
  - (a) it is necessary to declare an area to be an additional security area as a matter of urgency; and
  - (b) the delay that would be caused by having to obtain the approval of the Minister to make the order and to publish the order in the *Gazette* would significantly compromise the security or safety of the Land Forces event, people attending the event or the public.

- (2) If an order is made by the Commissioner in the circumstances set out in subsection (1) —
- (a) the order has effect when the Commissioner signs the order; and
  - (b) the Commissioner must —
    - (i) inform the Minister of the making of the order and its terms as soon as practicable, but no later than 24 hours after the order is made; and
    - (ii) ensure that the order is published on a website maintained by the Commissioner as soon as practicable, but no later than 24 hours after the order is made; and
    - (iii) ensure that the order is published in the *Gazette* as soon as practicable.
- (3) A failure to comply with subsection (2)(b) does not affect the validity of the order.

**10. Application of *Interpretation Act 1984* to orders**

- (1) An order made under section 8 is not subsidiary legislation for the purposes of the *Interpretation Act 1984*.
- (2) However, the *Interpretation Act 1984* sections 43 (other than subsection (6)) and 44 and Part VIII apply to an order made under section 8 as if it were subsidiary legislation.

**11. Orders not open to challenge**

- (1) An order made or purportedly made under section 8 (and any decision of the Minister or the Commissioner with respect to the order or purported order) may not, before or during the event period, be challenged, appealed against, reviewed, quashed or called into question on any grounds whatsoever before any court, tribunal, body or person in any legal proceedings, or restrained, removed or otherwise affected by proceedings for

any injunctive, declaratory or other relief, remedy or order whether by way of prerogative writ or otherwise.

- (2) For the purposes of subsection (1), **legal proceedings** includes an investigation into police or other conduct under any Act (other than the *Corruption, Crime and Misconduct Act 2003*).
- (3) This section does not limit judicial review for jurisdictional error.

## **Part 3 — Special powers in relation to Land Forces security areas**

### **Division 1 — Application**

#### **12. Special powers only available during particular periods**

- (1) The powers conferred by this Part may be exercised —
  - (a) in, or in relation to, the event area — only during the event period; or
  - (b) in, or in relation to, an additional security area — only while the area is an additional security area in accordance with section 8.
- (2) Subsection (1) does not apply in relation to a power under section 29.

### **Division 2 — Stop and search powers**

#### **Subdivision 1 — Checkpoints, cordons and roadblocks**

#### **13. Checkpoints, cordons and roadblocks**

- (1) A police officer may, for either or both of the purposes in subsection (2), do any of the following —
  - (a) establish 1 or more checkpoints;
  - (b) place 1 or more cordons around an area;
  - (c) establish 1 or more roadblocks on any road that leads into or out of, or that is located in, an area.
- (2) For subsection (1), the purposes are —
  - (a) stopping and searching persons or vehicles under this Part; and
  - (b) preventing persons entering or leaving a Land Forces security area, or an area within a Land Forces security area, without the permission of a police officer.

- (3) A police officer exercising a power under this section may be assisted by any person that the police officer considers necessary.
- (4) A police officer exercising a power under this section must not refuse permission for a person to enter a Land Forces security area —
  - (a) except under Part 3 Division 7; or
  - (b) unless it is reasonably necessary to do so to avoid a risk to public safety or to the person's own safety.
- (5) A police officer exercising a power under this section must not refuse permission for a person to leave a Land Forces security area unless it is reasonably necessary to do so to avoid a risk to public safety or to the person's own safety.
- (6) A checkpoint, cordon or roadblock may consist of any appropriate form of physical barrier or obstruction preventing or limiting the passage of persons or vehicles.

**Subdivision 2 — Powers in relation to people**

**14. Power to require disclosure of identity**

- (1) A police officer may, without warrant —
  - (a) stop a person who is seeking to enter a Land Forces security area and require, as a condition of entry, the person to disclose the person's personal details; or
  - (b) stop a person who is in a Land Forces security area and require the person to disclose the person's personal details.
- (2) A police officer may require the person to provide evidence of the correctness of the person's personal details.

- (3) A police officer may, for either or both of the purposes in subsection (4), require the person —
  - (a) to remove or adjust any face covering worn by the person; or
  - (b) to do any other thing reasonably necessary.
- (4) For subsection (3), the purposes are for the police officer —
  - (a) to see the person's face; and
  - (b) to verify the correctness of any personal detail, or any evidence of any personal detail, given by the person.
- (5) It is sufficient compliance with a requirement made under subsection (3)(a) if only so much of the person's face covering that totally or partially covers the person's face is removed or adjusted.
- (6) A police officer who imposes a requirement under subsection (1), (2) or (3) must also warn the person that failure to comply with the requirement may result in the person being —
  - (a) refused entry to the Land Forces security area or removed from the area (as the case requires); and
  - (b) prevented from re-entering the area or coming within a specified distance of the area.
- (7) A person to whom a requirement is made under subsection (1), (2) or (3) may request that the police officer imposing the requirement identify themselves.
- (8) A police officer who is requested by a person to identify themselves must do so.

**15. Power to search persons**

- (1) A police officer may, without warrant —
  - (a) stop a person who is seeking to enter a Land Forces security area and require, as a condition of entry, the person to submit to a search; or
  - (b) stop and search a person who is in a Land Forces security area.
- (2) If reasonably practicable, a police officer who intends to search a person under this section must warn the person that failure to submit to the search may result in the person being —
  - (a) refused entry to the Land Forces security area or removed from the area (as the case requires); and
  - (b) prevented from re-entering the area or coming within a specified distance of the area.
- (3) A police officer who is authorised by this section to search a person may do a basic search of the person.
- (4) The *Criminal Investigation Act 2006* Parts 1, 8 (other than section 70(2)(d)) and 10 (other than section 114) apply, with any necessary changes, to a basic search of a person under this section as if the search were a basic search authorised by that Act.
- (5) Subsection (6) applies if a person who is in a Land Forces security area —
  - (a) is requested to consent to a basic search (in accordance with the *Criminal Investigation Act 2006* section 70(2)(c) as applied by subsection (4)); and
  - (b) does not consent to the search or withdraws their consent.

- (6) If reasonably practicable before searching the person or continuing to search the person, the police officer must inform the person that the officer may search the person without the person's consent.

