



Speech by

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MEMBER FOR SOUTHERN DOWNS

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TERRORISM, ORGANISED CRIME AND ANTI-CORRUPTION SURVEILLANCE BILL

Mr SPRINGBORG (Southern Downs—NPA) (8.10 pm): In the times I have heard this issue debated in this state parliament, I have not heard one lucid, decent, substantive argument from honourable members of the government as to why Queensland law enforcement authorities should be denied the right to have telephone interception powers. We have heard a lot of excuses but we have not heard reasons that actually stack up. If honourable members want to stand up and demonstrate clearly why Queensland should be the odd state out, then let them do so with the real reason—not with a whole bundle of grab bags of excuses.

As we all know, Australia has six states and two territories. As of 2003—and the situation may even have changed since then—five Australian states and one territory had their own telephone interception power regime. The only state which did not was Queensland and the only territory which did not was the ACT. Perhaps the ACT has redressed it at this stage, but that is just an academic argument because the issue is this: why are the majority of Australian state and territory jurisdictions by an overwhelming number comfortable with having their own telephone interception powers?

Let us look at how long ago some of those states gave their law enforcement agencies telephone interception powers. For Victoria Police, it was 28 October 1988, almost 19 years ago; for the New South Wales Crime Commission, it was 30 January 1989, almost two decades ago; for the New South Wales Police Service, it was the same day; for the Independent Commission Against Corruption—which may have superseded the Crime Commission down there, I am not sure—it was 6 June 1990; for South Australia Police, it was 10 July 1991; for Western Australia Police, it was 15 July 1997; for the Police Integrity Commission of New South Wales, it was 14 July 1998; and for the Western Australian Anti-Corruption Commission, it was 24 September 2001. I am not sure of the dates for the Northern Territory or Tasmania but really that is purely academic.

If all of these issues about the fundamental subjugation and the lowering of the rights, standards and liberties of people at large were so great, one would wonder why there has not been a universal revocation of telephone interception powers in other Australian state and territory jurisdictions. The reason there has not been a revocation of them is that all of the arguments which have been advanced by honourable members opposite do not hold water when we are dealing with the issues of fundamental liberties of the people in the community that they are concerned about. Those jurisdictions which have decided that telephone interception powers are an important tool in the kit of their law enforcement agencies believe the benefits outweigh any disadvantages and if there are any disadvantages they can be quite properly dealt with.

Let us look at how many of those jurisdictions that I mentioned are not Labor jurisdictions. Absolutely none of them. Some of them, quite frankly, have got quite left-wing attorneys-general and police ministers, in particular Western Australia. They are not running out there adhering to the mantra that they have got to abolish it, that they need to take this important tool out of the kit of the law enforcement

agencies in their particular states and territories. Nowhere is that being proffered. In actual fact they are getting on with the job.

Also, in actual fact, they are having some significant results in their states when dealing with organised crime and other corruption activities which need to be brought to heel. We have seen right from the late 1990s—almost 10 years ago—the then CJC, the crime commission in this state, and the Queensland Police Service jointly calling for telephone interception powers. This government has continually over that time denied their call for telephone interception powers on the very flimsy basis that it is to do with the federal government not altering the Telecommunications Act to put in place significant oversight and monitoring powers.

I have always said from the time that I first introduced a private member's bill in this place—or in actual fact going back before that when I was shadow Attorney-General in Queensland around the time Project Krystal actually reported on the need for TI powers in Queensland—that the range of issues with regard to monitoring, oversight and the protection of fundamental liberties and rights can be properly dealt with as they have been dealt with in other jurisdictions. This argument that Queensland has to be different to the other Australian states and territories and we have to get the Commonwealth government to do something does not hold water and it does not hold water for a lot of reasons. Other members on this side who have contributed to this debate have been through that.

Let us look at what has developed in Queensland in that time which has necessitated TI powers even more greatly today than some years ago. We have seen admissions from this state government's own law enforcement agencies that Queensland is now the amphetamines capital of Australia. No-one is arguing that. That is a fact. Anyone who wants to shake their head at that can go and find the Queensland Police Service and the CMC's own reports which actually point to that. The government itself has had to actually admit that.

We know there are other organised criminal activities in Queensland—from money laundering through to particular ethnic gangs that are involved in certain organised criminal activities and a whole range of other things—which we could hinder with a TI power in this state. Instead of that, this government is running around deliberately tying the hands of our law enforcement agencies behind their backs.

If you want to engage in organised crime in Australia, you come across the Tweed into Queensland. If you go to the other side of the Tweed and into New South Wales, you can actually be monitored by the New South Wales law enforcement agencies down there. The shadow minister for police has been through this business about joint operations with the Australian Crime Commission or the AFP very well. That process is rather turgid and convoluted and does not necessarily allow the responsiveness needed to be able to deal with issues that might strictly and normally be monitored as a state law enforcement agency. Things can be stumbled across when something is being routinely monitored and there might be suspicions about some corruption activity or some other form of organised criminal activities which, frankly, the Australian Crime Commission and the Australian Federal Police would probably generally have very little interest in anyway. So the nonsense about joint operations does not stand up as a backdoor way for Queensland law enforcement agencies to be able to get TI power.

Let us look at what happened in Western Australia recently and again today. The activities of Brian Burke and Julian Grill would not have been exposed if it were not for their anticorruption watchdog having telephone interception powers which enabled them to monitor all this sordid and manipulative interaction between Mr Burke and his cohort and the Labor Party ministers of the day that they sought to influence. In actual fact, much has been made in that jurisdiction of the fact that they were able to get the information and the evidence necessary to be able to curtail that sort of activity. So who knows what is happening in Queensland.

Who knows the primary motivation of people as they seek to stand against these sorts of things? One would hope that it would be chaste in some way. All I am asking is, why? No fundamental and legitimate civil liberties argument exists here. If it did, why has it not been evident in the other Australian states and territories that have had TI powers in their own jurisdictions for some 20 years? It is because there is no such evidence.

I say to the government: stop making excuses and give the law enforcement agencies in this state, principally the Crime and Misconduct Commission and the Queensland Police Service, the tools to do their jobs. Government members should be searching their own consciences about the arguments that they have been forced to use in this place but that do not hold water.