TERRORISM (PREVENTATIVE DETENTION) AMENDMENT BILL 2019

Second Reading

Resumed from 26 June.

MR P.A. KATSAMBANIS (Hillarys) [4.18 pm]: I rise as the lead speaker for the Liberal opposition on this bill and indicate from the outset that we support this bill. This bill, like many pieces of legislation that have been passed by jurisdictions across Australia at both the commonwealth and state level over the last few decades, deals with the threat of terrorism. Therefore, it falls into the realm of national security laws. A very welcome scenario over the past few decades has been that each jurisdiction in Australia has taken a bipartisan approach to national security, including when dealing with the threat of terrorism. I think that has served us well. Like all interventions in this sort of space, it is always a difficult balance between protecting the community from threat and ensuring that our usual customs and freedoms are respected. I have always championed the rights of individuals and the rule of law. I have always believed that there needs to be strong justification for government intervention, especially when it infringes on individual rights and turns some of the maxims of our rule of law on their head. Over the past few decades, as issues such as terrorism have started to haunt the western world, including on our own shores, we have always navigated that fine line. It is always important to look at every single piece of legislation to make sure that that balance continues to be struck and that we are not introducing laws that are overly draconian and are impacting on our own rights, even as we try as hard as we can to protect the community from what is clearly a major danger.

As I and other members have spoken about in this place, Australia has not been immune from terrorism acts over many decades. From the 1970s, terrorism acts have been committed in Australia by all sorts of parties—from anti-racist extreme right-wingers through to groups associated with the Ananda Marga sect and various other groups. Some terrorist acts were undertaken by what were then known as the Justice Commandos of the Armenian Genocide and the like. This country has a long history of exposure to terrorism acts. This state has not been immune. I will not go through it all again because I spoke at some length recently about some of the interesting and dangerous characters that have either come from this state or have spent time in this state. They cover a grab bag of issues. The one thing they have in common is they want to inflict maximum terror, harm and damage to the largest number of people possible. Even in the last few days in America, in both Texas and Ohio, we have seen that that continues to be the case. People might have different ideas. They may be espousing different ideologies or have different grievances, but at the core of their activity is an activity that will cause fear and mass harm to the general public. Our job as legislators is to provide a legislative framework for our security agencies to protect us as best they can from those sorts of people, to detect and prevent these actions if possible, and, if these actions take place, to absolutely minimise any harm caused, and to obviously catch the perpetrators before they cause further harm.

The bill before the house will amend the Terrorism (Preventative Detention) Act 2006. That act came into being after an agreement was made at the Council of Australian Governments to introduce laws that would give law enforcement agencies across Australia some unique and unprecedented powers in dealing with the threat of terrorism—powers that would not deal with the aftermath of terrorism but would try at the outset to prevent any attack from taking place, hence the term "preventative detention" in the subject line. The act was introduced in this state, as it was at a commonwealth level and in every other Australian jurisdiction. In what is a difficult subject area, it is extraordinarily pleasing to say that as far as we are aware this act has never needed to be used in Western Australia. However, as we know with these things, we cannot simply say that because it has not happened in the past, it will not happen in the future. We need to remain ever vigilant and we need to ensure that our legislative framework is constantly updated to give our law enforcement authorities the powers needed to protect us while at the same time striking the right balance that does not cross the line into infringing on the rights of law-abiding citizens and individuals.

I am happy for the Minister for Police to either correct me or to verify this later: I am told that there have been two attempts to use these types of powers across Australia. One of those attempts was in Victoria but was aborted by the authorities because from the time they decided to take out an order until the time it was heard, enough evidence had been gathered to lay criminal charges against the people they wanted to preventively detain in the first place. The authorities went down the path of laying criminal charges and having the persons remanded in custody rather than taking out a preventative detention order. The other time it was used was in New South Wales. I am told in that instance that an order was obtained for 19 hours' detention. At the conclusion of the order's operation, police were in a position to lay criminal charges against the detained person. After being charged, they could then be remanded in custody awaiting trial so that the community could be protected in that way.

That gives an indication about, firstly, how the types of order available under this regime work and, secondly, how they work in conjunction with all the other activities going on inside our law enforcement agencies. Once someone

is identified as being in the midst of planning an imminent terrorist-type activity, they are detained for a period. The current act allows for a 14-day maximum period of detention. That stops them from carrying out the activity. It also stops them from liaising with their friends and associates who are also attempting to engage in that activity. That period is used to gather intelligence on them and charge them with a criminal offence. That is the second limb of it. This is not set and forget. Someone is not taken into preventative detention and left there—not at all. The investigation continues. It is simply a safeguard for the public. I will get on to exactly how that safeguard works as I work through the provisions of the bill and the proposed amendments to the legislation.

As I said, the legislation has not been used in this state. This amendment bill has not been introduced as a result of the legislation being implemented and some gaps being found in it. It is really amendments coming together based on the knowledge accumulated across Australian jurisdictions, the knowledge accumulated in our intelligence agencies and police forces, including the Western Australia Police Force, and the knowledge accumulated within the Australia–New Zealand Counter-Terrorism Committee and all those other bodies that are out there trying to protect us from evil acts. It is an attempt to make the legislation more relevant, easier to use and also to safeguard detainees' rights to make sure that their rights are respected as much as possible even though they are in detention.

The bill does four key things; it makes four key amendments to the provisions of the existing act. The first one, and possibly the most important one because it is a fundamental shift, is that it changes the threshold test required in order to obtain a preventative detention order under the act. The current threshold test requires the authorities to prove in their application for an order that a terrorist act is imminent and is expected to occur within 14 days. There are a few elements in there. The first element is that we are talking about a terrorist act; that has to be made out. The second element is that it is imminent. Anyone who has dealt with the law in any way, especially the lawyers in this place, will know that "imminent" can be interpreted in many ways. The third element is that there is an expectation that the activity, that act, is to occur within 14 days, so there is a really finite and sharp time period that has to be met. That is the current test and it was introduced in 2006. Through the effluxion of time, authorities have worked out the methodology of terrorists and terrorist actors and have seen the changes in the way they operate. They have also worked out some of the limitations of the wording of the act. Over the last two years, many jurisdictions across Australia—the commonwealth government, New South Wales, Victoria and Queensland—have changed the threshold test to one that is slightly more flexible and much easier to understand in practice. Today in Western Australia, by considering this bill, we are considering changing the threshold test to mimic what the commonwealth and the other states have done. The new threshold test contained in this bill to trigger an application for a preventative detention order is that a terrorist act is capable of being carried out and could occur within the next 14 days. We have gone away from the word "imminent" and from the expectation that the act will occur within 14 days, and we are moving to a regime in which the authorities have to prove that a terrorist act is capable of being carried out, in that it could occur within the next 14 days. If we think of some of the cases of terrorism cells and how they operate that have been discussed in the media and in the public realm, there needs to be a capacity; a capacity needs to be proven. It is a little bit more than a couple of guys sitting around in a coffee shop, in a room or an online chat room and making suggestions about committing terrorist acts when they simply do not have the capacity to do it—they do not have the methodology, they do not have the weaponry, they may not even be in the same city, state or country, and they are talking about joint action. It needs to be proven that there is a capacity there; that is, the act is capable of being carried out. The next step is to prove that it could occur in the next 14 days. Nobody is quibbling whether it is going to be 14 days, 15 days or 21 days. If we know, if intelligence has been picked up, that the key player is not arriving for 21 days, obviously the terrorist act cannot occur within 14 days, but if the intelligence is that they can do it at any time—they can do it today, next week or in a month's time; they are ready to go—it would then meet the test of occurring within the next 14 days. I think that is important, because at the root of this test and this legislation is that it enables preventative detention, and there is the ability, when we do have intelligence available, to intervene before the horrific act takes place. The best way to protect the community is to stop something from happening. I think the change to the threshold test makes it clearer and enables authorities to take action without having to ask these questions: Will the act occur within 14 days? Is it expected to occur within 14 days? What is the basis of the belief that it could occur within 14 days? That is all changed to the act having the capacity to occur; so it could occur within the next 14 days. That is a clearer, simpler test that does not involve us in a whole heap of legalese. As I said, the commonwealth and the other states have made this change, and as an opposition that is absolutely committed to protecting the general public from all types of lawlessness, including the horror of potential terrorist acts, we think it is a well-framed clause and we support it.

The second major change made by this legislation is to allow a lot more flexibility to the authorities applying for a preventative detention order in circumstances in which the full name of a person is not known. That might sound a little tautological, so it is perhaps better to think about the circumstances in which these characters operate. Currently, there needs to be the name of the person on the order, and that could provide difficulty. There could be intelligence in the modern environment that there is a person who can be traced to a particular address, either

through phone records or IP addresses or some other manner—perhaps simply the delivery of parcels—and that person is communicating with his friends under a nickname or assumed identity. The authorities may not know the full name of the person, but they may know what he looks like. They may even have a photograph of the person. They may only have a partial name. This is a jurisdiction in which authorities need to act very, very quickly. Often, even if the police intercept these people, they may refuse to give their name, because, remember, they are not being charged with any criminal offence at this stage; they are not even being accused of a criminal offence. This is simply a case in which charges cannot be laid, but there is a belief that there is an imminent terrorist threat and someone needs to be preventively detained. The jurisdiction to obtain a preventative detention order has been expanded in relation to the sorts of details to be provided about the identity of the person. If authorities have the full name of the person, that is wonderful, and that is included in the order. Now, a part of the person's name, an alias or a nickname can be included in the order, as can a physical description or a photograph of the person attached to the order. All of those things may become relevant, depending on the facts and circumstances of the case. Again, when we think of similar high-profile incidents around the world, someone may have been spotted on CCTV casing out an area of potential harm in the future, and other intelligence may have been intercepted such as some chatter or communication between various parties. There is a clear photograph of the person on CCTV, but authorities do not know who they are and they are using aliases. It may not be their full name or it may not even be their name at all. Again, the legislation just broadens the capacity of our authorities. When they know there is an issue around the protection of the public and they are certain, and can prove, that a terrorist act is capable of being carried out and could occur within the next 14 days, they are not hamstrung by the fact that they do not have the full name of the person they want to preventively detain. I think the minister referred in her second reading speech to the difficulty of not having the person's full name in the context of acting quickly. If we have some information, we had better act quickly, because the risk is that these guys could act quickly if they are not detained and prevented from acting. In those circumstances, that could be a real problem. It was identified in an exercise scenario in 2010, here in Western Australia. Notably, the commonwealth government and the governments of Queensland, Victoria and Tasmania have also amended their acts to broaden out the identifying features required to obtain one of these preventative detention orders in situations in which we do not have the person's full name. We are now acting on that, and I think it adds to the armoury of our authorities, including those of the Western Australia Police Force, in this very, very difficult area. Again, I repeat that these are short orders; they are not orders that will detain a person for an inordinate length of time beyond the maximum 14-day period. Of course, it also has to go before the court, so the court will be the ultimate arbiter or whether the police have provided enough information in the case of a person whose full name cannot be identified.

The third area of change is one that deals with ensuring that the person detained is treated humanely and with respect and, as far as possible, has their rights respected by our system. The change broadens out the types of people who can have authorised contact with a person who is detained under a preventative detention order. Specifically, it allows the detainee to have access to an approved religious or spiritual adviser. In that respect, I stress that it needs to be an approved religious or spiritual adviser. The process for approval is spelt out in the amendments in the bill. It can be quite important for a detainee to have access to a religious or spiritual adviser, especially in the circumstances that they find themselves in—detained by police in custody, not able to access a wide range of people, and clearly not able to communicate to others what their fate is or circumstances are. This is a provision that has been introduced in New South Wales and, from all the information I have received, both in briefings and less formally, it is clearly supported by the Western Australia Police Force because it thinks it will strike the right balance between protecting the community and ensuring that detainees do not have all their rights trampled on, and that they can still access their religious and spiritual advisers. I do have some queries around how this will operate in practice, and I will probably tease them out with the minister during consideration in detail—not because we are opposed to this legislation in any way, but —

Mrs M.H. Roberts: Can I just ask, did you get an email or a note from me in the last few days?

Mr P.A. KATSAMBANIS: Yes, I did.

Mrs M.H. Roberts: Okay.

Mr P.A. KATSAMBANIS: I did. For the benefit of everyone, the minister asked if I received some further information following a briefing that I had yesterday, and yes I have received that and I thank the minister and her office for that. Even in the context of that information, it is just to clarify that the bill provides for an approval process for religious or spiritual advisers, and that is good. I am paraphrasing—the minister will correct me if I am paraphrasing way beyond the scope of the bill—but effectively, it is up to the Commissioner of Police or a delegate of the commissioner to approve a religious or spiritual leader coming into contact with a detainee, and —

Mrs M.H. Roberts: If I can say by way of interjection, I think your query was why that term wasn't defined, and I think the answer we sent you was that there was an aim to be consistent with the Prisons Act.

Mr P.A. KATSAMBANIS: Yes, so the first part of the process is that there is a list under the Prisons Act of people who are approved to access prisons. If the commissioner gets a name that is not outside that list and is predisposed to approve that person, he or she will then need to consult with the chief executive of the department principally assisting the minister administering the Prisons Act 1981, so there is a process there. However, what remains undefined in both the Prisons Act and in this legislation is the term, "religious or spiritual adviser". We know what an approved religious or spiritual adviser is; there is a process that interrelates this bill with the Prisons Act, but I recognise the difficulty in putting a ring-fence around what is a religious or spiritual adviser. Is it someone who has some formal qualifications? Is it someone who holds themselves up to be a religious or spiritual adviser? Is it someone who is simply considered by the detainee as someone they can trust to gain spiritual or religious advice from? It is a complex area; I understand that. Essentially, at the end of the day, the email I received from the minister's office said, "These things have to be dealt with on a case-by-case basis. We can't start putting in definitions of what is a religious or spiritual adviser. This is stuff that has been considered around the world and is very, very hard to pin down." I accept that and recognise that: it will be on a case-by-case basis.

There are a few things that give me comfort in that space. First of all, there is the fact that this legislation has never been used. If that is any guide, it is likely to be used rarely if at all in the future, and hopefully it will never need to be used, but if it does need to be used, we need to make sure that it is there. The other comfort is that there are safeguards already built into the 2006 act in relation to people who come into contact with a person who is detained under a preventative detention order, to stop them from communicating more publicly that the person is detained, or the reasons why they are detained. That is punishable by a term of imprisonment of up to five years, and those safeguards extend to the approved religious or spiritual advisers. I think that is a good safeguard as well.

It is important, when we look at religious or spiritual advisers, that we note that the pattern of terrorism is across the board; this is borne out by some of the cases I described right at the start of my contribution. It could be people of any religious faith or any spirituality, or people of no faith or no spirituality at all. That is why that term has to be broad, but it also creates the same problems: what is a spiritual adviser? What is a religious adviser? We are not simply talking about priests, rabbis or imams. As I said, it is going to be done on a case-by-case basis. I am comforted by those dual facts—first, that this will be done rarely and the person ultimately in charge is the chief commissioner, in consultation with the corrections system; and, secondly, that a spiritual or religious adviser will be subject to the penalties under this legislation if they do not do the right thing. As I said, it is supported by the WA Police Force and we also support it.

The fourth major change in this space clarifies the process of appointing someone to assist a vulnerable person who may be subject to one of these preventative detention orders. Vulnerable people would include people under the age of 18 years, people with some form of intellectual or other disability and people who are incapable of managing their own affairs. In those circumstances, the act allows those people to access a parent or a guardian. If they are not available—often they are not available for many reasons—a person who is best able to represent the best interests of the detainee can be appointed. The bill amends section 45 of the act to provide a framework for how police are to act in this space and what will happen if police do not give permission for a particular person to access the detainee for many reasons, including reasons relating to criminal intelligence. In these circumstances, it requires the police officer, firstly, to give reasons why someone is not able to represent the best interests of the detainee; secondly, to give the detainee the opportunity to nominate another person; and, thirdly, to offer the detainee contact with another person who would be deemed to be acceptable to the police officer and who has relevant experience in working with the people outlined in new section 45(14)(c)—that is, young people, people who are incapable of managing their own affairs or people in a class of persons prescribed for the purposes of the proposed subsection.

