



Crime and Corruption Commission  

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QUEENSLAND

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# Review of the *G20 (Safety and Security) Act 2013*

Consultation paper and  
invitation for public submissions

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# 1 Introduction

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## 1.1 Rationale for the introduction of the G20 Act

Australia was the host country for the 2014 meeting of the Group of 20 nations, known as the “G20”. Amongst the many G20-related events across the country, the two key meetings of the G20 were held in Queensland: the Finance Ministers and Central Bank Governors meeting (Cairns, 20–21 September) and the Leaders’ Summit (Brisbane, 15–16 November). The G20 was anticipated to attract as many as 4000 delegates and 3000 media representatives.

The G20 brought with it an unprecedented responsibility for the Commonwealth and Queensland governments to provide for the safety of meeting attendees and members of the community. Previous G20 meetings, such as London (April 2009), Pittsburgh (September 2009) and Toronto (June 2010), attracted significant civil unrest, resulting in property damage, riots and large-scale arrests. This highlighted the potential volatility of hosting such an event. They also provided many lessons that served to guide planning and preparation for the 2014 G20 security operation.

This extensive security operation was coordinated by the Commonwealth Taskforce (G20 Taskforce) at a cost of \$450 million. Because the two key meetings were held in Queensland, the Queensland Police Service (QPS) provided most of the security for the event and the community. Additional security services were provided by other Commonwealth, state and local government security agencies.

In preparing for the event, and based on the lessons from previous meetings and other similar events requiring a heightened level of security, it was suggested that Queensland police did not have the powers necessary to provide adequate security for the G20 meetings. Consequently, the G20 (Safety and Security) Bill 2013 (G20 Bill), which included a number of new and enhanced powers, was put before the Queensland Parliament for debate. During its consideration of the G20 Bill,<sup>1</sup> the Legal Affairs and Community Safety Committee (the Committee) concluded:

It [the Committee] is not satisfied that the current powers available to the QPS under the *Police Powers and Responsibilities Act 2000* (PPRA)<sup>2</sup> are sufficient to cater for the G20 event and that the policy objectives being pursued by the [G20] Bill are necessary to ensure the safe conduct of the G20 meetings in Queensland in September and November 2014.<sup>3</sup>

The *G20 (Safety and Security) Act 2013* (G20 Act) was passed on 29 October 2013 and came into force on 7 November 2013, remaining in force for the duration of the G20.<sup>4</sup> It is that version of the Act which is now under review and to which this consultation paper refers. Copies of all versions of the Act, including both the current and the historical versions, can be found on the Office of the Queensland Parliamentary Counsel website at <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)>.

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1 In Queensland, a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio areas to consider: the policy to be given effect by the legislation, the application of fundamental legislative principles, and its lawfulness.

2 The PPRA is the primary source of powers that can be exercised by Queensland police officers.

3 G20 (Safety and Security) Bill 2013, Report No. 41, Legal Affairs and Community Safety Committee, October 2013, p. 6.

4 The Act contains a “sunset clause”, under which many sections of the Act expired on 17 November 2014. The current version of the Act does not contain these sections. The remaining sections will expire on 17 November 2015 (s. 101).

## 1.2 Requirement to review the G20 Act

The Commissioner of Police (the Commissioner) is required to ensure that the operation and effectiveness of the G20 Act is reviewed and a report provided to the Minister for Police, Fire and Emergency Services and Minister for Corrective Services (the Minister) by 17 October 2015. The Minister is required to table the report in Parliament.<sup>5</sup> In October 2014, the former Attorney-General and Minister for Justice approved a request by the then Minister for Police and Community Safety for the Crime and Corruption Commission (CCC) to participate in a joint steering committee with the QPS to conduct the review.

The review will:

- provide an overview of the major activities related to the G20 event, to provide sufficient understanding of its nature and complexity
- examine police use of the powers under the G20 Act, and the factors (e.g. police policy, training, exercises, and command and control structures and processes) that informed how police used the powers under that Act
- assess whether the objectives of the G20 Act were met
- examine whether any provisions in the G20 Act were problematic and, if so, identify how these provisions should be changed to provide a better legislative tool to police large-scale events in the future.<sup>6</sup>

## 1.3 Invitation for public submissions

This consultation paper has been developed by the CCC to give stakeholders and members of the public the opportunity to contribute to the review of the G20 Act. It covers significant aspects of, or related to, that Act. Stakeholders and members of the public are invited to provide comments relating to any or all of the areas identified in the paper, and any other areas that they perceive as being relevant to the scope of the review.

**Submissions are due by Thursday 9 April 2015.** Please refer to Appendix 1 for more information on the lodgement process.

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<sup>5</sup> See s. 98, G20 Act.

<sup>6</sup> It is understood that legislative change relevant to the policing of major events has occurred since the G20 event (e.g. on 1 January 2015 the *Major Events Act 2014* [Major Events Act] came into effect).

