

**TERRORISM (EXTRAORDINARY POWERS) AMENDMENT BILL 2015**

*Second Reading*

Resumed from 24 September.

**MRS M.H. ROBERTS (Midland)** [4.15 pm]: I rise to speak on the Terrorism (Extraordinary Powers) Amendment Bill 2015. I note that the most significant reason for bringing this legislation forward is that the legislation is due to expire on the tenth anniversary of the bill. The government, as usual, has been very tardy in bringing this legislation before the house. It is a requirement of the Terrorism (Extraordinary Powers) Act 2005, which came into effect on 16 January 2006, with part 3 dealing with covert search warrants coming into operation on 1 July 2006, for the act to be reviewed. Section 34 of the Terrorism (Extraordinary Powers) Act 2005 states —

- (1) The Minister must carry out a review of this Act as soon as is practicable after —
  - (a) the first anniversary of the commencement of this section; and
  - (b) thereafter after every third year after the first anniversary.
- (2) The review must review the operation and effectiveness of this Act, whether its provisions are appropriate to prevent and respond to terrorist acts, and whether it should continue in operation.
- (3) The Minister must prepare a report based on the review and, as soon as practicable or no later than 90 days after it is prepared, cause it to be tabled before each House of Parliament.

Those earlier reviews were reportedly conducted and I am aware that at least a couple of them have been tabled in this house. Interestingly, up until now the government has not chosen to bring forward any amendments to enhance the operation of the act. That is something that certainly would have been open to it. Matters of concern have been raised during that time, and matters came out of those reviews. I understand that some of those issues have been able to be dealt with in other ways and some of those issues have been detailed in notes that have been provided. The minister received a report from the legal and legislative services section of Western Australia Police in December 2014, so we are looking at the best part of a year ago. Although I want to go through that reasonably comprehensive review, I note that page 21 of the review has a final recommendation, which reads —

**7.2 Recommendations**

The inaugural review identified a number of minor amendments to the *Terrorism (Extraordinary Powers) Act 2005* which will strengthen its provisions. Since then a range of other issues have been canvassed and some further amendments considered. These matters are detailed in Parts 4, 5 and 6 of this Review Report and are recommended for further progression.

It is highly recommended that amending legislation be introduced to address these matters without further delay.

Not “without delay”, but “without further delay”.

That statement is an acknowledgement, quite clearly, from the police legal and legislative services section that there have been delays in amending this legislation. For a government that likes to talk tough on law and order, pretty much all it does is talk tough on it. We heard a good example of that today when the minister stood and said she was “looking for opportunities to better protect the community”. This sex offender was released into the community who was the subject of the MPI today and the minister stood and said she was looking for opportunities to better protect the community in this situation. As we know, it was over 18 months ago that I raised questions about another offender known as TJD. The minister was also looking for better opportunities back then. In fact, it was more than that; she said that they were going to take action and have an immediate review and they were going to better protect the community because she did not think what had gone on with TJD was acceptable. Some 19 months later, very disappointingly, the minister got to her feet and said she was looking for better opportunities and the government is going to do something—she is always going to do something. She says she is taking action, but she is very, very, very slow—very tardy. It is good that the minister has now joined us back in the chamber. I was highlighting the final point in paragraph 7.2 “Recommendations” on page 21 of the report, which states —

It is highly recommended that amending legislation be introduced to address these matters without further delay.

Not “without delay”, minister, but “without further delay”. It is basically a statement from the minister’s own department that she has delayed bringing in amendments to the Terrorism (Extraordinary Powers) Act 2005.

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Matters were raised in that very first review—then there were subsequent reviews—that the minister could have acted on before now, and that she could have brought before this house to strengthen and enhance this legislation, but chose not to. Indeed, I suggest to the minister that there was nothing to preclude her from acting significantly prior to the imminent expiry of the legislation after 10 years. It is now the best part of a year ago that the minister received the recommendation from her own police department that she should introduce the amending legislation without further delay. What happened then? The minister delayed for about 10 months before she introduced any legislation. Perhaps the minister would like to explain to the house why she waited 10 months, why she delayed, and why there was then a further delay.

There is quite a history to the Terrorism (Extraordinary Powers) Amendment Bill 2015, some of which was given in the minister's second reading speech, which was relatively light in detail. Looking to the report that the minister received the best part of a year ago, the executive summary explains —

The Act provides Western Australia Police with necessary powers in order to prevent a terrorist act from occurring or to be able to appropriately respond in the aftermath of a terrorist attack. These powers supplement the functions performed by Western Australia Police under the National Counter Terrorism Plan (NCTP).

I will make the point here that it will not always be possible to prevent a terrorist attack, so these powers will not necessarily prevent one, but they do certainly enhance the police's capacity and likelihood to be able to prevent a terrorist attack. It certainly provides police with pertinent and relevant powers that they can exercise in the aftermath of a terrorist attack. The report notes —

As yet, the powers under the Act have not been exercised.

So these powers have not been implemented in their operation for the best part of 10 years. I wonder whether the minister might clarify in her second reading response whether there have been any applications to use these powers. It is one thing for the powers to not have been utilised; whether there have been any applications to use the powers is another thing—there could well have been, and I certainly would not be any the wiser, but I expect the police minister to be informed of these matters.

The WA Police report to the minister states that, in its view, because the powers have not been exercised does not mean they are not necessary. It does not believe there should be any reduction or diminution of the powers provided in the Terrorism (Extraordinary Powers) Act 2005. Having introduced this legislation and taken it through this house myself back in 2005, I am probably more familiar than most with its history and its whole reason for coming into being. At that stage, it was very much new legislation. It followed from Council of Australian Governments meetings in which state Premiers around Australia, along with the then federal government, all committed to implementing legislation of this nature around Australia. I note that some have slight variations in the names or titles of the relevant legislation from one state to another. I have just explained that similar powers to these exist in other states. Although the powers have not been used in Western Australia, they certainly have been used in other states. In particular, they were used during what has become known as the Lindt Cafe siege in Sydney. I understand an area was designated so people could be stopped and searched, and/or prevented from entering or exiting that area. Referring to that siege, I want to make it quite clear that it was not actually an act of terrorism although, at the time, there was a reasonable belief that it could have been. As it turned out, it was one person acting alone and although it was a terrifying and awful event, it was not an act of terrorism. With a precautionary approach, it certainly would have appeared to me from the outside that police acted swiftly and in the interests of community safety in that circumstance to utilise the powers provided under the Terrorism (Extraordinary Powers) Act 2005.

The report to the minister also notes that the terrorism alert level in Australia was raised from medium to high on 12 September 2014 by the director general of the Australian Security Intelligence Organisation. WA Police's view is that that highlights the continuing need for this kind of legislation. I will digress a little: there was certainly a belief in 2001 with the September 11 attacks in America that the world was very much changed. That is when people started thinking about the real risks of terrorism and what kind of legislative support police forces right around the world might need to better respond to acts of terrorism—not acts of warfare from foreign countries, but indeed from people who were basically in the midst of our own communities.

There is a reference, either in the explanatory memorandum or in the minister's second reading speech, to so-called homegrown threats or homegrown terrorists, as though that is a new thing over the past 10 to 15 years. The reality is that the United Kingdom had effectively been dealing with a homegrown threat in the form of the Irish Republican Army for many years prior to that when people committed frightening acts in their own community. As I pointed out, the director general of the Australian Security Intelligence Organisation, in raising a terrorist risk in 2014, again highlighted that, unfortunately, the risk of terrorism and terrorist events has not gone away. I may have misquoted the year for the 9/11 attacks, but people may also recall the Bali bombings

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event in 2001 and the further impetus for putting in place this legislation after some bombing events in London. The tenth anniversary of the act will, of course, be 19 December 2015. Despite the three reviews of the act, so far there has been no amendment.

A number of amendments were recommended in the review that the government has finally put before this house. Page 2 of the report given to the minister in December last year refers to the issues raised. The issues centre on the definition of “terrorist act”; the ability of the commissioner to appoint special officers from overseas jurisdictions; the execution, reporting and retention of documents in relation to covert search warrants; the burden of proof; the inclusion of membership offences as grounds for covert search warrants; the inclusion of vehicles in covert search warrants; access to and downloading of data from computers networked outside premises subject to the warrant; the impending expiry date; and a number of other minor clarifications to improve the operation of the act. The urgency for this to occur was highlighted to the minister on page 2 of the report. It stated that it is recommended, therefore, that amending legislation extending the operation of the act and addressing the matters of concern outlined be prepared and introduced into Parliament as a matter of some urgency.

At long last the minister has introduced those amendments. A number of these amendments deal with matters that could not reasonably have been foreseen back in 2005. If one thinks back 10 years ago, technology for one thing was certainly very different. Ten years ago access to a computer or seizing things on a computer would have been potentially all that was required. Now we find that people have a numerous array of devices, including phones, tablets and the like, that have phenomenal computing capacity. Technology has therefore moved on. That is just one area in which the act clearly needed to be updated so that we actually cover the full gambit of devices that the police may need to access. I note that on page 2 of the Terrorism (Extraordinary Powers) Amendment Bill 2015, clause 4 will amend section 3 of the act to include in the definition of “data” the words “any record, any computer program, and any part of a computer program, in a digital, electronic or magnetic form”. That is obviously to cover more devices. Clause 6 will amend section 14 to insert the words “access and operate any device or equipment in the vehicle that holds or processes data”. We were advised at the briefing that a “vehicle” could include a vessel or a boat—a broader definition than people might interpret. Clause 7 will amend section 15 to insert the words —

For the purposes of searching a place under subsection (1), a police officer may access and operate any device or equipment in the place that holds or processes data.

Again, that is a more all-encompassing term than the current term. Clause 8 will amend section 16 to give a police officer the opportunity of accessing or operating the device. It proposes a new subsection (3) to include the words —

If a thing is seized under this section, a police officer may access and operate any device or equipment in the thing that holds or processes data.

We can therefore see that in keeping up with technology we need what appears to be some vague definition, as that proposed amendment refers to “if a thing is seized”. The definition is much less specific, as we are trying, presumably, to futureproof the legislation. That is because we do not know over the course of the next 10 years which other “things” or devices may in fact hold or process data. Provided in that amendment also is the explicit permission for a police officer to access or operate that “thing”. It is one thing to be able to seize something; it is another thing for a police officer to be able to use, hold or operate it.

As was highlighted in the list of amendments recommended in the review provided to the minister, there is also a provision in clause 9 to amend section 17 to use overseas officers, including, as it states —

(c) a sworn employee of the New Zealand Police;

or

(d) a law enforcement officer of a foreign jurisdiction prescribed for the purposes of this subsection.

In the briefing we had with the officers from the minister’s office and also with WA Police, we were advised that so far in the existing legislation, not the amendment bill, there are no regulations; therefore, no foreign jurisdictions had been prescribed. This is something that, presumably, will have to occur following the passage of this legislation. I think that is of some interest to us. I can understand that we might want to utilise the expertise of an officer from a foreign jurisdiction or from New Zealand Police. My colleagues and I asked some questions about how that process would occur and what the line of accountability would be. For example, would the New Zealand police officer be directly accountable to our Commissioner of Police here in Western Australia or would they maintain an accountability line back to their home jurisdiction? Likewise, we are interested in knowing both which foreign jurisdictions may be prescribed and whether there will be any limitation on them. Also, does the definition of “law enforcement officer of a foreign jurisdiction” refer to just a police officer; is it

**Extract from Hansard**

[ASSEMBLY — Tuesday, 20 October 2015]

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limited to a sworn police officer from another jurisdiction; or does “law enforcement officer” convey a much broader meaning?

The bill makes a number of amendments to the Terrorism (Extraordinary Powers) Act. Having introduced the original Terrorism (Extraordinary Powers) Bill back in 2005, no-one could be more delighted than I am that the powers under that bill have not had to be utilised. That was always the hope. When I introduced that legislation to this house, it was very new, and concerns were raised by people both inside and outside this house about the potential misuse, or abuse, of this kind of legislation, particularly in the area of civil liberties. People were concerned that certain areas might be designated and people would be stopped and searched and the police might abuse the powers that are provided for in this legislation. There was a lot of discussion and commentary about that at the time, not just in Western Australia but around Australia. I can certainly appreciate those concerns. However, when we bring into this place powerful legislation such as this—it is powerful legislation—there is always a balancing act between the civil liberties of some in the community and the protection of others in the community. It is often the case that in trying to protect the community more broadly, we infringe on the rights of others. I said at the time that I hoped the police would not need to use these powers. I said also that these powers were to be used only with respect to terrorism. I think people were concerned that these powers might be used to target other groups within the community. I note that that has not been the case. Indeed, that is actually prevented from being the case by the legislation itself. There are a lot of checks and balances in the legislation. When we put checks and balances into legislation, there is always a concern about whether we are getting the balance right. Just because an application needs to be made and put before a judge does not necessarily mean that we have got the balance right. Judges are required to operate in accordance with the legislation that is in front of them. It is, therefore, important that we get the legislation right.

That is one of the reasons why I was happy to include in the legislation the requirement that there be a review after the first year of operation, and every three years subsequently; and, in addition, a sunset clause. I do not recall another piece of legislation that has such an extensive requirement for review. That was not just to ensure that the powers contained in the legislation are strong enough and that the legislation will do what we have said it will do, but also because we want to protect the community. As it has turned out, this legislation has not been used. The reason for this amendment bill is to ensure that we can better assist the police to do the things that we intended the police to do when we put the Terrorism (Extraordinary Powers) Bill 2005 through the Parliament. I was also mindful at the time that even though I fully expected that these powers would not be abused, many people in the community perceived that they could be abused. I wanted to ensure that if there were any loopholes in this legislation that could enable these powers to be abused, to be used vexatiously or frivolously, or to be used in circumstances that did not equate to terrorism, we could close those loopholes. As I have said, this was new and cutting-edge legislation. Therefore, on the one hand, we wanted to ensure that we were equipping the police with the powers that they would need to exercise if there was a terrorism event, and, on the other hand, we wanted to ensure that the community was protected. We wanted to ensure that this legislation could not be used to unfairly target particular individuals or groups within the community, and that the powers contained in this legislation could not be used in circumstances that were totally unrelated to terrorism.

It would appear, based on the advice, and particularly on the report that has been provided to the Minister for Police, that that has not been the case. I am not aware of it being the case in other jurisdictions either. I note that Queensland has had cause to use the powers under its legislation, and I again quote from the WA Police review, page 5, which states —

Queensland’s Public Interest Monitor 14<sup>th</sup> annual report, dated 31 October 2012, reveals that the Queensland Police Service made three applications to the Supreme Court for covert search warrants during the 12 month period from 1 July 2011 to 30 June 2012. The following year, the Public Interest Monitor reported the Queensland Police Service had made one successful application for a covert search warrant while the Crime and Misconduct Commission had made three applications, two of which were successful and one of which was refused. These reports indicate that covert search warrants, along with surveillance device warrants, have been of assistance in Queensland in gathering evidence which has assisted in the progress of investigations and, on occasion, resulted in an arrest.

Similar police powers have been exercised, and continue to be exercised, in NSW (for example, ‘Operation Pendennis’ on 8 November 2005) and more recently in Victoria —

*The [COAG Review] Committee has been made aware of one recent use of the ‘special powers’ procedure in Victoria. This is the only actual use of the powers in recent times. The particular operation (during an important visit by overseas dignitaries) was reported as being successful, and the operation was thought to be effective in that no terrorist disruption actually occurred. The exercise of the powers was said to have been restrained, and occasioned no public dissatisfaction or complaint.*

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It goes on to provide some detail as to the comparison and the utility of the laws.

I note that there is talk about bringing in some more extreme powers. However, this bill does not include some of those more extreme powers that have been talked about at the national level.

We are also advised in the WA Police review that practice directions have been put in place by the Chief Justice to cover the processes required for applying for a covert warrant, and the process required for a judge to authorise a covert search warrant or validated commissioner's warrant. Other states have conducted reviews of their powers, and I understand that the review given to the Minister for Police has been informed by those reviews that have been done in other jurisdictions. Those reviews are particularly helpful given that the powers under our act have not been exercised in this state. Therefore, it is clearly informative and useful to look at examples in states in which these powers have been used, or, indeed, in which applications have been made to utilise those powers and those applications have not been granted.