Proposed section 45(14)(c) provides the ability to prescribe a group of people who might fit this category. It clarifies and expands on the existing rights in the act but gives the detainee, and also the police officer in these circumstances, some certainty about what should be done if there is a little bit of conflict when the person nominated by the detainee as someone who is best able to represent their interests is not deemed acceptable by the authorities to have contact with the person. It will not be a case of "Sorry, we don't accept that person; you can't have access to anybody". Reasons will be given and the detainee will be given an opportunity to nominate someone else and another group of people who may be acceptable to the police officer and who can access the detainee will be suggested. Again, that safeguards the rights of the detainee. Obviously, their right to freedom will have been curtailed at that stage, but they still have to be treated with dignity and be given access to appropriate people—their parents, their spiritual or religious adviser or anyone who is able to best represent their interests, especially the interests of vulnerable people. Again, that safeguard is built in from the existing act: if the nominated person who is to act in the best interests of the detainee compromises the integrity of the system or acts in a way that allows certain information to go into the public realm that should not be there and that the authorities do not want there, that person would be subject to criminal penalties under the legislation.

Mrs M.H. Roberts: They would potentially be subject to five years' imprisonment.

Mr P.A. KATSAMBANIS: Correct. As I said about the other change around access to an approved spiritual or religious adviser, the penalty is up to five years' imprisonment, and that should be a sufficient deterrent. Obviously, again, there is a very good reason for this. If police have managed to intercept one person who is part of a group planning to commit a terrorist act, they may not necessarily want his or her friends and associates to know about that for many reasons, including for the protection of the public and so that they do not recognise that the authorities are onto them and speed up their planning. We do not want that; I do not think anybody wants that.

We are traversing a very difficult area. They are the four major changes. Some consequential changes that follow on from that will be made by this bill to tidy up the 2006 act and make sure that it works in concert with the amendments proposed in the bill. As I indicated at the outset, we fully support this piece of legislation as part of a suite of legislative changes that have been made over decades to offer protection to the general public and to give all our intelligence authorities, including our local Western Australian police, who do a great job, the powers they need to protect us from evil. We should not simply think that it will not happen because it has not happened. We hear about and see incidents all over the world every single day. This country has not been immune to those incidents in the past. Luckily, in this country, many potentially very serious events have been prevented by good police work, great work by our intelligence authorities and great cooperation between the authorities at commonwealth and state levels, as well as with international authorities on occasions.

Prevention in this space should be our primary objective—prevention of the harm, prevention of the hurt and prevention of creating a plethora of primary and secondary victims that could occur if one of these events took place. Sadly, people in our society will want to commit these sorts of acts for a wide variety of reasons, including reasons that we could not possibly comprehend. It is not limited to one subsection of the community. It is not limited to an ideology or to a religion. It is individuals who may hold a range of different views but who are predisposed to one thing, and that is maximum hurt and maximum harm to the maximum number of people to somehow or other, in their flawed and twisted minds, highlight the issue that they want to highlight. These people are dangerous, and, if not addressed, the consequences are catastrophic. The changes that we are proposing in this bill on their own will not stop those events from occurring in the future. They certainly will not stop people from wanting to act in this despicable way. The vast majority of normal-thinking people cannot even contemplate how people would want to go down that path. However, by making the changes that are proposed in the Terrorism (Preventative Detention) Amendment Bill 2019, we are giving our authorities the best possible chance of stopping this terror at its source. That is the intention behind this legislation. Yes, it is intrusive. Yes, it proposes detaining a person—or persons—who has not had a criminal charge proffered against them. However, the debate was pretty well settled almost a decade ago. There is a small group within our society that needs to be preventatively detained in order to protect our society. We ring-fence that by providing strong protections in an act. That includes the requirement to make an application to a court before any action can be taken, and also, importantly, limiting the time of detention as much as possible so that authorities are given time to do their intelligence work and either proffer criminal charges against the detainee, or release the detainee back into the community. As I have said, the Liberal opposition supports this bill. I know that the government supports it, because it has put it up for debate. I think every right-minded citizen in our society would support this bill.

We are all conscious of crossing the line—which I spoke about at the outset—between protecting the community and unfairly and unduly infringing on individual rights. However, in this space, in which horrific harm could occur if the worst possible thing were to happen, the changes that are proposed to the Terrorism (Preventative Detention) Act 2006 strike the right balance. Therefore, I am very happy to again indicate my support for the legislation.

MR M.J. FOLKARD (Burns Beach) [5.02 pm]: I rise to speak to the Terrorism (Preventative Detention) Amendment Bill 2019. The Terrorism (Preventative Detention) Act was established in 2006. This bill is, for want of a better word, a way of contemporising that act.

Before I speak about the bill, I have said in this house several times, and I reiterate, that the best way of countering terrorism is by having a vibrant and inclusive community that strives to identify those who are marginalised and embraces them and brings them back into the community. This act is about the preventative space. Section 6(1) of the Terrorism (Preventative Detention) Act 2006 states that an action or threat of action is a "terrorist act" if —

> …
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> (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

That is a fairly self explanatory. It continues —

> (c) the action is done or the threat is made with the intention of —
>
> (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or a part of a State, Territory or foreign country; or

…

Section 6(2) states —

> Action falls within this subsection if it —
>
> (a) causes a person's death;

I will not go into recent cases, but one that stands out in my mind is the Sydney Hilton Hotel bombing in 1978. Terrorist acts such as that are one of the reasons that the Australian Federal Police came into existence.

It continues —

> (b) causes serious physical harm to a person;

Victoria has experienced some attacks in that space.

It continues —

> (c) endangers a person's life, other than the life of the person doing the act;

In Australia, we have not seen the use of improvised explosive devices. However, arguably one of the most technically advanced terrorist attacks in the world had its origins in Western Australia. That was the sarin gas attacks in Tokyo, Japan, by the Japanese group known as Aum Supreme Truth. The sarin gas that was used in those attacks was developed in the wheatbelt of Western Australia at Paynes Find. That group not only developed the sarin gas poison but also tested it on sheep. It then committed that atrocity in the subway tunnel systems of Tokyo. Australia is not immune to those types of attacks.

It continues —

> (d) creates a serious risk to the health or safety of the public;

Recently in London, a drone was used to interfere with the flight paths of aircraft. In Western Australia, unmanned aerial vehicles have been flown in the proximity of both Jandakot and Perth airports. That has not reached the stage of interfering with or stopping our air traffic patterns, but in time we will need to look at that.

It continues —

> (e) creates serious damage to property; or

In Western Australia and Australia, criminal damage to property has not been used as a terrorist act. However, I read with interest that in Syria, ISIS has been using the destruction of wheat crops to intimidate local populations. Imagine what would happen if, at around harvest time, a group in Western Australia started to light fires on a high fire-risk day. I shudder to think of the impact both commercially and on our farmers and on the greater good of the community of Western Australia. That is interesting. Apart from the attacks that occurred on the Twin Towers in the United States, we have not seen economic intimidation take place through a terrorist attack. We have not seen that in Australia. People think: "Is that possible in Australia?" I remember the last strawberry-picking season, when needles were placed in fruit. It had an absolutely detrimental effect on primary producers on the east coast. It took place because of a pissed-off employee—pardon my language. She was disgruntled and started placing needles in the fruit, which was then placed onto shop shelves and purchased. People were finding needles in this fruit throughout Australia. The impact of that on the strawberry and fruit producers on the east coast was phenomenal. That was just one disgruntled employee. Imagine if it had been an organised campaign! We saw how copycats continued that horrible process and created a fever of absolute fear about purchasing fresh fruit. Imagine if it had been an organised campaign running in separate states. That could have absolutely collapsed that section of our primary industry. We have not seen that happen yet. I cannot recall when a simple act of organised intimidation of a particular industry has succeeded anywhere else in the world, but it is simple and that is frightening. We have some fantastic primary producers in this country and we are all aware of the efforts of our farmers and fruitgrowers throughout the south west. It would take nothing to organise an act of intimidation in that space, and that is frightening. It scares me because it is a simple method of economic terrorism, which can affect our community. I thought that was interesting.

It continues —

> (f) seriously interferes with, seriously disrupts, or destroys, an electronic system …

Recently, some of my compatriots and I ran a committee inquiry into counterterrorism. One thing that scared me as a police officer, a father, a member in this place and a representative of my constituents is that a computer virus could be weaponised by a 16-year-old and delivered into a place like Fiona Stanley Hospital. People say that it will never happen, but I do not accept that. I accept that it is just a matter of "when" it will happen. Our emergency

services should be thinking in the same way. I digress a little, but that is the definition of "terrorist act" in this act. This act contains arguably one of the strongest definitions.

This act is about preventative detention, and preventative detention orders are addressed under section 13. The act outlines that a Supreme Court judge may make an order that a person be taken into custody to prevent a terrorist act or to preserve evidence in relation to a terrorist act. It is a Supreme Court judge who gives an order, not a justice of the peace or a magistrate. It is someone who is rated very highly in the judicial system. There is an expectation that that person will exercise good judicial prudence when the police or security services make an application. I suggest that it is normally a police officer, as defined in this act, who makes an application. They may be acting on behalf of other agencies, but I believe that to be the case.

This type of legislation has been used only twice in Australia. Victoria tried to get it up and running but did not succeed. New South Wales did "effect an order", but it lasted only 19 hours before the detention order was changed to "effect an arrest". The member for Hillarys reflected on that earlier.

The amendments in this bill have come from the Council of Australian Governments. They lower the threshold in the act for a preventative detention order from where it currently sits at "imminent and expected", to "capable of being carried out and could occur". I will reflect on this and try to define "imminent and expected". A radicalised young individual might decide to commit an atrocity.

[Quorum formed.]

Mr M.J. FOLKARD: When our committee recently visited the United Kingdom, we received a briefing from a deputy commissioner at New Scotland Yard about the vehicle-borne attack that occurred on London Bridge. It was a very simple attack. A group of three people had identified a very simple vulnerability on the bridge in that the footpaths had no vehicle protection. They hired a vehicle. Was the threat imminent then? No. All three of them climbed into the vehicle. Was the threat imminent at that stage? Probably not. Was it expected? The police were not aware of it so I would say no. Two of the people in the vehicle had grabbed large hunting knives and taped them to their hands. Could the threat be seen as imminent then? I would say yes, but the police were not aware of it. Could it have been expected? If the vehicle had been pulled over and three people were found to be sitting inside the van with knives taped to their hands and the intention of driving towards a crowded place, I suggest that yes, it was. Could this have been prevented? Under this legislation, the police would have to get a Supreme Court judge to say, "Yes, it is imminent and we will get a warrant and seize those individuals." It might have saved lives on that particular day, but probably not, because the time frames involved would not have made it achievable. In this case, had the police known about it prior to the event, would they have been capable of effecting an order when the van was hired with intent? I reckon it would have been pretty close. Could it have occurred? Once the people had placed the knives into the van, they had formed the intent and everything was ready. I think that yes, there is a chance that had these laws been enacted and had those events occurred in Australia, lowering the threshold for when the police can intervene would have been a good thing.

The bill defines "photograph" as a digital image and a video recording. People would think that yes, that is pretty normal. However, when the act was written, we were still using wet film. Digital technology was not yet being applied in —

Mr P.A. Katsambanis interjected.

Mr M.J. FOLKARD: Yes, but police definitely were not because I can remember filling out the forms for all our wet cameras back in those days. I can tell members that our undercover operatives were definitely using wet film. This amendment modernises and contemporises the act.

One of the things that I found interesting was that the bill gives the police the ability to use other methods to identify individuals. That is, dead set, a very, very good amendment. I have run undercover operations and used undercover operatives—plain-clothes officers et cetera—to track down drug dealers, but I know that the same methods and the same people are also used in the counterterrorism space. Often when we are dealing with and following individuals, we do not know their names. We give them nicknames—dead set—like, "That's big head. That's holey ear." Why? Because he has a hole out of his ear or he has a big head. People ask why we give them nicknames. It is because we do not know their names. This piece of legislation says that we can use a photo, which is a powerful piece of evidence, to identify an individual. We can use DNA—that is lucky—or we can use fingerprints. That is a bonus. This might sound funny, but I can remember an incident back when I was in Eucla years ago when we got a guy with a brick of $50 notes. A brick is a phrase that druggies use. A brick of $50s means that it is a $200 000 block of money. They tape it together.

[Member's time extended.]

Mr M.J. FOLKARD: If someone says that they have a brick of $50s, everyone in the trade knows that it is $200 000.

Mr W.R. Marmion: It's about the same size as a standard brick.

Mr M.J. FOLKARD: It is a little bigger, but when it is all taped together, it looks like a brick.

We grabbed this fella off the bus on his way over east and he had a brick. That brick happened to be the back end of a kilo of heroin that went the other way. The heroin came out of Sydney and across the Nullarbor and was swapped for a brick, and he was taking the brick back over east. This fellow was of Chinese origin. I cannot for the life of me remember the name he gave, but suffice to say it was a very common Chinese name. My involvement in this matter was that I took his fingerprints. An amount of $200 000 puts unlawful possession up into the District Court, so I was summonsed to attend the District Court in Perth, which I did. I took this fella's fingerprints and, to this day, that is the only evidence that he was actually arrested at the time, because the name he gave us was fictitious. To this day, no-one knows his real name. To cut a long story short, the officers who were investigating the matter went and found the person whose identity he had used and got him to the court, so there were two "Fred Smiths" standing in the court. One was the real "Fred Smith" and the other one was the fictitious person. The amendments in this space are quite good, because they will allow police to use a photo, DNA or fingerprints—other ways to identify the individuals they are targeting. If members want to know what happened to "Mr Fred Smith", the court discharged the matter and he was released. As he walked out of the District Court, members of our immigration service walked him into immigration and he was deported to China. That was the outcome. We never did find out whom the brick was for, but it was obviously organised crime figures.

Coming back into the terrorism space, this bill gives the police the ability to identify people through their inquiries. If a particular individual looks like he is preparing for a terrorist attack and they know him only as a face in a photo, it could be that that is what they need to identify the person whom they are targeting. He could be known as "target 1". They will be able to use preventative detention orders in this space. These preventative detention orders will have another benefit. Although they have been used only once in Australia, they are a great investigative tool. I really think that this is a positive space. It will give our police and security services the ability to detain someone once they are capable of carrying out an attack. That is a good thing. We can get them out of circulation, isolate them and build a brief of evidence to charge them. That is a good tool to have. But I also think it protects people. In the past, we have seen that parts of cells have actually tried to hurt or intimidate other members of the cells who have not been detained. This brings them into a form of protective custody, which I think is a good thing, particularly for juveniles in that space. That is positive.

The other thing is that it gives police the tools to rule people out of their inquiries. That has not been mentioned here. The member for Hillarys did not mention this. If the police are capable of drawing a rather large net into their inquiry and they have the evidence to possibly put them into this preventative detention space, they may be able to rule them out of their inquiry. This will be done in a safe place, because they are in protective custody, for want of a better term. The security services and police may be able to rule these people out of their inquiry, rather than rule them in. That has not been raised. That is good. We could think of a family in which two siblings are in the terrorist space. Mum and dad may have no idea what the siblings are doing, but the whole house has been detained under the preventative detention order. I think that is a good thing, because it gives the police and our security services the ability to rule these people out of their inquiry while they are safe.

