

TERRORISM (PREVENTATIVE DETENTION) AMENDMENT BILL 2016

Second Reading

Resumed from 11 May.

MRS M.H. ROBERTS (Midland) [4.23 pm]: The Terrorism (Preventative Detention) Amendment Bill 2016 has only four clauses. The first and second clauses deal with the short title and commencement date. Clause 3 provides specification of the act that is being amended, and clause 4 amends section 60 of that act by changing the expiry date. Effectively, what that means is that the sunset clause of the Terrorism (Preventative Detention) Act 2006 will be extended for a further 10 years. The expiry date in the original act is 22 September 2016, so it is due to expire next month. The government has left it very late to bring this bill on for debate, which, I think, is a mistake. The government needs to get this bill through both houses posthaste and assented to; otherwise, the Western Australian Terrorism (Preventative Detention) Act will lapse, which is a very serious matter.

I want to talk about the act that this bill will amend and to put it in some context. To do that, I will refer to the 2006 act and when it was brought before the house. The Premier of the day, Dr Geoff Gallop, took responsibility for the legislation and introduced it before Parliament, giving his second reading speech on 1 December 2005. After it passed through both houses, it became law in 2006. In bringing the original act before the house, during his second reading speech Dr Gallop referred to recent events—events that were recent to 2006. He referred to the events of 11 September 2001. He also referred to the Madrid and London bombings, and, closer to home, the spate of bombings in Indonesia that culminated tragically in the loss of 16 Western Australian lives. He began his second reading speech by saying that such events meant —

... that we can unfortunately no longer take for granted the security and freedoms that previous generations fought so hard for and we now so readily enjoy. Today we are introducing laws that I willingly concede would normally be considered extraordinary. Therefore, we must ensure that the appropriate balance is maintained between powers needed to protect the safety and security of all persons and the important rights concerning freedoms and liberties, which are so essential to the preservation of our democracy.

This bill is one of the important measures my government is taking to protect our community. It will place our state police in a position to prevent an act of terrorism occurring within Western Australia and to facilitate the prosecution of the perpetrators of terrorist acts in the event that they do occur. On 27 September 2005 the Council of Australian Governments held a special meeting to discuss counter-terrorism measures. Leaders received a comprehensive briefing from the Office of National Assessments and the Australian Security Intelligence Organisation. On that basis, COAG agreed that it is appropriate to strengthen Australia's counterterrorism laws. A terrorist act in Australia is unfortunately not beyond the realm of possibility. Specifically, COAG agreed to introduce legislation—to give effect to measures which, because of constitutional constraints, the Commonwealth could not enact, including preventative detention for up to 14 days and stop, question and search powers in areas such as transport hubs and places of mass gatherings.

As members will be aware, stop, question and search powers are provided for in the Terrorism (Extraordinary Powers) Bill 2005 that is before this house today. The commonwealth has enacted the Anti-Terrorism Act 2005 and is proposing in the Anti-Terrorism Bill (No. 2) 2005 amendments to the commonwealth Criminal Code In accordance with the agreement reached at COAG ...

He goes on to say what that entails. Members will recall that last year we extended the effect of the other terrorism legislation to which Dr Gallop referred in his second reading speech and that considerable amendments were made following a review. I note that no other amendments to this legislation have been proposed, which surprises me. I know that other states have amended their original legislation. I am surprised that, after 10 years, the police have not asked for further amendments. The second reading speech does not refer to whether Western Australia Police or the minister in any other capacity has caused a review to occur of the effectiveness of the Terrorism (Preventative Detention) Act 2006. I would be pleased to know whether the minister could advise the house whether there has been a comprehensive review; if so, when it was done; and whether there were any recommendations for changes other than to the sunset clause. I note that in her second reading speech, the minister referred to counterterrorism activities and terrorist raids in New South Wales and Victoria, the use of preventive detention legislation in those jurisdictions, and that in September 2014 the Australian Federal Police confirmed that three preventive detention orders had been issued for the first time under New South Wales legislation following raids on properties in Sydney that month. In June 2015, Victoria introduced its first preventive detention order in response to counterterrorism raids earlier that year. The minister also suggested that reviews of the act will continue. I would like to know whether there are outstanding matters. This bill amends only the expiry date.

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

I read with interest about the changes made in New South Wales. It is unlike the situation in Western Australia, and indeed unlike 2006 when the then Premier, Dr Gallop, took responsibility and the lead for this legislation as the head of government in this state. The current Premier chooses not to involve himself in these important matters. However, I note that that Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016 was introduced on motion by Hon Mike Baird, and he gave his second reading speech at 4.23 pm on 4 May this year. I think Mike Baird made some excellent points in the second reading speech of his amendment bill. He said —

Our State, like many communities around the world, is grappling with the threat of terrorism. Recent incidents in the heart of our community have shaken us to our core and unfortunately in so many ways led to the loss of some innocent lives. This fact must remain foremost in our minds as we continue to respond to the threat of terrorism with appropriate laws and preventative measures. This fact must serve as a constant motivation for us to ensure we do everything we can to reduce the threat to our communities. This fact will cause my Government to be resolute in its commitment to take every possible action to protect our community.

That is laudable indeed. He went on to say —

Ensuring that New South Wales police have the powers they need to investigate, prevent and combat terrorist acts is a key element of our resolve.

He goes on to thank his Commissioner of Police and the men and women of the front line in New South Wales. I note that he also comments in that speech that the government has placed restrictions on illegal firearms and created tougher penalties for illegal gun possession. He said —

We have committed \$47 million to fight violent extremism, hand in hand with our communities, through support to New South Wales schools, young people, families and local organisations.

Perhaps in her response to the second reading debate, the minister might tell us what is being done in Western Australia and how much money has been committed to fight violent extremism, noting that New South Wales has committed \$47 million. The minister might perhaps also enlighten this house about what support the government is providing to fight violent extremism in our communities through our schools, our young people, families and our local organisations.

Mike Baird went on to say —

It is important to understand within those programs that a key part of the motivation has to be that we do everything we can to protect our youth across the State. That is a key focus and resolve that we have.

The terrorist threat is evolving and our response must therefore evolve and respond to that threat.

I note that there is no evolution in the amendment bill the minister has put before the house. It simply extends the date of legislation first put before this house over 10 years ago.

I think the Premier of New South Wales elaborated on the terrorist threat very well. He said —

The terrorist threat is evolving and our response must therefore evolve and respond to that threat. Terrorism plots are developing more quickly than ever before and often it is only a matter of days before they are enacted. Terrorism organisations are waging war through social media. ISIS has used social media to effectively turn 30,000 people into fighters for their cause. We know they are targeting messages to young Australians. Because of this capability, the forensic requirements in terrorism cases are incredibly complex and time consuming. At the same time, the age of those perpetrating acts of terrorism continues to fall. Younger and younger people are getting caught up in this brutal web. We must adapt to the shifting terrorism landscape.

Yet in Western Australia I do not see any adaptation. I also note that Premier Baird talked about what is being done in the area of multiculturalism. He said —

The Minister for Multiculturalism recently announced that 14 organisations would receive a total of \$8 million under the Community Partnership Action [COMPACT] grants program to promote social cohesion and strengthen communities to resist extremism. At the same time, we must have law enforcement protections in place. We must be vigilant in ensuring that our police can respond effectively to the changing terrorism threat. Since using the preventative detention provisions in applications during Operation Appleby, New South Wales police have identified some critical operational gaps in our counterterrorism provisions and we must address these operational gaps. The bill does so, giving increased powers to New South Wales police to keep our communities safe.

My questions to the police minister are: Has the minister reviewed Operation Appleby? Has she sought and got information from either New South Wales or the commonwealth? Has she looked at the so-called gaps that

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

Premier Baird referred to in New South Wales; and, if so, do we have similar such gaps here? If yes, why has the minister not moved to address any of those gaps?

Premier Baird went on in his speech to talk about the changes that have been made. I do not intend to give a long speech. I think it is vitally important that this legislation gets progressed as quickly as possible so that there is effectively no gap in the legislation having coverage in our state. Premier Baird went on to explain the import of the changes he made to legislation and the various safeguard provisions. One of the things we do not hear this government talk about is the preventive side of things and what we can do to stop young people being radicalised. It is interesting that such a huge commitment has been made in New South Wales to that. I am aware that this legislation is effectively mirrored legislation for the states, as it was in the beginning, and how it is based in part 5.3 of the commonwealth Criminal Code Act and the use of preventive detention.

The Labor Party certainly supports the legislation. It was a Labor Premier in Dr Geoff Gallop who first put this legislation before the Legislative Assembly and before the Parliament, and that is why it is law today. I am surprised, however, that no further changes to the legislation have been needed since that time. Terrorism was a very new threat at the time that we brought the legislation forward, and, sadly, rather than the terrorism threat decreasing over the last 10 years or so, it has only increased. I make the point that Western Australia is not immune to terrorism. I have spoken to many police officers with genuine concerns about the terrorism threat that exists in Western Australia. No community in Australia is immune. Yes, the two largest states of New South Wales and Victoria have suffered more incidences of terrorism, and it may well be that the threat there is larger, but we are the most isolated capital city in the world, and we have some very isolated communities in this state. In the second reading speech for the legislation that he dealt with in May and has been enacted in New South Wales, Mike Baird said that the threat of terrorism is very real and it can happen anywhere. As the minister commented, social media is pervasive. There are no boundaries or distances involved when we are dealing with social media. If people are being radicalised through social media and by other means, there is no reason to think that Western Australia is immune—and that concerns me. The safety of police officers and those who work in police stations in this state concerns me, too, and safety in our general community.

I am not sure whether this state does anywhere near enough on prevention. I am surprised that no other amendments have been suggested by the minister other than to just extend legislation that was developed 11 years ago when much less was known about terrorism. Unless we were incredibly prescient and more prescient than they have been in other states, I am concerned that the gaps in the New South Wales legislation that Mike Baird referred to may exist in the Western Australian legislation—gaps that this government is not moving to address. We cannot just say that the terrorist threat is not as high in Western Australia as is the case elsewhere, because that is the issue: we do not know where it will next strike. We saw the shocking events in Paris that have had a significant effect on the city and its people and I understand on tourist numbers, but, at the same time, I think people quite happily went to Nice never for a moment thinking that a city in the south of France would be the next target of a terrorist attack or incident. Seemingly, one radicalised person did something really stupid that has had truly shocking consequences.

I do not think that we should let terrorists dictate how we live our lives or that we should bunker down and not get on with our lives in a normal fashion, but I think that we need to take reasonable precautions and have appropriate laws in place that best protect our community. We must also realise that laws by themselves are not the answer; we have to work with the communities in which people are most likely to be targeted for radicalisation to strengthen them and to put preventive measures in place. I will be pleased to hear what the minister can say about those matters. I look forward to hearing the minister's response to the second reading debate.