The legislation of most of the other jurisdictions will expire either side of our legislation. I understand that those jurisdictions either have renewed their legislation, are in the process of reviewing their legislation or are likely to review the legislation in the future. I highlight that this review is publicly available. It goes through what has occurred in the other states. I think that is informative. I note that paragraph 4.2 deals with the appointment of foreign officers as special officers and states that the 2005 act —

... allows the Commissioner to appoint as “special officers” members of the Australian Federal Police or members of the police force of another State or Territory. An agreement currently exists between Australia and New Zealand for the complementary use of police officers for counter-terrorism purposes. In the event that it may be necessary, or desirable, to engage officers with specialist counter-terrorism skills and/or experience, the Commissioner's capacity to appoint special officers should be extended to encompass members of the police force of other foreign jurisdictions at the Commissioner's discretion. It is considered preferable that this be according to the Commissioner's determination rather than nominating prescribed jurisdictions.

That is what is in the review. Of course, I read out the clause of the legislation that appears to be at odds with that. I make no argument with that; I think it is potentially the preferred way to go. The bill states that those matters need to be prescribed, so perhaps the minister can clarify in her second reading response why that was included in the bill rather than going along with the effective recommendation in paragraph 4.2 of the review.

There are also some changes to the burden of proof, which I might let my very able, legally qualified colleagues the members for Butler and Girrawheen talk to at some greater length. There are also changes to do with the retention and/or destruction of documents and reporting within certain time frames. In fact, one of the amendments that will be made to the 2005 legislation will allow an alternative person to report back to the judge, because I expect it is possible in some circumstances that someone for some reason might not be able to do that. They might be incapacitated in some way; indeed, they might be deceased. It is pleasing to see that that matter has been dealt with. There is a need to make application for a covert search warrant. There are time frames included, and there is a time frame for needing to report back. As I said, once these amendments go through, the authorised applicant who reports back can be a different person. I understand that that will now be brought into line with what I understand already occurs in New South Wales when the authorised applicant is not able to report back in what I believe is a time frame of 10 days.

There is a range of other amendments. On the one hand, they seem quite minor, but, on the other hand, I think they are of consequence. It is very important that we progress this legislation as quickly as possible. The opposition of course supports this legislation. As I pointed out, I introduced the original bill in 2005 and it would seem that, unfortunately, the environment has, if anything, got worse since then. Unfortunately, because of those circumstances, we need to extend the life of this legislation. It is sensible that it be extended for 10 years. Ten years is a significant period, but it is not a limitless period. It is important that these provisions be reviewed. I have noted that when we put this legislation in place, we said that there would be a review after one year and subsequently every three years. It does not appear—I might have missed it; the minister can point it out to me if I have—that there are provisions for the Terrorism (Extraordinary Powers) Amendment Bill 2015, which hopefully will become an act before the end of December, to be reviewed. I think that 10 years is probably too long to wait for a review. Although I have not properly considered the detail of the bill, it is probably pretty simple for the minister to advise me whether the review clauses from my original 2005 bill will stand and whether there will continue to be a review every three years.

**Mrs L.M. Harvey:** Yes; we are not changing the review clauses of the act.

**Mrs M.H. ROBERTS:** I think that is a good thing. Under those clauses, not only did there have to be a review every three years, but also I think the minister had to table as soon as practicable a report before both houses of

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Parliament, so that with the tabling of that document we could see what the review had stated. That is a good thing.

My learned colleagues will no doubt get to the matter of reasonable grounds to suspect versus reasonable grounds to believe and so forth, and when that is relevant for the Commissioner of Police and when that is relevant for the judge determining a matter.

There is a lot of reference to the target vehicle. I might get the minister to clarify that that includes a vessel, or is there another clause that specifically refers to a vessel that includes a boat or such thing?

Although we are not pleased with the tardiness of the minister in bringing this bill forward, generally we are fully supportive of not only the legislation, but also the amendment bill. We are pleased that it has finally been brought before the house. We look forward to its expeditious passage through this house. I know that a number of my colleagues are keen to comment at the second reading stage. Although, as I said, on the face of it, we support the intent of the original bill, we certainly support the legislation being extended for a further 10 years. We support the other amendments to the original bill, which I think are well thought out and sensible. However, as is often said in this place, the devil is in the detail, so we look forward to going through the detail of the bill at the consideration in detail stage and clarifying some further matters with the minister. We will avail ourselves of the opportunity at the consideration in detail stage to potentially ask some further questions. I look forward to hearing the comments of my colleagues.

**MR S.K. L'ESTRANGE (Churchlands)** [5.00 pm]: I rise in support of the Terrorism (Extraordinary Powers) Amendment Bill 2015. A few of us in this place have had some involvement overseas in dealing with issues relating to this bill, and many authors write about the main causes of terrorism. They cite things such as poverty, unemployment, injustice, corruption and a lack of education. When we think of those terms, it is not difficult to align them with places such as Iraq, Afghanistan, Pakistan and the horn of Africa. These environments are ripe for terrorism to develop an impetus, and it can then extend itself closer to home. The biggest terrorism event to affect Australians was the Bali bombing in Indonesia, in which the terrorist organisation Jemaah Islamiyah, or JI, killed 202 people, including 88 Australians, and injured 209. Fortunately for us in Western Australia, we have not had a tragedy such as that on our own soil. However, we know that international forces in Iraq and Afghanistan united to form an international coalition against terrorism. Although the coalition made a lot of mistakes, a lot of its efforts ended up focusing on nation-building to tackle the root causes I mentioned earlier.

Authors such as David Kilcullen, author of many papers and books such as *The Accidental Guerrilla*, write about a global Islamic insurgency. How do I see a global Islamic insurgency relating to us here in Western Australia? The motivation derived from a root cause overseas can be communicated, as we know, via the internet, to build what we call homegrown terrorists. More often than not, these are very disaffected citizens, some of them very young. We saw that very recently with the murder of Curtis Cheng in Parramatta by a 15-year-old schoolboy. That case still has a way to play out in the courts, but early indications are that Curtis Cheng's murderer may well have been influenced by extremists, who may have derived their motivation from some of those countries I mentioned earlier.

A paper written by Brian Jenkins and published by the Rand Corporation, titled "The Four Defensive Measures Against Terrorism", cites intelligence, security, effective response and community involvement. Jenkins makes the point that terrorists can attack anything, anywhere and at any time. As a result of that, we know that all public places are difficult to defend. Therefore, the two key defences for us here in Western Australia have to be intelligence and response. The amendments proposed in this bill aim to extend and update the emergency powers given to WA Police to support them in gathering intelligence and responding in a timely manner. That response can be action to prevent an attack or, in the unfortunate situation when an attack occurs, moving quickly enough to capture those responsible and prevent that group from continuing its terrorist activities. This legislative effort supports improving security and provides police with practical legislation and, utilising a covert search warrant supports enabling them to search a vehicle and to access data from information and communication technology platforms located at a targeted place or vehicle, be it a boat, aeroplane or a car. It makes allowance for the Commissioner of Police to appoint special officers from overseas jurisdictions to provide counterterrorism support and expertise. These things are all very important in building that intelligence picture and giving the police the capacity to respond in a timely manner. The 2014 report to the minister by the legal and legislative services branch of WA Police was titled "Review of the Terrorism (Extraordinary Powers) Act 2005". Page 2 of this report lists recommended improvements to the act to improve its effectiveness. The recommended amendments are —

- the definition of "terrorist act";
- the ability of the Commissioner to appoint "special officers" from overseas jurisdictions;

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- the execution, reporting, and retention of documents in relation to covert search warrants;
- the burden of proof;
- the inclusion of membership offences as grounds for covert search warrants;
- the inclusion of vehicles in covert searches;
- access to and downloading of data from computers 'networked' outside premises the subject of a warrant,
- the impending expiry date, and
- a number of minor clarifications to improve the operation of the Act.

Those of us who have had some involvement, and those of us who are just very interested in this topic and do a lot of reading on it, all understand that it is absolutely imperative to success to make sure that the information is current, and that we have a really thorough understanding of what is called the human intelligence picture—that is, an understanding of the people who are either identified as being affected or who are possible targets of organisations to become disaffected citizens and carry out terrorist attacks.

I want to highlight my support to the minister, and thank her and WA Police for their efforts in combating terrorism in Western Australia, and for taking on board the recommendations in the report and making the amendments to the 2005 act. I commend the bill to the house.

**MR J.R. QUIGLEY (Butler)** [5.08 pm]: I rise to speak in support of the Terrorism (Extraordinary Powers) Amendment Bill 2015. If I look back on my life, to my university days, I would never have foreseen then that there would come a time when I would stand in the Legislative Assembly of Western Australia to support legislation of this nature.

**Mrs L.M. Harvey:** You and I both, member.

**Mr J.R. QUIGLEY:** I am supported in that by the Minister for Police. I am sure she would also agree that times have changed.

My formative years—at least politically, although I did not join a political party—were in the genesis of the moratorium movement during the Vietnam War. The government of the day embarked upon, for the second time in Australian history—it failed the first time—the introduction of conscription. Young men attaining the age of 18 years were required to register and go into a ballot to be sent to Vietnam. I was reminded of the detail of all that only the other night when I saw an SBS television program called *The Seventies*, which recounted the Nixon era and the dreadful bombing of Hanoi on Christmas Eve 1972—this was area bombing, not targeted bombing—which caused the death of thousands upon thousands of civilians in that city. That was really the end of Vietnam for Australia but between 1966 and 1970 especially a movement gathered apace, leading to the great moratorium march led by Jim Cairns and others in Melbourne. It was said that nearly one million people turned out to rally against the government of the day. Their aim was to cause the government to desist from involvement in that war in Vietnam. Although we honour the service men and women who fought there for Australia, it is now seen as a discredited excursion by Australia into that particular country.

When we look at the definition of “terrorism” under the original act—the Terrorism (Extraordinary Powers) Act 2005—we see that we could have classified some of the actions of the public at that time. There were movements such as Mothers against Vietnam. It was not just left-wing radicals or anything like that. Although they were not as bereaved as the mothers in Argentina, they were families who were against sending Australia’s finest young men off to a foreign country—against their will as a result of a lottery—into a war that was problematic at best, the French having already been trounced there, but terrible. When one looks at the definition of “terrorism” in the original act that we are now amending, we find that section 5 of the act states —

- ... *terrorist act* means an act that —
- ... falls within subsection (3) but not within subsection (4) —
- ...
- ... creates a serious risk to the health or safety of the public;

But —

- An act falls within this subsection if it —
- (a) is advocacy, protest, dissent or industrial action; and

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(b) is not intended —

...

... to cause serious physical harm to a person;

One wonders whether that exception would have excluded some of the demonstrations that went on at that time. I can distinctly remember an incident at the Beaufort Street court when they were in the process of prosecuting a conscientious objector named Cook who was to serve two years' imprisonment in Fremantle Prison for merely failing to register in the draft. At that time the crowd outside the court was right out of control, passions were running high and people got injured.

As I said, coming from that era, I never imagined in my life that I would be supporting the passage of this sort of legislation. I am not talking about the amending legislation now; I am talking about the substantive act, which is now being amended—that is, the Terrorism (Extraordinary Powers) Act 2005. I listened to the member for Churchlands talking about the Middle East, the Horn of Africa et cetera where terrorism acts happen. Often how we view these acts depends on where we stand. Let us take the Arab Spring, for example. Many of the governments of Libya, Tunisia, Syria and whatnot —

**Mr P. Papalia:** Yemen.

**Mr J.R. QUIGLEY:** And Yemen, would view the uprising of the people as acts of terrorism. We saw them as a struggle for democracy or liberation from tyranny. It sometimes depends on where one stands. This has relevance to the amendment bill. Clearly, during the Arab Spring what we saw as the uprising of the people, including Egypt, against tyrannical rule was facilitated largely by Twitter and mobile phones, particularly Blackberry mobiles in the Middle East because it had its own closed network. What jolted the world, of course, was what happened in New York City in September 2001—9/11—that a great democracy such as America could come under such an attack by terrorists in its homeland. That shocked the whole world. We saw repetition not long after in London with the bombings on the Tube and on buses. It propelled western governments to marshal their legal systems—their democracies—against these sorts of attacks.

It was in this environment, if we like, that the Terrorism (Extraordinary Powers) Act first came to be passed by this Assembly. I recall at the time that I had difficulty with that legislation. I clashed with the Premier of the day because I was very concerned about the issuing of commissioner's warrants that did not have any overview by the court in the original draft of the bill; that is, the commissioner could issue a commissioner's warrant when he had reasonable grounds to believe that a terrorist activity was about to occur and evidence could be obtained on premises. I recall being interviewed on radio saying that I would cross the floor and oppose such legislation. I think I had just started my second term. That caused a bit of a ruckus when the broadcast went to air—that I would oppose the government if there was not judicial overview. I was subsequently somewhat forgiven by my colleagues in the party room because the interview was given whilst I was on a chemo pump in a hospital in Melbourne and quite heavily drugged. That was not the reason and I was not so drugged as to not understand what I was saying—that there had to be a judicial overview in a democracy of the issue of warrants to enter people's premises. The act as passed included that. The original legislation includes—it was not dislodged in this legislation—a commissioner's power to issue a commissioner's warrant which will be in existence and of authority until it is executed or until the expiration of 24 hours. Ample opportunity exists in an emergency for the commissioner to issue his warrant, to report the issue of the warrant to the minister and then to go before the court for its extension or validation. That is a proper check and balance. In the tragic situation involving the late Mr Cheng in Sydney things developed very quickly that day and, unfortunately, the police were not across that because the terrorists had used, as their agent, a 15-year-old schoolboy who was beneath the intelligence radar; they used him as their weapon to affect the murder of Mr Cheng. I am outside of the jurisdiction of that case so whatever I say here cannot be in contempt, and I am only going on what is published in the newspaper, but it is interesting that in the prosecution of that case one of the charges involves the attempted destruction of a mobile telephone. It is said that this mobile phone places the holder of that phone at certain points around Sydney in the hours leading up to Mr Cheng's murder, which included his presence at a mosque in Sydney and in the company of his co-accused, who is not charged with the murder but the supply of the weapon. We have seen this technology being used advantageously against oppressive dictators, such as Colonel Gaddafi in the overthrow of that government, but in our western democracy we see that same technology as a challenge to law enforcement. Back in the days to which I referred in the days of moratorium marches, word got out through things such as the *Pelican*, which the Premier might recall was a newspaper of the day that used to circulate around the University of Western Australia advising people that there would be a demonstration in three days against the authorities, and so the moratorium march would get going in that way. Now, of course, these things can be organised in less than the time I have been on my feet in this chamber speaking about this bill.

**Mrs L.M. Harvey:** Member, another little blue bird is a Twitter.



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**Mr J.R. QUIGLEY:** The minister is right and by using Twitter it could be done almost instantaneously, and to a certain degree anonymously, until law enforcement agencies can get hold of the equipment being used and delve into it. Even though people try to wipe or destroy such technology, I understand that today technical officers within the intelligence services have the ability to drill into the hardware to find that. It is most appropriate that the government brings before the chamber the Terrorism (Extraordinary Powers) Amendment Bill 2015 that deals with a lot of these issues, which will be explained by the minister more fulsomely during the consideration in detail stage. It goes from the most basic level from expanding the target of the warrant from a place to a “place or target vehicle” and then the definition of vehicle including aircraft, vessel or whatever, right through to the ability of the police to seize electronic equipment upon which there will be left, if not footprints, electronic fingerprints of the people originating those transmissions. Those transmissions usually provide the evidence of conspiracy.

[Member’s time extended.]

**Mr J.R. QUIGLEY:** It is most important that this not be done *ex post facto* and that the police have the ability to act proactively to get a commissioner’s warrant in the appropriate circumstances and move to prevent it. We do not want this to be an *ex post facto* after-the-bomb-goes-off investigation. Rather, by the original act and especially by the amending legislation that the government now brings into this chamber, we want to facilitate swift interdiction of these conspiratorial plots to attack our democracy. That is most appropriate. It is also appropriate that the legislation should contain provision for judicial oversight and that, on an emergency basis, the commissioner can issue a warrant and then advise the minister that the warrant has been issued. That provides accountability through this Parliament, from the executive back to this Parliament, and within 24 hours the warrant expires or there is an extension of that warrant by the courts.