The other thing that stood out for me is that the bill seeks to ensure that individuals are treated properly. I think this was a direct reflection on the experience in New South Wales and Victoria—that when they took people under these preventative detention orders, they were able to get these individuals their padre, mufti or whatever; it was an appropriate person. The legislation takes great care in defining what is a suitable religious person. I think that is good; it is positive. If it means that the people who are subject to these orders are able to put their minds at rest and it makes them easier to manage in custody, then I think that is a good thing. It is a positive step in this space. These are small amendments, but I think they will have a fairly big impact on the investigative powers and capabilities of the security services and police who work in this area.

It is a shame that this was identified back in 2010 and it is 2019 before we have had the opportunity for these changes to be made. I see that the Council of Australian Governments has been on the ball. Through our fine minister, we have been able to get this stuff up and standing. This is definitely a progression forward in this space. A lot of people in my neck of the woods are very security minded. The change in terminology in the preventative detention order, from terrorist acts being imminent to being capable of being carried out and expected, is very positive. Although that lowers the threshold for this legislation to apply, the likelihood of it being used a bit more is a positive step, because we can then show the community that our police and security services are on the ball. I think that is a good thing. With that, I commend the bill to the house.

DR A.D. BUTI (Armadale) [5.29 pm]: I would like to commence a little unusually by repeating the words of the Minister for Police when she introduced the Terrorism (Preventative Detention) Amendment Bill 2019. I will read

the first two paragraphs of the minister's second reading speech. It is important to set out the parameters of this debate. I quote —

> In 2005, two pieces of legislation were introduced into this house in response to the growing threat of international terrorism. These laws, the Terrorism (Preventative Detention) Act, introduced by Dr Geoff Gallop, and the Terrorism (Extraordinary Powers) Act, which I introduced, were key achievements of the Gallop government and created the framework for police counterterrorism operations in Western Australia since that time. They were developed in the context of a nationally consistent response developed at a Council of Australian Governments meeting in 2005. This legislation improves and updates provisions of the Terrorism (Preventative Detention) Act, the aim of which is to enable a person to be taken into custody and detained for a short time in order to prevent a terrorist act from occurring or to preserve evidence concerning a recent terrorist act. Preventive detention powers are based on part 5.3 of the commonwealth Criminal Code Act 1995, which relies on referred legislative power from the states. As a result, preventive detention legislation across jurisdictions is similar and generally consistent.
>
> The face and nature of international terrorism has changed since 2005. It is essential that we change with it. We face threats as much from the radical right as from radical Islam. We face threats as much, if not more, from armed lone wolves as from organised terror cells. Our duty is to keep our community safe and free. In order to do so we must continually examine and improve the laws that protect us. The legislation was reviewed in 2012 and 2016. Both of those reviews support the changes that we are introducing in this bill to update provisions of Western Australia's Terrorism (Preventative Detention) Act 2006 that came into effect on 22 September of that year. To date, the WA Police Force has not had to utilise the provisions of the act, but it is necessary to ensure that sufficient powers are available to police officers should they be required in the future.

The two previous speakers, the lead speaker for the opposition and the member for Burns Beach, gave a thorough summary of what this bill seeks to do. At its core, it seeks to change a threshold test for the application of the preventive detention orders from a terrorist act being imminent and expected to occur within 14 days to a terrorist act being capable of being carried out and could occur within the next 14 days. That obviously reduces the threshold level that has to be achieved in order for a preventative detention order to be ordered. There are also issues related to the full name of the individual subject to the application of the PDO not being available and so forth.

I would like to talk a little about why we have terrorism in society and maybe the rationale that is inside the mind of a terrorist. This legislation, obviously, is a reaction to concerns about terrorism in Western Australia and in Australia, and, of course, internationally. Terrorism is not a modern phenomenon; it has been around for a long time. As the minister mentioned, legislation was introduced in 2005, but of course terrorism goes back many years prior to that. I can refer to the 1972 Olympics in Munich at which 11 Israeli athletes were killed, the 1975 taking of hostages at OPEC headquarters in Vienna, the 1995 sarin gas attacks in Tokyo, or the September 11, 2001 strike on the Twin Towers in the US. Although terrorism includes a diversity of actions, all of them, by definition, are intended to harm innocent civilians and perpetuate fear in the name of political, religious or other ideological goals. People who are engaged in terrorist activity believe the goals they are pursuing make it justifiable to engage in violence. I do not believe that violence against civilians is ever justified. Sometimes it can be a difficult issue. I am sure that many opponents of the apartheid regime in South Africa may have believed that terrorism was justifiable to remove apartheid. I do not believe it was, although, having said that, I believe that a lot of the terrorism in the South African apartheid regime involved the blowing up of infrastructure and not necessarily civilians. I do not know the actual number of civilians who died in terrorist activity in South Africa, and I think compared with other terrorist organisations it was probably fewer, but it does not justify the killing of innocent civilians. The apartheid regime was an abhorrent system. Although many people who were pro the apartheid system would like to criticise Nelson Mandela as being a terrorist, I am not 100 per cent sure how many terrorist activities he was personally involved in or directed. I am sure that some involved the deaths of civilians, and I can never justify that, but I think Nelson Mandela's behaviour, once he came out of prison post the apartheid regime, has to be commended and might have brought the country closer together sooner than if some other leader had been in charge.

I refer to an interesting article titled "Inside the Terrorist Mind" written by Annette Schaefer and published in 2007 in the *Scientific American Mind*. Its by-line states —

> Scientists are probing the psyches of terrorists to reveal what motivates their monstrous acts. Far from being crazed killers, terrorists are gunning for the greater good—as they see it.

I have mentioned the history of terrorism, including the 1972 Munich Olympics. We had generations of terrorists in Northern Ireland and also in mainland England due to the troubles in Northern Ireland—the IRA terrorist activities—and also the terrorist activities of the provisional loyalist army. Was that what it was called? Anyway, the pro-British terrorist —

Ms M.M. Quirk: The UDA.

Dr A.D. BUTI: I am not sure of the name of it. The one that Reverend Paisley was involved with. I cannot remember the name.

Mr P.A. Katsambanis: The UDA.

Dr A.D. BUTI: I am sure Hansard will find it.

Mr P.A. Katsambanis: Ulster.

Dr A.D. BUTI: Yes, Ulster.

Just sidetracking for a minute: part of the problem with Brexit is the whole issue about putting up a hard border and increasing secular terrorism tensions in Northern Ireland. The main stumbling block has probably been what to do about the Northern Ireland situation. I do not believe that Boris has the answer either way.

Mr I.C. Blayney: It is the most ironic thing in the world. Ireland did not want to be part of the British Empire and now Ireland is what is stopping the British from getting their freedom from Europe.

Dr A.D. BUTI: I do not think it is the Irish who are stopping it because the Irish do not have any say in Westminster.

Mr I.C. Blayney interjected.

Dr A.D. BUTI: It might be ironic that this could lead to the unification of Ireland, although it is probably unlikely. It would be a bit ironic if the conservative forces lead to the unification of Ireland.

Mr D.R. Michael: Derry is a wonderful place.

Dr A.D. BUTI: We know which side someone is on in Northern Ireland if they say Derry or Londonderry! There is no answer really. If there is a no-deal Brexit by the UK, a border has to go up. There is no choice. One way or the other, there could be no solution without some kind of border going up between Northern Ireland and Ireland; otherwise it defeats the purpose of Brexit in the first place, which was principally motivated by voters' concerns about the free movement of people in the European community.

Getting back to the issue of terrorism, the article states —

> The latest research —

Although this is back in 2007 —

> suggests, for example, that the vast majority of terrorists are not mentally ill but are essentially rational people who weigh the costs and benefits of terrorist acts, concluding that terrorism is profitable.

It is interesting that it says that they are not mentally ill, and a little bit later I want to talk about President Donald Trump, who in his response to the latest mass shootings in the United States talked about the fact that we have to look at the mentally ill. There are mentally ill people all around the world, but there is a difference between the mass killings in the US and in Australia, and I think the issue there may be the free availability of guns. I know my friends on the conservative side will agree, as I consider that probably Prime Minister John Howard's greatest act was to increase the regulation of gun ownership in Australia after the atrocities at Port Arthur. The article goes on to state —

> Group dynamics, often driven by charismatic leadership, play a powerful role in convincing individuals to embrace expansive goals and use violence to attain them. Personal factors also draw people toward terror. Terrorist groups provide their members with a feeling of belonging and empowerment and, in some cases, a means of avenging past wrongs.

Further the article states —

> During the 1970s and 1980s nationalists and social revolutionaries were responsible for most acts of terrorism. Both groups sought to influence the West and the establishment and consistently owned up to their deeds. But in recent decades no one has claimed responsibility for perhaps 40 percent of terrorist incidents, a fact experts attribute to the increasing frequency of terrorism perpetrated by religious extremists …
>
> Unlike the more politically motivated factions, these religious terrorists do not seek influence per se but rather the destruction of the Western world in the name of God … This motive reveals why they are so dangerous: they are unconstrained by the negative Western political reaction, and instead of fearing death they embrace martyrdom.

Of course, that was a major factor in the 9/11 attacks.

The article also talks about the fact that people who are terrorists are often labelled as crazy, and although some research concludes that there are psychiatric problems, they are often very cool operators. The article states —

> Studies of members of the RAF —

Which is a terrorist organisation in Germany —

> … the IRA in Ireland and Hezbollah in Lebanon, among others, however, have yielded no evidence that terrorists are mentally ill.
>
> Even suicide bombers are sane in most respects. After interviewing some 250 members of Hamas and Islamic Jihad in Gaza from 1996 to 1999, United Nations worker and journalist Nasra Hassan reported that none of these young would-be bombers struck her as depressive or despondent. They always discussed the attacks matter-of-factly and were motivated by deep religious feelings and the conviction that what they were doing was right.
>
> An expert committee on the psychological causes of terrorism concluded in 2005 that individual psychopathology was insufficient to explain terrorism. In fact, terrorist leaders typically screen out such people from their organizations because their instability makes them dangerous. Instead many researchers now believe that, far from being lunatics, terrorists rationally calculate the costs and benefits of their actions. In this "rational choice" theory of terrorism, violence and the perpetration of fear make up an optimal strategy for achieving political and religious objectives.

We can understand how authorities are really challenged in trying to deal with terrorism, so any legislative support that we can provide our organisations and agencies responsible for keeping the population of Western Australia safe should be commended, and that is what this bill seeks to do. Of course, it is in many respects only a small part of a raft of measures that this government and the agencies are seeking to take to keep people living in Western Australia safe from terrorists.

The article also talks about lone wolves, as was mentioned by the minister in introducing this bill, but a lot of them also seek to identify with a group. They feel connected to that group. It gives them some sort of meaning. The article refers to political psychologist Jerrold Post of George Washington University. It states that a number of research projects have come to the conclusion that terrorism can best be understood through the lens of group psychology. The article states —

> It is in that group context that terrorists rational calculus makes sense, as the benefits of terrorism are generally those of the group and not of the individual.

The article then talks about the issue of charismatic leaders having a very important role to play in setting the goals and convincing followers to engage in terrorist activity. No doubt Osama bin Laden had that charismatic pull to him for the 9/11 attackers. He was a person they sought to please through extreme violence.

Regarding wanting to belong to a group or a collective, there is also the issue of a sense of community and power by terrorist organisations providing a means of vengeance for past humiliations. The article quotes Palestinian psychiatrist Eyad El-Sarraj, who says —

> "What drives people to such acts of violence is a long history of humiliation and an overwhelming desire for revenge …

[Member's time extended.]

Dr A.D. BUTI: The article continues —

> Many suicide bombers during the second intifada from 2000 to 2005 … had watched family members being killed, beaten and humiliated.

That has been played out in other studies about tension and violence in the Middle East or in Israel and Palestine.

I think the member for Mount Lawley will give us a very thorough exposé about what has been happening recently in the US, but, before I talk about that, interestingly, the European Commission against Racism and Intolerance talks about the issue of terrorism and having to be careful to ensure that the fight against terrorism does not lead to discrimination against a racial group. I quote the commission —

> Terrorism is an extreme form of intolerance and it is the duty of the State to fight against it. The response to terrorism should not itself, however, encroach upon the very values of freedom, justice and the rule of law that it aims to safeguard. The fight against terrorism should not become a pretext under which racism, racial discrimination and intolerance are allowed to flourish.
>
> This General Policy Recommendation seeks to help member States of the Council of Europe combat racism, racial discrimination and intolerance, and combat terrorism simultaneously.

That is true. The key messages that the commission seeks to identify by this document are —

- Member States must ensure that actions taken to combat terrorism do not also directly or indirectly promote racism, racial discrimination and intolerance. The fight against terrorism should not have a negative impact on any minority group.
- Member States must also ensure that their public institutions act firmly and swiftly in handling cases of racism, racial discrimination and intolerance.

That is true. Of course, Australia and Western Australia are not member states of the EU, but we also have a duty to act swiftly to ensure that we provide a safe environment for the people who live in Western Australia. There is always a balancing act between various competing interests, concerns and rights, and of course one of the major priorities of any government or institution is to ensure the safety of the residents, or the people who make up the body politic, and the community of that jurisdiction. That is always going to be a balancing act. I do not believe that what we seek to do with this bill goes too far or could be seen to be targeting any particular group. The primary purpose of the amendments in this bill is to help agencies in the fight against terrorist acts, or to prevent terrorism in Western Australia, and that is really, really important. I do not think we could ever accuse the Minister for Police or this government of seeking to target any minority group or any particular racial or religious group in Western Australia.

Having said that, the language that emerged in Australia after the 9/11 attacks in 2001 created some concern. Interestingly, in around 2005 I spent some time studying in the US; I had also been there between 2001 and 2005, and, I have to say, I thought the language in the US was not as inflammatory against Muslims as the language from certain people in Australia.

Mrs M.H. Roberts: Didn't you run the Boston Marathon the year the bombing happened?

Dr A.D. BUTI: I was supposed to, but Colin Barnett recalled Parliament early, so I did not go until the year after. But I was supposed to be running there that year, yes.

I feel that things are different now in the US under the current President. Whatever people want to say about George W. Bush and the pros and cons of engaging in the second Gulf War, I do not believe that he or his government, within the US, engaged in inflammatory language against US residents who were Islamic or from Muslim countries, unlike what is happening there at the moment.