MS J.M. FREEMAN (Mirrabooka) [4.45 pm]: I appreciate the capacity to stand and speak on the Terrorism (Preventative Detention) Amendment Bill 2016. I understand that this bill is to extend temporary detention powers for a further 10 years. Many academics in this area have spoken about how important it is that the justice system has detention powers to hand as a tool when it believes that the community is at risk. Today, I want to talk about how we can ensure that we never have to use these laws. We have not used these laws in the past and we want to continue to grow that situation to ensure that there are active programs and processes to counter terrorism in our community.

The prime objective of counterterrorism has two tranches—that is, to end the violence of terrorist actors through either incarceration or prevention and reform, and, secondly, to ensure the safety and security of citizens. Ensuring the safety and security of citizens through an end goal of seeking an end to violence in our community, particularly violence around terrorism, is a goal that we should always seek to champion in this place and in the executive arm of government. On that, I want to talk about the Stop the Violence campaign that was launched recently by the youth department of the Organization of African Communities in WA. The minister is aware of that campaign; she has been on social media holding up the Stop the Violence poster. It is really important that we in this place all seek a way to become involved in that campaign in a bipartisan manner. Talking about

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

violence in our community and the impact that it has on many of the young newly arrived Australian citizens and citizens born in Australia from parents with culturally and linguistically diverse backgrounds, it is really important to support them in the worthy aim of looking at themselves as young people and discussing the impact of violence in their communities and the impact on their progress as Australian citizens. The Stop the Violence campaign aims to raise awareness about the need to stop the violence outside and within African communities in Western Australia. Today, the South Sudanese community came before the Western Australian Parliament to raise its concerns about the ongoing civil war that started maybe a couple of years ago in South Sudan.

When South Sudan became an independent nation there was great hope for the newest country in the world to use its natural resources to grow its community and to benefit its citizens after such a long and protracted war with the north of Sudan, or Sudan as it is known now. There was great hope of independence for that community. Unfortunately, that hope has been quashed somewhat because of the civil war now occurring between the communities in South Sudan, but they still hold that hope strongly in their hearts. I raise this matter because although we could say that that is an issue happening in South Sudan and there is nothing we can do about it in the Western Australian Parliament, it is having an impact on the health of the community in Western Australia.

I was told at a meeting recently that some quite nasty posts on Facebook have threatened people in the community who have been standing up and trying to seek peace in South Sudan. They are trying to get the Australian government to make representations to the UN for greater involvement in South Sudan and to prosecute issues around safety for civilians and in particular for women and children. The community members who came before the steps of Parliament today were very clear in saying, “Yes, we need peace brought to South Sudan and our hope restored for South Sudan as an emerging nation, and we need peace not only for them, but for ourselves because it has an impact on us here in our communities in Western Australia.” When we look at the issues around violence and that whole aspect of violence, the member for Midland was right: we now need a response to the hatred and vilification that comes into social media.

Many commentators, particularly women, get some of the most hateful comments on their Facebook pages. Often they are comments that threaten physical harm. I heard one commenter speak recently about being threatened on her Facebook page and blog with being raped or stabbed. I am not talking about something happening to someone in a different community, but in our Australian community. We seem to say that is a different mode of discussion or we cannot find those people. A really good example of that recently was the case of Senator Nova Peris, in which action was taken against the perpetrator of violent postings on her Facebook page. I think we need to clearly say in this place that that sort of violence and the capacity of that violence should not occur and we need to stand strongly against it.

I commend the Organization of African Communities’ stop the violence campaign. We could think about some of those things in this place in the way that we behave towards each other. We cannot ask communities to act in a non-violent manner when we do not. For me, at the heart of violence is disrespect. I think we have to maintain a sense of respect. At the core of that is acknowledging that although we have differing opinions about how things should occur, we need to be respectful in our debate about that difference of opinion.

The response to terrorist threats needs to be able to respond to the threat of violence against innocent civilians. The response needs to respect that freedom of belief is a cornerstone of democracy. I believe that implicit in the Australian Constitution is the human right of respect for the freedom of belief. At the core of that is a really strong commitment to ensure that human rights legislation is maintained. It disturbs me that there is a campaign to undermine section 18C of the Racial Discrimination Act. I think there is no problem in continuing to maintain high standards within federal legislation on how people should behave in our community to protect people’s human rights so that discrimination against people is completely and utterly not tolerated.

I would now like to refer to Anne Aly, who is now the member for Cowan and a renowned and respected professional in the area of counterterrorism, who in her book titled *Terrorism and Global Security: Historical and Contemporary Perspective* points out that terrorism is not new and indeed has been part of the human condition for centuries, from the Sicarii in the first century to the Ismaili Nizaris—better known as the assassins—in the thirteenth century, to the anarchists, to the anti-colonialists and separatists, the new left and the current wave widely referred to as the religious wave of terrorism. It is not often that I have an affinity with the deputy leader of the federal Parliament, Hon Barnaby Joyce—it is not often that there is common ground between us.

Mr P. Abetz: What a surprise!

Ms J.M. FREEMAN: Yes. However, he and I were on quite common ground recently when he commented quite strongly that as a Christian—a Catholic—he would be outraged were he to be aligned to the IRA terrorism that happened throughout the United Kingdom, and that therefore it is equally the case that we should always be aware and absolutely clear that terrorism is an act of violence and a perpetration of violence against civilians. Any violence or taking of human life of civilians crosses all communities and is not confined to any particular

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

community even though we are facing that at the moment with an issue around Islamic violent extremists, as I would like to call them. There has probably been many times in my past that I have been called a “feminist extremist” or something like that, so my point is that it is not about the fact that we question and counter the prevailing ideologies of the time; it is about how that is done. If people perpetrate violence against civilians and innocent people in any place—at the moment we know in Syria in particular there have been horrid human rights violations—it needs to be roundly condemned and we need to protect our citizens from that and ensure their safety and security.

Anne Aly recently presented a paper to a conference on terrorism that points out that what is important is that whole aspect of ensuring that when we look at the strategies against terrorism, we include strategies that are considered by some to be soft or about prevention and to make sure that they are included. She writes about an integrated framework, bringing in both preventive aspects and hard strategies, such as the legislation before the house today.

In saying that, I want to champion the recent project conducted by Western Australia Police, the Department of Sport and Recreation, the Edmund Rice Centre and the Mirrabooka mosque, in the Common Goal Soccer Academy, the purpose of which is to use a shared love of soccer to establish trust and tolerance between the Muslim community in the Mirrabooka area and the police. It is their view that through their shared love of the game they could start to break down the barriers of mistrust of the police felt by some migrants and refugees in the area. An Ogaden refugee, from a part of Ethiopia outside the capital city, might have some mistrust of authority, particularly at a time when there have been human rights violations against students from particular ethnic groups, resulting from an argument over laws about the distribution of land.

[Member’s time extended.]

Ms J.M. FREEMAN: Human rights violations occur in many parts of the world, even in our own country, where human rights violations are perpetrated against people in Aboriginal communities through unfit drinking water and other issues. We should be standing up and talking strongly in this house about human rights abuses. People who come from the communities where human rights are violated are probably mistrustful of authority, and that authority’s most visible presence in the community is the police. It is great that this Common Goal project is happening on the ground, but it needs to be longitudinal. We have had Football with the Fuzz previously, but it did not continue beyond a few games. It is really important for the Mirrabooka community. In the 2011 census, Mirrabooka was the thirteenth most diverse suburb in the whole of Australia. I cannot imagine what the 2016 census will say. I went around encouraging all the communities in the Mirrabooka electorate to fill in the census, and saying that they could completely trust it. Some members of the Somalian community say that there are lots of Somalis in Mirrabooka, but I say that they are not in the census. I tell them they need to fill out the census, and they tell me that they have not filled it out in the past but they intend to this time.

It is really important that, if we begin some of these programs and projects to encourage togetherness and unity, build leadership skills and improve harmony, they are not carried out for just one season. It is important that the community sees the police and the department investing more time. Longitudinal relationship building is what we need in those communities, not short-term grants. I refer to the Community Development and Justice Standing Committee report, “Cultivating promise: Building Resilience and Engagement for At-Risk Youth through Sport and Culture”. I have only had a very quick glance at it, but it is a great report. The concern that comes through from this report is that one-off grant funding is not what is needed. Good longitudinal commitment to projects is needed. I will refer to the report if I have time later on, but I congratulate the committee on that report.

Imam Moegamad Davids says that even though they come from different backgrounds, they just put the ball in the middle of the pitch and everyone seems to understand the same language. Imam Davids is always active on the field. He is a great ambassador for Islam in our community. He told us when we went there recently that he loves a good Christmas carol. He works with police to break down some of the barriers in the community. I wrote a letter of support for the mosque to obtain the visa for Imam Davids to come to Australia. At the same time, I wrote a letter of support for the Buddhist temple on Nollamara Avenue to obtain a visa for a Buddhist nun. It took three months to get that visa, but the mosque’s application took two years. I do not know what happened, but it was somewhat concerning to me, and apparently there was something more in the thinking and the mix. That is just me making conjecture and opinion, which has no basis. It now has absolutely no basis, because Imam Moegamad Davids has shown himself to be a champion for tolerance and unity in our community. Commissioner of Police Karl O’Callaghan, interviewed by SBS, said that one of the greatest challenges for the police was that some of these kids had had very negative experiences of police and authorities in the countries that they came from. He went on to say that Common Goal is one tool for addressing this problem.

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

One of the things Anne Aly spoke about in her contribution to this conference was that an integrated framework was required around preventive and punitive aspects of countering terrorism. She calls that smart counterterrorism. She borrows that from the approach to foreign policy advocated by the American scholar Joseph Nye. Basically, it embraces the Organisation for Economic Cooperation and Development social cohesion methodology. I quote from the paper —

The OECD looks at social cohesion through three lenses: social inclusion refers to the degree to which all citizens can participate on equal footing in the economic, social and political life. Social capital refers to trust between people and in institutions and the sense of belonging to a society. Social mobility refers to equality of opportunity to get ahead.

In talking about this issue I particularly want to draw attention to the impact of unemployment in Mirrabooka, which I think has a potential risk to undermine the social cohesion of our community. Unemployment can be one of the greatest contributors to youth alienation, because young people with no prospects can be lured by expectations of other promises. I am not suggesting that that happens to everyone who is unemployed, but it is a risk factor. Unemployment in the Mirrabooka–Balga area now stands at one in four.