## 2 Topics for consultation

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It is not the intention of the review to re-examine the policy underpinning the G20 Act or the debate for or against the inclusion of the new and enhanced powers. These issues were canvassed by the Legal Affairs and Community Safety Committee during consideration of the Bill in 2013.<sup>7</sup> Rather, the review will focus on the operation and effectiveness of the G20 Act during the G20 event in 2014, and how any lessons from this event can inform the provision of security for future events in Queensland.

This section of the consultation paper outlines thirteen topics for consultation. Topics 2.1 to 2.12 are significant aspects of, or related to, the G20 Act. In preparing submissions relevant to these topics, respondents are asked to reflect on the following questions:

**1. How were G20 powers used in practice?**

Specific examples that demonstrate how a power was applied during the G20 event are welcomed. Any observations about why the G20 Act powers were or were not used (e.g. other powers may have been used instead) are also of interest.

**2. What legislative framework will best provide for the safety and security of large-scale events in Queensland in the future?**

Your views about which powers are necessary, appropriate limitations on these powers, and the most effective legislative framework to provide these powers in future are of particular interest.

Topic 2.13 provides an opportunity for respondents to provide feedback on any general issue related to providing safety and security for the G20 events.

### 2.1 The G20 legislative framework

The decision to pass the G20 Act was based on the Queensland Parliament's view that existing powers — even the Special Events provisions in the PPRA<sup>8</sup> — were not sufficient to ensure the security of G20 events, and the safety of delegates and members of the public.<sup>9</sup>

A number of legislative options were available to establish the powers to provide security for the G20. New provisions could be inserted into the PPRA, new legislation could be created that would apply to future major security events, or new legislation could be created specifically and only for the 2014 G20.

Ultimately, the Queensland Parliament enacted new, stand-alone legislation for the specific purpose of the 2014 G20 event. The additional powers provided in the Act applied for a limited time and in a limited location and expired on 17 November 2014,<sup>10</sup> one day after the conclusion of the Leaders' Summit, making it impossible for these powers to be used to police other events. In circumstances where the G20 powers applied, the G20 Act prevailed over the PPRA if there was any inconsistency.<sup>11</sup>

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7 G20 (Safety and Security) Bill 2013, Report No. 41, Legal Affairs and Community Safety Committee, October 2013.

8 See Chapter 19, Part 2 (ss. 556–575) of the PPRA.

9 See Explanatory Notes, G20 Bill, p. 2.

10 With the exception of a number of continuing provisions which expire on 17 November 2015 (see parts 1, 7, 8, 10 and 14, sections 92–95, 98 and 100 and Schedule 7).

11 See s. 4(1) of the G20 Act.

Notwithstanding the elevation of the G20 over the PPRA, most safeguards and responsibilities imposed by the PPRA applied during the G20 event.<sup>12</sup>

The selection of the option to create new legislation specifically for the G20 was informed by the following considerations:

- The unique and political nature of the G20 meetings, including the need to protect the personal safety of Internationally Protected Persons who require stringent security measures, and the resulting view that the security challenges associated with the G20 were best addressed through legislation designed to specifically meet those challenges.<sup>13</sup>
- The importance of limiting the application of the additional powers, not normally available to police, to the G20 event in an effort to balance the rights of members of the community with the measures necessary to provide security for the event.<sup>14</sup>
- The creation of a legislative framework that could be easily understood by members of the community and police officers who would use the powers.<sup>15</sup>
- Legislative frameworks used by other jurisdictions to provide powers for similar events.

The approach was similar to that taken by New South Wales for the 2007 Asia–Pacific Economic Cooperation (APEC) meeting<sup>16</sup> and Western Australia for the 2011 Commonwealth Heads of Government Meeting (CHOGM),<sup>17</sup> whereby a time-limited, stand-alone piece of legislation was enacted to provide for the safe conduct of each major international event.

## 2.2 Scope of the G20 Act powers

The G20 Act provided additional powers not normally available to police (listed in Appendix 2). Some of these new powers, such as powers to stop and search, prevent entry and exclude persons from places, were controversial. To limit the use of these powers to the G20 event and reduce the impact of these powers on the community, the G20 Act applied only to certain locations during specified time periods.

The Act's application was limited to security areas (see section 2.3) and for a limited period. These security areas were tied to the location of G20 events, which were defined as an event, function or activity that was directly or indirectly part of, or related to:

- the Leaders' Summit (Brisbane 14–17 November 2014)
- the Cairns finance meeting (Cairns 16–22 September 2014)
- a Sherpa meeting (official meetings by persons assisting a head of state or head of government, finance minister, central bank governor or deputy finance minister in matters of policy or administration).<sup>18</sup>

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12 Section 4 of the G20 Act specifically excluded some provisions — e.g. the gender requirements under s. 642(2) PPRA did not apply to a basic search, and the QPS was not required to keep a register of enforcement acts by police officers exercising a power under the G20 Act.

13 Letter from the Minister for Police and Community Safety to the Legal Affairs and Community Safety Committee, 1 October 2013, Attachment, pp. 4–5.

14 Transcript of Proceedings (Hansard), Public briefing, Legal Affairs and Community Safety Committee, 13 September 2013, p. 15.