The consideration in detail stage in this chamber will not be one of challenge, as it has been on some other occasions when we tried to challenge areas of the bill, but rather it will provide the opportunity for the minister and the government to, in further detail, explain some of the workings of the bill, both for the public and commentators who will follow this debate in *Hansard* and, of course, for the assistance of the judiciary who may later have to interpret the provisions of the legislation. Although consideration in detail will be an examination in some detail, it will not be by way of challenge to the government or the minister, but rather to facilitate a more fulsome explanation. At first reading, people will have some difficulty with some areas of the bill. I refer particularly by way of example to the amendments to section 23 of the Terrorism (Extraordinary Powers) Act 2005 to do with authorising police officers to apply for a covert search warrant. Here we go again—this was included in the original legislation to facilitate early police interdiction to terrorist plans. I have spoken about where I came from originally and my diffidence, which was somewhat assuaged by the provision of judicial oversight, but I am also aware from looking at the quarterly reports that there has been only one application under the legislation for a covert warrant, but I could not see that a warrant had been executed.

Clause 12 proposes to amend section 23 of the act, which is the standard, if you like, of the commissioner’s satisfaction for the authorisation of an officer to apply for a covert search warrant.

For those following the debate in the chamber, section 23 of the Terrorism (Extraordinary Powers) Act 2005, which can be found on page 16 of the original legislation, refers to those emergency situations that I referred to earlier and states —

- (1) The Commissioner may authorise a police officer to apply for a covert search warrant.
- (2) The Commissioner must not authorise a police officer to apply for a covert search warrant unless the Commissioner is satisfied there are reasonable grounds to believe —
  - (a) that a terrorist act has been, is being, or is about to be, committed, whether in or outside this State;
  - (b) that entry to and search of a place in this State will substantially assist in preventing or investigating the act; and
  - (c) that the entry and search needs to be carried out without the knowledge of the occupier of the place.

The amending legislation lowers the bar, if you like, from a state of belief to a state of reasonable suspicion by the Commissioner of Police. I know that the minister will ably explain that at the table later on but, of course, the difference is that once this legislation passes the Parliament, the commissioner does not have to be seized of a solid belief that there has been or is about to be a terrorist act—he now will have to have reasonable grounds to suspect. I have no qualms about or difficulty with the lowering of the bar, notwithstanding, as I said at the start of my speech, my earlier concerns about this type of legislation. It is a sensible thing to do given that if one were

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to go before a judge and apply for a covert search warrant, the standard before the judicial officer is one of reasonable suspicion, and it should be the same level. In other words, it should not be more difficult for the commissioner to arrive at his decision than it would be for a Supreme Court judge. That does not make sense, given that there is going to be ultimate judicial oversight anyway, at least within a 24-hour period. The minister will explain to the chamber more fulsomely than I can in the remaining time that I have, the necessity for the inclusion of further amendments to sections 20 to 23 of the act—that is, what will become section 23(3A), which provides that the commissioner can authorise an officer to apply for a covert search warrant. Proposed section 23(3A) states —

On being satisfied under subsection (2), the Commissioner may authorise a police officer to apply for a covert search warrant if the Commissioner is satisfied there are reasonable grounds to believe —

The legislation reverts to that higher standard of belief that the commissioner must be seized of a positive belief rather than reasonable grounds —

- (a) that entry to and search of a place or vehicle in this State will substantially assist in preventing an act, or investigating an act or offence; and
- (b) that the entry and search needs to be carried out without the knowledge of the occupier of the place or the person in charge of the vehicle.

This section is separate to proposed section 23(2). The government will be given more time in the consideration in detail stage than I have in the remaining minutes of my speech to explain the need for and the higher standard of belief in proposed section 23(3A).

We support the legislation. As the lead speaker for the opposition, Hon Michelle Roberts, shadow Minister for Police, explained that we support the amendments that provide for the report on the execution of such a warrant not necessarily being done by the person who is on the warrant, because the person on the warrant might be —

**Mr P. Papalia** interjected.

**Mr J.R. QUIGLEY:** Yes, if the member wants to. I took a little interjection there; I am sorry—it was more of a query.

The person on the warrant might not be available perhaps because of other duties in helping to execute another warrant or perhaps because they are out of the jurisdiction in pursuit of the inquiry in another jurisdiction, which enables the Commissioner of Police to nominate someone of a rank no lower than the person who is named on the warrant to do the report back to the court. The original legislation states that the report will go back to the judge who issued the warrant, but the judge might be indisposed because he might have travelled away or be out of the jurisdiction; for any number of reasons the judge might not be available. The amending legislation sensibly provides that the report can go back to the Chief Justice by the officer nominated by the Commissioner of Police, who is an officer of a rank no lower than the officer who is named on the warrant. This is an important amendment to facilitate the smooth running of this legislation.

The legislation provides very grave, heavy and serious powers to police to covertly enter people's premises and seize things, and they are to be used only in extreme circumstances. We hope that in Western Australia this act as amended by this bill will never need to be used—I suppose it is like the people who build nuclear arms hope that they will never be used—but we know that occasionally the level of threat will rise that such extreme powers will have to be used. We would be naive as a community not to believe that such an occasion may not arise. We have just seen the situation in Sydney and the threat on Anzac Day in Melbourne. We have seen how these two events that I referred to did not find the genesis in our community, but were advocated for overseas.

**MR P. PAPALIA (Warnbro)** [5.38 pm]: I want to make some comments on the Terrorism (Extraordinary Powers) Amendment Bill 2015. Like the member for Churchlands, I have some professional interest in the conduct of counterterrorism, having served for more than a quarter of a century in the military prior to entering this place, including service as an operations officer in the counterterrorist squadron of the Special Air Service Regiment and subsequently two operational deployments to Iraq, the second of which was as part of a war that it might be argued was unjustified and may well have contributed to many of the problems and much of the unrest that we confront in this particular field today. I have an interest in and, like the member for Butler and the shadow police minister who spoke before him, I have concerns about the powers of police being extended at any time, particularly those that are exercised in a covert fashion, and the potential for those powers to impinge on Western Australian society and individuals.

Despite those concerns, I feel that the legislation is justified and the amendments are obviously considered necessary by the police. I appreciate the briefing we received from the minister and the departmental officers. I will reiterate one particular point that was made by the shadow Minister for Police during her contribution.

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I felt there was not that much in-depth knowledge about some of the people that this legislation might empower. I would appreciate any additional information the minister may be able to provide subsequent to that briefing on that specific question, but I am not saying it is of any great concern. For instance, might that definition include a law enforcement officer from a foreign country or another jurisdiction even in Australia—particularly a foreign law enforcement officer? That might extend to military or intelligence gathering agencies from foreign nations, which would be of interest. I am not necessarily incredibly concerned about it, but it was something that we asked about. I do not think the officers were sure at the time.

**Mrs L.M. Harvey:** It would cover someone such as an FBI agent or an Interpol agent who may not necessarily be a police officer, but would be a law enforcement officer from another jurisdiction.

**Mr P. PAPALIA:** Yes, which is part of what I am asking because I thought, for example, it might include a Mossad agent, which is more than a domestic intelligence authority or an officer. In an Australian context, consider the difference between, for example, an Australian Security Intelligence Organisation officer and an Australian Secret Intelligence Service officer and whether those sorts of people may be involved because we will be empowering them to operate in our jurisdiction. That is clearly a pretty big step. I am interested in that provision because I think it is a significant extension of the legislation's power, and those sorts of details should be on the public record and known.

Apart from saying that despite always having reservations regarding providing for extensions of power to the police—particularly those that are secretive, to some extent—I want to place on the record my hope that the government is pursuing other fields of endeavour against counterterrorism in Western Australia beyond this type of legislation and this type of empowerment of the police, which is essentially reactive. At its best, it focuses on intelligence gathering in the hope that it will intercept or perhaps prevent a terrorist act; terrorist planning can be intercepted and hopefully a terrorism act can be prevented. In the course of this debate, I hope that the government might be able to enlighten us all as to how far we, as a state, are pursuing other options and the sorts of things that are advocated by Anne Azza Aly at Curtin University, and have been for some time. She advocates the Hayat program as part of her People against Violent Extremism program, which she launched in mid-2013. The shadow Attorney General and I attended that launch. At the time of the Victorian attack by Numan Haider in September last year, which resulted in his death, we were subsequently able to propose—albeit without much in the way of media coverage at the time—that Western Australia advocate on behalf of Anne Aly and her program with the federal government for it to adopt, support and fund the rolling out of that program right across the nation.

It was interesting because I understand, at the time, that Professor Aly was a little reluctant to be too aggressive in her advocacy. She came out and said that she had not submitted a proposal to the federal government because she had hoped that the federal government would step up to the mark and identify and recognise the need for her type of program, and then endorse it and support it, but that did not happen. From the day we heard from her again after the Haider attack until recently with the change in Prime Minister, there has not been much engagement by the federal government and, I fear, state governments right across the country in this field of endeavour, which is a valuable field. It is like preventive education; prevention in the field of terrorism is similar, in many respects, to education being the best cure for crime. The earlier that education intervention can be adopted and provided, the more effective and cheaper it will be, and there will be a greater return. It is the same with this type of activity. Identifying potential subjects for radicalisation and intervening with proven programs such as Hayat, which has been rolled out in Europe—particularly in Denmark—has been demonstrated to work. We can apply that in the community in conjunction with engaging with people and seeing the community as an asset and a powerful weapon against radicalisation.

Seeing the community as our greatest intelligence asset is the right approach. It is far more effective than any number of bills that empower the police with more covert intelligence gathering powers. Conversely, if we, as a nation, isolate and possibly alienate particularly young people from sections of the community, we will empower our opponent; we will empower the terrorists. That will give them the source of future recruits that they are looking for. In September last year, Numan Haider was shot in the horrible attack on a couple of police officers who responded incredibly well to that extraordinarily challenging situation. As I said at that time—albeit with very little media coverage—two of us from this place who have experience in the counterterrorism world publicly urged the state government to approach the federal government. We assumed that the right person to do it was the Premier and that the right people to encourage the federal government to support Anne Aly's approach were members of the Western Australian government. The Leader of the Opposition wrote to the Premier stating exactly that. He outlined what Anne Aly was doing and, to his credit, the Premier then did, I understand, meet with Anne Aly. However, I am disappointed to note that there has been no action subsequently, as far as I am aware, on behalf of the federal government. I fear that we, as a state, have not stepped up to the mark in this area.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 20 October 2015]

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This field of endeavour is the more important one, really. We have excellent counterterrorism capabilities. We have the equal to anyone in the world to respond to a stronghold situation in which terrorists have taken hostages. That is not the area that we should really be worried about; we have the capacity to respond in the event that that occurs. We have as good a capacity as anyone has; in fact, I would go so far as to say that we probably have the best, but we do not have world's best practice intervening prior to these guys being totally radicalised. There are a lot of people in this country whom we have identified as being radicalised, mostly in the western suburbs of Sydney and Melbourne, but potentially right across the country. The Numan Haider assault was linked to Junaid Thorne, a Western Australian. There is no doubt he is moving around the country at the moment; nevertheless, he is a Western Australia, so it is undeniable that there is still a link to this state.

We know there are a lot of people like that in the nation, but are we doing much to try to change their behaviour; are we at least attempting to? If we are not doing much, we are just conceding that they are all a threat and we do not have enough resources. Ultimately, we will not have enough resources to watch every single one of these people; we will have to prioritise resources to try to mitigate the risk. The problem with that is we will get 15-year-old kids who have never been on the radar of the counterterrorist and intelligence authorities and who can be employed as a weapon by those people. If we want to be effective and if we want to use our resources most effectively and in the most targeted fashion possible, we must engage in the field of intervening and intercepting these people as early as possible. That means de-radicalisation, it means identifying programs such as Hayat and it means funding, resourcing and supporting people such as Anne Aly. At the moment, as far as I can tell, the typical response is being driven on the east coast of Australia where the vast majority of the population is and most of the politicians are located. Therefore, when we in Western Australia say that we know about this great program and this person who has the capacity to roll it out across the country, it is unlikely to be supported because most of the people with the ear of the Prime Minister and the cabinet and many of the politicians in positions of power reside on the east coast. There would be many voices speaking on this particular area, each one claiming to be the one with the solution.

I have watched the sort of thing that has been offered up and actually funded by the federal government, and I do not believe there is anything of the calibre of the program that Anne Aly is proposing. Subsequent to attending the launch and meeting with her on occasion, I have participated as a judge in one of her MyHack events at which she had teams of young people from universities and from outside universities in Western Australia participate in a competition to develop interventions, many using technology. Members may have seen one event, which I do not think was part of a MyHack event, in which she supported teams to participate in an international competition run by the state department. One team from Western Australia won a trip to Washington to demonstrate their app concept for intervention. The MyHack competition I attended and at which I was a judge had a similar sort of focus among a number of teams drawn from across the community, not just from universities, and many of the people participating in that event were young Muslim men and women who might potentially be seen as falling prey to the threat we are talking about. Anne Aly's character and the process she is engaged in have grabbed those people and urged them to become leaders in countering this threat. That is why I say that I see it as the greatest opportunity we have. It was far more effective than sending in guys with body armour and night-vision goggles after a couple of days of a siege. I think the best possible thing we could do if we want to intercept the threat is firstly to reach out to these people.

I will not engage in some of the language or refer to some of the approaches advocated by some people in this area. I believe that anyone coming to Australia or born here and feeling aggrieved in any way needs to be told and needs to understand that if they are an Australian citizen, they have to be part of Australia and they have to respect our nation and our society. They should be part of it and they should be proud to be part of it. If there are some parts they do not like, they should get engaged in our political process, which is the best in the world. That is what I say to those people. As part of that process, we should try to engage all these disaffected young people. We should try to prevent them from going further along the path of being just disaffected, to being angry, to not seeing themselves as part of our society and then ultimately to representing a real threat to us.

I know I have not spoken too much about the specifics of this legislation. However, I hope that in the minister's reply to this debate, or perhaps in consideration in detail, she will be able to inform the house and the people of Western Australia of the other activities our state has undertaken or is undertaking in this particular field of endeavour and in the field of intervening and intercepting this behaviour and changing it, preferably before they become radicalised but even after they have been identified as potentially radicalised. I hope that the minister will be able to tell us about what the state is doing—and if not the state, then what the federal government is doing. I am not at all reassured by what the federal government has told the people of Australia to date, even with the change of Prime Minister. I am assured that we have, I believe, a much more considered and responsible Prime Minister. He is using language that I prefer to hear, but I am not necessarily assured that the bureaucracies subordinate to the Prime Minister are engaged too heavily in this type of activity. Although money has probably

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been allocated, I am unsure about whether it is being used effectively, what it is being used for and how the priorities for expenditure of the resources are determined.

I reiterate that potentially one of the most viable, well-developed and well-led solutions for the challenge of intervening and responding—firstly, before radicalisation and, secondly, post-radicalisation—resides here in Western Australia. We are fortunate in that regard, but we should be taking up the cudgels on behalf of that person and that organisation. People against Violent Extremism is a great model, and I do not believe it is mirrored to that degree anywhere in the country.

That is the main contribution I want to make. As previous speakers on this side have said, we support the legislation. We hold reservations, as always, regarding the expansion of powers and the potential misuse of those powers. Nevertheless, this is a real challenge; it is a real threat. There is a need to provide our law enforcement and intelligence agencies with every possible means to intercept and counter the terrorist threat, in particular this insidious and difficult-to-identify homegrown terrorist threat, and enable them to at least try to reduce the likelihood of tragedies such as the one we saw unfold in Sydney recently. Anything we can do to empower those authorities in that pursuit would be, obviously, a good thing within the constraint of not sacrificing the freedoms we are trying to defend, because that would be counterproductive and crazy.

I look forward to the minister's response and I urge her to provide us with whatever detail she can of that sort of activity in the countering violent extremism field, other than potentially this legislation. I am not criticising the legislation, nor is this side of the house.

