

# The G20 (Safety and Security) Complementary Bill 2014: a quick guide

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## Introduction

The Government introduced the [G20 \(Safety and Security\) Complementary Bill 2014](#) (the Commonwealth Bill) into the House of Representatives on 20 March 2014. The links to the Bill, its Explanatory Memorandum and second reading speech can be found on the Bill's [home page](#).

## Purpose

The purpose of the Bill is to clarify the relationship between the [G20 \(Safety and Security\) Act \(Qld\)](#) (the Queensland Act) and the [Airports Act 1996 \(Cth\)](#), the [Aviation Transport Security Act 2004 \(Cth\)](#) and legislative instruments made under those Commonwealth Acts in their application to Brisbane Airport during meetings and events associated with the G20 Summit in 2014.

## Background

For general background on the G20, see [The G20: a quick guide](#).

The [G20 Leaders Summit](#) will be held in Brisbane on 15 and 16 November 2014, but there are a range of [G20-related meetings and events](#) to be held throughout 2014 in preparation for the Summit.

## Queensland Act

The Queensland Act was passed by the Queensland Parliament on 29 October 2013 and commenced on 7 November 2013. The [Explanatory Notes](#) to the originating Bill describe the purpose of the Act as follows:

The objectives of the Bill are to provide police officers and appointed persons special powers to:

1. protect the safety or security of persons attending any part of the G20 meeting, which is comprised of the Group of Twenty leaders' summit in Brisbane in 2014, and the Group of Twenty Finance Ministers' and Central Bank Governors' meeting in Cairns in 2014, any official meeting of sherpas in Queensland in 2014 and any other G20 event; and
2. ensure the safety of members of the public from acts of civil disobedience in relation to any part of the G20 meeting; and
3. protect property from damage from civil disobedience in relation to an part of the G20 meeting; and
4. prevent acts of terrorism directly or indirectly related to the any part of the G20 meeting; and

5. regulate traffic and pedestrian movement to ensure the passage of motorcades related to any part of the G20 meeting is not impeded

...

... Limited powers are available under the *Police Powers and Responsibilities Act 2000* (PPRA) to deal with an event of this scale and magnitude. Despite the PPRA Special Event legislation, there is a lack of sufficient special powers required to ensure the security of G20 events and the safety of delegates and members of the public.

The additional powers and provisions are outlined in the Explanatory Notes to the originating Bill as follows:

- declaring additional security areas in the event of an emergency situation arising;
- restricting access to restricted areas and motorcade areas during the G20 meeting;
- excluding access to a security area during the G20 meeting by service of an exclusion notice on a person intent on disrupting a G20 event;
- establishment of a prohibited persons list by the commissioner of the Queensland Police Service;
- requiring a person's personal particulars and reasons for entering or being in a security area;
- searching persons and vehicles seeking to enter a restricted area or a motorcade area, including specific searches, as required;
- enter and search premises within a restricted area;
- restricting possession of prohibited items;
- removing obstruction items including a vehicle that might be left abandoned on a potential motorcade route;
- forfeiture to the State of prohibited items and obstruction items seized during the G20 meeting;
- discretion to close roads, private accesses and waterways;
- limited right for motorcade drivers to disobey the Transport Operations (Road Use Management) Act 1995;
- creation of new offences applicable to the G20 meeting and events;
- presumption against bail for the limited period of the G20 meeting;
- appointment by the commissioner of non-State police officers to perform duties during the G20 period;
- appointment by the commissioner of appointed persons to assist with security arrangements for the G20 meeting;
- provision for confidentiality of information; and
- authorising limited disclosure of information by the commissioner.

The Act is similar to other stand-alone Acts that have provided additional powers for specific events, such as the [\*APEC Meeting \(Police Powers\) Act 2007\*](#) (NSW) and the [\*Commonwealth Heads of Government Meeting \(Special Powers\) Act 2011\*](#) (WA).

