



Report to the

Crime and Corruption Commission
Queensland

Review of the

G20 (Safety and Security) Act 2013

April 2015

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1. Introduction and Summary

Caxton Legal Centre Inc (Caxton) welcomes the opportunity to respond to the Crime and Corruption Commission Queensland (the Commission) review of the *G20 (Safety and Security) Act 2013* (“the G20 laws”).

As the coordinators of the Independent Legal Observer Project, we consider that we are well placed to make observations about how the G20 laws were used in practice and about the impact of the potential misuse of the powers on the preparedness of individuals to participate in lawful expressions of political communication during the G20 Summit.

We have used the paragraph numbers referred to in the consultation paper in order to provide our response.

Upon the introduction of the G20 laws, Caxton’s overarching concerns included the potential for the laws to impact upon the enjoyment of human rights, including in the following ways:

- Arbitrary and prolonged detention of protesters;
- Public ignorance of special police powers leading to unnecessary escalations between citizens and police, and resultant arrests;
- Obstruction of the right to assembly, including by the low threshold for declaring an assembly unlawful and the vague and undefined use of the term “disrupt”;
- The exclusion or prohibition of citizens from the Declared area without adequate procedural fairness; and
- Denial of the implied freedom of political communication via prohibition of protest paraphernalia such as loudhailers, face coverings and banners.

In July 2013, in the face of the extraordinary powers to be vested in police under the G20 laws, and the violent experiences of the G20 Summits in London and Toronto, Caxton committed to coordinating legal observers for the Brisbane G20 Summit, in what became known as the Independent Legal Observers (ILO) Project. The purpose of the project was to monitor, record, and be in a position to provide an independent account of, interactions between members of the police and public. Caxton had coordinated legal observers over previous decades including at the SEQEB disputes in the 1980s and at CHOGM in 2001.

The G20 laws came in to effect on Saturday 8 November 2014, and terminated on Monday 17 November. According to the Queensland Police Service (QPS), during this period:

- 4 people were prohibited from attending the G20 Summit;
- 27 people were issued exclusion notices; and
- 14 people were charged with offences under the G20 laws¹.

¹ Pers comm with QPS, 25 November 2014.

During this period, Caxton's volunteer legal observers (ILOs) performed nineteen shifts of 4 hours duration at numerous sites across the Brisbane CBD. Thirty-one interactions between police and members of the public were recorded by ILOs.

These statistics are rightly acclaimed as demonstrating an overwhelmingly successful police operation. Indeed, as an exercise in risk management, the planning and execution of this complex logistical operation, was clearly an outstanding success.

Of course there are costs of various kinds associated with mounting such security operations. In addition to the reported cost of AU \$400-500,000,000 to the Australian Government, there were also other measurable and intangible imposts associated with performing 'potentially the biggest peacetime security operation in Australia's history'². These include the financial cost to the local economy, in particular to commercial operators, and the short and longer term impacts on Australia's democratic processes and to our international reputation as a leading and vibrant western liberal democracy³.

In the end, an estimated total of approximately 1000 to 2,500 people attended the major scheduled protest during the G20 Summit.⁴ This participation rate of protesters is exceptionally low when compared to the Iraq War protests attended by 100,000 people in 2003, and the Aboriginal Reconciliation Walk in 2001 in which approximately 75,000 people walked across William Jolly Bridge⁵. In the context of the issue of global warming being excluded from the formal G20 agenda (yet comprising the key subject of the President of the United States of America, Barack Obama's G20 agenda setting address), in ordinary circumstances, it would have been reasonable to expect a protest crowd in the vicinity of 50,000 to 120,000 people at the main protest event on Saturday 15 November.

There are a range of factors that may have contributed to the poor participation rates in the G20 public assemblies, including:

- the decision by Queensland's trade union movement to not participate in protests at the Summit;
- stifling heat (during the summit maximum temperature levels ranged between 35-40 degrees Celsius); and

² <http://www.couriermail.com.au/news/queensland/south-brisbane-to-be-locked-down-for-g20-with-residents-to-be-issued-access-passes-to-their-homes/story-fnihsrf2-1226683969284>.

³ This submission does not extend to the economic impacts of hosting the G20 Summit.

