




Speech By
Tim Mander

MEMBER FOR EVERTON

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COUNTER-TERRORISM AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MANDER** (Everton—LNP) (4.45 pm): The recent terrorist attacks in Turkey, France, Germany and the United States have reinforced the need for our law enforcement agencies and government to be equipped with the right legislative tools they need to protect our community from harm. These major world events are but a few of the terrorist incidents that occur predominantly in the Middle East on a regular basis and continue to shock us as we see them. We do not even hear about many of these events in our media. In some parts of the world they become that frequent that they occur on a daily basis. These incidents are defined as violent attacks with political, religious, economic, ethnic or nationalistic motives.

In August alone, there have been 62 of these defined terrorist incidents worldwide. In July, there were 194 worldwide terrorist incidents which claimed more than 1,500 lives and injured over 2,200 others around the world. I do not say this to raise unnecessary fear and alarm in our community, but I think it is important to understand the world we live in today and the nature of the issues that the police and other law enforcement agencies deal with and protect us from—many of which we do not see or hear about.

The bill before the House is part of recognising the need for our law enforcement agencies to be ready to act to either prevent and disrupt or respond to any incidents in Queensland. The LNP will always support measures that keep our community safe. We have tremendous respect for our law enforcement agencies, the Queensland Police Service and the Crime and Corruption Commission and the men and women who do what they can do to keep our community safe. In that regard, we will be supporting the bill before the House.

As stated in the explanatory notes, the key objective of the bill is to equip police with the powers to enable a swift response to any public emergencies in Queensland. In doing so, the bill enables the police to rapidly gather information, obtain authorisations and exercise powers in an endeavour to mitigate or minimise the impact of emergency situations, including natural disasters, accidents and criminal actions, terrorist incidents and other chemical, biological or radiological emergencies. It also extends the power of police to search and seize vehicles or items that may be used to cause harm.

The bill also amends the Corrective Services Act to improve the management of the health of our prisoners both in supervision and in the community. I should say at this point that one of our biggest dangers to the health of both our prisoners and also our corrective services staff is this government's failure in managing and dealing with overcrowding in our prisons. They like to blame everybody but themselves, it is always someone else's fault, but the reality is that we are unapologetic about our strong criminal law reforms because they led to a dramatic reduction in crime across the state.

On top of that we also had a \$61 million plan that was in our 2014-15 state budget to create additional capacity in our jails with an additional 650 beds across the state. As a result of this government and this minister's 'head-in-the-sand approach', our prisons are still overcrowded and have turned into fight clubs. In fact, numbers in the budget revealed that in the last 12 months prisoner-on-

officer assaults have increased by 265 per cent, prisoner-on-prisoner assaults have increased by 51 per cent and prisoner-on-prisoner serious assaults have risen by 79 per cent. That is the legacy of this minister, who is asleep at the wheel and desperately scrambling to try to fix an issue that happened on his watch and yet he tries to blame everybody else for it.

The bill before the House also amends the Police Powers and Responsibilities Act to enable Commonwealth intelligence agencies to utilise Queensland courts for approval to create a birth certificate for an assumed identity. There are also provisions that improve processes for declaring an emergency situation, extending the time frame for declaration of a terrorist emergency beyond 14 days, enabling the appointment of a terrorist emergency reception centre commander and declaration of a terrorist incident reception centre, and extension of the powers to stop and search without warrant certain vehicles in certain circumstances.

Finally, the bill amends the Terrorism (Preventative Detention) Act 2005 to enable preventative detention orders, or PDOs, to be made in respect of a person whose identity is unknown in certain circumstances. There are also other measures which improve and enhance the use of PDOs in terrorist emergencies. It should be recognised that while the police in Queensland have had the ability to seek preventative detention orders since 2005, there have not been the circumstances where it has been needed, and we can be very thankful for that.

The committee that considered the bill was the Legal Affairs and Community Safety Committee. I want to thank all the members of the committee for their deliberations and report. There were only two submissions raised with the committee, one from a private individual and another from the Queensland Greens. The concerns raised by the individual submitter related to the declaration of an emergency situation and the subsequent powers available to the police to be able to search people and vehicles within a declared area, entering or leaving a declared area or seizing property without warrant. It is noted that the Queensland Council for Civil Liberties, Bar Association of Queensland, the Queensland Law Society and Public Interest Monitor among others were all consulted as part of developing this bill and none of those organisations has raised concerns with the parliamentary committee. While the Queensland Council for Civil Liberties did raise some concerns with the Queensland Police Service in the drafting of the bill, these concerns were not conveyed to the committee.

In response to the concerns raised by the individual submitter, Mr Matthews, the Public Safety Business Agency responded that currently a terrorist officer has the power to search a vehicle without a warrant within a declared area under section 8 of the act. However, there is no power to stop and search a vehicle that is about to enter or is reasonably suspected of having just left a declared area. They added that the extension of this existing power to include a vehicle about to enter or a vehicle that has recently left a declared area is a sensible extension necessary to ensure the safety of persons within and around a declared area of a terrorist emergency.

As I mentioned earlier, the other submission that the committee received was from the Greens Queensland. We have heard a lot about the Greens this week already about their influence on the Labor government in relation to planning call-ins and other such social and environmental issues, but it is good to see that the Deputy Premier did not completely fold to their demands in relation to this bill. Their concerns were both unjustified and not considered by the government.

