

From: [Dan Rogers](#)
To: [Legal Affairs and Community Safety Committee](#); [Ipswich Electorate Office](#); [Nicklin Electorate Office](#); [Broadwater Electorate Office](#); [Rockhampton Electorate Office](#); [IpswichWest Electorate Office](#); [Bulimba Electorate Office](#); [Toowoomba North Electorate Office](#)
Subject: G20 Safety and Security Bill 2013
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Attachments: [OPM DRAFT LMC.docx](#)

Dear Committee Members,

We refer to this Bill that is currently being considered by the Legal Affairs and Community Safety Committee. As you know, Caxton Legal Centre, in conjunction with Griffith University, hosted a public forum last Thursday night, 26 September 2013. Thank you to those members of the committee who attended. Your presence was appreciated. This correspondence serves as a short further submission in relation to the role of legal observers during G20. The correspondence is being sent in the writer's capacity as the secretary of Caxton Legal Centre.

Legal observers are important for upholding the rule of law. Their mandate to record the activities of police/security personnel deters police misuse of power. Additionally, the witnessing and recording of police exercising their powers ensures that unwarranted displays of force are reported. Their observations and recordings provide courts with additional evidence to help resolve legal proceedings. Attached for your consideration is a brief overview of what we submit should form a Part in the G20 Act.

The writer is in a position to attend upon your office if you wish to discuss this issue further in person.

Regards,

Dan Rogers

LLB (Hons) BA LLM(Melb) | Solicitor

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Robertson O'Gorman
SOLICITORS

Level 19 179 Turbot St
Brisbane QLD
PO Box 13026
George Street
Brisbane QLD 4003

t +61 7 3034 0000
f +61 7 3034 0099
e mail@robertsonogorman.com.au
w www.robertsonogorman.com.au

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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. At times, other law professionals may assist them such as law students, paralegals and community legal workers serving in a voluntary capacity.

Performance of Functions

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.
- To not engage in any protest actions, civil disobedience, or illegal activities whilst performing their roles.
- To not hinder or interfere with police officers, and to maintain a reasonable distance away from arrest whilst still seeking the best vantage point to observe police and public behaviour.
- legal observers must not provide legal advice or ongoing legal support.

Communication with Police

Legal observers and their associated organisations will also meet and maintain communications with all groups, individuals and organisations involved before and during the event, such as police, security and protest groups. However, when liaising with police, legal observers will not disclose information regarding any other group or individual.

Operations

Legal observers will often work in pairs and be identified with special clothing or signs. To record police behaviour, legal observers will carry equipment such as cameras, video cameras, other recording devices and incident report forms. Police are not empowered to take such equipment unless express permission is granted.

Legal observer teams may be coordinated by a 24-hour 'communications base' which is staffed according to a roster. Legal observers will be equipped with radios or mobile telephones to

communicate with the 'communications base', other legal observers, and organisations or groups who request legal observer presence.

Incident reports

Incident report forms are used to report police behaviour. These forms record information such as the date and time of the incident, details of the officer/s involved, charges (if any), medical or legal intervention, photo or video evidence, and the name and contact details of any witnesses.