**MR D.J. KELLY (Bassendean)** [5.57 pm]: I will make a contribution to the debate on the Terrorism (Extraordinary Powers) Amendment Bill 2015. This legislation is one of the responses by the state government to deal with a very difficult area—that is, the growing threat of terrorism in Western Australia. I do not think this is an easy area at all for any government; it is one of the most difficult areas of public policy for anyone to deal with. I will not stand in this place and criticise this legislation; in fact, we on this side of the house support the legislation. However, I want to make some comment about the general response to the issue of terrorism.

One of the mistakes that I believe governments make is that they often deal with this as a black-and-white issue—someone is either a good person or a terrorist. Governments say that it is pretty easy to identify who is good and who is not—who is a terrorist and who is not. They simply label people as terrorists and that is supposed to be self-defining and clear, when throughout history that label has not been clear. I remember when Nelson Mandela was considered by many people in this country, including governments, to be a terrorist. I remember as a much younger person campaigning against apartheid in South Africa and supporting the aims of the African National Congress and a man called Nelson Mandela who at that stage had been locked up for many years by that regime.

*Sitting suspended from 6.00 to 7.00 pm*

**Mr D.J. KELLY:** Before I was interrupted by the dinner adjournment, I was talking about one of the mistakes that governments make or, indeed, it is sometimes a deliberate strategy; that is, they try to simplify things—to make terrorism a black-and-white issue, whereby the people who are good are not terrorists and the people who are bad are terrorists. However, it is far more complicated than that. I gave the example of Nelson Mandela. Most politicians these days would have done anything to get a photo with Nelson Mandela, obviously before he passed away, but for a long time he was considered a terrorist. That is a good example of just how complicated things are—one person's terrorist is often another person's freedom crusader. If governments want the public to approach these issues in an educated and refined way, it is incumbent on good governments to try to explain to their population more about these issues than just slogans. I have to say that in that regard I was never very satisfied with Tony Abbott's description of ISIS as just a death cult. What does that mean? ISIS is an organisation that came from somewhere, continues to exist because of something and wants to go somewhere, but that was never explained to the Australian public by former Prime Minister Tony Abbott; he simply reduced its whole existence to that of a death cult. I do not think that really explains anything to anyone about why it is there now and what we need to do to get rid of it. One of the misnomers that is often out there about ISIS is that it is an organisation that is just there to attack the west, western values and western ideology. My understanding—I am happy to be told I am wrong—is that ISIS kills more Muslims than people from other religions. The people who suffer most at the hands of ISIS are actually other Muslims. To say that ISIS is a Muslim organisation that is solely there to attack the west just completely oversimplifies the situation. It is a particular organisation that espouses a particular brand of Islam, but it is just as happy to fight other Muslims as it is to fight people of other religions. I think we would do better if our governments, instead of simply trying to label the people they do not like as terrorists or saying that there are just goodies or terrorists, actually went out of their way to try to explain to people exactly what is the justification for attacks that we want to make on organisations that we consider to be terrorist organisations.

I also want to say that one of the problems that we have is that governments oversimplify how good our military machine is to tackle this issue. I am pretty tired of seeing video of so-called precision bombing in which the vision is taken from the nose of the aeroplane and there are crosshairs, and all of a sudden the building blows up. That is basically there to tell the Australian community that our military machine is so precise and so surgical that we can, firstly, defeat organisations such as ISIS from the air and, secondly, defeat them without causing any other damage or any other deaths on the ground. That is simply not true. I am not saying that military activity is not sometimes necessary, but the reality is that military activity is not enough—I was going to say probably not enough but I think I can definitely say that it is not enough—to deal with the issues that we face and it can sometimes be counterproductive because of the consequences. I hate the phrase “collateral damage” but other people get hurt when we start bombing countries, and that is often counterproductive. The 2003 Iraq War is not a war that I or many Australians supported. That war was supposedly being fought to disarm Saddam Hussein of weapons of mass destruction, which we now know did not exist. It is not hard to argue that many of the problems that we now face in Iraq and Syria, at least in part, grew out of that failed, unwise and unjustified war in Iraq in 2003. Had we not engaged in that military exercise, we may not be where we are today with ISIS. We now know that far from it being a military campaign in which we were able to have a decisive victory and liberate Iraq, it became a long, drawn-out conflict and the civilian casualties were enormous. The failure to win the war and to create a democratic state in Iraq has left a power vacuum in that country, which arguably is one of the things that has allowed ISIS to develop in the way it has.

That was 2003. I want to briefly mention an incident that took place just two weeks ago in Afghanistan. The Afghanistan war is one in which most people would say that our military intervention was justified given the Taliban’s role following the events of the World Trade Center, but that is not to say that everything we do in that country gets us to where we want to be. In particular, I want to talk a little about an incident that occurred about two weeks ago. I have been a long-time supporter of Médecins Sans Frontières, or Doctors Without Borders. It is an absolutely fantastic organisation that sends people into all sorts of dangerous places. These people put their lives on the line to provide medical care in some of the most extraordinary situations. Approximately two weeks ago, when there was fighting between the Taliban and the coalition in the town of Kunduz, the hospital there, which was run by Doctors Without Borders, was bombed. That hospital had been opened since only 2011 and it was the only major medical facility in Kunduz. On the night that the hospital was bombed, 22 people died; 12 of them were staff of Médecins Sans Frontières. The thing that is most distressing about that incident is that they were actually bombed by the Americans. I understand that MSF is meticulous about making sure that all the various combatants in an area know where its hospitals are. The fact that, notwithstanding that, its hospital got bombed that night is just an example that with all the technology in the world, precision bombing can still result in the most terrible outcome. I do not pass judgement on who is to blame for that incident, because I do not know who is to blame. All I know is that it is an example of how the best military technology in the world resulted in the bombing of a civilian hospital. One Australian was there that night—a 32-year-old woman called Kathleen Thomas, who is now back in Australia. During a report on ABC radio, Kathleen’s parents described her survival as a miracle. Kathleen has not spoken publicly about the events of that night because her family says that she is too traumatised to do so, but her family gave permission for a post that she placed on Facebook to be used by the ABC. The post reads —

“The very foundations on which Médecins Sans Frontières’ Kunduz Trauma Centre stood were physically and metaphorically destroyed as a shower of heartless, relentless bombs landed with precision on their intended target—our hospital.

“As the hospital burnt to the ground, it took with it the lives of many of my friends, colleagues and patients and injured countless others.

“These were colleagues who I had worked side by side with continuously since the beginning of the heavy fighting in Kunduz.

“As the war raged around us, we huddled together, taking comfort in the fact that both warring parties respected our hospital’s neutrality and impartiality, understood our rules, which aligned with those of international humanitarian law, and knew our GPS coordinates.

“We all believed the hospital was the safest place to be.

“The events that unfolded that early morning can only be described as a nightmare.

“The staff that had tirelessly looked after victims of war trauma for the past six days had now sustained the same injuries as their patients—limbs blown off, shrapnel rocketed through their bodies, burns, pressure wave injuries of the eyes and ears.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 20 October 2015]

p7613b-7644a

Mrs Michelle Roberts; Mr Sean L'Estrange; Mr John Quigley; Mr Paul Papalia; Mr Dave Kelly; Ms Margaret Quirk; Mr Bill Johnston; Mr C.J. Tallentire (gosnells); Mr Peter Tinley; Mr Roger Cook; Mrs Liza Harvey

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“Our colleagues didn’t die peacefully like in the movies. They died painfully, slowly, some of them screaming out for help that never came, many alone and terrified knowing the extent of their own injuries and aware of their impending death.

“Trapped, fully conscious patients were engulfed in flames and burned to death in their beds.

“Those that didn’t die sustained major injuries which will render them severely disabled for the rest of their lives.

“Kunduz city has lost its only functional health care facility, leaving wounded civilians with nowhere to get medical treatment.

“I simply cannot comprehend how or why this happened. But I do know that it is completely inexcusable.

“The US military cannot show such utter disregard for international humanitarian law and get away with it. There must be accountability for this brutal event.”

That is a pretty extraordinary account of what happened to an Australian about two weeks ago at the hands of the coalition of which we are a part. As I said, I do not know why that happened—I simply do not know. At this point, I do not blame the United States military. I referred to that incident, firstly, because I think it is worthy to hear what Kathleen Thomas had to say about that event; and, secondly, because it is a very graphic example of how that can be the outcome even with the best military technology in the world. When our side of the coalition tries to win the hearts and minds of the population of Kunduz, it is easy to see how people will be sceptical that we are the good guys and the other armed forces in the area are the bad guys. As I said, I am not a pacifist in that I think that military options are not justified, but we should not try to tell the Australian people that one military might alone can deal with this problem and that our military machine is so precise that we can surgically take out the bad guys without injuring innocent people; and when we do injure innocent people, we often do more harm, and create an environment in which terrorists can flourish, than had we not been there in the first place.

[Member’s time extended.]

**Mr D.J. KELLY:** Yes, the opposition supports the Terrorism (Extraordinary Powers) Amendment Bill 2015, but policing and military action will not in themselves deal with this issue. As some speakers mentioned in more detail earlier, we are much better off dealing with the root causes of the discontent that leads people to pursue a path of violence. Indeed, injustice is a fertile ground that allows terrorist ideology to flourish. Whenever we turn our back on people who are marginalised and struggling and who do not see hope in our country, we lay the groundwork for those ideologies to flourish. It is not far-fetched to say that not caring about the country’s unemployment will come back to bite us through terrorism and the like. The lack of money spent on education and access to health and jobs and all those things lays the groundwork for people to become disillusioned and to lose hope and that is when they look to other ideologies to give them a meaning in life. I was certainly worried that under the previous Prime Minister there was a lack of understanding about the connection between withdrawing social services in areas and creating an environment in which unproductive ideologies or terrorist ideologies flourish. No-one is killed by a good health service and no-one is killed when more money is spent on education to ensure that people have a job. There is no collateral damage when people hope that they will be welcomed and included in Australia and that their children will grow up without being discriminated against or vilified or whatever. There is no collateral damage from good social programs. There is no downside to spending money on those sorts of issues as a way of dealing with the terrorist threat. Putting more money into mental health services would be money well spent. The number of so-called terrorists who have mental health problems or a history of mental illness is large. I know we have to have a two-pronged approach that involves military action and policing to deal with the immediate threat, but we need another prong that involves social services. Not too many headlines would be made if money is put into good social services as a way of dealing will this issue, but it is by far the most beneficial way to spend a dollar.

We do not oppose this bill. We will be supporting it. However, it concerns me that too often as a community we resort to what we are told or what we perceive to be the easy way of dealing with this issue—more military action, and more powers for our local police—and we ignore what is the most difficult but probably the most productive, and that is building an accepting and cohesive society in which everyone can see a future and everyone can see a place for themselves.

**MS M.M. QUIRK (Girrawheen)** [7.20 pm]: The Terrorism (Extraordinary Powers) Amendment Bill 2015 amends the Terrorism (Extraordinary Powers) Act 2005. I should apologise, I suppose; I was involved in the drafting instructions for the original bill in 2005 as the parliamentary secretary to the then Premier, Geoff Gallop, so to the extent there are deficiencies in the legislation, I must put up my hand and claim some responsibility. I also accompanied Premier Gallop to the Council of Australian Governments’ discussions to ensure that there

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was a coordinated national and state approach and there were uniform powers in all jurisdictions in this country. I must admit this was an example in which commonwealth–state relations functioned extremely well. From my recollection, the majority of the Premiers, if not all, were Labor. The Prime Minister at that time was John Howard, and he came into the COAG meeting with a single A4 sheet of paper with some bullet points on it. Those points had not been distributed to all the Premiers. I must admit I was somewhat amazed that no information had been distributed to the Premiers prior to the meeting. The Premiers agreed with the Prime Minister that those measures should be implemented in the form of legislation, with no politics and no dissent whatsoever. There was general agreement that we needed to take a consistent approach throughout the nation. Part of the reason for that is, of course, that not only is organised crime multi-jurisdictional, but similarly terrorism is multi-jurisdictional. Of course, fortunately for Western Australia, I suppose, the powers under this legislation have not needed to be deployed. There was one occasion on which, as I understand, an application for a warrant was made, but that warrant was never executed.

The existing act will expire at the end of this year. Therefore, we need to restore the legislation in its present form. A number of recommendations have come out of the “Review of the Terrorism (Extraordinary Powers) Act 2005”, which was undertaken by the legal and legislative services of WA Police in December 2014. A number of those recommendations are incorporated in this bill. Some of the recommendations that the report states warrant consideration are outlined at page 2 of the report. They are the definition of “terrorist act”; the ability of the commissioner to appoint “special officers” from overseas jurisdictions; the execution, reporting, and retention of documents in relation to covert search warrants; the burden of proof; the inclusion of membership offences as grounds for covert search warrants; the inclusion of vehicles in covert searches; access to, and downloading of data from, computers networked outside premises the subject of a warrant; the impending expiry date of the act, which I have already talked about; and a number of minor clarifications to improve the operation of the act.

As I have said, not all the recommendations in the report were agreed to. It was considered that if we in Western Australia were to amend the definition of “terrorist act” unilaterally, it might cause some problems. Another issue is that the definition of “terrorism” and what constitutes terrorism is very contested. The recommendation that documents that pertain to an application for a warrant not be retained or be destroyed after 12 months was not pursued. I am very grateful for that, because in respect of matters in which there is limited oversight and accountability, it is very important that there remain some sort of document trail.

In this kind of legislation, there is always a tension between providing police with the powers that they need to act decisively and swiftly, and providing a level of oversight and accountability that would assuage those concerned about possible misuse or abuse of these extraordinary powers. In cases of operational urgency, it is important that a regime is set out that can be activated expeditiously, and that everyone understands their duties, powers and responsibilities. It is also appropriate and timely to realise that when the legislation was first passed in 2005, the threat level was regarded as medium. It is now, unfortunately, regarded as high.

I now want to make some general observations about some of the changes that have been recommended. The first is to include, in addition to police officers from Australian states and territories and New Zealand, so-called foreign law enforcement officers. I can envisage a situation in which the deployment of those officers would be extremely useful. They may have been doing work on a particular terrorist group for many years and have invaluable information and be able to value-add to an investigation. I am also not sure about the term “law enforcement officers”. I would be happier if the word “police” was used. I think the member for Warnbro has also raised some concerns in this regard. I do not know that foreign intelligence agency personnel should necessarily be conferred with the powers that will be conferred under this legislation. We have heard much about the modification of the burden of proof. These amendments will mean that the Commissioner of Police, and the judge to whom the applicant for the warrant applies, will have the same burden of proof to address. Basically, the applicant will need to prove that the warrant will afford evidence of an offence that has been committed, is likely to be committed or is in the course of being committed. That, in a nutshell, is what will need to be proved and what the judge will need to satisfy himself about. Another technical, or I suppose mechanical, change in the bill concerns the need to report after the execution of a warrant. Under the existing legislation, the original applicant must report back to the judge before whom the application was made. There will now be some flexibility in that another applicant can make a report, and, similarly, if the original judge who heard the application is not available, another judge can hear that report. It would be better if there was a level of continuity. I am aware of occasions when applicants in these kinds of situations have judge-shopped. It is ideal if the original applicant can go back to the original judge who heard the application. However, I understand that the exigencies of a high-pressure investigation might not permit that to happen. Similarly, the clarification of how data can be retrieved on the legislation is quite important, as is the power to require someone to assist in retrieving data when someone can be required, for example, to give a password or in some way assist investigators in retrieving data that might be encrypted in some way. These are all very sensible modifications



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and reflect operational requirements. However, I want to focus on two matters that are tangential to this legislation; the member for Bassendean has already highlighted these. The first of those is that this is really only one piece of the jigsaw puzzle. It is also necessary to have good intelligence gathering. The second matter I will talk about is how we ensure that our efforts are focused around the grassroots to ensure community cohesion and resilience.