That brings me to the current situation in the US. As we know, over the weekend there were two mass shootings. We do not know the motivation for the second one, but it appears that the El Paso, Texas, shooting was terrorist related. It seems to be quite clear that that was the situation. I refer to an article from *The New York Times* by Michelle Goldberg titled "Trump Is a White Nationalist Who Inspires Terrorism". Those are pretty strong words. The byline is "Don't pretend his teleprompter speech changes anything." I would like to read this article out. It states —

> A decade ago, Daryl Johnson, then a senior terrorism analyst at the Department of Homeland Security, wrote a report about the growing danger of right-wing extremism in America. Citing economic dislocation, the election of the first African-American president and fury about immigration, he concluded that "the threat posed by lone wolves and small terrorist cells is more pronounced than in past years."
>
> When the report leaked, conservative political figures sputtered with outrage, indignant that their ideology was being linked to terrorism. The report warned, correctly, that right-wing radicals would try to recruit disgruntled military veterans, which conservatives saw as a slur on the troops. Homeland Security, cowed, withdrew the document. In May 2009, Johnson's unit, the domestic terrorism team, was disbanded, and he left government the following year.
>
> Johnson was prescient, though only up to a point. He expected right-wing militancy to escalate throughout Barack Obama's administration, but to subside if a Republican followed him. Ordinarily, the far-right turns to terrorism when it feels powerless; the Oklahoma City bombing happened during Bill Clinton's presidency, and all assassinations of abortion providers in the United States have taken place during Democratic administrations. During Republican presidencies, paranoid right-wing demagogy tends to recede, and with it, right-wing violence.
>
> But that pattern doesn't hold when the president himself is a paranoid right-wing demagogue.
>
> "The fact that they're still operating at a high level during a Republican administration goes against all the trending I've seen in 40 years," Johnson told me. Donald Trump has kept the far right excited and agitated. "He is basically the fuel that's been poured onto a fire," said Johnson.
>
> This past weekend, that fire appeared to rage out of control, when a young man slaughtered shoppers at a Walmart in El Paso. A manifesto he reportedly wrote echoed Trump's language about an immigrant "invasion" and Democratic support for "open borders." It even included the words "send them back." He told investigators he wanted to kill as many Mexicans as he could.
>
> Surrendering to political necessity, Trump gave a brief speech on Monday decrying white supremacist terror:

The article then quotes President Trump —

> "In one voice, our nation must condemn racism, bigotry and white supremacy." He read these words robotically from a teleprompter, much as he did after the racist riot in Charlottesville, Va., in 2017, when, under pressure, he said, "Racism is evil and those who cause violence in its name are criminals and thugs."
>
> Back then, it took about a day for the awkward mask of minimal decency to drop; soon, he was ranting about the "very fine people" among the neo-Nazis. Nevertheless, on Monday some insisted on pretending that Trump's words marked a turning point. "He really did set a different tone than he did in the past when it comes to condemning this hate," said Weijia Jiang, White House correspondent for CBS News.
>
> If history is any guide, it won't be long before the president returns to tweeting racist invective and encouraging jingoist hatreds at his rallies. In the meantime, everyone should be clear that what Trump said on Monday wasn't nearly enough. He has stoked right-wing violence and his administration has actively opposed efforts to fight it. Further, he's escalating his incitement of racial grievance as he runs for re-election, as shown by his attacks on the four congresswomen of color known as the squad, as well as the African-American congressman Elijah Cummings. One desultory speech does not erase Trump's politics of arson, or the complicity of the Republicans who continue to enable it.
>
> It's true that the Obama White House, giving in to Republican intimidation, didn't do enough to combat violent white supremacy. But Trump rolled back even his predecessor's modest efforts, while bringing the language of white nationalism into mainstream politics. His administration canceled Obama-era grants to groups working to counter racist extremism. Dave Gomez, a former F.B.I. supervisor who oversaw terrorism cases, told The Washington Post that the agency hasn't been as aggressive as it might be against the racist right because of political concerns. "There's some reluctance among agents to bring forth an investigation that targets what the president perceives as his base," he said. "It's a no-win situation for the F.B.I. agent or supervisor."
>
> On Monday, by coincidence, Cesar Sayoc Jr., the-man who sent package bombs to Democrats and journalists he viewed as hostile to Trump, was sentenced to 20 years in prison. In a court filing, his defense lawyers describe how he was radicalized. "He truly believed wild conspiracy theories he read on the internet, many of which vilified Democrats and spread rumors that Trump supporters were in danger because of them," they wrote. "He heard it from the president of the United States, a man with whom he felt he had a deep personal connection." He became a terrorist as a result of taking the president both seriously and literally.
>
> Trump probably couldn't bottle up the hideous forces he's helped unleash even if he wanted to, and there's little sign he wants to. If the president never did or said another racist thing, said Johnson, "it's still going to take years for the momentum of these movements to slow and to die down." As it is, Trump's grudging anti-racism is unlikely to last the week. The memory of the mayhem he's inspired should last longer.

I dearly hope we never hear such inflammatory language inside this institution, the Parliament of Western Australia, or from the various government officials who follow this government, which, hopefully, will have a long, long period in power. I commend the Minister for Police for bringing this bill to the house.

MS M.M. QUIRK (Girrawheen) [5.58 pm]: I always feel like the meat in the sandwich when I either precede or follow the member for Armadale, who is well-read and very erudite. I understand the member for Mount Lawley will speak after me, so I literally am the meat in the sandwich, or the warm-up act before dinner!

I want to approach my contribution to the second reading debate from the slightly different perspectives of my involvement in the drafting of many iterations of terrorist laws since 2005, and of having managed such people within the prison environment. I will talk a bit about that shortly. As we have heard, one of the very important elements of this legislation is the change to the threshold test, which is the current basis for a preventative detention order, and under which a terrorist act must be imminent and expected to occur within 14 days. That will be changed to a terrorist act that is capable of being carried out and "could" occur within the next 14 days. That, of course, might seem to be splitting hairs and somewhat pedantic, but from a practical law enforcement perspective, it makes a world of difference between the level of evidence and information needed to prove one or the other, so it is a very important distinction.

Sitting suspended from 6.00 to 7.00 pm

Ms M.M. QUIRK: Before the break, I was summarising the different tiers of this Terrorism (Preventative Detention) Amendment Bill 2019. As I said, the first and very significant point addressed in this bill is the distinction between a terrorist act being imminent as against a terrorist act capable of being carried out or occurring within 14 days. It also permits police to apply for a preventative detention order where the full name of an individual cannot be specified or his or her identity can be established by other means. It also provides for persons who are under

a preventative detention order access to a religious or spiritual adviser approved by the commission. I will canvass those matters in detail shortly.

As we have heard already, the terrorism legislation in Western Australia came about in 2005 after the London terrorist attacks and the Council of Australian Governments adopted a policy of a national framework of counterterrorism legislation. I was at that COAG meeting with Premier Gallop. I recall it very vividly because none of the Premiers had any proposal in writing. John Howard, the then Prime Minister, who was chairing COAG, walked in with a single A4 sheet of paper and started reading out proposals for this legislation to the Premiers, who did not have anything in front of them. "We will do this and do that and have control orders and this, that and the other." Because it was terrorism and the Premiers seemed to need to act on the matter promptly they nodded and agreed, even though they did not have a chance to get any briefings from professionals—police or whoever in the field. I tugged Geoff Gallop's sleeve and said, "Where are we going to put these people?" Premier Gallop very kindly put my question to the Prime Minister, who said, "Oh, that's just a detail; we'll worry about it later." It took about another 10 months or so for the bureaucrats to draft the legislation. I can remember the press conference after that COAG. Frankly, I am a bit cynical about COAGs and the photo opportunities. The poor old bureaucrats have to cobble something together after the photo opportunity.

I can remember at that press conference that the journalists were all pretty well hooked, lined and sinkered. They were not overly critical nor did they ask any telling questions about the proposals. All they had was a press release. However, I can recall that Laura Tingle asked a very telling question and from that day onwards I have admired her conscientiousness in making sure that details not readily provided by the government of the day are at least raised by her. Some fourteen years later, I should give brownie points to Laura Tingle for her years of work in the federal sphere and putting politicians on both sides of the chamber —

Mr S.A. Millman: An exemplar of the fourth estate, member.

Ms M.M. QUIRK: Yes. I mentioned that the COAG meeting in 2005, where this all started, in my view was less than comprehensive in its consideration of details. However, one thing clear at that COAG meeting was that we needed consistent legislation across all the states. Just like organised criminals, the ease of mobility and communications means it is essential in a Federation such as Australia that we can have similar laws in all the state jurisdictions and the federal jurisdiction so we can have seamless enforcement of the law.

In fact, in her second reading speech, Minister Roberts makes the following point —

> The face and nature of international terrorism has changed since 2005. It is essential that we change with it. We face threats as much from the radical right as from radical Islam. We face threats as much, if not more, from armed lone wolves as from organised terror cells. Our duty is to keep our community safe and free. In order to do so we must continually examine and improve the laws that protect us.

These laws today certainly fall into that category. As I said earlier, the notion that a terrorist threat is capable of being carried out is a lower threshold than the authorities having to prove that a terrorist attack is imminent. That is very important because at the early stages, time is of the essence. There may be sketchy evidence only, but it is very important for the courts to be able to give those orders when appropriate. In quoting Minister Roberts and the fact that terrorism methodology is dynamic and needs to change, I notice that this was noted in the fifth report of the Community Development and Justice Standing Committee "No Time for Complacency". I refer to the heading "Terrorist methods are ever-evolving". At page 7 of the report it notes —

> Terrorism and, as a result, counter-terrorism efforts and initiatives, are constantly evolving. As law enforcement and intelligence agencies become increasingly adept at disrupting one type of attack and targets are hardened against the associated attack vector, terrorists counter with new weapons and tactics. In recent years, for example, large-scale, coordinated attacks have given way to the threat of single-actor attacks involving basic weapons such as knives or vehicles.

I have a bit of an affection for this committee, on which I served for some years, so I commend that report to members. It is an excellent read. Equally important, the focus now, as it was in this report, is on terrorist acts within public places. This gives me an opportunity to talk about the bollards at the front of Parliament House. They are an absolute eyesore. I can say to *The West Australian* that while I attended a corruption conference in Copenhagen we visited the Parliament there and some very tasteful large pot plants and other bollards were being installed. I have taken photos of those, so if the administration of the Parliament would like to look at them, I think we can do a better job.

Mrs A.K. Hayden: They're septic tanks.

Ms M.M. QUIRK: They are septic tanks; exactly. Again, that is terrorism prevention evolving. Those members who have seen *Borgen* will know that there is a big plaza—that is an Italian word—or space out the front of the Parliament building in Copenhagen and it was felt necessary that, given the recent terrorist attacks, some impediments be put in..

Mr P.A. Katsambanis: Will you take an interjection?

Ms M.M. QUIRK: Certainly. In fact, I think I might have emailed the member photos of that.

Mr P.A. Katsambanis: You may well have.

Ms M.M. QUIRK: Yes. I was expecting to see it in the centrefold of this report; I was very upset!

Mr P.A. Katsambanis: I am sorry, but we had to edit at the end.

Ms M.M. QUIRK: That is all right, member.

Mr P.A. Katsambanis: Would you consider the bollards here to be worse or better than the chicken wire fence that they put around federal Parliament House?

Ms M.M. QUIRK: Having lived in Canberra at the time that the new Parliament House was started to be built and understanding the philosophy—that is, it being integrated into the hill and not supposed to laud it over the people and basically having a natural progression—I think that the fence is an aesthetic abomination. So, yes, I would agree.

Now to get back to matters in hand. Talking more about terrorism evolving, there were lots of learnings—that is a word I do not use very often; I do not like it, but I will use it in this context—from the coroner's report about the Lindt Café incident and the issues surrounding lone wolves or single agents. It is very important that when we get these lessons, we expeditiously translate these lessons into legislation. Similarly, we need to look at the fact that terrorists need money, so money laundering is getting increasingly sophisticated, especially through cyber currency. Again, there may well need to be a focus on how terrorism is financed.

I now want to talk briefly about persons in detention. At the 2005 COAG meeting, I tugged the Premier's sleeve and said, "Where are we going to put these people?" That was as much about crowding in prisons, the fact that a different sort of person was being detained and the fact that that person had not yet been convicted. That meant that the authorities of corrective services had a special responsibility, bearing in mind that the person was equivalent to someone on remand. So, in my view, the duty of care was higher. Luckily, since that time, we have had few people in WA, and we have certainly had none in preventive detention, but Jack Roche, who was a convicted offender, has been in prison. I certainly formed the view that our prisons for domestic offenders were not suitable. In particular, the Australian Federal Police was seeking my permission on a regular basis to interrogate Mr Roche. After about the third or fourth time, I refused the police permission because in my view they had not established, as they needed to at the time under the act, that it was in the interests of justice. The police were absolutely gobsmacked that I said, "No; you'll have to prove that this constant questioning of this prisoner is warranted in the interests of justice." Luckily, they dotted the i's and crossed the t's and came back and proved that. Again, I make the point that Roche was in the domestic prison population among other prisoners. Having visits from the police every other day probably did not do his standing in the prison too much good. With the number of prisoners in Victoria and New South Wales, I wonder whether it is time to think about some sort of federal facility to house these offenders. It is just something that I put out there, but certainly we are dealing with a different type of prisoner who needs to be treated differently. As I said, some will not be convicted at all, but others will be. Again, there may be arguments against doing that and having people with the same sorts of radical views in the same prison, but, as we heard earlier and as the minister said in her second reading speech, there are radicals on both the left and the right, so it would not be as though we were concentrating one particular ideology within an institution.

In clause 10, there is a provision to enable the person on the preventative detention order to have contact with an approved religious or spiritual adviser. That compares with the wording in the Prisons Act, which refers to "a recognised religious or spiritual adviser or other responsible person with similar religious or spiritual beliefs to those of the prisoner". I wonder whether that is the tenor of what we are trying to achieve with this bill.

[Member's time extended.]

Ms M.M. QUIRK: If, for example, someone's given religion is the Uniting Church, I wonder whether another Christian denomination would be specific enough, because that seems to be the case under the Prisons Act. I note in this bill, however, that it is a person nominated by the detainee, so that should get over any, shall we say, differences in religious belief that are crucial to the detainee but might to the general authorities not be seen to be great. For example, if someone is of the Muslim faith, are they Sunni or Shiite? I just raise that. I do not think it is a major issue, but how specific do we have to be in making sure that the spiritual adviser is someone of the detainee's choice and a particular spiritual inclination? This provision is particularly important because there is a problem about social isolation in prison at the best of times. These detainees would probably be separated from the general population in some way or another, so their isolation would be greater. It appears to me that it is important that they have that contact. In New South Wales, there is also reference to being able to have visitors of the same cultural background. I think that is fraught in Western Australia, given that over half the population has a relative who was born overseas and one-quarter of the population was born overseas. As the song says, we come from many nations. It is very difficult to isolate people of the same cultural background or to make those

distinctions. Even amongst the First Nation population, there are many different groups. The provision to have someone of the same cultural background as well as someone who is a spiritual adviser would be very difficult and may be more appropriately dealt with by way of regulation.

This is part of the evolving nature of legislation. We have to constantly keep up. As the report says, it is no time for complacency. We need to actively and expeditiously ensure that our legislation is the same as that in other jurisdictions. We need to acknowledge that methodologies change. We need to acknowledge that although we have been fortunate to date and there have been no prisoners under preventive detention in Western Australia, that might not be the case in the future. It may be time to lobby our federal colleagues for a special facility. Finally, in order to prevent further socialisation, and making that prisoner even more radicalised, we need to give those detainees access to a spiritual adviser.

I finish with the words of Condoleezza Rice, the former US secretary of state —

> We're in a new world. We're in a world in which the possibility of terrorism, married up with technology, could make us very, very sorry that we didn't act.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [7.20 pm]: I rise, like the previous member, as the warmup act, or maybe the entrée, to the main course of the member for Mount Lawley that we are waiting for later tonight. I want to make some comments on the Terrorism (Preventative Detention) Amendment Bill 2019. It is very heartening to see virtually universal support across the chamber. We all identify the need for this. There may be issues with the detail that can be explored further later, but there is broad and strong support for this legislation, which has always been the case with laws designed to protect the community from crime, particularly incidents of terrorism. We have a unity ticket, which is the right way to go, and I think the community would expect it from us.

This legislation is necessary, but we hope it will never be needed. The legislation that this bill seeks to amend has never been used in Western Australia. The original legislation dates back to the time of the Gallop Labor government some years ago, and in that time it has not been needed. It is legislation we need to have in place in case police and authorities need to access it. As always, legislation of this kind is a fine balancing act between security and liberty. It is right that we should constantly question and review both sides of the scale. Does this legislation go too far? Does this legislation go far enough? It is incumbent on us, as representatives of the people and legislators, to always question whether we have the balance right. If we wanted to make the world completely safe, we would lock up everyone, but that would not be a very nice community to live in. There must always be a balance between acknowledging and respecting the liberties of individuals and ensuring the security of the community. It is a tough act, but a necessary one.

