

<COUNTER-TERRORISM AND OTHER LEGISLATION AMENDMENT BILL

Introduction



Hon. JR MILLER (Bundamba—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (4.35 pm): I present a bill for an act to amend the Fire and Emergency Services Act 1990, the Police Service Administration Act 1990, the Public Safety Preservation Act 1986, the Terrorism (Preventative Detention) Act 2005 and the Weapons Act 1990 for particular purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Counter-Terrorism and Other Legislation Amendment Bill 2015.

Tabled paper: Counter-Terrorism and Other Legislation Amendment Bill 2015, explanatory notes.

I am pleased to introduce the Counter-Terrorism and Other Legislation Amendment Bill 2015. It has been nearly 10 years since the Queensland parliament passed the Terrorism (Preventative Detention) Act 2005. The act is an effective tool which is designed to protect the Queensland community from imminent or recent terrorist attacks while achieving an appropriate balance between individual rights and freedoms. It included unprecedented powers which enabled police to detain persons for up to 14 days to prevent an imminent terrorist attack or for preserving evidence following a recent terrorist attack.

The act gave effect to Queensland's commitment to introduce complementary preventative detention legislation following the Council of Australian Governments special meeting on counterterrorism on 27 September 2005. As part of the COAG agreement the act contains a sunset provision, with the act set to expire at midnight on 16 December this year. In the second reading speech for the Terrorism (Preventative Detention) Bill 2005, the then Premier and Treasurer Peter Beattie commented that he hoped that these laws would not be needed in 10 years time.

Unfortunately, Australia is now undergoing the most significant ongoing threat from terrorism that it has ever faced. Queensland, like other Australian jurisdictions, has residents who are considered a security concern and who are the subject of investigations. The number of persons travelling overseas to participate in the conflict, the number of residents prevented from participating in the conflict and known supporters are all increasing. While the threat of large scale mass casualty and infrastructure attacks remain, there is also an increasing threat of low-tech lone actor terrorist attacks.

This threat is significantly harder to disrupt, as there may be no visible planning of the terrorist act and limited time between a terrorist forming their intention and undertaking the terrorist attack. Over the last 12 months there have been two incidents of terrorist attacks in Australia and six planned attacks have been prevented. This has resulted in two terrorists being fatally wounded and 23 people being charged. Due to the nature of terrorism, police may need to intervene early to prevent a terrorist act from occurring or they may need to act on less information than would be the case in more traditional policing responses.

Preventative detention legislation remains a valuable tool to aid police response to an imminent or recent terrorist attack. The Palaszczuk government is determined to ensure that Queenslanders are protected as far as possible from acts of terrorism; however, it is not the government's intention that preventative detention legislation form a permanent part of Queensland's statute book. Nor should the legislation remain for longer than is required to address the threat of terrorism. The current threat level means that when it comes to the Terrorism (Preventative Detention) Act it is far better to have it and not need it than need it and not have it.

017 The bill amends the Terrorism (Preventative Detention) Act 2005 to extend its operation for a further 10 years. The bill also requires a review of the need for, and effectiveness of, the preventative detention legislation to be commenced within four years. The bill requires a report on the outcome of the review to be tabled in the Legislative Assembly within five years. However, this amendment does not prevent the review and subsequent report being undertaken at an earlier time.

The bill also amends the extraterritorial application of the Terrorism (Preventative Detention) Act 2005 to ensure that preventative detention orders are available to be used where a vessel is intercepted or boarded outside of Queensland's coastal waters. This extends to a distance of 200 nautical miles seaward of the territorial sea baseline or to the edge of the continental shelf, where it extends further.

The bill also amends the Public Safety Preservation Act 1986 to ensure the powers under the act apply outside Queensland to the full extent of the extraterritorial power of the parliament. This includes powers relating to emergency situations, terrorist emergencies and chemical, biological and

radiological emergencies. This amendment will enable police to exercise emergency incident powers necessary to effectively deal with the emergency in Queensland even though the origin of the emergency is across the state border. For example, police would be able to close off roads and evacuate residents in Coolangatta to protect them from toxic gases leaking from a vehicle carrying dangerous goods across the border at Tweed Heads. Further, police would be able to exercise powers to resolve a siege occurring on a vessel outside Queensland's coastal waters.

For a terrorist emergency under part 2A of the act, the extraterritorial application enables the use of powers under the act to declare and intercept a vessel well before it enters Queensland. The ability to intercept a vessel outside of Queensland's coastal waters creates a significant buffer to protect Queensland from acts of terrorism originating in the maritime environment. The amendment will also ensure that a declaration of a 'vehicle' as a declared area for a terrorist emergency can be made before the vehicle enters Queensland. It also ensures that a declaration of a vehicle or vessel as a declared area for a terrorist emergency can continue in situations where the vehicle crosses over the state boundary or travels outside Queensland's coastal waters.

