



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard Wednesday, 10 October 2007

TERRORISM, ORGANISED CRIME AND ANTI-CORRUPTION SURVEILLANCE BILL

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (7.40 pm): I rise to speak in the debate on the Terrorism, Organised Crime and Anti-Corruption Surveillance Bill 2007. Let me say at the outset that the government will not be supporting this bill. Despite its name, this bill is not about terrorism, it is not about organised crime and it is not about anticorruption, just as the opposition's strikingly similar Terrorism and Organised Crime Surveillance Bill 2004 was not about terrorism or organised crime. This bill is about one thing only. It is about telecommunication interception powers. This issue was discussed at length in this House in August in the course of the debate on the Terrorism Legislation Amendment Bill 2007 and I frankly do not think that I need to repeat all that was said then.

It continues to be our government's view that we should have telecommunication interception powers to give our law enforcement agencies, the police and the CMC, effective powers to combat crime in all its forms. It is absolutely essential, however, that these sorts of strong powers are accompanied by appropriate checks and balances to protect the people of Queensland against an abuse of these powers.

As the Leader of the Opposition knows, any Queensland telecommunications interception powers have to be consistent with the Commonwealth's Telecommunications (Interception and Access) Act 1979. The Commonwealth government agrees that checks and balances are essential. The sticking point is that we do not agree on what those checks and balances should be. The Commonwealth Attorney-General, Philip Ruddock, has clearly stated that the back-end monitoring provided for in the Commonwealth act is enough—that is, monitoring of interceptions after a warrant has been obtained. We are not seeking to replace those measures just to strengthen them with some tried and tested front-end monitoring of the process by which the warrant is obtained in the first place. Queensland is already equipped to make this happen through the involvement of Queensland's Public Interest Monitor.

The Public Interest Monitor was introduced by the coalition government and—I am happy to give credit where it is due—it has worked extremely well. It has worked extremely well here in Queensland for many years to ensure that our already extensive surveillance powers operate effectively and appropriately. The Public Interest Monitor role simply provides an extra safeguard in the form of independent comment which assists the court in considering the validity and purpose of applications for warrants.

The PIM's ninth annual report tabled in this House on 14 November last year reports comments from the Chief Justice and the Chief Magistrate that judges and magistrates get much assistance from the Public Interest Monitor in relation to surveillance warrant applications. It is certainly in the public interest that the PIM also be involved in phone tapping.

We have continued to negotiate with the Commonwealth about this important issue. To be honest, I do not think that we are too far apart in terms of principle. It is just a question of nutting out the detail and ensuring we can find agreement on the checks and balances. As soon as we reach an agreement we as a government will take steps to introduce legislation to provide the police and the CMC with telecommunication interception powers that will help protect the people of Queensland.

I want to stress that I intend to continue this government's practice of being tough on crime, including organised crime and corruption, and tough on the causes of crime. We will continue to be constantly vigilant and proactive in doing all that we can to protect the community from terrorism. Just two months ago our suite of legislation dealing with terrorism was even further enhanced with the passage of the Terrorism Legislation Amendment Bill 2007. I commend the opposition for supporting that bill.

In 2005 Queensland was one of the first Australian jurisdictions to introduce preventative detention legislation. Since that time the legislation has been continually reviewed and, where appropriate, strengthened. Under the recently passed Terrorism Legislation Amendment Bill 2007 police now have the power to search a person under preventative detention at the time they are taken into custody without the need to obtain a warrant. Police powers are even wider during a declared terrorist emergency situation.

I should also note that the police and the CMC already have broad powers to use surveillance devices including listening devices, visual surveillance devices and tracking devices. As I have mentioned, the Public Interest Monitor plays a vital role in the exercise of those powers and the system we currently have in Queensland works well to protect the interests and rights of Queenslanders.

I conclude by reiterating that my government will support telecommunication interception powers but we will not rush in with a bill like the one introduced by the opposition tonight before reaching an agreement with the Commonwealth government that satisfactorily addresses all reasonable concerns. As I said earlier, this is not the first time we have seen this debated in the House. Our position remains unchanged. These are important powers. We accept that but they are very extensive powers. They are a very significant intrusion into the private lives of citizens. They are powers that we believe ought to be exercised in the context of appropriate checks and balances.

The check and balance that we propose is not one that we will invent or one that has not had some road testing. It is a public interest monitoring role that has been in place for years in Queensland operating effectively without causing any delay in the operation of the work of the police or the CMC. I am not aware of any concerns within the Queensland Police Service or the CMC in relation to the way the Public Interest Monitor works. I think that is testament to the strength of that check and balance. It is one of the reasons we are so keen to ensure that this part of our system is preserved in relation to any further extension of these sorts of powers. As I said, the government will not be supporting this bill tonight.