We really have to respond to that. If we are serious about counterterrorism, we need to ensure that we respond to such a hotspot for unemployment. I note a 2005 paper by Kevin Goldstein, which was in the *Undergraduate Economic Review*. When I looked at that and saw that it was volume 1, issue 1, I thought that maybe I should not rely on this—as in, the problem with Google. However, Goldstein looked at a number of major reports and studies, and based on those studies and some regression analysis of the statistics in those studies, he came away with the view that the unemployment rate was shown to have a high statistical significant association with the risk of terrorism. That makes allowances for the difficulty gaining unemployment data for less-developed nations and those in domestic strife. I need to completely caution that violent extremism and terrorism cannot be predicted, and clearly we cannot necessarily say that there is causality. But what Goldstein was trying to show though the regression analysis was that there was an association, and that other areas show that that is a risk factor. The high representative His Excellency Nassir Abdulaziz Al-Nasser at the seventh global forum of the United Nations Alliance of Civilizations—I am not sure it is a UN body—held this year in April 2016 said —

Rising disparities of wealth and opportunities within societies lead to marginalization and exclusion. Gender inequality, unemployment, and particularly youth unemployment, fuel radicalization and push people towards violent extremism.

I am not so sure that it is quite so clear cut a causality, but we need to be cautious. If we are going to be smart around counterterrorism, as Anne Aly suggests we should, responding to the extraordinarily high unemployment in the areas of Mirrabooka, Balga, Koondoola and Girrawheen is an imperative.

We need to listen to community concerns and to respond to them well. The report by the Community Development and Justice Standing Committee outlines two important ways that that has been done. In one of the reference notes at page 12 there is a report by Amelia Johns, Michele Grossman, Kevin McDonald titled, “‘More Than a Game’: The Impact of Sport-Based Youth Mentoring Schemes on Developing Resilience toward Violent Extremism”, which was in the *Social Inclusion* volume 2, number 2, 2014. It explains how participation in team sport is a very important aspect and how funding in those areas to ensure participation is really important. I also note that the report looks at arts and culture. Sport is not everyone’s cup of tea in the community, and many young people in the community I represent, and in other areas, are very keen to have a place to come together and make music, to speak about their experiences through music and art and to be able to help each other through difficult transitioning times. That may also be through dance. All those things are really important.

I finish by saying that it is really important not to react—to think we can get away from violent extremism by doing something such as banning the burqa. A 2011 Australian Security Intelligence Organisation report warned that banning the burqa —

... would likely have negative implications, including ... providing further fuel for extremist propaganda, recruitment, and radicalisation efforts.

I work alongside and have volunteers who come in my office who are amazing feminist Muslim women who see that as very much about their growth and their strength and their capacity to live here.

MR P. PAPALIA (Warnbro) [5.15 pm]: I am going to address the Terrorism (Preventative Detention) Amendment Bill 2016—noting that it is about countering terrorism—to attempt to right a wrong and challenge a cowardly attack that was made on a counterterrorism specialist during the recent federal election. An incredibly cowardly, ignorant, dishonest and inaccurate attack was made for a number of days—in fact for more than a week, if not two weeks—during the recent federal election by the Western Australian Liberal Party. This was

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

made by people at the very peak of the Western Australian Liberal Party. People in incredibly high positions of responsibility in this nation chose to get into the gutter in a cowardly attack on somebody who has not only done more than they have ever done to counter terrorism in Australia, but has risked her life in so doing. At the time I was outraged. I come to this argument with some background and some interest in counterterrorism, as does the member for Willagee, who no doubt will join me in a moment. I served in the military for 26 years, including in the Special Air Service regiment counterterror squadron, and deployed twice to Iraq and saw at firsthand the consequences of failure to counter the threat we are engaged in combatting at the moment. I was outraged during the election campaign and felt deeply ashamed of our federal government for indulging in the stupidity that it did, but also felt the desire to respond and defend Anne Aly at the time, but was asked and sought authority from the federal Labor campaign to do so, as did the member for Willagee, but we were asked to remain silent. It was deemed by those running the campaign at the time that it would not be in the interests of Anne or the campaign to continue the focus on what was a disgraceful attack.

However, now that the federal election is over and the right person won the seat of Cowan, it is open to us to use this discussion of counterterrorism to defend Anne Aly against that cowardly attack. Let us just reflect a little upon what happened during that campaign, and also I will reflect on the silence from the Western Australian Liberal Party leadership, including the Premier, who was very aware that this was a cowardly, irresponsible and ignorant attack. I will go into more detail as to why he was aware of that. But what happened during the campaign? Sensing that they were in trouble, realising that the swing was on, and realising that Anne Aly was a very attractive candidate to the people of Cowan, offering them an alternative they had not had for some time—the possibility of a good local member to represent them—the federal Liberal Party chose to engage in a disgraceful attack on her character and suggest that she had somehow intervened in a court case in the east coast in favour of a known radicalised Islamist, Junaid Thorne, who is a Western Australian. The reality is that Anne, whom I first met as far back as I think 2012, was the initiator of the only real deradicalisation program that exists in Australia.

She sought evidence of programs that have been proven to be effective in countering radicalisation around the world by engaging with young people who are vulnerable to radicalisation and changing their behaviour before they reach the point of engaging in terrorism. That is a smart approach to counterterrorism. She went to Europe and studied the programs and introduced the Hayat program to Australia. She offered it to the federal government without much success, I am afraid to say. She created People against Violent Extremism as a body here in Western Australia to offer the Hayat program to counter radicalisation.

In November 2013, the shadow Attorney General and I attended a conference on countering violent extremism here in Western Australia. We were the only politicians of any description from any party to attend and to demonstrate any interest. We represented the Western Australian Labor Party. No Western Australian Liberals attended despite the fact that the Attorney General was invited. No federal members of Parliament attended. These were the early days when Anne had foreseen some of the dangers that we were going to encounter through the radicalisation of young Western Australians and Australians and she had taken action to try to intervene and offer an alternative pathway for those people and an alternative intervention for the federal government.

In the lead-up to that conference, having met Anne earlier, seeing what she was offering and talking to her about what the conference would include, she asked me whether I could seek out a keynote speaker for her. I did because I had a friend who at the time was Deputy Chief of the Army. I have known Lieutenant General Angus Campbell since we did SAS selection together and served in the regiment. He subsequently attended my wedding and I have known him for decades. I contacted Angus and he was going to come. He had shown an interest, unlike the federal Liberal Party, in learning about alternatives to waiting until radicalised Islamists commit a terrorist act. Countering terrorism is on a spectrum. The part that involves men with weapons entering strongholds and dealing with terrorists is at one end of the spectrum. It is the very expensive, difficult, dangerous and risky end of the spectrum, but we have been doing that for decades. Clearance divers and Special Air Service regiment soldiers have been doing counterterrorism since Michael Keenan was in short pants, and it was laughable to watch that fool engage in an attack on Anne Aly during the federal election campaign and suggest that somehow he knew something about counterterrorism and somehow his government had done something new in counterterrorism.

We have the best capability for ending sieges in the world. We are at least as good as any other capability right around the world with that specific task. That is because good men have been training for decades, risking their lives and frequently losing lives in preparation of developing that capability, not because some bloke who was a real estate agent for the northern suburbs of Perth happened to get lucky enough to get the numbers to get into the job of Minister for Justice. He has done nothing for counterterrorism in Australia. In Australia we still do not have an adequate capability and anywhere near enough focus on intervening at the other end of the spectrum when young people are vulnerable to radicalisation; we need to get to them before they become bad enough to do something and harm other people. This government and the federal Liberal government have failed dismally in

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

that regard. They have done nothing to counter that risk. The federal government is aware of Anne Aly's program because it gave her a small amount of money, but it has not rolled out her program across the country. I suggest it is because again Western Australia is treated appallingly by the federal Liberal government. We are dismissed because we do not have many federal seats. The money for deradicalisation has gone to old men in the western suburbs of Sydney and Melbourne and it has patently failed. They do not have a program of the calibre of what Anne Aly was offering. The federal Liberal government failed to take the opportunity when she offered to help them learn about the program and roll it out adequately.

I will come to why I was disappointed in the Premier and the Western Australian Liberal Party at the time of the federal election and their silence on this disgraceful act. The Premier knows full well that when an 18-year-old by the name of Numan Haider attacked two counterterrorism police officers in Melbourne with a knife and was shot dead in September 2014, the Leader of the Opposition brought to the Premier's attention the existence of Anne Aly and her program. In a press conference the member for Willagee and I called on our Premier to notify the public of this program, its capabilities and what Anne Aly was able to do for the people of Australia in counterterrorism before it reached the point of having to shoot someone. The Premier then received a letter from the Leader of the Opposition again formally notifying him of the existence of Anne Aly and the program and asking him to intervene on behalf of Western Australians with the federal government to ensure that the program was fully funded.

The Premier knew full well that everything Michael Keenan, Julie Bishop and Mathias Cormann said about Anne Aly in the election campaign was utter rubbish. It was a disgraceful and cowardly attack. The Premier knew that and he remained silent. I was ashamed. I was disappointed because I expect more of the Premier; I know that he knew about Anne Aly and that he knew what they were saying was not only false, but it was gutter politics and damaging for the community. That is the most concerning issue. When we engage in this dog whistling—that is exactly what it was—we do long-term sustained damage to the community. It is the responsibility of leaders in our community to stand up and stop that from happening and the Premier was found wanting, I am sorry to say. But so was Malcolm Turnbull, who pretended it did not exist. It was on the other side of the country and he had nothing to do with it. Undoubtedly, the federal Liberal Party campaign considered what it was going to do and rolled out a sustained political attack on Anne Aly, who could not respond in anywhere near a fair manner, although she did incredibly well. Thank goodness she won the election. That was a deliberate act and a decision made undoubtedly with the concurrence of the Western Australian Liberals. It was obviously with the concurrence of Western Australian federal Liberals because they engaged in it. When Michael Keenan—a Minister for Justice, for goodness sake, a man who has done nothing for counterterrorism in this nation, a man who has contributed nothing to the national debate on national terrorism, a man who has sat idly by whilst the threat of radicalisation has spread through the community—had an option and a known proven program available with someone capable of delivering it, he chose not to do so.

Not only that, but he exacerbated his crime by then attacking that person in the federal election campaign for base political reasons. It was a disgrace. That Julie Bishop, the Deputy Leader of the Liberal Party, the most senior Western Australian Liberal in the country, chose to engage in it as well is appalling. She should be ashamed of herself. When will they apologise? When will Mathias Cormann apologise? He is another very, very senior Western Australian Liberal. I expect them to go into Parliament and apologise to the new member for Cowan. I expect the Prime Minister of Australia to apologise for not only engaging in this base political attack and unleashing his fools on this terrible errand to try to abase and besmirch a noble Western Australian —

The ACTING SPEAKER (Mr I.M. Britza): Member, you have to be careful how you refer to ministers of the Crown. I understand what you are saying, but be careful.