**16. Use of metal detectors**

- (1) In this section —

**arch scanner** means an electronic device —

- (a) designed for a person to walk through; and
- (b) capable of detecting the presence of metal;

**hand-held scanner** means a hand-held electronic device capable of detecting the presence of metal;

**metal detector** means —

- (a) an arch scanner; or
- (b) a hand-held scanner;

**use**, of a metal detector, means a scan of a person or of things in the person's possession or control that involves —

- (a) requiring the person, or a thing in the person's possession or control, to pass through an arch scanner; or
- (b) passing a hand-held scanner over or in close proximity to the person's outer clothing or a thing in the person's possession or control.

- (2) A police officer may, without warrant —

- (a) stop a person who is seeking to enter a Land Forces security area and require, as a condition of entry, that the person submit to the use of a metal detector on the person or a thing in the person's possession or control; or
- (b) stop a person who is in a Land Forces security area and use a metal detector on the person or a thing in the person's possession or control.

- (3) Subsection (4) applies if a metal detector indicates the presence or likely presence of metal on a person or a thing in the person's possession or control.
- (4) A police officer may, without warrant, require the person —
  - (a) to produce any thing that may be causing the metal detector to indicate the presence or likely presence of metal; and
  - (b) to resubmit to the use of a metal detector.
- (5) A police officer who intends to use a metal detector under this section must warn the person that failure to submit or resubmit to the use of the detector may result in the person being —
  - (a) refused entry to the Land Forces security area or removed from the area (as the case requires); and
  - (b) prevented from re-entering the area or coming within a specified distance of the area.

Note for this subsection:

For a person in an area that is also a designated area (as defined in the *Criminal Investigation Act 2006* section 61A), failure to comply with a requirement to stop and submit or resubmit to the use of a metal detector may also constitute an offence. See Part 7A of that Act.

- (6) Subsection (5) does not apply if the person has already submitted or resubmitted to, or is in the process of submitting or resubmitting to, the use of the metal detector.
- (7) A police officer must use a metal detector in the least invasive way practicable in the circumstances.
- (8) For a person who is in a Land Forces security area, a police officer may detain the person for as long as is reasonably necessary for the person to submit or resubmit to the use of a metal detector under this section.

**Subdivision 3 — Powers in relation to vehicles**

**17. Power to stop and search vehicles**

- (1) A police officer may, without warrant —
  - (a) stop a vehicle seeking to enter a Land Forces security area and require, as a condition of entry, the person in charge of the vehicle to permit the vehicle to be searched; or
  - (b) stop and search any vehicle that is in a Land Forces security area.
- (2) A police officer who intends to search a vehicle under this section must warn the person in charge of the vehicle that failure to permit the vehicle to be searched may result in the person being —
  - (a) refused entry to the Land Forces security area or removed from the area (as the case requires); and
  - (b) prevented from re-entering the area or coming within a specified distance of the area.
- (3) A police officer who is authorised by this section to search a vehicle may do any or all of the following for the purposes of doing the search —
  - (a) detain the vehicle for as long as is reasonably necessary to conduct the search;
  - (b) move, or require the person in charge of the vehicle to move, the vehicle to a place suitable to conduct the search;
  - (c) require the person in charge of the vehicle or any other person in the vehicle to exit the vehicle and, if the person refuses to exit the vehicle, remove the person from the vehicle;
  - (d) enter and search the vehicle;
  - (e) search any thing in or on the vehicle.

**Division 3 — Surrender and seizure of prohibited items**

**18. Power to require surrender of, or to seize or detain, prohibited items**

- (1) A police officer may —
  - (a) require a person that the officer reasonably suspects to be in possession or have control of a prohibited item without a special justification to surrender the item to the officer as a condition of entry into a Land Forces security area; or
  - (b) seize or detain in a Land Forces security area all or part of a thing that the officer reasonably suspects to be a prohibited item that is in the possession or control of a person without a special justification.
- (2) A power conferred by this section to require the surrender of, or to seize or detain, a thing includes —
  - (a) a power to remove a thing from the place where it is found; and
  - (b) a power to secure the thing in or on the place where it is found.

**19. Receipt for and collection of prohibited items**

- (1) A police officer must, as soon as practicable after a thing is surrendered by or seized from a person under section 18, give the person who was in possession of the surrendered or seized thing a receipt for the thing.
- (2) The receipt must include the following information —
  - (a) a general description of the surrendered or seized thing and its condition;
  - (b) that the police officer reasonably suspects the surrendered or seized thing is a prohibited item;

- (c) when the seized or surrendered thing will be made available for collection (in accordance with subsection (4));
  - (d) the place where the seized or surrendered thing will be made available for collection;
  - (e) the name of the police officer.
- (3) A receipt may relate to more than 1 surrendered or seized thing.
- (4) A thing surrendered by or seized from a person under this section must be made available to be collected by the person when, or as soon as practicable after, the person leaves the Land Forces security area, unless it may be lawfully seized and retained under a written law.
- (5) The *Criminal and Found Property Disposal Act 2006* applies in respect of the surrendered or seized thing from the day that it is made available for collection as if it were found property in the possession of the Commissioner.
- (6) This section does not apply to a thing seized under section 20.

**20. Power to seize things relevant to offence**

- (1) In this section —  
***thing relevant to an offence*** has the meaning given in the *Criminal Investigation Act 2006* section 5.
- (2) If a police officer exercising a special power finds a thing that is relevant to an offence (including a prohibited item), the police officer may seize it if 1 or more of the grounds for seizing a thing set out in the *Criminal Investigation Act 2006* section 146 apply.
- (3) The *Criminal Investigation Act 2006* sections 147 to 152 apply in respect of the seizing of a thing under this section as if it were the seizing under that Act of a thing relevant to an offence.

### **Division 4 — Directions**

#### **21. Power to give directions**

- (1) A police officer may give a direction to a person, or a group of persons assembled, in a Land Forces security area.
- (2) A direction under this section must be reasonable in the circumstances for the purposes of —
  - (a) promoting the security or safety of the Land Forces event or people attending the event; or
  - (b) promoting the security or safety of the public, in light of activity or risks arising from or relating to the Land Forces event; or
  - (c) preventing or controlling a public disorder arising from or relating to the Land Forces event; or
  - (d) controlling behaviour arising from or relating to the Land Forces event that is likely to cause people attending the event or the public to fear for their personal security or safety.
- (3) A direction under this section must be given orally and, if given to a group of persons, must be given in a manner that is likely to be audible to all persons in that group, or to as many of them as practicable.
- (4) If a direction under this section is given to a group of persons, it is not necessary for the police officer to repeat the direction to each person in the group.
- (5) However, just because the police officer is not required to repeat a direction does not in itself give rise to any presumption that each person in the group has received the direction.
- (6) Subsections (7) and (9) do not limit the directions that may be given under subsection (1).

