



Speech by

GEOFF WILSON

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Hansard 19 August 2003

CHEMICAL, BIOLOGICAL AND RADIOLOGICAL EMERGENCY POWERS AMENDMENT BILL

Mr WILSON (Ferny Grove—ALP) (6.15 p.m.): It is my great pleasure to rise in support of the Chemical, Biological and Radiological Emergency Powers Amendment Bill 2003. I, too, would like to join my colleagues in commending the minister for the introduction of this legislation and also the public servants who have worked tirelessly on what is a fairly complex and difficult area. I have had the privilege of working with other colleagues and with the minister on his backbench ministerial police committee. That is one forum where it is often possible to have some early awareness of important initiatives such as this and to have input. I express my appreciation to the minister for the way in which he runs his backbench committee.

The World Trade Centre catastrophe in 2001 and the Bali bombing in 2002 brought the world to an entirely new level of awareness of international terrorism. In previous decades terrorists have hijacked aircraft from time to time, mostly in the northern hemisphere and predominantly in Europe. However, never before outside of a declared wartime situation have people in Australia felt like they have been potentially at risk from international terrorism. Since the World Trade Centre and the Bali bombing we have become aware of the ever-present possibility of it happening on our own shores.

This legislation gives effect to one of the five key policy objectives of the Beattie Labor government, and that is building safe communities. That objective is achieved through a range of initiatives by this government, the most recent being the anti-hooring legislation referred to by my colleague the member for Redlands earlier. At a far larger and significant level, but with the same policy objective, this CBR legislation seeks to make the community in Queensland a far safer place.

Prior to this legislation, the government did have some powers in relation to emergency situations in the public domain. Since 1986 there has been the Public Safety Preservation Act. That, along with other related legislation, has provided emergency powers to enable the protection of property and the lives of people in emergency situations in Queensland. However, since the new rise of international terrorism in Australia it has been necessary to bring forward this sort of legislation, which exceeds initiatives taken in the year 2000 when the Beattie government developed a document titled the *State of Queensland multi-agency response plan to chemical, biological and radiological incidents*. This legislation is a step beyond that and is based upon the excellent work done in that document.

There are five key criteria used to identify when this legislation is activated. Firstly, an incident has to occur in which a chemical, biological or radiological substance is involved; secondly, the CBR substance must pose a serious risk to the life or health of individuals; thirdly, it must be found that the CBR substance may spread if not immediately contained; fourthly, a significant coordinated effort by emergency responders is necessary to adequately respond to the incident; and, fifthly, using powers available under existing laws would not enable emergency responders to effectively deal with the incident. That is one of the key elements of this legislation that significantly advances the position from the current legislation, because this is legislation of absolute last resort.

There are a range of powers that are conferred under relevant authorities pursuant to this legislation. Those powers involve the power to detain people; to give people directions in order to restrict movement; to give people directions about the conduct, the safety and use of animals; to decontaminate individuals; to medically examine and treat members of the public; to seize property; to destroy seized property; and also to require members of the public to give their names and addresses.

Those powers are allocated to different emergency services officers, whether they be medical officers, ambulance officers or police officers. That is the constellation of powers that is available to be used under this exceptional legislation.

Because it is exceptional legislation it is important to balance that with the concerns relating to people's civil liberties and also the seizure of their property with safeguards and accountabilities. They are also to be found in the legislation. One of the key accountabilities is the threshold trigger that is required before this legislation comes into operation, and that is that there must be an incident involving a CBR matter that has already occurred. It is not activated by the prospect of an incident occurring in the future but that an incident has already occurred. Secondly, as I said earlier, it must be a case where the existing powers available to the police or other emergency services workers are not sufficient to deal with the CBR emergency.

A further safeguard is that the overall coordinator of the CBR emergency must be an officer at the rank of assistant commissioner or above. Further, there is a very close definition of the CBR emergency powers to minimise the extent to which the normal rights and privileges that are enjoyed by Queenslanders are impinged upon. The legislation also requires that the CBR emergency be ended as soon as the exercise of the emergency powers is no longer necessary to protect life or health at serious risk because of the CBR substance involved.

Another safeguard is that the emergency powers may be used only for so long as is necessary to ensure that the CBR substance does not pose a serious risk to life or health of individuals. There further must be a written record kept of all property seized and, importantly, there are a range of judicial procedures to apply scrutiny to the exercise of these powers. That is associated with powers in the Public Interest Monitor to appear before the Supreme Court in cases of detention and powers being exercised against a member of the public and, further, that there is parliamentary scrutiny of the use of these emergency powers by requiring the Minister for Police to report to parliament on any CBR emergency.

In addition to those safeguards, the legislation sets up a regime whereby the exercise of the power in the first place can apply only for 24 hours and then it can be extended for only seven days. Any extension beyond seven days can be only by regulation through the parliament, which can have operation for 14 days at most. Then it can be extended only by the parliament. This is very sound legislation and it is my pleasure to commend it to the House.