



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

G P O B o x 2 2 8 1 B r i s b a n e 4 0 0 1

visit and contact us at www.qccl.org.au

That Chair
Parliamentary Crime and Corruption Committee

pccc@parliament.qld.gov.au

Dear Sir,

Review of the Crime and Corruption Commission

I write to you on behalf of the QCCL in response to your letter dated 9 June 2015.

I acknowledge that this submission is late and apologise for that. Unfortunately, the Council is a purely voluntary organisation whose members have limited time and resources to devote to the cause. I do request that this submission is accepted even though it is late.

Having regard to the limited time in terms of delivering the submission and in terms of preparing it I intend to limit the submission to a number of points:

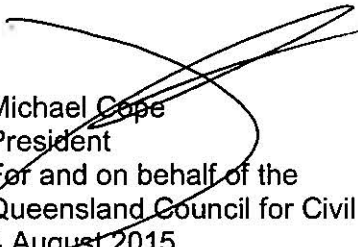
1. The Fitzgerald inquiry discredited the model of police investigating police. Despite this that model was reintroduced by the Beattie Government in 2001. The Council often receives complaints from members of the public that their complaint about a police officer is investigated by another officer from the same police station. It is not surprising that those members of the public have no faith whatsoever in the prospect of an appropriate investigation of their complaint.
2. It is our submission that the Commission has become too enamoured of its crimefighting/super police force role and has seriously neglected over the last 15 years of its police oversight role.
3. Our submission is that the Commission should be split into two separate bodies such as exists in New South Wales namely a Crime Commission and a separate Police Integrity Commission which would be staffed by nonpolice investigators and be properly funded to perform a credible and proper oversight role of the Queensland Police Service.
4. The Parliamentary Commissioner should be given a power to instigate investigations on his or her own initiative commensurate with that of the Committee.
5. Investigations by the Parliamentary Commissioner should be subject to the principles of natural justice and should be subject to judicial review. The independence of the Parliamentary Commissioner could be further enforced by adopting the recommendation of the Queensland Law Society that the Speaker appoint the Commissioner on the recommendation of a panel made up of the following or their nominee:
 - 5.1. the Chief Justice;
 - 5.2. the Attorney General;

Watching them while they are watching you!

- 5.3. the Leader of the Opposition;
 - 5.4. the President of the Bar Association of Queensland;
 - 5.5. the President of the Queensland Law Society; and
 - 5.6. two nonlegal members chosen by the Attorney-General and the Leader of the Opposition jointly.
6. One of the most valuable functions formerly performed by the Commission was independent research. The Commission's capacity to make independent decisions to undertake research into the criminal justice system should be restored.
 7. The position of a Civil Liberties Commissioner should be restored.
 8. It should not be an offence to make a complaint to the commission. The Commission should of course retain a power to refuse to deal frivolous or vexatious complaints. It is our view that the section 216 A was a mistake which can only discourage the making of complaints.
 9. The requirements that the initial complaint to the Commission should be in the form of a statutory declaration should be removed. Once again this mechanism will only discourage the making of complaints. We would have no difficulty that once a complaint is accepted and being investigated it is appropriate to require people to make statutory declarations.
 10. As was intended by Fitzgerald the power of the Commission to conduct investigative hearings should be subject to approval by a Judge of the Supreme Court.

Should you have any enquiries, please do not hesitate to contact me on 3223 5939.

Yours faithfully



Michael Cope
President
For and on behalf of the
Queensland Council for Civil Liberties
4 August 2015