In reference to the powers of the police under the Terrorism (Extraordinary Powers) Amendment Bill 2015, it is trite to say that to secure warrants, such as those mentioned in this bill, evidence must be presented that satisfies the judge to the relevant standard. Primary evidence can be secured from a number of sources: electronic surveillance, telephone intercepts, emails, listening or surveillance devices, physical surveillance, information secured from other law enforcement agencies, the use of confidential informants, and knowing the community in which the targets operate and having good relationships within that community. To secure and cultivate those relationships is a slow process that must occur over many months or years. It is unreasonable to expect that police can secure information from within a community if they have not done the hard yards beforehand. We live in a very diverse community. The last figures recorded showed something like 240 different ethnic origins of Western Australians, speaking 170 languages and practising over 100 different faiths. There are a lot of communities, they are extremely diverse, and I simply do not see the level of outreach by WA Police to develop these relationships. I have to say, I believe it was there post-9/11. People such as then Superintendent Staltari, who was then at Mirrabooka, did some excellent work. We now have isolated officers doing some work in the area of diversity. With the reform model we have of police out getting to know their patches, I do not think that there necessarily seems to be the same level of meaningful relationships with communities such that good, hardcore intelligence can be sourced.

I will relate two examples of when I believe—in one case, I know—crimes were committed but the people who reported the crime were from an ethnic community and fobbed off. In the first case, because the person who fronted at the police station to report the matter had quite a strong accent, she was told that it was a civil matter. Fortunately she came to see me and it turned out that she was reporting one of a series of offences involving transfer of money fraud. The total amount from the offences was over \$200 000. That was a case in which, because of a lack of communication, understanding and patience to actually try to understand that complainant, that person may well have just gone away and the criminals would not now be in prison. To be fair in that case, I have to say that I rang the superintendent of my area and he agreed with me that it was a simple, straightforward case of theft and a matter that the police should pursue. The second matter was raised at a forum last week in Joondalup that the Minister for Police and the Deputy Commissioner of Police were at. One of the leaders of the Congolese community said he suspected that someone within that community might be committing an offence. He had gone to Mirrabooka Police Station but was sent away and he subsequently went to Warwick Police Station. I understand that in neither case was he able to convey information relating to the offence that he thought may be about to be committed.

They are both unsatisfactory cases and show that if we are really dinkum about getting some decent intelligence about groups that may well be harbouring potential terrorists, we have to communicate better, we have to have more of an outreach and we have to develop a better level of trust. One of the ways around that—the minister has indicated that she is attempting to do something—is to recruit more broadly. We have an almost monocultural police service, and I would really hope that our police service reflected the diversity of our broader community. I do not believe that it does and, frankly, I think our capacity to gather intelligence would be so much better if it did. I give the example of when control over Hong Kong was handed back to the Chinese, the New South Wales police were sufficiently insightful to realise that fully trained police officers from Hong Kong could be used very effectively in New South Wales as undercover police officers among various Asian crime gangs, and they successfully recruited a number of those police officers.

[Member's time extended.]

**Ms M.M. QUIRK:** That is part of the jigsaw puzzle that we need to look at. We need to acknowledge our diversity, develop relationships and have a serious attempt at outreach.

The second thing I want to make note of is that the resources in this context in Western Australia are a little inadequate. These resources are largely provided by the commonwealth government. If I can give members some examples, in New South Wales on the "Living Safe Together" website are more than 10 projects aimed at trying to work with youth to ensure that they feel part of the community and are engaged in activities that can divert them away from discontentment and feeling marginalised. Those projects include Sydney Anglicare's Aussie Youth Connect; the Youth Centre's Building resilience to violent extremism in the Canterbury-Bankstown region: a focus on our youth; Fairfield Liverpool Youth Exchange's Football United program; the Lebanese Moslem Association's Sharing Humanity program; the Somali Community Resilience Project; the Somali Youth Outreach Project; and, the Southern Crescent On-line Peace Initiative. They are all projects that

**Extract from Hansard**

[ASSEMBLY — Tuesday, 20 October 2015]

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Mrs Michelle Roberts; Mr Sean L'Estrange; Mr John Quigley; Mr Paul Papalia; Mr Dave Kelly; Ms Margaret Quirk; Mr Bill Johnston; Mr C.J. Tallentire (gosnells); Mr Peter Tinley; Mr Roger Cook; Mrs Liza Harvey

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the commonwealth has funded in New South Wales. In Western Australia there is a very worthy project, but I note that it is just one—the Beyond Bali Education Kit, which develops an education resource for secondary school students on the Bali bombings and the Bali Peace Park. The kit is designed to build social resilience to violent extremism by discussing issues such as the social impact of violent extremism and encouraging students to think about how societies can resist the influence of violent extremism. There seems to be a bit of a disconnect between the funding provided by the commonwealth to New South Wales and Western Australia. Whether that is because groups are not applying because they do not know that the funding exists or whether there are not enough fostering and mentoring groups that might avail themselves of those grants, I do not know. But that is evidence that simply not enough work is being done in Western Australia. On the other hand, the federal government funded a new program for frontline agencies. In a press release dated May of this year, the Minister for Justice; Minister assisting the Prime Minister on Counter-Terrorism, Michael Keenan, announced —

Western Australian front-line agencies are the first to undertake new cutting edge training under the Australian Government's Countering Violent Extremism Program to identify those at risk of radicalisation, and divert them from ideologies of hatred and violence.

Organisations taking part in the training include the Department of Corrective Services, —

Some might say that it is too late by then —

the Department for Child Protection and Family Support, the Department of Education, the Office of Multicultural Interests, the Department of the Premier and Cabinet and the Western Australia Police.

I do not quite understand why the Department of the Premier and Cabinet needs such training, but anyway. The only other activity I can see being funded by the federal government is really for public servants working in agencies. I know that will have some benefit, but I would have thought more grassroots programs would have been more appropriate.

To conclude, this law will apply equally to the Islamic State of Iraq and the Levant or any other terrorist group, be they separatists of various persuasions or whatever. Our language needs to be very respectful when talking about these issues so that we do not categorise it as being directed to one particular religion or another. The member for Bassendean referred to jargon terms such as “Team Australia” and “ISIS death cult” that do nothing to build greater community cohesion and resilience. As the member for Bassendean also said, one man's terrorist is another man's freedom fighter; Nelson Mandela is often used as an example in that context.

The ambiguity and complexity of these situations cannot be overlooked. A notorious example is the kit developed for use in schools throughout Australia to assist those working with children at risk of becoming involved in extremist activity. The kit includes the case study of Karen, which reads —

Karen grew up in a loving family who never participated in activism of any sort. When she moved out of home to attend university Karen became involved in the alternative music scene, student politics and left-wing activism. In hindsight she thinks this was just “typical teenage rebellion” that went further than most. One afternoon Karen attended an environmental protest with some of her friends. It was exhilarating, fun and she felt like she was doing the ‘right thing’ for society. She enjoyed spending time with this crowd. Over the next six months Karen progressively dropped out of university in order to live full-time in a forest camp, where she remained for a year. Her family were confused and disappointed and stopped supporting her financially.

The goal of the forest camp was to disrupt logging activities by barricading areas that were being logged, spiking trees, and sabotaging machinery. There was no intent to harm people but inevitably fighting broke out between protesters and loggers ...

The case study continues —

Karen was arrested on numerous occasions for trespass, damaging property, assault and obstructing police. She said at the time she felt like she was a “soldier for the environment so breaking the law didn't matter”. It became all-consuming for Karen and she became totally cut off from her family and previous set of friends.

That example is published in the so-called education kit used to assist teachers to identify pupils at risk of becoming marginalised and involved in terrorist activity.

It is ironic that at the very time we are trying to engender a greater level of cohesion and acceptance and to galvanise the community and religious leaders into the mainstream, there are once again still some suggestions—admittedly by a minority party—that the Racial Discrimination Act and the provisions of section 18C should once again be diluted. I make the observation that this is not a one-piece jigsaw; all these things feed into a

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feeling of community belonging and, hopefully, deter people from being disillusioned, marginalised and acting inappropriately.

I will leave members with what has been cited as the first act of terrorism in Australia. It occurred on New Year's Day 1915, so these are not new issues, and I raise it for members' interest. I read from the ABC's Fact Check —

What may have been the first act of terrorism in Australia occurred on New Year's Day in 1915, when two men who had worked as camel-drivers attacked a train near Broken Hill in New South Wales.

Mullah Abdullah, a 59-year-old Islamic priest, Halal butcher and camel driver, conspired with an ice cream vendor named Mahomed Gool to attack the train carrying around twelve hundred people travelling to a holiday picnic. The men opened fire with two rifles, killing two passengers and injuring six others. Gool, who was a migrant from Afghanistan, and Abdullah, from what is now either Pakistan, India or Afghanistan, killed two other people before their rampage ended in a gun battle with police and army personnel. Abdullah died at the scene, Gool later on his way to hospital.

I understand from the member for Cannington, who is familiar with the story, that both men were affected by alcohol and hashish at the time. Fact Check continues —

Letters found on the men after their deaths suggested Abdullah was angry at being prosecuted for slaughtering meat illegally, and Gool wanted to fight on Turkey's behalf against an ally of the British.

Contemporary newspaper reports said the men were flying a Turkish flag from Gool's ice cream cart, leading to the belief they were Turks.

The Kalgoorlie Miner reported on "The Broken Hill Outrage" and described a "state of intense excitement over the sensational happenings".

Other newspapers reported that German officials were claiming a military victory in the battle at Broken Hill. The unnamed German officials claimed, among other things, Broken Hill was on the West Coast of Australia ... that it was a port ... that forty "enemy" were killed (the death toll was four) and remarkably, that the way was open for an attack on the Australian capital "Canbris".

However the fallout was very real. Members of the local German, Austrian and Afghan community were targeted in reprisal attacks and interned until the end of the First World War in 1918.

That is why we need to confine our statements on these kinds of issues to the facts, be respectful and try to maintain a sense of perspective.

**MR W.J. JOHNSTON (Cannington)** [7.49 pm]: I rise to make some remarks on the important Terrorism (Extraordinary Powers) Amendment Bill 2015. Parliament should never give up freedoms lightly, and we are not doing that today; we are doing it because it is appropriate in the circumstances. It is not always right to give more power to the police, and the power given needs to be proportionate to the issues involved. The opposition is being brave and supporting the government's legislation because we think that that is appropriate today. I want to make the point that 65.4 per cent of people living in my electorate were born overseas themselves or have a parent who was born overseas. In fact, 44.9 per cent of the people in my electorate were born overseas and fully a quarter of the people living in my electorate were born in Asia, which obviously includes all the largest Islamic countries in the world; the three largest being Indonesia, India and Pakistan. Many people do not realise that India has more Muslims than Pakistan has. That is the way it is because India has such an enormous population. When people in Australia think of Islam, they principally think of pictures of ISIS and people running around in Toyota HiLux vehicles with machine guns, but that is not Islam. Most people in Islam do not follow the extremist Wahhabi interpretations of organisations such as ISIS.

I want to draw members' attention to an article in *The New York Times* of 27 June 2015, headed "ISIS and the Lonely Young American". It is a fascinating read. This article is in my Twitter feed, if people want to have a look or if they are subscribers to *The New York Times*, they can look on that paper's website. It is a fascinating article because it describes in great personal detail how this lonely young American starts out life as a Christian and ends up being converted to an extremist Islamic faith, which she did not understand at all. It is a fascinating journey into the processes of organisations such as ISIS and the way they recruit. It is a chilling story in which a young woman nearly flew to Austria with tickets paid for by an ISIS recruiter in the United Kingdom. Not only did she nearly fly, she nearly took her young brother with her because the ISIS recruiters would not let her travel alone. Imagine what would have happened—by the time she was ready to fly, I think she was in her early 20s—if she and her preteen brother had got all the way to Vienna and then into the clutches of that recruiter. It is chilling to think of how that could have occurred. It is also interesting because this girl had been raised a

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Christian and attended Bible study. It is a great article; I urge people to go and read it. It also demonstrates the fact that ISIS often is not recruiting people to violence; it is recruiting people in another way.

I want to make the point also that, as I have reported many times here, I have many good friends who are Islamic and many of those friends are on Facebook. Many of my Islamic friends on Facebook post articles from different media sources to say that ISIL, in their view—these articles provide the evidence of it; not that I believe them—not only is not Islamic, they go further and say that it was established by the CIA and/or by Mossad. In the minds of many devout but moderate Muslim people, they do not see ISIL as being any part of the continuum of the Islamic faith; they see it as something brought to the Middle East by western forces. I do not think that is true. It is like people who think that the CIA was responsible for September 11. There is absolutely and utterly no evidence of that. It could be said that the invasion of Iraq was responsible for ISIL and I think there is a lot of evidence to support that argument, but it is a separate issue to say that it was created by the CIA, Mossad or any other group.

One thing we should all understand is that terrorism is not about Islam; it is about senseless violence. There is one thing that I will comment on in the minister's second reading speech, which is generally a description of the technical issues that required amendment to the act. The minister's speech referred to ISIL or ISIS—whatever we want to call it—and referred to some genuine and serious incidents that have happened in other states, but it does not explain that we need to be concerned about other forms of terrorism. Fortunately, Australia has been generally free of terrorism activity. Of course, in Western Australia there was some terrorism in the 1980s and in 2004 with fire bombings and other racist attacks against Chinese restaurants from Jack van Tongeren—crimes for which he was convicted and jailed. I think any proper examination of Mr van Tongeren's aims will show that his violence was politically motivated and fell within the description of terrorism. Not all violence is terrorism but violence that acts for a political purpose is terrorism.

I point out that 30 June this year—we had a bit of a conversation about this with the Minister for Citizenship and Multicultural Interests during the estimates committee on 10 June—was described as “National Kill a Muslim Day” for Australia by some extremist groups that operate in Australia. There is a group that operates on Facebook called Ban Islam in Australia community, which we would have to say has what can be clearly seen as political motivation. In fact, today a group calling itself the Australian Liberty Alliance held a meeting to launch what it calls a political party. It will be interesting to see whether it is registered. Mr Horwood, who is apparently the director of this organisation, says —

Islam in its current form doesn't fit with Australian values and if we want to retain the gift of living in the greatest country in the world and passing it onto the next generation we need to be able to have these honest and frank discussions.

I do not agree with that and I hope he will not be promoting violence against Islamic people.

There were 3 414 residents in my electorate of Cannington at the time of the 2011 census, which is 8.2 per cent of the population, who describe their faith as Islamic. It is interesting that 21 337 people call themselves Christians of all the different brands and varieties of Christianity, making 51 per cent of the residents in the area describing themselves as Christians, and of those, 9 526 amount to the largest single religious group in the electorate—22.8 per cent of the population—describing themselves as Catholics. Madam Acting Speaker, you might be pleased to know that the number of people who said “No religion” was 9 191, the second largest group.

**Ms M.M. Quirk** interjected.

**Mr W.J. JOHNSTON:** They did not have them on the list here. Over 3 000 members of the Islamic faith in my electorate is a significant number and they should all feel welcome. If members read commentary around the world about issues regarding the current wave of Islamic violence, it is driven by this view of a clash of cultures—a clash of religion. Many Islamic writers are talking about the second crusade, or the modern crusade, being the invasion of Iraq, and other issues in the Middle East. That is not right. This is not a clash between the west and the east or between Christianity and the Islamic faith. That cannot be the circumstances in Australia. We cannot have that type of language.

I draw members' attention to the way political violence is being portrayed. As I say, we are very lucky that there is very little political violence in Australia. On 19 April 1995, Timothy McVeigh and Terry Nichols detonated a bomb in Oklahoma City at the Alfred P. Murrah Federal Building, which killed 168 people and injured over 600 people. Amongst the dead and injured were children at the childcare centre in the building. I want to draw attention to Timothy McVeigh, who was the ringleader of that appalling attack. Mr McVeigh was a Christian. He supported the pro-gun movement in the United States. He wrote extensively on his anti-tax views and that taxation by the government was theft. He was involved in driving to Waco during the Branch Davidian siege that ended in, I think, 79 deaths when the Bureau of Alcohol, Tobacco, Firearms and Explosives, an American law-

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enforcement agency, stormed the compound of the Branch Davidians; in fact, he opposed the ATF's involvement in that terrible incident. He had been disciplined while in the army for his Ku Klux Klan sympathies. However, in the reporting of the bombing in Oklahoma City, Mr McVeigh was never described as a Christian terrorist. I find that striking.