- (7) A police officer may give a direction (on an individual basis only) requiring a person in a Land Forces security area to —
- (a) remove either of the following (a **relevant face covering**) —
    - (i) a face covering that covers all or most of the person's face;
    - (ii) 2 or more face coverings that together cover all or most of the person's face;
  - and
  - (b) to keep the relevant face covering removed while in the Land Forces security area.
- (8) A direction under subsection (7) cannot be given to a person unless the police officer reasonably suspects that the person is primarily wearing the face covering to —
- (a) menace or intimidate another person or the public in a Land Forces security area; or
  - (b) conceal the person's identity or to prevent it from being readily ascertainable; or
  - (c) contribute to a public disorder in a Land Forces security area.
- (9) A police officer may give a direction requiring a person, or a group of persons assembled, in a Land Forces security area to leave the area.

### **Division 5 — Road closures**

#### **22. Power to close roads**

- (1) In this section —
- relevant road** means —
- (a) a road in a Land Forces security area; or
  - (b) a road leading to or from a Land Forces security area; or
  - (c) a road in the vicinity of a Land Forces security area.

- (2) A police officer may, at the direction of the Commissioner, close a relevant road to use by any person or vehicle (or both) for any of the following purposes —
  - (a) to facilitate the conduct of the Land Forces event;
  - (b) to control or regulate vehicular traffic or pedestrian traffic at or near the venue for the Land Forces event;
  - (c) to ensure the safety of persons;
  - (d) to protect property from damage.
- (3) A police officer may close a relevant road by means of any appropriate form of physical barrier or obstruction preventing or limiting the passage of vehicles or persons or by whatever other means the police officer considers appropriate.
- (4) It is not necessary to give public notice of the closure of a relevant road under this section.
- (5) If a police officer closes a relevant road under this section, the police officer must ensure that the road is not closed for a period that is longer than is necessary to serve the purpose for which the road is closed.

**23. Effect of road closure**

- (1) In this section —

**police vehicle** means a vehicle used or operated for the purposes of activities engaged in by —

  - (a) a police officer while performing any functions of a police officer (whether under this Act or otherwise); or
  - (b) a member of the Australian Federal Police while performing any functions of a member of the Australian Federal Police.

- (2) A person or vehicle must not use a road in contravention of a road closure under section 22(2) unless —
- (a) the person is a police officer (including a recognised law enforcement officer), a member of the Australian Federal Police or a designated person; or
  - (b) the vehicle is a police vehicle or a designated vehicle.
- (3) A person or vehicle is a **designated person** or **designated vehicle**, in relation to a road, if the person or vehicle is authorised (or belongs to a class of persons or vehicles that is authorised) to use the road by the Commissioner or a police officer.
- (4) An authorisation for the purposes of this section may be given orally or in writing.
- (5) A road, or any part of a road, does not cease to be either of the following because it is closed or its use, or access to it, is restricted under this Division —
- (a) a road for the purposes of the *Road Traffic Act 1974*, the *Motor Vehicle (Third Party Insurance) Act 1943* or any other written law;
  - (b) a public place.
- (6) During the period in which a road closure under section 22(2) has effect, a person is not, by reason only of being on or proceeding over a road that is the subject of a road closure, guilty of any offences against the provisions of any other written law regulating the movement of traffic or pedestrians or relating to the obstruction of a street if the person —
- (a) is acting in compliance with the road closure; and
  - (b) is not obstructing the free passage of any police vehicle or other emergency vehicle.
- (7) Subsection (6) does not authorise a contravention of any direction given by a police officer under the *Public Order in Streets Act 1984* section 9A.

**Division 6 — Removal of vehicles and things**

**24. Removal of vehicles and things from Land Forces security area**

- (1) A police officer may remove or cause to be removed from a Land Forces security area any vehicle or thing if the police officer is of the opinion that it is necessary to do so.
- (2) The power under subsection (1) may be exercised even though the vehicle or thing is lawfully in the Land Forces security area.

**25. Removal of unauthorised vehicles or things from closed road**

A police officer may remove or cause to be removed any vehicle or other thing from a road that is closed under section 22(2) if the police officer is of the opinion that it is necessary to do so.

**26. Further provisions relating to removal of vehicles or things**

- (1) A police officer exercising a power under section 24 or 25 may be assisted by any person the police officer considers necessary.
- (2) A vehicle or thing may be removed under section 24 or 25 to a police station or any other place where it may conveniently be detained.
- (3) A police officer, and any person assisting a police officer, may drive, tow or otherwise convey a vehicle removed under section 24 or 25 —
  - (a) to the place where the vehicle is to be detained; or
  - (b) at the place where the vehicle is detained.

**27. Additional powers in relation to removing vehicles**

- (1) For the purposes of removing a vehicle under section 24 or 25, a police officer, and any person assisting a police officer, may take any action that is reasonable or necessary to facilitate the

removal of the vehicle in a manner that does the least damage to the vehicle.

- (2) In taking any action under subsection (1), the police officer or person assisting is not liable for any damage to the vehicle that the police officer or person assisting causes.

**28. Notice of removal and collection of vehicle or thing**

- (1) As soon as practicable after the removal of a vehicle or thing under section 24 or 25, the police officer who removed the vehicle or thing must give notice of the removal to —
- (a) the owner of the vehicle or thing; or
  - (b) the person in control of the vehicle or thing.
- (2) The notice of removal must include the following information —
- (a) a general description of the removed vehicle or thing and its condition;
  - (b) when the removed vehicle or thing will be made available for collection in accordance with subsection (4);
  - (c) the place where the removed vehicle or thing will be made available for collection;
  - (d) the name of the police officer.
- (3) If the police officer does not know who owns or is in control of the vehicle or thing, the officer —
- (a) is not required to give the notice of removal under subsection (1); and
  - (b) must instead leave the notice of removal in a prominent position at the place from where the vehicle or thing was removed.
- (4) A vehicle or thing removed under section 24 or 25 must be made available to be collected by a person entitled to the vehicle or thing as soon as practicable after its removal from the Land

Forces security area, unless it may be lawfully seized and retained under a written law.

- (5) A notice of removal may relate to more than 1 removed vehicle or thing.
- (6) If any vehicle or thing is removed under section 24 or 25, the *Criminal and Found Property Disposal Act 2006* applies in respect of the vehicle or thing as if it were found property in the possession of the Commissioner.