Mr P. PAPALIA: I am sorry. I will not withdraw, but I will continue without continuing down that path.

The ACTING SPEAKER: I am not asking you to withdraw; I am just cautioning you.

Mr P. PAPALIA: Not only did Malcolm Turnbull no doubt engage in the political plotting that led to this ridiculous attack, but since that time he has been cowardly in his absence from the political stage and the public domain. He owes it to himself. I actually have a fair amount of respect for Malcolm Turnbull. When he first took the leadership, I thought he would be a formidable Prime Minister, but he has proven me wrong. I expected a hell of a lot more from that man, a man who tried to champion a cause that I agree with—the republican cause. He appeared to be a good man, but he was too cowardly to stare down the thuggery that went on in Western Australia on his side of politics. It is a disgrace. The situation must be rectified; the wrong must be righted.

We have people over here who have some knowledge of our counterterrorism. We are the home of the wonderful Special Air Service Regiment—the people in Australia who created our counterterrorist capability and who spread and developed that capability further and engendered the same professionalism in the counterterrorist capability in the commando regiment on the east coast post 9/11. We know about these things. The community in Western Australia respects the military. We respect what people do and the risks that are taken on our behalf

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

to counter terrorism. The truth is that Michael Keenan behaved like a schoolyard bully, but he had no grounds to do so. If I have ever seen a soft individual, it is that man. What a baby-faced excuse for a tough guy! Where does he get the right to go into the public domain and suggest that somehow Anne Aly, whose life has been threatened by ISIS as a consequence of standing up against radicalised Islam, is the bad person? What an absolute disgrace. I say here today that debating the Terrorism (Preventative Detention) Amendment Bill in Parliament gives the Minister for Police and the Premier the opportunity to right the wrong on behalf of the Western Australian Liberal Party. Where was the Minister for Police? The minister knows that Anne Aly is a good person. She has the only program available in Australia. It is based on the Hayat program from Europe, which has been proven in Denmark and Germany. If the minister does not know that, she is ignorant and should apologise on behalf of her federal colleagues. The minister should get up on behalf of the Premier and apologise for his cowardice in failing to stand up at the time—failing to stand up on behalf of what is right and for failing to stand up on behalf of our community.

We deserve more in countering terrorism than putting the lives of good police officers, soldiers and divers on the line at the wrong end of the equation. We deserve a government that uses its brain a little bit more and invests in programs that will be effective by intervening at an early stage to prevent individuals from becoming radicalised and trying to change their behaviour before they get to the point of harming other Australians. It is cowardly, ignorant and simplistic to say that the government is tough and that it is going to respond by arresting them or shooting them after they become radicalised. That is the wrong end of the equation. That is where we risk good men's lives because they have to go through the door that the minister does not want to enter. They have to face the rounds coming the other way on the two-way range, not the Minister for Justice—whoever he is. He is the armchair general from the other end of the field. On behalf of all those people who will risk their lives if the government gets it wrong and allows these people to become radicalised without trying to change their behaviour, I ask the government to think about this.

[Member's time extended.]

Mr P. PAPALIA: I ask the Minister for Police, on behalf of the Western Australian government, to please take this opportunity to find the courage and stand up. I know that she did not have the courage during the election campaign—she should have the courage now. The Premier knew full well; he had it in writing. The Premier of Western Australia received a letter from the Leader of the Opposition way back in 2014, post the horrendous incident with Numan Haider and when Junaid Thorne first came to the attention of many of the public prior to the court case in New South Wales to which the government referred during the election campaign. At the time, it was brought to the attention of the Premier by the Leader of the Opposition that Australia's best option for intervening and de-radicalising young Islamists was Anne Aly and her program. The Premier knew all along, but he remained silent. He will be guilty of the same cowardice that the federal government displayed if he does not stand and rectify the situation now. I know that Malcolm Turnbull will hear my contribution tonight because hundreds of people will be scanning all manner of media. I know that he will hear this. Unless the Prime Minister of Australia apologises to Anne Aly in federal Parliament for the disgraceful attack undertaken during the election campaign by his henchmen and women on his behalf and with his full knowledge, I will call him a coward. This has damaged Western Australian society, it has damaged Australian society and it has damaged the Prime Minister. There is only one way for the Prime Minister to rectify the situation—he must apologise in Parliament.

MR P.C. TINLEY (Willagee) [5.36 pm]: I want to make a contribution to the debate on the Terrorism (Preventative Detention) Amendment Bill 2016. As weighty as it is—all two pages of it—it is a fundamentally important part of what we need to do to make a safer society for all Western Australians. The Terrorism (Preventative Detention) Amendment Bill, which we on this side of the chamber support, gives us an opportunity to raise in this chamber for the record a series of issues about how we are attempting to comprehensively address the issue of radicalised youth and citizens of Western Australia who do violence unto others in our community.

In an odd way, one can look at the rise of terrorism in its current form as a decentralised, diffused model that spread its tentacles across the globe by finding a home with some of the most vulnerable people in our community—the mentally impaired who are looking for an outlet for violence. It is a tailor-made recipe for what have been called lone wolf attacks, which are sudden and uncoordinated. Indeed, it is very difficult to identify proposed threats across the globe. In economic terms, it is what we call a disrupter. It is basically a disrupter to the way in which violence is perpetrated in an organised context or state-sponsored violence—or should I say the veil of state-sponsored terrorism across the globe. It is a disrupter because in military or security parlance it is an asymmetric threat; that is, it is without symmetry and it is very difficult to identify the patterns that lead to the behaviours and circumstances that have occurred here in Australia and across the globe.

When we consider legislation that attends to this, we cannot separate ourselves from the machinery of legislation such as we find in the Terrorism (Preventative Detention) Amendment Bill 2016. We cannot separate ourselves

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

from the easy piece of black-and-white paper that describes the laws of the state and the country from the more difficult parts, the more nuanced and intensely harder parts that are needed to ensure that we stop this at the root of its cause—that is, the attraction and radicalisation of our youth to these sorts of causes. It is no good simply identifying a problem without having a comprehensive solution, and this is the fundamental problem with the conservative side of politics in this country, and it is certainly evidenced here in this state with its approach to crime generally. This extends no less to the very serious topic of terrorism, be it internationally state-sponsored, a randomised lone attack or domestic violence used under the veil of some sort of religious connection to a higher purpose. We saw no better example than the way things played out in the Lindt cafe siege in Sydney that we all remember so tragically occurred. The perpetrator of that particular offence was in no way connected formally to any of the noted terrorist organisations nationally or internationally and in fact had a long history of mental health issues and a long history of being known to the authorities for acting out and using any variety of reasons as a rationale for the way he decided to behave.

The ACTING SPEAKER (Mr I.M. Britza): Excuse me members, the conversations are rising and I am finding it difficult to hear the member.

Mr P.C. TINLEY: In my view, one of the things we need to completely understand here in Western Australia is that when it comes to terrorism, we cannot separate ourselves from the federal—that is, the national—and the international environment. It is no longer good enough for us to just wave our hands and say that this is a federal issue. We all have members of the public come to see us in our electorate offices about particular things and the minute they come with something that is Centrelink related, passport related or immigration related, we can give the fastest referral you have ever heard to their local federal member down the road to attend that particular issue, because it is not our business; it is not our concern. When it comes to terrorism, it is our concern. The way we behave, the way we act and, most importantly, the way we think about these particular problems is fundamentally important to the security of the citizens of Western Australia. If nothing else, the security of its citizens is the first priority of government, and of course of Parliament—of the executive branch resident in the government and the parliamentary branch, if you like, representing the two houses of this Parliament. If we cannot make people in Western Australia feel safe—I said “feel” safe; there is a fundamental distinction there—we are absent in our duty and we are letting them down.

There are many things that help people feel safe. One is a strong economic future that they can believe in with jobs that will deliver the certainty, security and income that they need to support the standard of living that makes them feel like they are part of the community. They also need the social fabric that, in my view, is best delivered by state and local governments. They need to understand that community is fundamentally important. This is where we have the Venn, if you like, of two intersecting parts. One is the federal issues of nation-to-nation and international affairs. The responsibility that we ceded to the commonwealth at Federation to undertake the defence of Australia is now very limited in its relevance. The defence of the commonwealth of Australia now intersects very clearly with community, how we build community, how we engage with the community and how we interact with the community. No longer can we keep these federal matters at arm's length. No longer can we ignore the reality of homegrown terrorism here in Western Australia. Bills like the one we are debating, although they are mundane in many ways, are but a step along the way to a strategy, about which we are yet to hear from this government, in the way the government wants to prosecute the defence of Western Australia and its citizens to have both the quiet enjoyment of the great life we have here in Western Australia and also to singularly have a significant amount of confidence.

So, words matter. If we produce nothing else in this chamber, we do produce words! Out there, the words of anyone who is part of the executive government at both the state and federal level matter. The words of a minister of the Crown matter. The words of a member of the opposition or a backbencher might have a slightly diminished impact—I get that—but I am talking about people who hold the Governor's commission to undertake the duties of a minister in this state. They have a fundamental responsibility, regardless of where we are in the electoral cycle, to absolutely add to the atmosphere of safety. They cannot by their words make people feel unsafe. That is what we saw in the federal election campaign leading up to 2 July. We saw base politics, not of the Liberal Party, not of the National party, but in the politics of fear.

Dr G.G. Jacobs interjected.

Mr P.C. TINLEY: Thank you, member.

We cannot give in to fear and attempt to scare our citizens—not by the fact that they are going to have an additional cost to their car registration or a new form of land tax or increased utility charges; I am not talking about those sorts of scares. I am talking about scares that fundamentally make people concerned about their actual physical safety and more importantly the physical safety of their family. Not two nights ago my 10-year-old son was watching the news with me, which we do from time to time—I never do it without the parental guidance right next to him—and I allowed him to watch a story about ISIS. I thought the story was

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

relatively benign in the way it was portraying the issues, in this case in relation to Syria. He went to bed at the usual time, which is 8.30 pm in our household, and not 30 minutes later he got out of bed and said he could not get to sleep, which is unusual for my son; that boy can sleep on a picket fence! I said, “What’s the matter, mate? What’s up?” He said he could not get to sleep because he kept thinking of ISIS. That was easy to handle. We are a strong family; we have those open conversations about a lot of those things. But what if that is happening in a lot of homes where there is unconstrained exposure to the fear that TV and, of course, the devices that our youth, and all of us, have? We cannot control it. We can shape it, we can understand it, but we cannot put our heads in the sand do nothing about it. This government has a fundamental responsibility to come up with a strategy to identify and develop the responses needed at the community level. Again, I come back to the intersection between national, international and—the bit we are responsible for—community issues. We cannot sit idly by and watch this go on. Those words that matter matter most when they come from Premiers and Prime Ministers and from ministers charged with the responsibility to underpin the architecture of confidence and put in the foundations that support a confident community that can embrace the multicultural society that we are without fear. That comes with a brave approach to informing the citizens and making sure that those public figures do nothing in their words or their deeds that would cause citizens to find an alternative view.

