



Australian Government

Australian Government response to the
Parliamentary Joint Committee on
Intelligence and Security report:

Advisory Report on the Crimes
Legislation Amendment (Police
Powers at Airports) Bill 2018

July 2019

Introduction

On 12 September 2018, the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 (the Bill) was introduced in the House of Representatives.

On 13 September 2018, the Minister for Home Affairs, the Hon Peter Dutton MP, referred the Bill to the Parliamentary Joint Committee on Intelligence and Security for inquiry.

On 13 February 2019, the Committee tabled its report into the Bill. The report made nine recommendations, which are addressed below.

Recommendations

Recommendation 1

2.39 The Committee recommends the Government amend the definition of ‘aviation security’ in proposed section 3UL of the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 to specify the scope of activities to which the term applies.

Response – Agreed

The Government will amend the Bill to address this recommendation.

Recommendation 2

2.41 The Committee recommends that the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 be amended to include a savings provision to ensure the move-on powers do not interfere with the right to peaceful assembly, or give police the ability to use the powers to disrupt or quell a protest that is peaceful and does not disrupt the safe operation of an airport.

Response – Agreed

The Government will amend the Bill to address this recommendation.

Recommendation 3

2.67 The Committee recommends that the Australian Federal Police be required to record the number of occasions on which an identity information direction is issued under proposed section 3UN of the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018. Such records—detailing the number of identity check directions issued at each major airport—should be made public on an

annual basis.

Response – Agreed

The Australian Federal Police will update its policies and procedures to capture the number of occasions on which an identity information direction is issued under proposed section 3UN to enable annual reporting.

Recommendation 4

2.95 The Committee recommends that the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 be amended to include, in certain restricted circumstances, the right to seek urgent or expedited judicial review.

Response – Agreed-in-principle

The Government will amend the Bill to address the intent of this recommendation.

In issuing a move-on direction, a constable or Australian Federal Police protective service officer will be required to use an approved form that includes details to enable the person to contact a Federal Court registry in the State or Territory in which the direction is given. These details could include, for example, a telephone number, address or a website which sets out the contact details for the relevant Federal Court registry.

Providing these contact details will assist the person subject to the move-on direction to apply for judicial review or interlocutory orders in relation to the direction. This information could include, for example, information relating to the process for making an urgent or expedited application for judicial review or interlocutory orders.

Recommendation 5

2.98 The Committee recommends that the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 be amended to clarify the definition of *senior police officer* under proposed section 3UO(5)(b) of the Bill.

Response – Agreed

The Government will amend the Bill to address this recommendation.

Recommendation 6

2.100 The Committee recommends that the Australian Federal Police be required

to record the number of occasions on which a move-on direction is issued under proposed section 3UO of the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018. Such records—detailing the number of move-on directions issued at each major airport, and the number of move-on directions at each major airport that resulted in an individual missing a flight—should be made public on an annual basis.

Response – Agreed

The Australian Federal Police will update its policies and procedures to capture the number of occasions on which a move-on direction is issued under proposed section 3UO to enable annual reporting.

Recommendation 7

2.102 The Committee recommends that Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 be amended to ensure that, in circumstances where a senior police officer provides oral authorisation for a move-on direction, the authorisation is documented in writing as soon as practicable.

Response – Agreed

The Government will amend the Bill to address this recommendation.

Recommendation 8

2.116 The Committee recommends that proposed section 3UR of the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 be amended to ensure that obligations to provide information if requested apply equally to uniformed and plain clothes constables and Australian Federal Police protective service officers.

Response – Agreed

The Government will amend the Bill to address this recommendation.

Recommendation 9

2.125 The Committee recommends that, subject to the recommendations in this report, the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018 be passed.

Response – Agreed

The Government will update the Bill to implement the recommendations of the Committee.