Speech by

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TELECOMMUNICATIONS INTERCEPTION BILL

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (12.27 pm): I rise to speak to the Telecommunications Interception Bill 2009, which will introduce telephone-tapping powers in Queensland. There is a very comprehensive brief from the Queensland Parliamentary Library, which has updated a previous one of a couple of years ago. I will be using some of the comments from that brief because it is a very good brief. New members would be well advised on some of these issues to have a look at what the library produces, because it is a great help in doing research for these sorts of matters. Lawrence Springborg, the member for Southern Downs and former Leader of the Opposition, has introduced private members bills on this issue over the last few years, and I look forward to his contribution on this bill.

I want to indicate that this bill is longstanding Liberal National Party policy, and it has been introduced into parliament during the last three sittings and we will be supporting it. I note that the library brief states—

The Commonwealth Telecommunications (Interception and Access) Act 1979 or, TIA Act, seeks to establish a comprehensive national scheme for the lawful interception of telecommunications.

This bill will enable the Queensland Police Service and the Crime and Misconduct Commission to apply for telecommunication interception warrants under the Commonwealth T(I&A) Act for the investigation of serious offences.

We are the only jurisdiction not to have had such legislation. So the absence of such legislation has meant that the Queensland Police Service and the Crime and Misconduct Commission cannot be declared interception agencies. Only an interception agency can obtain in interception warrant under the T(I&A) Act. Neither the QPS nor the CMC can currently obtain a warrant to authorise the interception of telecommunications to assist them in the investigation of serious offences within Queensland.

It is pointed out in this research brief that over the years law enforcement agencies in Queensland have had to use alternative detection and investigation measures rather than depend on being allowed access to information intercepted by their interstate or Commonwealth counterparts. For example, the Queensland Police Service, under the Police Powers and Responsibilities Act, has used surveillance devices which include listening devices, visual surveillance devices and tracking devices to investigate indictable offences. The Public Interest Monitor created under the Police Powers and Responsibilities Act is allowed to appear at applications for warrant hearings to represent the public interest.

I note that part 2 of this bill is where the Public Interest Monitor's position is codified. It is interesting to read about the Public Interest Monitor in this brief. The position was established in 1997 by the then coalition government under the Police Powers and Responsibilities Act as an independent statutory office holder to, among other things, appear at hearings of applications for various surveillance warrants in order to represent the public interest.

Obviously, up until now the police and the CMC have been limited in their use of surveillance devices vis-a-vis telecommunications interception. Listening devices can only pick up one side of the

conversation. Of course, telecommunication interception can capture both sides of a telephone conversation, or facsimile communication, or email between computers all in real time.

I note that the offences for which interception warrants may be obtained are serious offences. They are exhaustively defined in section 5D of the T(I&A) Act. They include: murder, kidnapping and similar offences; serious drug import and export offences and other serious drug offences; acts of terrorism and related specific offences; child pornography related offences; and specified offences involving loss of life, injury or trafficking in prescribed substances. There are other specified offences including: theft, handling stolen goods, bribery or corruption of government officer offences; money laundering offences; telecommunication offences; certain computer related offences such as cybercrime; offences related to people smuggling with exploitation, slavery, sexual servitude and deceptive recruiting; certain child sex tourism type offences; and ancillary offences such as aiding, abetting and conspiring to commit other serious offences.

The brief says that the majority of warrants issued during the 2006-07 reporting year were obtained to assist with investigations of serious drug offences. There were 1,494 serious drug offences that were specified in interception warrants obtained by interception agencies.

There was recently a case of note on the Gold Coast. This was reported in the *Gold Coast Bulletin* and heavily featured in the news. I understand authorities were monitoring some sort of telecommunications device and overheard someone attempting to murder his wife. He was convicted of this. Because of the police interception they were able to stop that happening. That case was quite prominent in the news the other day.

Mr Shine: How were they able to do that, do you think?

Mr LANGBROEK: It shows that telecommunication interception can be used to good effect. It is most important that we are finally getting these powers in Queensland.

Mr Shine: It is illegal.

