



Speech by

**Mr M. HORAN**

**MEMBER FOR TOOWOOMBA SOUTH**

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### **CRIME AND MISCONDUCT BILL**

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (12.46 p.m.): The Crime and Misconduct Bill has been rushed into the parliament. I understand it will be subject to a number of amendments and I appreciate that briefings are available on those amendments. This is a very important bill for Queensland. It sets out with three major objectives. Firstly, it sets out to repeal the Criminal Justice Act 1989 and the Crime Commission Act 1997 and replace them with legislation that merges the Criminal Justice Commission and the Queensland Crime Commission into a new commission. Secondly, the new Crime and Misconduct Commission will integrate the functions of the Queensland Crime Commission and the CJC. This legislation also recognises the long-standing arrangements for the resolution of police misconduct by giving the Queensland Police Service more responsibility but maintaining a strong monitoring role for the commission.

Importantly, this bill will do away with the strong, specialised responsibilities and abilities of the Queensland Crime Commission to be a specialist acting solely on matters of major crime and paedophilia and it will merge those particular facilities into the Crime and Misconduct Commission. Likewise, the Criminal Justice Commission, which has been acting as a specialised watchdog over corruption, misconduct and official misconduct and also as a specialised independent research division, will have its activities merged into the Crime and Misconduct Commission.

In addition, a portion of that independent research facility from the Criminal Justice Commission will transfer to the Premier's Department, such that a political entity will receive and accept this research section of the CJC into its department, with all the consequent problems that will arise. I will be touching on that further.

I make it very clear at the outset that this is a backward step in the provision of a specialised corruption, misconduct and official misconduct watchdog for Queensland. It will be a new organisation that will not specialise solely in that watchdog role. It is a backward step for Queensland because the Queensland Crime Commission, with its specialised core business, will be merged into the Crime and Misconduct Commission, which has a number of roles, including a watchdog role of the functions of the former CJC.

The opposition believes very strongly that this will weaken the watchdog role of the CJC and the major crime and paedophilia investigation role of the Queensland Crime Commission. This legislation melds those two organisations into one bigger organisation that will undertake all of those roles all in the name, supposedly, of some saving in administration. The opposition is strongly of the belief that this is a backward step for the state and a forward step for those criminals who commit major crime and paedophilia.

In the 1990s when the Criminal Justice Commission was established, we saw the absolute failure of that organisation to be able to successfully conduct investigations into paedophilia and major crime whilst it undertook its other role of being the corruption watchdog and the independent investigative research organisation for the state. There is no point in going back to this failed model. If we have a priority in this state in the area of justice and law and order, that priority has to be to get right to the bottom of major organised crime, particularly crime that is associated with drugs, which is the scourge of our society, particularly of our young people. We have to get right to the bottom of paedophilia so that those people who are inclined to be involved in paedophilia know that an

organisation in Queensland specialises in investigating, detecting and prosecuting paedophilia—an organisation that can work very, very closely with the Queensland Police Service in bringing about that result.

There is another very strong principle as to why we should oppose this bill. One of the major roles of the Criminal Justice Commission has been the investigation of allegations of misconduct, or official misconduct directed against the Queensland Police Service. It is not the sort of organisation that can work in a close, friendly, harmonious, and cooperative partnership with the Queensland Police Service in the important role of investigating major crime and paedophilia when it also has the role of investigating the Queensland Police Service and doing so without fear or favour. That is an important principle. How can we expect an organisation such as the Criminal Justice Commission to be able to work closely with the Queensland Police Service free of any suspicions, free of any antagonism between the two, when it has a role to investigate the Queensland Police Service?

It makes no sense whatsoever to merge the CJC and the Queensland Crime Commission into one organisation and expect that organisation, which through its misconduct division has a role in investigating police and police officers, at the same time to have a role, supposedly, of working hand in glove with the Queensland Police Service at the highest possible level of cooperation in endeavouring to investigate major crime and paedophilia. That was one of the reasons for the separation of the two roles and the implementation of the Queensland Crime Commission. The Criminal Justice Commission has proved to be successful and has proved that it can work in a close, harmonious partnership with the Queensland Police Service. There is no element of suspicion or dislike because it is also charged with the responsibility of investigating all the allegations that are made against the Queensland Police Service, particularly claims of official misconduct.