⁴ <http://www.theguardian.com/world/2014/nov/15/g20-few-arrests-during-brisbane-marches-as-police-outnumber-protesters>.

⁵ <http://www.brisbanetimes.com.au/queensland/queensland-a-state-of-civil-unrest-20120911-25q3r.html>; It should also be noted that these assemblies occurred without the need for special police powers or additional resources and without any significant arrests or reported disturbances.

- the unsettling impact of the public release of graphic images of murders committed by Islamic State extremists in the weeks leading up to the Summit, compounded by a commensurate upgrading of Australia's security level from medium to high.⁶

However, anecdotal evidence suggests the overwhelming reason why a significant portion of the community, who would otherwise be motivated to attend rallies, did not attend, was because they were simply too intimidated to participate due to the combined 'chilling effect' of:

- the draconian nature of the G20 laws, and
- the grossly exaggerated media reporting about the prospect of violent protests and potential police responses.⁷

Further, whilst the Deputy Police Commissioner appeared to genuinely attempt to use moderate language when describing anticipated police responses⁸, there were nonetheless several 'show of strength' media messages from QPS creating an impression (if not reflected in reality) of an anticipated semi-militarised police response to any acts of civil disobedience.⁹

The fears expressed in the lead up to the G20 Summit about the prospect of violent protest activity ultimately proved unfounded. There were no arrests or reports of violent behaviour by protesters (notwithstanding heated protests and a flag-burning ritual performed by Indigenous activists late on the last day of the Summit).

Police generally exercised significant restraint in the exercise of their powers. There is no doubt that the discipline exercised by officers resulted from the direction provided by the QPS leadership, which publicly stated on several occasions that the success of the G20 policing operation would be defined by the number of arrests. In this respect the benefit of the work performed by police negotiators in establishing relationships with protest organisers in the immediate lead up to the Summit was clearly evident on the ground.

It was also noted that the presence of ILOs was effective in calming the behaviour of police and protesters and provided a form of 'in the moment' accountability. Credit should also be

⁶<http://www.abc.net.au/news/2014-09-18/authorities-thwart-beheading-plot-in-australias-biggest-raid/5754276>; <https://www.pm.gov.au/media/2014-09-12/national-terrorism-public-alert-level-raised-high>.

⁷ The Brisbane Times reported that Generation Alpha, a major activist group with a membership base of 40,000 people, cancelled a planned G20 protest due to concerns about the potential application of the *Vicious Lawless Association Disestablishment Act*. <http://www.brisbanetimes.com.au/queensland/plan-for-g20-underwear-protest-cancelled-20140219-331wx.html>

⁸ See comments made at Banco Court forum on 6 November 2014 at <http://www.abc.net.au/radionational/programs/bigideas/policing-and-protest-during-the-g20-leaders-summit3f/5868808>

⁹ <http://www.brisbanetimes.com.au/queensland/police-flex-muscle-ahead-of-g20-summit-20140522-zrkxn.html>

given to the protesters and protest organisers who engaged with police negotiators in good faith.

It was significant that police elected not to enforce some of the more controversial provisions of the G20 laws, for example the prohibition of banners greater than 100 x 200 cm and the prohibition of face masks.¹⁰ This raises the question of whether these laws were required in the first place, particularly in light of their evident impact on participation rates.¹¹

Whatever the reason for the deterrence of protesters, the low numbers of people attending G20 assemblies reflects poorly on the state of participatory democratic processes in Queensland and Australia. To overcome this in future, steps that could be considered include:

- express recognition and promotion of the right to public assembly and freedom of expression by inclusion in the objects of legislation;
- extensive deployment of police negotiators at the earliest possible opportunity;
- ensuring that only laws that are genuinely required for operational security are enacted;
- a commitment to responsible public messaging in the lead up to an event;
- encouragement of public participation in peaceful protests;
- promotion of the use of, and formalisation of the role of, independent legal observers; and
- public awareness strategies to promote community understanding of police powers and responsibilities.

¹⁰ Note the holding of an oversized banner by two people would have been sufficient to render an entire assembly unlawful, at the discretion of police by virtue *G20 (Safety and Security) Act 2013* (Qld) s18(1)(c).

