



Speech by

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CHEMICAL, BIOLOGICAL AND RADIOLOGICAL EMERGENCY POWERS AMENDMENT BILL

Ms MALE (Glass House—ALP) (5.02 p.m.): I rise to support the Chemical, Biological and Radiological Emergency Powers Amendment Bill 2003. This bill is designed to give our emergency services the powers they require to ensure that our community remains safe in the horrific event of a chemical, biological or radiological attack. It is vital that emergency services have powers to decontaminate people and property subjected to a CBR substance and, where necessary, to provide medical treatment to persons affected by a substance so that they may, as quickly as possible, continue to go about their normal lives. Therefore, in order to ensure that a CBR substance is not inadvertently spread to uninfected members of the community, the bill provides a power to police to detain potential victims of a substance until they may be decontaminated, medically assessed and treated. This power may be used only in consultation with a very senior medical practitioner from Queensland Health or a very senior member of the fire service in the case of chemical contamination.

This is a well balanced piece of legislation. The bill not only provides powers but also provides safeguards to members of our community who may be subjected to its provisions. There is an obligation on the CBRE coordinator, who is an assistant commissioner of police, to inform any detained person that he or she may apply to a Supreme Court judge for an order ending the person's detention and how the person may apply, that the person has a right to consult a lawyer of their choice and that the person may be detained only beyond the first 48 hours of the CBR emergency. The commissioner must apply to a Supreme Court judge for approval for the CBRE coordinator to continue to exercise the detention power. The CBRE coordinator must also inform the detained person's next of kin or someone else nominated by the person that the detained person is detained under this power, where the person is detained, the things mentioned to the detainee and how to obtain information about the relevant person, including who to contact to obtain the information. Additionally, the CBRE coordinator must also make any reasonably necessary arrangements in the interests of the person's welfare, which includes the provision of food and clothing.

The power to obtain the name and address of a person detained under the bill is subject to limitations on its use. A police officer may exercise the power to record details of individuals detained and property seized from the person or to contact the person only because of something relating to the CBR substance involved in the CBR emergency that may put the person's life or health or the life or health of someone else at risk. Any information given under this provision may be used only for a purpose mentioned above, or for the Coroners Court or for an investigation into an offence directly related to the emergency. Any detention powers used under the bill are only lawful if, after 48 hours of detention, a Supreme Court judge approves the continued exercise of the power. To ensure this provision operates as intended, the Commissioner for Police must apply to a Supreme Court judge for an order approving the continued exercise of the detention power. However, an application of this nature may be made only after the Minister for Police and the Premier are satisfied it is necessary to continue a detention.

The bill also goes further in the interests of safeguards by allowing a detained person's lawyer or a person nominated by the detained person to apply at any time to a Supreme Court judge for an order ending the relevant person's detention. I also mention that any property seized under this bill and not destroyed by necessity must be made available for return to the person lawfully entitled to possess it. However, property not claimed by a person within 60 days after the CBR emergency ends is taken to

have been forfeited to the state and may be disposed of. Clearly, police cannot keep property for an indefinite period and 60 days is an appropriate time to allow a person to claim it.

Notably, any person who is required to assist in a CBR emergency and thus is absent from his or her normal employment will not be subjected to dismissal from that employment. The government will protect the jobs of those people, who should be hailed as heroes, nor will they suffer any break in their service from their place of employment in terms of long service leave or lose any financial entitlements, including their normal weekly pay. Should a person who is not an emergency services employee suffer an injury as a result of the assistance they offer, they will be covered in a similar manner to a WorkCover agreement. Obviously emergency services personnel are already covered by WorkCover. Likewise, where non-government property is used or damaged during a CBR emergency, provision exists for the government to compensate any person for that loss.

The stringent measures detailed above are designed to ensure the health of those affected by a CBR substance and the safety of the community in containing that substance. There are strict contingencies placed on using these powers, but it is necessary that these powers are in place so that emergency services can act quickly and cohesively to protect the health and safety of both individuals and the wider community. As I said earlier, this is an essential bill which must be passed by this parliament and justifiably deserves bipartisan support. It will become another lawful and justified weapon in our arsenal to combat terrorist attacks. I commend the bill to the House.