We know that terrorism is still very much an issue in our world. The image of terrorism that I grew up with was the troubles in the Middle East, motivated by the dispute between Jewish settlements and Arab objection to that. Then it seemed to spread, and of course we all remember vividly the events of 9/11, and now it has morphed into the view that a homegrown terrorist could strike alone—a lone wolf operator. We have seen that, tragically, in the past couple of days in the United States, in El Paso on the Texas border and in Dayton, Ohio. As a young man, I travelled extensively through the United States. Three decades ago this year I took off.

Mrs M.H. Roberts: I didn't think you were that old.

Mr R.R. WHITBY: I was a very young man—a baby—and I barely had the licence. I was in my mid-20s. I travelled much of the United States, and I largely felt safe. If I went back there now and had a look around in the same way as I did 30 years ago, I would see a different America. I would see open carry, which terrifies me. I would see more division and polarisation, but I think I would certainly also see more security. I actually visited El Paso for a time. It is a very quaint town right on the border. I think I actually slipped over the border, and it was a much less intense situation on the border between the USA and Mexico. My memories of El Paso came back on the weekend when I heard this terrible news. I think the death toll has risen, unfortunately, in El Paso, to 22, and nine in Dayton—31 people have been killed. We would agree that, particularly in the case of El Paso, that was an example of terrorism. There is no doubt about it. Someone wanted to make a political point and chose to inflict death and destruction in a very random way. That is another form of terrorism that confronts us.

The closest we came to a real terrorism act that had an impact on the Western Australian community was another incident that we can all remember quite vividly—the 2002 Bali bombings. At the time, I was working as a journalist, and I remember I got a phone call overnight and I was on the first plane into Bali the next day. I have spoken about the experience before, of being in a zombie state with just too much emotion to process, walking through a morgue and seeing bodies everywhere, particularly in light of the standards of the authorities in Indonesia, which are very different from what would apply in Australia. People were allowed access through burns wards and makeshift morgues. Those were very vivid images, but the most distressing or emotional times were

not very visually confronting; they were the times spent talking to the loved ones of the victims, and seeing grown men reduced to tears in front of me after losing their mother. Those are the most vivid memories I have. In Bali, it was almost like it had happened here, because so many Western Australians have an affinity for Bali, and that attack claimed the lives of 88 Australians. It might just as well have been a detonation in Northbridge for the impact it had on Australians. We are not immune to the threat of terrorism.

We live with this constant threat, and the impetus for these laws enacted by the Gallop Labor government in 2005 was the London bombings—the so-called 7/7 bombings on 7 July, attacking the London transport system on underground trains and a double-decker bus. The attacks claimed the lives of 52 people, at least one of whom was Australian. That very tragic event brought home how these cells and small terrorist groups were operating in the heart of communities. A Council of Australian Governments meeting was held, resulting in the commonwealth and all the states agreeing to align their laws to give police and other authorities the powers they believed they needed to intervene, getting in first before a terror attack could occur on Australian soil.

I want to go through the bill briefly, if I can. We have heard it before, but this is very much non-contentious legislation, because it essentially sharpens up the definitions to avoid ambiguity in the current law. As well as being tougher, it actually injects a bit more compassion.

In this amendment bill, we address both. We address how to find the right balance between security and liberty. We provide the police with greater ability to act. However, we also provide greater compassion for suspects who are caught up in this situation. Again, we deal with that balance quite neatly in this legislation before the house.

It is important to note that the bill proposes to change the threshold test, or the basis for an application for a preventative detention order, or so-called PDO, from the current wording of "a terrorist act being imminent and expected to occur within 14 days" to "a terrorist act being capable of being carried out and could occur within the next 14 days". In terms of law and legislation, words are very powerful, and it is important that we get them correct. We can understand the difficulty that may arise in proving that a terrorist attack was "imminent", compared with proving that a terrorist act was "capable" of being carried out. That will give our police greater ability to intervene when they fear that a terrorist attack is about to happen.

The bill will also permit the police to apply for a preventative detention order when the full name of the individual is not known. Examples have been given in the house tonight of how we may not know a person's full name, but we may know part of their name, or that they have an alias, or we may have other means of identifying the person. It would seem incredible that the police would be denied the right to detain a person because they did not know the person's middle name or the correct spelling of their name. That will clear up that issue. Safeguards and processes will need to be gone through in the identification of a suspect. A Supreme Court judge, or a retired judge acting in their private capacity, will be required to be satisfied that the identity of the person can be established using parts of a name, an alias, a physical description, a photograph, or some other means.

The legislation also provides that persons detained under a preventative detention order may, where appropriate, access a religious or spiritual adviser approved by the Commissioner of Police or a senior officer delegated by the commissioner. This is the other side of the scale, in showing some compassion for the person in detention. A religious or spiritual adviser will not be permitted to engage in the release of information or provide assistance to the suspect. A penalty of imprisonment for up to five years will apply if a person who gives spiritual or religious guidance becomes, in effect, a co-conspirator.

The bill also provides clarity about the assistance that will be offered to people who are described as vulnerable. This will apply mainly to people under the age of 18. It is incredible to think that a person who was legally a child could be involved in a terrorist act, but we know from experience around the world that that may be the case.

This legislation has already been ticked off and approved by other jurisdictions in Australia. A moment ago we spoke about the words "imminent" versus "capable", which the commonwealth, Victoria, Queensland and New South Wales have approved in similar legislation. Similar legislation has been approved in Queensland and Tasmania not requiring the name and identification to be nailed down 100 per cent, and using other means to satisfy a judge. Similar legislation has been approved in New South Wales providing contact with a chaplain or spiritual adviser. The legislation in all the states and the Northern Territory provides assistance for young people who are caught up in this situation, particularly those who are vulnerable. Therefore, in most cases, we are following on from what has been approved in other jurisdictions and are standardising the laws across Australia.

As I mentioned earlier, the spark for this legislation in Australia was the London bombings. That was followed by the 2005 Council of Australian Governments' meeting, which set up the national framework. The idea behind this legislation is the adoption of a preventive detention regime that will ensure that law enforcement is given access to powers that will fill a gap in situations in which existing general laws and powers are not sufficient to prevent a terrorist act or to preserve evidence of a recent terrorist act. At the same time, the Terrorism (Preventative Detention)

Act 2006 seeks to strike an appropriate balance between the need to protect the community from an act of terror and ensure that people detained under these orders and under this process are treated with dignity and respect. The key part of this legislation is getting the person off the streets so that they cannot carry out what is suspected to be a planned terrorist attack.

I have gone through the basis of the proposed reforms. The purpose is to remove ambiguity and sharpen the definitions. As I have heard tonight, this legislation is supported by members around the chamber. It is necessary and will help protect the community. As I have said, this is an ongoing process. We need to balance the scales between the interests of liberty and security. This legislation is part of that ongoing process.

We will now have the act that we have all been waiting for. The member for Mount Lawley is going to rise to speak on this bill.

MR S.A. MILLMAN (Mount Lawley) [7.35 pm]: Mr Acting Speaker, I seek the call, if I may.

The ACTING SPEAKER (Mr T.J. Healy): The distinguished member for Mount Lawley.

Mr S.A. MILLMAN: I rise with the burden of the heavy expectations that have been imposed upon me by both the member for Baldivis and the member for Girrawheen, expectations that I hope to meet, but probably not exceed. Those expectations are, I think, quite paradoxical, given the level of expertise that both the member for Baldivis and the member for Girrawheen bring to this chamber, in particular the member for Girrawheen, who was at the Council of Australian Governments' meeting in 2005 when these orders were initially discussed. Therefore, it is fair to say that the member for Girrawheen speaks with some significant authority on this legislation.

As far as the contribution from the member for Baldivis is concerned, I only need to refer to the contribution that I made on the Criminal Appeals Amendment Bill 2019, which was brought before this chamber by the Attorney General, to remind members of the expertise that the member for Baldivis, with all his experience in the media, brings to this chamber. I also follow on from the member for Armadale, a well-respected legal academic, and the member for Burns Beach, a practitioner in matters of police enforcement.

Before I start my contribution, I want to thank the member for Hillarys. He has demonstrated once again that this opposition is capable of taking a sensible approach to the innovative and fair-minded legislative agenda that has been brought before this chamber by the McGowan Labor government. As the member for Baldivis has said, the member for Hillarys understands, like us, that it makes sense that the symbol of justice is a set of scales. All these pieces of legislation are about balancing rights and interests—balancing the security of the community with the freedom of the citizens in our liberal democracy.

One thing that it is important to bear in mind when contemplating this legislation is the long tradition, history and heritage in Western Australia—which can be traced all the way back to English law—of habeas corpus, or the right for a person to be brought before a court to determine whether they have been detained unfairly. One of the issues in this legislation is how to preserve that right and at the same time protect the security of the community. I do not intend in my contribution to dwell overly on that legal principle, because it has been addressed by both the member for Baldivis and the member for Hillarys. I echo the sentiments expressed in the contributions of both those members and say that, in my view, the Minister for Police has once again done an excellent job in finding the right balance. That is the first proposition that I want to put forward.

The second proposition that I want to advance is that this will always be a tricky endeavour. We are a free society. We need to make sure that only in the requisite circumstances do we take steps to infringe upon that freedom. What is the current prevailing set of circumstances that makes it necessary for the Minister for Police to bring this legislation before the chamber in the way that she has? I take a leaf out of the book of my friend the member for Armadale in paraphrasing the second reading speech of the minister. This legislation traces its history back to 2005 and the reaction to the London terrorist attacks. Unfortunately, this is an area in which we need a government that is agile, innovative and responsive to changing circumstances. We have seen the tragic developments that have occurred in the United States over the last couple of days and we know that terrorism remains prevalent. We know that there are new methods, mechanisms and means by which terrorism is promoted and carried out. A rising tide of white supremacy is motivating terrorism in our world. Members need only look at the tragic history of the last couple of years to see just how violent white-supremacist terrorist movements have had a significant deleterious effect on communities across the world. White supremacists in El Paso have been motivated by racial hatred and carried out shocking acts on the Hispanic community in Texas. In the Christchurch mosque massacre, 51 people were murdered by a white supremacist. We saw two tragic synagogue attacks in Pittsburgh, San Diego. Worshippers were attacked by white supremacist gunmen motivated by anti-Semitic—anti-Jewish—hatred inspired by a social media sentiment that is currently prevalent in the community.

Other members have made some outstanding contributions on the substance of the bill, so my contribution is going to focus on the duty that is incumbent on all of us as voices of reason in this debate to speak out against this

white-supremacist terrorism. We need to call it out and as a community say that we need to tackle it and take steps to eradicate it from discourse. Part of the problem is that this challenge has not been accepted by authority figures around the world. As others have said, President Trump can read out his response to this terrorism in an anodyne fashion from the teleprompter, but this needs strong, forceful advocacy in opposition to racism. It needs strong, forceful advocacy in opposition to hate. It needs strong, forceful advocacy in support of mutual respect, appreciation and tolerance. When we see the example from the Pittsburgh synagogue on October 2018 of a gunman charging into the synagogue during the observance of the Sabbath, saying that all Jews must die, we know that the promulgation of this white-supremacist racist sentiment has gone way too far. I will quote from an ABC news article on 29 October 2018 about the Pittsburgh synagogue shooting. The gunman had this to say about a refugee organisation —

> "HIAS likes to bring invaders in that kill our people. I can't sit by and watch my people get slaughtered. Screw your optics, I'm going in."

Members would be interested to know that the Hebrew Immigrant Aid Society is a non-profit group that helps refugees from around the world find safety and freedom. This is a crazed gunman who is motivated by hate, racism and toxic ideology and has attacked a non-profit group that helps refugees around the world find safety and freedom. There is not one person in this chamber who would not endorse those aims of providing safety and freedom. The organisation says that it is guided by Jewish values and history. The Pittsburgh shooting is my first example.

I will stay with attacks on synagogues and move now to San Diego where the perpetrator, a man named John T. Earnest, believed that Jews were destroying the white race. He started to become anti-Semitic 18 months before his deadly attack. This next article was written by AP on 18 June 2019. It was timely if ever there was an analysis of what is transpiring. It states —

> The sole gunman in a Southern California synagogue shooting in which a woman was killed told an investigator that he adopted his hatred of Judaism 18 months before the fatal attack, according to a federal search warrant.
>
> John T. Earnest, 19, also told a San Diego Sheriff's detective that he was inspired by Adolf Hitler and the suspected gunman in the New Zealand mosque shooting last March.

In this shooting, he killed a 60-year-old woman, Lori Kaye, as well as injuring three others. May she rest in peace. What a tragic set of circumstances in which this man attacks a place of worship in order to perpetuate his hate-filled ideology that was inspired by none other than Hitler. He also did not confine his hatred of religious observance to Jewish people. He also hated Muslims. He tried to burn down a mosque in the nearby city of Escondido just before his attack on the mosque. The article continues —

> A federal affidavit describes a deeply disturbed man filled with hatred toward Jews and Muslims …

He was inspired by the attacks on the mosques in New Zealand and the shooting at the Pittsburgh synagogue in October 2018.

That brings us to the Walmart attacks that the members for Baldivis and Armadale have already canvassed in their contributions to this debate. I want to quote from *The Wall Street Journal*, an august journal of record and a great publication. The article is titled "White Nationalists Pose Challenge to Investigators" and was written by Dan Frosch, Zusha Elinson and Sadie Gurman on 5 August 2019. The by-line states —

> Home-grown terrorists, some motivated by white-nationalist ideologies, often fly under the radar.
>
> The shootings in Texas and Ohio that killed at least 31 people over the weekend left authorities searching for how to confront the challenges posed by mass violence and domestic terrorism, especially attacks driven by white-nationalist ideologies.
>
> Violence committed by white men inspired by an extremist ideology make up a growing number of domestic terrorism cases, according to the Federal Bureau of Investigation. Of about 850 current domestic terrorism cases, 40% involve racially motivated violent extremism and a majority of those cases involve white supremacists, the FBI said.

I recommend this article from *The Wall Street Journal* to members. The article goes on to recite all the tragic circumstances throughout North America in which white supremacists have perpetrated acts of violent ideology against innocent people, oftentimes in places of worship like churches, synagogues and mosques, for no reason other than to further their crazed ideologies. These people do not discriminate between Jews or Muslims or people of colour. This is an ideal that is driven by this replacement theory in which they are worried or fearful of their race being overrun. It is nothing but a shocking racist ideology, which we need to identify, call out and condemn. When it comes to terrorism, we have an obligation to make sure that we say to the community that this is intolerable behaviour and that there is no space in our civil society for this sort of hatred and animus towards people going about their daily life trying to enjoy the freedoms that we in this chamber hold so dear.

I will quote from *The Atlantic*, another excellent journal. The article is titled "How Many Attacks Will It Take Until the White-Supremacist Threat Is Taken Seriously?" It is written by Uri Friedman and dated 4 August 2019. It states —

> FBI Director Christopher Wray said recently that the bureau doesn't "investigate the ideology, no matter how repugnant. We investigate violence."

The trouble is that —

> There was, it seems, no time to avert the massacre.
>
> The anti-immigrant, white-nationalist manifesto heralding an imminent attack was uploaded to the online message board 8chan only minutes before a shooter killed at least 20 people shopping on a late-summer Saturday in El Paso, Texas.
>
> But in another sense, if U.S. authorities confirm that the document was written by the 21-year-old white male suspected of committing the atrocity, then there was plenty of time—numerous years in which violence by far-right, white-supremacist extremists has emerged as arguably the premier domestic-terrorist threat in the United States. The government —

This is the government of the United States —

> may be working to prevent these violent acts, but it's devoted less attention and fewer resources to the toxic ideology that knits them together.