¹¹ <http://www.brisbanetimes.com.au/business/g20/police-g20-protection-action-intimidating-says-protester-20141115-11ng9p.html>

1.1 Background

1.2.1 Caxton Legal Centre Inc

Established in 1976, Caxton Legal Centre is Queensland's oldest community legal centre. Caxton has a long history of supporting the right of Queenslanders to freely participate in lawful public protest activity. For example, in 1985 the Centre coordinated legal observers for the SEQEB dispute at a time when the State Government was moving to limit the right to protest.¹² The Centre was also involved in supporting Jabiluka protesters in 1998 and at the "M1 Rally" in 2001.

1.2.2 Overview of ILO Project

In July 2013, the Management Committee of Caxton Legal Centre approved a proposal to coordinate independent legal observers for the G20 Summit. A description of the role of legal observers is included in Appendix 1.

In early 2014, a reference group consisting of representatives of Caxton and representatives from the Queensland Bar Association and the Queensland Law Society was established to oversee the implementation of the ILO Project.

Effective engagement between Caxton and QPS was crucial to the success of the ILO Project. Contact with police was initiated by Caxton in mid-2013. It appears that meeting early in the QPS planning process enabled the QPS leadership to incorporate the role of ILOs in their G20 training program.

This was further enabled through a number of mechanisms:

- inclusion of an outline of the ILO role in the QPS G20 Policy document;
- ongoing senior level meetings between Caxton and QPS;
- recognition of the role of ILOs by the Legal Affairs and Community Safety Committee;¹³
- advice from QPS on the ILO uniform (in order to avoid confusion with others present at the protests), and provision of an image of the ILO uniform for use in QPS briefings for local and interstate police; and
- inclusion of QPS speakers at the two G20 public forums organised by Caxton.

A schedule of registered protests was provided to Caxton which was useful in determining where to deploy ILOs over the G20 period.

By the time the first ILOs had completed their shifts on Saturday 8 November it was apparent that there was a high level of recognition of ILOs by police, with many ILOs reporting friendly approaches by police officers.

¹² Warner, K 2014, *History of CLCs in Queensland*, unpublished.

¹³ Report No 41, p.29.

This continued throughout the Summit, with plain-clothes police negotiators consistently displaying awareness of the ILO role, although not necessarily all of the uniformed officers. Given the fact that 6000 police officers were on hand, this is unsurprising.

In general, the police displayed restraint and tolerance in their dealings with the public, an approach which Caxton believes was influenced by the knowledge that ILOs would be present to monitor them. An account from one ILO characterises what appears to have been the attitude of many of the G20 police:

“I really think we made a difference. At one point after a search had been conducted the two police officers asked -‘So how did we go?’¹⁴

The willingness of police to be held accountable represents a significant step in the evolution of public space policing in Queensland and one Caxton would like to see incorporated into regular policing operations.

1.2.3 The protests – what happened

Saturday 8 and Sunday 9 November

On Saturday 8 November the main G20 security area came into effect in inner-Brisbane. ILOs attended a ‘mock tax-haven’ protest, the major activity taking place that day, and while there was a heavy police and media presence, interactions between police and the public were few. One incident was recorded.

On Sunday 9 November a corroboree was scheduled to open a program of events in response to the G20 at Musgrave Park, which is a significant site for Aboriginal people within Brisbane and also within the Declared area. ILOs attended the corroboree and also a march by members of the Muslim community, both of which were uneventful, from a policing perspective.

ILOs returning from shifts on these days reported that police were very friendly and that the conspicuous ILO uniform generated approaches from members of the public enquiring about the role of ILOs.

Friday 14 November

The major march this day assembled at the Roma Street Forum and marched to Musgrave Park in South Brisbane. Legal observers were rostered on in four-hour shifts commencing at 9am and finishing at around 9pm. Several hundred people participated in the march where it became apparent that police were allowing marchers to use ‘prohibited items’ such as banners significantly larger than the 1 metre x 2 metres.

¹⁴ Caxton Legal Centre *Independent Legal Observer Volunteer Survey*, unpublished.

Smaller actions were scheduled to occur at Southbank and other city locations and plentiful ILO numbers enabled coverage of all of these. Nine interactions were recorded.