Section 8 of the Queensland Act provides that it applies in relation to ‘declared areas’, ‘restricted areas’ and ‘motorcade areas’ (collectively ‘security areas’) for limited periods of time.<sup>1</sup>

Part 4 of the Queensland Act provides for special powers to be exercised by a police officer or (in some instances) an appointed person in security areas. A police officer is an officer of the Queensland Police Service (QPS) or a member of the Australian Federal Police or a sworn member of a police service or force of another state or of New Zealand in relation to whom the QPS Commissioner has made an authorisation under section 87 of the Queensland Act. An appointed person is a person other than a police officer appointed by the QPS Commissioner under section 89 of the Queensland Act (the QPS Commissioner must be reasonably satisfied the person has completed satisfactory training and has the necessary expertise or experience). Powers include:

- searches of persons
- stopping and searching vehicles attempting to enter, or in, a security area
- entry and search of premises in a restricted area, including the use of detection dogs
- requiring reasons for entry to, or presence in, a restricted or motorcade area, and/or personal details
- powers in relation to road closures
- preventing a person or vehicle from entering a security area, or removing a person or vehicle from a security area
- seizing and removing ‘obstruction objects’ (see dictionary in Schedule 7) and
- giving directions (for example to leave an area).

Thresholds apply to the circumstances in which each power may be exercised.

Additional information on the Queensland Act is provided on the [QPS website](#) and in the [report](#) of the Legal Affairs and Community Safety Committee on the originating Bill.

## Key points on the Commonwealth Bill

### **Requirement for the Commonwealth Bill**

Brisbane Airport is a [Commonwealth place](#), meaning that the Commonwealth has power to make laws in relation to it. Key Commonwealth legislation governing airports includes the [Airports Act 1996 \(Cth\)](#), the [Aviation Transport Security Act 2004 \(Cth\)](#) and subordinate legislation. The Commonwealth Bill will ensure that in the event of any overlap or inconsistency between the Queensland Act and these Commonwealth laws in designated areas of Brisbane Airport, the Queensland Act prevails. The [Explanatory Memorandum](#) states that this will ‘ensure police officers and other appointed or authorised persons will have a clear understanding of the powers available to them at the Brisbane Airport during the G20 Summit’.

### **Application**

The Commonwealth Bill only applies in relation to a ‘designated Brisbane Airport area’, as defined in **clause 4**:

**designated Brisbane Airport area** means any of the following areas:

- (a) the declared area, within the meaning of the *G20 (Safety and Security) Act 2013* (Qld), that is shown hatched on the map in Part 2 of Schedule 3 to that Act, as modified under regulations (if any) under subsection 9(2) of that Act;
- (b) if an area is specified in a declaration under section 5—the specified area, other than any part of the specified area that is an airside area.

A high definition [map](#) of the area as declared under the Queensland Act is available on the QPS website.

Sections 12 and 13 of the Queensland Act provide the QPS Commissioner powers to declare additional security areas in emergencies and circumstances where there is not enough time to make a regulation. **Clause 5** of the Commonwealth Bill will allow the Secretary of the Department of Infrastructure and Regional Development to make a declaration to apply the Commonwealth Act to the whole or any part of an additional security area situated at Brisbane Airport declared under the Queensland Act.

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1. See sections 7–13 of the Queensland Act for the relevant definitions of these terms and information on time periods that apply.

### ***Will the Bill provide any additional powers?***

The Commonwealth Bill will not provide any additional powers. **Clause 8** will remove any impediment to the exercise of powers available under the Queensland Act in the designated Brisbane Airport area that may have been posed by the [Airports Act 1996 \(Cth\)](#), the [Aviation Transport Security Act 2004 \(Cth\)](#) and subordinate legislation.

### ***Sunset clause***

The operation of the Queensland Act itself is time limited under sections 101 (general) and 102 (provision for earlier expiry in the event the G20 is cancelled). **Clause 10** provides that the Commonwealth Act will cease to have effect:

- at the end of 18 November 2014 or
- if an earlier date is provided for under Queensland law in the event the G20 is cancelled, at the end of that date.

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