15 G20 (Safety and Security) Bill 2013, Report No. 41, Legal Affairs and Community Safety Committee, October 2013, p. 11.

16 *APEC Meeting (Police Powers) Act 2007 (NSW)* (APEC Act), which was introduced by the New South Wales Government in readiness for the Asia–Pacific Economic Cooperation Meeting held in Sydney in 2007.

17 *Commonwealth Heads of Government Meeting (Special Powers) Act 2011 (WA)* (CHOGM Act), which was introduced by the Western Australian Government for the Commonwealth Heads of Government Meeting in Perth in 2011.

18 See Schedule 7, G20 Act.

## 2.3 Security areas

The Act identified three types of security areas:

- restricted areas— site-specific locations (e.g. meeting venues, hotels, transit centres) that G20 delegates would attend
- declared areas — larger geographical areas which had been determined as possibly being impacted on by G20 events
- motorcade areas — routes that were used to transport G20 delegates.<sup>19</sup>

The declared and restricted areas and related time periods were specified in schedules to the Act<sup>20</sup> and in the G20 Regulation, and time periods for motorcades were set out in the Act.<sup>21</sup> Information about the security areas was also published on the QPS website.

The Act provided for security areas to be modified by regulation and for additional security areas to be declared by regulation.<sup>22</sup> The G20 Regulation contains details about modified and additional security areas.

The Act also provided a mechanism for the Commissioner to declare an area to be an additional security area in circumstances where there was not enough time to make a regulation (see box below).<sup>23</sup> In non-emergency situations, the Commissioner could act only with the Minister's approval. In emergency situations, the Commissioner could make a declaration without the Minister's approval. In both cases, the Commissioner had to be reasonably satisfied that the declaration would "assist in promoting the safety and security of the G20 meeting or the safety or security of the public".<sup>24</sup> For emergency declarations, there were further criteria of urgency and that the delay to obtain the Minister's approval would be likely to substantially compromise the safety and security of the G20 meeting.<sup>25</sup>

### **Declaration of additional security area**

On 12 November 2014, the Commissioner declared a non-emergency additional security area following the decision that President of the United States Barack Obama would present a speech at the University of Queensland (St Lucia campus) on 15 November 2014. The Commissioner's declaration was made with the Minister's approval and was tabled in Parliament, as required by the G20 Act on 13 November 2014. No other additional security declarations were made.

For non-emergency additional security area declarations made by the Commissioner, the order took effect either when it was published on the prescribed website or at a later time stated in the order. For emergency situations, the Commissioner's order had effect either when the order was made (in instances where a threat had been made against the life of a G20 participant) or when it was published on the prescribed website. A person could not be convicted of an offence against the G20 Act in relation to the additional security area unless the order was published or unless the person had been advised about the order.<sup>26</sup>

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19 Note these plain English definitions of security areas are not drawn from the G20 Act.

20 See schedules 1–5, G20 Act.

21 See s. 10, G20 Act.

22 See s. 12(1), G20 Act.

23 See ss. 12(2), 13(1), G20 Act.

24 See s. 12(3)(a), G20 Act.

25 See s. 13(1), G20 Act.

26 See s. 13(3), G20 Act.

## 2.4 Additional security services

### Police from other jurisdictions held the powers of QPS officers

It was anticipated that a large police contingent would be required to provide security to the event. However, the QPS alone was unable to provide the requisite number of police officers to the G20 event as well as policing services to the rest of Queensland. To ensure sufficient police were available, the Commissioner could authorise non-Queensland state police officers to exercise the powers of a QPS officer under the G20 Act or another Act.<sup>27</sup> The authorisation could be given on conditions and subject to powers and time limitations. In total, approximately 4500 QPS officers, 1500 interstate and New Zealand police officers, and 650 Australian Federal Police were involved in the security operation.

Non-Queensland state police officers wore their own uniform and normal identification while they were performing security operations at the G20. However, to ensure they were clearly identifiable as a police officer, they wore the same police cap as QPS officers (which had “Police” written on it and a chequered badge with a G20 logo).

### Appointed persons

Under the Act, the Commissioner could confer specific powers to “appointed persons” who had completed the required training or had the necessary expertise or experience to provide security services.<sup>28</sup> A similar power exists in the Major Events Act.<sup>29</sup>

Whilst the Commissioner could confer this power, there were no appointments of any person as an “appointed person” for the G20 meetings.

## 2.5 Lawful assembly

Under the G20 Act, the *Peaceful Assembly Act 1992* did not apply to assembly in a security area.<sup>30</sup> It had been argued that different lawful assembly powers were required to provide better controls over the potential protest environment and minimise known risk factors before they became a security threat.

The G20 Act specified the conditions that had to be met in order for an assembly to be considered lawful:<sup>31</sup>

- they were held in a declared area (assemblies could not enter a restricted area or motorcade area)
- they did not disrupt any part of the G20 meeting
- no G20 offences were committed by two or more persons acting in concert and participating in the assembly
- no person participating in the assembly committed a violent disruption offence or an offence involving damage or destruction to property.

