

G20 (Safety and Security) Complementary Bill 2014

Portfolio: Justice

Introduced: House of Representatives, 20 March 2014

Purpose

1.512 The G20 (Safety and Security) Complementary Bill 2014 (the bill) creates a new standalone Commonwealth Act intended to clarify the interaction between provisions in the G20 (Safety and Security) Act 2013 (Qld) and existing Commonwealth legislation at the Brisbane Airport during the 2014 G20 Summit, which is to be held in Brisbane in November 2014.

1.513 The new Act will provide for specified Commonwealth aviation laws (including regulations or other subordinate legislation made under Commonwealth aviation legislation) to operate concurrently with the G20 (Safety and Security) Act 2013 (Qld). The operation of the specified Commonwealth aviation laws will be rolled back with respect to certain areas of the Brisbane Airport (a Commonwealth place) to avoid inconsistency with the Queensland G20 legislation. To the extent that they are not inconsistent with the Queensland G20 legislation, Commonwealth aviation laws will continue to apply to those areas.

Background

1.514 The committee reported on the bill in its *Sixth Report of the 44th Parliament*.

Committee view on compatibility

Multiple rights

Human rights assessment of state laws applied by Commonwealth laws

1.515 The committee requested the Minister for Justice's advice on the compatibility of the measures in the Queensland Act with human rights, insofar as they will apply as Commonwealth laws.

Minister's response

The [G20 (Safety and Security) Act 2013 (the Queensland Act)] was enacted by the Queensland Parliament to provide powers, offences and other arrangements it considers necessary to ensure the safety and security of the G20 Summit to be held in Queensland this year. These arrangements are consistent with arrangements for previous special events in Australia, such as the Asia Pacific Economic Cooperation forum in 2007 and the Commonwealth Heads of Government Meeting in 2011.

The powers conferred by the Queensland Act are exercisable for a limited period and apply only at those locations specified in the Queensland Act. This includes part of the Brisbane Airport which is a Commonwealth place.

The Bill does not apply the Queensland legislation, including its powers, in circumstances where that legislation otherwise would not - the

Queensland Act already applies the relevant provisions to the declared security area at the Brisbane Airport. The Bill will confirm that the provisions in the Queensland Act and those in existing Commonwealth aviation legislation apply concurrently at that Commonwealth place. In addition, to avoid confusion about the source of any powers being exercised at a particular time, the Bill clarifies that, in the event there is any overlap between those sets of provisions, the provisions in the Queensland Act prevail.

In other words, the Bill does not extend the application of the Queensland provisions to any additional locations. It merely avoids ambiguity by addressing any potential overlap in the two sets of laws for an effective period of five days in November.

On this basis, the Bill will not substantially engage and limit human rights.

Committee response

1.516 The committee thanks the Minister for Justice for his response.

1.517 However, the committee reiterates that the Queensland Act contains a number of provisions which augment existing Queensland law, and which potentially engage and limit a range of human rights.

1.518 The committee notes that the response does not address the committee's original request as to the compatibility of the measures in the Queensland Act with human rights, insofar as they will apply as Commonwealth laws.

1.519 The committee, therefore, intends to write to the Minister for Justice seeking a detailed assessment of the compatibility of the measures in the Queensland Act with human rights, insofar as they will apply as Commonwealth laws.

Application of State laws to Commonwealth places under the Commonwealth Places Act

1.520 To facilitate the committee's assessment of the *Commonwealth Places (Application of Laws) Act 1970*, the committee requested that the Minister for Justice provide a statement of compatibility for that Act, particularly with respect to the question of the compatibility of measures that have or may be applied as Commonwealth law by its operation.

Minister's response

The Commonwealth Places Act ensures that State laws can apply to Commonwealth places within each jurisdiction to facilitate consistent and seamless application of each State's laws across the jurisdiction. Because it is necessary for the Commonwealth Places Act to apply to a large number of State laws, it has been framed in open and general terms so that State laws apply automatically to Commonwealth places without first needing to be identified and specifically prescribed.

The Commonwealth Places Act applies State laws to Commonwealth places within that State. The Act is facilitative, rather than enacting specific powers and obligations in its own right. Accordingly, the Commonwealth Places Act would have the same impact on Australia's human rights obligations as the relevant State laws being applied.

Committee response

1.521 The committee thanks the Minister for Justice for his response.

1.522 The committee appreciates the objective being pursued by the Commonwealth Places Act. However, the committee remains of the view that it would be appropriate for a statement of compatibility to be prepared for the Commonwealth Places Act, particularly as it is framed in such open and general terms and allows State laws to automatically apply to Commonwealth places.

1.523 The committee therefore requests that the Minister for Justice provide a statement of compatibility for the *Commonwealth Places (Application of Laws) Act 1970*.

1.524 The committee notes that identification of particular state laws that impact on the assessment, as well as the number and area of Commonwealth places, would be particularly relevant to the human rights assessment.