In the last federal election campaign we saw the very opposite of what I have just said and proposed. We saw the justice minister of Australia, who has many years’ experience in the Parliament and in politics, attempt to unleash a scare campaign in the seat of Cowan. He attempted to peddle in fear. Michael Keenan, the member for Stirling, did nothing more than corrupt the confidence of people in Western Australia, and certainly the constituents of Cowan, in the belief that they live in a safe country. He did so in the muddiest of ways: he attacked the Labor candidate for Cowan, Dr Anne Aly, in what can only be described as a dog whistle manner. He and his co-conspirators—including the federal Minister for Finance, no less, and the Minister for Foreign Affairs—were complicit in a personal attack on Dr Aly for writing, as the Minister for Justice put it, a “letter of support” for radical preacher Junaid Thorne. *The West Australian* reported that the letter was written when Dr Aly was the founding chair of a government-funded body, People against Violent Extremism Inc.

He claimed that Dr Aly wrote a letter of support after the sentencing of Junaid Thorne; nothing could be further from the truth. That was not accurate, and Michael Keenan, as Minister for Justice, should know better. It was not accurate. She did not write the letter asking for a reduction of the sentence; she wrote the letter at the urging of an officer of the court to see what alternatives there were other than just locking this fellow in prison, which would ultimately only add to his radicalisation. People against Violent Extremism Inc is a program funded by the federal Attorney-General’s Department, and the federal Department of Justice—Michael Keenan’s own department—also taps into it. It is not just about deradicalisation as a preventive measure; it is also about reintegration of people who have been through the justice system and who have been or could be exposed to radical thoughts or motivations.

Dr Anne Aly conceived, founded, established and grew what is now an internationally regarded deradicalisation program. The President of the United States himself has met with her and the US Department of Homeland Security has engaged her as a consultant to develop its own counter-radicalisation programs. This is the person whom Michael Keenan directly attacked in a most baseless, shameful way to attempt to create a sense of fear in the good people of the electorate of Cowan. That is exactly what we, as parliamentarians, should not do in political and public life—attack an individual like that and cast the slur that she somehow was complicit in the development of radicalised, homegrown terrorists here in Australia.

Ms M.M. Quirk: Member, can I interject to say that Minister Keenan would not even defend himself in the media.

Mr P.C. TINLEY: I thank the member for Girrawheen.

[Member’s time extended.]

Mr P.C. TINLEY: Michael Keenan was interviewed by Geoff Hutchison on ABC Radio and made these assertions, and Dr Aly—the person in this story who has some backbone and gumption—rang up to defend herself and to debate him. He was reported as saying that he thought it was beneath him to actually debate a Labor candidate, but I had better get his words right for the sake of accuracy, with the indulgence of the chamber. An article from the *Sydney Morning Herald* of 23 June states —

When given the opportunity to later challenge Dr Aly directly on live radio, Mr Keenan refused, saying debating a Labor candidate was beneath him.

He is apparently so high above us all that debating a Labor candidate is beneath him! Has he completely lost his mind, or has he lost his ticker? What was he afraid of? Why was he afraid to debate the very person he accused on the sly in the worst possible way, through a smear campaign and a dog whistle?

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

Who are we talking about? We are talking about Dr Anne Aly. Let us be clear about who she is. She was born in 1967 in Egypt and migrated to Australia at the age of two. She graduated from the American University in Cairo in 1990 with an undergraduate bachelor's degree and in 1994 received postgraduate qualifications in language studies from Edith Cowan University—a good Western Australian university—followed by a master's degree in 1996 and a PhD in 2008, both also from Edith Cowan University. In 2008 she received the ECU dean's award for best new researcher and in 2009 won a publication award from the Australian Institute of Professional Intelligence Officers. She was also appointed to the Council for Australian–Arab Relations at the Department of Foreign Affairs and Trade, so obviously DFAT does not have a problem with her. In 2011 she was inducted into the Western Australian Women's Hall of Fame and her research has been funded by the Australian Research Council's Safeguarding Australia initiative. This is no intellectual, social, moral, or ethical lightweight; Dr Aly is a substantial Western Australian.

What was Michael Keenan saying when he referred to Dr Aly in this way? Was he blowing a dog whistle when he made a connection between her Egyptian heritage and Muslim faith and her support for Junaid Thorne? He needs to clarify the record. He has the opportunity in the federal House of Representatives to not only apologise to Anne Aly but also correct the record about what he meant and explain why he did not have the ticker to debate her on live radio. He needs to step up to his very first responsibility as a minister of the Crown and contribute to making the citizens of our community feel safe.

I will finish on a point about the strategic plan. Never before have we seen international security issues intersecting with those of the community at the state level, but we cannot ignore it anymore. The Baird government in New South Wales knows that, and has committed \$47 million to identifying and supporting deradicalisation programs and other programs that have been proven to work, such as Dr Anne Aly's own People against Violent Extremism program. It is not good enough for this government to just throw up machinery around sentences in the form of bills such as these. Although they are important, they are not the whole story.

My final comment is to the Minister for Police. She and the Minister for Community Services, of all people, have the responsibility, as ministers of the Crown, to provide leadership in their cabinet to ensure that we have a comprehensive anti-terrorism plan—not a counterterrorism plan, but an anti-terrorism plan—so that we can transcend what has so far been a federal issue and bring it to the local area, because only in those circumstances will we create the sorts of networks we need for people to feel safe and do what they need to do in order to go ahead and live full, complete lives.

The onus is on the minister, and I really do wish her luck. I would like to engage with her in finding a comprehensive plan that will contribute to the safety of the people of Western Australia and allow them to live their lives and bring up their children in a community that we want to believe in.

Sitting suspended from 6.00 to 7.00 pm

MR D.J. KELLY (Bassendean) [7.00 pm]: I want to make some comments on the Terrorism (Preventative Detention) Amendment Bill 2016, which this side of the house supports. This is no small matter. Even though the opposition is supporting the bill, it does not mean we do not believe these matters to be of utmost importance. In the second reading speech to the bill, the Minister for Police talked about our duties as legislators as being —

to ensure that our law enforcement officials have all the necessary means available to them to prevent and respond to terrorism threats and attacks.

In her second reading speech, the minister spoke about the recent tragic events in Brussels and the fact that terrorism —

strikes at the heart of communities around the world and impacts upon the freedoms we have sought for so long to obtain.

Those words in the second reading speech show how important and significant our obligations are, as members of Parliament, to the communities that we were elected to serve to prevent terrorism. It is in the context of those comments that I also want to say how angry I was during the recent federal election campaign when senior members of the Liberal Party chose to try to make political points around the issue of terrorism and anti-terrorism. I refer in particular to the comments of the foreign minister, Julie Bishop, and the Minister for Justice, Michael Keenan, in the attacks they made on Anne Aly, who at the time was the Labor candidate for the seat of Cowan. It was blindingly obvious what senior members of the federal Liberal Party were trying to do. Dr Anne Aly was the Labor candidate for Cowan, which was a marginal seat. The Liberal Party was desperate to keep the incumbent, Luke Simpkins, in the spot. They could tell from the polling how precarious that seat was and how much of a fight the member was in for, so what did the Liberal Party choose to do? It chose to try to use community concerns about terrorism, and in particular Muslim extremists, to

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

smear the Labor candidate. It is hard to imagine a more disgusting way to do that than the way in which Liberal members approached that. As the second reading speech for this bill makes clear, as parliamentary representatives, protecting our community from terrorism is one of our most significant duties. As a result, it is routinely said that issues of national security and terrorism prevention should be above politics and should be bipartisan issues, and not ones on which we should attempt to score political points. But in the federal election campaign, the Liberal Party threw that convention or value out of the window in an attempt to protect their incumbent in Cowan.

Anne Aly has spent much of her professional life working on measures that protect our community against terrorism; in particular, extremist religious beliefs. As a result, her life has been threatened by people who presumably hold those views. She has been widely recognised both nationally and internationally as a person who has something worthwhile to say on these issues. She was previously contracted by the federal government to deliver what is commonly termed “deradicalisation programs”. Yet despite all of that, the Liberal Party attempted to smear Anne Aly by implying that she was essentially soft on terrorism. Michael Keenan, the justice minister, claimed that Anne Aly had written a letter of support for a person who he implied had been guilty of a terrorism offence. Absolutely none of that was true. The person in question had not been charged with a terrorism offence, and Anne Aly did not write a letter of support for that person in any event. What she did was write a letter recommending that he might be suitable for a deradicalisation program—a program that had been supported by the federal government. I just find it absolutely disgusting that the Liberal Party, for no reason other than to try to save the skin of Luke Simpkins in Cowan, would throw out the rule book on dealing with issues of national security. They were willing to have our national security taken down a peg and have these issues cast around in the community in the midst of an election campaign in a way that was designed to damage a Labor candidate and which clearly was not a positive way to discuss these things. It certainly did not do anything to enhance our national security.

The prominent Western Australian Liberals in the national cabinet who were at the forefront of that attack are the same people that members of the government in this house champion in the Liberal Party on almost a daily basis. Government members need to take responsibility for what was done. As has been previously pointed out, in particular by the member for Warnbro, the Premier could have protested about the way this matter was dealt with by the federal Liberal Party, but he did not speak out during the whole federal election campaign. The other side of the house stands condemned for the way it handled that issue. The Minister for Police came into this house with a bill that we support, but government members cannot pick and choose on national terrorism; they have to do the right thing all of the time and not only when it is politically expedient to do so. When it was politically expedient, the Liberal Party got into gutter politics and made our community less safe by trashing an individual who had worked hard for most of her professional life to prevent young people from becoming radicalised. Liberal members chose to try to take her down not because of anything she had done of substance but because she was a Labor candidate. Government members cannot hold their heads up high on issues of national security if they are not going to uphold those values 100 per cent of the time.

I want to touch on another issue in this bill. I caught only part of the member for Willagee’s contribution but I understand that he said that we have to have a holistic way of dealing with issues of national security, and in some ways the lines between national responsibility and federal responsibility have been blurred. The time when we could just say that national security is a federal issue and that it has nothing to do with us in this state has gone. As the member for Willagee said, what we do in the state Parliament as far as building communities and ensuring communities are robust through job creation, the education system and all those things, the strength of our communities is really part of the planks that we put in place to protect ourselves, particularly from homegrown terrorism. I agree with those comments. I also wanted to say, as part of that holistic view of our approach to national security, that as well as being conscious of what we do domestically, we also have to always be conscious of what we do or do not do internationally. Clearly, things that Australia or its allies do internationally impact upon our national security.