**Division 7 — Powers relating to entering and remaining in Land Forces security area**

**29. Excluded persons list**

- (1) The Commissioner may compile 1 or more lists of persons (an ***excluded persons list***) who the Commissioner is satisfied are persons who would pose serious threats to the safety of persons or property (or both) in a Land Forces security area during the event period.
- (2) The Commissioner must take reasonable steps to contact a person in order to notify the person that the person is named in an excluded persons list.
- (3) A failure by the Commissioner to notify a person that the person is named in an excluded persons list does not affect the validity of the list or otherwise limit any powers conferred by this Act in relation to persons named in the list.

**30. Exclusion of persons from Land Forces security area**

- (1) The following persons (each an ***excludable person***) may be excluded from any Land Forces security area during the event period (or any part of that period) —
  - (a) a person whose name appears on an excluded persons list;

- 
- (b) a person who fails to comply with a requirement made of the person under section 14;
  - (c) a person who fails to submit to a search of the person under section 15;
  - (d) a person who fails to submit or resubmit to the use of a metal detector under section 16 or produce a thing under section 16(4)(a);
  - (e) a person in charge of a vehicle who fails to stop the vehicle when required or permit the vehicle to be searched under section 17;
  - (f) a person who fails to comply with a requirement made of the person under section 17(3)(b) or (c);
  - (g) a person who resists, hinders or obstructs a police officer conducting a search under this Part;
  - (h) a person who, without a special justification, fails to comply with a requirement to surrender a prohibited item under section 18;
  - (i) a person who, without a special justification, is in possession or has control of a prohibited item in a Land Forces security area;
  - (j) a person who fails to comply with a direction given to the person under section 21;
  - (k) a person who uses a road in contravention of a road closure under section 22(2), unless section 23(2)(a) or (b) applies to the person or the vehicle used by the person.
- (2) The fact that an excludable person under subsection (1) has a reasonable excuse in relation to an offence under Part 5 does not affect whether the person is an excludable person under subsection (1).

**31. Powers relating to excludable persons and road closures**

- (1) A police officer may, during the event period, do any of the following —
  - (a) prevent an excludable person from entering a Land Forces security area;
  - (b) give an excludable person a move on order under section 32;
  - (c) remove an excludable person from a Land Forces security area or another place in accordance with the terms of a move on order;
  - (d) require an excludable person when removing the person from a Land Forces security area or another place in accordance with the terms of a move on order —
    - (i) to disclose the person's personal details or provide evidence of the correctness of those details (or both); or
    - (ii) to remove or adjust any face covering, or do any other thing reasonably necessary, for the purposes in section 14(4).
- (2) Without limiting subsection (1), a police officer may also remove any person who is on a road that is closed under section 22(2) to a place away from the road.
- (3) Subsection (1)(d) does not apply in relation to a person who is an excludable person only because the person failed to comply with a requirement made of the person under section 14.
- (4) If a police officer imposes a requirement under subsection (1)(d), the officer may detain the person for a reasonable period for the purpose of the person's compliance with the requirement or to verify the correctness of any personal detail, or any evidence of any personal detail, given by the person.

- (5) Any action taken under this section does not prevent the taking of proceedings in respect of an offence.

**32. Police officer may give move on order**

- (1) A police officer may give an excludable person a move on order in relation to any or all Land Forces security areas.
- (2) For the purposes of subsection (1), the move on order may be given in relation to any or all Land Forces security areas as if they were public places referred to in the *Criminal Investigation Act 2006* section 27(1).
- (3) If a person is an excludable person only because of the person's conduct occurring outside of a Land Forces security area, a police officer cannot give a move on order to the person unless the order is reasonable in the circumstances for the purposes of —
- (a) promoting the security or safety of the Land Forces event or people attending the event; or
  - (b) promoting the security or safety of the public, in light of activity or risks arising from or relating to the Land Forces event; or
  - (c) preventing or controlling a public disorder arising from or relating to the Land Forces event; or
  - (d) controlling behaviour arising from or relating to the Land Forces event that is likely to cause people attending the event or the public to fear for their personal security or safety.
- (4) The *Criminal Investigation Act 2006* sections 26A, 27(2) and (4) to (8), 27A and 27B apply, with any necessary changes, to a move on order given under this section as if it were a move on order given under the *Criminal Investigation Act 2006* section 27(2).

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- (5) For the purposes of giving a move on order under this section, a reference to a period of 24 hours in the *Criminal Investigation Act 2006* section 27(2)(c) and (d) is taken to be a reference to a period of 72 hours.

## **Part 4 — Recognition of law enforcement officers of other jurisdictions**

### **33. Recognition of law enforcement officers of other jurisdictions**

- (1) The Commissioner may appoint as a recognised law enforcement officer for the purposes of this Act any person who is a member of the police force of another State or of a Territory.
- (2) The appointment of a recognised law enforcement officer —
  - (a) must be in writing; and
  - (b) must state the date and time it is made; and
  - (c) must state the date and time it ceases to have effect; and
  - (d) may be made subject to any condition the Commissioner thinks fit; and
  - (e) must be signed by the Commissioner.
- (3) The date and time stated under subsection (2)(c) cannot be after the end of the event period.
- (4) The appointment of 2 or more recognised law enforcement officers may be made in 1 instrument of appointment.

### **34. Cancellation, extension and expiry**

- (1) The Commissioner may cancel the appointment of a recognised law enforcement officer at any time.
- (2) The Commissioner may extend a recognised law enforcement officer's appointment, in writing, to a later date and time.
- (3) The date and time stated under subsection (2) must not be after the end of the event period.

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- (4) A recognised law enforcement officer's appointment has effect until any of the following occurs —
  - (a) it ceases to have effect —
    - (i) if it has not been extended under subsection (2) — on the date and time as stated in the instrument of appointment; or
    - (ii) if it has been extended under subsection (2) — on the date and time as stated in the extension;
  - (b) it is cancelled under this section;
  - (c) the event period ends.

**35. Functions of recognised law enforcement officers**

- (1) A recognised law enforcement officer —
  - (a) has and may perform any function that a police officer has and may perform under this Act; and
  - (b) in connection with the performance of any function referred to in paragraph (a), has and may perform any function that a police officer has under any other written law or the common law.
- (2) Subsection (1) is subject to any conditions to which a recognised law enforcement officer's appointment is subject.
- (3) In a provision of this Act (other than section 55) that refers or relates to a police officer having or performing a function, a reference to a police officer includes a reference to a recognised law enforcement officer who has or is performing a function in accordance with this section.
- (4) Without limiting subsection (3) —
  - (a) a reference to a special power includes a power conferred by a provision of Part 3 on a recognised law enforcement officer; and

- (b) a reference to a police officer requiring a person to do something includes a reference to a recognised law enforcement officer requiring a person to do something.

