



24 October 2016

Mark Furner MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Furner MP

Re: Serious and Organised Crime Legislation Amendment Bill 2016

I refer to your letter dated 17 October 2016 regarding my participation in the committee's public proceedings on 26 September 2016 and subsequent correspondence from Commissioner Ian Stewart dated 7 October 2016.

In response to the allegations of error in my statement at the hearing I would like to draw your attention to pages 76 and 77 of the *Review of the Criminal Organisation Act 2009* dated 15 December 2015 where the following was published:

In respect of the utility of control orders targeting organised crime in Queensland, any assessment must come to terms with the view expressed by the now Commissioner of Police (then Deputy Commissioner) in 2008. Giving evidence to a Commonwealth parliamentary inquiry into organised crime legislation, Mr Stewart was asked to consider the possibility of legislation targeting consorting for criminal activity and outlawing association with particular groups:

Traditional consorting laws were repealed in Queensland in 2005, and when in place those laws were increasingly difficult to police. The Queensland Police Service considered there were greater priorities for investigative staff than enforcing consorting laws which had been enacted in the 1920s. Contemporary communications technology, including mobile phone, SMS and online forums make criminal consorting less reliant on physical contact and therefore much more difficult to police.

The report went on to add that:

"He saw the utility of consorting provisions as 'a means to inhibit and deter attempts to recruit new members'. While control orders may impose any conditions that the court considers appropriate, many of the suggested possibilities in s 19(2) target consorting-type activity. Mr Stewart's concerns about the viability and resource-intensiveness of monitoring control orders are echoed by academics. Concerns about policing control orders become particularly acute in a context in which doubt has been expressed about the likelihood of their observance. There is logical force to this view.

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Given the evidence that certain OMCG members do not comply with laws concerning violence, illicit drugs, weapons or transport (despite the penalties for such offences), it is a real question whether they can be expected to comply with control orders even though there are penalties for breaching them.

In 2008 the CMC (now, the CCC) noted that 'historically, the policing of anti-consorting style laws has been associated with significant police corruption'. The notorious Licensing Branch, which policed consorting laws in the 1970s and 1980s, was cited. These concerns were shared by the Bar Association (BAQ) and Law Society (QLS). They were repeated in 2011 when the BAQ and QLS, identifying the Act's control order regime as a form of anti-consorting law, described it as 'an open invitation to the corruption of police'. In other words, the primary means of disrupting serious criminal activity (control orders) could, it was feared, itself lead to serious criminal activity (corruption). The Bar Association maintained this concern in its submission to this review."

I believe that it is clear that I have not mislead the committee's public proceedings by quoting the Commissioner. In the context of this debate, these statements are very relevant and are noted in the 2015 Review.

Furthermore I do not believe that I have used this quote in any way that could be considered out of context or against the intent of the Commissioner's remarks.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rob Molhoek', with a long horizontal flourish extending to the right.

Rob Molhoek MP
Member for Southport