



Speech By  
**Mark Ryan**

**MEMBER FOR MORAYFIELD**

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Record of Proceedings, 11 November 2015

**COUNTER-TERRORISM AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr RYAN** (Morayfield—ALP) (8.22 pm): I rise to contribute to the debate on the Counter-Terrorism and Other Legislation Amendment Bill 2015. From the outset, as a member of the committee, I would like to thank my fellow committee members for their cooperation and diligence in the consideration of this bill. I would like to thank all of the witnesses who appeared before us and the submitters and also the secretariat staff for their guidance and support throughout our consideration of the bill.

As we have heard from previous speakers, the committee made four recommendations in its report. I am pleased to hear that the minister and the government have thoroughly considered those recommendations and will be making amendments to support those recommendations and to give effect to them. Before I address those individual recommendations in turn, I would like to look at some of the background that has led to this point.

Many people do not know where the word 'terrorism' originated. It actually dates back to the French Revolution during the reign of terror and the Jacobins who participated in a reign of terror throughout France during the French Revolution. From there the term 'terrorism' was coined. Ever since then terrorism has always been at the forefront of nation states and governments—how they can get the balance right between preservation of the state and public safety and maintaining protections for individuals' rights and liberties. Whenever there is an intrusion on people's rights and liberties, there needs to be adequate safeguards in Westminster democracies to ensure that, wherever possible, those intrusions are limited but also that there are protections and checks and balances to make sure that the nation state does not overstep the boundaries when it comes to those intrusions.

There are extraordinary powers for extraordinary times. We have seen over the last decade or two the need for us to have these extraordinary powers with adequate safeguards in place to ensure that, wherever possible, the rights and liberties of individuals are maintained to their fullest. Whilst it is important in Westminster democracies to always limit those excessive legislative intrusions on individuals' rights and liberties, where the state considers such intrusions to be justified for public safety purposes, then we must make sure that there are adequate safeguards in place to accompany those intrusions.

I am very pleased that not only in the original act but also now in the amendments to that original act the safeguards contained in that original act will be enhanced through the recommendations considered and adopted by the government. I think it is very important for us to touch on some of those safeguards. Firstly, when a preventative detention order is made, that order must be made by a senior officer in the Queensland Police Service and is only valid for 24 hours. After that period of time a preventative detention order can only be enforced and effected with the order of a judge. That period of time is for a maximum of 14 days. So there is an appropriate check and balance on that power. During that time of preventative detention, there is also the right of the individual to have contact with a lawyer, to have contact with the Ombudsman, to have contact with the CCC and also to ensure that there is adequate questioning about health and safety and the condition of that individual. So that is

another safeguard in place to ensure that the rights and liberties of individuals are maintained wherever possible.

In addition to all of those safeguards, there is also a restriction on the law enforcement officers to not be able to question that individual in respect of any criminal matter during a period of preventative detention. Of course, those law enforcement officers may be able to exercise those questioning powers at some other point outside of the preventative detention period, but during the period of preventative detention there must be no questioning of the person detained. Again, there are adequate protections in place to safeguard individuals' rights and liberties but at the same time there are adequate measures in place to ensure that the nation state is able to take appropriate action to maintain public safety in our community.

I also wanted to touch on a couple of recommendations that the committee made which enhance the safeguards contained in the act. Those recommendations are, firstly, recommendation No. 2, which suggests that the minister provide a report to parliament within six months whenever a preventative order is made. This shortens the period from the current 12-month requirement but, as we heard from the minister during her contribution, given the timing of the use of the powers and the reporting period, often that time period may be quite a bit longer than 12 months. So to have a requirement that there is a six-monthly report is an appropriate additional safeguard and provides additional oversight and transparency in respect of these preventative detention powers.

The other recommendation which enhances the safeguards contained in the act is recommendation No. 3, which suggests that there be a review of the act that commences within two years and must be completed within three years of the commencement of the act. Again, that is an appropriate additional safeguard to ensure that not only these are necessary laws to maintain public safety in our community but also there are adequate safeguards to ensure that individuals' rights are protected wherever possible.

I also wanted to touch on upon some comments made by some of the witnesses made during the committee's consideration of this bill. I think this epitomises the challenges that nation states always have. It was a statement by the Deputy Commissioner of the Queensland Police Service, Ross Barnett, if I am not mistaken. He said—

... it is better to have them and not need them, than to need them and not have them.

The deputy commissioner went on to say that he considered that the police had the appropriate suite of powers and laws at the moment to combat any challenge that they may face in respect of community safety challenges. He did make a very important point about ensuring that our law enforcement officers have appropriate powers in respect of law enforcement, but I think the additional point is that those appropriate laws are within an adequate and appropriate safeguard framework for the rights of individuals. As I have already mentioned, this bill, with the recommendations which the government has adopted, will enhance the safeguards in the original act and that overall is a good improvement.

The committee's recommendation No. 4 is in respect of the fire safety regulations. It is very important that we touch on that recommendation briefly because it could get lost in the broader scheme of this amending bill. Currently in the Fire and Emergency Services Act there is a definition of 'occupier'. For the purposes of the record, it is important that I mention that definition. The definition of 'occupier' for the purposes of that act is—

... used with reference to any premises, means the person in actual occupation or, if there is no such person, the owner.

Over time the fire service has found it has been limited in its ability to take enforcement action, particularly in respect of boarding houses and people who might not necessarily fit that definition, because, firstly, they are not the owner and, secondly, they are not occupying the premises. It could be instances of people who are subletting premises, or it could be instances where there is an employment arrangement, they are the original renter and they are letting workers stay in the premises. It is important that that definition is as broad as possible so we can ensure the person who is most able to minimise fire risks, particularly in boarding houses, takes the appropriate safeguard measures to ensure that those safety practices and measures are in place.

This is about saving lives and minimising fire risk. It might seem pretty simple to just change a definition, but that definition will mean so much when it comes to ensuring that there are the appropriate deterrents in place for people who are in control of premises to ensure that fire safety measures are in place. Let us hope that that saves lives overall. This is necessary amending legislation. I am pleased to see that there are additional safeguards in place to protect individuals' rights and liberties, but I also note the comments and the advice of the Deputy Commissioner of Police that these are necessary laws for extraordinary times. I commend the bill to the House and encourage all members to support it.