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27 See Part 12, G20 Act. The powers to authorise non-Queensland state police officers were modelled on s. 5.17 *Police Service Administration Act 1990*, which applies when there is a terrorist act or threat.

28 See s. 89, G20 Act.

29 See s. 56, Major Events Act.

30 See s. 17, G20 Act.

31 See ss. 17 and 18, G20 Act.



The G20 Act also specified how assemblies were to be organised. An assembly organiser was required to advise the Commissioner of the location, time and date of the proposed assembly at least 48 hours prior to holding the assembly. In response, the Commissioner was required to make a liaison officer available to provide the organiser with information about G20 assembly requirements and consult with the organiser to negotiate a suitable location, date and time for the assembly. Nevertheless, failure by the organiser to give notice, consult with the QPS liaison officer or change the proposed date and time of the assembly did not deem the assembly unlawful.<sup>32</sup>

## 2.6 Special powers in relation to security areas

The G20 Act included a number of special powers in relation to security areas. These powers were modified versions of similar PPRA powers, adapted from event-specific legislation in other jurisdictions<sup>33</sup> or developed specifically for the G20 event.

These special powers related to:

- Searches (of persons, vehicles and premises)
- Requiring reasons for entry and personal details
- Preventing entry or removing
- Road closures
- Use of detection dogs
- Giving directions.

### Searches (of persons, vehicles and premises)

#### *Search of a person*

The G20 Act provided a range of powers that enabled a person attempting to enter, about to enter, in or leaving a security area to be searched. The G20 Act limited these powers by specifying:

- three types of searches of the person — basic search, frisk search and specific search (see Appendix 2)
- lawful methods for each search type (including methods for conducting searches and special provisions which apply to children and persons with impaired capacity)<sup>34</sup>
- who (i.e. police officer and/or appointed person) could conduct that search type in the different security areas
- in what circumstances police were required to have a reasonable suspicion to conduct the search.<sup>35</sup>

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32 See s. 19, G20 Act.

33 CHOGM Act and the APEC Act.

34 See ss. 26–30, G20 Act.

35 E.g. that the police officer holds a “reasonable suspicion” the person may be in possession of a prohibited item without a lawful excuse (s. 23(3)(b)).

**Table 1:** Relevant provisions for the conduct of a search of a person in security areas

Security Area	Search type		
	Basic search	Frisk search	Specific search
<b>Declared area</b>			
Who may conduct the search	Police officer	Police officer	Police officer
Requirement for reasonable suspicion	No	Yes	Yes (except where prohibited or excluded person)
<b>Restricted area</b>			
Who may conduct search	Police officer or appointed person	Police officer	Police officer
Requirement for reasonable suspicion	No	No	Yes
<b>Motorcade area</b>			
Who may conduct the search	Police officer or appointed person	Police officer	Police officer
Requirement for reasonable suspicion	No	No	Yes

The Explanatory Notes to the G20 Act do not state why the threshold of reasonable suspicion for the conducting of some types of searches was not included in the Act; however, the notes offer the following reason for the lack of statutory safeguards that applied to basic searches:

Basic searches are nonintrusive and do not adversely affect the dignity of a person. They are necessary to ensure that prohibited items are not unlawfully possessed within security areas where they could be used to harm a G20 delegate or a spectator at a G20 event. Due to the large number of persons who could be subject to a basic search when entering a particular area, the imposition of safeguards to non-intrusive searches would create unnecessary delays in the movement of these persons.<sup>36</sup>

### *Stop and search vehicle*

The G20 Act included powers to stop and search any vehicle in a security area for as long as reasonably necessary to conduct the search.<sup>37</sup> For declared areas, searches could only be performed by a police officer if the officer reasonably suspected the vehicle contained a prohibited item, while both police officers and appointed persons could exercise stop and search powers in a restricted or motorcade area without needing a “reasonable suspicion”.

<sup>36</sup> Explanatory Notes, G20 Bill, p. 5.

<sup>37</sup> See ss. 31–32, G20 Act.

### *Enter and search premises without a warrant*

The G20 Act generally provided police officers the power to enter and search any premises in a restricted area without a warrant and without needing a reasonable suspicion.<sup>38</sup> An exception to this provision was premises being used for residential purposes. In this case, a police officer was not authorised to enter other than:

- with the consent of the occupier, or
- under the authority of a search warrant<sup>39</sup> or a written law,<sup>40</sup> or
- if the officer reasonably suspected an offence may have been committed within or from the premises and the offence endangered the safety of a person.

No reasonable suspicion was required to search businesses located within a restricted area.

Restricted areas include the meeting and accommodation venues and logistics areas ...

It is imperative police have the power to search premises within restricted areas, without a reasonable suspicion test, to ensure the restricted areas are completely safe and secure.

