



Speech by

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CHEMICAL, BIOLOGICAL AND RADIOLOGICAL EMERGENCY POWERS AMENDMENT BILL

Mr HOBBS (Warrego—NPA) (4.55 p.m.): I am pleased this afternoon to speak to the Chemical, Biological and Radiological Emergency Powers Amendment Bill 2003. It is indeed a sad day, as many speakers have said, that we need to bring legislation like this into the parliament. However, that is the way of the world. Unfortunately, acts of terrorism are occurring on our doorstep, and we have to make sure that we have the appropriate legislation in place to protect our people and to ensure that any spread of disease or any harm that may come to any of our citizens with any of these spills, deliberate or otherwise, is contained and managed in a very professional way. These spills can occur by accident, of course, and that also needs to be managed in a sensible way.

We have just seen what happened in America recently with its loss of power. I know that situation was not a chemical spill, but it could easily have been. Australia could find itself in a similar situation, particularly on our highways where accidents can occur. I think it is most telling that we need this legislation in place for acts of terrorism. Unfortunately, that is the way of the world today.

The legislation provides some quite strong powers for particular authorities. It enables emergency responders to detain persons and require them to undergo forcible decontamination and/or treatment in order to contain the spread of any substance. That is important. I do not doubt some people may think their civil liberties are being reduced in some manner or form. However, the reality is that sometimes we have to do the best we can for our community, and this has to be done.

At many airports now there are showers nearby where planes fuel up. I have my own plane that I fly around in, and at fuel depots they have decontamination showers. So that sort of thing is already in place. No doubt if people had a chemical spill somewhere it would not be hard to set up some shower arrangement where they can walk through and decontaminate themselves. That is fairly important.

Mr Lawlor interjected.

Mr HOBBS: They probably do have a sign like that. It would be very handy in my case sometimes.

It is interesting to note that, firstly, in the legislation there is a requirement for a report of an emergency to be given to parliament within six months of the emergency ending regardless of how long the emergency lasts. Secondly, if the emergency lasts for more than seven days, the regulation of the extended period of the emergency is open to disallowance by the parliament. As we all know, disallowance is a bit of a joke in a lot of ways. However, it does give a legislative process to it and it does allow open and free debate in the parliament. I suppose that is the only reasonable process we can go through in the democratic society that we have. At least it allows general debate on the issues. I do not know whether the government could have done any better, but that seems to me to be not a bad way to go about it.

I was interested to read that under the existing liability provisions of the Public Safety Preservation Act 1986 police officers and persons acting in accordance with police directions are afforded protection from liability for things done or omitted under the act in good faith and without negligence. The bill extends this provision to provide the same protection to non-police emergency responders in an emergency.

I often wondered that if we can do this and give this protection to professional or voluntary workers, why we cannot do it in a broader sense for a lot of other public liability problems that we are

facing across-the-board? I think that we probably can, quite frankly, and I suspect that maybe the lawyers out there are opposed to that. Obviously this is a very sensible move. We cannot afford to have situations where public liability actions will in fact occur as a result of some genuine need to try and decontaminate people. So I think that this is only reasonable, but I do make that observation—that is, why it cannot also be done for other pieces of legislation.

I also noted from the minister's second reading speech that safeguards will apply to the seizure and destruction of property. These are aimed at preserving life, but measures were put in place to ensure that members of the public would be able to apply for compensation for financial loss. I presume what the minister is referring to is when property is seized at the time and somehow it is damaged. That is what is being compensated for. Is that the case? Would it be for loss of income as well? It says that safeguards are applied to the seizure and destruction of property. It has to be property itself. So if in some manner or form that property was not able to provide an income, is income included in that compensation clause as well? As the member for Gregory has said, we on this side of the House do support this bill. It is unfortunate that legislation such as this has to exist. Maybe it is just a progression of things and a safeguard for us to have. On that basis, we support the bill.