The Greens have long held strong opposing views to the introduction of preventative detention orders—back to when they were first introduced in Queensland in 2005 as part of the adoption of national counterterrorism reforms. In their submission to the committee, they raised a number of other issues which are fundamental to the objectives of this bill. While we recognise the importance of the right to privacy and due regard to the civil liberties of individuals, we do not believe that these provisions impinge on those rights and the bill maintains the right balance between protecting these rights and ensuring that the police and other law enforcement agencies have the appropriate legislative tools to be able to prevent, disrupt or contain a terrorist incident and protect the community from harm. As the committee report provides—

The Queensland Greens submitted that the proposed amendment requiring the provision of information to police during a declared emergency is inconsistent with the rights and liberties of individuals:

The bill does not provide for judicial oversight of the police case to infringe on an individual's rights, requiring merely that the police commander be "satisfied on reasonable grounds" that a person may be in possession of important information. Such a system is quite clearly open to abuse, especially in the emotionally charged environment of an emergency.

The explanatory notes argue that the proposed power is justified in the circumstances, particularly given the safeguards reflected in sections 8AE to 8AR whereby an information requirement can only be given during the period of the declared emergency situation, terrorist emergency or chemical, biological or radiological emergency, and only if the commander is satisfied on reasonable grounds that a person may be able to give information and that the information is necessary to manage or resolve the declared emergency.

The Queensland Greens also raised some issues regarding the proposed amendments to enable a terrorist emergency to be extended beyond 14 days and up to 28 days by the Premier and the Minister for Police, Fire and Emergency Services and Minister for Corrective Services and can be extended further via regulation in 14-day increments. In response to these concerns, the Public Safety Business Agency stated—

- The power to extend a terrorist emergency to up to 28 days is required for situations where the State is subjected to multi-faceted and protracted terrorist attacks, and it is also beneficial in circumstances where the terrorist attack is imminent and the intended target of the attack is unknown.
- A terrorist emergency can be extended beyond 28 days only by regulation if the circumstances of the terrorist act or threats of further terrorist acts necessitates the continuation of the emergency, and each regulation can only extend a terrorist emergency by a maximum of 14 days
- The ability to extend is also subject to the requirement in section 81 of the PSPA for a relevant person to end the terrorist emergency if satisfied that it is no longer necessary for police officers to continue to exercise terrorist emergency powers to maintain public safety, protect life or health at serious risk, or to protect critical infrastructure.

They were also of the view that clause 42 of the bill was inconsistent with article 17(2) of the Universal Declaration of Human Rights which is, 'No-one shall be arbitrarily deprived of their property.' We note the response again provided by the department and are satisfied that the intent of this provision is justified in the circumstances. This included the fact that the purpose of the power relates to the safety of persons and not for evidence collection.

Despite the fact that there were only two submissions to the committee, we are satisfied that the consultation undertaken in the preparation of this bill was both thorough and appropriate. I also recognise the extensive briefing paper provided by the department which highlighted the amount of work that has gone into the preparation of this bill and the consideration of the issues raised by submitters.

We are also satisfied that the breaches of fundamental legislative principles which have been identified and referred to in the explanatory notes are suitably justified. As I said at the outset, it is important that we recognise and understand the world we live in today and ensure that our law enforcement agencies are able to respond to counterterrorism incidents if they arise. Our support for this bill follows on from previous amendments to counterterrorism legislation that were introduced and passed in the parliament late last year, so there is clear bipartisan support for giving the police the tools that they need to keep the community safe.

I should say that it is a pity that Labor does not extend this bipartisan spirit to protect the public from organised crime and criminal gangs who terrorise our communities and sell drugs to our kids. Unlike Labor in Victoria and South Australia, Queensland Labor choose to effectively roll out the red carpet to criminal motorcycle gangs rather than heed the advice of our law enforcement agencies, the Crime and Corruption Commission and the Queensland Police Service. Despite voting for the 2013 laws, the Palaszczuk Labor government has done everything it can to distract the attention of the community from the success of the laws and the success of Taskforce Maxima and the Crime and Corruption Commission in using the laws—

Mr FURNER: I rise to a point of order on relevance. The member is clearly not speaking relevantly to the current bill before the House.

Madam DEPUTY SPEAKER (Ms Linard): Order! Member for Everton, can you please make sure that your speech is relevant to the bill.

Mr MANDER:—to successfully prevent and disrupt organised crime in this state. I would like to put on the record my personal appreciation for the hard work of the Queensland police force and the very brave and courageous officers who go to work every day not knowing whether they will come across some incident that will endanger their lives. We need to be very cognisant of the fact that the threat of terrorism is real, and we need to make sure that we have the appropriate laws in place to support our police. I know that the police in my district—Albany Creek, Stafford and Ferny Grove—who are responsible for keeping law and order do a fantastic job and are incredibly appreciated. We thank them for literally putting their lives on the line every day. It is important that we give them the laws and the powers they need to keep our community safe.

We need to look no further than the recent tragedy at the Lindt cafe in Sydney and the subsequent review of the processes that took place to see the pressure that our police are under in literally life-and-death situations. The decisions that they make can affect whether someone survives or does not. I must admit that I am a little bit aggrieved to see that they seem to be being criticised at the moment over situations that go beyond our understanding in trying to come to terms with the pressure they are under to make decisions on a second-by-second basis.

Let us hope that we never have to use these laws in our state. Let us hope that these laws will act as deterrence. One of the reasons that we have had a strong law and order agenda on this side of the House is not just to disrupt criminal activity and terrorist activity but also prevent it from happening

in the first place. We are very supportive of this bill. We want to do everything that we can to make sure that our law enforcement officers are supported. We will always take advice about law enforcement from the relevant agencies, and our support for this bill and strong law and order reform is part of our response to ensure that Queensland is and remains the safest place to live, work and raise a family. In saying that, this side of the House gives our support to this bill.