In October, I talked in this place a little about a hospital in Kunduz, Afghanistan that is run by Médecins Sans Frontières, or Doctors Without Borders. That hospital was destroyed on 3 October 2015 by a US military air strike. On that evening, 42 people died, including 24 patients, 14 medical staff and four caretakers. The attack on that hospital that night was prolonged; it was not a single stray bomb. The US military has since admitted responsibility for that strike. It released a report that outlined a range of errors that occurred that night that led to that hospital being wrongly targeted. It was a terrible event. When I spoke about that event in this house in October, I recounted some of those events through the eyes of Kathleen Thomas, an Australian doctor who was there that night. She described her survival that night as a miracle. I have since read stuff that she wrote about what it was like to hold friends in her arms and watch them bleed to death as a result of that event. That was an absolutely terrible event. I raised it in Parliament because I hoped that as an Australian government, we would do everything we could to make sure that military action that is taken by our side in the fight against terrorism ensures that hospitals in conflict zones are protected.

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

Unfortunately, since that strike in October last year, numerous hospitals run by Doctors Without Borders in a number of places have similarly been hit. Just yesterday an MSF hospital in Yemen was hit and at least 11 people were killed. Early reports are that the strike in Yemen was a Saudi Arabian air strike. Again, they are on our side in the war against terror. It is a terrible tragedy to think that people working in a hospital trying to care for the sick and the injured come under attack. Our government does not seem to be willing, certainly not publicly, to criticise our allies for those attacks. I have not heard any public comments from the federal government or from Julie Bishop as the foreign minister. I would be happy to be proven wrong, but I have not seen anything from her in respect of the Kunduz incident in Afghanistan in which the US military has acknowledged that it destroyed that hospital and it was a mistake. Every time either we or our allies engage in military action overseas, resulting in civilian deaths, we damage our own national security. We are often led to believe that our military is so precise these days that when we engage in air strikes against terrorist targets, our military is so sophisticated that we can take out the terrorists and civilians are not injured. Clearly, that is not the case. As a national government, we need to be speaking out. We need to make the position clear that incidents such as what happened in Kunduz that night in October and what happened yesterday in Yemen, if it was a Saudi air strike that took out that hospital, are simply not acceptable, firstly, because of the cost of human life and, secondly, because they make our national security weaker. I am sure that Kathleen Thomas, the Australian who was at that hospital in Afghanistan that night, would also appreciate hearing her national government speak publicly about what happened to her that night.

We support this legislation but, as I said, it is not good to come in here and do the right thing on a piece of legislation if the Liberal Party, judging by the way it conducts itself on other issues, is not handling the issue of national security in a way that is above politics and if it does not display the utmost integrity on this issue. It certainly did the exact opposite with the Anne Aly campaign and its silence on some of the other overseas incidents that I have mentioned does not reflect that.

MRS L.M. HARVEY (Scarborough — Minister for Police) [7.18 pm] — in reply: I thank members for their contribution to the debate this evening. As members are aware, the Terrorism (Preventative Detention) Amendment Bill 2016 is really just seeking an extension of the sunset clause. That said, it is always interesting to hear members' perspectives on acts of terrorism and the general threat that rests out there in the community with respect to these matters and the issues arising from radical extremist terrorists and some of the carnage that we have witnessed as a result of their activities, thankfully so far not in Western Australia.

I will address some of the comments that have been raised and some of the requests that have been made by members. The reason the extension of the sunset clause in this amendment bill was delayed in coming to Parliament was because a number of initiatives are currently being progressed in the counterterrorism space with the Australia–New Zealand Counter-Terrorism Committee. That committee has been looking at identifying improvements to legislation, including areas such as preventive detention and other aspects that could potentially be added into legislation at the commonwealth level and could then be reflected in the states. We have been waiting on that commonwealth legislation to go through, but it became apparent that that legislation is not going to come through in a time frame that was acceptable to extend the sunset clause for our legislation. I do not want the legislation to lapse, so I brought forward for debate this legislation seeking an extension to the sunset clause.

An internal review of this act is taking place. A draft report is being finalised, and I believe it is currently out for consultation. That review was conducted by WA Police and the Department of the Premier and Cabinet, with the department being the lead agency, as it is involved in a range of initiatives with the commonwealth on countering violent extremism. Some of those initiatives may potentially be included in legislation in the future, but suggestions for amendments resulting from that internal review were not to hand when this amending legislation was drafted.

New South Wales and Queensland have enacted their legislation, but it was decided that it was better to wait until the commonwealth made changes before proceeding with any further amendments to our legislation. Recently, the Attorneys General of each state met in Canberra with the federal Attorney-General with a view to the Council of Australian Governments working on ways to strengthen our resilience against the potential for acts of terrorism occurring in Australia. There are also significant discussions about legislation for a nationally consistent pre-charge detention scheme for terrorism suspects.

A lot has been discussed about deradicalisation programs and the like. Some advanced work has been done through the Australia–New Zealand Counter-Terrorism Committee. That work is being progressed by the Department of the Premier and Cabinet as the lead agency, although obviously WA Police is involved in those discussions. That project is looking at a multipronged approach to ensure that a deradicalisation program is available in Australia, in the areas of the community where we believe there is vulnerability—for example, prisons and some schools, and other pockets where there are concentrations of potentially disaffected people who may be vulnerable to radicalisation by terrorist groups. That deradicalisation program is being developed in conjunction with our federal counterparts. The Department of the Premier and Cabinet is working on that. I expect that some outcomes of those discussions will be available in the future. I do not have all the details of

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

those aspects of the deradicalisation program that are being considered. As I said, that is being progressed by the Department of the Premier and Cabinet with the Attorneys General of each state.

I thank members for their contributions to the debate and look forward to progressing the bill through the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1: Short title —

Mrs M.H. ROBERTS: In relation to clause 1, the minister has given us the names of her advisers; I am wondering whether I can find out what their titles are and what departments they are from or where they work.

Mrs L.M. HARVEY: Helen Major is a research and legislation officer for legal and legislative services with WA Police. Mr Peter Sawyer is the senior sergeant from the emergency preparedness unit of the counterterrorism and emergency response section of WA Police.

Mrs M.H. ROBERTS: This is the Terrorism (Preventative Detention) Amendment Bill 2016. In the minister's second reading response she made a few points about the advanced work that the Department of the Premier and Cabinet is doing in the terrorism space. She said that this advanced work was going on and so forth, but she did not actually specify what that advanced work was or when it would come to a conclusion. I note that other states such as New South Wales have been able to bring a lot of work to a conclusion already. I raised questions during the second reading debate about what was happening in schools and in the community in Western Australia in countering radicalisation and so forth. In May this year, New South Wales was already working to build social cohesion et cetera. A speech given by Premier Mike Baird states —

Expert teams have been deployed across New South Wales schools to work proactively with identified schools and respond as required. Further training has been provided to counsellors and resources have been developed for our teachers and parents to help them understand this threat and to help them protect our youth. We are also developing a service with phone and online support, and information for individuals, families, friends and community members.

I ask the minister what programs, if any, are in place in our schools. What resources have been made available to the community, or have the minister and the Premier just been caught napping on this whole issue?

The ACTING SPEAKER (Ms L.L. Baker): I remind members that clause 1 is the short title of the bill.

Mrs L.M. HARVEY: First of all, a countering violent extremism working group is operating in Western Australia. The way the work proceeds is that threats are identified and programs are developed in response to those threats. New South Wales is more significantly progressed on these issues, and that is in response to the significantly different demographic in that state and a much higher risk profile having been identified there over a number of years. We have not been caught napping. The countering violent extremism working group reacts in response to intelligence, and then a response is tailored according to what is identified. At this point in time we are in a significantly different position from New South Wales, which is why work in that state is far more advanced.

Mrs M.H. ROBERTS: Further to that, can the minister tell me where in the government the countering violent extremism working group she referred to is located, how many full-time equivalents it has and what funding is provided?

Mrs L.M. HARVEY: I know that one person is a secondment to that group from WA Police. I would need to take the question about other agencies on notice, if the member would like that information. I do not have it to hand.

Mrs M.H. ROBERTS: It is all very well to suggest that New South Wales is much further advanced, but the fact of the matter is, as I pointed out previously, that New South Wales has allocated \$47 million to fight violent extremism. It is also spending \$8 million on community organisations. It was announced by the Minister for Multiculturalism in that state that 14 organisations would receive \$8 million. It seems very much that we are on the reactive rather than the proactive list, but I will move on from that point and ask about something else that the minister raised in her second reading response. The minister referred to the work that is happening at a commonwealth level. Of course, most of us have read that Malcolm Turnbull is suggesting further amendments in the area of counterterrorism. When does the minister expect those? Apparently, according to the minister, none of this is available yet; we are still waiting on information from the commonwealth. Apparently, there is an internal review. Again, I asked during the second reading debate whether a review was happening. When did that internal review commence and when is it likely to finish? When does the minister

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

anticipate that she will have sufficient advice from the commonwealth to bring further counterterrorism legislation before this house?

Mrs L.M. HARVEY: The review of the legislation was conducted in 2015. The report on the review of the act has been circulated internally amongst stakeholders, mostly within WA Police. The consultation on, and assessment of, the review has not been finalised yet.

The ACTING SPEAKER: Member for Midland, I remind you that this is a debate on the short title of the bill, so could you just reflect that.

Mrs M.H. ROBERTS: Thank you for your advice, Madam Acting Speaker. There are four clauses in the bill. I have only a limited number of questions, so it will not be a protracted debate. I am hopeful of some answers to a limited number of questions. The minister referred to the report that was done in 2015 that has been circulated internally. Is the minister able to provide me with that report?

Mrs L.M. HARVEY: It will be tabled once the consultation process is completed, but it is not available at this time.

Mr P. PAPALIA: In the same manner as the manager of opposition business, I propose that I ask these questions now because there are only four clauses. One question is specifically about the programs that the member for Midland asked about. The minister was unable to respond and she was going to seek advice on what sorts of programs have been considered. Can she confirm whether Hayat, the program that was championed by Anne Aly, is one of the programs under consideration by the body that is advising the government in Western Australia on these matters?

Mrs L.M. HARVEY: I am advised that it is not specifically that program, but Anne Aly has certainly been providing advice to police and was consulted in November. The work of Anne Aly in that consultation process has also occurred with Curtin University and Edith Cowan University with respect to what we need to develop in that deradicalisation space. With respect to that individual program, I do not believe so, no.

Mr P. PAPALIA: Anne Aly was advising Western Australia Police about deradicalisation programs in November last year, yet the federal Liberal Party attacked Anne Aly in the recent federal election campaign. Is the minister confirming that that happened and that her government failed to speak up on her behalf, knowing full well that she was advising the Western Australia Police on the deradicalisation of Islamist radicals?

