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## Australian Parents for Drug-Free Youth

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Parliamentary Crime and Misconduct Committee  
Parliament House  
George Street  
Brisbane Queensland 4000



Dear Sir, Madam

### RE: Three Year Review of the Crime and Misconduct Commission.

The death of Donald McKay was the major factor for the beginning on Thursday, 15 August 1991 **Drug-Stop "Operation Road Runner"** (see attachment 1) to begin. It was a five year operation and was followed by "Road Runner 2". At the completion of Road Runner, Drug-Stop made twelve urgent recommendations to the Queensland Government and the CJC/CMC, none of which were adopted. Drug-Stop was then and remains today a grass-roots operation. I strongly believe that with greater powers within the CMC's operations in overseeing the police service, in the prevention and investigation of major crime and in witness protection, the recommendations offered by Drug-Stop 15 years ago could have been followed through. I refer specifically to interception of communications.

In his paper "**Liberty and Security: Striking the Right Balance**" (see attachment 2) Charles Clarke outlines three principle approaches to tackling issues at the top of the political agenda across Europe, specifically including drug-dealing. Clarke endorses shared information, strengthening practical and pragmatic police and intelligence work, and the effective use of that intelligence.

Firstly, Clarke makes the important point that tackling serious and organised crime is a shared problem and that "no single country can tackle these problems alone,...we will all...achieve most by sharing experience, information and resources". Secondly, we must "strengthen the foundation of practical and pragmatic police and intelligence work". But it is his third principle that I wish to highlight, that of effectively utilising intelligence to reach convictions for serious and organised crime and specifically in regard to modern technology:

"Criminals and terrorists use modern technology: the internet and mobile communications to plan and carry out their activities. We can only effectively contest them if we know what they are communicating. Without that knowledge we are fighting them with both hands tied behind our backs. And of course the criminals know that and actively and consciously organize themselves to take advantage of our weaknesses."

We need to face up to the fact that the legal framework which we currently operate within makes the collection and use of this kind of intelligence very difficult and in some cases impossible.

We now have the research to implement a clear model for Queensland CMC's in the paper called "**Regulation of Interception of Communications in Selected Jurisdictions**" (attachment 3) for the office called Research and Library Services Division Legislative Council Secretariat Hong Kong.

This report studies the statutory regulatory regimes of interception of communications in the United Kingdom (UK), the United States (US) and Australia . They are examined in 10 aspects: legal framework; authorities responsible for issuing warrants, application procedures; grounds on which warrants are issued; duration, termination and renewal of warrants; lawful interception without a warrant; internal safeguard measures; external safeguard mechanisms by the executive branch, the judiciary, the legislature and the public; limit of executive discretion in bringing laws into operation; and legislative amendments in relation to the "911" incident and the development of communication technology. **These models clearly show that Human rights, privacy and civil libertarians' concerns have been addressed.**

The Parliamentary Crime and Misconduct Committee has the urgent responsibility to get the recommendation for the CMC Queensland model right the first time because we have wasted so many years already. Remember the key recommendation of the Carter inquiry into Police and Drugs the implementation of these recommendation are long overdue and telecommunication interception is at the top of the list.

Yours truly,

[Original Signed]

Herschel M Baker  
(President)