



Speech by

Mr ALLAN GRICE, OAM

MEMBER FOR BROADWATER

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MR F. CLAIR; CRIMINAL JUSTICE COMMISSION

Mr GRICE (Broadwater—NPA) (11.30 a.m.): The passing of the Clair regime at the Criminal Justice Commission will not be mourned by anybody apart from, I suppose, a few hardcore apologists whose motives, as well as their sense of proportion, must be seriously questioned. Even the most cursory review of Mr Clair's chairmanship exposes what an unmitigated disaster it has been. It has been marked by the following: a brutal and uncompromising attack upon a duly elected Government; a botched and ill-considered attempt to don the Fitzgerald mantle and expose what was claimed, by the chairperson, to be high-level corruption in the Police Service; a self-serving whingeing in public about the budget allocation; and an approach to the most serious crime of paedophilia that was contradictory, confused and woefully lacking in even the slightest sense of purpose, resolve or direction.

The CJC was established under legislation introduced in 1989 by a National Party Government under then Premier Cooper. It was a clear recognition then by the National Party that the sins of the past, which so seriously damaged the very fabric of Government, the then police force and the image of this great State, should never happen again. By and large, until the appointment of Chairperson Clair, the CJC did its jobs well, although there were some significant disagreements between it and the then Goss Labor Government, as honourable Ministers and many members opposite will recall.

However, the election of the coalition Government in February 1996 unleashed a campaign by Chairperson Clair that was unprecedented in its scope, unparalleled in its vehemence and without peer as a deliberate pre-emptive strike. The issue was the famous memorandum of understanding signed by then Opposition Leader Borbidge, then Police spokesman Cooper and the Police Union. It was typical of so many undertakings given by all political parties to legitimate interest groups, and yet it was grabbed with both hands by Chairperson Clair—with the desperate hope of a drowning man—as a lifeline; indeed, he saw it as his crowning achievement as a fearless corruption buster.

The fact that the Courier-Mail gave enthusiastic endorsement to this vendetta served only to encourage Chairperson Clair and his loyal band of urgers, who undoubtedly felt that their place in history would be confirmed as the new "Untouchables". But Clair was no Elliott Ness. What we did not know then but what we know now is that the chairperson had secret legal advice from Cedric Hampson, QC, to the effect that neither Mr Borbidge nor Mr Cooper were guilty of any offence. Yet despite this advice—and in the ruthlessly determined face of that advice—the chairperson persisted and established that giant money-munching machine called the Carruthers inquiry.

It was grossly irresponsible and had a serious destabilising effect upon the then minority Government. That we managed to achieve so much of what so urgently needed to be done during that period is nothing short of a miracle. Of course the Labor Party was all for it until, under the heaviest pressure, the inquiry was extended to include the deal done by the Goss Labor Government shortly before the 1995 election with the gun lobby. Suddenly, the ALP lost its much-ballyhooed confidence in the inquiry and, indeed, in the chairperson's guiding spirit.

Eventually, Mr Carruthers spat the dummy and went home, pausing only long enough to pick up his very generous cheque. From that moment on, the chairperson was on a very slippery slope, having lost the confidence of all concerned Queenslanders and most members on both sides of this House. His notion of accountability was never better illustrated than by his bitter reaction to the Connolly/Ryan inquiry. He was outraged that a democratically elected Government, which he had so maliciously tried to bring to its knees, should have what he saw as the unmitigated gall to actually believe that his regime should be questioned. The whole thrust of his attitude was that he was so utterly

and completely beyond the slightest reproach that he deserved to be ahead of Mother Teresa in the queue for sainthood.

Then we had the juvenile dabbling in politics that marked the chairperson's whinges and whines about the CJC budget. He argued that it had to be expanded vastly because of the need for a huge full-blooded inquiry into high-level corruption in the Police Service. He cried bloody murder and then came up with a parking ticket. Yet the painfully restored good name of the Police Service was plunged into doubt again, and public confidence in it seriously undermined. That also was unforgivable. It was an exercise in self-survival by the chairperson which, by way of historic analogy, made the Nazi invasion of the Soviet Union look like a textbook exercise.

On the matter of how the CJC, under Chairperson Clair, handled the most serious matter of paedophilia, I can only wonder at the bumbling and stumbling that marked that response. However, it did serve to illustrate starkly how the chairperson regarded his own private little empire. When the home of a then CJC director was raided by police, and that director questioned in relation to possible paedophile offences, the chairperson was very quick publicly to give that director a completely clean bill of health. This was given despite the fact that, after being questioned, that director calmly went to his office and shredded certain documents. Later he was allowed to resign quietly. Every single police officer in this State was left wondering.

The vaulting ambition of the chairperson was illustrated again early in the life of the then coalition Government. Having launched his attack by way of the Carruthers inquiry, he obviously felt that he had us on the ropes and that we would meekly agree to anything, in the faint hope that salvation lay ahead for him in that way.

The then Police Minister, Mr Cooper, received a most remarkable letter from the chairperson strenuously objecting to the proposal to establish a new police training academy in Townsville, on the basis that he and the CJC had not considered it. No matter that it had been coalition policy in the 1995 State election, no matter that it had been a stated undertaking at the time of the Mundingburra by-election! The chairperson took the view that, because he had the CJC, the CJC should decide how and where police should be trained. Never mind the policy of the Government of the day!

It was an offensive and outrageous letter, and the then Police Minister responded in a remarkably restrained way, although the message was clear. The Government proceeded with that undertaking, the academy was established and it has proven to be an outstanding success. The chairperson could never explain how public accountability and honesty in politics would ever be served by the Government announcing that it would not proceed with this project because it had somehow failed to get the green light from the CJC and its pompous, pious chairperson. That was just one example of his disgraceful meddling.

I believe that the Frank Clair era demonstrates both the virtues and the pitfalls of extra-parliamentary bodies with powers not granted to other law enforcement bodies. We have seen a very poor return in respect of effective prosecutions through the proliferation of crime and corruption detection organisations and the duplication of functions that rightly belong back with other organisations such as the police, the public service commission and so on.

It is worth considering that the Crime Commission and the Criminal Justice Commission be amalgamated and the resultant commission's role be redefined as the central organisation for the gathering and dissemination of intelligence and evidence on crime, corruption and related matters. I firmly believe that the prosecution of such matters should be the duty of the police and the Director of Public Prosecutions.

Too often the CJC has been the vehicle for threats and retaliation by people prosecuting private quarrels. It is a fact of life in the Police Service, the education system, Government administration, local government and so on that the threat of a complaint to the CJC has cowed the policeman, teacher, council worker and so on, because they know they will be caught up in a full-scale investigation for months, often in the glare of media publicity, and will never erase the black mark on their record even if exonerated.

Discipline within the Police Service, the Public Service, Education and so on should be matters for internal tribunals with transparent and public processes—I repeat: transparent and public processes. Commissions of inquiry should be used only for major matters when there are no other effective means of obtaining intelligence or information.

At the moment, all of us in this place are aware of police being frightened to do their job because of the ogre sitting on the back fence. The morale problem in the Police Service is becoming more and more apparent. The processes of such inquiries should be similar to that of the Forde inquiry into child abuse to ensure that the names and reputations of witnesses are protected unless and until it is in the public interest that they be revealed. When a prosecution reaches a court, the media can then have its day.

The operations of the Criminal Justice Commission have shown up the strengths and weaknesses of the existing system. Experience has shown that we must have watchdogs of the public interest, but it has shown also that the watchdogs themselves must stay in their own yard and not substitute loud barking for real bite.