For example, it is intended that premises within restricted areas will be secured and entirely searched for explosive devices prior to use for the G20 meeting.<sup>41</sup>

### **Stop person and require reason for entry and personal details**

A person attempting to enter, or already present in, a restricted area or motorcade area could be stopped by a police officer or appointed person and required to state their reason for wanting to enter, or for being in, the area. The same power was available in declared areas; however, it could only be exercised by a police officer.<sup>42</sup> The exercise of these powers did not require a reasonable suspicion and failure to provide such information could result in arrest. Persons stopped before entering or within a security area could also be required to provide their personal details, and for restricted and motorcade areas they could be required to produce identification.<sup>43</sup>

A police officer also had the power to stop a person and require their personal details, regardless of the location, if the officer had a reasonable suspicion that the person had committed an offence or was about to commit an offence that may disrupt any part of the G20 meeting or posed a serious threat to the safety and security of the G20 meeting.<sup>44</sup>

### **Prevent entry by, or remove, person/vehicle**

Under the G20 Act, police officers and appointed persons had the power to prevent a person from entering, or to remove a person from, a restricted area or a motorcade area if they had a reasonable suspicion the person was not authorised to be in the area or might disrupt any part of the G20 meeting.<sup>45</sup> Police officers and appointed persons also had the power to prevent a vehicle entering a restricted or motorcade area if no person in the vehicle was authorised to access the area or they were reasonably satisfied it was necessary for the safety and security of the G20 meeting.<sup>46</sup> Similar powers

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38 See s. 33, G20 Act.

39 For example, the PPRA, Chapter 7, Part 1.

40 For example, the PPRA, Chapter 7, Part 2.

41 Letter from the Minister for Police and Community Safety to the Legal Affairs and Community Safety Committee, 1 October 2013, Attachment, pp. 9–10.

42 See s. 36, G20 Act.

43 See s. 37, G20 Act.

44 See s. 38, G20 Act.

45 See s. 41, G20 Act.

46 See s. 41(2), G20 Act.

applied in declared areas; however, they were provided to police officers only and required the officer to have a reasonable suspicion that the person may disrupt any part of the G20 meeting or the person was in possession of a prohibited item without a lawful excuse.<sup>47</sup> For vehicles, the police officer could prevent entry into a declared area where a prohibited item was found in the vehicle or the officer was reasonably satisfied that preventing entry was necessary for the safety and security of the G20 meeting.<sup>48</sup>

The Act also gave police officers further powers in relation to removing persons from a closed road, removing obstruction objects and removing vehicles from security areas.<sup>49</sup>

## Road closures

To ensure the safe and unimpeded transport of delegates to and from the Brisbane Airport and through the Brisbane area, several roads were closed for a period of time to provide for motorcade travel during the G20 period. An area was declared as a motorcade area only for the period necessary to conduct a motorcade with the required level of security.

The G20 Act also provided police powers to close a road that intersects with a motorcade area if the officer was reasonably satisfied that leaving the road open was likely to cause considerable delay to traffic using the road.<sup>50</sup> During road closure periods, alternative routes were provided to ensure passage of general traffic.

## Use of detection dogs

Police officers or appointed persons were provided the power to use detection dogs in security areas for the purpose of detecting weapons or explosives.<sup>51</sup> This included detecting weapons or explosives on a person or vehicle attempting to enter, about to enter, in or leaving a security area. While detection dogs could be taken into any place or premise in a security area, they were not permitted in residential premises other than:<sup>52</sup>

- with the consent of the occupier, or
- under the authority of a search warrant<sup>53</sup> or a written law<sup>54</sup>, or
- if the officer reasonably suspected an offence may have been committed within or from the premises and the offence endangered the safety of a person.

## Direction to not enter/leave

Police officers had the power to give directions to a person if the officer was reasonably satisfied the direction was necessary for the safety and security of the G20 meeting or for the safety and security of a member of the public.<sup>55</sup> This broad power, which was not limited to security areas, included directing a person not to enter an area, to leave an area or to move to a stated location within an area, with no explanation required.

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47 See s. 42, G20 Act.

48 See s. 42, G20 Act.

49 See ss. 43 to 47, G20 Act.

50 See s. 39, G20 Act.

51 See s. 34, G20 Act.

52 See ss. 34(3), 33(3), G20 Act.

53 For example, the PPRA, Chapter 7, Part 1.

54 For example, the PPRA, Chapter 7, Part 2.

55 See s. 48, G20 Act.

## 2.7 Prohibitions in relation to persons and items

### Prohibited persons

The Commissioner had the power to declare an individual a “prohibited person” and, in so doing, prevent them from entering a security area.<sup>56</sup> A similar power was used in Western Australia during CHOGM in 2011.<sup>57</sup>

The “prohibited persons” power was intended to:

.... [ensure] those persons with a history of encouraging or participating in violent demonstrations or persons with a history of disrupting events may be absolutely prohibited from entering a security area for the duration of the Act.<sup>58</sup>

Persons could be placed on a “prohibited persons list” and not permitted to enter any G20 security areas if the Commissioner was reasonably satisfied the person:

- posed a serious threat to the safety or security of persons or property in a security area, or
- may, by the person’s actions opposing any part of the G20 meeting, cause injury to persons or damage property outside a security area, or
- may disrupt any part of the G20 meeting.<sup>59</sup>