The ACTING SPEAKER: Minister, you can answer that if you choose to. It is not related to the short title of the bill. I appreciate what we are trying to achieve here.

Mrs L.M. Harvey: I am not going to give an opinion on political matters on the short title of the bill in consideration in detail.

Point of Order

Mrs M.H. ROBERTS: If the minister was responding then, I expected that she would stand. Will her comments be recorded in *Hansard* when she continued to sit and disobey the standing orders of the house?

The ACTING SPEAKER (Ms L.L. Baker): Thank you, member. It is quite right. Minister, you should have told me that while you were on your feet for *Hansard*.

Mrs L.M. Harvey: I apologise.

Debate Resumed

Mr P. PAPALIA: I have another question on the minister's second reading response. She referred to programs being considered in different locations, including in prisons. How many radicalised Islamists are in Western Australian prisons at the moment? I am aware of at least one in Casuarina Prison. How many are there and are we targeting them with programs at the moment?

Mrs L.M. HARVEY: I do not have that information to hand, but if the member would like to put the question on notice, I could certainly find it.

Mr P. PAPALIA: I would not like to put that on notice. This is an urgent matter. We are talking about threats to the community. Radicalised Islamists in our prisons are a threat because they can radicalise other young men in prison who are vulnerable, such as young Aboriginal men. Forty per cent of our prison population is Aboriginal at the moment. Many of them are young, aggrieved and vulnerable to this type of radicalisation. I want to know what the government is doing about it. I think the people of Western Australia would like to be reassured.

Mrs L.M. HARVEY: With respect to the member's question, I understand his passion about this issue. We certainly have people within WA Police and in prisons working on it. However, I came here prepared to debate four clauses of a piece of legislation that will extend the sunset clause of an act of Parliament. I have come prepared with that information, not with a broad suite of project material from every portfolio on what is

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

happening in the counterterrorism space. The member is free to ask these questions on notice or seek that information from me by way of a letter to my office if he wants more information.

Mrs M.H. ROBERTS: The minister's response is entirely unacceptable for a minister dealing with amending legislation in this house. A minister dealing with amending legislation in this house is dealing with legislation that amends a principal act, so familiarity with the principal act and the issues contained in the principal act is essential. This bill will effectively allow the whole act to continue for another 10 years, so every aspect of that act is relevant when we are dealing with an amending bill. Her response, her general flouting of the standing orders of Parliament and her contempt in not answering questions do not assist its passage. We have had good Ministers for Police in this house previously. Some of them have even been Liberal Party members. One was a former member for Albany, Hon Kevin Prince, who did his best to answer questions and we progressed legislation rather quickly. When the minister comes into this house, she needs to be able to answer substantive questions about the bill; otherwise, people will talk on every one of these four short clauses. If she showed a little less contempt and endeavoured to answer the questions, or if she was a little better prepared on the principal act and its implications, she might not —

Ms M.M. Quirk: She thinks it's funny. She's laughing.

Mrs L.M. Harvey: I'm not laughing.

Mrs M.H. ROBERTS: I hope she is not, because it is a very serious matter. In light of the Liberal Party's performance during the federal election, and given her government's total lack of emphasis in this area, the minister has a lack of understanding of the process of deradicalisation. Only one full-time equivalent in the police is involved. She does not really know what is going on in the Department of the Premier and Cabinet. She does not know how many FTEs the working group has or what they are or when the government is going to bring anything before Parliament. She does not know whether a single dollar is being spent in the education system, in community groups or under the multicultural and ethnic affairs portfolio. None of that is her brief! It is all the minister's brief, because terrorism sits fairly and squarely under her brief as police minister. In this house, she also represents the Attorney General, so I think it is quite reasonable to expect some basic answers.

Clause put and passed.

Clause 2: Commencement —

Mrs M.H. ROBERTS: This clause states that it commences on the day that the act comes into operation. I anticipate that this legislation will pass through this house tonight and will go to the Legislative Council. When does the minister anticipate that it will be out of Parliament and when does she anticipate it getting assent?

Mrs L.M. HARVEY: The government intends to have this bill progress through both houses of Parliament so that we can seek royal assent before the act's expiration on 22 September 2016. Our intention is for this bill to receive royal assent prior to or on that date.

Clause put and passed.

Clause 3: Act amended —

Mrs M.H. ROBERTS: This clause states that the bill amends the Terrorism (Preventative Detention) Act 2006. Prime Minister Malcolm Turnbull and others have clearly indicated that they want amendments. I understand that the Council of Australian Governments has agreed to amend the complementary acts that are in place around Australia. Indeed, if it has not already, COAG intends to amend the commonwealth legislation as well. Can the minister advise whether she anticipates bringing in other amendments to the Terrorism (Preventative Detention) Act 2006 prior to the end of this year?

Mrs L.M. HARVEY: No. We will not bring through any amendments to this legislation prior to the end of the year. My understanding of the commonwealth legislation's status is that the commonwealth Parliament resumes on 30 August and the legislation lapsed with the double dissolution election. As to the status of that legislation on the agenda that has been compiled in Canberra from 30 August, I have not yet been advised whether it will be prioritised. Our view is that we would like to see the legislation passed through the commonwealth Parliament before we look to amend the legislation in Western Australia.

Mrs M.H. ROBERTS: During the second reading debate, I raised some other questions that the minister failed to answer. Some of those questions related to comments made by Mr Mike Baird when he put the Terrorism (Police Powers) Amendment (Investigative Detention) Bill 2016 through in May this year. He noted that the legislation was amended to fix some loopholes. I asked the minister whether similar loopholes to those that were uncovered in New South Wales exist in our legislation. I asked whether the minister or WA Police had reviewed Operation Appleby, which apparently revealed shortcomings in the New South Wales legislation. I also asked whether those same shortcomings exist in our legislation.

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

Mrs L.M. HARVEY: I am advised that the 2015 review, which is currently out for consultation within Police, has not identified any significant loopholes such as those that the member is referring to.

Mrs M.H. ROBERTS: I will now be more specific. The New South Wales government made a couple of changes to its legislation. One was to tighten bail laws to ensure that people who pose an unacceptable risk to the community are not eligible for bail. Has the minister examined that matter? Is there a similar shortcoming in our legislation? As part of its amendments to the equivalent bill, the New South Wales government placed restrictions on illegal firearms and created tougher penalties for gun possession. How does our legislation compare on those two fronts?

Mrs L.M. HARVEY: The issues that the member raised have not formed part of the review of our legislation.

Mrs M.H. ROBERTS: Does the minister concede that if the adequacy of bail laws and restrictions on illegal firearms has not been reviewed, she has let down the community of Western Australia? The pieces of legislation are complementary; this is the equivalent piece of legislation. New South Wales found these inadequacies in its complementary legislation. Maybe we got our legislation right in the first place; I do not know. However, it seems to me to be wholly inadequate if WA Police has not even considered the matters that New South Wales found to be major issues when Operation Appleby was reviewed. Why have the bail and illegal firearms aspects not been reviewed?

Mrs L.M. HARVEY: We have completely different firearms legislation from New South Wales. My —

Mrs M.H. Roberts: They're not completely different; you're misleading the house. They're not completely different.

Mrs L.M. HARVEY: Can I finish my sentence?

The ACTING SPEAKER: Members!

Mrs M.H. Roberts: There is uniform firearms legislation —

Mrs L.M. HARVEY: I will sit down and the member can get on her feet and talk.

The ACTING SPEAKER: Member for Midland, the minister is on her feet attempting to answer your question. I think it would be appropriate to let her attempt to complete the answer.

Mr M.P. Murray interjected.

The ACTING SPEAKER: Member for Collie–Preston!

Mrs L.M. HARVEY: Thank you, Madam Acting Speaker. As I was going to say before I was interrupted, Western Australia has different firearms legislation from New South Wales. I thought I explained quite succinctly in the summing up of my second reading response that there is amending legislation in the commonwealth Parliament and we thought it prudent, in the context of the threat level that was identified in Western Australia, to wait for that commonwealth legislation to come through and to then look to review or amend our legislation to reflect the changes that were made to the commonwealth legislation. That is the sensible approach to take to these matters. In the 10 years of this legislation's operation, it has never been used in Western Australia. As I said, New South Wales operates at a different threat level. As I said, we seek to extend the act with this amending legislation. We have said that a review is in train and there is no doubt that there will be some recommendations from that review. When the commonwealth legislation is passed through the commonwealth Parliament, we will then look to incorporate any relevant changes to be included in the preventive detention legislation in Western Australia. At that point, we will bring those amendments to the house should we be in government at that time.

Mrs M.H. ROBERTS: Can the minister specifically advise how the penalties for illegal gun possession in this state compare with New South Wales?

Mrs L.M. HARVEY: I do not have the two pieces of legislation in front of me but I would be happy to provide that information at a later point if the member cares to put the question on notice or write to me.

Mrs M.H. ROBERTS: If the minister does not know what the penalty is in New South Wales, can she simply advise what the penalty is for illegal gun possession in Western Australia? Premier Baird said that significantly raising the penalty for illegal gun possession was an important aspect of his amending bill, and in New South Wales, the penalty was raised significantly. Can the minister at least advise me of the penalty so that I can compare it for myself, because information on the penalties in New South Wales is available? Would the minister like to advise what the penalty is in Western Australia?

Mrs L.M. HARVEY: I am flattered that the member thinks I would remember all the penalties for these things in the Firearms Act. I do not have that information in front of me. We have not brought the firearms legislation

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

to the house so we could compare it. I would be happy to provide that information in answer to either a question placed on notice or a letter to my office. However, at this point, I do not have that legislation in front of me. I know that the penalty can carry a term of imprisonment and a significant fine. I do not know the quantum of the fine or the quantum of the time that could be spent in prison as a result of that conviction. I do not have my iPad to look it up on the internet either. I would be happy to provide that information on notice should it be required.

Clause put and passed.

Clause 4: Section 60 amended —

Mrs M.H. ROBERTS: It is unfortunate that the government has dropped the ball by extending the sunset clause to September 2026. It is relying on legislation of Dr Gallop and the Labor government in 2006. A lot has changed, as the minister likes to say, in that terrorism “space”—one of her favourite words! The Premier and cabinet have done very little. They have not been proactive whatsoever. We are told, after eight years, that a lot is in train but it is contained in an internal report that none of us are allowed to see, and that work is happening behind closed doors at the Department of the Premier and Cabinet. The Minister for Police did not even know who headed up the group within DPC. All the minister knows is that one person from Western Australia Police is a delegate to the DPC’s countering violent extremism working group. I do not know whether that is even the correct title of this group, because the minister has come into this place so under-briefed on the legislation. It seems that the minister thought all she needed to know was the changed date. This was significant and groundbreaking legislation when it was introduced. Terrorism has been the subject of meetings of COAG after COAG after COAG. I am sure it has also been the subject of the Ministerial Council for Police and Emergency Management. Yes, it is highly likely that the New South Wales legislation will be largely copied in each of the states, but it seems that, under this administration, proper amendments that could protect the Western Australian community are not likely to happen until next year. Hopefully, this minister will not have anything to do with the whole process, because she has been asleep at the wheel. All this minister has done is to extend an act that is over 10 years old and that we debated in this house in 2005. Other jurisdictions have moved ahead.