**36. Command and control of recognised law enforcement officers**

Recognised law enforcement officers remain under the command and control of the police force of which they are members or employees during the term of their appointment under this Part.

**37. Identity card**

- (1) The Commissioner must give an identity card to each recognised law enforcement officer.
- (2) The identity card must —
  - (a) contain a recent photograph or digital image of the recognised law enforcement officer; and
  - (b) be signed by the recognised law enforcement officer; and
  - (c) identify the person as a recognised law enforcement officer; and
  - (d) include an expiry date; and
  - (e) state a unique identifying number.
- (3) A person who ceases to be a recognised law enforcement officer must return the person's identity card to the Commissioner as soon as practicable (but within 21 days) after the day on which the person ceases to be a recognised law enforcement officer.

**38. Production or display of identity card**

- (1) A recognised law enforcement officer may exercise a power in relation to another person only if —
  - (a) the recognised law enforcement officer first produces the officer's identity card for the other person's inspection; or
  - (b) the recognised law enforcement officer has the officer's identity card displayed so that it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable for a recognised law enforcement officer to comply with subsection (1) before exercising the power, the recognised law enforcement officer must produce the identity card for inspection by the other person as soon as it is practicable.

**39. Other matters about appointment of recognised law enforcement officers**

- (1) The appointment of a person under this Part as a recognised law enforcement officer does not make the provisions of the *Public Sector Management Act 1994* Part 3 or of any Act applying to persons employed in the Public Service applicable to the person.
- (2) A recognised law enforcement officer is taken to be a public officer for the purposes of *The Criminal Code*.

## Part 5 — Offences

### 40. **Behaving in threatening manner or using prohibited item**

(1) In this section —

***behave in a threatening manner*** means —

- (a) to behave in an offensive, threatening or riotous manner;  
or
- (b) to use threatening or offensive language; or
- (c) to incite another person to behave or use language as  
described in paragraph (a) or (b).

(2) This section applies to conduct —

- (a) in the event area — only during the event period; or
- (b) in an additional security area — only while the area is  
an additional security area in accordance with section 8.

(3) A person commits an offence if, in a Land Forces security area,  
the person —

- (a) behaves in a threatening manner or uses a prohibited  
item; and
- (b) the person's behaviour or use of the item —
  - (i) poses a risk to the security or safety of the Land  
Forces event or people attending the event or the  
public; or
  - (ii) contributes, or is likely to contribute, to a public  
disorder; or
  - (iii) causes, or is likely to cause, people attending the  
event or the public to fear for their personal  
security or safety.

Penalty: imprisonment for 1 year and a fine of \$12 000.

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**41. Prohibited items**

- (1) This section applies to conduct —
- (a) in, or in relation to, the event area — only during the event period; or
  - (b) in, or in relation to, an additional security area — only while the area is an additional security area in accordance with section 8.

- (2) A person commits an offence if the person, without reasonable excuse, takes a prohibited item into, or possesses a prohibited item in, a Land Forces security area.

Penalty for this subsection: a fine of \$6 000.

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78 in relation to reasonable excuses.

- (3) Without limiting what may be a reasonable excuse for the purposes of subsection (2), a person has a reasonable excuse if the person has a special justification for being in possession or having control of the prohibited item in the Land Forces security area.

**42. Failure to comply with personal details requirements on removal**

A person commits an offence if the person, without reasonable excuse, fails to comply with a requirement made of the person under section 31(1)(d).

Penalty: imprisonment for 1 year and a fine of \$12 000.

Note for this section:

See the *Criminal Procedure Act 2004* section 78 in relation to reasonable excuses.

**43. Providing false personal details or evidence**

A person commits an offence if the person, without reasonable excuse, in response to a requirement made of the person under section 14(1) or (2) or 31(1)(d)(i) —

- (a) gives any false personal details; or
- (b) produces any false evidence.

Penalty: imprisonment for 1 year and a fine of \$12 000.

Note for this section:

See the *Criminal Procedure Act 2004* section 78 in relation to reasonable excuses.

**44. Failure to comply with direction**

- (1) A person commits an offence if the person, without reasonable excuse, fails to comply with a direction given under section 21(1) to the person or a group of persons that includes the person.

Penalty for this subsection: imprisonment for 1 year and a fine of \$12 000.

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78 in relation to reasonable excuses.

- (2) Subsections (3) and (4) do not limit what may or may not be a reasonable excuse for the purposes of subsection (1).
- (3) A person has a reasonable excuse for failing to comply with a direction referred to in section 21(7) if the person is wearing a relevant face covering reasonably and in good faith —
  - (a) for genuine cultural, religious, medical or personal health (physical or mental) purposes; or
  - (b) to comply with —
    - (i) a written law; or
    - (ii) a requirement imposed, in writing or orally, under a written law.

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- (4) Except in a case that falls under subsection (3), a person does not have a reasonable excuse for failing to comply with a direction referred to in section 21(7) if the person is wearing the relevant face covering to conceal the person's identity or to prevent it from being readily ascertainable (regardless of the reason why the person is doing that).

**45. Failure to comply with move on order**

- (1) A person commits an offence if the person, without reasonable excuse, fails to comply with a move on order given to the person under section 32.

Penalty: imprisonment for 1 year and a fine of \$12 000.

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78 in relation to reasonable excuses.

- (2) A person does not commit an offence against subsection (1) if the person —
- (a) fails to comply with a move on order given to the person only because the person is in or on a train or vehicle travelling through an area that the person is not permitted to be in under the move on order; and
  - (b) is travelling through the area to reach a destination outside of the area; and
  - (c) does not exit or dismount from the train or vehicle while in the area, unless required to do so by a police officer or exceptional circumstances exist (for example, the breakdown of the train or vehicle).

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78.

**46. Person named in excluded persons list must not be present in event area**

- (1) A person who is named in an excluded persons list commits an offence if the person enters, attempts to enter or is present in the

event area during the event period without the written authorisation of the Commissioner under subsection (2).

Penalty for this subsection: imprisonment for 3 years and a fine of \$36 000.

- (2) The Commissioner may give written authorisation for a person who is named in an excluded persons list to enter and remain in the event area for any period and subject to any conditions as the Commissioner thinks fit and specifies in the authorisation.
- (3) A person does not commit an offence against subsection (1) if the person did not know, and could not reasonably have been expected to know, that the person was named in an excluded persons list.

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78.