I do not accept that ISIS, ISIL, or whatever we want to call it, represents the Islamic faith, so I do not see why terrorists who are part of that organisation are described in the western media as Islamic terrorists because they are not—they are IS terrorists. They are not part of Islam. Islam as a faith is very different from the Christian experience because there is no central authority. The House of Saud, of course, is the keeper of the holy cities of Medina and Mecca, but they are not the leaders of the Islamic faith. The Shi'a has its set of beliefs about the arrangement of its faith. There is the Mahdi, and not many Islamic people see the Mahdi as part of the Islamic faith, but it has its views about how Islam is to be interpreted. There are the mainstream Sunni religions. There is the Sufi and Wahidi. There are just as many interpretations of Islam as there are of Christianity, for that matter. Just because somebody is a terrorist that does not make them an Islamic terrorist, and we are going to miss the dangers of terrorism if we focus on religious aspects. The problem is that we have people who want to commit violent acts against society and we need to engage them to de-radicalise them, and there are successful models for that. We have to constantly evaluate those, and my colleagues have talked about them so I am not going to go on further.

I remind members that 13 February 1978 was the day of the Sydney Hilton Hotel bombing. It was blamed on the Ananda Marga sect, which of course had nothing to do with Islam—it is a sect that comes out of the Hindu religion. Of course, that bomb was aimed at the Commonwealth Heads of Government Meeting, and principally at the then Indian Prime Minister. As we know, three deaths arose from that. The two people who were killed at the scene were two garbage men who had been collecting the bin where the bomb had been placed, who clearly had nothing to do with either CHOGM or any political or other issue, and a police officer who was guarding the Hilton Hotel who later died of his injuries. Until the current spate of clearly politically motivated problems in Sydney, Parramatta and Melbourne, with the issues described by the minister in the second reading speech, that was the principal example of domestic terrorism that I had been familiar with during my lifetime.

On 15 September 1963—I will again use a US example—the bombing of the 16<sup>th</sup> Street Baptist Church occurred, in which four teenage girls were killed and another 22 injured. It was carried out by the Ku Klux Klan, the members of which view themselves as Christians. No-one was held to account for that crime until 1977, some 14 years later. Again, some people might identify that with the Ku Klux Klan, but there was no identification with Christianity, nor should there have been; but I make the point that the religion of the perpetrators was not seen as the defining aspect of that crime.

Sadly, this year, on 17 June, the Charleston shootings occurred. A 21-year-old man, Dylann Roof, killed nine and injured one with a handgun at the Emanuel African Methodist Episcopal Church, one of the oldest black churches in America. Mr Roof had prayed with the congregation before opening fire and killing many. As we all know, Mr Roof claimed to be a Christian. He was hoping to create violence.

[Member's time extended.]

**Mr W.J. JOHNSTON:** One of the most unbelievable things I saw after that crime was the response of the families and the congregation of the church who forgave their assailant, something that I would find very difficult to do. Again, Mr Roof has not been described in the media as a Christian terrorist but, rather, as a racial terrorist. Neither one is good, but the point is that he is a terrorist, and that is the defining issue: that he has tried to use violence for political aims.

I have been personally affected by terrorism closer to home. On 17 July 2009, two suicide bombers attacked the JW Marriott and Ritz-Carlton Hotel in Jakarta. Seven died, including three Australians, and 50 were injured. One of the victims was a Western Australian man by the name of Nathan Verity. I worked with Nathan Verity at the Shop, Distributive and Allied Employees Union when he was a union organiser and I was an industrial officer. I kept in touch with him while he was living Perth, before he moved to Jakarta and when I went on to work in the Labor Party.

**Mrs M.H. Roberts:** He helped on the Glendalough campaign.

**Mr W.J. JOHNSTON:** Indeed; that is right. I was just about to point out that he was a member of the Labor Party for a long time and I gladly called him a friend. I delivered a eulogy for him in a 90-second statement a number of years ago, but I make the point that he was a personal friend, and the hand of the violence that took his life touched me as well—of course, nowhere near as much as it touched his family and his friends at the time of his death. I do not think that because the bombers at the Marriott and Ritz-Carlton saw themselves as

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being involved in some holy war it made Nathan's death any less tragic or any more tragic. That sort of political violence is completely unacceptable.

On 9 September 2004 the Australian embassy in Jakarta was bombed by a one-tonne truck bomb. Nine people were killed. Fortunately no Australians were killed, but one of the embassy's locally engaged security guards was killed and four Indonesian police officers were killed. Last year when a number of my colleagues, including the members for Kwinana and Girrawheen, came with me to Indonesia, we were pleased to be able to visit the embassy. I remember the extraordinary extent of the security at the embassy. It is about to move to a new location because it is upgrading security. Members have absolutely no idea of the extent of the security required for the embassy in Jakarta. There are concrete blast doors. People cannot just arrive; they have to book their visit. People have to bring proof of their identity. Papers are taken and a person's bona fides are checked. People then go through the first set of blast doors into a holding area. When the embassy people are satisfied that they know who a person is, that person is allowed through the metal detectors and then through the second set of blast doors into the embassy compound. There is absolutely no doubt about the extent of the threat to Australia and Australians. A person cannot go to a five-star hotel or a high-priced shopping centre in Jakarta without having to go through airport-style security. There is a direct impact on these things. We also should not forget the Bali bombings of 12 October 2002; 202 people were killed on that day, including 88 Australians, and 209 were injured. At the time, the member for Rockingham was Parliamentary Secretary to the Premier, Geoff Gallop, and he was directly involved in getting the Bali Memorial built at Kings Park, and, as we know, at dawn on 12 October each year sunlight breaks through that moving memorial.

There is no doubt that these things are stretching out to touch us. We need to be prepared and the police need the tools to deal with these issues. We do not want to experience here a similar tragedy to the one of just a couple of weeks ago in Parramatta, Sydney—nobody wants that—but we cannot narrow our focus. We cannot just look at people from the Islamic community; we have to look at all threats to our community. There is nothing in this legislation that restricts itself to dealing with people who are radicalised by ISIL. This legislation deals with everybody who desires to be involved in politically motivated violence against Australians. It will be important that we do not miss any radical people who would do our community harm. If we just concentrate on the Islamic community and think that by just concentrating on that one part of Australian and Western Australian society we will prevent all radical terrorist violence, we are probably making a mistake, because there probably are other groups, such as the ones I talked about earlier, that advocate violence against people of Islamic faith. We might miss the threats and dangers they pose, and we cannot allow that to happen because all Australians are worthy of our protection.

I also want to make the point that we will not solve radicalisation through a process of having a “them and us” mentality. All Australians have to be in the fight against radicalism together. I am pleased to have the Langford Islamic College in my electorate, I am pleased to have Damla College in Ferndale in my electorate and I am pleased to have the Suleymaniye mosque in Queens Park in my electorate. I am pleased to have so many good friends of Islamic faith in my electorate. I have been pleased for the last few years to co-host the parliamentary iftar dinner during Ramadan, along with Hon Liz Behjat. Reaching out to people to make sure it is clear that they are part of society has to be part of our community and part of our process of de-radicalisation. There is no them and us; we are all in this together. The death of any Australian is equal in value. Australia as a country has made mistakes and it will make mistakes in the future. The things that we do wrong do not give people excuses to be involved in violence, but equally people who have one particular faith rather than another should not be seen as being inexorably led towards being more or less likely to be involved in violence.

I point out that the reason that there are Royal Prince Alfred Hospitals in Melbourne and Sydney is that when Prince Alfred visited Australia—the first visit of any member of the royal family—he was shot by an Irishman in Melbourne and hospitalised, and when he went to Sydney for the second part of his journey, he needed to be hospitalised again as his injuries had played up. The hospitals in each state are named Royal Prince Alfred Hospital because that is where he was treated. For a long time in Australia's history many people felt threatened by Catholics and there were questions about whether Catholics could truly be loyal to Australia. Indeed, during the votes on conscription during World War I, all of which were defeated, and by a larger margin in the trenches than in the home votes, Archbishop Mannix took a very high profile view against the conscription votes and was accused of sedition by elements of the Australian aristocracy on the basis of his Catholicism. It could be said that he was arguing against conscription because he did not want Catholics as the cannon fodder of the British Empire, but, one way or another, Australian soldiers did not want conscription either, which is extraordinary. There was voting in the Australian trenches at a time when the British elections were suspended for the whole period of World War I, because in its Constitution that is possible. We not only continued with our elections, but also had troops in the trenches voting in the referenda, which is an extraordinary commitment to democracy. I reckon it is Australia's extraordinary commitment to democracy that will in the end defeat extremist political violence. That is the thing that should unite all Australians.

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We are a welcoming society. We are literally made up of people from all the lands on earth, as the song says. We are bound together because we choose to live in Australia. As I said, 65.4 per cent of residents in the electorate of Cannington were either born overseas or have one or both parents born overseas. At least 45 per cent of the electorate of Cannington was born overseas, and it is probably more because 6.5 per cent of people did not say where they were born. That is our strength, not our weakness, and we need to harness that diversity. Remember, in the modern world people can go just about anywhere to live. There is a worldwide need for skills and the fact that people choose Australia and not Canada, the United States or wherever else is a credit to us, and we need to harness that power. The fact that people belong to one religion or another should not be used to try to exclude them. We need to be inclusive; we need to make sure that all the faiths that we have feel welcome and tolerant of other religions. If we do those things, Australia will continue to be strong and I think that in the long run we will defeat the scourge of politically motivated terrorism.

**MR C.J. TALLENTIRE (Gosnells)** [8.19 pm]: I rise to speak to the Terrorism (Extraordinary Powers) Amendment Bill 2015. Let me begin by saying that I support the intent of the legislation and note that essentially it is about enabling police to have additional powers to protect the community in the event of a terrorist attack. That is important. This is not about giving police generalised additional powers; it is about powers that apply when there is a terrorist attack. I note comments made by other members about the loss of freedoms that potentially we have each time we give additional powers to our police service. There are occasions when there is deemed to be a sufficient threat that that trading away of our freedoms is in some way warranted. It seems that the threat of terrorism has taken on a proportion—that is, the fear of terrorism has come to such an extent—that people are reacting to it in a perhaps not always rational way.

I want to think a little about the history of terrorism. I understand that in the English language the term “terrorism” was first used when describing the events in France in 1789 and beyond, known as the Reign of Terror. The Jacobins was a group intent on changing their country for the better, as they saw it, but they were prepared to use the most ruthless of means to bring about change and to eliminate their enemies. The Reign of Terror was led by a man by the name of Robespierre. The Reign of Terror led to the deaths of many people through the use of the guillotine. It was state-sanctioned terror. It is interesting that we have actually changed our meaning of the term because when we originally talked about terror, it was state-sanctioned terror, as was the case in France from 1793 to 1794. The people who died—including the king at the time, Louis XVI, and Marie Antoinette and many others—would have seen themselves as the victims of that Reign of Terror.

In the current era we have quite a different situation. There are extremist groups; groups that are far from state sanctioned, although, interestingly, in the case of the Islamic State of Iraq and the Levant, it claims it wants an Islamic state in the Levant. That is the name given to the area that straddles Syria and Iraq. ISIL wants a state, but it is clearly true to say that that is not a state-sanctioned organisation; it is a disorganised rabble. I believe estimates are that ISIL has 30 000 to 40 000 members and yet it is causing disruption and fear amongst the global community. That is something that we have to be mindful of. The influence that it is managing to have through social media is something we have to respond to. I am pleased to see that within this kind of legislation we can begin to tackle things such as the way people can be influenced and radicalised through means such as social media.

This situation is one that deserves the consideration of this place. But I want to utter words of caution: if we look at this in perhaps a risk-based approach, it would have to be said that the likelihood of these sorts of ISIL terror events occurring in Australia is relatively low. Recently, Rosie Batty, a campaigner against domestic violence, made that comment in referring to the number of tragic deaths on a weekly basis in Australia related to domestic violence. Fortunately, Australia has hardly had any terrorist attacks, but of course in the last few weeks a tragic event took place in Parramatta. The reality is there, but let us try to keep things in context and work out where we should be focusing our anguish and our national interest. Rosie Batty pointed to a survey by Essential Research that talked about the impressions of the majority of people—perhaps not the media, but the majority of people. She pointed out that 76 per cent of Australians actually see family violence as a bigger threat than terrorism. Essential Research surveyed over 1 000 people. In fact, only 18 per cent of people believed that family violence was less of a threat than terrorism. It is important that I put that in context.

I will go on to some comments made by President Obama recently. I will quote him directly —

We spend over a trillion dollars, and pass countless laws, and devote entire agencies to preventing terrorist attacks on our soil, and rightfully so.

There is no doubt about it; incredible resources are put into this problem of terrorism, and rightly so, as President Obama says. Are we tackling those other things to anywhere near the same extent? Are we tackling domestic violence to anywhere near the same extent? President Obama made those comments in the context of the latest gun massacre in the US. He went on to say —

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And yet, we have a Congress that explicitly blocks us from even collecting data on how we could potentially reduce gun deaths. How can that be?

It is certainly apparent that there is massive fear associated with terrorism in the US. Incredible resources are put towards tackling the problem of terrorism—as President Obama said, trillions of dollars—yet President Obama highlighted that from 2001 to today, tragic events have included the one in September 2001 when over 3 000 people were murdered in the Twin Towers. Since then on American soil, fortunately, there have been hardly any deaths from terrorism. There have been a few cases but relative to the number of people killed through gun violence, averaging at least 10 000 every year, the problems are just so different in the order of magnitude. It is important to note that we have to tackle this problem, but let it not distract us from the need to tackle other really critical problems. In the US, I would highlight the gun violence problem, but in Australia I come back to the points that Rosie Batty made about the need for us to tackle domestic violence. That is the sort of thing that we really have a huge problem with. It is tragically quantifiable, so why do we not tackle that? It is a form of urban terror. Many people live with it in a silent way and the consequences are absolutely tragic.

Many people seem to make some association between terror and Islam. Yes, extremists who are gaining the most media attention at the moment may claim a connection with Islam, but I know that people of the Islamic faith who live in my electorate reject terrorism in the strongest terms. They are just as offended as anyone else when they hear of these terrible acts and that they are somehow done in the name of Islam. They are as outraged as any of us. It is so upsetting for them and they are deeply hurt by it. They actually sometimes cop physical abuse when they are out in the streets. It really worries me that good people in Australia, who are as concerned by the horrible behaviour and beheadings and what have you perpetrated by ISIL, somehow also become victims of that behaviour. It is just so unfair; I fear there are some people in Australian society who are inclined to think that all Muslims are the same, and that is completely wrong. We need to generate an inclusive society. We must create a more inclusive society, so that we do not isolate people and create a self-fulfilling prophecy in which people who are rejected and who have no sense of belonging or connectedness become vulnerable. We might be talking about young boys or teenagers who may be susceptible to the call, via social media, to join up with some horrible organisation and to participate in its activities, and head off to some part of the Middle East to support that crazed, maniacal organisation. I am concerned that we are not addressing this problem at its source, which should be through programs that are well targeted and are about making sure that young people in our community are made to feel that they are part of the community and that they are involved in all sorts of groups, such as sporting groups, albeit accepting that not everyone is inclined towards being involved in sport. They may find that the most rewarding, socially interesting opportunities for them come from being involved perhaps in environmental organisations, theatre groups or other forms of creative fine arts. We have had some great success in the City of Gosnells with programs targeted at young people from migrant backgrounds who enjoy using photography as a means of communicating and forming friendships with other people, and they are portraying the community in the most creative and interesting ways, but most importantly of all, they are involved in an activity that gives them that sense of belonging. I think that is something that we really need to support. If we have those kinds of programs in place, it will be our first protection against any form of radicalisation. If we have good contacts with our young people, we do not need to worry about the chances of them becoming radicalised. Of course, we still have to have in place various mechanisms for detecting and perhaps indicating when there is some degree of risk of somebody becoming radicalised; we have to have some sort of radicalisation detection or early warning system that can help us work out when someone is at risk so that they can then be properly counselled and assisted and brought back into our society by making sure that our society is as inclusive as possible.

