

unsuitable to practise.' It does not matter whether they are or are not fit to practise; it is almost a regime where a person is guilty until proven innocent.

**Mr Lucas:** And what if they did and they injured a patient?

**Mr FOLEY:** That comes back to what I said before that as long as the process of selection in the first instance is entirely robust and they have that national accreditation. Let me clarify this. If there is any hint of professional misconduct, sexual impropriety or bad medical practices, I would 100 per cent support that provision. But taking a broadbrush approach whereby any person for any particular reason could be named and shamed without any proof can cause a great deal of distress. If that doctor is already suffering from depression and all of a sudden someone decides to be even more injurious in their application, that could spiral them significantly further downhill rather than helping them in their recovery. We all recognise that, because of the pressure that medical professionals work under, especially in the state system, they will succumb to all manner of health conditions that in someone's opinion might make them unsuitable to work. We need to be very careful that that situation does not turn into a witch hunt or a 'get back quick'. As I said, the mandatory reporting of all of the other issues of sexual misconduct or inappropriate treatment is an absolute no brainer. We have seen many instances of injury caused to patients and we could not come down too harshly with regard to that particular area.

The national scheme commencing on 1 July 2010 recognises 10 health professions. It is almost easier to say which ones are not covered by the list, because these days there are so many other categories such as music therapists. I notice there are an additional four professions included which are medical radiation, occupational therapists and also Chinese medicine practitioners, and I would ask the minister for a clarification: does that include acupuncture, or is it more herbal medicine?

**Mr Lucas:** I will check that, but part of it is having a degree of control under Chinese medicine as well to make sure that they are appropriately qualified people and not people who claim to be that.

**Mr FOLEY:** If the minister can let me know.

**Mr DEPUTY SPEAKER** (Mr Wendt): Order! Member for Maryborough, I will allow that to occur this time. Otherwise you should wait until the consideration in detail stage if you have requests for details like that.

**Mr FOLEY:** Okay. I note that there are Aboriginal and Torres Strait Islander health practitioners. I am not aware of what they are. I would like to at some stage be informed of that as well. Dental technicians and speech pathologists are currently registered in Queensland and have not yet been included in the national scheme but will continue to be registered on a state by state basis. I think this idea of registration and vetting is an excellent idea. I think it needs to be across all of the medical disciplines. My wife is a medical laboratory scientist, a pathology scientist, with some 30 years experience. That profession does not seem to be in that list. Also, there are a number of other professions like music therapists. Maybe a better way to go would be to look at the registration of all parahealth professionals and then weed out the ones that are not suitable.

The overall bill is a step in the right direction. As I said, there are only just those couple of things that do alarm me. As members we have all seen the ongoing usage of bodies like the CMC and so forth for complaints. It is the same in other portfolios. Every policeman has had complaints made against them because someone did not like getting a traffic ticket. We do not want to see a regime like that.

Debate, on motion of Mr Foley, adjourned.

## CRIMINAL ORGANISATION BILL

### First Reading

**Hon. CR DICK** (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.41 am): I present a bill for an act to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of organisations involved in serious criminal activity, and of their members and associates, and to make related amendments to other acts. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Criminal Organisation Bill 2009.

*Tabled paper:* Criminal Organisation Bill 2009, explanatory notes.

## Second Reading

**Hon. CR DICK** (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.41 am): I move—

That the bill be now read a second time.

The bill seeks to disrupt and restrict the activities of criminal organisations and their members and associates. Members of outlaw motorcycle gangs and other criminal organisations have been involved in activities such as attempted murder, extortion, drug manufacturing and distribution and pose a threat to Queensland. In response to outlaw motorcycle gang violence in southern states, other states and territories around Australia have passed legislation aimed at disrupting the activities of criminal organisations.

The extraordinary powers provided for in this bill are necessary to send a clear message that Queensland will not be seen to be or to have become a safe haven for criminal organisations who may be tempted to move their operations from other states and territories. In developing this bill it should be noted, however, that we have adopted a cautious approach in light of the experience in other jurisdictions, insisting on the inclusion of a range of safeguards to ensure an appropriate balance is achieved.

It should be noted that the Queensland Police Service already possesses extensive powers to attack crime, including those powers set out in the Police Powers and Responsibilities Act 2000. The powers set out in this bill will augment, but not replace, those existing powers to combat serious organised criminal activity in Queensland. It is anticipated that the powers provided in this act will be used in the most serious cases as a further extraordinary tool in the law enforcement armoury.

The structure and methods of organised crime pose a challenge to the traditional processes of the criminal justice system which are designed to prosecute and punish proven criminal activity committed by individuals. The long-term disruption of ongoing criminal enterprises may require more than isolated prosecutions of individual members. Furthermore, successful prosecutions of members of organised criminal groups have previously been hindered by intimidation and violence towards witnesses and investigators.

The bill provides an additional method for combating organised criminal activity. First, the bill creates a mechanism for the Police Commissioner to make a civil application to the Supreme Court to obtain a declaration that an organisation is a 'criminal organisation'—namely, one whose members associate for the purpose of engaging in or conspiring to engage in serious criminal activity, and where the organisation is an unacceptable risk to the safety, welfare or order of the community.

