



Speech by

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CRIME AND MISCONDUCT BILL

Ms MALE (Glass House—ALP) (5.20 p.m.): Today I rise in support of this historic and timely bill. In the past 12 years of Queensland's history, there is probably no institution which has been as revered and reviled as the Criminal Justice Commission. The advantage of hindsight is good, but I can confidently say that strong passions about the CJC were always going to be stirred when it was formed after the Fitzgerald inquiry. We cannot invest so much power and control into one organisation without drawing both praise and criticism.

In its early history, the CJC did not do itself any favours with its sloppy and poorly researched report into on-line gambling and its amateurish inquiry into the politically charged subject of parliamentary travel. These early blunders unfortunately tended to make people highly suspicious of the motives and direction of the CJC. However, no amount of suspicion could have justified the utter bastardry shown towards the CJC by the Borbidge-Sheldon government from 1996 to 1998. They went out with a clear agenda to discredit and dismantle the CJC and would have succeeded had they not run out of time. The Borbidge-Sheldon government reign will go down in Queensland's history as one of the darkest periods for public administration. It is almost as dark as the period under the Bjelke-Petersen government, where corruption and maladministration flourished.

The bill before us today partly deals with cleaning up the mess left behind by the Borbidge government machinations but also includes some important provisions which improve accountability in public administration. The Queensland Crime Commission was born in a time of high political drama. The Borbidge government was keen to deflect the public's attention away from the debacle of the Connolly-Ryan inquiry and rushed through the formation of the Queensland Crime Commission.

It was also part of the Borbidge government's agenda to neuter the CJC and starve it of funding. Despite the inglorious start for the QCC, it has performed well, which is largely due to the hard work of Crime Commissioner Tim Carmody and his small band of investigators. They have been able to strike blows against paedophilia and major crime in recent times from the relatively limited amount of resources available. The CJC and QCC have been able to work well together, but the need to expend scant resources on duplicating administration support and investigative power has been unnecessary and unfortunate. Reuniting our crime-fighting and investigative bodies once more is a sensible approach which can only enhance life in Queensland.

Investigating crime, especially something as elusive as paedophilia and major crime, can be frustrating enough without fighting over resources and lines of responsibility. When the Beattie government was elected in 1998, Crime Commissioner Carmody must have realised the day would come when the Queensland Crime Commission would be amalgamated with the CJC. It is a credit to him that he was able to work constructively with the Premier's Department to establish a model which will advance the aims of the QCC and the CJC.

However, amalgamating the two bodies is only one of the positive outcomes of this bill. It also cleans up a big mess called the Criminal Justice Legislation Amendment Act 1997 which completely removed the CJC's chairperson from the day-to-day decision-making process and vested it in the commission as a whole. Over the past four years, it has meant that the chair has had his hands tied and the commission has had to laboriously work through simple administrative decisions which would

have taken only a few minutes by a CEO of any other organisation. Talk about a bureaucratic nightmare created by a coalition government.

The National Party then has the temerity to criticise the chair for not getting directly involved in CJC inquiries. No wonder the chair does not; most of his time has been spent in meetings, working out who can go on leave and other such pedestrian matters. Giving the day-to-day management decision making back to the chair and requiring the chair to conduct all public hearings where possible is a good move and restores the clout and authority of the chair where it should be.

The move to enhance the Crime and Misconduct Commission's surveillance powers to cover computers is also sensible. It may draw the ire of some civil libertarians, but it is necessary when we consider the sophisticated networks paedophiles have established via the Internet. These networks are one of the downsides to the information revolution and investigators must have the powers and capacity to break into encrypted data transmissions. Only those who are doing something wrong have anything to fear from this step.

This bill also strengthens the commission's ability to investigate misconduct in public administration, which can only be a good thing. The move to invest more power in the police to carry out their own investigations into misconduct has drawn some criticism. However, the truth of the matter has been that the police have already been carrying out these investigations for years but through a costly, time-consuming referral system from the CJC. Streamlining this process will cut down investigation time, which addresses one of the main criticisms of the current process.

However, it puts a huge responsibility on senior police to ensure that corruption and misconduct do not become rife within the service. The checks and safeguards in place must be allowed to work by the Police Service, because these powers of self-investigation are a heavy responsibility and what is given can be easily taken away. However, with the excellent legacy left by Jim O'Sullivan and the integrity and commitment of the current Police Commissioner, Bob Atkinson, I am confident that the Police Service will avoid the pitfalls of the past.

The move to give more responsibility to the Police Service also frees up resources in the commission to concentrate on other areas of public administration. One area I would like the new commission to increase investigations in is local government. Some of the horror stories I have been hearing about local government indicate the need for a concentrated effort to clean up administrative processes and dispel the myths surrounding local government. Local government candidates seem to be the worst proponents of making baseless accusations and then calling in the CJC. Their opponents then have the cloud of a CJC investigation hanging over their heads despite the fact that the CJC has an obligation to investigate all complaints. Thankfully, the warning issued by Brendan Butler about vexatious accusations before the last council elections seemed to curtail this unsavoury practice.

One grey area in the CJC's misconduct investigation powers has been to do with misconduct within its own ranks. The suggested step to give legislative power to the protocol whereby the commission reports alleged misconduct to the overseeing parliamentary body is sensible. It negates the need to set up another body to investigate the investigators but must be strictly adhered to by the chair to ensure that commission officers are above reproach.

One suggested change which has drawn criticism from the opposition has been the move to transfer the criminal justice research capability to a unit within the Premier's Department. That proposed shift has all the conspiracy theorists on the other side of the House working overtime. The member for Toowoomba South was using peculiar terms such as a 'secret, dark move' and a 'special branch-type' organisation. Of course, in-depth and accurate research and the National Party are mutually exclusive.

Opposition members' definition of in-depth research into the criminal justice system is for them to read the *Courier-Mail* in the morning or the latest press release from the Police Union. Despite the fact that it is one of the few areas that the CJC has overlooked and has done little research in, the opposition thinks this is an attempt somehow to paint the criminal justice system in rosy colours for the benefit of the incumbent government. The member for Southern Downs is a little hysterical in his protestations about politicising the research unit. This is an insult to the independence and integrity of the public service, which already carries out research reports that are not always flattering about the government's performance.

The move to set up a separate research capability into the criminal justice system is also sensible, because the CJC was part of the criminal justice system. Having a separate unit means that it can report on the impact of the new commission and all of the other agencies within the criminal justice system.

This bill marks another step in the growth in public administration in Queensland. It is an important step built on the hard work started by the Fitzgerald process. The aims and ideals first written down in the CJC's charter will be strengthened by this legislation. As I have outlined today, this bill both tightens and improves the accountability mechanisms in our public administration and tightens and

improves the investigative capabilities of our law enforcement agencies to tackle major crime and paedophilia. It deserves the full support of the House.
