



Speech by

Barbara Stone

MEMBER FOR SPRINGWOOD

Hansard Wednesday, 20 May 2009

TELECOMMUNICATIONS INTERCEPTION BILL

Ms STONE (Springwood—ALP) (4.16 pm): It is with pleasure that I rise in support of the Telecommunications Interception Bill 2009. This bill will enable the Queensland Police Service and the Crime and Misconduct Commission to apply for telecommunications interception warrants under the Commonwealth Telecommunications (Interception and Access) Act 1979. Telephone-tapping powers are certainly a strong police power. While I am sure they are a very effective tool in crime fighting, to the wider public they can be seen as a concern without proper checks and balances. This concern is not a reflection on our Queensland Police Service. In fact, there are many surveys that show public confidence in our Police Service is high. This is a legitimate concern in knowing that they, ordinary citizens, have some rights and protection under these strong powers.

Telecommunications interception is governed by the federal regime set up in the Commonwealth act. For many years the state Labor government fought with the federal Howard government to ensure we had those proper checks and balances. I have always supported police having phone-tapping powers but only with the safeguards needed for people's privacy. The state Labor government has always supported telephone-tapping powers as long as it was with the safeguard of the Public Interest Monitor, the PIM.

Today, with the support of the Rudd federal government, that is what we are delivering. These powers will be subject to the involvement of the Public Interest Monitor, an independent barrister who represents the public interest. I have met with a PIM officer who spoke about their role and the work that they do. I can assure honourable members they certainly made me aware of just how much they are needed.

The Public Interest Monitor appears before judges when law enforcement agencies are applying for surveillance device warrants or covert search warrants. Now the PIM can be used when applying for telephone-tapping powers. What this means is the PIM will represent the public interest by testing applications for phone tapping against the statutory criteria. They can cross-examine witnesses and make submissions to judges. As I said, the meeting I had with the PIM certainly made me more aware of why we really should have this protection in place to ensure the tool is being used responsibly and in a situation where it is warranted. I think that members of the community expect a representative like this in place representing their interests.

At various times over the years when this topic has been in the media or on the parliamentary agenda I have deliberately raised it at meetings and with people around the Springwood electorate. When I spoke about phone-tapping laws to people in the community, they all agreed the power was necessary but they also wanted to know there were appropriate checks and balances and that there is some form of protection for them.

This bill strikes that correct balance. The checks and balances are not just related to the role of the PIM. The bill also sets out obligations on the QPS and CMC to keep comprehensive documents relating to interception warrants. They will need to make records of each interception and where this information is used. The bill also establishes inspecting entities to inspect QPS and CMC records and ascertain and report on the agency's compliance. These obligations also add to strengthening the checks and balances.

Another matter raised with me when discussing this issue was for what type of offences or when could police use this power. Telecommunication interception warrants can be applied for in the investigation of a serious offence. Murder, kidnapping, child pornography, armed hold-ups and drug offences are certainly included and readily come to the mind of those in the community. Other offences include money laundering, cybercrime or computer related offences. I am sure as more and more people use their computers for a wide variety of activities in their everyday lives that we will see more and more people become victims. Another crime is tax evasion. There are quite a range of crimes where the community would expect these powers to be used.

I am extremely pleased to see the police get this power, and having the PIM involved in this process is certainly unique to Queensland—unique, but, I believe, very necessary. I congratulate the previous Attorney-General and the previous police minister for continuing to take up the fight to ensure we get this unique safeguard. I thank the Prime Minister for having the common sense to work with the state government on this very important police power and very important community safety tool. I commend the bill to the House.