



Speech by

Simon Finn

MEMBER FOR YEERONGPILLY

Hansard Thursday, 21 May 2009

TELECOMMUNICATIONS INTERCEPTION BILL

Mr FINN (Yeerongpilly—ALP) (12.50 pm): I rise to support the Telecommunications Interception Bill and the introduction of these powers to crime fighting in Queensland. It is true that I have not come to the position of supporting telephone interception powers readily. Consideration of powers to intercept private communications, enabling personal conversations to be listened to without the knowledge of participants, must be undertaken with caution.

In recent times governments' legislative responses to criminal activity or acts of terrorism have diminished the rights and freedoms of law-abiding members of the community. Powers have been provided to law enforcement agencies that can result in serious breaches of privacy of innocent people and also permit the gathering of data peripheral to criminal investigations. This data can ultimately find its way into the public arena, undermining the right of innocence till proven guilty, and no amount of protestation from law and order can-rattlers or law enforcement agencies can take away the potential for this misuse.

An example of my concern regarding telephone interception can be considered in light of an investigation of a particular person that involves all of the telephone communications of that person's family being listened to and recorded. This could include conversations of a spouse or children of the targeted person who are not involved in the activity being investigated. There is enormous potential for this information to be used to manipulate innocent family members and to exploit private information to divide families in the desperate search for witnesses and evidence. We must consider both rights and the social cost of potential misuse of data-gathering powers. Whilst we must be tough on crime and adequately empower crime-fighting agencies, there must also be checks and balances and legislative measures that scrutinise the use of these powers before they are applied.

As a member of the Parliamentary Crime and Misconduct Committee in the previous government, I had the opportunity to research telecommunication interception powers and their use in other states. I acknowledge that the ability to gather this information has been a very effective tool in tackling criminal activity, particularly in investigating complex and organised criminal matters. The annual report of the Commonwealth Attorney-General for 2007-08 bears this out, with 2,542 convictions following implementation of telecommunication interception warrants, with the vast majority of these relating to serious drug offences and organised crime. Notwithstanding this, I have not been prepared to support previous bills before the House that have given unfettered powers to intercept communications. They lacked balance and essential protections with subsequent potential to undermine the rights and freedoms of Queenslanders.

Many members in this debate have spoken about the Public Interest Monitor and its involvement. I do not intend to go over that. I note the contributions of the members for Everton, Waterford and particularly Barron River in relation to the PIM. It has been clearly established that the attempts by the state government to have the PIM included in interception powers was denied by the Howard Liberal national government. I am not surprised by that. This was a government whose record on anti-terrorism included public persecution of an innocent doctor, and the ultimate deportation of that person, on the basis that he had given away a SIM card, and the terrorism rhetoric used against people risking their lives to flee persecution in their home countries is well established. I am pleased that the Rudd government has

brought some balance back to the undermining of rights and freedoms that was prevalent throughout the Howard years.

The important thing about the PIM is its application at the front end. This legislation requires the police and the CMC to consult with the PIM before making application. It entitles the PIM to make submissions. It requires the police and the CMC to disclose to the PIM relevant matters, both favourable and adverse to the issuing of a warrant. It enables the PIM to report to the state minister about noncompliance. The PIM is involved at the front end, and it is the front end that is important in the evaluation of applications to use interception.

I want to comment briefly on some of the contributions by the opposition on this bill, because I found this debate to be a bit all over the place. Whilst I could talk at length about the number of times we have seen law and order can-rattling and the opportunity to talk about specific instances of crime, we have seen this Jekyll-and-Hyde view about the PIM. We have heard an argument that says, 'We created it so it was our idea.' We have heard arguments that say, 'We created it. It was our idea but it will have no effect,' and, 'We created it. It was our idea but all it will do is add red tape,' and, 'We created it. It was our idea but other states don't have it so why should we?' These are the arguments we have heard from members of the opposition.

The member for Mudgeeraba talked about the opposition actually supporting the PIM in its previous approaches on this issue but talked about the PIM being at the back end, and I have already addressed my concerns about that. They cannot have it both ways. We cannot say that it adds bureaucracy and therefore we should not have it. Protection of rights involves having an application process, arguing your case and having scrutiny of that process. There are administrative processes involved in that. It is no argument that because other states do not protect rights and freedoms we should not.

The most concerning contribution was from the member for Burnett, who said that this was a Labor PIM and that our activities in this regard would make Robert Mugabe blush.

Mr Wallace: Disgraceful.

Mr FINN: It was disgraceful. The member for Burnett should be reminded of this quote by Robert Mugabe about Hitler. He said—

This Hitler had only one objective: justice for his people, sovereignty for his people, recognition of the independence of his people and their rights over their resources ... If that is Hitler, then let me be a Hitler tenfold.

That is the Robert Mugabe to which the member for Burnett equates law enforcement in this state. I do not need to go on about all of the atrocities of Mugabe, who *PARADE* magazine awarded as the 2009 world dictator of the year, other than to say that Robert Mugabe allegedly murdered the wife of a political opponent by burning her alive with a petrol bomb after severing her hands and feet. For the member for Burnett to equate law enforcement and the actions of this government with Mugabe is disgraceful and has no place in this House.

There is no way of absolutely guaranteeing that material gathered through legislative powers that undermine privacy rights will not be misused. As representatives of the people of Queensland, we are entrusted with protecting people's rights and freedoms. We must remain vigilant in that duty. We must ensure the PIM can operate effectively. We must regularly review its operations and the success of its operations.

In addition to this, the current human rights landscape across the globe demands a focus by law-makers on protecting rights and freedoms. The shock of terrorist attacks over the last decade has led to governments legislating away rights and freedoms and a corresponding diminishing community vigilance in protecting these rights. This is the inevitability of fear and marginalisation.

On a lesser scale, here in Australia—as we grapple with the new centralism, the development of unitary systems, the increased use of coercive powers and the national harmonisation of powers relating to law enforcement—we continue to increase the power of central government over the individual and the community. The role of the PIM in this legislation sets a framework that enables a body charged with protecting public interest to be at the front line on decisions affecting rights and freedoms of Queenslanders. I commend the bill to the House.