



Speech by

GORDON NUTTALL

MEMBER FOR SANDGATE

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CRIMINAL JUSTICE COMMISSION

Mr NUTTALL (Sandgate—ALP) (11.39 a.m.): No member in this Parliament has been a stronger advocate of the CJC than I have been. As a former deputy chairperson of the Parliamentary Criminal Justice Committee, I have strongly supported the CJC, both inside and outside the Parliament. However, recent actions by the CJC have led me to rethink my position of supporting it. I refer to one matter in particular, and that is the matter raised by the honourable member for Broadwater back on 13 September 1996 in the Parliament, when the honourable member made allegations that Mr Le Grand from the CJC had leaked confidential information concerning Operation Wallah. Most of us would recall those allegations fairly clearly. We are now some two years down the track and that matter, at this stage, has still not been resolved.

Two days after those allegations were made by the honourable member for Broadwater, the Chairman of the CJC issued a media release in which he stated that the Parliamentary Criminal Justice Committee was the only body appropriate to investigate the allegations made by the honourable member. I wish to make it very clear that what I am saying to the Parliament today is not a breach of confidentiality, because this is now a matter of public record.

On 20 September 1996, the PCJC held a meeting and resolved that the allegations made by the honourable member for Broadwater be referred to the judicial inquiry that the Government of the day was considering establishing, namely, the Connolly/Ryan inquiry. The committee decided that that was the best course of action. As part of its brief, the Connolly/Ryan inquiry was to examine the allegations made by the honourable member for Broadwater. What happened subsequent to that is now a matter of record.

On 5 October 1997, some 10 months after the commencement of that inquiry, the Queensland Supreme Court found that there was bias on the part of Commissioners Connolly and Ryan and, accordingly, ordered that the commissioners cease to conduct any further hearings. That commission of inquiry was terminated. That left the situation still in limbo, because no determination was made in relation to the allegations made in the Parliament. Approximately 12 months down the track, the matter had still not been cleared up in any way, shape or form.

The CJC then gave some consideration to conducting an internal investigation of its own. However, at the end of the day it decided not to proceed with that course. On 18 December 1997, the Parliamentary Criminal Justice Committee indicated to the CJC that the committee intended to await the appointment of the inaugural Parliamentary Commissioner before taking any further action in relation to the outstanding allegations. On 27 January 1998, the CJC advised the committee that Mr Le Grand was due to finish his contract with it in February of that year and, because the allegations were still outstanding, it had decided to extend Mr Le Grand's contract for a further 12 months from 1 March until the allegations had been heard and the matter had been cleared up. Subsequent to that, in March of this year Ms Julie Dick was appointed as the inaugural Parliamentary Criminal Justice Commissioner.

The third PCJC, of which, as I said, I was a member, resolved that the allegations made by the honourable member for Broadwater be referred to the Parliamentary Commissioner for investigation. On 5 May we wrote to the Parliamentary Commissioner requesting that she examine the allegations raised. The difficulty I have is that up to March—after a good year and a half—the matter had still not

been investigated or cleared up. Obviously, it was part of the role of the Parliamentary Commissioner to examine the Connolly/Ryan material.

I am advised that the CJC has now indicated that it does not believe that the PCJC has the power to direct the Parliamentary Commissioner to investigate the matters raised by the honourable member for Broadwater, and nor does it believe, as a consequence of that, that the Parliamentary Commissioner has the power to conduct the investigation. The CJC submits that the appropriate body to conduct the investigations is the DPP. As we all would be aware, the Director of Public Prosecutions does not have investigative powers and is not the appropriate body to investigate the allegations raised by the honourable member for Broadwater.

As I said at the start of my speech, I have always been a strong advocate and supporter of the CJC. However, when the CJC behaves in this manner and when it deliberately sets out to stop an inquiry into one of its leading officials, it is quite clear to me that something is wrong or smelly. Why would the CJC not welcome such an inquiry? If the CJC and, indeed, Mr Le Grand believe they have nothing to hide, that they have done nothing wrong and that their actions have been honourable, they should welcome such an inquiry by the Parliamentary Commissioner. They should welcome the opportunity to present their evidence to the Parliamentary Commissioner. They should welcome the opportunity to have the actions of the CJC and of Mr Le Grand aired. They should welcome the opportunity to say, "We have clean hands in this matter. We have done nothing wrong or untoward in relation to the allegations raised."

Today I am not here to say whether the allegations raised by the honourable member for Broadwater are correct or incorrect; that is not my place. However, it is appropriate that the Parliamentary Commissioner conduct that investigation. The Criminal Justice Act was changed. Those amendments were brought forward by the then Attorney-General to ensure that the Parliamentary Commissioner would be the suitable watchdog to assist the PCJC in monitoring the operations of the CJC. However, when the CJC deliberately sets out on a course to stop such inquiries, one has to ask: why?

We face the prospect that the CJC, by way of an injunction in the Supreme Court, may seek to restrain the Parliamentary Commissioner from proceeding to conduct any investigation. That is what we are looking at. Two years ago, the CJC said, "We believe that the PCJC should conduct that investigation." We went down the path of saying, "No, we'll let Connolly/Ryan do that." That came to a halt so we had to revisit that. We have appointed a Parliamentary Commissioner through an Act of Parliament and we have said that the Parliamentary Commissioner should conduct that inquiry, but now the CJC is saying, "No, the DPP should conduct it." Two years ago, the CJC said that the DPP should not conduct the inquiry, that the PCJC should do that. We are seeing an about-turn. One has to ask: why?

Today in the Parliament I implore the CJC to withdraw its objections to the Parliamentary Commissioner conducting that investigation. Let that investigation proceed and let the matter be dealt with and cleared up once and for all.
