



**FAXED**  
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## **BETTY KIERNAN MP**

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Wednesday 29<sup>th</sup> October 2008

Chairman  
Parliamentary Crime and Misconduct Committee  
Parliament House  
George Street  
**BRISBANE QLD 4000**



Dear Chairman

I welcome the opportunity as the Member for Mount Isa to make a submission to the Parliamentary Crime and Misconduct committee three yearly review of the Crime and Misconduct Commission (CMC) pursuant to section 292(F) of the Crime and Misconduct ACT 2001 (the ACT).

The CMC plays a crucial role in the elimination of misconduct in the public sector and the investigation and prevention of major crime in Queensland. The CMC has played a critical role in rebuilding Queensland's public reputation post Fitzgerald and should be congratulated for the role that it has played in this.

In this review I ask the committee to look at the performance of the CMC in its investigation into the activities of the previous Mayor of Cloncurry Shire Council. The Council after referring this matter to the CMC were informed to get their own independent investigator to investigate these claims which occurred at considerable cost to the council. This matter was then referred back to the CMC for further investigation.

In the above case, as in other matters, if the CMC investigated in the first place rather than playing a game of pass the buck this matter could have been resolved in a much quicker way than what has occurred, which would have been significantly beneficial to all parties involved.

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#### **THE MOUNT ISA ELECTORATE INCLUDES**

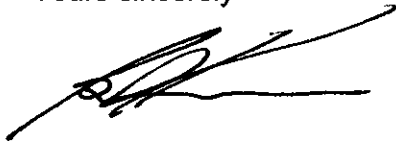
Burketown, Boulia, Camooweal, Cloncurry, Croydon, Dajarra, Doomadgee, Gunpowder, Julia Creek, Kajabbi, Karumba, Kynuna, McKinlay, Mornington Island, Mount Isa, The Monument, Normanton, Urandangi, Winton.

An investigator from the CMC could have been sent initially, rather than asking Cloncurry Shire Council which is a small council with limited financial and staffing resources to investigate itself and the Mayor. The role that the Mayor plays in the communities in my electorate is critical, these positions as in all public life must be above reproach. In asking the Council to investigate itself it opens the council up to the charge of looking after its own interests rather than the community. This would not have occurred if the CMC investigated this matter in the first place.

The CMC, if it believes the matter to be serious enough for investigation, should use its resources and investigate this matter rather than play judge on the evidence provided by a third party. To rely on third parties to do the investigation may allow a spin to be put on the evidence. This would not occur if the CMC did the investigating.

This review is focusing on systemic issues in regards to the CMC operations under the Act. I have raised this specific case because I believe it to be symptomatic of a problem with how the CMC operates. The CMC is critical in maintaining public confidence in our institutions, it should never be seen to be outsourcing its role to third parties particularly in the area of investigation. If the CMC requires additional resources to maintain its investigation role then I ask the committee to consider this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Betty Kiernan', with a long horizontal stroke extending to the right.

**BETTY KIERNAN MP**  
Member for Mount Isa

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