Other jurisdictions have been proactive. This complacent minister and government just shrug their shoulders and say that we have not had a terrorism act in Perth, or in Western Australia. It is too late after an act has occurred. The whole idea of the legislation is that it is preventive. That is why the bill is called the Terrorism (Preventative Detention) Amendment Bill. A lot more things other than detention can be done in the whole preventive space, such as the innovations already occurring in Victoria, New South Wales and other jurisdictions, where they understand what is at stake here. Other jurisdictions understand that we can prevent young people from getting involved in terrorism in the first place; we can stop them from being radicalised; we can have a real impact in the community; and we can provide proper resources and tools to the community. The opposition, of course, supports the extension of the existing legislation. We support the extension of the sunset clause, because in the absence of supporting this sunset clause Western Australia would have no legislation.

This lazy minister has been tardy with legislation. She is always going to do something. It is the story of this whole government. It is always going to do something. It has appointed a working party and something is happening behind closed doors. The minister has not been able to indicate that a single dollar has been allocated to this, or that the government is doing something in education or in terms of multiculturalism or anything at all in the community. The minister does not know the penalties for possession of illegal firearms. She does not know how our penalties compare with those in New South Wales. The Premier of New South Wales said that dramatically lifting the penalty for possession of illegal firearms had been an important element of amending the same legislation in New South Wales.

I am very disappointed, unsurprisingly, with the slackness of this minister, her disregard for this bill and her snide remarks, chuckling to herself as though it has nothing to do with her. The minister did not think she needed to be briefed on the substantive act that this bill amends. As I said a moment ago, and in the few seconds remaining to me, the bill extends the existing act that was introduced by Dr Gallop and the opposition supports its extension, because nothing else is on offer.

Mrs L.M. HARVEY: I need to correct the assertions made by the member for Midland that the government is doing nothing in this space. That is far from the truth. The working group in the Department of the Premier and Cabinet is chaired by Geoff Hay. The legal issues working group, which WA Police participates in, sits underneath the Australia–New Zealand Counter-Terrorism Committee. That legal issues working group is looking at pre-charge detention options, how we best protect our sources of information on national security issues, our ability to question persons and whether we need to legislate to enable us to question people over terrorist actions in a different way. We are looking at the model for pre-charge detention options that New South Wales is adopting to see whether that is appropriate in the context of the commonwealth legislation that has now fallen by the wayside because of the prorogation of the federal Parliament. In addition to that, WA Police recently conducted Exercise Spartan. That exercise involved different sections of police in scenario

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

testing for a hostage situation and how WA Police would respond and react in those circumstances so that it is ready and has a plan and an ability to conduct an exercise should that be required in Western Australia.

A lot of activity is occurring in WA Police. WA Police has a lot of expertise. It is building up capacity. It is working with the commonwealth and other states and our New Zealand counterparts. Also, through that mechanism, we are taking information from international entities on their responses to terrorist actions and what is best practice and how we can learn from their experiences and responses. To say that the Western Australian community should be concerned about the ability of police to respond to an act of terrorism and that Western Australia does not have the right legislative framework to enable police to respond is fundamentally wrong, and I wanted to correct the record before I sat down.

Mrs M.H. ROBERTS: Is it not interesting? Geoff Hay has been in a similar position in DPC for at least 10 years. It is a shame that the minister did not know his name until she was given it by her advisers. It shows how out of touch the minister is with what is happening in terrorism and in her portfolio—never mind what is happening in DPC. The minister said that Geoff Hay and his group are looking at pre-charge detention options. While they are looking at it, New South Wales has done it! New South Wales has gone ahead and put that in place. The government is still looking at things—looking, looking, looking!

The minister said a lot of activity is happening, but activity does not equal action or outcomes. That is the problem with the way that the minister handles the whole portfolio and the way that she operates—a lot of talk, a lot of groups, and something is always going to happen with people working in that space. People are being very active discussing things and looking at information from interstate and overseas, but when does it come to a resolution? Why has it come to a resolution in every other state before Western Australia? It is because the minister is tardy and she does not get it. It is because the minister is lazy and she did not even know who was heading the operation in DPC or even what group existed within WA Police or whether there was one. The minister had to ask her adviser, who told her that one person in WA Police is active on the committee chaired by Geoff Hay. They may be active, but they have done nothing since 2006.

Clause put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MRS L.M. HARVEY (Scarborough — Minister for Police) [8.00 pm]: I move —

That the bill be now read a third time.

MRS M.H. ROBERTS (Midland) [8.00 pm]: I have been waiting to make my contribution to the third reading debate.

It is a shame we have heard such drivel from the Minister for Police this evening. The best she could say in her defence about being active in the terrorism space is that they have run some scenarios; they have trialled a hostage scenario. Guess what, minister? Police have been doing that at least once a year for the last 20 years. Every year, they run one or two operations. More often than not, it replicates the taking of hostages and they work out what to do. The problem is there has been no change in preventive detention for the last 10 years, and there will not be for at least another year due to the minister's inaction. To try to say we have done something because police have been undertaking little scenario operations involving the taking of hostages belies the fact that on a regular basis police undertake major operations and scenario training in conjunction with other armed services and commonwealth agencies. That is just part and parcel of regular policing. It is nothing new or special.

The minister does not have a fig leaf to cover herself with when it comes to this. She has been totally and completely inactive. I do not care that she has had a few meetings behind closed doors and that some people, headed by Geoff Hay in the Department of the Premier and Cabinet, are having discussions about it and are considering a few things such as looking at, as the minister says, detention options, pre-charges and so forth. In the meantime, the New South Wales government has acted. Because acts of terrorism have occurred in New South Wales, the NSW government has had the opportunity to see how legislation very similar to this legislation has worked in practice in a real situation. As a result of those real situations, New South Wales has decided changes to its legislation are needed—changes our minister has not even looked at, but somewhere behind closed doors people are considering them and they may see the light of day sometime next year. There has not even been any indication that it will be prioritised. From what we heard from Prime Minister Turnbull, I would have thought he would make this a priority and we would see commonwealth legislation within weeks. I would have thought it would be a priority for state governments to enact complementary legislation. For the

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

minister to shrug her shoulders and say that we in Western Australia have been very lucky because a terrorist event has not occurred here is living in ignorance. It is like being a mushroom. It is absolutely crazy.

This is a government that is reactive, not proactive. It does not get on the front foot; it does not look at what is best practice or try to get ahead of the pack. It waits to see what happens. Under the government's planning scenario, we wait until the incident occurs and say, "We've had a terrorist incident; let's deal with that now." The minister is handicapping police by not giving them the same legislation as exists in New South Wales and not acquainting herself with Operation Appleby and the recommendations that came from that and the changes made. It is very easy to extend the date on the legislation we debated in this house more than 10 years ago. I note once again that 10 years ago, when we had a good government under Geoff Gallop, he took his responsibility on these issues very, very much to heart. He genuinely took charge of it himself. It is interesting that the Premier abdicates himself from this kind of stuff. He is not interested. It turns out Geoff Hay, the person being held out as responsible for the lack of action of this group and not coming to a conclusion by now and as the person who is liaising with the commonwealth on this matter, works for the Premier, but the Premier is not handling the legislation. In 2006, this legislation was, quite rightly, handled in this house by Dr Gallop. However, the Minister for Police has come in here underprepared, knowing little about the existing legislation and knowing nothing about the changes made to equivalent legislation in New South Wales. She has a cross-your-fingers approach, hoping it will not happen here and, by the way, the Liberal-National Parties may not be in government next year so she may not be dealing with it then. Pity help us if there is a terrorism issue. I sincerely hope there is not, but I certainly signal that this legislation would be a priority for a Labor government. We would not delay. We would implement changes to this legislation at the earliest opportunity to make sure that we were preferably ahead of the pack, and that the legislation is at least the equal of what is operative in New South Wales.

MRS L.M. HARVEY (Scarborough — Minister for Police) [8.07 pm] — in reply: Once again, I thank members for their contribution to the debate on this Terrorism (Preventative Detention) Amendment Bill 2016. I reiterate that police are well resourced and well prepared to respond to any act of terrorism in Western Australia. We are advised by police on legislative amendments they may require to perform their functions in response to acts of terrorism in Western Australia. That is why we had the legislation reviewed, and it is being circulated among the police, who are in the best place to advise government on what next steps may be required. I find it incredibly offensive that the attempts of police to run their scenarios around terrorist activities in response to a potential act of terrorism have been belittled by the member for Midland.

Mrs M.H. Roberts interjected.

The ACTING SPEAKER (Mr P. Abetz): Member for Midland!

Mrs L.M. HARVEY: I find her comments offensive and I will make sure members of police who have been providing this advice are kept abreast of the discourse that has occurred in this place. It may well be that they have a response to some of the assertions made in this house about their competency and ability to respond to acts of terrorism and their efforts in advising government on the legislative regime they require.

Mrs M.H. Roberts interjected.

The ACTING SPEAKER: Member for Midland!

Mrs L.M. HARVEY: I find that important pieces of legislation such as this should not be dragged through the mire as some kind of opportunity to make a political point about a federal election campaign now past.

Mrs M.H. Roberts interjected.

The ACTING SPEAKER: Member for Midland, you have been called twice already today. Settle down.

Mrs L.M. HARVEY: It has been a very disappointing evening for me and I go away with a sense of pride in our police force and their efforts to ensure they have the capacity —

Ms M.M. Quirk interjected.

The ACTING SPEAKER: Member for Girrawheen!

Mrs L.M. HARVEY: — and the competency to respond to an act of terrorism. With our heavy legislative agenda, this government has proven over time that when police say they need legislation amended so they have the tools to do their job, we bring the legislation to Parliament. That is how it works. They are the experts. I respond to their advice and at this point in time, they have not advised me they need additional powers but they want the existing regime extended past the sunset clause, and that is why I brought this legislation to the house. Once again, I thank members. There were some meaningful and useful contributions, but some of the debate was a disgraceful slant on the policing effort in WA and members should be ashamed of that.

Question put and passed.

Mrs Michelle Roberts; Ms Janine Freeman; Mr Paul Papalia; Mr Peter Tinley; Mr Dave Kelly; Mrs Liza Harvey

Bill read a third time and transmitted to the Council.