I began by talking a little about the history of terrorism and the idea that once we were talking about an issue that was perpetrated by the state—state-sanctioned terrorism. We have seen examples of that over the years; I think back to the mid-90s, 1994, and the events in Rwanda in which there were acts of terror in that country between Hutus and Tutsis. From what I understand of those events, it seems to me that that was a confected hatred because the Hutus and Tutsis are not ethnically different; they were somehow, through the colonisation process, given to believe that they were different in some way. The two groups were created and were encouraged to hate one another, and through the use of things such as local radio stations there were calls to acts of barbarism; there were broadcasts, for example, informing people of the approach of a Kombi van to a checkpoint and encouraging people to go and slaughter the occupants. We know that hundreds of thousands if not a million people were slaughtered during those events of 1994. It was absolutely tragic. I raise that example because it shows how there does not have to be ethnic differences to have that level of hatred; there can be these horrible, civil war-type tragedies and the worst acts of violence without there being any real ethnic or religious differences. If we do not work towards having an inclusive society, those circumstances can arise anywhere. That is something we have to be mindful of with this sort of legislation. It may seem like it is targeted at particular groups today, but I wonder whether it will be applied to others in the future.



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I note that the term “terrorist” is sometimes being misused in the community. I was at a meeting with the Auditor General only last week during which the Auditor General talked about the infrastructure we have for cyclists. A member of the National Party—I will not name him, because he is not in the chamber and cannot defend himself—said that he felt he was the victim of “lycra terrorists”. Perhaps that was said in jest, but it just shows that we have some strange usages of the language, and people are sometimes given to using aggressive terminology rather too readily. It is something that people need to be mindful of when they use terms such as “terrorist” or talk about terrorism.

I support the Terrorism (Extraordinary Powers) Amendment Bill 2015, but I have some concerns. I hope that it is never necessary to use the provisions within this legislation because if we do not have to use them, it means we have gone a long way towards building an inclusive society and having programs in place that are about countering radicalisation and nipping it in the bud by making sure that people are actually able to have meaningful, fulfilling lives as part of our Western Australian community and that they do not somehow become tempted to look elsewhere to find meaning in their lives. We as parliamentarians all have a responsibility to make sure that our communities are ones in which our citizens can have rewarding and fulfilling lives.

Sadly, I think this bill is necessary but I hope we will continue to find that we do not need to use these provisions. It is my understanding that we have not so far had to use the extraordinary powers provisions, and I hope that that remains the case.

**MR P.C. TINLEY (Willagee)** [8.38 pm]: It is with pleasure that I arise in my allotted spot within the Whip’s list to make a contribution to the second reading debate on the Terrorism (Extraordinary Powers) Amendment Bill 2015. As we know, the opposition is supporting the bill. I note the member for Gosnells’ hope and wish that the provisions of the bill will never be needed or required in this state; but it is nonetheless prudent to have these provisions in place to ensure that we are prepared. Preparedness is, of course, the first step in ensuring the best possible response to terrorism.

Terrorism is not new in Australia. If we go back to 1915, the Battle of Broken Hill, as they called it, was a fatal incident that took place at Broken Hill in New South Wales on 1 January 1915. That is an interesting year, of course, and members will recall where we were then. In that incident, two Muslim men shot dead four people and wounded seven others before being killed by police and military officers.

The two Muslim men conducted their attack under a Turkish flag and in so doing were obviously acting as an enemy of the state self-identifying as Turkish. At the time, it was considered to be one of the earliest terrorist attacks in Australia. Throughout Australia’s history various attacks have been labelled as terrorist acts. Although the list is not exhaustive, it is emblematic of the diverse nature from which terrorism comes. The 1972 Yugoslav travel agency bombing comes to mind. The Sydney Yugoslav General Trade and Tourist Agency in Haymarket was bombed on 16 September injuring 16 people. The perpetrators were believed to be Croatian separatists. The defining point for terrorism and Australia’s approach to counterterrorism or anti-terrorism—there is a distinction between the use of the words—was the Sydney Hilton bombing, which other members have spoken about and which occurred on 13 February 1978. From that point, Justice Hope conducted a review of the security arrangements and general arrangements for counterterrorism in Australia and decided in his recommendations to the government of the day that we should have a more coordinated and integrated national response right through to an in extremis response through the use of force through various agencies. As a result, the defining architect of the counterterrorism response in Australia was born. On 17 December 1980, the Turkish consulate and his attaché were assassinated. That was the catalyst for the federal government to enact legislation that coordinated and used the precursor to the Council of Australian Governments as the vehicle for commonwealth coordination of counterterrorism. Members may recall the 1980s and Jack van Tongeren and the Australian Nationalist Movement, which was our very own homegrown version of domestic terrorism. They focused their attacks on the Asian population through a series of bombings on Asian restaurants and businesses and general political violence until van Tongeren was captured during operation Atlantic. From memory he was caught in the bush in 2004. It was a very important activity at the time because it was the first time at the level that the federal and state agencies coordinated—particularly the Australian Security Intelligence Organisation, the Australian Federal Police and local police—to ensure that they executed, based on intelligence, the proper response to van Tongeren and the ANM. There was also the bombing of the Israeli consulate and the Hakoah Club in 1982.

It is really important to understand that this bill fits inside a very, very clear demarcation or arrangement for a response to the national and state, or subnational, response to counterterrorism or what used to be called anti-terrorism, the distinction being that anti-terrorism is at the prevention end and counterterrorism is the preparation and response component to terrorism. The “National Counter-Terrorism Plan”—it used to be called the NATP—can be conveniently found on the web. It sets out in headline terms the arrangements by which the state and federal jurisdictions operate. Under the Constitution, the state has primacy at the site of an incident and is the first responder. It is absolutely essential that we as a state are prepared in architecture, intent and coordination

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through exercises and constant vigilance over the resourcing of the particular agencies that we are ready to respond at an appropriate level. The only way we can do that is to make sure that we are aware. Many parts of the legislation that we deal with in this place and the way the government does the executive functions of government are inside the wider architecture of the Federation. The “National Counter-Terrorism Plan” sets out a raft of things relating to threat prevention, but more interestingly and where this bill fits more comfortably is nestled inside the relevant responsibilities around the commonwealth and state separation arrangements. Paragraph 21 of the “National Counter-Terrorism Plan” states —

**The State and Territory Governments:**

- have primary responsibility for the operational response to a terrorist incident in their jurisdiction;

The primary response is fundamental and there is a whole precursor to that. It continues —

- maintain counter-terrorism related policies, legislation and plans within their jurisdictions;
- maintain counter-terrorism and recovery coordination capabilities in the agencies listed in **Annex A**;
- determine prevention strategies and operational responses;
- may seek assistance from, or provide assistance to, other jurisdictions; and
- in a national terrorist situation, contribute to the national strategy.

When we look at things from 1978 onwards and the Hope inquiry into the arrangements for security in the terrorism space, we see that much of the early 1980s was spent on siege and hostage situations—that sort of in extremis response—or a very hard target extraction for an explosive device. In the 80s a lot of effort was put into understanding the idea of dirty and chemical agents and, of course, people will be reminded of the sarin attacks in Japan, which had a very limited effect—not to belittle the deaths and injuries that occurred; I cannot remember the exact number—but the effect of it goes to the point of the definition by which terror can be used. It is a psychological weapon that creates the sense of a destructive component to the ambitions of the users of terror that is beyond the actual effect of it. The sarin gas attacks in Japan are a good example of creating mass panic with a very limited although tragic direct effect on individuals. The incident sent shockwaves around the world. We have moved on from the in extremis siege and hostage incident, which was born in large part from the 1981 Iranian embassy siege that was concluded by the 22<sup>nd</sup> Special Air Service Regiment when it raided the embassy and brought that hostage incident to a close. The idea or use of terrorism pervades many parts of our community—parts that were not anticipated under the explicit instructions or coordination arrangements of the “National Counter-Terrorism Plan”. The particular aspect of this is that terror is an idea and it needs to be confronted as that. Despite the common vernacular, there is no such thing as the war on terror—we cannot wage a war on an idea. Terror is the application of a weapon by proponents who have no other means. The Islamic State of Iraq and the Levant, Al-Qaeda before it, and more locally, Jemaah Islamiyah, or JI, use the idea of terror—the threat of potentially greater destruction than is actually achieved—to achieve a much deeper psychological impact on the target population.

One of the most important things we have seen, particularly with the advent of the application of technology—social media notwithstanding—is the pervasive effect of terrorism on our culture and the way we approach it. In many ways I believe as a personal view that sometimes we can overreact to this concept of terror and create a more closed society, not a more open society, in which we start to jump at shadows and become fearful of radical ideas or dissent to the status quo or the ruling regime at the time. I would very much urge caution when it comes to the impacts of legislation that we are looking at and the government’s policies as it looks at things—as trivial as it might sound at the lower end of it—such as the Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015 that has been introduced in Parliament but is yet to be debated. It is the sort of thing that fits on the spectrum that closes the community down. It does not allow dissent; it does not allow the uncomfortable airing of ideas that are not necessarily enjoyed by us. I understand that today a new political party was launched in Western Australia that has some extreme views about what they believe it is to be “truly” Australian and, in their view, how everybody should be tethered in the way they conduct themselves. I am very happy the government has not done anything to stop that occurring, including the visit to Western Australia by one Geert Wilders. As odious as his ideas are, as destructive as his intent is on the development of a pluralistic civil society, it is absolutely essential that we hear from him. It is absolutely essential that that voice is allowed to be aired so that we as a community can test and adjust what we think is reasonable. It is really, really important that we do not stifle that freedom of speech, because I want to know where those people are and what ideas they have. I want to see them. This is why I am also against creating outlaw bikie gangs, or creating any group or sub-element of the community that will end up going underground. Just because the government outlaws or creates the prohibition of a particular collection of people does not mean it does not exist. I want to see them. I want to have the possibility to confront them and their ideas and I want the possibility to defeat them using the popular understanding of what is a proper debate.

Mrs Michelle Roberts; Mr Sean L'Estrange; Mr John Quigley; Mr Paul Papalia; Mr Dave Kelly; Ms Margaret Quirk; Mr Bill Johnston; Mr C.J. Tallentire (gosnells); Mr Peter Tinley; Mr Roger Cook; Mrs Liza Harvey

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This bill—I might have moved a bit further away from it—is part of a spectrum of response. Having the Terrorism (Extraordinary Powers) Amendment Bill 2015 is obviously one of those things that fits on that spectrum. We must look at this diverse and perverse spread of the idea of terrorism that we do not close down our society and we do not allow ourselves to become fearful. We need to be proud about the way we go about open government and open civil society to ensure that we can create a consensus that will allow us to enact bills such as this. It is fundamentally important that the government gets right and ensures its prudent application.

The “National Counter-Terrorism Plan” has one aspect that illustrates the idea of prevention. Terrorism now is not just this extreme event out there; terrorism is a continuum of ideas through to action, be they imported or be they homegrown. It can be perpetrated by a lone wolf, as we have seen in various incidences around the country, not least of which was the Sydney Lindt café siege that we saw most tragically played out recently. The heading “Prevention” under the “National Counter-Terrorism Plan” is inserted here very deliberately, and states —

Prevention refers to measures taken to eliminate or reduce the occurrence or severity of a terrorist act. This is achieved through the collection, analysis and dissemination of intelligence; the conduct of investigations by law enforcement and security agencies; the implementation of strategies to engage and protect the community and potential terrorist targets; and the disruption of a terrorist act.

It has at the heart of it, intelligence. We cannot act without information. When the National Intelligence Coordination Committee is enacted, it is very thirsty for information. If an incident occurred here in Western Australia, the “National Counter-Terrorism Plan” and all the architecture that stands up around that incident will be very, very thirsty for that information. What is really important about it is not exactly what is happening right now; it is the precursor to it. Having strong intelligence connections to the community right throughout our society is fundamentally important to being able to have an appropriate response.

[Member’s time extended.]

**Mr P.C. TINLEY:** The “National Counter-Terrorism Plan” contains this idea of countering violent extremism. Paragraph 63 of the “National Counter-Terrorism Plan”, which is obviously enacted under legislation, states —

63. Countering violent extremism (CVE) is an integral component of Australia’s counter-terrorism prevention strategies.
64. The effective prevention of violent extremism involves combining an appropriate security and law enforcement response with broader strategies to enhance resilience to, and lessen the appeal of, violent extremist influences.
65. CVE is a national challenge requiring a national response, recognising that strong partnerships between all levels of government are critical to success. Solutions must be locally appropriate —

That is a really important point. It continues —

and implemented with the active support of local communities. Coordination at a national level is imperative to reduce duplication of effort and to facilitate sharing of best practice.

There are even parts of the architecture that support the states in undertaking that. That is explained in the next paragraph of the plan, which continues —

66. To ensure national coordination, Australian governments have established a CVE Sub-Committee ...

The Countering violent extremism sub-committee. The National Counter-Terrorism Committee consists of —

... representatives from all jurisdictions to share information, develop initiatives that are locally appropriate, and work collaboratively to counter violent extremism.

When the minister responds to the second reading debate, or at a later point, I would be very keen to hear her speak about the conduct of the government’s role in this particular “National Counter-Terrorist Plan” and how often we are exposed, or who attends the sub-committee. Who attends and what level of coordination and interaction occurs to share this information between the jurisdictions on the NCTC sub-committee? It would be really important for us to have on the record that the government is particularly active in this space, because the architecture exists. There has been a lot of activity and debate and discussion and acceptance of the “National Counter-Terrorist Plan”, which is not written in stone. It is highly evolved and is continually being reviewed, and it contains all manner of relevant up-to-date responses that allow the sub-national and national level to achieve what it needs to achieve.

Mrs Michelle Roberts; Mr Sean L'Estrange; Mr John Quigley; Mr Paul Papalia; Mr Dave Kelly; Ms Margaret Quirk; Mr Bill Johnston; Mr C.J. Tallentire (gosnells); Mr Peter Tinley; Mr Roger Cook; Mrs Liza Harvey

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This idea of CVE, or countering violent extremism, needs to be entirely part of the government's approach to terrorism in this state. I am on the record and was published in *The West Australian* when I talked about the role of de-radicalisation and the responsibility of state governments to participate in the national framework to ensure that we are doing our bit to ensure that there are no targets for this sort of radicalisation. In an article I wrote in *The West* recently, I alluded to the work, which is not the only work going around, by Dr Anne Aly, our very own internationally regarded counter-violence expert, and the work that she wants to do at the community level to ensure we have an adequate response for not only intelligence collection, but also threat identification and ensuring that the first response a long way back is correct before anything happens. That is the most cost-effective use of the resources we have. It is fundamentally important that we apply a whole-of-government approach to this so that not just one program is hived off to the Department for Communities, WA Police or some other department, as a discrete part of its departmental activity. I think it is absolutely important to have a whole-of-government approach, because that would encompass things such as culture and the arts, and sport and recreation. It is absolutely essential to use those pastimes as vehicles and tools to engage, typically, youth in our multicultural society. We have a diverse ethnicity and birth country population, and we need to engage everybody at a very fine level of detail to ensure that we can absolutely understand the threat and give people opportunities to integrate. An integrated society, with proper access to the economic opportunities that Western Australia has to offer, is the best inoculation we can have in countering extremism of any kind. We need to stop the romanticisation of what it is to be a terrorist and what it is to take up a cause, and give people other things to take up. We need to give them other opportunities to feel part of Western Australia and not feel isolated, which may be the precursor to radicalisation.

That is my contribution, and I look forward to hearing the member for Kwinana's contribution to the second reading debate on the Terrorism (Extraordinary Powers) Amendment Bill 2015. I commend the bill to the house.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [9.01 pm]: It is funny when we find ourselves rising for debates when we thought our opportunity to speak on bills had otherwise passed us by. I thank members for allowing me the opportunity to make some brief remarks on the Terrorism (Extraordinary Powers) Amendment Bill 2015.

As members have remarked, the Labor Party supports this bill. On issues of terrorism and security, mainstream political parties do the grown-up thing and act in a bipartisan way to make sure that the legislation is crafted in a manner that befits our society. We are undertaking a pretty solemn task in that we are agreeing to curtail the rights of members of our society in the name of public safety. We have decided that rights they would otherwise enjoy should be curtailed to maintain the other suite of rights we all believe we should enjoy as a community—the rights of freedom of speech and living in a secure environment in an orderly world. I think the government has done the right thing by bringing in what I believe is a fairly reserved and limited expansion of the roles and powers of the police so that we can be vigilant and maintain a cautious and appropriate posture to the threat of terrorism.

