Speech By

Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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JUSTICE LEGISLATION (LINKS TO TERRORIST ACTIVITY) AMENDMENT BILL

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (12.22 pm): I rise to contribute to the debate on the Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018. I acknowledge the work of the Legal Affairs and Community Safety Committee. I also acknowledge the work of all the departmental staff from the Department of Justice and Attorney-General, in particular Queensland Corrective Services and the Parole Board Queensland, for their contribution in the development of this bill. I note that the committee has made one recommendation; namely, that the bill be passed. I thank the committee for their support of the bill.

Mr Deputy Speaker, thank you for the opportunity to emphasise how beneficial these laws will be to the safety of the Queensland community. We are responsible for ensuring that Queensland legislation responds to the evolving terrorist threat in Australia. Following the terrorist attack in Brighton, Victoria, the Council of Australian Governments committed to a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or who have links to, terrorist activity. The recent tragedy in New Zealand further reminds us that we must remain vigilant and ensure that our laws provide the highest protection to our community.

The bill before parliament today implements the COAG commitment in Queensland and amends a range of acts in line with this commitment, including sections of legislation I am responsible for—the Corrective Services Act 2006. Amendments to the Corrective Services Act 2006 create a presumption against parole for prisoners who fall into one of two categories. The first category—category 1—is a prisoner who has been convicted of a terrorism offence, is the subject of a control order or has promoted terrorism. A category 2 prisoner is a prisoner who has previously been charged but not convicted of a terrorism offence, has been the subject of a control order, or is or has been associated with a terrorist organisation or with a person who has promoted terrorism, and the Commissioner of Police has provided a report stating there is a reasonable likelihood that the prisoner may carry out a terrorist act. These prisoners will have parole refused unless the Parole Board Queensland is satisfied exceptional circumstances exist to justify granting parole.

Category 1 meets the minimum parole presumption requirements as agreed through the Australia-New Zealand Counter-Terrorism Committee. Category 2 includes a two-tier test, which I have just outlined, for the presumption to apply. The first tier includes criteria that have been legislated by other states in relation to their presumption model.

I am aware that during the committee process stakeholders raised concerns that these amendments are inconsistent with the presumptions in favour of parole under existing legal principles and protections. Concerns were also raised about the inclusion of prisoners who have promoted terrorism and prisoners who have previously been charged but not convicted of a terrorism offence. I will respond to those concerns now.

The 2017 Brighton siege attacker, despite having previously been charged with terrorist offences, was released on parole and proceeded to reoffend. An innocent person died as a result, several police officers were injured and the act shook the entire nation. The Brighton siege highlighted the importance

of a presumption against parole to include prisoners who have been charged but not convicted, or those who have demonstrated support for, or links to, terrorist activity. These amendments are extraordinary but they are justified. They are critical for the safety of the community and necessary to address the risks recognised by the Council of Australian Governments.

The amendments to provide a presumption against parole are carefully crafted to ensure they protect the community but do not unfairly target prisoners with tenuous or weak links to terrorist activity. That is why there is the additional requirement that, for prisoners identified under category 2, the Commissioner of Police must identify there is a reasonable likelihood the prisoner may carry out a terrorist act if released. The inclusion of this requirement is significant in ensuring prisoners with weak or tenuous links to terrorism are not inadvertently captured by the presumption against parole.

I am also aware that concerns were raised by stakeholders that prisoners who fall within these provisions may see no hope for parole or incentive to cooperate with police or engage meaningfully in rehabilitation. Irrespective of these legislative changes, Queensland Corrective Services will continue to provide opportunities for prisoners to engage in programs and services to support their rehabilitation and reintegration. In fact, as part of the Queensland Parole System Review, the Queensland Corrective Services clinical services unit was established to assist in the assessment and management of high harm offenders, including persons charged and convicted of terrorism and violent extremist offences. Further, in 2018-19, Queensland Corrective Services received funding from the Countering Violent Extremism Sub-Committee to develop a professional practice model and resources to assist in the assessment, management and intervention of terrorist and radicalised offenders. It will always remain in a prisoner's best interest to meaningfully engage in rehabilitation programs and supports.

It must also be reiterated that there is no 'right to liberty' for prisoners whose deprivation of liberty has already been determined by the court and that a parole eligibility date is not a guarantee of parole on that particular date. Importantly, the provisions provide for the Parole Board Queensland to determine if exceptional circumstances exist to justify granting parole for a prisoner who falls within the presumption against parole legislation.

Additional powers are also provided to ensure the Parole Board Queensland is able to effectively implement the COAG commitment including: that an application for parole by a prisoner who has links to terrorist activity be considered by the board sitting as five members, that the board may have an extension of time of no more than 50 days to consider these applications and that the board has the power to suspend or cancel parole if the board becomes aware that the prisoner poses a terrorist risk.

The parole amendments also ensure sensitive police or intelligence information is protected while providing that the Parole Board is able to access the information they require to determine if a prisoner is subject to the presumption against parole. These provisions provide an important balance between community safety and individual rights, with the Parole Board Queensland as the ultimate decision-maker in whether the presumption against parole applies to a prisoner and, subsequently, whether the prisoner is released on parole. The highest priority for the Parole Board Queensland should always be the safety of the community, and these provisions enable them to do just that.

I commend the work that has gone into this bill in bringing it to our parliament today. I commend the bill to the House.