- (4) A person who enters or is present in the event area does not commit an offence against subsection (1) if the person —
- (a) is in or on a train or vehicle to travel through the event area to reach a destination outside of the event area; and
  - (b) does not exit or dismount from the train or vehicle while in the event area, unless required to do so by a police officer or exceptional circumstances exist (for example, the breakdown of the train or vehicle).

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78.

- (5) A person who attempts to enter the event area does not commit an offence against subsection (1) if the person —
- (a) is in or on a train or vehicle to travel through the event area to reach a destination outside of the event area; and
  - (b) does not intend to exit or dismount from the train or vehicle while in the event area.

Note for this subsection:

See the *Criminal Procedure Act 2004* section 78.

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**47. Unauthorised use of closed road**

A person commits an offence if the person, without reasonable excuse, uses a road in contravention of a road closure under section 22(2).

Penalty: a fine of \$1 000.

Note for this section:

See the *Criminal Procedure Act 2004* section 78 in relation to reasonable excuses.

## Part 6 — Miscellaneous

### Division 1 — Special justification

#### 48. Special justification

- (1) A person has a *special justification* to be in possession or have control of a prohibited item in a Land Forces security area if —
- (a) the person is a police officer, or a member of the Australian Federal Police, who is on duty in the Land Forces security area; or
  - (b) the person is required, authorised or permitted to be in possession or have control of the item in the Land Forces security area by the Commissioner or a police officer; or
  - (c) the person is in possession or has control of the item in the Land Forces security area because the person intends to use, is using or has recently used the item for the person's employment, occupation, profession, calling, trade or business or for any other work-related purpose, whether that use occurs or occurred in or outside of the area; or
  - (d) the person —
    - (i) is in possession or has control of the item while in or on a train or vehicle travelling through the Land Forces security area to reach a destination outside of a Land Forces security area; and
    - (ii) does not exit or dismount from the train or vehicle while in the Land Forces security area with the item, unless required to do so by a police officer or exceptional circumstances exist (for example, the breakdown of the train or vehicle);

or

- (e) the person has a role in preparing for or holding the Land Forces event, including as an exhibitor at the event, and the person's possession or control of the item is necessary in connection with that role; or
  - (f) the person has possession or control of the item in a residential or other accommodation building located in the Land Forces security area; or
  - (g) for a prohibited item that is a bicycle lock or padlock — the person is in possession or has control of the bicycle lock or padlock in the Land Forces security area for the sole purpose of using it to prevent theft of another thing, whether that is in or outside of the area; or
  - (h) the person is in possession or has control of the item in the Land Forces security area in circumstances prescribed by the regulations.
- (2) Despite anything in subsection (1), a person does not have a ***special justification*** to be in possession or have control of a prohibited item in a Land Forces security area if the person possesses or controls the item in order to —
  - (a) disrupt, interfere with, delay or obstruct the conduct of the Land Forces event; or
  - (b) contribute to a public disorder within a Land Forces security area.
- (3) For the purposes of a police officer exercising a special power in relation to a prohibited item, a police officer may exercise the power if the officer reasonably suspects that the person does not have a ***special justification*** to be in possession or have control of the prohibited item because the person possesses or controls the item in order to do any of the things referred to in subsection (2).

## **Division 2 — Special powers**

### **49. Exercise of special powers by police officers**

- (1) It is lawful for a police officer exercising a special power in relation to a person or thing, and anyone assisting the police officer, to use whatever force is reasonably necessary to exercise the power.
- (2) A special power that is conferred by reference to a person or vehicle being in a Land Forces security area is also exercisable in relation to any person who, or vehicle that, has recently left the area.

### **50. Relationship with other laws**

- (1) Nothing in any other written law or the common law limits any special powers, or prevents a police officer from exercising any special powers, that the police officer has under this Act.
- (2) Nothing in this Act limits any powers, or prevents a police officer from exercising any powers, that the police officer has under any other written law or the common law.

## **Division 3 — Evidentiary matters**

### **51. Onus of proof of special justification**

The onus of proof of a special justification (whether in proceedings for an offence against a provision of Part 5 or in relation to the exercise of powers conferred by this Act) lies on the person accused of the offence or who claims to have the special justification.

### **52. Proof of appointments and excluded persons list**

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 a stated person was, at a stated time or during a stated period, a recognised law enforcement officer;
- (b) that a stated person was, at a stated time or during a stated period, named in an excluded persons list under section 29(1).

#### **Division 4 — Immunities**

##### **53. No liability in nuisance**

- (1) The following do not constitute a public or private nuisance —
  - (a) anything done or omitted to be done by any person in the performance or purported performance of a function under this Act;
  - (b) anything done or omitted to be done by any person in assisting a person in the performance or purported performance of a function under this Act.
- (2) This section does not limit section 54.

##### **54. Protection from liability for wrongdoing**

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith —
  - (a) in the performance or purported performance of a function under this Act; or
  - (b) in assisting a person in the performance or purported performance of a function under this Act.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).

- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.
- (5) This section overrides the *Police Act 1892* section 137.

### **Division 5 — Delegation**

#### **55. Power of delegation**

- (1) The Commissioner may delegate any power or duty of the Commissioner under this Act to a police officer who is, or is acting as, a Commander or an officer of a rank more senior than a Commander.
- (2) However, a power under section 29(1) cannot be delegated to a police officer other than an officer who is, or is acting as, an Assistant Commissioner or an officer of a rank more senior than an Assistant Commissioner.
- (3) Without limiting subsection (1), the Commissioner may delegate any power or duty of the Commissioner under section 22 to a police officer who is, or is acting as, a Superintendent or an officer of a rank more senior than a Superintendent.
- (4) A delegation must be in writing signed by the Commissioner.
- (5) A police officer to whom a power or duty is delegated cannot delegate that power or duty.
- (6) A police officer exercising or performing a power or duty that has been delegated to the police officer under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

- (7) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

### **Division 6 — Regulations**

#### **56. Regulations**

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

### **Division 7 — Monitoring**

#### **57. Terms used**

In this Division —

***Corruption and Crime Commission*** means the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003*;

***investigative purposes*** means the scrutiny of the exercise of special powers;

***Police Force*** means the Police Force of Western Australia provided for by the *Police Act 1892*.

#### **58. Corruption and Crime Commission to monitor exercise of special powers**

- (1) The Corruption and Crime Commission must scrutinise the exercise of special powers.
- (2) Without limiting subsection (1), the Corruption and Crime Commission —
- (a) must inspect the records of the Police Force in order to ascertain the extent to which the Police Force and recognised law enforcement officers have complied with Part 3; and

- (b) must report to the Minister and the Commissioner about the results of those inspections under section 63(1); and
- (c) may do anything necessary or incidental to the performance of the functions mentioned in paragraphs (a) and (b).

