



Speech By
Jann Stuckey

MEMBER FOR CURRUMBIN

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COUNTER-TERRORISM AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs STUCKEY** (Currumbin—LNP) (2.51 pm): The Counter-Terrorism and Other Legislation Amendment Bill 2017 before the House was introduced on 14 June and subsequently referred to the Legal Affairs and Community Safety Committee to be reported on by 11 August. The committee received four submissions from the Crime and Corruption Commission, Queensland Law Society, Office of the Information Commissioner and Queensland Council for Civil Liberties. I will mention later some of the issues they raised. The committee made only one recommendation: that the bill be passed. I thank fellow committee members, the secretariat, the QPS and submitters.

This bill builds upon those that have come before it and, in particular, enhances terrorism emergency powers in part 2A of the Public Safety Preservation Act 1986. In addition, this bill makes amendments to the Police Powers and Responsibilities Act 2000 and the Terrorism (Preventative Detention) Act 2005 that will improve public and police officer safety and ensure police are able to respond rapidly and effectively to terrorist acts and other person made critical incidents which pose a serious risk to life. Page 3 of the Legal Affairs and Community Safety Committee report No. 62 outlines the various amendments to be made to the above acts. They are too numerous to mention here.

I was grateful for the opportunity to ask questions of the Queensland Police Service and the commissioner about a topic that tears at the heart of our democracy and law-abiding culture. During the hearing I asked our police to explain what was gained by changing the words from 'belief on reasonable grounds' to 'suspects on reasonable grounds' to enable a PDO. Some of the changes are significant, others more subtle, yet still with potent consequences. The reply from the QPS was—

There is a well-established common law authority in relation to the distinction between reasonable suspicion and reasonable belief. A suspicion is a state of conjecture or surmise. It is more than idle wondering. It is a positive feeling of apprehension or mistrust, but it is a slight opinion without sufficient evidence. Facts which reasonably ground a suspicion may be quite insufficient to reasonably ground a belief. Nonetheless, to have a reasonable suspicion some factual basis for the suspicion must exist. There must be sufficient factual grounds reasonably to induce the suspicion.

I see that I have your undivided attention, Madam Deputy Speaker. It is quite an interesting premise. It goes on—

The facts must be sufficient to induce a suspicion in the mind of a reasonable person. The suspicion must be reasonable as opposed to arbitrary, irrational or prejudiced.

We need it so that our law enforcement officers can trust their legitimate suspicions without needing all of the evidence. Let us face it, terrorists planning these attacks, whether a lone wolf or with others, do not want to be caught before they carry out their murderous plans.

Further discussion took place during the hearing about difficulty in accessing terrorist messaging and the use of ghost platforms. Rarely does a week go by without news somewhere in the world of another horrific, senseless terrorist attack on innocent civilians. We have become used to seeing these gruesome acts on our television screens, computers and mobiles on a regular basis but we have not

become insensitive or indifferent to these evil acts driven by a twisted and abhorrent hatred of others. We shake our heads as the full extent of the murderous plots are played out in front of us and we realise that not only are they on our doorstep but in our homes, so to speak.

Only a week before this bill was introduced, the shocking attack by 29-year-old Yacqub Khayre in suburban Melbourne once again reminded us of the insidious creep of evil. Yacqub killed a man and took a woman hostage, which sparked a siege; however, he was not on the radar of counterterrorism police after his release from prison in December 2016. Khayre was well known to police and had an extensive criminal history for burglary, theft, assault and resisting arrest. In 2009 he was charged along with four other men with conspiring to do acts in preparation for or planning a terrorist attack in relation to a plot to attack Holsworthy Army Base in New South Wales. How did he slip through the net? Acting Inspector Bob Utz from the Queensland Police Service told us in a hearing on 18 July that terrorist activity had escalated in Australia since September 2014, with five terrorist attacks resulting in the deaths of four innocent people. Twelve planned attacks have been disrupted, 30 counterterrorism operations undertaken and 70 persons charged. We are thankful these vicious acts did not involve greater numbers but they should not detract from our revulsion and resistance to them.

Revelations in July that there were more than 100 but fewer than 150 people in South-East Queensland being monitored on our counterterrorism suspect list is a stark reminder that the ugly face of terrorism is amongst us. It is a sign of the times in our modern world and one we should do our utmost to repel. Criminal histories like those of Yacqub tell us that there are more people living amongst us who should be on the counterterrorism suspect list but who are not.

Australia's national terror threat is rated as probable, not if but when, despite the dedicated efforts to protect us all. The Islamist militant cell that used a van to kill 13 people and to injure 124 others from 34 countries in Barcelona reminded us once again of the barbaric and senseless nature of these crimes. Apparently, there was no clear or certain target. It seems that, for someone intent on undertaking these deadly missions of destruction, any old church, monument or public place will do. How on earth can one reason with people without a soul or a conscience, who in Barcelona mowed down a beautiful, innocent little Australian boy? My thoughts and prayers are with his family at this deeply distressing time.