Persons placed on the prohibited persons list were required to be formally advised that they were prohibited from entering any security area during the G20 period, but only in instances where it was reasonably practicable to do so. Prohibited persons were able to write to the Commissioner about their inclusion on the list. In response, the Commissioner would determine whether the person should be retained on or removed from the prohibited persons list, and the person would be informed of the reasons for this decision except when information related to that decision:

- may be against Australia’s national security interests, or
- could damage international relations between Australia and another nation, or
- may be prohibited by a law of the Commonwealth or a state, or
- may place the safety of an informant in jeopardy.<sup>60</sup>

### Prohibited items

Under the G20 Act, it was an offence to, without a lawful excuse:

- possess a prohibited item in a security area
- attempt to take a prohibited item into a security area
- use a prohibited item in a way that it may enter a security area.<sup>61</sup>

The list of prohibited items was extensive and included weapons, placards and banners over a certain size, animals that could cause harm, projectiles, things capable of concealing identities, flotation devices and remotely controlled devices.<sup>62</sup>

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56 See ss. 50–54, G20 Act.

57 This power is similar to the power to “exclude persons” provided in ss. 42, 43, CHOGM Act.

58 Explanatory Speech, Record of Proceedings (Hansard), 20 August 2013, p. 2603.

59 See s. 51(4), G20 Act.

60 See s. 50, G20 Act.

61 See s. 63, G20 Act.

62 See Schedule 6, G20 Act.

Police officers or appointed persons could seize a prohibited item if it was left unattended in a security area or where a person was in possession of a prohibited item in a security area.<sup>63</sup> Seized items were forfeited to the state.

A police officer also had a broad power to require a person to surrender possession of a prohibited item until 17 November 2014 if the officer reasonably suspected the person could use the item to endanger a person associated with the G20 meeting or disrupt any part of the G20 meeting.<sup>64</sup> In these circumstances, the person was given a receipt that described the item and the police were required to return the item to the person after 17 November 2014, except where it was unlawful for the person to possess the item.<sup>65</sup>

## 2.8 Excluded persons

A police officer could exclude a person from all security areas, or a part of a security area.<sup>66</sup> An excluded person was not permitted back into the security area until the conclusion of the G20 period.<sup>67</sup> For people normally residing in the security area, conditions could be applied to the exclusion to enable the person to remain living at the location.

This power provided police with an option above “giving a direction” as well as an alternative to arrest. Similar powers were available for the CHOGM and APEC meetings.

A person could be given an exclusion notice by a police officer if the officer was reasonably satisfied that the person met one or more of the following criteria:<sup>68</sup>

- failed to provide personal details to a police officer or appointed person in a security area<sup>69</sup>
- failed to comply with a requirement by a police officer or appointed person to allow for the search of a vehicle in a restricted or motorcade area<sup>70</sup>
- failed to provide a police officer or appointed person with a reason for being in, or attempting to enter, a security area<sup>71</sup>
- resisted, hindered or obstructed a police officer or appointed person who was conducting a search under the G20 Act<sup>72</sup>
- was in possession of a prohibited item in a security area
- failed to surrender a prohibited item to a police officer and may pose a serious threat to the G20 meeting<sup>73</sup>
- failed to comply with a direction when the person was in a security area<sup>74</sup>
- was on a road that was closed<sup>75</sup>

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63 The power of appointed persons to seize prohibited items was limited to restricted areas or motorcade areas.

64 See s. 60(3), G20 Act.

65 See ss. 60(4) and 61(1), G20 Act.

66 See s. 55, G20 Act.

67 See s. 56(2), G20 Act.

68 See s. 51(1), G20 Act.

69 See ss. 37(1) or (2), G20 Act.

70 See s. 31(1)(b), G20 Act.

71 See ss. 36(1) and (2), G20 Act.

72 See Part 4, G20 Act.

73 See s. 60(3), G20 Act.

74 See s. 48, G20 Act.

75 See s. 39, G20 Act.

- failed to comply with a limitation or restriction that applies to a Commonwealth accreditation or access approval held by the person
- participated in an assembly in a security area with intent to disrupt any part of the G20 meeting
- committed or omitted to do an act relating to any part of the G20 meeting and was arrested in relation to the act.

Prior to issuing an exclusion notice, police officers were required to ask the person whether they had a lawful excuse in relation to the actions that gave rise to their possible exclusion (refer to the list above). Where the lawful excuse was considered reasonable, the officer could not give the person an exclusion notice.<sup>76</sup>

## 2.9 Offences

New offences were created specific to the G20 event (see Appendix 3). Several were similar to offences already contained in the *Summary Offences Act 2005*, the PPRA and event-specific legislation from other jurisdictions,<sup>77</sup> but were specific to the G20 meeting.

To give effect to the stand-alone piece of legislation, it was necessary to include specific G20 related offences in the Bill, particularly as they relate to different security areas, prohibited persons and excluded persons.<sup>78</sup>

Most of the offences were ancillary to and provided support for the exercise of police powers, exclusions and prohibitions particular to the G20 meeting as discussed above — for example, offences related to possession of prohibited items, failure to provide personal details, failure to comply with a direction, unauthorised entry, obstructing an appointed person and interfering with the G20 meeting.

