

CRIME AND MISCONDUCT COMMISSION

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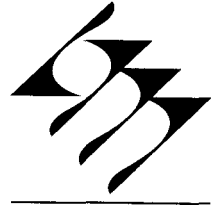
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QUEENSLAND

**G20 (Safety & Security) Bill 2013
Submission 006**

20 September 2013

Mr Ian Berry MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George St
BRISBANE QLD 4000

Dear Mr Berry

RE: G20 (SAFETY AND SECURITY) BILL 2013

Thank you for the opportunity to provide a submission on the *G20 (Safety and Security) Bill 2013* (the Bill).

The Crime and Misconduct Commission (CMC) has considered the Bill and our comments primarily relate to section 98 – ‘review of the Act’.

The Group of Twenty (G20) is the premier forum for discussion by members of economic policies and building a resilient global economy. Queensland will host the 2014 Leader’s Summit. This will provide Queensland with an invaluable opportunity to showcase itself on an international stage.

The CMC understands the need for a high level of security during the G20 period. The Queensland Police Service (QPS) will play an integral role in providing this security to G20 delegates and members of the public. The Bill provides police (including non-state police officers) with comprehensive powers which exceed those ordinarily available under the *Police Powers and Responsibilities Act 2000* (PPRA).

The CMC supports the sunset clause in the Bill (section 101) which provides for the expiration of the Act, other than the continuing provisions, at the end of the G20 period. Powers contained in the Bill, such as the power to conduct a basic search of a person - without the need for a warrant or reasonable suspicion – should be available to police only in extraordinary circumstances. The G20 is one event in which these powers may be justifiable.

The intrusive nature of some of the powers inevitably creates a tension between reasonable law enforcement efforts to provide security and the rights and liberties of individuals. As demonstrated in Canada during the 2010 G20, such powers are vulnerable to misuse and abuse.

The CMC is pleased to note the Bill includes a review clause (section 98). A review of the operation of the Act is necessary to determine whether the use of the powers was appropriate and what steps should be taken to refine similar legislation that may be considered necessary to effectively deal with future special events, such as the 2018 Gold Coast Commonwealth Games.

The review clause in its current form provides that the Police Commissioner must ensure the operation and effectiveness of this Act is reviewed by 17 October 2015. My reading of this section is that it confers responsibility onto the Police Commissioner for ensuring that the review is conducted. It does not specifically provide that the QPS will conduct the review.

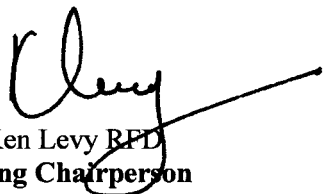
The CMC wishes to express its desire to be involved in the review of the Act. Considering the breadth of the powers available to police under the Bill, it is inappropriate for the QPS to evaluate its own performance. The CMC has previously been involved in or conducted such reviews. The CMC's involvement in the review is likely to promote public confidence in the review.

The CMC has the capacity to conduct the review independently. Alternatively, the government may wish the CMC to conduct the review in conjunction with the QPS.

Should you wish to clarify any of the matters raised in the CMC's submission, please contact Mr Rob Hutchings, General Counsel on 3360 6273 or by email rob.hutchings@cmc.qld.gov.au.

Thank you for the opportunity to comment on the Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Levy', with a long horizontal stroke extending to the right.

Dr Ken Levy RFD
Acting Chairperson