The bill amends the Fire and Emergency Services Act 1990 to expand the definition of 'occupier'. There are a number of budget accommodation buildings throughout Queensland. Many of these properties are commonly rented by backpackers or those employed in the fruit-picking industry. While budget accommodation suits those on a low income, it is vital that rooms are safe to live in. There is no excuse for accommodation providers ignoring basic fire safety measures including functioning smoke alarms, clear access to fire escapes and adherence to maximum occupancy provisions.

I commend Queensland Fire and Emergency Services for their recent efforts in shutting down a budget accommodation firetrap in the Lockyer Valley where six fruit pickers were living.

Mr Rickuss: Hear, hear! Fully support it.

Mrs MILLER: Thank you for your support, member for Lockyer. There must be adequate deterrence to those who provide unsafe accommodation. The expansion to the definition of 'occupier' will ensure that accommodation providers who do not comply with fire safety requirements do not avoid prosecution. It will ensure absent occupiers, rent masters such as lessees who sublet to multiple persons, and managers of illegally unsafe rental accommodation are held accountable for not providing safe accommodation.

The bill also amends the Weapons Act 1990 to recognise technical variations arising from federal machinery of government changes which occurred on 1 July 2015. The amendments allow an 'officer of customs' to continue to be exempt in the carriage of their firearm in performing their role. A transitional provision for the amendment to the Weapons Act is included in the bill. This transitional provision will ensure that the powers conferred on 'officers of customs' continues to apply in the period between 1 July 2015 and the commencement of the amendment of Queensland legislation to recognise the variations.

The bill will amend the Police Service Administration Act 1990 to reflect name changes arising from the federal machinery of government changes which occurred on 1 July 2015. The amendments will allow for the exchange of policing information provisions to continue to apply to the new Department of Immigration and Border Protection. Transitional amendments will ensure that the information-sharing arrangement provided for by the legislation continues to apply between 1 July 2015 and the amendment of the Queensland legislation.

The bill also amends the Police Service Administration Act 1990 by relocating the civil liability protections associated with Police Service reviews from section 16 of the Police Service Administration (Review of Decisions) Regulation 1990 to the act. These civil liability protections are more appropriately located in the act rather than a regulation. The amendment will also facilitate an updated regulation to the act being made in 2016. I commend this bill to the House. >

First Reading

Hon. JR MILLER (Bundamba—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (4.46 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Elmes): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date

Hon. JR MILLER (Bundamba—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (4.47 pm), by leave, without notice: I move—


That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Counter-Terrorism and Other Legislation Amendment Bill by 2 November 2015.

Question put—That the motion be agreed to.

Motion agreed to.

~~←MOTION~~


~~Order of Business~~

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Leader of the House) (4.47 pm), by leave, without notice: I move—

That government business orders of the day Nos 1 to 7 be postponed. →

~~MOTION~~


~~←Yeerongpilly Transit Oriented Development~~

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (4.48 pm): The ratification of the Yeerongpilly Transit Oriented Development State Planning Regulatory Provision 2014 is the final step in the process that will enable the development of the exciting Yeerongpilly Green precinct. The planning framework comprising the State Planning Regulatory Provision 2014 and a detailed plan of development were prepared in partnership with the Brisbane City Council and subject to community consultation in 2014 prior to the State Planning Regulatory Provision 2014 being made and gazetted on 24 September 2014.

The Yeerongpilly Transit Oriented Development State Planning Regulatory Provision 2014 sets out the statutory requirements for the development and is based on the land use, public realm, movement and other plans depicted in the detailed plan of development. The ratification of the State Planning Regulatory Provision 2014 formalises the planning framework which will deliver on the government's commitment to the development and construction industry in Queensland.

018 Economic Development Queensland within the Department of Infrastructure, Local Government and Planning selected Consolidated Properties and LJCB Investment Group as the preferred development partner for the site in April of this year and the ratification of the state planning regulatory provision 2014 allows Consolidated Properties to progress with the exciting proposal of Yeerongpilly Green. Around 250 jobs and approximately \$30 million of community amenities will be created through the construction of this \$850 million development. I therefore move—

That the Yeerongpilly Transit Oriented Development State Planning Regulatory Provision 2014, as tabled on 5 May 2015, now be ratified. →

 **←Mr NICHOLLS** (Clayfield—LNP) (4.50 pm): I am very happy to rise in support of the motion before the House today, because of course it is yet another vote of confidence in the former government's plan to grow the Queensland economy in part of the four pillars we identified in the construction and property area. In that respect, I am of course delighted to—

Ms Trad: We started it. Come on, Tim! We started it!

Mr Hinchliffe: I am in the room! Don't ignore me!

Mr NICHOLLS: Mr Deputy Speaker, they impugn to me their own motives. They thought I was not going to recognise the member for Sandgate. They thought that I, like them, would try to claim credit for everything! Nothing could be further from the truth. But, unlike those opposite—and I am here to support the motion—who want to claim credit for things like the Queen's Wharf development or the