Members might be aware of the Anti-Defamation League, which is a fantastic organisation based in the United States that promotes awareness of anti-Semitism and attacks on Jewish people. According to an article in *The Atlantic* —

> The Anti-Defamation League recently reported that right-wing extremists were linked to more murders in the United States … in 2018 than in any other year since 1995 …

We have already heard some possible hypotheses from the member for Armadale for why that is the case when there is a conservative President in the White House. The article continues —

> The organization also found that in the past decade, roughly 73 percent of extremist-related fatalities have been associated with domestic right-wing extremists, relative to about 23 percent attributed to Islamist extremists.

A real problem is developing in the United States that needs to be tackled by the authorities there. The concern is when people from Australia, such as the alleged perpetrator of the Christchurch mosque attack, are motivated by the same hate-filled ideology. It is imperative that steps be taken to tackle white nationalist, racist, extremist ideologies if we are to tackle terrorism as a community and society. The problem was identified by none other than the *Los Angeles Times* in an article by Molly O'Toole from 5 August 2019 headed, in part, "Trump officials have redirected resources". It states —

> In the aftermath of mass shootings in Texas and Ohio, President Trump vowed Monday to give federal law enforcement "whatever they need" to investigate and disrupt hate crimes and domestic terrorism.
>
> But the Department of Homeland Security, which is charged with identifying threats and preventing domestic terrorism, has sought to redirect resources away from countering anti-government, far-right and white supremacist groups.

These are precisely the groups that are causing the problems that I am identifying. It continues —

> The shift has come despite evidence of a growing danger. Last year, every extremist killing in the United States involved a follower of far-right hate groups or ideology, according to the Anti-Defamation League's Center on Extremism. The FBI has noted a sharp increase in domestic terrorism cases involving white supremacists.
>
> In June, the acting secretary of Homeland Security, Kevin McAleenan, told Congress that "white supremacist extremist violence" is "an evolving and increasingly concerning threat."

The evolving threat to the peace, safety and security of our community presented by white extremist, white nationalist, racist ideology is a worry. We have a real opportunity, in the context of this debate, to say to the community that we will not stand for it. As I said in the very first speech I made in this place, the people of Mt Lawley are all too aware of the disaster that occurs when politics is motivated by race and hate. There are holocaust survivors who live in Mt Lawley. Survivors of the apartheid regime in South Africa live in Mt Lawley. They know exactly what happens when politics is motivated by an ideology of hate based on race. Mr Acting Speaker, I wonder whether I might have a very short extension just to finish my contribution.

The ACTING SPEAKER: Extension granted.

[Member's time extended.]

Ms M.M. Quirk: Don't apologise for your erudition.

Mr S.A. MILLMAN: I thank the member. While I am dealing with the topic of anti-Semitism, I will recommend a book to members. I have it out on loan from the Parliamentary Library at the moment, but once I have finished with it, I urge members to take the opportunity to read this book by Deborah Lipstadt called *Antisemitism: Here and Now*. I will quote her response to the Charlottesville protest. The author lives in Atlanta, Georgia, so she is well aware of what took place in Charlottesville. Other members have already noted the response from the US President to what took place in Charlottesville. I quote from page 36 —

> Incidents that we might not previously have heard about are now celebrated on racist websites. Social media allows the extremists not only to communicate more easily with one another but also to make their voices and views heard beyond their adherents. Through the various social media platforms, these hate-mongers can reach a wider audience of people, including those who might previously have not been exposed to these messages of hate. In so doing, they are normalizing open expressions of hatred. Many people are uncomfortable with the white nationalists' and supremacists' open adulation of Nazis, love of violence, and overt antisemitism and racism. They will not join up with them. But influenced by the extremists' spread of hatred on social media, people who might not join a supremacist organization will nonetheless begin to repeat some of their arguments.
>
> Charlottesville did not come out of the blue. We saw these extremists at work during the 2016 presidential campaign. They took particular aim at those Jewish journalists who they believed were either opposed to Trump or insufficiently supportive of him. During the primaries, Bethany Mandel, a self-described political conservative who has written for, among other publications, the *Federalist* and *Commentary*, tweeted what she described as "an offhand remark" about Donald Trump's "legions of antisemitic fans." She described the responses she received as "unlike anything [she had] seen before on Twitter."

Forgive me for the language, members, but she received messages —

> … branding her a "Jewess" who "deserves the oven." Another message ominously asserted, "Missed one, you slimy Jewess." Not satisfied with these postings, her attackers also began to "dox" her, which means to find and post online private identifying information about her. She subsequently received explicit death threats, including some that were posted on her private Facebook page.

Next Monday night, the WA Council of Christians and Jews is holding a forum at Wesley Church, which is a Uniting Church in Hay Street, to which I have the great privilege of being able to make a contribution. The forum, run by the Council of Christians and Jews Western Australia Inc, is called "Antisemitism: What can we do?" This is a seminar and panel discussion. I invite any member who is interested to come along. The seminar discussion starts at 7.30 pm on Monday, 12 August at Wesley Church on the corner of William and Hay Streets in Perth. Our keynote speaker will be Anette Adelmann, a Protestant theologian who has a master's degree in Jewish studies. She is from the International Council of Christians and Jews in Heppenheim, Germany. She is an eminent speaker on the scourge of anti-Semitism. On the eminent panel, in addition to me, will be Steve Lieblich, director of public affairs for the Jewish Community Council of Western Australia; Sol Majteles, president of the Holocaust Institute of Western Australia; and Father Michael Moore, rector of the Redemptoris Mater seminary in Morley and also a committee member of the CCJWA. By forums and discussions such as this, in which we raise the spectre of white supremacist, white nationalist, racist ideology, we call it out for what it is and identify it as a source of domestic terrorism. By taking these actions we can serve to better protect our community.

The reason I have to raise all these issues is that before we take steps, such as this legislation does, to curtail the freedoms we have received from hundreds of years of parliamentary democracy through the United Kingdom, we need to make sure that those infringements are justified. When we look at the expansion and spread of white supremacist, racist terrorist acts across the world, we can see that that justification exists for this government to take the responsible steps to bring us into line with the federal government.

I will finish with this point: these freedoms that are so important to us are not even contemplated in the commonwealth Constitution. The reason we need to pass this legislation is that these are referred powers that are derived from the Western Australian Constitution, which has the broad plenary power of providing peace, order and good government. We have an obligation to make sure that the power that this Parliament has to pass this legislation is exercised. We have a duty to the community of Western Australia and to the citizens of the Commonwealth of Australia to make sure that we take the necessary steps to protect our safety and security. So fundamental are these freedoms to us that they do not even require enumeration in the commonwealth Constitution. It is left to us, as the Parliament of Western Australia, to take these necessary steps. This is a constitutional obligation that is imposed on us and which we need to take seriously.

If members wish to take anything from my contribution, please let it be this: we must always proceed with great caution before we infringe on the rights and liberties of free citizens in this democracy that we value dearly, but we need to do this because the circumstances of this changing world are promoting acts of white supremacist,

nationalist and ethnic-based terrorism. We need to know that we can take steps to stand in the path of these hate-filled fearmongers, these hate-filled racists, these hate-filled perpetrators of violence, and say, "Your ideology has no place in our community. We will not stand by." This is the sacrifice that we as a community and as a Parliament, as custodians of our free society, are prepared to make to ensure the safety and security of our citizenry. The other obligation we have is to make sure that every time we have a microphone, or stand on a podium, platform or soapbox, we say, "We will not tolerate this white supremacist, nationalist, race-filled, hate-filled ideology." We see it for what it is and we must call it out and say, "Enough is enough! Take your terrorism and stick it!" Thank you.

MR Z.R.F. KIRKUP (Dawesville) [8.00 pm]: I, too, rise to speak on and in support of, along with my opposition colleagues, the Terrorism (Preventative Detention) Amendment Bill 2019. It is great to see such a high level of debate on the bill, even though, of course, all of us support it. As always the contribution of the member for Mount Lawley was informative. Earlier I was talking to the member for Hillarys; both he and I are state parliamentary patrons of the Friends of Israel WA and we fully support any move to combat the rise of anti-Semitism across the globe. We stand in full support with our Jewish friends and the Jewish people. The member for Mount Lawley raised one point that is important to talk about—that is, the amazing rise of online hate in our community and the broader connected world that we live in. It is interesting, as the member for Mount Lawley and other members pointed out, that previous domestic terrorist attacks were streamed live—in the instance of Christchurch in particular—on a range of social media platforms. Reference was made to 8chan and 4chan as places that foster hate in the depths of the internet. The reality is that these platforms create a built-in disconnect between those who contribute to those platforms and spread those messages of hate, and the people to whom those messages are directed. People are able to say all sorts of things. The member for Mount Lawley referred to a book, the author of which was told that she was a "Jewess" who "deserves the oven". That is an awful suggestion, but language like that is used regularly on these platforms, and that spirit of hate is developing further in places like 8chan and 4chan. These message boards, as they once were, create online communities that spread rampantly.

One conversation that Prime Minister Morrison and New Zealand Prime Minister Ardern have had post-Christchurch has been about the role that large social media platforms play and attempts to try to regulate and stop the spread of hate and violence. They want to try to stop videos being streamed online at a prolific rate, as happened in the Christchurch massacre. I have researched this matter heavily because I am very interested in this technological space and in the connected nature of communities these days. I learnt that within the first hour that the Christchurch video was streamed on YouTube or Google, it was shared something like 1.24 million times. It was a huge number. Google immediately tried to get its moderators to stamp out the dissemination of that video, but things evolved very quickly.

Mr D.A. Templeman: How many was it?

Mr Z.R.F. KIRKUP: I think it was shared over a million times, or something like that, within an hour—it was a massive number. The video spread like wildfire. Eventually, very quick preventive and responsive algorithms were introduced, which stopped the video being uploaded. However, particularly talented coders were able to change the codec or images, or were able to overlay a watermark, to make enough of a difference so that that algorithm could not respond. In the end human interaction was required to moderate the content. Every member in this place, and indeed a lot of people who will read this contribution, are active participants on mainstream platforms. All of us are often on Facebook, and most of us would stream videos via YouTube and participate in conversations on Twitter or Instagram, which is still owned by Facebook. We happily engage with these providers, yet to date we really have not made much of a protest or taken much of a stand on what we expect from those providers to regulate violence and hateful content, or in particular, when we look at what happened in Christchurch, what they should do to stop the spread of terrorist propaganda. As active users all of us should be demanding more from these social media platforms. We are players in the market. We give them our data; we should expect certain standards from those platforms.

I am pleased to see, as I said earlier, that Prime Ministers Ardern and Morrison are taking a stand and will be looking to moderate and regulate social media platforms. They are taking the initiative to try to do more to combat and stop the rise in the dissemination of hateful and violent terrorist content online. It is incumbent upon all of us to demand those platforms do the same. If we do not like a store or if we do not like a product it is selling, we will no longer go to that store or buy that product. We have a vote in what they do with our data. That is more valuable than most people realise. It is incumbent upon us to do something when we no longer like the actions of a platform like Facebook, for example. Perhaps we should not transact with them until we know that they have put in place enough rigour and protections to stop this type of content from spreading and taking off, such as happened in Christchurch.

It is very interesting that 8chan and 4chan, the depths of the internet, are usual parlance now. However, a completely different subset of internet participants exist on the dark web, an unregulated space within which governments in particular find very difficult to stop information being transacted. At times very dangerous information is found

on the dark web. When the member for Hillarys, a number of other committee members and I travelled to the United Kingdom, we were told a number of times about how dark web portals often disseminate recipes for making explosives from household ingredients. They are actively and easily—which is more concerning—accessed. I am a child of the internet. I grew up with it for the vast majority of my life. It started off with the tenet that everything was entirely free and the transaction was entirely open. It was a largely unregulated space with very little involvement from government at all. It was meant to be a way of connecting people in the purest possible sense, no matter how far apart they were. But it has evolved and is now sometimes a dangerous place to be. It is a place that harbours evil at times and a place that allows dissemination of material that causes immense grief and harm. There are people who use things like the Christchurch massacre videos to harbour their hate. In some instances it drives a desire to replicate such attacks. We must be able to do as much as we can to stop that sort of content from being disseminated. However possible, those organisations must do more to stop that type of content from being spread in the first instance.

I would like to touch on one thing that I have been researching recently, and that is the rise of deepfakes to elicit violence such as a domestic terrorist attack. A deepfake is a computer-generated video of an individual that can be manipulated in such a way to say and do basically anything. Artificial intelligence software exists that could take a photo of me and a recording of my voice, although the recording would not necessarily need to be of my voice. It does not necessarily matter that a person does not know exactly who I am. From the photo alone, the software can predict behaviour and language that I would use and craft a certain video. That deepfake can start a moment of violence. I can see it now. I can see a right-wing nationalist group, for example. A deepfake video might seek to target an organisation or a group. A deepfake might find the leader and elicit some sort of response. In a particular group, the deepfake might challenge the right-wing organisation to come and attack it, "Because we're ready to take up arms against you." A deepfake can do that with an amazing level of credibility.

I encourage members to look at an example of a recent deepfake video on Nancy Pelosi, the Speaker of the United States House of Representatives. It was not largely a deepfake, but it was a video that was manipulated to play at three-quarter speed. It was a regular speech by Nancy Pelosi that made her look as though she was intoxicated. I could do that manipulation on my MacBook. That incited a massive backlash against her. The response was interesting to me because it was not a real video. However, the mainstream media picked it up. Organisations such as Fox News whipped it up and it spread like wildfire. The rise of deepfakes in particular are a threat to our democracy because we can imagine what it looks like in a political context. We can imagine a deepfake coming out about a party leader that could easily say one thing that never happened, but making it look so real that it is almost impossible to combat. The extremity of that is how a deepfake might be used to incite violence against one group or another.

We saw that with the involvement of a foreign state in the US elections where they clearly created Facebook groups to play off against one another. Facebook events were created that in some cases incited violence and in some cases incited what would be considered domestic terrorism. It was a foreign entity creating two Facebook events. That was it—a very simple transaction. We can imagine what would happen if something like a deepfake were used, which is what it is called now.

As early as last night, a US citizen, who is very involved in political strategy, was saying to me that the rise of deepfakes in the US in a political context and the way they campaign represents a real threat to them and their democracy because they are almost impossible to stop. I will use myself as an example for argument's sake. If a deepfake came out about me, how could I flag it and say that it was not me in the first instance, especially if it is nuanced enough not to look outrageous but enough to be believable, as occurred with Speaker Pelosi? A very interesting conversation can be had about what that looks like and how it is a threat to our democracy.

I go back to the starting point of this. We must demand more of the social media platforms that allow this content to be disseminated in the first place. We all transact with them and give them our data, including our photos. I find fascinating the rise of this face app that has taken off over the winter break. Everyone is uploading pictures of their face. Contents have been sent to a Russian entity and aged them. Everyone went crazy about that, "Oh, my gosh, I can't believe it's gone to a foreign programmer in a foreign state." Yes, but people have been giving their photos to Facebook for decades. Facial recognition can be overlaid on it now and that data can be commoditised. There can be a very interesting conversation about what I believe is the role that social media platforms play in our society now because they have a real, credible possibility of being a vehicle that can incite violence and domestic terrorism. We have seen that already in places like Christchurch where a massacre occurred. We are not necessarily talking about dark corners of the internet any more. These are mainstream places. The reality is if we read a lot of the studies of what works on Facebook, it is videos or images, for example, that incite a sense of sadness or a sense of hysteria. When it comes to violent videos, for example, there are plenty of articles and certainly plenty of reviews and university studies into this. More interaction occurs with dangerous and violent videos on Facebook. There is almost an incentive for that company to continue to disseminate that type of content. It is important to remember that we are a provincial Parliament, so our role with an organisation like Facebook is very limited.