Regardless, we should not live in fear or surrender our hard-fought freedoms and way of life to those who wish us harm. We must all be more vigilant in reporting suspicious activities and be alert when out and about. The radicalisation of youth in particular makes for a lethal cocktail that must be stopped. It is critical that we support our police and law enforcement officers, men and women on the front line of defence, with a high-tech armoury of tools to help keep us safe.

Hosting the G20 summit in 2014 required a significant and specialised training regime for our police and security officers, the likes we had never seen before. We all are very thankful there were no incidents, and the training they received has helped prepare them for the challenges we face today. Reports that over 10,000 police have received special active armed offender training which teaches skills to stop a threat rather than containing it reminds us of the changing world in which we live.

In addition, tactical trauma training is also included. Reports in early August that a major terrorist attack ordered by Islamic State was almost successful in Sydney, not once but twice, highlighted the need for tougher and more effective counterterrorism laws. Only last Friday a man tried to get onto a domestic flight in Brisbane with a fake boarding pass and threatened to bomb and run over families of police. Astoundingly, he was freed on bail. Heavy duty barriers and bollards will become common features as more and more protective steps are taken to counterterrorism in our public places and cities.

I now turn to a few of the concerns raised by submitters. The Queensland Law Society commented that they support proportionate legal responses to the threat of terrorism but said they remain 'concerned that expanding the breadth of anti-terrorism laws can shift expectations and could lead to the replication of extraordinary measures in other areas in criminal law'. The Queensland Council for Civil Liberties raised a number of concerns in its 18-page submission. These related to clause 9 relating to connection of a surveillance device, proposed part 3A, clauses 35 and 36—opposition to the abolition of privilege—and also opposition to clause 40.

The Office of the Information Commissioner advised their functions include commenting on issues relating to the administration of privacy in the Queensland public sector environment. Noting that the Counter-Terrorism and Other Legislation Amendment Bill 2017 provides for a significant expansion of search and seizure powers exercisable by police and that witnesses could potentially be compelled to provide access information to enable the conduct of a search of their electronic device, the OIC found that these powers were particularly privacy invasive. They suggested consideration be given as to whether the provisions in this bill strike the right balance between privacy and other rights.

The LNP recognises the need to strengthen and toughen our counterterrorism laws. As we have heard from the shadow minister, our plan includes the strengthening of bail laws to include a presumption against bail for someone charged with a terrorism related offence or known to have terrorism links; the strengthening of parole to remove the presumption of parole for an offender charged with a terrorist offence; giving police more powers to prevent an attack by increasing the maximum time allowed under a preventative detention order from 14 days to 28 days; and exhibiting greater leadership by appointing a dedicated minister for counterterrorism to focus on policy development and updating the state's strategy.

I will defend an individual's rights until the cows come home, but I will never shy away from legislation designed to protect the general public from harm, which is what the provisions in this bill do. Rather than criticise new approaches to stem the flow of terror related acts and to apprehend suspects thought to be involved in them, we should all be focused on dealing with the reasons behind individuals committing these atrocities on totally innocent bystanders. In making this statement let me be clear that this is not a criticism of the learned bodies who have taken the time to supply submissions. Their comments are valued and have been given the consideration that they deserve. However, public confidence is also important—very important—as is our reputation as a safe destination to visit. Together with the LNP and fellow committee members I am supporting the measures within this bill which I hope will make a difference in the fight against the scourge that is terrorism, no matter in what form it presents its ugly face to us. We cannot take for granted the freedoms we enjoy. We must all pull together to condemn these actions.

In closing, I cannot miss an opportunity to put in another plug for a school based police officer at our two local high schools, Palm Beach Currumbin State High and Elanora State High School—two great schools dedicated to achieving results for students, not only in the academic sense but also the holistic one. In another Gold Coast high school where a school based police officer has been in place it has been reported that in a relatively short space of time the following measurable benefits have been noticed: they reduced the number of students sending inappropriate digital recordings to each other; enhanced domestic violence campaigns within the school; changed aggressive adult behaviours in the school grounds; and engaged with the most at-risk students in a proactive way to improve behaviours. It reduced the incidence of shoplifting in the local area.

Madam DEPUTY SPEAKER (Ms Farmer): I have given the member a little bit of license, but could I ask you to wind up that particular angle you are going through. I am struggling to see how it is relevant to the bill.

Mrs STUCKEY: Thank you. Perhaps I could remind honourable members that there was a bomb hoax at one of these schools only very recently and that is why I am introducing the information that I am. If I may complete the other issues that this would deal with: students would be in a better place to deal with situations so that they can not only be present at school but also not engage in foolish acts such as bomb hoaxes. It also targeted the elements of a drug culture within the school so that adult suppliers were exposed and prosecuted resulting in a huge decrease in the problem.

Madam DEPUTY SPEAKER: I think you have made your point. Could I ask you, if you are going to continue with your speech, to please keep it relevant to the bill. I think you have made your point about the bomb hoax and we should move on.

Mrs STUCKEY: I will wrap up and say we are talking about counterterrorism. I am talking about trying to protect students in our schools. I am asking people to be more vigilant in their reporting of suspicious acts and I am calling on this Labor government to support our students, police and principals by granting us a dedicated school based police officer.