

Alex McKean
Barrister-at-law
Sunshine Coast Barristers Chambers
PO Box 203
MAROOCHYDORE QLD 4558

11 April 2014

Mr Ian Berry MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Re: Crime and Misconduct and Other Legislation Amendment Bill 2014

Introduction

Thank you for the opportunity to comment on the Bill. It is noted the Bar Association of Queensland ('BAQ') has made a submission giving detailed consideration to the provisions of the Bill. I agree with that submission and that made by Mr Tony Fitzgerald QC.

This submission will give detailed consideration to only one part of the Bill, that which deals with what is described in the BAQ submission as the 'Dr Levy clause'.

The explanatory notes for the Bill provide¹ that implementation of the accepted recommendations of the Callinan/Aaroney review will, inter alia, 'lead to an improvement in public confidence in the CMC'.

It is submitted that the actions of the Premier in dismissing the entire membership of the PCMC, in an apparent effort to avoid further investigation of Dr Levy, and the referral of that investigation to the a Select Committee on Ethics which has resisted all attempts to give even the appearance of transparency, have significantly eroded public confidence in the CMC.

In my submission the Dr Levy clause would achieve precisely the opposite of the professed police objective. This is in the circumstances where Dr Levy's continued appointment constitutes a serious threat to public confidence in the CMC.

The provision of a legislative imprimatur guaranteeing that appointment, while Dr Levy remains under investigation by another Committee, is another serious blow to what confidence remains.

¹ Explanatory Notes at page 1

The Appointment of Dr Levy

Dr Levy was initially appointed Acting Chairperson on 16 May 2013 and re-appointed for a second term on 8 November 2013. That term is currently set to expire on 22 May 2014.

The Bill contains transitional provisions which seek to legislatively guarantee the appointment of Dr Levy until 31 October 2014.²

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

Conclusion

Thank you again for the opportunity to comment on the draft legislation.

In conclusion, it is entirely inappropriate to legislatively extend the tenure of Dr Levy as Acting Chair of the CMC in all of the circumstances. It is submitted the transitional provisions should be deleted from the Bill.

Alex McKean

[Redacted]