However, it is incumbent on all of us to try to do what we can to make a conscious choice about how we engage with it and demand more of our political leaders and more, particularly, of those platforms we often engage with on an hourly and daily basis.

Beyond that, the nature of terrorism has changed. That is what the entire part of my conversation has been about. The nature of terrorism has changed quite significantly since 2005 when the member for Girrawheen went to that COAG meeting, I think it was, to where we are today. I am pleased to see that the government is responding accordingly and introducing legislation that responds to the changing nature of terrorism now. If there is anything I learnt from the time I spent in the United Kingdom on our committee travel in relation to the ability to prevent or respond to a terrorist attack in a crowded place, it is that governments need to be as agile as possible in responding to these emerging threats. This legislation is one piece of that puzzle. A preventative detention order makes a lot of sense to me. I am pleased to see some of the amendments put forward today. They are sensible and considered and, no doubt, the member for Hillarys will in particular look at the spiritual adviser element of this. Otherwise, it is eminently sensible. We look forward to what I think is government's responsibility to continue to watch this space and see what else needs to be done. We cannot be everywhere. Government has one role to play in the prevention of, and response to, a terrorist incident and this is an important legislative element of that.

I am not keen to take up too much more time. I learnt about a number of elements when I went on our UK visit and met with a number of agencies over there. Of course, as the member for Armadale rightly pointed out, the United Kingdom has been facing domestic terror for a number of years not only in a more modern context, but also for centuries, largely speaking. A number of interesting elements that I was most interested in was the very structured way that the United Kingdom responds to and prevents a terrorist incident. One I found most intriguing was the role that built form and design plays in preventing a terrorist attack. We are talking about a legislative mechanism now, because that is the role government has. Some of the technology coming out of the UK was fascinating to me. In a crowded place, for example, Whitehall, there is architecture that looks like it has been there since the 1800s. It was installed two years ago and it can stop a truck. It is designed to look as though it is historic and in keeping with the architecture and the design of what is a very historic precinct. It has been identified as an area of crowded places and considered to be vulnerable and it has an active agency in the United Kingdom that identifies those high-risk areas and comes up with built-form solutions to stop them happening in the first place. Some of the design mechanisms are incredibly arbitrary. On the bridge we walked across, which I cannot remember the name of, member for Hillarys, there was a vehicular attack.

Mr P.A. Katsambanis: Westminster.

Mr Z.R.F. KIRKUP: Westminster Bridge—near Westminster Palace; who would have thought!

Mr P.A. Katsambanis: I don't know whether that's what it's called.

Mr Z.R.F. KIRKUP: Sure; we will go with that for the moment, but the bridge near Westminster Palace.

Mrs M.H. Roberts: London Bridge wasn't it?

Mr P.A. Katsambanis: That's a separate one.

Mr Z.R.F. KIRKUP: In any case, on some bridge near Westminster Palace there are particularly arbitrary responses that are massive chunks of steel and concrete because they cannot come up with an appropriate design on a bridge. A bridge in London is a very vulnerable spot because there is very little stand-off between vehicles and pedestrians. They do not have fencing—what we consider quite normal in Western Australia's context. On most bridges that I walk across, pedestrians are not very close to vehicles. In Mandurah, we are metres apart and at different levels. There is a stand-off distance. In the UK there was not and that was a place of vulnerability and, unfortunately, an attack occurred there. However, it has been identified as a concern and something that I would call particularly hostile has been installed. It has particularly brutalist design elements for the moment to try to prevent a hostile vehicle.

Mr P.A. Katsambanis: They had the same consultants we had for Parliament House.

Mr Z.R.F. KIRKUP: Almost, but I would argue that even those in the UK are slightly nicer than these. It is interesting there because there is an agency in charge of responding in particular with a built-form response to prevent terrorism. It is something I wish we would look at more and something I think our committee raised in a commonwealth context. Indeed, the state of Western Australia could take a lead role in it, because other states will largely mirror what happens in our jurisdiction. We know that measures are used now, not necessarily in Western Australia, that we would expect to protect us from a hostile vehicle, but we know that is not the case. We know that because the United Kingdom has tested such measures and manufactured design mechanisms to ensure that any infrastructure put in place in a vulnerable area works. We have no way to test that and design mechanisms or built-form pieces to stop an attack taking place in the first instance.

[Member's time extended.]

Mr Z.R.F. KIRKUP: I appreciate that, more recently, the government and the City of Perth put in bollards to protect people in the malls, and they are well tested. The UK would have gone through years of testing before it knew exactly what to put in place. In other states I have visited, there are very vulnerable areas in very built-up places where a hostile vehicle in particular could do a lot of damage and the government—state or local—has done very little to respond. We could have a dedicated agency in Western Australia to look at vulnerabilities, together with the WA police, who have an important role to play in designing out crimes and mitigating the risk of a terror attack in a crowded place. An agency could lead in identifying those vulnerabilities, come up with a design, work with the local government or the agency or private operator in charge of that space and come up with a solution.

We talk about the changing nature of terrorism. As has been pointed out by a number of speakers, a vehicle is often all people need to commit a terrorist attack. I am very pleased to see measures have been put in place in Perth and our CBD. It is important to go through a priority list because we can all think of other places and we think, "Gosh, a lot of people congregate here and there's not much to protect them if something was to go wrong or someone decided to get in a car and undertake a terrorist activity." When I talk about the components to help prevent and respond to a terrorist attack, this legislation is one piece, but there are other pieces. The one I found interesting in the UK context was that a design element or feature was part of the security agency's brief to look at areas and come up with solutions to stop a terrorist attack in the first instance.

There is something else I found interesting in the UK. I think we can talk about it, because it is about Scotland Yard and it is known that we met with Scotland Yard.

Mr P.A. Katsambanis: I will stop you if —

Mr Z.R.F. KIRKUP: The member for Hillarys will pull me up. I will start again. A lot of the Metropolitan Police Service members are not armed. Police officers there speak about how that changes the nature of their relationship with the citizens. A number of people have said that they cannot imagine having armed police officers because it would change the nature of the relationship. I was quite floored by those comments because in Western Australia our police do an amazing job and they are obviously armed, and I think rightly so. I do not believe that it changes the nature of interactions between police and the citizens whom they protect and serve. I imagine that it does not stop someone going up to them. It is interesting that different locations have different responses. Police officers are the people who run towards the terror attack and are often the first victims of a terrorist attack, in the UK in particular. To see our police here making sure that they have the requisite power, firearms and legislative authority to take charge of an incident is a very important step. I note that the government, with the support of the opposition, has taken those steps in a legislative capacity. I think it is important that our police are as well resourced as possible to respond to a terrorist attack, should it occur. I found it interesting that in the UK a number of people told us that they believe —

Mr P.A. Katsambanis: You are aware that there is a historical cultural anomaly they cling to.

Mr Z.R.F. KIRKUP: Yes. As the member for Hillarys points out, they cling to it. We see that a lot of unarmed officers there require stab-proof vests.

Dr A.D. Buti: A lot of the police in London are now armed.

Mr Z.R.F. KIRKUP: With a firearm?

Mr P.A. Katsambanis: With assault rifles.

Mr Z.R.F. KIRKUP: Yes; they have single-person patrols and such things as well. That was certainly a conversation we had with a number of officers, who felt that it would put a barrier between them and citizens. I do not think that has happened here. Our police do an exceptional job and the legislation goes to supporting their role.

I have covered most things that I was keen to discuss as part of my contribution to this legislation. Together with the member for Hillarys and all members in this place, I think it was worth us pointing out that our police do an outstanding job in very difficult circumstances. We are changing the legislation to make sure that if an individual could undertake a terrorist attack within 14 days, it will assist our police in responding to what is a complex and challenging area. I wish them all the very best. I hope that if Parliament can take any steps to help police officers in their pursuit of making sure that Western Australia is a safer place, we will take those steps with zeal.

MRS M.H. ROBERTS (Midland — Minister for Police) [8.26 pm] — in reply: I thank all those members who have spoken in support of the Terrorism (Preventative Detention) Amendment Bill 2019. This is a short bill; it has a number of important clauses, but only 16 clauses in all and only about nine pages. With short bills, we often find that we get some very repetitive speeches and just about everyone stands and says the same thing. I think we have had quite a number of different contributions today, and I have found the debate on this quite uplifting. Often we hear that people are very disappointed in politics and the behaviour of politicians. They think that we behave like schoolchildren; that is largely based on question time. In fact, people think that we behave far worse than

schoolchildren. Their image of Parliament is that of the federal Parliament question time, when people are often angry and abusive and make fun of each other and so forth. Although those of us involved in politics understand that that is the theatre of Parliament, it does not endear politicians to the wider community. Oftentimes, I hear people give a very negative opinion of politicians, but they will say something positive about me or something really positive about their local member. All politicians are pretty bad except for the one or two that they have met or they know.

Mr Z.R.F. Kirkup: Except for the member for Dawesville—outstanding!

Mrs M.H. ROBERTS: People may have a universal opinion about him. There is always an exception to the rule. I have found the debate this afternoon and this evening quite uplifting. Everyone has been incredibly positive. I often talk to groups of schoolchildren or individuals who interview me. I try to make myself as available as possible for all kinds of kids' school assignments and university students to talk to them about issues when they approach me. Most people are absolutely floored when I say that they will find that on the key pieces of legislation, both major parties agree and we progress in a very positive way. It is like, "What?" I say, "Well, I have handled the police portfolio for a very long time and emergency services, another area within which there is a lot of agreement, and when we in government develop legislation for community safety or for emergency services, generally the other major party, the Liberal Party, support it." It is very rare that it does not support it. Occasionally, members raise some questions or an amendment will get up that is accepted. In opposition, I have moved amendments to bills that have been accepted and so forth. Generally, we work together to get the best outcome for the community. That just about floors people when I tell them that. I say it is likewise when the Liberal Party is in government; it is very rare and I cannot even recall an occasion when the Liberal Party opposed a community safety bill. There is broad agreement on enhancing the safety of the community. Each member who participated tonight—the members for Hillarys, Burns Beach, Armadale, Girrawheen, Baldivis, Mount Lawley and Dawesville—gave contributions and they were not repetitive. Everyone spoke from their own life experience, and I think this was an exercise in what the Parliament and democracy are actually about. It is about men and women coming to this place from vastly diverse backgrounds and contributing to a positive debate to get a good outcome for the people of Western Australia. It has been my experience, in the long time that I have been in Parliament, that most people come into Parliament with good intentions. They want to make a positive difference and do the right thing by their communities, Western Australians and Australians generally. That is what we are doing in supporting this piece of legislation. We are hopefully giving the police the best tools that we can to do their job of protecting the community of Western Australia. As I said in the second reading speech, and as a couple of other members have commented, we hope that these powers do not have to be utilised. We hope that a terrorist threat can be thwarted before we have to put someone under a preventative detention order. It would be great if no-one in our community ever needed a preventative detention order.

I want to especially thank a couple of people, the first being the member for Girrawheen. As she commented, she has been involved, along with me, in looking at preventative detention, and the Terrorism (Extraordinary Powers) Act 2005. I think she was parliamentary secretary to the Premier back then and, as she pointed out in her speech, she attended the Council of Australian Governments meeting. Subsequent to that she was my parliamentary secretary, as Minister for Police; Emergency Services. I will get to other members shortly, but the member for Girrawheen, for example, brings to the Parliament extensive experience. She has worked as a senior lawyer in private practice, and for the Director of Public Prosecutions in the Australian Capital Territory. She worked for the National Crime Authority as its regional counsel—that is, its chief lawyer—for some years as well. Very few people have focused on this area of law more than she has. When we looked to review this law and bring this legislation forward, I spoke to the member for Girrawheen, and sought her counsel. I thank the member for her input on this legislation. I found it to be most valuable.

Her life experience was brought in here, as was the life experience of so many other members who have participated in this debate. The member for Hillarys has experience in both Victoria and Western Australia. He is also a senior lawyer. The member for Burns Beach is a former police officer, so he has lived experience that is different again. He knows about issues in policing and community safety from the viewpoint of a former long-serving police officer. Prior to coming into Parliament, he was the officer in charge of the Morley Police Station. As part of this debate, he was able to speak firsthand about drug operations and other instances that he has been involved in. Having that learning is very important.

I think the member for Mount Lawley has already received far too many compliments. The expectation on the member was high, but I think he did deliver. As he promised, he did not exceed the expectation, but he delivered, and likewise the member for Armadale—another two eminent lawyers in this house who bring very different experience. Sometimes I like to call him the professor from Armadale, because there are very few more learned scholars on the law than my friend and colleague the member for Armadale. Although I do not know all his experience, the member for Mount Lawley has a great history in defending people's rights in the workplace, and

a keen interest in people suffering from asbestosis and other health issues in the workplace. Again, a very different life experience, along with the members on the other side of the house—the member for Hillarys and the member for Dawesville—but that same genuine concern about where the right balance is. When we do anything that infringes on people's civil liberties, we have to be very cautious. I think the member for Mount Lawley said that if anyone took anything from his speech, that is the key thing we should take. That weighs very heavily on our shoulders. Striking the right balance and drawing the line in the right place on how much we impinge on people's civil liberties and rights is something that we should aim to get right.

There was a lot of talk about some of the terrorist threats, and it is fair to say that the world is a very different place from what it was for any of us when we were children. For some of us, the change has been greater than for others. As I previously said, the legislation that was passed under the Gallop government, when I was Minister for Police, instigated by COAG, came after the London bombings. It was an environment in which we had effectively seen the world change. I well remember a couple of those early events. It is hard to imagine now that it is nearly 18 years since the 9/11 attack, back in 2001, when we saw on television the Twin Towers with the flames coming from them, and experienced the horror of that. Most of us, when we first saw it, thought that it had to be some movie; it could not be real. That was 18 years ago, and it was a significant marker point in our genuine and real fear about terrorism.

On 12 October 2002 I was phoned at about three o'clock in the morning by the then deputy commissioner, Bruce Brennan, who told me that there had been a bombing in Bali. He was ringing me at 3.00 am because it was believed that a lot of Australians were involved. The bombings had taken place at locations at which we believed there would be lots of Australians. Fortunately, the number of victims turned out to be fewer than our original estimate, but it was still too many. I think there were 202 victims in Bali, in addition to the two suicide bombers, and 88 were Australians. Police forces around Australia were advised. There is a strong history of cooperation between all police agencies around Australia—every state and territory police force, the Australian Federal Police and the Australian Security Intelligence Organisation. For the Bali incident, most state police forces sent resources, such as specialist forensic and victim identification people. That was a step closer to home than the 9/11 events. Bali is very much a regular place of holiday for so many Australians.

Subsequent to that, there have been the shocking incidents in London, and in Madrid in 2004. In that environment, this legislation was first brought forward. The time has come for a review. The proposals put forward in this amendment bill are very sensible, the key one being an amendment to the basis on which a preventative detention order can be applied for under section 9 of the act. The threshold test will be changed from "a terrorist act which is imminent and expected to occur within the next 14 days" to "a terrorist act being capable of being carried out and could occur within the next 14 days". That will give the police more leeway.

When we introduced this legislation some 14 years ago, there was a real concern by members of Parliament—more than there is today—that the police could abuse these powers and come up with a dodgy scenario by which people could potentially be subject to a preventative detention order and it would all be done in secret and no-one would know. The experience has been that we have not had to use the legislation. People might say that means the legislation was unnecessary—it would not have mattered if we had not brought it forward. It is important that each jurisdiction effectively has mirror legislation so that it is uniform across Australia. No state or territory wants to be the weakest link in this area, because, unfortunately, that may make that state or territory a target.