Saturday 15 November

This was the busiest time for G20 protests over the whole period. Approximately 1500 to 2000 people took part in the main march from the city to South Brisbane. There was a possibility of a breakout group of protestors diverging from the main march, and being subject to additional police scrutiny through wearing masks (prohibited as face coverings) or merely from diverting from the negotiated march route. This did not eventuate, but ILOs were prepared to observe and record any interactions with the 'break out' marchers if necessary.

ILOs heading towards the city at around 9am noted that the temporary security fencing erected along the march route created a bottle neck and could easily be pushed over, enabling access into the restricted security area, creating a risk of an escalated police response and arrest for march participants. Caxton communicated with one of its police contacts and advocated for moving the fence to create a wider path for the march, which eventually happened.

Motorcades caused road closures at around midday, resulting in an inability for some ILOs to return to the Caxton building. Seventeen interactions were recorded.

Sunday 16 November

A final march was scheduled for the Sunday. A small crowd was gathering at the Roma Street Forum and police negotiators expressed concerns to ILOs about the possibility of more provocative actions by protestors taking place that day. Evidently this was being taken seriously by police with a significantly heavier police presence at the Roma Street Forum, including police armed with batons, and along the edge of the march. Fortunately this did not eventuate and a total of three interactions were recorded.

Case Studies

Five incidents of the thirty-one incidents recorded over the two weekends are summarised below. In general the incidents recorded over the two week period demonstrate that police were undertaking their duties within reasonable boundaries. Several incidents appear to have been de-escalated by the presence of ILOs with police displaying restraint in interactions with individuals who were becoming agitated in response to the police interaction.

Case Study 1	
Date of incident	14 November 2014
Time of incident	4.00 pm
Location of incident	Musgrave Park/Edmonstone Street
Description of incident	An indigenous woman approached the road and yelled 'can I have my bloody money' to a male. The male approached and gave her money. Six police officers approached the indigenous woman and the male and separately took their details. The indigenous woman became irritated and argumentative as to why she was being searched. The situation settled down when the police became aware of ILOs and two liaison officers approached ILOs.

Case Study 2	
Date of incident	15 November 2014
Time of incident	11.30 – 11.45 pm
Location of incident	Roma Street
Description of incident	Two females were arrested for carrying gas masks.

Case Study 3	
Date of incident	15 November 2014
Time of incident	12.00 pm
Location of incident	Kurilpa Bridge
Description of incident	A gentleman started shouting about police state, para military and corrupt symbols. A police officer got the attention of a police negotiator who talked to the gentleman throughout the remainder of the march.

Case Study 4	
Date of incident	15 November 2014
Time of incident	2.55 pm
Location of incident	Across from Hilton Hotel
Description of incident	Police asked to see the bag of a man. The police asked him to step away. The man put his hands in the air. The police asked him to turn around, which he did. The police asked him to put his hands down, to which he responded 'no thank you'. The police took the contents from his bag – iced tea, helmet and towels. The male said he mentioned MH17. NZ police constantly made eye contact and were

	hesitant in dealing with the man. Eventually onlooking QLD police issued an exclusion notice. Following being handed the exclusion notice the man refused to sign but agreed to leave the exclusion area. One police officer escorted him from the area.
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Case Study 5	
Date of incident	16 November 2014
Time of incident	10.39 am
Location of incident	Roma Street Forum
Description of incident	Police approached a young man in a green t-shirt wearing an 'anonymous' mask on the back of his head. The police took his details and spoke to him for some time. They did not seize the mask. A witness spoke to the young man afterwards and he advised that the young man was told he had been cleared to wear the mask as it was for the purpose of political protest.

2 Topics for Consultation

2.1 The G20 Legislative Framework

Summits in London in 2009 and Toronto in 2010 resulted in public disorder, mass arrests and a death in police custody.¹⁵ The operational tactics of police in both cases were subject to strong criticism from independent authorities.¹⁶

Tasked with responsibility for providing security for world leaders and citizens at the G20 Summit, the key priority of the Queensland Government from the outset was maintaining security. This is reflected in the objects of the *G20 Safety and Security Act 2013* (G20 laws) which includes protecting people from “acts of civil disobedience”.

Securing access to Australia’s participatory democracy by recognising and protecting the exercise of fundamental civil and political freedoms, such as the right to peaceful assembly, freedom of expression and the right to protection against arbitrary detention, did not feature within the legislative intent of the Queensland Government of the time.