**59. Powers for entry and inspection of records**

- (1) The Corruption and Crime Commission may, for investigative purposes and after notifying the Commissioner —
  - (a) enter at any reasonable time premises occupied by the Police Force; and
  - (b) access all records of the Police Force at any reasonable time; and
  - (c) make copies of, and take extracts from, records of the Police Force; and
  - (d) take into or onto premises occupied by the Police Force any person, equipment and materials the Corruption and Crime Commission reasonably requires; and
  - (e) while the Corruption and Crime Commission is on premises occupied by the Police Force, direct a person who is a police officer to give the Corruption and Crime Commission any assistance the Corruption and Crime Commission reasonably requires.
- (2) The Commissioner must ensure that a person who is a police officer gives the Corruption and Crime Commission any assistance that the Corruption and Crime Commission reasonably requires in connection with an activity under subsection (1).

**60. Powers to obtain information relevant to inspections**

- (1) The Corruption and Crime Commission may, for investigative purposes, do either or both of the following —
  - (a) direct a person who is a police officer, or was a police officer during the event period, to produce a document or other thing that is in the person's possession or under the person's control to the Corruption and Crime Commission;
  - (b) direct a person who is a police officer, or was a police officer during the event period, to give any information or answer requested in relation to an investigative purpose to the Corruption and Crime Commission.
- (2) The Corruption and Crime Commission may —
  - (a) inspect a document or other thing produced in response to a direction under subsection (1)(a) and retain it for any reasonable period that the Corruption and Crime Commission considers appropriate; and
  - (b) make a copy of a document produced in response to a direction under subsection (1)(a).
- (3) A direction under subsection (1)(a) —
  - (a) must be made in writing and specify the time at or within which the document or other thing must be produced; and
  - (b) may require that the document or other thing be produced —
    - (i) at a place specified in the direction; and
    - (ii) by any means specified in the direction.
- (4) A direction under subsection (1)(b) —
  - (a) must be made in writing and specify the time at or within which the information or answer must be given; and

- (b) may direct that the information or answer —
  - (i) be given orally or in writing; or
  - (ii) be given at, or sent or delivered to, a place specified in the direction; or
  - (iii) in the case of written information or a written answer — be sent or delivered by the means specified in the direction; or
  - (iv) in the case of written information or a written answer — be verified by statutory declaration.
- (5) A place, or a period or the time of day, specified in a direction under subsection (1)(a) or (b) must be reasonable with regard to the circumstances in which the direction is made.

**61. Authorised recording, disclosure or use of information**

- (1) In this section —
  - disclose**, in relation to information, includes to divulge or communicate to any person or to publish;
  - personal information** has the meaning given in the *Freedom of Information Act 1992* Glossary clause 1.
- (2) For the purposes of this Division, the recording, disclosure or use of information is authorised if the information is recorded, disclosed or used in good faith in any of the following circumstances —
  - (a) for the purposes of, or in connection with the performance of, the Corruption and Crime Commission’s scrutiny of the exercise of special powers;
  - (b) under a written law;
  - (c) to a court or other person or body acting judicially in the course of proceedings before the court or other person or body;

- (d) under an order of a court or other person or body acting judicially;
  - (e) if the information recorded, disclosed or used is personal information — with the consent of the individual, or each individual, to whom the information relates;
  - (f) in any other circumstances prescribed for the purposes of this subsection.
- (3) If the recording, disclosure or use of information is authorised under subsection (2) —
  - (a) no civil or criminal liability is incurred in respect of the recording, disclosure or use; and
  - (b) the recording, disclosure or use is not to be regarded as —
    - (i) a breach of any duty of confidentiality or secrecy imposed by law; or
    - (ii) a breach of professional ethics or standards or any principles of conduct applicable to a person's employment.
- (4) Without limiting subsection (3) —
  - (a) this section authorises a recording, disclosure or use of information despite the *Corruption, Crime and Misconduct Act 2003* Part 9; and
  - (b) a person does not commit an offence under Part 9 of that Act if the information is recorded, disclosed or used in accordance with this section.
- (5) Subsection (4) overrides the *Corruption, Crime and Misconduct Act 2003* section 154.

**62. Records about particular special powers to be made and kept**

The Commissioner must —

- (a) ensure that a record is made of the exercise of a special power under section 14, 15, 17, 18, 20, 21, 24, 25, 26, 27, 31 or 32; and
- (b) keep each record made under paragraph (a).

**63. Corruption and Crime Commission to report on monitoring**

- (1) The Corruption and Crime Commission must, no later than 4 months after the end of the event period —
  - (a) prepare a report (the **monitoring report**) on the Corruption and Crime Commission's scrutiny of the exercise of special powers under this Division; and
  - (b) provide a copy of the monitoring report to the Minister and the Commissioner.
- (2) The monitoring report may include any observations that the Corruption and Crime Commission considers appropriate to make about the operation of this Act.
- (3) The monitoring report must include a review of the impact of the operation of the Act on a particular group in the community if such an impact came to the attention of the Corruption and Crime Commission in the course of scrutinising the exercise of special powers.
- (4) The Commissioner must advise the Minister of any information in the monitoring report that, in the Commissioner's opinion, should be excluded from the monitoring report before it is laid before each House of Parliament because the information, if made public, could reasonably be expected to —
  - (a) prejudice an investigation or prosecution; or

- (b) compromise operational activities or methodologies of the Police Force or the police force of another State or of a Territory.
- (5) If the Minister is satisfied on the advice of the Commissioner of either of the grounds set out in subsection (4), the Minister must —
  - (a) exclude information from the monitoring report; and
  - (b) insert a statement to the effect that information has been excluded from the monitoring report under paragraph (a).
- (6) On or before 10 April 2027, the Minister must cause the monitoring report to be laid before each House of Parliament.

**64. Delegation by Corruption and Crime Commission**

- (1) In this section —  
***officer of the Commission*** has the meaning given in the *Corruption, Crime and Misconduct Act 2003* section 3(1).
- (2) Subject to subsection (4), the Corruption and Crime Commission may delegate the Corruption and Crime Commission's functions under this Division to an officer of the Commission specified in the instrument of delegation.
- (3) The delegation must be in writing executed by the Corruption and Crime Commission.
- (4) The Corruption and Crime Commission cannot delegate the duty to report to the Minister and the Commissioner under section 63.
- (5) Nothing in this section limits the ability of the Corruption and Crime Commission to perform a function through an officer or agent.