If we want a watchdog in this state that is relevant and meets the expectations of our modern society in providing accountable, honest, accurate, and open government, then we need to support one organisation that specialises in that role, is able to undertake that role well and openly, and is able to undertake that role with the full confidence of the public. That is the position of the National Party—the position of the opposition. We support having a specialised corruption watchdog, a specialised official misconduct watchdog. In the world of modern politics, all political parties have to accept that and put in place something that can do that and do it well with the confidence of the public.

We are no longer going to see that, because we are going back to that failed system of mixing the role of the Criminal Justice Commission with the role of investigating paedophilia and major organised crime. The opposition will be opposing this bill and throughout my speech I will give some of the reasons why we will be opposing it. I want to make it very clear that the National Party in government will be putting in place a watchdog whose only task is to be a watchdog and to do that job well. Everybody will know what that organisation will do. It will not have any other responsibilities or roles; it will be the watchdog for official misconduct and for corruption. We will put in place a crime commission that will work solely on organised crime and paedophilia. It will investigate those issues and work in close harmony and partnership with the Queensland Police Service—a partnership that will not be eroded by feelings of mistrust that would exist naturally in any organisation which knows that the group that it is working with in its day-to-day operations of investigating crimes is also the group that would be investigating any allegations, whether they are right or wrong, of official misconduct, or misconduct, or corruption in their organisation. It makes absolutely no sense whatsoever to combine these two organisations when those basic principles that I have espoused do not operate. We need to make the organisation a sensible, well-defined structure that can address those important issues.

As I said, the opposition does not support this bill. There has not been any public outcry or public demand for the establishment of this new commission. Therefore, one has to wonder the reasons behind the legislation. Why does the government want to do this? Obviously, the government believes that it will assist them in some way or another. This legislation contains an extremely dark and dangerous element, and that is the transfer of a section of the independent research division to the Premier's office. I will speak more about that later, because it is a very dangerous move for this state.

On 6 August 1998, shortly after the Premier took office, he decided that the Crime Commission had to go. In a ministerial statement made in parliament the Premier stated—

On the front page of today's Courier-Mail there is a claim that the Queensland Crime Commission seeks a 50% funding boost to \$4.6m so that it can fight paedophilia and organised crime over the next year.

As honourable members will recall, the Premier went on to state—

... I opposed—and the Opposition opposed—  
he claimed—

the creation of the Crime Commission in its present structure for two important reasons. First, I believed that the establishment of a stand-alone Crime Commission diminished the role and authority of the Criminal Justice Commission, which has withstood the twin tests of time and politics and, therefore, warranted more resources, not fewer. Second—and this is the crux of the issue—I believed that the establishment of the Crime Commission would lead to unnecessary duplication of administrative staff and, therefore, unnecessary costs.

The submission to the Cabinet Budget Review Committee for extra funding confirms my worst fears.

Back on that day, 8 August 1998, the Premier decided that the Crime Commission had to go. It was just a matter of time. It was interesting to note the Premier's position, for he is on the public record as a strong proponent and supporter of a crime commission. All honourable members will recall the Premier's masters thesis on the subject. But also we will all remember a ministerial statement by the former Police Minister, the Honourable Russell Cooper MP, which was delivered on 5 March 1998 and in which a copy of a press release issued on 13 August 1996 by the then Opposition Leader, Peter Beattie, was tabled. The former Police Minister quoted from the press release, in which the former Opposition Leader spoke of the need for a proper, comprehensive investigation into paedophilia in Queensland. I reiterate that quote—

"There needs to be a strategic attack on paedophilia and it may well require the establishment of a State Crime Commission to bring it about."

He went on—

"Such a commission would not be in addition to the role currently carried out by the Criminal Justice Commission.

"I have long argued that consideration should be given to removing organised crime and the fight against drugs from the CJC's roles."

So there we have the Premier, as the former Opposition Leader, speaking about the need for a state crime commission having a separate role to the Criminal Justice Commission and that consideration should be given to removing organised crime and the fight against drugs from the CJC's roles. If it made sense then, why does it not make sense now? In that ministerial statement, Mr Beattie is reported as stating further—

I believe that the CJC should concentrate on the role originally envisaged for it by the Fitzgerald Report—which is primarily to act as a corruption watchdog.

