



Speech by

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TERRORISM (COMMUNITY SAFETY) AMENDMENT BILL

Mr HORAN (Toowoomba South—NPA) (3.16 p.m.): It has been indicated by the Leader of the Opposition that we will be supporting the Terrorism (Community Safety) Amendment Bill. It seems as though most members of the parliament will be. I think it shows the unity of purpose of Australians to get behind our federal and state governments in making our society and our community as safe as possible. We could possibly say that this bill had its geneses in the dreadful events of September 11 and the Bali bombings. This is something that people in Australia are not really used to.

Over the years we have witnessed these sorts of terrorism acts. There have been bus bombings and public transport bombings and shopping centre bombings in other places. We tended to think that it could never happen here. I think the significance of September 11 was that it happened at a place where we thought it would never happen. It really made everybody aware of how the threat of terrorism had reached new levels of sophistication and hitting areas where it would have the most effect upon communities while at the same time endeavour to change or persuade political decision making and overrule governments to the benefit of those people perpetrating the terror.

I will never forget September 11 and the effect it had in this parliament. For the first time in the history of this parliament we did not continue that day. There was a brief statement made that morning by the Premier and me, as the then Leader of the Opposition. We closed the parliament down for the day because nobody had the heart or the will to continue that day due to how we felt. It was a very empty and tragic feeling. Those sorts of tragedies of even that magnitude have happened to people in other parts of the world. They were simply not reported as much or as significant to the world as that, but just as significant to the people it affected. Whether in Northern Ireland, the Middle East or Israel or elsewhere in the world those attacks are dreadful.

It was followed up with the awful tragedy of Bali. That brought it home to us in Australia. We are the only nation in the world that became a nation by a ballot and not a bullet. We are used to peace and wonderful democracy. The episode in Bali broke our hearts. I will never forget attending the remembrance ceremony in Canberra with the Premier. I have never in my life seen such intense and mass grief as I saw at that ceremony. It was a very solemn ceremony. It was like a microcosm of an Australian suburb before your eyes. There were old people, young people, footballers, families. Everybody there had suffered grief because people had gone to have a happy holiday and ended up in that dreadful blazing inferno.

Of course, we have seen the vivid pictures on TV of what happened with the Madrid train bombing. I well remember being on the London Underground in 1993 and the number of times that the system would stop and everyone would simply get off because a port or a parcel was discovered on the train. There was great fear and panic amongst people wanting to get off the train. At that time I attended a Rugby test match in Paris where every single one of the 70,000 people who went through the turnstiles had to be searched. We had to walk through and hold up our arms, and they checked every single person for weapons. Coming from Australia where we have been able to attend things so freely, happily and joyfully, it was a real shock to the system. That is the background to the legislation before us today and other legislation that has preceded this.

One might say that, in the past, there has been some honour in war, if I can say that. People on the different sides knew who the enemy was. They had different uniforms and, at times, they performed very courageous and brave acts in the face of terrifying odds. In the Vietnam and Indochina wars, we moved towards guerilla warfare where troops were frustrated and confused by not knowing, at times, who the enemy was. The traditional enemy, who was someone in a uniform that one knew, was replaced by people with no uniforms, that is, ordinary civilians. At times, it may even have been women and children, which added to the awfulness and the tragedy of those particular wars.

Since then we have seen the emergence of terrorism, and the previous speaker mentioned the dreadful terrorism that has persisted for so long in Ireland. Many of us of Irish decent have wondered how a nation that was supposed to be based upon religion could resort to such continual and ongoing terror, generation after generation.

Terrorism is a dreadful thing. People could be simply going to work, shopping or attending a sporting event and suddenly their lives are shattered. Terrorism is cowardly. It is committed by people who have no thought for the innocent people whose lives they are endeavouring to threaten or violate. As a result, terrorism needs to be treated with great strength, great confidence and great preparation. There needs to be no quarter given or taken in the treatment of terrorism, in the systems we have in place that are designed to prevent terrorism and designed to investigate and detect it. Let us hope that those sorts of systems work but at the same time, in the event that terrorism does take place, there needs to be the capability to act swiftly.

There also needs to be the capability to act swiftly and decisively when investigating or preventing terrorism, because it is unknown and uncharted waters to many other than counterterrorism experts. If some new act is being contemplated, those experts need to be able to move with great certainty and great swiftness. Time is very often of the essence. If a tip-off has been provided or some investigation is taking place, time may be absolutely essential. Therefore, the legislation and the support that we provide to our Police Services and other agencies has to allow for that whilst, at the same time, remaining within guidelines so that we cannot use terrorism legislation for things that not are truly acts of terrorism.

Our police officers and our law enforcement agencies need to have certainty. They need to have the ability to act swiftly in a very straightforward chain system. If time is of the essence, we do not want them to have to go hither and yonder across the state or the nation seeking all sorts of approvals, if that approval can be provided swiftly by a senior experienced officer in whom we as a legislature have been able to confer that particular authority.

I have always felt very strongly about the need to support the Queensland Police Service and I have always felt that, when developing systems, they need to be as straightforward as possible. The chain of command and direction needs to be as straightforward and as uncomplicated as possible. I have always felt that, wherever possible, we should place much of our operational, investigative and preventative systems within the jurisdiction of the Queensland Police Service.

