Speech By

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MEMBER FOR MACALISTER

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JUSTICE LEGISLATION (LINKS TO TERRORIST ACTIVITY) AMENDMENT BILL

Mrs McMAHON (Macalister—ALP) (11.55 am): I rise to contribute to the debate today on the Justice Legislation (Links to Terrorist Activity) Amendment Bill. I would like to thank my fellow members of the Legal Affairs and Community Safety Committee under the able stewardship of the member for Toohey, the members for Lockyer, Mansfield, Mirani and Southern Downs. I would also like to thank our fantastic and ever-patient committee secretariat.

There are 35 clauses and one schedule in this amendment bill which seeks to amend the Bail Act 1980, the Corrective Services Act 2006, the Penalties and Sentences Act 1992 and the Youth Justice Act 1992, which the Attorney-General has outlined and many in this House will speak to. I would like to address the genesis of this bill and why, here in Queensland, we are introducing a bill which many would consider a federal matter.

For those who have read the committee's report on the amendment bill—and that would clearly be all in the House—the term 'the COAG commitment' is peppered throughout it. I thought I would take a bit of time to explain the COAG commitment and what it requires of us here in Queensland.

Security agencies across Australia concur that the terrorist threat level in Australia is elevated. I do not intend to postulate in this debate why that is, but I acknowledge that this is the security reality that we and many other countries across the globe face. This requires all Australians to be vigilant—alert, not alarmed, if I may borrow a phrase—and places a greater importance on cooperation between security agencies.

While our security framework is nowhere near the patchwork that is the American experience, it can be easily understood how gaps and, more importantly, differences in state approaches to what is often a national and international network of offenders is considered a pressing vulnerability. In order to provide Australia with the security framework it needs, our national and state institutions, such as this House, responsible for the security of our population, must have a cohesive and consistent approach to decisions surrounding the custody of terrorism suspects and persons convicted of a terrorism offences, among other issues. On 9 June 2007, 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 who have links to, terrorist activity'. This is the COAG commitment.

This amendment bill is the realisation of that commitment here in Queensland, following four principles agreed to at a subsequent COAG meeting in October 2017. The principles enacted in this bill include: firstly, the presumption against bail and parole should apply to categories of persons who have demonstrated support for, or links to, terrorist activity; secondly, high legal thresholds should be required to overcome the presumption against bail and parole; thirdly, the implementation of the presumption against bail and parole should draw on and support the effectiveness of the joint counterterrorism team model; and, fourthly, implementing a presumption against bail and parole should appropriately protect sensitive information.

In acts amended by this bill, the definition of a 'terrorism offence' is drawn from, among other acts, the Commonwealth Crimes Act 1914, which includes offences relating to explosive and lethal devices as well as terrorist acts as defined in chapter 9 of our Police Powers and Responsibilities Act. The definition of 'terrorism' also incorporates definitions used in other state jurisdictions to ensure that those who have committed offences in other jurisdictions do not avoid scrutiny. In passing this amendment bill we will join South Australia, Victoria, New South Wales and Tasmania in enacting legislation to implement the COAG commitment. Other states are set to follow.

I understand that the five submissions the committee received did raise concerns about various aspects of the amendment bill, particularly around the presumption of innocence, the presumption against bail and the effect of a presumption against parole. I understand and appreciate the issues raised in those submissions. They are right to raise them, particularly in their various roles in advocating for fundamental legislative principles. I would like to assure those bodies, I would like to assure members in this House, and I would like to assure the Queensland public, that these amendments do not represent a general shift or trend away from fundamental legal principles or our core presumption of innocence.

Luckily for us here in Australia the occurrences of terrorism are few and far between, and that is in no small part attributed to the cohesive approach by our security organisations. The fact is that the risk and the current threat assessment remain, and in those instances where security, law enforcement agencies and judicial bodies are required to make decisions the balance must be tipped in favour of the safety of our community where the risk is demonstrated—where the risk is demonstrated.

These decisions are not to be considered a daily abrogation of fundamental legislative principles. In response to submitters the department stated that the provisions are only justified in extraordinary circumstances and are not intended to create the new norm. We could all hope that these laws would never be used, but that is not the reality we live in. In the interests of community safety, having laws such as these will bring us into line with other states. It will increase community confidence and community safety. Ensuring the safety of Queenslanders is one of our most fundamental responsibilities here in this House. I commend the bill to the House.