That is what I have stated in plain and simple language today in my speech. Mr Beattie is reported to have stated further—

A State Crime Commission would be properly resourced to be pro-active in fighting specialised crime whereas the Police Service is reactive in that it spends much of its time investigating and solving crimes that have occurred.

Once again, that complements and backs our stand as to the folly of the principles of this bill.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

**Mr HORAN:** Just before the lunch break I was referring to a 1996 press release by the Premier, who was then the Opposition Leader. That press release discussed the need for a strategic attack on paedophilia which could well require the establishment of a state crime commission. He went on to say that he had long argued that consideration should be given to removing organised crime and the fight against drugs from the CJC's role. He said that he believed that the CJC should concentrate on the role originally envisaged for it by the Fitzgerald report, which is primarily to act as a corruption watchdog. That is exactly the stance that the opposition is taking. We want to have a specialised corruption/official misconduct watchdog and, separate from that, a specialised major crime and paedophilia investigative organisation.

In his press release, the then Opposition Leader went on to say—

A State Crime Commission would be properly resourced to be pro-active in fighting specialised crime whereas the Police Service is re-active in that it spends much of its time investigating and solving crimes that have occurred.

That is so typical of the Premier. This morning we saw him change his position on the numberplate issue. That is another example of him changing his position depending on the particular quirk or whim of the day.

In examining the Crime Commission and its advantages, we should revisit the second reading speech of then Police Minister Cooper, who introduced the Crime Commission Bill on 30 October 1997. According to that second reading speech—

The establishment of a permanent Crime Commission with the role of investigating organised crime and paedophilia delivers the intent of this Parliament and delivers a commitment by this Government—

the Borbidge government—

to the people of Queensland to have an effective assault against the criminal low-lives striking at our communities. It has long been recognised that traditional law enforcement methods and powers are simply not effective enough to deal with certain types of offences and offenders and the increasingly sophisticated nature of organised crime. Hence the need for a specific body with special powers to combat organised crime.

That was one of the principles and the logic behind the establishment of the Queensland Crime Commission. Minister Cooper's statement went on to say—

There have been concerns expressed in this Parliament and in the broader community that existing law enforcement efforts have not fulfilled expectations where pursuing major and organised crime is concerned, and that a much more focused and concentrated effort is required.

That sentiment still exists. The Borbidge government gave the Crime Commission the special powers and safeguards that were essential to penetrate the secretive and sophisticated nature of organised crime and paedophilia groups, particularly networked paedophile groups.

Nevertheless, the former Opposition Leader, who was a strong advocate and fan of the crime commission concept, showed how principled he could be. He sold out his principles when political opportunism got the better of him. His principles on long-term support for the Crime Commission were cast aside and he foolishly allowed political opportunism to convince him that there was a benefit to be had by suddenly changing his position. Indeed, when the debate came on he did not even take part in it.

It is noted that the Crime Commission worked closely with the Queensland Police Service, the Criminal Justice Commission and other law enforcement agencies. It was supported by a management committee that was chaired by the commission chairman, Tim Carmody, and included the Chairman of the Criminal Justice Commission, the Police Commissioner, the Chairman of the National Crime Authority, the Children's Commissioner, the Chairman and Deputy Chairman of the Parliamentary Criminal Justice Committee and two community representatives, one being a female and the other having a demonstrated interest in civil liberties. The commission was driven by references made by that management committee. If any members claimed that the commission never delivered results, they would in fact be criticising the ability of the management committee that delivered those references to the Queensland Crime Commission.

Further evidence that the Borbidge government was determined to be effective in handling crime was given when the government introduced the Telecommunications (Interception) Queensland Bill on 5 March 1998. That was a further display that the government was committed to providing the Queensland Police Service and other Queensland criminal law enforcement bodies with the tools to counter those who consider themselves untouchable or above the law. Telecommunications is one of the tools that are necessary in modern policing and it complemented other investigative measures that were given to the police under the Police Powers and Responsibilities Act, which was passed by the parliament in November 1997. Telecommunications interception is critical in identifying the nature of the offences involved, the extent of a network—for example, a drug network—and the location of purposely concealed assets that could be derived from some intolerable drug or major organised crime activity.

