




Speech By
Hon. Bill Byrne

MEMBER FOR ROCKHAMPTON

Record of Proceedings, 17 August 2016

COUNTER-TERRORISM AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. WS BYRNE** (Rockhampton—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (4.34 pm): I move—

That the bill be now read a second time.

The Legal Affairs and Community Safety Committee has examined the Counter-Terrorism and Other Legislation Amendment Bill 2016 and tabled its report on 12 July 2016. In its report, the committee made a single recommendation that the bill be passed. I would like to take this opportunity to thank the committee for its bipartisan approach to the consideration of the bill and for the excellent work undertaken by the committee and their staff.

I know I speak for all members of this House in expressing the shock and revulsion that is felt on almost a daily basis due to the death and carnage that is occurring around the world as a result of acts of terrorism and other criminal acts directed at causing mass harm and murder. We are all aware Australia is not immune from terrorism and other criminal acts carried out with the intention of killing and harming our citizens.

Since September 2014 there have been 16 counterterrorism operations undertaken in Australia which have resulted in 45 persons being charged. Not only are we facing an unprecedented level and ongoing threat of terrorism in Australia; the rise of terrorist organisation inspired attacks, in addition to attacks coordinated and directed by terrorist organisations, has created additional challenges for police to effectively detect, disrupt and defeat terrorists.

Terrorism inspired low-tech attacks are significantly harder to identify and disrupt as there may be little or no direct communication between the attacker and the terrorist organisation. Terrorist organisations have given these criminals the tactical freedom to self-initiate and self-identify their targets. Recent events in France alone have shown the resultant atrocities criminals can achieve with the use of a knife or a vehicle.

As I said in my introductory speech for this bill, due to the nature of terrorism, police will often need to intervene early to prevent a terrorist act from occurring or act on less information than would normally be the case in more traditional policing responses. We expect our police to rapidly and effectively respond to and resolve terrorism and other emergencies which impact on the safety of the community and bring to justice those persons who are criminally responsible.

To achieve this, police need to be supported by the necessary legislative tools to enable them to protect the community. Obviously these legislative tools must contain appropriate safeguards and ensure that the powers achieve an appropriate balance between the rights and liberties of the individual and the safety of the broader community.

The bill achieves this through a range of key amendments including: enabling police during a declared emergency under the Public Safety Preservation Act to require the provision of information which is necessary for the management or resolution of the emergency; during a declared terrorist emergency, enabling the declaration of a terrorism emergency reception centre and declared evacuation areas to enable police to effectively manage the evacuation, reception, identification and assessment of persons; enabling the Premier and the Minister for Police to extend a declared terrorist emergency beyond the initial seven days up to a maximum of 28 days and thereafter only by regulation in circumstances where it is necessary to protect life or critical infrastructure; clarifying that the declaration of an area surrounding a moving activity for a terrorist emergency includes a stated area around a specified person; enabling preventative detention orders to be made in circumstances where the person's real name is not known but the person can be adequately identified by other means; and enabling an urgent application for an initial order for preventive detention to be made without the need for the preparation of a written application.

The Palaszczuk government is eminently aware that threats to community safety are constantly evolving, and this is particularly the case with terrorism and violent extremism. We can never become complacent that existing powers will always be effective in dealing with the threats we may face now and into the future. Keeping Queenslanders safe is paramount to this government. We are committed to ensuring that existing measures to protect Queenslanders are frequently reviewed and tested to ensure that they remain effective.

The bill includes a number of amendments to the Corrective Services Act that will support efficiencies in the operational practices of Queensland Corrective Services relating to the delivery of health services to prisoners, the management of corrective services facilities and the supervision of offenders. Specifically, the amendments will: allow registered nurses, as an alternative to doctors, to conduct examinations of prisoners under safety orders, maximum security orders, criminal organisation segregation orders and separate confinement orders at the prescribed intervals; clarify that a corrective services officer may use a biometric identification system for the purpose of the identification of a prisoner; clarify that a prisoner's or visitor's biometric information that is captured by the individual submitting to a biometric identification system, including any data created of such information, is information the chief executive of corrective services may keep and must destroy as provided in the act; and expand the offence for a prisoner to fail to obtain the written permission of the chief executive of corrective services before applying to change the person's name so that it applies to a name change application in any Australian jurisdiction.

The act allows for a prisoner to request reconsideration of a decision to transfer them to an alternative correctional facility, excluding any initial placement. This bill serves to clarify this process and reflect existing practice by explicitly excluding both short-term post-sentencing placements and a prisoner's initial placement. For example, a male prisoner who has been held on remand at Arthur Gorrie Correctional Centre then received at Brisbane Correctional Centre for processing purposes following sentencing and later transferred to Woodford Correctional Centre will not be allowed to request reconsideration of the decision to place them at the Woodford Correctional Centre. In this example, the prisoner's initial placement will be considered to be the Woodford Correctional Centre.

During the committee's consideration of the bill, a concern was raised by the Queensland Greens about the proposed amendment that would enable registered nurses, as an alternative to doctors, to examine certain categories of prisoners. Currently, section 57 which relates to medical examination and a safety order, section 64 which relates to medical examination and a maximum security order and section 65C which relates to medical examination and a criminal organisation segregation order of the Corrective Services Act 2006 do not reflect the general practice relating to the delivery of health services to prisoners. Since 2008 Queensland Health has been responsible for prisoner health services that are delivered by an applied nurse-led service model. The amendments allow for this health services model to be applied to the examination of prisoners under the various types of segregation orders. However, provision for examination by a doctor is retained should this be necessary or appropriate in a particular circumstance.

Visiting doctors attend all correctional centres. Registered nurses have the relevant medical skills to examine a prisoner for any health concerns. Clinical nurse coverage is already provided in most prison facilities 24 hours a day. The duties of nurses include: conducting triage assessment of prisoners who present with medical concerns to determine whether or not the prisoners need to be progressed to a visiting medical officer; risk assessments of prisoners at periods of risk; and the distribution of medication.

The Queensland Nurses' Union supports the amendments to sections 57, 64, 65C and 121 of the Corrective Services Act that enable a registered nurse to examine prisoners under safety orders, maximum security orders, criminal organisation segregation orders and separate confinement orders.

The Queensland Nurses' Union supports a position that encourages registered nurses to work to their full scope of practice, provided they are, or have been, objectively assessed as competent to conduct the required examinations.

This bill forms part of the Palaszczuk government's ongoing commitment to keep Queenslanders safe. The threat of terrorism is real, and this bill provides police with strong powers to enable them to rapidly and effectively respond to and prevent acts of terrorism and other public emergencies which place the safety of the community at risk. I commend the bill to the House.