For some of these offences, the onus of proof was placed on the defendant to prove that they had a lawful excuse.<sup>79</sup> Such provisions were not unique to the G20 Act, with a number of offences contained in the Criminal Code also reversing the onus of proof on the accused.<sup>80</sup> As noted by the Minister:

The reversal of the onus of proof is justifiable given the lawful excuse to exculpate a person may only be known to him or her.<sup>81</sup>

## 2.10 Arrest, custody and bail provisions

Mass arrests during previous G20 meetings, namely, the 2009 London meeting (800 arrests) and the 2010 meeting in Toronto (1300 arrests), led to the inclusion of arrest, custody and bail provisions that were designed to facilitate expeditious and effective offender processing, should such large-scale civil unrest occur in Queensland.

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<sup>76</sup> See s. 55(5), G20 Act.

<sup>77</sup> Such as the WA CHOGM Act.

<sup>78</sup> Letter from the Minister for Police and Community Safety to the Legal Affairs and Community Safety Committee, 1 October 2013, Attachment, p. 14.

<sup>79</sup> Offences included: prohibited items (s. 63), lighting a fire in a security area (s. 67), and unauthorised entry to restricted area (ss. 70, 94, G20 Act).

<sup>80</sup> Letter from the Minister for Policing and Community Safety to the Legal Affairs and Community Safety Committee, 1 October 2013, Attachment, p. 12.

<sup>81</sup> Letter from the Minister for Policing and Community Safety to the Legal Affairs and Community Safety Committee, 1 October 2013, Attachment, p. 12.

Under the G20 Act, police were empowered to:

- without warrant, arrest a person that a police officer reasonably suspects has committed an offence against the G20 Act
- take arrested persons to a processing facility
- hold arrested individuals for any reasonably necessary length of time in order to establish the person's identity and do one or more of the following: release them without charge, charge and release them on bail, charge and detain the person in custody, or give the person an exclusion notice.<sup>82</sup>

Furthermore, contrary to the *Bail Act 1980*, there was a presumption against bail when an offence occurred within a security area, or at any G20 meeting, that involved:

- an assault of, or throwing/discharging a substance at, a police officer, appointed person or a G20 participant
- damage to property associated with the G20 meeting
- disrupting the G20 meeting.<sup>83</sup>

In such cases, the onus was on the defendant to show cause why their detention in custody was not justified.<sup>84</sup> The defendant could apply, or reapply, for bail at the conclusion of the G20 period.<sup>85</sup>

The Minister considered that these conditions of bail were necessary to ensure those persons who were intent on committing offences and causing disruption to the G20 meeting were prevented from returning to the area after being granted bail.<sup>86</sup>

While there was no provision specific to courts in the G20 Act, due to the anticipated increase of individuals detained as a result of G20-related offences, 24-hour court services were in operation in Brisbane from 14 to 16 November 2014. This process was established to ensure magistrates would hear in-custody matters in a timely manner and determine whether bail was appropriate.

## 2.11 Evidence

A new evidentiary provision was created for offences against the G20 Act. Certain facts asserted in a charge were taken to be proved, unless the defendant could establish the contrary.<sup>87</sup> For example, a statement in a charge that a named person was given an exclusion notice established that fact in the prosecution without any further evidence being called.<sup>88</sup>

The evidentiary provisions of the G20 Act took into account that limited police resources could prevent QPS officers, otherwise engaged on G20 duties, from providing evidence during court proceedings. It was also intended to increase the expediency of court proceedings, while at the same time not affecting the substantive evidence needed by the prosecution to prove its case.<sup>89</sup>

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82 See ss. 78, 79, G20 Act.

83 See s. 82, G20 Act.

84 See s. 82(2), G20 Act. This provision was adapted from the 2007 APEC Act.

85 See s. 82(6), G20 Act.

86 Letter from the Office of the Minister for Police and Community Safety to the Legal Affairs and Community Safety Committee, 5 September 2013, p. 9.

87 See s. 95, G20 Act.

88 See s. 95(1)(d).

89 Explanatory Notes, G20 Bill, p. 11.



## 2.12 Public holiday and amendment to trading hours

The G20 Act amended the *Holidays Act 1983*, *Industrial Relations Act 1999* and the *Trading (Allowable Hours) Act 1990* to provide for a public holiday, for the Brisbane area only, on Friday 14 November 2014. Most dignitaries were due to arrive in Brisbane on that date.