Those situations were the very reason that, as early as 1986, it was recommended by the Stewart royal commission that the power to use telecommunications interception in order to fight serious crime should be granted to state and territory law enforcement bodies. Telephones, fax machines and computers are used daily by people all over Australia to communicate with one another. We see our Queensland Police Service and our Queensland Crime Commission hamstrung in the way that they can investigate in a modern and technically efficient way because they do not have those powers. Those powers definitely need to be in place, and they need to operate under very strict independent surveillance. A system of permission needs to be enacted for their use so that the civil liberties of innocent people are not infringed in any way. A system such as the Public Interest Monitor, which is used for approvals for various covert systems of surveillance, or an even more stringent system would provide the Queensland Police Service and the Queensland Crime Commission with a very necessary tool of modern policing and investigation. At the moment Queensland simply does not have such a tool, although virtually every other state of Australia has. It is amazing to think that the government will not introduce that tool.

The legislation that we are examining today allows for an extension of powers so that an investigative body can monitor computer data on a touch-type system and even emails can be intercepted. Why can't the telephone system be similarly intercepted? The current system allows investigative authorities to tap into the information technology systems of the day, that is, computers and email, but they cannot tap into the telephone system. That should be allowed, with appropriate oversights so that public civil liberties are not in any way infringed.

Earlier I spoke about the necessity for introducing this bill. There has not been a public demand or a public outcry. It is clear that there is a political agenda, as outlined by the Premier in a ministerial statement of 6 August 1998. The political agenda is, for some reason or other, the abolition of the Crime Commission. Why is there a rush? The time frame to finalise the appointment of the Chairman of the Crime and Misconduct Commission has been imposed by the Premier. Once again, we have an example of the arrogance of this government. Before this bill has even been through the House for examination and debate by its members, the government has advertised the position of the Chairman of the Crime and Misconduct Commission. It is arrogantly disregarding the debate that might occur in this House and arrogantly—

**Mr Livingstone:** I guess we'll just use our numbers.

**Mr HORAN:** That interjection shows the arrogance of the government. The member for Ipswich West said, 'I guess we'll just use our numbers.' So they will ram it through. They might as well not turn up and debate these issues if they are just going to use their numbers to ram through legislation and

advertise for these positions well in advance. They could at least show some respect for the parliament and advertise for this position after it has been created. The position is not even in effect. This bill has not been passed by the parliament. The legislation has not been enacted, yet the government is advertising the position in arrogant disdain for the parliament. That is typical of so many other things it does.

**Mr Livingstone:** Your people don't even want to speak on it. There's only about three people from your side of the House. Why aren't you up there with all your speakers?

**Mr HORAN:** I just took the member's interjection that they want to use their numbers to ram through this legislation.

**Mr Livingstone:** Put all your speakers on it.

**Mr HORAN:** There are plenty of our members speaking to this, and we will probably make a lot more sense than the member ever will. I bet the member does not even agree with this; he will just toe the party line as usual.

In relation to the rush for the legislation, new amendments have been tabled today. I thank the Premier's staff for paying us the courtesy of going through those amendments. It is clear that parliamentary counsel have been rushed into preparing this legislation and that there is an inordinate rush to have it enacted.

About the only sensible argument that I have heard for the amalgamation of the Crime Commission and the Criminal Justice Commission has been that there will be some savings in administration. If we really want to get to the bottom of major crime and paedophilia, what is the point in saving on a few wages by rationalising the administration, as the government proposes to do, if it defeats the whole purpose of why the Crime Commission and the Criminal Justice Commission are in place? The most important issue is that we have specialised organisations that can undertake investigations successfully and that each is not mixed up with another organisation that is there for a totally different purpose.

Another issue that is of great concern to the opposition is that the criminal research unit derived from within the independent research unit of the Criminal Justice Commission will be located within the government—within the political oversight of the Premier's Department. This proposal is very alarming. I would like to read an excerpt from the Premier's second reading speech to this bill. He stated—

The criminal justice research unit will be located within government and will inform government policy and resource decision making. The purpose of this unit is to have better informed decision makers, not to somehow cover up information on the criminal justice system ...

At the moment the Justice Department, Police and Corrections all have databases that mostly serve their own purposes. This unit will draw from that vast bank of information and actively encourage information sharing between criminal justice agencies. Rather than stifling information on the criminal justice system, the unit will make it more accessible and intelligible.