**65. Functions under *Corruption, Crime and Misconduct Act 2003* not limited**

Nothing in this Division limits or affects the functions of the Corruption and Crime Commission under the *Corruption, Crime and Misconduct Act 2003*.

**Division 8 — Repeal and transitional provisions**

**66. Repeal of Act**

- (1) Parts 2 to 5 and 6 (other than Divisions 3, 4 and 7 and this Division) and Schedule 1 are deleted on 11 October 2026.
- (2) The rest of this Act is repealed on a day to be fixed by proclamation.

**67. Existing offences**

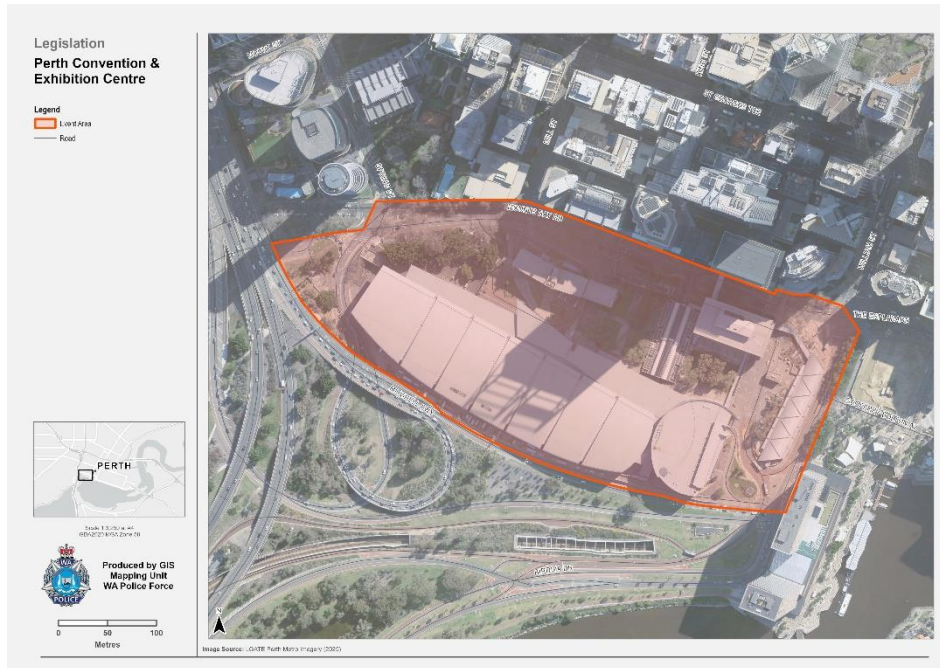
- (1) In this section —  
***repeal day*** means 11 October 2026.
- (2) Any proceedings for an offence committed under Part 5 before repeal day may be continued, or commenced, on or after repeal day as if section 66(1) had not come into operation, and a person may be punished for the offence accordingly.
- (3) Subsection (2) applies despite *The Criminal Code* section 11.

## **Schedule 1 — Event area**

[s. 7(1)]

1. The event area is the area of land in the City of Perth contained within a line that —
  - (a) starts at the south-western corner of the building known as One William at the corner of William Street and Mounts Bay Road (the **start point**); and
  - (b) then continues in a generally westerly direction along the northern side of Mounts Bay Road to the north-western corner of the intersection of Mounts Bay Road and Spring Street; and
  - (c) then continues in a generally southerly direction along the western side of Spring Street to the south-western corner of its intersection with the west bound carriageway of Mounts Bay Road; and
  - (d) then continues in a generally westerly direction along the southern side of the west bound carriageway of Mounts Bay Road to a point perpendicularly below the eastern side of the Mitchell Freeway off-ramp; and
  - (e) then continues in a generally south-easterly direction perpendicularly below the eastern side of the Mitchell Freeway off ramp and then along the eastern and northern side of the Mitchell Freeway off ramp to its intersection with the eastern side of the south bound busway; and
  - (f) then continues in a direction that is due east across to the eastern side of William Street; and
  - (g) then continues in a generally northerly direction along the eastern side of William Street to the south-eastern corner of the intersection of William Street and Mounts Bay Road; and
  - (h) then continues to the north-western corner of the intersection of William Street and Mounts Bay Road; and
  - (i) then continues in a generally westerly direction to the start point.

2. The area of land described in item 1 includes the pedestrian overpasses above Mounts Bay Road.
3. For information purposes, the area described above is shown outlined in red on the following map.



## 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(1)                     |
| arch scanner .....                       | 16(1)                    |
| attend.....                              | 3(1)                     |
| basic search .....                       | 3(1)                     |
| behave in a threatening manner .....     | 40(1)                    |
| Commissioner .....                       | 3(1)                     |
| Corruption and Crime Commission .....    | 57                       |
| designated person.....                   | 23(3)                    |
| designated vehicle.....                  | 23(3)                    |
| disclose .....                           | 61(1)                    |
| event area .....                         | 3(1), 7(1)               |
| event period.....                        | 3(1)                     |
| excludable person .....                  | 3(1), 30(1)              |
| excluded persons list.....               | 3(1), 29(1)              |
| face covering.....                       | 3(1)                     |
| fail to comply .....                     | 3(1)                     |
| hand-held scanner .....                  | 16(1)                    |
| investigative purposes .....             | 57                       |
| Land Forces event.....                   | 3(1)                     |
| Land Forces security area .....          | 3(1)                     |
| legal proceedings .....                  | 11(2)                    |
| metal detector.....                      | 16(1)                    |
| monitoring report .....                  | 63(1)                    |
| move on order .....                      | 3(1)                     |
| officer of the Commission .....          | 64(1)                    |
| personal details .....                   | 3(1)                     |
| personal information .....               | 61(1)                    |
| Police Force .....                       | 57                       |
| police vehicle .....                     | 23(1)                    |
| prohibited item.....                     | 3(1)                     |
| public disorder .....                    | 3(1)                     |
| reasonably suspects.....                 | 3(1), 4                  |
| recognised law enforcement officer ..... | 3(1)                     |
| relevant face covering .....             | 21(7)                    |
| relevant road .....                      | 22(1)                    |
| repeal day .....                         | 67(1)                    |
| road .....                               | 3(1)                     |
| special justification .....              | 3(1), 48(1), (2) and (3) |
| special power .....                      | 3(1)                     |

|                                   |             |
|-----------------------------------|-------------|
| start point .....                 | Sch. 1      |
| thing relevant to an offence..... | 20(1)       |
| use.....                          | 3(1), 16(1) |
| vehicle.....                      | 3(1)        |