We are obliged to interact in an appropriate way with the other law enforcement agencies. That is obviously very important when cooperating with the Australian Federal Police and enabling a national response to security issues. If we do not have the necessary powers to properly participate in those cooperative arrangements, we will be letting down not only ourselves, but also the nation by not ensuring that we take a coordinated, strategic approach to national security issues. From that point of view it is very appropriate that we stand with the government and support this legislation, as the Liberal Party did in 2005 when this legislation was initially introduced.

I commend the government for its incorporation of a sunset clause into this bill. A sunset clause is an appropriate legislative provision, but it is also appropriate to acknowledge that we are conferring unusual powers upon the police force. They are unusual powers that we see as being necessary at the moment, but potentially, and may it be the case, they may not be needed in the future; sadly, I suspect that will not be so. It is appropriate that we as legislators say that this is the current situation and we believe we have to confer these powers on the police force to make sure that we maintain public security, but we understand that these are extraordinary powers and we would like them not to be necessary. To review the legislation in 10 years' time is an appropriate way to approach this sort of legislation.

We often rise in this place to talk about the emerging role of the Western Australian community and economy and their growing engagement with the regional economies of South-East Asia and the Indian Ocean rim. We talk about the importance of maintaining an outward-looking posture as an economy and community, and embracing the economic and social opportunities, and opportunities of cultural exchange, and opening our doors to the economies of other countries. The other aspect to that is that we are exposed to a greater degree of, I guess, threat or potential danger from people from other countries. If we are to be a truly international community and part of the international economies of the world, we have to participate in a way that does not compromise our

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security. We have to be equipped and prepared. This legislation will enable our law enforcement agencies to respond to whatever threats may be perceived from time to time.

This bill will update the 2005 legislation. It provides clarification of the law relating to covert search warrants, and updates the manner in which that covert activity may take place, whether in a targeted place or vehicle, be it a car or boat and so on. It is interesting that we have increasingly seen—it was certainly the case with the Lindt Chocolate Cafe siege—these powers used in a manner that is not essentially related to a terrorist act. The activities of that very disturbed gentleman, Man Haron Monis, were those of a deranged man with serious mental illness. In part, this legislation will resolve those issues because at that time it was believed to be a terrorist act; that will now be covered by the sorts of powers that this legislation will confer upon the police force. We obviously want to be sure that we are not simply using these powers to respond to an extreme criminal act. We need to make sure that this legislation is always used for the purpose for which it was intended, which is to respond to a terrorist act. I am interested to hear the minister's second reading response to that. The response we saw to the Lindt cafe siege was to what was believed to be a terrorist act. In that sense, how will "terrorist act" be defined under the act and has the definition of a terrorist act been broadened or changed? How would this legislation have affected the Lindt cafe siege if we had known then what we now know—that it was not what might be called a bona fide terrorist act, but simply the act of someone with a serious mental illness who committed a very serious criminal act—and would this legislation have come into play?

Much has been said recently about the radicalisation of our youth and how we as a community respond to that radicalisation. I guess part of that goes to understanding what causes people to become radicalised, and therefore, equipped with that information. How do we as a community respond to the issues that mitigate the preconditions towards that radicalisation? Obviously, there has been a lot of debate and discussion both within the public and academic circles about what are the preconditions for radicalisation. We know it is not necessarily economic disadvantage because we have seen people from middle-class backgrounds being recruited to terrorist organisations, but we do know that it is about young people being pushed to the extremes—the margins—of our society. I offer up the theory, as does Keysar Trad in an article the ABC published in April 2015, that it is much the way we respond as a society to these sorts of threats, rather than as a government, that determines the level of radicalisation that may or may not occur. Trad says that in his experience the mainstream media outlets are pushing young Muslims to the margins of our society.

I am attracted to the comments of Associate Professor Anne Aly, the founding chair of People Against Violent Extremism. A number of members have met with or heard from Associate Professor Aly recently to try to continue to understand the issues in relation to this. She talks about the fact that if we identify a youth as being potentially radical or at risk of becoming radical and a government program targets that radical youth, in some respects, we have missed the boat. In fact, radicalisation occurs within the community, among peers, much earlier than at that point of government identification. In this article of, I believe, October 2015, she states —

... she is "cautious of an approach whereby the Government identifies who is at risk of radicalisation and pushes them towards so-called service providers.

"There is so much resistance to any kind of government-designed ideas, or policy concepts of radicalisation—these kids are going to resist it," she says "They need to be done by the people who are more likely to have success in engaging young people."

She points to the issues around what she calls the ripple effect of getting through to one well-connected at-risk young person, which cannot be underestimated. The article refers to how Associate Professor Aly mentors young Somali men in Perth, where she is based, and gets them involved in her research at Curtin University. She says —

"These three young men have all seen their friends become radicalised. They have been targeted by radical preachers at one point in their lives. And they have all come into contact with a radicalising influence or a radicalising environment," she says.

"They have now gone back out there saying 'We are doing all this really cool stuff —

That is, working with Associate Professor Aly. To continue —

I'm working in an office.' Now, other young Somali men are saying 'Wow, that sounds really good, how can I get involved?'

Associate Professor Aly also says, and I quote —

"You don't go out and say, 'Right, you, you're radicalised, you need deradicalisation, come here, go to this training program, go to this education program, go see this counsellor'. It doesn't work."

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Mrs Michelle Roberts; Mr Sean L'Estrange; Mr John Quigley; Mr Paul Papalia; Mr Dave Kelly; Ms Margaret Quirk; Mr Bill Johnston; Mr C.J. Tallentire (gosnells); Mr Peter Tinley; Mr Roger Cook; Mrs Liza Harvey

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She says that if we see these things constantly through a prism of national security, we miss out on the very opportunity of addressing the preconditions of radicalisation, which is marginalisation in the first instance. My speech today is not about addressing issues around terrorism through baseless debates around limiting immigration, because we know that that is not the source of radicalisation. In fact, an article in *The Economist* just today states —

Of the 745,000 refugees resettled since September 11<sup>th</sup>, only two Iraqis in Kentucky have been arrested on terrorist charges ...

That is two out of 745 000 refugees resettled in the US. We know that radicalisation is not due to issues around immigration; it is around the issues of marginalisation. Until we as a community seek to create greater social inclusion in our community and to create a community that embraces people, celebrates their culture and provides an opportunity for them to be heard in our community, we will continue to create the preconditions of radicalisation. Until we stop trying to treat people who have come into this country with a different culture from the predominant culture in our community as somehow inferior and therefore treat their culture with indifference or, indeed, hostility, we will continue to repeat the mistakes of the past, which has seen young people become marginalised in our community, isolated and angry and therefore absolutely vulnerable to influences around radicalisation. People want to feel involved; they want to feel that they are validated as people in their culture and that the communities they come from are validated in the community in which they live. For that reason, the response to terrorism ultimately is a bit like responses in health. By the time someone who is sick gets to hospital, it is almost too late. As we know, the time to address someone's ill health is at the point at which they are attracting the lifestyle issues that contribute to the deterioration of their health in the first place. As we know, preventive measures are the greatest tonic for the health crisis in our community. In the same way that preventive health should play a central role in how we address health issues in our community, preventive measures should play a role around radicalisation and terrorism, such as creating an inclusive society that does not systematically marginalise people from minority groups. Until we address those issues, we will not be in a position to ultimately rid ourselves of the ongoing threat of terrorism. As I said, we support this legislation because these powers are needed. That is unfortunate, but may we pray there will be a day when they are not and the way we get there is to constantly seek to create an inclusive society in which everyone is validated and celebrated and minority culture groups are not treated with indifference or hostility.

**MRS L.M. HARVEY (Scarborough — Minister for Police)** [9.18 pm] — in reply: I thank members for their considered contributions to this debate this evening of the Terrorism (Extraordinary Powers) Amendment Bill 2015. This bill does a number of things. I will not sum up all those things in my response to the second reading debate, but I will address some of the issues raised by members during the debate. Obviously, we will go into more detail once we get to the consideration in detail stage of the bill. In response to the member for Midland who asked some questions about when the powers have been used, only one application was made to use these powers in 2010, which was an application for a covert search warrant, which was granted but never executed.

It is important to note that when we are looking at amending a piece of legislation in this house but not necessarily in the context of the original act, it is sometimes difficult to understand what is being changed by the amendments. The government is not seeking to change a number of provisions in the original act, one of which is section 30 of the act that requires that a report be tabled each year and that that report identifies the number of covert search warrants that were applied for and granted. That report is tabled in Parliament. There are similar requirements in section 21 for commissioner's warrants. The original legislation had some checks and balances, including the three-yearly review of legislation that we have talked about. Although this bill will extend the legislation's expiration date to 2025, there are still review clauses that will review the operation of the act. That is obviously necessary in the context of the rapidly shifting terrorism environment we find ourselves in Australia and the terror threat that unfortunately we are operating under at this time.

Part of the reason that the review of the act was delayed was in response to a number of disturbing incidents, including an issue in September with ISIL; raids last November in Melbourne, Sydney and Brisbane; the Haider stabbing that members have referred to; and, of course, the Lindt Chocolate Cafe, or the Martin Place siege as people refer to it, last December. That last incident was treated as an act of terrorism until it was determined that it was not. Indeed, as a result of the police operation and the management of that incident, a review was commissioned and all jurisdictions have been involved in keeping pace with what was recommended as a result of the management of the Martin Place incident. I thought it was important to include that in the review of this legislation in the event that we may need to make further amendments as part of this tranche of amendments we are bringing to the house now.

There was conjecture about the regulations. We are not anticipating that we will require any regulations at present, but we have put in a provision for the development of regulations for the future. Many members debated the definition of "law enforcement officer". That definition is a broad and generic term so that any future

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appointment of a law enforcement officer under the purposes of this act is not limited to police officers, as it may be that people working with police officers may need to be deputised as special officers for the purpose of the act. We have importantly included reviews from other jurisdictions when we have been considering the amendments to our legislation here in Western Australia.

I appreciate the member for Churchlands' contribution to the debate—we heard only a small snapshot of his involvement overseas—and his comments about the purpose of overseas deployment. Most of the overseas deployment of Australian troops has really been for the purpose of nation building, and it was very interesting and certainly worthwhile hearing his contribution.

The member for Butler talked extensively about acts of terrorism and the way they have changed so considerably over time. He is correct, and that is why it is important that we review the legislation in a timely manner. The member for Butler raised a number of issues that are probably better interrogated in consideration in detail; however, he is correct to say that we have changed the threshold test for the ability of the commissioner to apply for a covert warrant. The proposed amendments to the standard for obtaining a commissioner's warrant and for the commissioner to authorise a police officer to apply to the Supreme Court for a covert search warrant is being lowered from reasonable belief to reasonable suspicion. However, the commissioner must have reasonable belief that the covert search warrant will assist to prevent an act or offence and that it must be carried out covertly in doing that. Therefore, it is important that we look at this legislation in the context of how the clauses interact with each other.

There was a lot of talk about what the government is doing both on a national and a state scale to try to prevent people becoming involved in acts of terrorism and to prevent disaffected people, for example, from engaging in acts of terrorism. There is a lot of work being done. In fact, the commissioner attended a national counterterrorism meeting hosted by Prime Minister Malcolm Turnbull last week, which included representatives from the Department of Education. We are starting to include various different areas of government to ensure that we are best placed to look at building resilience in the Australian community to deal with acts of terrorism and to prevent our citizens from being enticed by terrorist organisations into committing acts of terrorism. There was a lot of talk about Dr Aly and her programs. WA Police has a very productive relationship with Dr Aly, and will continue to foster that relationship and ensure that we get the best available information to work in the best way with our community to counter acts of terrorism and ensure that they will not occur in Western Australia.

It is important that people understand that we need to do both. In bringing this amending bill to the house the government is not proposing that this is the solution to terrorism. This is a new and updated tool for WA Police to use in conjunction with our counterparts from other jurisdictions so that we can respond appropriately to prevent or interdict an act of terrorism. Obviously, we need to do other things as well around crime prevention, building resilience in our community and fostering a harmonious multicultural society—and we are doing those things too.

The member for Bassendean talked a lot about the actions, and indeed had some interesting comments to make about the deployment, of troops on overseas missions. We need to bear in mind that government decisions to take action and send our military people overseas are the hardest decisions of government to make, and they are never black-and-white or easy decisions to make. Invariably, they are made in very complex and complicated circumstances, and the decision-making is never easy. It is easy to be an armchair critic of those sorts of decisions from the comfort zone that we currently enjoy here in Perth, Western Australia, but in making those decisions I know that much considerations is given to ensuring that they are made in the interests of the Australian community.

The member for Girrawheen spoke to the general bipartisan approach to national security and terrorism-related matters put forward by Prime Minister John Howard. I believe that she is correct: we receive bipartisan support generally in responding to terrorism and terrorist-related activities.

The member for Cannington spent some time talking about Islam and the link that is often directly made between a particular religion and acts of terrorism. It is important that we also put into context that terrorism is not about Islam. Acts of terrorism were quite rare in days gone by, and these days it is part of the everyday vernacular and conversation given the fear that acts of terrorism in recent times have engendered in the community. I recall that when I started working for Qantas many years ago, a lot of attention was paid to the Lockerbie disaster in 1988 with Pan Am flight 103.

I think there were about 260 people on board that plane and about 11 more people were killed on the ground when that plane crashed. One person was charged with that offence, but that incident resulted in a complete change in the way airport security was conducted and airline security personnel were trained. I remember at the time receiving my training at Qantas. The suitcase that contained the Semtex bomb in a radio went through an X-ray machine that a human being looked at. The context I was trained in was that to find a bomb, every suitcase

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needed to be looked at, which is what people do not necessarily do around terrorism, and that is why we need to be ever vigilant and focus our attention on what we deem important to focus our attention on.

The member for Willagee talked about the importance of the state being prepared as the first responder and I concur with his comments. The Commonwealth Heads of Government Meeting in 2011 was a really great opportunity for us to train our team and undertake a significant planning and deployment exercise with the visitation of dignitaries from so many other countries within our region; some representatives were from countries that had a record of terrorism activity. We have built on that and it was a good opportunity for all Australian counterterrorism teams to build on the knowledge base established around CHOGM and the people management exercise that occurred here in Western Australia.

The member for Willagee is not in the house at present, but he asked who represents our state on the committees. In 2002 the national counterterrorism teams were established and in 2012 we invited New Zealand to join them. The Australia–New Zealand Counter Terrorism Committee meets regularly and our Deputy Commissioner of Police, Gary Dreibergs, is the representative from Western Australia. There is also the Countering Violent Extremism Sub-Committee and on that we have a representative from the Department of the Premier and Cabinet, a superintendent from WA Police and a level 6 analyst from the police community engagement division. There is a lot of information sharing in this area and there is a very productive dialogue between all the states and our federal counterparts to ensure we can be prepared should there be an act of terrorism in Australia, but most of all we are interested in preventing and intercepting any of these acts that may be proposed. There is a strategy that Western Australia falls under as part of our responsibility in the national plan. “Australia’s Counter-Terrorism Strategy: Strengthening Our Resilience” was published, I believe, this year. It has five pillars: challenging violent extremist ideologies; stopping people from becoming terrorists; shaping our global environment; disrupting terrorist activity within Australia; and, having an effective response and recovery. A lot of work also has been done on foreign fighters and helping to build resilience in our Australian community around areas of social cohesion and effective public communication. The strategy is there and I would say that the strategy will change just as we have had to change our legislation over many years to adapt to the changing environment we face with threats and acts of terrorism that may occur in Australia. Not only that, we are building resilience in our community to prevent Australians from engaging in acts of terrorism in other countries and jurisdictions as well.

I will not keep people here for much longer. I look forward to the consideration in detail stage of this very important piece of legislation. It needs to get through both houses of Parliament by 15 December, but the delay of the legislation coming to the house was somewhat unavoidable in the context of the emerging terrorism environment in which we were developing the amending bill. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.