What I think we have here is the potential for the Premier and the Labor government to reinvent the special branch. We will have within the Premier's Department a research group, taken across from the Criminal Justice Commission, that will 'draw from that vast bank of information'. It states—

At the moment the Justice Department, Police and Corrections all have databases that mostly serve their own purposes.

So here we will have the Premier's Department tapping into the databases of the Justice Department, the Police Service and Corrections. Can members remember back a few years when we had all of the controversy about the ministerial office of the then Police Commissioner, Mr Mackenroth? Do members remember the controversy about the computer linked to the police department and all of the concerns over that issue? Here we will have exactly the same thing. In the Premier's Department we will have the Criminal Justice Research Unit with access to the databases of the Justice Department, police and corrections and drawing from that vast bank of information. The great civil 'liberationist' Matt Foley is sitting opposite.

**Mr Foley:** Libertarian.

**Mr HORAN:** That is a special word I have invented for him; he fits the bill. I wonder what the minister's position is on this unit being transferred from the Criminal Justice Commission into the Premier's Department and having access to all of the databases of the police department, Corrective Services and the Justice Department.

**Mr Foley:** I support the legislation. Tell us about Connolly-Ryan.

**Mr HORAN:** They reckon a leopard cannot change its spots. I certainly see that happening with respect to the minister; the spots have dropped off his hide. We see this proposal as most alarming.

**Mr Foley:** You tried to nobble the CJC and you didn't get away with it.

**Mr HORAN:** Is this the get square? The government wants to get a bit of control over everything by putting an investigative unit in the Premier's Department. It wants to bring the two units back together so that it can control them. It probably wants to manage the budget and move moneys

around internally so that cutbacks can be made to the watchdog. The government would not be able to cut back the budget of the Criminal Justice Commission if it was a stand-alone corruption watchdog, but if it is amalgamated with the Queensland Crime Commission the government can probably do so under that umbrella by shuffling a bit of money one way or the other. In that way, the government will be able to do what it has always wanted to do and cut back the watchdog's powers by cutting back on its funding and staff.

I can tell the minister here and now that when we get into government we will be reinstating a proper corruption watchdog—a specialist watchdog on its own. That was the role of the Criminal Justice Commission. Its role is to be specialised and to be able to oversee and eliminate corruption, official misconduct and misconduct.

**Mr Foley:** Why did you approve the establishment of Connolly-Ryan?

**Mr HORAN:** The member should tell us why he did not stand up to this. Is he happy about this? He should tell us if he is happy to see the special investigative and research unit being moved from the realm of independence under the Criminal Justice Commission and being put in a political office—in the Premier's Department—with that office being given access to all of the databases for the police, Corrective Services and the Justice Department? The minister should tell us where he stands on that.

As I said, this is one of the most alarming proposals that this parliament has seen. I hope that those people who have espoused the principles of the Criminal Justice Commission and have written about it, researched it and taken it seriously see this for what it is. This is a grab for extra research and investigative powers by shifting it into the Criminal Justice Commission, taking it into the Premier's Department and at the same time providing an open door for the government to get into all of these databases.

We have heard a lot about the secret state. We know how the government has trundled truckloads of information through the cabinet process. Today in the parliament we have seen the damning report by the Ombudsman on what the government has done. We have seen the government's tactics through a bill that will start to whack on a charge for freedom of information requests. The government will do anything it can to put a hurdle or impediment in the way of democracy in this state. The government has made it 10 times harder for local government aldermen to stand for state government positions. Mr Deputy Speaker, you were one of the architects of that. You proudly espouse that you were. You have put councillors in this state in the same category as criminals and bankrupts by putting every possible barrier in front of them in standing for parliament. Other people can simply take leave without pay from their job, stand for a position and then return to that job if they are unsuccessful. This is typical of the government's placing one hurdle after another in the way of democracy in this state. This proposal is the most alarming proposal of all. I hope that the good commentators out there will see this secret, dark move that is being undertaken. To think that in the Premier's Department we will have a unit—

**Mr Reeves:** There are no secrets around here.

**Mr HORAN:** It might not be secret now, but it will be secret when it gets into the Premier's Department. The member knows that. It provides the sorts of opportunities, as I said, for a special branch type of operation. The Premier's Department will be able to have access to whatever information it wants out of those three departments and their enormous databases. Again, that is something that we will be opposing in this bill, just as we oppose the bill in its entirety.