Some time back we established the Queensland Crime Commission which had additional powers called star chamber powers. It was allocated particular powers of interrogation. It was put in place for the investigation, control and eradication of, firstly, major crime and, secondly, paedophilia in this state. Subsequently, in a previous parliamentary term under this government, the Queensland Crime Commission was merged with the Crime and Misconduct Commission. At the time, I felt and argued that they both had specific specialist purposes. I argued that the CMC was an organisation specifically dealing with misconduct and the prevention or investigation of corruption, and should have remained as that specialist body. I felt that the QCC had developed a very close and professional working relationship with the Queensland Police Service in investigating major crime and was able to work cooperatively with the Queensland Police Service in those matters where broader and more stronger investigative powers were needed. It was able to undertake some investigations and could question people and demand a truthful answer from them. Its powers meant that people being questioned could not say that they did not want to answer questions. Those two organisations have now merged into the CMC. Much of the legislation that we are looking at today is about providing stronger powers to the CMC and also some stronger powers to our Queensland Police Service. I give that background to the CMC, the QCC and the Police Service because I do believe that, when I talk about being able to act swiftly and decisively, it is important that everybody knows their place. The chain of command and the system of approvals and so forth has to be simplified where timeliness is needed.

When we get to issues of terrorism and issues that deal with all sorts of national and international events, we can end up with a large number of organisations being involved. It could be the Federal Police or other federal agencies, the federal government, the state government, the CMC and the Queensland Police Service, and there may be other agencies such as emergency services also involved. There needs to be a great deal of cooperation, knowledge and understanding between those bodies.

The key issue in this bill—and it follows on from a number of other laws put through the parliament— involves a strengthening of the statute book to ensure that our enforcement agencies have the necessary

powers to protect Queenslanders at home. That is important. This is about looking after our patch and making sure that our systems and powers are right. The CMC will be able to use its full range of coercive powers. I do not have any problem with that. I believe it must be able to do that. As I have said, they must be able to do it in conjunction with and, if necessary, on behalf of the Queensland Police Service if it or citizens come forward with any particular complaints or information.

As I say, the CMC when investigating matters has the power to inspect and seize financial records, passports and so forth and to compel a person to provide information on movements, money and assets. This bill enables the Police Commissioner to enlist the help of police from other jurisdictions. It also allows people to seek court approval to conduct secret searches of premises for evidence of terrorism.

The bill contains additional safeguards with regard to some of the increases in powers that are provided. For example, interstate police who are called in to prevent or respond to a terrorist act in Queensland will be named. I would not mind if the minister could comment on that—what it actually means by them being named. Does that mean putting a name tag on them or reporting in a report to the parliament or to the Police Minister? What particular units of what police services are used?

The bill also allows the Supreme Court to grant police a warrant to conduct an undercover search for evidence within 72 hours of police knowing that evidence of organised crime or terrorism may occur. It is noted that that is a power that is already available to the CMC. I think it is good that that is also provided to the police, because 72 hours should provide them with the time in which to hop in and undertake that particular investigation.

One thing that is missing from this legislation is phone tapping. My colleagues and I have spoken about this matter many times in this parliament. We have spoken about it mostly in relation to drugs, because Queensland is one state where people can do drug deals on mobile phones and telephones with impunity. It is one area where they know that they are safe, because their phone cannot be tapped by the Queensland Police Service. The only way that the Queensland Police Service can obtain phone tapping of a particular line is through a convoluted system of going through other interstate or national agencies in order to get that tapping undertaken. Criminals have been able to gain technological advantages through mobile phones. Our Police Service is hamstrung—handcuffed, if you like—in not being able to tap into that technology to prevent those sorts of deals being done. In the case of terrorism, it would seem to most of us quite reasonable and sensible to give police the opportunity to be able to do that. One of the most basic communications systems that people use when committing terrorist acts or undertaking drug deals is the mobile phone or a landline. Yet our police are not able to tap into those phone services.

As I have said before, civil liberties could be well maintained. People would be rightly concerned that their telephone could be tapped, but we could use the services of the Public Interest Monitor—the PIM—which are used by the police in Queensland to undertake covert operations, surveillance operations or to put in listening devices in a house or on a premise. Really, when we look at it, there is not much difference between tapping into a phone system of a suspected drug dealer and a suspected terrorist. We are able to have covert operations. We are able to have listening devices in place under the umbrella of the Public Interest Monitor who gives permission for that to take place. Why can we not provide our Police Service with the opportunity to have phone tapping?

When we think of it, it is a glaring omission from this legislation. I spoke before about the issue that if police know that evidence of organised crime or terrorism is not yet in place but is expected to arrive within 72 hours, they are able to get a warrant for an undercover search for evidence within that time. We should be allowing the police to tap into the phone of that suspected person or group whom they believe could be about to conduct an operation. By doing that, they may very well find out what that operation or terrorist act is going to be. Without the telephone tapping powers, they may just completely miss it. They may not be able to get it or detect it at all.

I think that the lack of telephone tapping powers is a glaring omission from this legislation. I think that we have enough proof in Queensland to show that, if used properly with the approval and under the supervision of the Public Interest Monitor, covert operations and listening devices have not intruded upon the personal liberties of people. It is something that should be in this legislation.

I join with our leader and my colleagues in supporting this bill, with the sincere hope that what we do through this legislation strengthens and alerts our agencies. I commend our Police Service and the CMC on the work that they have undertaken to date in endeavouring to keep Queensland and Australia free from terrorism. Let us hope that, for all the good people in the world, their efforts are successful and this legislation helps in that regard.