

## Police presence raises questions

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Few public events in Australia this year will be larger or better attended than this month's Catholic Church's World Youth Day celebration. The event marks the first visit to Australia by Pope Benedict XVI, and even though the rising cost of air travel is likely to limit the number of overseas visitors, crowds of between 150,000 and 250,000 are expected in Sydney during the six-day festival, which has been billed as "an invitation from the Pope to the youth of the world to celebrate their faith".

As with every large public gathering, there will be a sizeable police presence, though given the ecumenical nature of the event it is difficult to understand why about 4000 officers will be needed to keep order around the various venues or why the NSW Police have been granted special powers to declare security zones around those venues, to restrict public movement within special zones, to stop and search people they believe are causing "an annoyance and inconvenience to participants of WYD events", and to ban from entering these areas individuals considered to be security risks.

Though the extra powers granted to police have been described by an organiser "as a sensible safety precaution", many civil libertarians believe the powers are too draconian, may be misunderstood by the public, and are open to potential abuse by police. Even the NSW Bar Association, hardly a radical activist organisation, believes they are "an affront to freedom of speech", and create the potential for anyone wearing a T-shirt proclaiming "World Youth Day is a waste of public money" to be arrested, prosecuted and fined up to \$5500.

Some civil libertarians believe the powers are more extreme than those enacted by the NSW Parliament last September for the 2007 Asia-Pacific Economic Co-operation conference in Sydney. This legislation gave NSW Police powers to stop and search anyone within a defined "APEC security area" on the suspicion that they might be carrying items "prohibited" by the Minister for Police, reversed the onus of proof, and removed the right of anyone arrested under the provisions of the legislation to a presumption of bail. The NSW Government was unapologetic about the need for such security, pointing out that previous APEC meetings that had been marred by violent, organised protests, however, it gave a guarantee that the APEC Meeting (Police Powers) Act 2007 would be reviewed by the state Ombudsman after 12 months. NSW Police argue the APEC meeting was relatively uneventful because potential troublemakers were deterred by the special powers, and while it is a claim that can never be entirely validated, it seems clear the NSW Government has yielded to the police view that these special powers are a useful management tool for all large public events, not just international events such as APEC or G8 meetings which have a history of violent episodes.

In March, the Lemma Government announced it was considering a cabinet proposal to make the powers permanent. Its own review of the legislation found the "declared area powers were appropriate for a more generalist crowd control" and it recommended retaining the excluded persons list as well as extending the presumption against bail for certain offences such as assaulting a police officer, malicious damage to property, or throwing a missile at a police officer. Police have occasionally been pelted with missiles at football games or political demonstrations, though legislators have never considered such incidents so troubling as to warrant granting them extra powers aimed at exposing or excluding known troublemakers.

It is difficult to discern what fears the NSW Police might entertain about World Youth Day an event that has been held annually since 1984 without serious incident. Not everyone is delighted at the prospect of World Youth Day and the Pope's first visit to Australia. Indeed some individuals are unhappy about \$22 million of Federal Government money has been handed to the Catholic Church to underwrite the costs of staging the event apparently in breach of the constitutional requirement that Commonwealth "not make any law for imposing religious observance". A coalition styling itself NoToPope, comprising atheists, gay rights activists and Christians from the Metropolitan Community

Church, said it intended to stage protests against the Pope's "antiquated" opposition to homosexuals, abortion and birth control, but stressed the events would be peaceful. It does, however, plan to hand out some 6000 free condoms to pilgrims in Moore Park. In all likelihood, this will probably be the extent of any organised "troubles" at World Youth Day. That it could result in the arrest of those handing them out is a sobering reminder that exercising a right to free speech at a public event in NSW can no longer be considered sacrosanct.