Mr LANGBROEK: I am not sure whether it was a federal investigation. That is not what I am talking about. I am talking about the fact that in Queensland we have been remiss in not having these powers. As the research brief points out, as far back as 1989 the Fitzgerald report considered that the interception of communications was one tool to consider in any comprehensive review of law enforcement powers. I take from his interjection that the former Attorney-General, the member for Toowoomba North, is implying that he would rather not have had that situation go on and had the circumstances of a lady being murdered—

Mr SHINE: I rise to a point of order. The honourable member's remarks are totally inaccurate and offensive and I ask him to withdraw them.

Mr LANGBROEK: I withdraw. In 1991 the then Criminal Justice Commission released an issues paper on police powers in Queensland. It presented a range of views in relation to telecommunications interception. In 1997-98 the then coalition government released the review of police powers discussion paper. In March 1998 the coalition introduced the Telecommunications Interception Bill 1998 which lapsed with the dissolution of parliament. Since then, the Queensland Police Service and the PCJC have found that there have been no examples of significant breaches of interception legislation or abuses of power in any state or territory. There have been constant recommendations by the parliamentary committee with oversight of the CJC that the CJC be given telecommunications interception powers with safeguards.

A bill was introduced by the member for Southern Downs, the former leader of the opposition, on 9 October 2003. The object of that bill was to establish a recording, reporting and inspection regime to complement the Commonwealth telecommunications interception legislation. That has happened since. In May 2004, former Premier Peter Beattie told the parliament it could not introduce telephone interception powers because of constitutional limitations. I note that the back-end and front-end protections afforded by the Public Interest Monitor give reassurances about accountability. Under this legislation the Public Interest Monitor will not just check on applications that have been made after the fact.

We will be supporting this bill. It has been long a time coming. It is about time we had this debate. For too long this Labor government has put politics before the safety of Queenslanders. This bill will finally put us into line with other jurisdictions in the fight against crime.

The policy of the Bligh government has been to tie the hands of our law enforcement agencies by depriving them of the support they need to get on with the job. That is exactly what the research brief points out. We know from talking to members of the Police Service that they have needed these powers for a long time.

In the time that I have been in this place, Queensland has developed a reputation for being the methamphetamine capital of Australia. According to the Australian Crime Commission, our state has the

highest number of clandestine drug labs of any state. Without the necessary powers, it makes it difficult for our police to capture these criminals.

In speaking to this bill I pay credit to the hard work of those in the Queensland Police Service. Despite a lack of legislative support and power, in 2007-08 they detected more than 49,000 drug offences. That is 49,000 fewer people peddling dangerous drugs on our streets.

These laws will give our state law enforcement officers access to the Commonwealth telecommunications network in order to carry out covert surveillance operations. The bill finally brings Queensland into line with our neighbouring states, who have enjoyed these powers for years. As I have mentioned too, it is important to note that the Liberal National Party has supported phone-tapping powers for police since 1999. As crime becomes more sophisticated, so, too, should the powers of our police to detect it. We need to keep perfecting the way we give our police powers to detect crime. Phone tapping is not a new technology. There are new technologies being developed. It is important that our police have access to those technologies.

As I have mentioned, the Fitzgerald inquiry flagged the use of telecommunications interception. I have also mentioned that the CJC developed an issues paper. As part of submissions then, the Queensland Police Service put forward a submission for the need for telephone interception powers. Following the report, the CJC recommended the Parliamentary Criminal Justice Committee introduce laws that would allow Queensland police to tap into the communication network to combat organised crime.

I have mentioned that the Borbidge government brought in the bill that lapsed when parliament was dissolved prior to the 1998 election. Since then, the Liberal National Party has tried on three occasions to introduce laws that would provide our law enforcement agencies with the powers they need to fight serious crime. Each of these private members' bills provided the necessary safeguards in accordance with the Commonwealth security requirements. However, in spite of several independent recommendations to introduce these laws and in spite of police saying they needed these powers, the members opposite voted against the bills.