Section 4 (2)(a) of the *Legislative Standards Act 1992* requires that legislation have sufficient regard to the rights and liberties of individuals. The Legal Affairs and Community Safety Committee, whilst acknowledging the G20 laws “impinge upon some fundamental rights and liberties” considered that the laws were “proportionate and appropriate”.¹⁷ With due respect to the Committee, the very small participation rate of both protesters and sightseers suggests that an effective balance between the special powers of police and due regard for civil liberties was not achieved.

In future, the objectives of such legislation should clearly elucidate the need to balance the imperative of providing security and safety with the need to protect and fulfil civil and political freedoms.

2.4 Additional security services

There was a potential issue arising from the engagement of interstate, New Zealand and Federal police officers. It was unclear if any arrangement had been put in place to ensure the accountability of those officers and, in particular, how any member of the public would

¹⁵ <http://theconversation.com/state-of-anarchy-policing-queensland-for-the-g20-27333>

¹⁶ <http://www.theglobeandmail.com/news/toronto/toronto-police-were-overwhelmed-at-g20-review-reveals/article2073215/>; <http://www.theguardian.com/world/2009/apr/03/g20-protests-police-tactics>

¹⁷ Report No 41, p74.

be able to pursue any legitimate grievance or complaint about the exercise of any the G20 laws by such officers.¹⁸

2.5 Lawful Assembly

The imposition of certain conditions, set out in s.18 of the Act, for an assembly to remain lawful was potentially highly problematic and may have had an effect on the preparedness of the public to participate in assemblies.

In particular, the undefined use of the term “disrupt” in s.18(1)(b) meant that there was considerable scope for an assembly to be rendered unlawful if it merely became loud and unruly.

Further, the potential for infiltrators to disturb or sabotage an otherwise lawful assembly, for example by committing a ‘violent disruption offence’ (such as wilful damage) may also have impacted similarly.

In our submission this provision would warrant a significant overhaul if similar laws were contemplated for future events.

On the other hand, s.19(3) provided that failure of a protest organiser to provide the requisite assembly notice would not render the assembly unlawful. In our view this was a sensible and thoughtful measure which minimised the scope for an escalation of interactions between police and participants in an otherwise ‘non-compliant’ assembly.

2.6 Special Powers

Caxton held significant concerns about the potential for the misuse of the special powers provided under Part 4 of the Act, particularly:

- Division 1 – Searches of the person; and
- Division 5 – Power to require reason for entry and personal details.

These provisions gave police special powers that were capable of significantly impacting upon the civil liberties of law abiding members of the public and which potentially placed vulnerable members of the community, such as homeless and cognitively impaired people, at risk of arrest and/or prolonged detention.

¹⁸ <http://www.theguardian.com/world/2014/oct/30/g20-police-from-outside-queensland-will-be-exempt-from-local-investigations>

Division 1 enabled basic searches to be conducted in the large Declared area, extending beyond the immediate Central Business District, without the need for police to have formed a reasonable suspicion that a person may have committed an offence (including by, for example, possession of a prohibited item).

Whilst in light of the aftermath of events such as the Boston Marathon bombings, it is understandable that police would seek such a broad ability to search, for example, the backpacks of members of the public, the potential for the misuse of this power outweighed the benefits of dispensing with the normal threshold requirement of police having to form a reasonable suspicion of illegal activity. This concern is underlined by the limited avenues of redress available to any persons aggrieved by unnecessarily intrusive searches.

Similarly, the power to request a reason for entry and to demand the provision of personal details including identification was problematic. There was considerable scope for these provisions to cause unnecessary conflict and escalations between police and members of the public. The rationale for empowering police to request a person's reason for being in the Declared area (as opposed to a Motorcade or Restricted area) must be brought into question. It is highly unlikely that anyone intent on threatening the safety and security of the Summit was going to voluntarily disclose this intent as their reason for entry. Further, the lack of community awareness about the special power of the police to demand a reason for entry created heightened potential for unnecessary escalations of conflict.

