



Speech By
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MEMBER FOR CURRUMBIN

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JUSTICE LEGISLATION (LINKS TO TERRORIST ACTIVITY) AMENDMENT BILL

 **Mrs STUCKEY** (Currumbin—LNP) (4.43 pm): The Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018 was introduced on 13 November 2018 by the Attorney-General and makes changes to the Bail Act 1980, the Corrective Services Act 2006, the Penalties and Sentences Act 2002 and the Youth Justice Act 1992. The reporting date back to the House was 7 March. Five submissions were received. They were from the Bar Association of Queensland, Dr Rebecca Ananian-Welsh and Associate Professor Adrian Cherney, the Parole Board Queensland, the Youth Advocacy Centre Inc. and the Queensland Law Society. I would like to acknowledge the work of the Legal Affairs and Community Safety Committee, the department and secretariat on this bill. The only recommendation was that the bill be passed, and the LNP is in agreement.

There have been a number of bills introduced and passed in the Queensland parliament during my time as member for Currumbin. It is important to make mention of them here in order to appreciate the need for the legislation before us. In 2004 this House debated the Terrorism (Community Safety) Amendment Bill where I quoted from a 2003 paper entitled 'New Terrorism' that came through the Australasian Study of Parliament Group. Groups of the 'old terrorism' such as the Japanese Red Army, the Red Army faction and the Irish Republican Army had common threads. The motivation of these groups was mainly confined to national or local regional concerns to serve political agendas. The paper stated that the new breed of terrorism is exceedingly more violent and non-selective in its target groups and generally favours those with high symbolic value and broad international focus, with religious ideologies being the primary element. The paper further added that they have a desire to inflict mass casualties using technology for innovative planning.

Here we are 16 years on and we have a bill before us that involves a national approach to combatting the evil that is terrorism in all of its forms, forms which can occasionally continue to evade detection before despicable acts are committed. Fortunately, these acts are rare, and I have no doubt that a number of events have been foiled due to the dedicated scrutiny and monitoring by staff in our federal and state crime prevention agencies. I would like to thank all who are engaged in efforts to keep us safe from harm for their efforts. I wholeheartedly agree with the Attorney-General's comments—

While the threat of terrorism is to be taken seriously, Queensland does remain a safe place to live and work.

However, it comes down to each of us to contribute to that safe environment and to be more aware of what is going on around us. I am constantly amazed how many people leave their vehicles unlocked and keys and valuables in plain sight of would-be thieves. It is no wonder car theft is up by 20 per cent. It is a known fact that terrorists frequently place bombs and other explosive devices in cars, so do not make it easy for them. In her introductory speech the Attorney-General explained—

The bill will implement the agreement of the Council of Australian Governments to ensure 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—underpinned by nationally consistent principles to ensure there is a presumption against bail and parole in agreed circumstances across Australia.

Further—

The measures in the bill, while extraordinary, recognise that there should be a higher bar for the release of individuals who pose a higher risk to the safety of the community, whether that release be through bail or parole.

Committee report No. 30 of the 56th Parliament notes—

On 5 October 2017 COAG further agreed that implementation of the COAG commitment would be underpinned by agreed principles recognising the ongoing importance of national consistency in counter-terrorism legislation and responses more broadly.

The COAG commitment recognises the unique risks posed by a person with demonstrated links to terrorism. The amendments in the Bill are significant departures from existing provisions and must be viewed as extraordinary measures to combat this unique risk to the community.

The Australia-New Zealand Counter-Terrorism Committee, in consultation with each Australian jurisdiction, developed the following nationally consistent principles. First, the presumption against bail and parole should apply to categories of persons who have demonstrated support for, or links to, terrorist activity; second, high legal thresholds should be required to overcome the presumption against bail and parole; third, the implementation of the presumption against bail and parole should draw on and support the effectiveness of the joint counterterrorism team model; and, fourth, implementing a presumption against bail and parole should appropriately protect sensitive information.

This bill was introduced before the horror of the Christchurch massacre took place. I would like, as many other honourable members have done, to place on record my deepest sympathies to all those affected by this atrocious act of hatred and extend my sincere condolences particularly to those members of Muslim congregations who were engaged in prayer when this sickening attack upon defenceless men, women and children occurred. Aussies and Kiwis have very strong and binding connections. Our history shows that. Both of my children have Kiwi partners with parents living in their homeland. My thoughts have also been with them during this time of shock and grief.

Amendments to the Bail Act and Youth Justice Act will result in consideration of any promotion of terrorism by the person or any association the person has had with a terrorist organisation or another person who has promoted it. I do note the concerns raised by the Queensland Law Society and professors with regard to these amendments. I also note comments in the report that state—

The bill makes it clear that when considering promotion of terrorism any reference to a terrorist act includes a terrorist act that has not happened and is not limited to a specific terrorist act. The concept of promoting terrorism is used consistently through all legislation amended by the bill and requires more than accidental support for terrorist acts to be shown.

Australia's protection agencies—those responsible for terror alert status—have Australia's threat level remaining elevated. When it comes to acts of terrorism and those who plan and execute them, there should be no leniency; no weakening of laws. These acts are vile and repugnant.

Some submitters considered the bill a significant departure from legal principles, the infringement of individuals' rights and liberties unjustified, and that the bill departed significantly from the legal principles that underpin individual rights and liberties, but the general consensus was that government has a responsibility to minimise the risk to their communities from terrorism activities. Others were of the belief that existing legislative arrangements were sufficient and that amendments contained within this bill were merely codifying existing law.

September 11, 2001 changed the world forever. We all live in uncertain times and the extraordinary measures contained in this bill are warranted. Terrorism came frighteningly close to my family on 7 July 2005 when bombings ripped through the London Underground and on buses in the heart of the city during the morning peak hour. Whilst writing this speech, vivid memories flooded back of that fateful day when our son lived in London. He had missed the train to work that morning but was spared as the train that he would usually catch was hit. This meant he also missed the bus that he usually caught after the train and was again spared as his regular bus was bombed. Watching the carnage, I felt so much sadness mixed with anger at this cruel act of hatred that killed innocent people, but I also felt a huge sense of relief and gratitude that my son was not amongst them.

The LNP's policy at the last election would have seen a presumption against bail and a presumption against parole introduced, and I have already mentioned that COAG agreed to these inclusions back in 2017. It has been mentioned by my colleagues that Labor could have been quicker to adopt stronger anti-terrorism laws that send a clear message to the people of Queensland that they can have confidence that not only the federal government but also the state government are working hand in hand and doing all they can to prevent attacks of a terrorist nature.

It would be naive to think that this type of hateful and destructive activity will be eradicated, and we all need to be more observant of our surroundings and vigilant in reporting suspicious behaviours. Governments have a responsibility to provide sufficient resources and tools to protect citizens from

unforeseen attacks. Provisions in this bill will certainly add another layer of protection, but no doubt we will need more in the years ahead. In the meantime, though, let us stand together in our condemnation of terrorism in all its ugly forms and show some respect and understanding towards each other.