The Beattie-Bligh Labor government refused to adopt the Commonwealth's safeguards because of a squabble over the role of the Public Interest Monitor. No other state took issue with these provisions. Every other state was given access to the communications network except Queensland. Our police were deprived of this important power because of some argument between Queensland and Canberra over which approach was the better approach. How many opportunities to catch out criminals and stop crime have been lost as a result? The Crime and Misconduct Commission states that illicit drug markets represent the most prevalent form of organised crime in Queensland. In the past 10 years the illicit drug market has boomed in Queensland, yet the members opposite sat back and let it happen. They obstructed efforts by police to weed out the destructive drug market. Between 2005 and 2008, there were 5,479 drug convictions made in Queensland courts. Not once was the maximum penalty imposed. Have we become so complacent about the scourge of drugs that we simply do not see it as a serious enough crime to warrant extra police powers or higher maximum penalties?

There is no question that criminal networks have grown significantly under the Labor government. One only needs to look at outlaw motorcycle gangs for proof of this. The CMC has also confirmed this to be the case. These sophisticated crime networks pose a danger to all Queenslanders. When crime flourishes our communities become unsafe, and we know that Queensland families deserve to feel safe at home. There is no doubt in my mind that enacting this law earlier could have saved lives destroyed by drugs or violent criminal gangs. In 2004 the CMC concluded that the amphetamine market in Queensland would continue to grow because of limited police resources to tackle the problem.

Beyond the ever-present drug scourge, fraud and identity theft have also become par for the course for organised crime activity. We are seeing so much publicity about that now, reaching a crescendo in the last few months in New South Wales. We have called on the Commonwealth to ensure that we have national laws so that we do not have these issues going to the states where the legislation is the weakest. No Queenslander is immune from identity theft. With skimming technology, fraudsters can gain access to anyone's bank accounts and personal information. In the age where private information and money is exchanged over mobile phones and the internet, identity fraud is a real possibility. It is hoped that these new laws will give police the extra powers needed to catch identity thieves.

When it comes to organised crime, we have a good idea of who the key players are. Outlaw motorcycle gangs and ethnic crime gangs are gaining strength in South-East Queensland. The CMC has maintained that up until now established criminal networks have been allowed to grow in sophistication because of the limitations on Queensland law enforcement agencies which have lacked telecommunications interception capabilities. Labor's approach to tackling crime is such that you would think that organised crime is conducted in public phone booths and on billboards. It seems the Bligh government has only just discovered mobile phone and internet technology. The LNP has long maintained that telecommunications interception powers would be one of the most effective investigative tools for law

enforcement agencies. It concerns me greatly that it has taken a decade to bring in this legislation. At this rate, we may never see the so-called antigang laws the Premier was so quick to jump on when the bikies were appearing on the front page of the papers.

Under federal laws, the types of crime that can be monitored—I have mentioned a whole list of them—are serious offences including murder, kidnapping, drug importation and terrorism offences. Law enforcement agencies may also use phone tapping to track offences punishable by a maximum period of at least seven years. The Queensland Law Society has long been urging the Queensland government to introduce telephone interception powers to bring Queensland into line with such agencies in every other jurisdiction. Its valued, impartial and balanced input on this issue must be acknowledged. In fact, it seems the Bligh government were the only opponents to giving police these extra powers.

I want to comment for a moment on the Public Interest Monitor. I find it interesting that, even though the Rudd Labor government has introduced amendments to the Commonwealth act to recognise the state's Public Interest Monitor, the federal Attorney-General noted that any submission made by the Public Interest Monitor would be taken into consideration but could be outweighed by other matters. So despite all of this government's huffing and puffing about having the Public Interest Monitor front row and centre in the process, the federal Attorney-General can override its recommendations.

Given the very intrusive nature of telecommunications interception powers, it is important that the Public Interest Monitor should have a role in this process. I note, as I began, that the Public Interest Monitor monitors compliance by law enforcement officers and that the Public Interest Monitor appears at hearings of applications for warrants to test the validity of the application. For that purpose, the Public Interest Monitor can present questions for the applicant to answer, examine or cross-examine any witnesses and make submissions on the appropriateness of granting the application. It has back-end accountability and front-end accountability so that the Public Interest Monitor has an interest at all levels. With that contribution, we are supporting the bill.