The Supreme Court declaration forms the basis on which the Police Commissioner can apply to the supreme court to obtain further civil orders, including orders against the organisation itself, members of the criminal organisation and associates of the criminal organisation. Once the declaration is in place the Police Commissioner can make civil applications to the Supreme Court for control orders against individuals. A declaration that an organisation is a criminal organisation may also assist in making public safety orders and fortification removal orders. The civil standard of proof applies to all of these applications.

A control order can prohibit a member of a declared organisation from engaging in certain behaviours which may facilitate serious criminal behaviour—for example, obtaining a weapons licence, obtaining employment in the gaming or liquor industry, associating with other members and associates of criminal organisations or recruiting new members into criminal organisations. The bill creates an offence of contravening a control order which carries a maximum penalty of three years imprisonment for a first offence and five years imprisonment for any subsequent offence.

A public safety order can prohibit an individual or group of persons from entering a premises, specified area or attending an event. The Supreme Court can make a public safety order if satisfied that the presence of the individual or group at a premises or area or event poses a serious risk to public safety or security and may be made for any period it considers necessary but no longer than six months.

In urgent circumstances, a public safety order made without notice to an individual or group of persons can only remain in force for a period of 24 hours unless the court directs otherwise. This will enable the commissioner to respond to serious threats to public safety or security even in circumstances where that threat emerges suddenly and outside of court business hours. An offence of contravening a public safety order is created under the act. The offence carries a maximum penalty of one year imprisonment.

Fortification removal orders can be sought by police from the Supreme Court to require an individual or organisation to modify or remove fortifications from particular premises. Fortifications pose a significant obstacle in the execution of search warrants on criminal organisations. The bill creates an offence of hindering the removal or modification of a fortification. The offence carries a maximum penalty of five years imprisonment.

A central feature of the scheme provided for in the bill is the use of criminal intelligence. In all civil applications under this bill, the commissioner may apply to the Supreme Court to have certain evidence declared to be criminal intelligence. Once the Supreme Court has declared the evidence to be criminal intelligence, it cannot be disclosed to any person including the respondent to an application or their legal representatives.

In order for the evidence to be declared criminal intelligence, the Police Commissioner must satisfy the Supreme Court that the evidence would prejudice criminal investigations, identify a confidential source of information, or endanger the safety of another person. This allows the court to hear important evidence against individuals, organisations and groups whilst maintaining the physical safety of informants and covert operatives and minimising the threat of prejudicing a criminal investigation. The bill creates an offence of unlawful disclosure of criminal intelligence which carries a maximum penalty of one year imprisonment.

The bill includes significant safeguards which provide a balance between any abrogation of democratic principles and procedural fairness and ensuring that the bill is effective in achieving its objectives whilst protecting the personal security and safety of covert police officers. At the core of the safeguards is the role of the Supreme Court in hearing and determining all applications.

Further, a Criminal Organisation Public Interest Monitor will monitor and report on all applications under the act involving criminal intelligence. Annual legislative reviews will be undertaken by the Criminal Organisation Public Interest Monitor and a retired judicial officer. The parliamentary Law, Justice and Safety Committee will monitor the role and review the performance of the Criminal Organisation Public Interest Monitor, will report to the Legislative Assembly on any matter about the COPIM, and will examine each of the annual reports tabled in the Legislative Assembly. The bill also contains a seven-year sunset clause.

The bill creates the roles and functions of the Criminal Organisation Public Interest Monitor, which is akin to the role of an *amicus curiae* or friend of the court. The COPIM will carry out a similar function to that undertaken by the current Public Interest Monitor for controlled operation and telecommunication interception warrants.

The involvement of the COPIM was considered essential given that one of the centrepieces of the new regime is the use of 'criminal intelligence' which is presented to a court in the absence of the respondent. The COPIM will be present at all hearings under the bill to assist the court in testing the appropriateness and validity of applications.

015 The bill provides for annual reports to be completed by both the COPIM and a retired Supreme Court judge. The bill provides for both reports to be tabled in the Legislative Assembly. As noted previously, the bill provides for this legislation to be reviewed by a retired Supreme Court judge five years after its commencement to determine whether it is operating effectively and meeting its objectives, and the bill also provides for a report of this review to be tabled in the Legislative Assembly.

The bill also amends a number of acts. A number of offences in the Criminal Code are amended by the insertion of new circumstances of aggravation. For example, the maximum penalty of seven years for the offence of retaliation against a judicial officer, juror or witness will increase to 10 years if the act is done in relation to a proceeding before a court under the proposed legislation. The amendments are necessary to deter tactics of intimidation and violence towards potential witnesses and law enforcement investigators.

In order to ensure the physical safety of criminal organisation informants, the bill amends the Criminal Code by the insertion of a new offence of obtaining or disclosing secret information about an informant's identity. The offence carries a maximum penalty of 10 years imprisonment.

The objects of the bill provide that the parliament does not intend that the powers under the legislation will be exercised in a way that diminishes the freedom of persons to participate in advocacy, protest, dissent or industrial action. Organisations involved in serious criminal activity pose a threat to Queensland and challenge the criminal justice system, which is generally designed to prosecute and punish isolated crimes committed by individuals.

This bill provides an alternative method in combating organised criminal activity and will ensure Queensland does not become a safe haven for criminal organisations. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.