Surely this research unit will provide the Premier and his Labor Party hacks with access to highly confidential records and information on just about everyone in this state. Doesn't this have serious ramifications? Doesn't this enable the Premier and his mates to be the state's new special branch, enabling the Premier and his mates to establish dirt files on anyone who directly or indirectly upsets them? We know the extent to which they will go regarding freedom of information. If they cannot stop applications by putting truck loads of information through cabinet, they will do it by introducing a charge for accessing the information. We know the extent to which they will go. Surely this action would constitute a serious breach of the Privacy Act.

As well, the Premier is hell-bent on politicising the research capabilities of so-called independent entities. He has diminished the research capabilities of the Parliamentary Library and now we have this invasive assault on the criminal justice system itself. I find it amazing that people such as Minister Foley and Minister Wells are a part of this when we consider their pontificating over the years about the Criminal Justice Commission and about having a system—

**Mr Foley:** Tell us about Connolly-Ryan. Why did you try to nobble the CJC?

**Mr HORAN:** The minister should try to answer these arguments. He just wants to cover it up. He is embarrassed by where he stands. He is embarrassed by the fact that he is a party to this. He is embarrassed by the fact that he is a hypocrite.

**Mr Foley:** On the contrary. We tried to reform it, unlike you lot, who tried to nobble the CJC to get Borbidge and other people off the hook. You sat around that cabinet table.

**Mr HORAN:** A few years ago, when it suited him, he pontificated on all these issues. Now it suits him to have a special branch in the Premier's Department, and he sits there and just acquiesces and says, 'Yes, that's what we're going to do.'

The role of the chairman of the new body being the chair of a public hearing is an important issue because this legislation sets out that public hearings can only be undertaken by the chairman of the CMC. However, what is going to happen in the event of something like the Shepherdson inquiry, when an inquiry is ongoing for months upon months upon months? Who is going to undertake any other public inquiries? Or do we have a waiting list for necessary public inquiries, just as we have waiting lists for many other things under this government? This particular proposal will result in a slowing down of any proper public hearing—any necessary public hearing—into matters of importance, into matters relating to corruption or official misconduct.

We are going to strongly oppose this bill. When we return to government we will reverse this legislation to ensure that Queensland has a specialised anticorruption and a specialised anti-official misconduct organisation so that Queenslanders who expect to have one of those modern pillars of democracy such as the Criminal Justice Commission can have confidence that once again Queensland will have such an organisation. Whether politicians want it or not, it has to be there. It is expected of modern government; it is expected of this parliament. This government is intent on endeavouring to water it down and to go back to a failed system.

We will set up an organised crime and paedophilia fighting organisation—which will be like the Queensland Crime Commission—that can specialise. Our organisation will have its own core business and will not be distracted by being part of an organisation that also investigates the Queensland Police Service, with which the organised crime investigative body should be working carefully, closely and hand in glove. That just will not work because the underlying resentment that could arise will see all of that cooperation and close working relationship evaporate.

The Crime Commission's real problem has been the lack of government support from the Labor government and the lack of laws to facilitate the seizure of criminal assets. I can tell this parliament that a National Party government will fix that, too, so that we have a Queensland Crime Commission that will not only be specialised but will also be provided with the necessary financial resources. It will be fully funded and it will be supported by legislation that enables it to seize assets and undertake the modern investigation that is required.

There are a couple of other matters that I want to touch on. There is an interesting part in the Parliamentary Criminal Justice Committee report No. 6 of February 1995. It says—

There is no doubt that the CJC has played a useful role in fighting organised crime jointly with the Queensland Police Service and other agencies. But a different institutional approach would have advantages. There is no reason why that useful role could not be carried on by a separate crime commission, outside the CJC, which would not have the possible conflict of having to investigate police involved in a joint operation.

That is exactly what I have been saying over and over again: there is no reason why that useful role could not be carried out by a separate crime commission, outside the CJC, which would not have the possible conflict of having to investigate police involved in a joint operation. It is that very role of the Criminal Justice Commission, in which it has to stand on its own by virtue of its role, which will always make it difficult to be part of an organisation and at the same time be working with the Queensland Police Service on many, many issues of paedophilia and major crime that have been referred to it. It makes no sense whatsoever for it to have those two particular functions.