The purpose of the public holiday was to reduce traffic to better enable police to carry out security arrangements within the CBD. Notwithstanding, concerns were raised that the public holiday would negatively impact businesses in the Brisbane area specifically because businesses that chose to trade on this date would have to pay penalty rates, and trade between Brisbane and the rest of Queensland and other states and territories would largely cease.<sup>90</sup>

## 2.13 Overall impressions about the provision of safety and security to the G20 event

This final section does not relate to any particular G20 power, how powers were used, or the shape of legislative reform. Rather, this section invites feedback on any general issue related to providing safety and security for the G20 event. While any feedback is welcome, observations about the following issues are of particular interest:

- QPS planning and preparation for the G20 event
- QPS communication about the G20 event
- media reporting about the G20 event
- protest activity that occurred during the G20 event
- perceptions about safety in the general community.

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90 Letter from the Minister for Police and Community Safety to the Legal Affairs and Community Safety Committee, 1 October 2013, Attachment, p. 2.

## Appendix 1. Making a submission

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### Submissions are due by Thursday 9 April 2015.

When making a submission to the Crime and Corruption Commission (CCC), please identify how you would like your submission to be treated, based on the following three categories:

- **Public submission** — the CCC may refer to or quote directly from the submission, and name the source of the submission in relevant publications. Public submissions may be published on the CCC website.
- **Anonymous submission** — the CCC may refer to or quote directly from the submission in relevant publications but will not identify its source. Anonymous submissions, with all identifying information removed, may be published on the CCC website.
- **Confidential submission** — the CCC will not quote or refer to the submission in any report or publication. Confidential submissions will not be published on the CCC website.

If there is no clear selection of one of these options, the CCC will regard the document as a public submission.

### Submissions that contain allegations of corrupt conduct or police misconduct

The submission process is not the correct avenue for reporting corrupt conduct or police misconduct to the CCC. Should you wish to do this, please see the CCC's website at <[www.ccc.qld.gov.au](http://www.ccc.qld.gov.au)> for further information. You may also call 07 3360 6060, or toll-free (in Queensland outside Brisbane) on 1800 061 611. The CCC will forward any submissions containing allegations of corrupt conduct or police misconduct to its corruption area for assessment. Alternatively, you may lodge your allegations with the Queensland Police Service directly.

### Privacy statement

No submission marked as confidential will be published on the CCC's website. However, any submission may be subject to disclosure under the *Right to Information Act 2009*, and applications to access submissions will be determined in accordance with that Act.

### Lodgement process

An optional template for submissions is available on the CCC's website at <[www.ccc.qld.gov.au/G20review](http://www.ccc.qld.gov.au/G20review)>. Send your submission to us by **5pm 9 April 2015** by any of the following methods:

Online: Get Involved at <[www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au)>

Post: Review of the *G20 (Safety and Security) Act 2013*  
Crime and Corruption Commission  
Policy and Research unit  
GPO Box 3123  
Brisbane Qld 4001

Email: [G20review@ccc.qld.gov.au](mailto:G20review@ccc.qld.gov.au)

Fax: 07 3360 6333

We may not consider late submissions.

## Appendix 2. G20 Act: additional powers and provisions

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The G20 Act provided for the following additional powers and provisions to achieve policy objectives:

- declaring additional security areas in the event of an emergency situation (s. 13)
- restricting access to restricted areas and motorcade areas during the G20 meeting (ss. 14–15)
- 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 (s. 55)
- establishment of a prohibited persons list by the Commissioner (s. 50)
- requiring a person’s personal particulars (s. 37) and reasons for entering or being in a security area (s. 36)
- searching persons and vehicles seeking to enter a restricted area or a motorcade area, including specific searches, as required (ss. 20–31)
- enter and search premises within a restricted area (s. 33)
- restricting possession of prohibited items (ss. 59–60)
- removing obstruction items including a vehicle that might be left abandoned on a potential motorcade route (s. 44)
- forfeiture to the state of prohibited items and obstruction items seized during the G20 meeting (s. 61)
- discretion to close roads, private accesses and waterways (s. 39)
- limited right for motorcade drivers to disobey the *Transport Operations (Road Use Management) Act 1995* (s. 76)
- creation of new offences applicable to the G20 meeting and events (ss. 63–75)
- presumption against bail for the limited period of the G20 meeting (s. 82)
- appointment by the Commissioner of non-state police officers to perform duties during the G20 period (s. 87)
- appointment by the Commissioner of appointed persons to assist with security arrangements for the G20 meeting (s. 89)
- provision for confidentiality of information (s. 85)
- authorising limited disclosure of information by the Commissioner (s. 86).

## Appendix 3. G20 Act: new offences

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Part 7 of the G20 Act listed a number of new offences that applied for the duration of the 2014 G20 meetings. The following were offences under the Act:

- prohibited item offences (s. 63)
- climbing onto, under, over or around barrier (s. 64)
- entering or climbing building or structure in view of security area with intent to cause injury (s. 66)
- lighting a fire in a security area (s. 67)
- failing to comply with requirement to disclose personal details (s. 68)
- failing to comply with direction (s. 69)
- unauthorised entry into restricted area (s. 70)
- unauthorised entry into motorcade area (s. 71)
- prohibited person not to enter security area (s. 72)
- unauthorised entry to security area by excluded person (s. 73)
- interfering with any part of the G20 meeting (s. 74)
- assaulting or obstructing appointed person (s. 75).





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