The member for Hillarys in his contribution asked a couple of questions about the use of preventative detention orders in Victoria and New South Wales. I can advise that in Victoria, there has been one preventative detention order, under which the person was held for 16 hours and charged at the end of that time. In New South Wales, there have been three preventative detention orders, all related to the same matter. Those persons were held for 19 hours, and were released from the PDO for operational reasons that I cannot go into. However, all those persons were subsequently arrested and charged between one week and one month later. There have been no examples of abuse of this legislation anywhere in Australia, over what has been a considerably long time. However, in reviewing this legislation and looking at how we can best protect the community of Western Australia, we have brought forward these amendments. Similar amendments have been, or are being, brought forward in other jurisdictions. That is a very positive thing to do.

I want to genuinely thank all members for their contributions. Recent instances in the United States, and in Christchurch, have shown us how vulnerable people can be to gun violence. The thought of tens of thousands or hundreds of thousands of people being injured or killed at virtually the small time or as part of one terrorist act is truly frightening. Every Anzac Day, we hear the phrase, "The price of peace is eternal vigilance". We need to be vigilant. We need to be aware. We need to be cautious. We need to support our police so that they can support and protect our community. That is why I have brought this legislation forward.

I have been impressed with every single contribution to this debate. Many interesting topics were raised. I learnt quite a lot today about the life experiences of a number of my colleagues. Someone commented to me recently

that sometimes we do not find out a lot about the background of our colleagues until we attend their funeral. That happened recently with John Kobelke. A couple of the younger or newer colleagues commented to me that they had no idea that John Kobelke had been a conscientious objector to the Vietnam War until someone spoke about that at his funeral service. A number of people would have liked to have known about that and to have had the opportunity to speak to John about that experience. This afternoon and evening we have learnt a bit more about the background of a number of our colleagues. I certainly value their life experiences. I genuinely think that democracy and the Parliament are about members bringing to the floor of this chamber their different life experiences, and, particularly in the area of community safety, wanting to achieve the right outcome for not just their constituents but all the people of Western Australia, and that is what we have seen.

The member for Dawesville referred to the impact of built form in potentially preventing a terrorist act. I would say it prevents a terrorist act of a particular kind in a particular location. That is particularly important if there are large groups of people. The concept of designing out crime has been around for at least a couple of decades. Over time, we have thought about how we can best design out crime of a general nature, and of course now we are looking at how we can best protect people against a terrorist act through urban design. There was a time in the 1970s or perhaps the 1980s when people built high fences or walls around their house to turn it into a bit of a fortress because they thought that would better protect them from burglars. However, intelligence information then came out that they were effectively building a wall that a person who wanted to break into their house could hide behind and be obscured, and that it was better to have an open outlook to the street, with good visibility, so that anyone who wanted to break in through the front window or the front door would be seen more easily. It is the same with the design of public places such as malls. It is better to have open spaces, rather than dark corners in which people can hide and do drug deals and other things.

The same principle applies with designing out terrorism. I am cautious about that. It comes down to the question of where do we draw the line. I do not think any of us wants to live in a society in which everything is fenced in. I am still disappointed when I see high barbed wire fences around schools. This should not be the community that we are living in. We should not have to build 2.5 metre high wire fences with barbed wire at the top in a school environment. Likewise, no-one wants to see any of our public facilities made ugly, with ugly bollards, ugly fences and other ugly protective stuff. I take the point made by the member for Dawesville that there are some innovative ways of doing this, with attractive features that provide the same benefit of making it difficult, if not impossible, for a vehicle to plough into a group of pedestrians. Even just commenting on that reminds me of the shocking event in Nice, in the south of France, when a truck driver ploughed into a group of people. Whether in framing the legislation or considering how we respond in terms of the built environment and a range of other things, we need to work out where best to draw that line. Although these incidents are all shocking and of colossal magnitude and we have to mitigate them, they are still fortunately relatively rare events. We do not want to live in a society in which the bad guys have won, we are all living in fear and our lifestyle is restricted because of that fear or threat.

I will conclude largely on the point that our best protection is effectively good police intelligence. Equipping and supporting our police force to gain intelligence through forums and a range of other ways is the most important thing because it hopefully means that we can identify incidents before they occur. We can collate information on people such as what they are up to and who they associate with. It is through that kind of behind-the-scenes police work that is never open, never seen and completely covert, that so much activity is prevented. That is the challenge. Whilst we can be pleased that there have been relatively few terrorist events in Australia, that is no guarantee for what might happen in the future. The job of a considerable number of police officers and intelligence officers through all of our state agencies and federal authorities is to monitor the chatter amongst those people who they feel may be of interest. In doing that, they can prevent and thwart unfortunate events from occurring. That is our best weapon. An overemphasis on the target-hardening compared with the collection of intelligence and that smart covert police work is not so much in the community's interest.

I thank all members for their support. Although I have not referred in detail to the excellent comments made by the member for Baldivis or others, I do genuinely thank all members for their excellent contributions. I have often sat in here, as I think I said at the start of this speech, and listened to the debate on a short bill in which we get a number of very repetitive speeches. Everyone says pretty much the same thing. Whilst there was certainly general support for the bill and some overlap in terms of people's opinions, I found the examples and experiences that people brought to their speeches to be really informative, interesting and instructive. I thank all members for those contributions. I actually found this afternoon and this evening really interesting. I was interested to hear all those experiences and I thank you all for the sense of collaboration and goodwill. I want to reiterate that on significant legislation such as this and where important amendments are being made, there is rarely any disunity between the parties, particularly the major parties. It is important for the people of Western Australia and Australia to have a unified approach on these matters. Some people have alluded to gun laws. Our unified approach on gun laws has served Australia very well. I think our unified approach on countering terrorism is also serving Australia well. We will continue to look at what is best practice around Australia and the world. If anything can be done to enhance

the safety and security of Western Australians from a terrorist threat, we are ready to act and we will act. I thank each member for their contribution. I also thank those people from the Western Australia Police Force who have assisted in the preparation of the bill and provided advice to members opposite.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr P.A. KATSAMBANIS: Clause 2 is the commencement clause and indicates that typically sections 1 and 2 will come into operation on the day on which this act receives royal assent. The rest of the act then comes into force on the day after that day. I seek clarification from the minister firstly about whether there is any need for any form of regulation or other matters to be dealt with before this act comes into operation. I then have another issue around regulations that I might address when we get to clause 12.

Mrs M.H. ROBERTS: No regulations are required in order to bring this legislation into effect.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4 amended —

Mr P.A. KATSAMBANIS: Clause 4 amends the terms used or the definition section of the act that is being amended. It includes two definitions: "approved religious or spiritual adviser" and "photograph". I will spend a bit of time on each of them. I spent a bit of time discussing the "approved religious or spiritual adviser" in my contribution to the second reading debate and we had an interaction from the minister through interjection that was useful. We know that an approved religious or spiritual adviser is someone who is approved under section 43A(1). We then work forward to clause 10 of this bill, which inserts new section 46A that outlines a process for approving a religious or spiritual adviser. The adviser is approved by the commissioner or a senior officer authorised by the commissioner and so forth. When the commissioner is determining who ought to be approved, if they are not a religious or spiritual adviser approved under the Prisons Act, then the commissioner must consult with the CEO of the department that deals with the Prisons Act in approving someone else to be such an approved religious or spiritual adviser.

I think the term "approved religious or spiritual adviser" is self-explanatory—that works—but we earlier discussed what constitutes a religious or spiritual adviser in the first place. That is not defined in any legislation that I am aware of. I understand that it is like asking how long is a piece of string, because we are not talking about a religious practitioner or someone who is authorised or ordained as a minister of religion of some sort. It is a broader definition. I am not asking the minister to give a definitive list of who might or might not be considered to be a religious or spiritual adviser in the first place so that they can then go through the process of obtaining approval. I realise it is going to be on a case-by-case basis. I also realise that the WA police support this. I support it as well. I think it is a good move to allow detainees to have access to people with whom they feel comfortable, especially during what will be a very uncomfortable time for them. Is the minister able to give us some guidance as to the sort of framework or thinking that will go around determining whether someone is a religious or spiritual adviser? Could it be someone who is a good friend and has a bit of knowledge about a religion or a form of spirituality, rather than someone who could be considered to be a religious or spiritual adviser?

Mrs M.H. ROBERTS: I thank the member for Hillarys. As he has correctly identified, it has been left very broad. Basically, there is no definitive list that one has to be a Catholic priest, an Anglican priest, an imam, a rabbi or whatever from a particular religion, or even that the person has to identify with some mainstream religion. It is broad. It is pretty much anyone who gives religious or spiritual guidance to that person and whom they are requesting. Different people might get religious or spiritual guidance from people who are perhaps not associated with the major religions. It is quite open-ended. The check and balance here is that, ultimately, they have to be approved by the Commissioner of Police or a senior officer designated by the Commissioner of Police. That is effectively the check and balance. It is someone the person themselves feels can provide them with some spiritual or religious guidance. Like with anyone who will have the ability to meet with someone under a PDO, the Commissioner of Police or their delegate clearly will be doing some background checks. That is why we have to have that safety check in there—that catch-all that the Commissioner of Police has to approve it—because with whomever someone is seeking to consult, the Commissioner of Police or his delegate will no doubt do some due diligence before they are allowed there. Again, most of this is commonsense. The commissioner will weigh up

public safety and risk—all those kinds of factors—in determining whether there is any risk in allowing the person identified or requested as the spiritual or religious adviser to meet with the individual who is the subject of the PDO.

Mr P.A. KATSAMBANIS: At the risk of being accused of jumping around with the clauses, I think this is a good spot to discuss this. It is interesting that the bill provides for two types of support for the detained person—one being access to an approved religious or spiritual adviser and the other clarifying the role of a person who is deemed to be best able to represent the best interests of a vulnerable detainee. There is a bit of difference in the approval process. With the person best able to represent the best interests of the vulnerable detainee, a process is outlined in which if the police deem that person to be inappropriate, the bill provides an active process in which they go back to the detainee, give them an indication of why the person is not deemed appropriate—unless there is an issue that might disclose criminal intelligence information—and give them a formal second bite of the cherry or suggest a range of people who might be appropriate in those circumstances. That process is outlined in the legislation. I hope that a similar process will be followed if a religious or spiritual adviser is not approved; however, it is not spelt out. If someone asks for a particular adviser to come along and the commissioner determines that that person is not appropriate, I imagine that, in practice, the police will go through a similar process—they will say that this person is not appropriate and ask the detainee to choose someone else or ask whether they have considered A, B or C, whom they think is an appropriate person in their case. However, as far as I am aware, it is not actually spelt out in this legislation. I seek an explanation from the minister as to why it has been spelt out in the case of the person acting in the best interests but not in the case of an approved religious or spiritual adviser.

Mrs M.H. ROBERTS: I thank the member for his question. I draw his attention to part 6 of the Terrorism (Preventative Detention) Act 2006 and to proposed section 43A of the bill, which is headed "Contact with approved religious or spiritual adviser". Proposed subsection (5) states —

> The police officer who is detaining the detainee must, as far as reasonably practicable, assist the detainee in exercising the detainee's entitlement to have contact with an approved religious or spiritual adviser under subsection (2).

They are to assist the detainee in exercising the detainee's entitlement to have that person there. If the detainee suggests someone who is not agreed to or appropriate, it will then be the police officer's responsibility, in terms of providing that assistance, to see whether an alternative person can be found to provide that spiritual advice. It actually uses the words "must, as far as reasonably practicable". I do not think just knocking back the first person they suggest is doing what is reasonably practicable. I think "reasonably practicable" includes looking for an alternative. It is quite strongly worded in saying —

> … must, as far as reasonably practicable, assist the detainee in exercising the detainee's entitlement to have contact with an approved religious or spiritual adviser …

I think that is the area in which it is covered. In terms of the vulnerable person—for example, someone who is 16 years of age would be deemed vulnerable—the person whom they might ask for might be their father or uncle, for example. The police commissioner might have concerns about that person or about them having access to that person. Again, we are stressing that if they are a vulnerable person, they should have access to a family member for some support. If, for whatever reason, the family member they have selected is not deemed appropriate by the Commissioner of Police, presumably because he believes they are potentially involved in the reasons that the person is under the preventative detention order in the first place, then every step should be taken to find them an appropriate support person who does not present any risk or threat. This is about providing the support that is required to the vulnerable person. It will also ensure that a police officer who detains the detainee, in the words of the bill, takes those reasonably practicable steps to ensure that they have access to a spiritual or religious adviser.

Mr P.A. KATSAMBANIS: I note that proposed new section 43A(5) states —

> The police officer who is detaining the detainee must, as far as reasonably practicable, assist the detainee in exercising the detainee's entitlement to have contact with an approved religious or spiritual adviser …

However, I note that in proposed new section 45(12), which deals with a vulnerable person and access to a person acting in their best interests, exactly the same words are included, and a series of other clauses are added after that that start off with "without limiting subsection (12)". It is obvious that a bit more time has been spent on the vulnerable person regime and spelling out the sorts of steps that might be taken. Whilst I was listening to the minister's answer, I was thinking that there may be a difference. I agree with the minister that a vulnerable person may need access to somebody, but perhaps for religious and spiritual advisers —

Mrs M.H. Roberts: It is desirable.

Mr P.A. KATSAMBANIS: — it is more a desirability. It is also an aspect of the person's own choosing. We do not want to be imposing a religious or spiritual adviser when someone does not really want it.

Mrs M.H. Roberts: Good point—very good point.

Mr P.A. KATSAMBANIS: Perhaps that is the difference. I thought I should spell out that there is a difference; otherwise, I thank the minister for her explanation.

Clause put and passed.

Clauses 5 to 10 put and passed.

Clause 11: Section 44 amended —

Mr P.A. KATSAMBANIS: I want to spell out something that I overlooked in my second reading contribution. It concerns the contact that a detainee has with an approved religious or spiritual adviser in the context of this legislation and for people under preventative detention orders. It is clear that that contact will not be in private; it will be supervised by a law officer. That is consistent with other access that people have to a best friend, a parent or guardian throughout the Terrorism (Preventative Detention) Act. That is fine and good because that is what the agreement was at COAG. Also, it was pointed out to me at the briefing, and I would like it confirmed by the minister, that in practice, even though this has never been implemented in Western Australia—I hope we never need it, but we have to be cognisant of the world we live in—if there were access to a religious or spiritual adviser and that access was in a language other than English, then a translator will also be present to assist police officers to understand what is being discussed during that contact. I seek clarification from the minister on whether that is the case or the intention.

Mrs M.H. ROBERTS: Largely, what I am about to give is an affirmation of what the member has put to me. I draw his attention to proposed section 44(3), which states —

> If subsection (1), (2) or (2A) applies, the contact may take place in a language other than English only if the content and meaning of the communication that takes place during the contact can be effectively monitored with the assistance of an interpreter.

That is covered there. I also do not think anything will prevent the conversation from being recorded; so one way or another I expect that the police will use that intelligence.

Clause put and passed.

Clause 12: Section 45 amended —

Mr P.A. KATSAMBANIS: This is the last clause I have an interest in. I have a brief question. Clause 12 will amend section 45 of the principal act. It introduces new section 45(14)(d)(iii) and the possibility of prescribing regulations. I seek clarification from the minister whether there is any intention currently to prescribe a class of persons by regulation for the purposes of this subsection; and, if so, what would that class of persons be?

Mrs M.H. ROBERTS: No regulations are required, as I said at the start of this consideration in detail stage, to put the amendments into the act. However, in the future we may prescribe it in the terms that the member has outlined.

Mr P.A. Katsambanis: But there's no intention at the moment?

Mrs M.H. ROBERTS: There is nothing in train at the moment, but some matters are probably being considered internally within WA police. I am more than happy to share those things once I get further information.

Clause put and passed.

Clauses 13 to 16 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mrs M.H. Roberts (Minister for Police)**, and transmitted to the Council.

House adjourned at 9.16 pm