Speech By

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MEMBER FOR TOOWOOMBA SOUTH

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JUSTICE LEGISLATION (LINKS TO TERRORIST ACTIVITY) AMENDMENT BILL

Mr JANETZKI (Toowoomba South—LNP) (6.48 pm): I rise to be lead for the opposition on the Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018 and confirm that the opposition will be supporting the bill. Mr Deputy Speaker Stewart, with your brief indulgence, I do not think I can make a contribution on this bill without acknowledging recent events in Christchurch. From me personally, I send my sincere condolences to the loved ones of everyone who lost their life in Christchurch. It was deeply disturbing that an Australian would perpetrate such violence. It was even more disturbing that it was done at a time of peaceful prayer. It is deeply saddening that the Muslim community in Christchurch has been so deeply impacted and my sincere condolences go to them.

I also acknowledge that I represent a significant Muslim population in Toowoomba. I was unable to be present at the Garden City Mosque when our community gathered together to respect those from the Muslim community in Christchurch who had lost their lives. However, it was heartening to see our community out in force—Christians, Muslims, Buddhists, Zoroastrians. Whatever religion we had in our city, they were there in force; our community was out in force. Our local government passed a resolution acknowledging the loss in Christchurch.

As I said, I did not think I could make a contribution to this bill without saying how deeply saddened I personally was and how I am very honoured to stand with our Muslim community in Toowoomba and their leaders—our imam, Abdul Kader, and our Islamic Society of Toowoomba leader, Shahjahan Khan—in condemning the violence. I am very fortunate to represent their interests in this House as well.

I turn to the bill itself. It is true that the threat of terrorist attacks in Australia and obviously around the Western World and in other places of the world remains elevated and Australians are viewed as targets by people who do want to do us harm. This is why we must ensure tough measures are in place against people who have been convicted of terrorism offences. On 9 July 2017 the Council of Australian Governments—COAG—agreed that there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity, which was the COAG commitment. As the Attorney-General has outlined with great detail, this bill delivers on this COAG agreement.

If honourable members recall, at that time there had been a number of terrorist attacks in Australia. Man Haron Monis, the Lindt Cafe, Sydney siege perpetrator had received bail and Yacqub Khayre was out on parole when he shot a man and took a woman hostage in Melbourne. Those were the circumstances which led to the COAG discussion which has ultimately led to the bill before the House this evening.

A nationally consistent approach is fundamental in combatting terrorism, and Queensland must be proactive to match the evolving threat of terrorism with strong safeguards to protect our community. To deliver on this it is imperative that this state joins forces with other states and territories to deliver one united approach to terrorism. As the scale and tempo of the threats evolve, so too must our

response. As I said already, this bill implements the COAG agreement that there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.

There are amendments to section 16 of the Bail Act to add new subsections (g) and (h) to include new matters that the police or court must have regard to when deciding whether to refuse bail. In assessing whether there is an unacceptable risk to refuse bail, the court or police officer must have regard to any promotion by the defendant of terrorism or any association the defendant has or has had with a terrorist organisation or a person who has promoted terrorism. A new section 16A will also be inserted into the Bail Act, which will require a court to refuse to grant bail to any person previously convicted of a terrorism offence unless the court is satisfied exceptional circumstances exist to justify granting bail. This will reverse the statutory presumption in favour of bail.

I note that the presumption against bail applies to people who have a previous terrorism conviction. I also note that a person with a previous terrorism conviction who at a later date is charged with a minor criminal offence, for example a break and enter, will also have their presumption of bail reversed. This new section relating to the presumption against bail relates only to persons convicted of terrorism offences but not those charged with terrorism offences. I note the Bar Association made submissions in this regard and raised concerns about the new section 16A, noting that—

It is important to note that none of the proposed amendments concerning bail are intended to apply to any person (child or adult) who has been charged with a terrorism offence. They talk only to those previously convicted of such offences.

The Association could well understand the necessity for a more stringent test for those actually charged with a terrorism offence. However, the circumstances which give rise to the need for this test to apply to any person previously convicted of such an offence are unknown and certainly not explained in the material provided.

The bill also creates a presumption against parole for prisoners who have been convicted of a terrorism offence or who are the subject of a control order as well as those who have promoted terrorism. This ensures those offenders with demonstrable links to terrorist activity are captured by the reforms. The presumption for parole is also reversed in circumstances where the Commissioner of Police provides a report to the Parole Board identifying that there is a reasonable likelihood that a prisoner may carry out a terrorist act.

The bill amends section 227 of the Youth Justice Act to remove the discretion of a sentencing court to order a release date any earlier than after serving 70 per cent of a period of detention. This will apply to a child who has been found guilty of a terrorism offence who is the subject of a control order or who has promoted terrorism. I acknowledge that the Attorney-General has said that her ministerial colleagues the member for Bulimba and the member for Morayfield will provide more details in respect of the amendments to the acts in their particular portfolios in this regard.

I want to turn next to the issues raised by the Queensland Law Society and the Bar Association of Queensland. The Attorney-General has mentioned them, but I felt it worthy of some further examination. They relate to the balancing of civil liberties with community security. They are worthy questions to be asked of us as politicians by the judiciary and by lawyers, and it is important that we address them. Right across the nation various other jurisdictions have grappled with these issues, whether it be Victoria or New South Wales, and have ultimately sided with community security, community safety, putting the communal interest ahead of the rights of those who would seek to do us harm through terrorist activity or through threats of terrorism. I take this question back to 2005.

The first major attack that brought this threat of terrorism to us was obviously September 11, 2001 with the felling of the Twin Towers. The second major terrorist attack that brought this to our attention was in London—the London bombings on 7/7. In response to that it was the Howard government that introduced a range of offences or took a range of steps that raised these questions of balancing civil liberties with the communal interest of security and brought them to the public attention. Some of those early matters related to control orders, the preventative detention without charge or trial of potential terrorist suspects and warrantless searches. Many of these issues were broad in nature. They did go against centuries of Western legal thought—there is no denying it—but they were done to address the particular threat of the moment in the same way the law was changed in the United Kingdom to address the threat of the IRA in the 1970s and 1980s. The question of civil liberties and our balancing of that harmony between civil liberties of the individuals of our state with the communal interest has always ebbed and flowed, and that will continue to be the case.

I always think that if there is a curtailment of civil liberties in our nation it must be necessary and it must be proportionate. I believe—obviously in our support of this bill tonight—that that standard, that threshold, has been met. I speak with some personal experience on this as I was present in London and lived through the terrorist attacks of 7 July 2005. I worked beside somebody who lost a loved one

in that attack. If honourable members recall, 52 people died in that attack and over 700 people were injured as the commuters of London went to work. Those attacks were at three tube stations, one near Russell Square and two along the Circle line at Aldgate and Edgware Road, and there was a bus at Tavistock Square. This was indiscriminate terror launched against the commuters of London, unsuspecting, innocent civilians as they went to work. In my workplace a number of people who had been on the Piccadilly line came in covered in soot, unaware of what had happened.

If you recall, this was a time before iPhones and mass communication. Some of us had Blackberries, but nobody had iPhones and cameras. It was very unclear as to what was happening, but what was clear was terror. There was terror on the streets of London that day. I will never, ever forget the sound of sirens in the two weeks following 7 July. London was full of sirens, and some of the suicide bombers who had failed to detonate their bombs were on the loose.

Debate, on motion of Mr Janetzki, adjourned.