2.7 Prohibitions in relation to persons and items

Prohibited Persons

There were reportedly 4 people prohibited from the Summit area for the duration of the Summit. Caxton is not in a position to comment on the efficacy of the decisions to list these particular persons as prohibited persons. We note that s.51(4) provided that the Commissioner need only be reasonably satisfied that a person "may disrupt any part of the G20 meeting" in order to place a person on the prohibited persons list. We do not consider that is a sufficient basis to deny a person of their fundamental rights and freedoms, particularly in light of the extremely broad and undefined use of the terms "may disrupt".

Prohibited Items

The prohibition on possession of certain items in a security area was particularly controversial and caused considerable angst to many members of the public seeking to meaningfully participate in G20 protests.

The list of prohibited items in Schedule 6 included many items ordinarily associated with lawful protest activity such as loud hailers, banners larger than 200 by 100 cm, poles to hold banners, horns, face paint, masks, and headwear capable of concealing one's identity.

Policing of the ban on protest paraphernalia and face masks was brought into focus in the days leading up the Summit when the former Solicitor General, Walter Sofronoff QC, publicly expressed the view that the possession of an otherwise prohibited item would be lawful if the item was used in connection with a person's political communication. This created speculation that 'Anonymous' protesters wearing Guy Fawkes masks would seek to defy the prohibition on face masks. Interestingly this potential for conflict appeared to be successfully resolved by police negotiators (see case study 5 below).

2.8 Excluded Persons

Under the G20 laws police were given very broad powers to exclude people from a security area including the expansive area covered by the Declared area.

QPS have advised that a total of 27 people were issued exclusion notices during the G20 Summit period. Again, in the context of the number of arrests that routinely occur at public sporting events, this is a relatively small figure.

The power to issue an exclusion notice is obviously attractive to police as it enables an intervention without having to effect an arrest. There is of course considerable scope for members of the public to be unreasonably (and unlawfully) excluded and it is submitted that the absence of any mechanism for challenging the efficacy of any exclusion notice means there is insufficient oversight to encourage the accountable and appropriate exercise of the power.

The, albeit limited, facts disclosed in Case Study 4 above suggests that on that occasion, the power may not have been exercised in accordance with the requirement that the officer ask the person if they have a lawful excuse for their actions giving rise to the exclusion.

It is suggested that future legislation should consider creating a process whereby excluded persons may seek to challenge the basis upon which they were excluded.

2.13 Overall Impressions

- QPS planning and preparation for the G20 Event

It was evident that the QPS G20 operation benefited from extensive planning that was permissible due to the extended lead in time to prepare for the Summit and the considerable resources made available by the Australian Government.

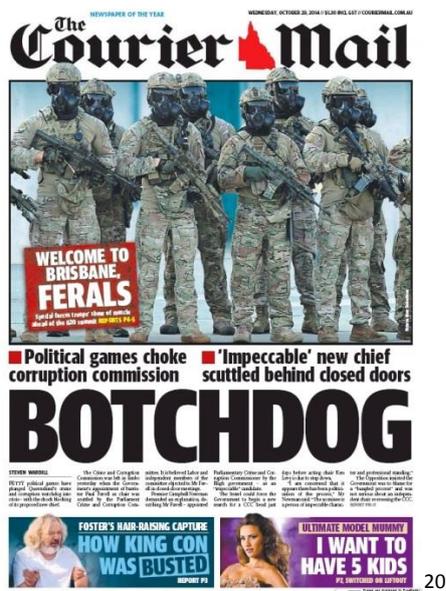
It is noteworthy that the much of the credit for the lack of violent arrests during the summit rests with the police negotiators who worked assiduously on the ground to immediately de-escalate and respond to any emerging tensions or potentially inflammatory incidents. The

negotiators were able to perform this work effectively because of the relationships they had developed with key protest organisers and participants in the lead up to the event.

It is noted that the negotiators appeared to become involved in the preparations at a relatively late stage and that in future it may be preferable for a greater emphasis to be given to police negotiators earlier in the planning stages.

- Media reporting

Local media outlets ran a series of sensationalist articles in the G20 Summit lead up, with front page headlines such as ‘Welcome to Brisbane Ferals’¹⁹ accompanied by pictures of heavily armed security forces in military combat gear (see below) and or photos of flaming police vehicles from the Toronto protests. The small numbers actually turning out to participate in protests raises questions about the extent to which negative media commentary impacted upon the preparedness of individuals to exercise their democratic right to protest.



