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PARLIAMENTARY CRIME AND
MISCONDUCT COMMITTEE

From: Sally Spain [REDACTED]
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To: PCMC Committee
[REDACTED]

Subject: Submission on Crime and Misconduct Commission

Submission on the Crime and Misconduct Commission --Submissions due July 15 2011

The Crime and Misconduct Commission is a pivotal and vital entity, with regard to the guardianship, civic rights, safety and freedom of Queenslanders.

Its investigative role, independence, oversight and duty to report, are essential to our democracy.

Its ongoing vigilance serves our rightful inheritance of liberty.

The grave revelations of the Fitzgerald Inquiry exposed the vulnerability of governance to corruption, and the need to support and ensure the concept of the Westminster separation of powers.

The concept of democracy, for which ideal our forebears campaigned and fought, is stifled if economics, and those who hold a large material stake, begin to see the shaping of governmental direction and public policy as an "as of right" adjunct to their corporate role. The regulatory capture of those within the executive, after the plutocratic sponsorship of politicians, is the unAustralian and undemocratic likely result of this kind of economic imposition on the democratic heritage of Queenslanders. In the difficult sphere of policing, and the unavoidable contact with the criminal world, aspects of self regulation and internal investigation, may be manifestly difficult to achieve and provide avenues for speculation, lack of public confidence or trust.

A monitoring Commission is therefore intrinsic to a modern democracy.

The freedom of the press, compromised as it is by the dominance of not even as much as a handful of major entrepreneurs, is necessarily and inevitably constricted and fundamentally unable to manifest its role of fourth estate, as events unfolding in the Murdochian empire and the current overseas Inquiry may well attest. The directorial power of the press, not only in what matters of public policy merit discussion or attention, but also as to who is, and who is not, empowered to prosecute or attest to these matters, is prevalent, pervasive and palapable. Also the trivialization of public discussion by parts of the media, a deflection from the strong, informed and patriotic interest that was once a much more flourishing aspect of Australian public life, is also observable.

The presence of an investigative and accessible agency to which public concerns can be taken must never be diminished.

In a world, wherein even democratically well intentioned and alert Governments may be small umpires, on a field where economic power dominates much of the game plan, the Commission's accountability and "firewall role," its inhibiting and discovering function, its recommending and disclosing duty, is not only invaluable..it is essential.

Those who measure the success of the Commission, in terms of prosecutions and manifest misconduct designated, are in error on two important counts.

An investigation, although not resulting in accusatory outcomes, may, if the duty of public good has arguably been compromised, be the means of necessary legislative reforms resulting, ensuring that the dubious conduct is not a repetition at a future time. Windows of opportunity to act detrimentally to the public good may be closed. Legislative reforms have occurred as a result of investigations and inquiries by the Commission.

Secondly, the salutary effects of an investigation, or possible investigation, on those with a duty of care, may arguably define a borderline for those in positions of power. Self regulation, at times an admirable concept, has limitations and a Commission, charged with guardianship of accountability, is not a dispensable luxury but a necessity of a civic and decent society.

Those who begrudge expenditure in order to check that nothing is "rotten in the state" are also in error.

Exploitation, the misuse of the power of money, the abuse of power are all dangers that, it would be impossible to deny, can, and have been known, to stand in the way of the common good, transparency and honour.

The price of liberty should be paid. We cannot afford not to.

The separation of powers, the right to vote, the aspiration of representative and accountable government at State and Local level, respect for the freedom, justice and democracy, for which our elders often sacrificed and, on occasion, gave their lives, should be enough for a democracy.

But, because of the fallibility of humans, they are not.

Crime and misconduct are also our heritage. Our Commission is a fifth estate. Occasional voluble criticisms may well be a testament to its efficacy.

May it be present, supported, funded, unimpeded--- and vigilant.

Sally Spain, [REDACTED]
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[REDACTED]