- Perceptions of safety in the general community

As part of this review the CCCQ is tasked with assessing whether the objectives of the G20 Act were met.

Caxton's 2014 website records reveal that there was significant demand for information from the community about the G20 laws:

- 1,263 downloads of our G20 Frequently Asked Questions brochure;

¹⁹ <http://www.couriermail.com.au/news/queensland/g20-protesters-threaten-chaos-at-brisbane-summit/story-fnihsrf2-1227104100815> -

²⁰ http://1.bp.blogspot.com/-r3K5jvikH8/VE_zNPFFYl/AAAAAAAAAlyg/z7BAC2HVt7A/s1600/courier%2Bmail.jpg

- 1,119 downloads of our G20 Laws Brochure; and
- 151 downloads of our ILO Role brochure.

In the week leading up to the Summit, the Mayor called upon residents not to desert Brisbane and leave it resembling a 'ghost town'²¹. These calls were unheeded and the few members of the public in the CBD during the summit were generally outnumbered by police and to a lesser extent by protesters. The lack of bystanders and 'people watchers' that would ordinarily be expected for visiting dignitaries such as the President of the United States of America, and the Prime Minister of the United Kingdom, suggests that they too were deterred from entering the Declared area for fear of being caught up in a police operation.

The apparent and pervading sense of personal insecurity of the public during the G20 brings into question whether the G20 laws did in fact achieve the objective of "ensuring the safety of members of the public".

²¹ <http://www.brisbanetimes.com.au/queensland/brisbane-g20/g20-set-to-turn-brisbane-into-ghost-town-20141111-11kq8c.html>; <http://www.abc.net.au/news/2014-10-29/lord-mayor-quirk-urges-residents-to-stay-for-g20/5851090>

3 Recommendations

- 3.1 In future, the objectives of similar legislation should clearly elucidate the need to balance the imperative of providing security and safety with the need to protect and fulfil the rights and liberties of individuals.
- 3.2 The provisions of Part 3 – Lawful Assembly would require a significant review if similar laws were contemplated for future events.
- 3.3 The provisions of Part 5, Division 1 - Prohibited Persons would require a significant review if similar laws were contemplated for future events.
- 3.4 Any future legislation should consider creating an accessible and effective process whereby excluded persons may seek to challenge the basis upon which they were excluded.
- 3.5 Any future legislation should provide for express recognition and promotion of the right to public assembly and freedom of expression by inclusion in the objects of legislation.
- 3.6 There should be due recognition given to the role of police negotiators in de-escalating potential unrest in large public assemblies. Police negotiators should be deployed at future events at the earliest possible opportunity.
- 3.7 Any future legislation should only include laws that are genuinely required for operational security.
- 3.8 The Queensland Government should ensure that all agencies commit to responsible public messaging in the lead up to a similar event.
- 3.9 The role of independent legal observers should be formalised and promoted for similar future events.
- 3.10 The Queensland Government should allocate resources to public awareness strategies to promote community understanding of police powers and responsibilities and the rights and freedoms of individuals.

Appendix 1

Legal Observers

Introduction

Legal observers watch and record the interactions of police/security personnel with members of the public during demonstrations, protests or public events. Their role is to report any arrest, use of force, intimidating display of force, denial of access to public spaces, and any other law enforcement behaviour that appears to restrict demonstrators' ability to express their political views. Other roles may include proactively distributing information about legal rights and obligations to members of the public prior to the event.

Legal observers are an independent third party in a demonstration or protest. They do not engage in crowd control, interfere with an arrest in progress, or provoke action. They are ordinarily officers of the court such as solicitors and barristers.

Roles and Responsibilities

The roles and responsibilities of legal observers include:

- *observing and recording interactions between police/security personnel and members of the public;*
- *taking photos and/or video of arrests;*
- *recording written accounts of arrests;*
- *collecting the name, number and a description of the arresting officer;*
- *finding out the location or following the arrested person to the police station; and*
- *working with a legal support group to monitor and support the arrested person whilst in custody.*

Legal observers do not engage in any protest actions, civil disobedience, or illegal activities whilst performing their roles.

Legal observers must not hinder or interfere with police officers, and maintain a reasonable distance away from arrest whilst still seeking the best vantage point to observe police behaviour.

Legal observers must not provide legal advice or ongoing legal support.