I want to go through a few points that were made in the *Gold Coast Bulletin* on Friday, 26 October by Phil Dickie, the journalist who was involved in much of the investigative journalism that led to the Fitzgerald inquiry. If anyone could understand the dark intent that exists in the transfer of this investigative research unit from the CJC to the Premier's Department it would probably be him. He really sees that that particular transfer seems to be the final stage of the junking of Tony Fitzgerald's scheme for turning Queensland into a bright beacon of best practice in crime control and criminal justice. He goes on to say—

Department officers would not usually be able to examine an issue at such depth or with such little restriction—

as used to happen under the Criminal Justice Commission. He says—

It is also unlikely that the fruits of their work would be permitted to be shared around at all, or shared without censorship.

He is probably making a further point to that which I have made today. He is making the point that if they were doing research, for example, into the effectiveness of the policing of break and enters, or statistics on the increases in crime and the factors behind that and the outcome was not good for the government, there is every chance that such a report would not be true or honest or open. It could well be censored. It might not even be released. Are we going to have a register of all the investigations that this particular research unit carries out? I bet we do not.

We have another shift of people to the Premier's Department, which is massively staffed at the moment for reasons of propaganda and so forth. More researchers are to come in, either to do more research for the Labor Party or to do more research into criminal justice matters, the result of which will not be released if it is a nasty result for the government or, more insidiously, if it is able to access these data systems of the three departments I mentioned previously—Police, Justice and Corrections—and have the potential to be used as a quasi special branch under the political umbrella of the Premier's Department.

I want to go through some of the briefings that were given to me by the staff of the Premier's Department and touch briefly on some of those issues. Currently the Criminal Justice Commission has five commissioners as well as the chair. We are going to see the Crime and Misconduct Commission being virtually the same as the Criminal Justice Commission, which has a full-time chairman and four part-time commissioners. So under this bill it is proposed that the Crime and Misconduct Commission will comprise the chair and four community representatives representing civil liberties; public sector management review; criminology, sociology, crime prevention and research; and community service. There will be two additional non-voting members—that is, Assistant Commissioner of Crime and Assistant Commissioner of Misconduct. They will be able to sit in on meetings but will have no voting rights.

As I said, the commission will be split into two divisions—the misconduct division and the crime division. This is one aspect in the bill where the systems of relaying allegations of official misconduct either to the commission or to the Queensland Police Service have been detailed and set out in accordance with where they have been moved to in line with trials undertaken by the Queensland Police Service regarding allegations of misconduct and official misconduct. Following those trials, there has been some adjustment in the way that complaints of misconduct and official misconduct can be made. When there is a complaint of misconduct, the police have primary responsibility. At the same time, the police must notify the commission and the police must commence action. In the case of official misconduct, they must identify the official misconduct and refer it to the commission expeditiously and the commission may refer some official misconduct back to the police for investigation.

These changes are one part of this legislation that we see as a gradual improvement, but that does not take away from the fact that we believe the very basic principles of this bill are completely wrong. It takes the whole system backwards and loses its real effect and usefulness. While commenting on that system of complaints to the Queensland Police Service, I make note of something that came out of the Wood inquiry in New South Wales—that is, if the police were not responsible for the standards within their service, they could abdicate the oversight role, the process of dealing with complaints and responsibility for overall behaviour. Even though that is an improvement, it is totally wrong because it sits within the umbrella of this bill.

I conclude my contribution to this debate by reiterating what I said from the outset in keeping with the principles as to why the opposition will not be supporting this bill. Queensland has come a long way since the Fitzgerald inquiry and since the inception of the Criminal Justice Commission. Politicians and political parties from both sides have had problems with it, but all politicians and political parties have to accept that, as part of modern politics and modern government, the intelligent communities we represent expect openness and accountability from us. The community expects there to be an organisation they can trust that will honestly and accurately investigate complaints without fear or favour, an organisation that is monitored by this parliament through the Parliamentary Criminal Justice Committee, an organisation that is good at what it does, an organisation that does nothing else but concentrate on that role, and an organisation that does that role well and earns the respect and trust of our community. They do not want an organisation involved with a bigger organisation responsible for other roles which will be added to by this bill of investigating major crime and paedophilia, roles that it did not do well when it had that responsibility in the early part of the 1990s.

During that time it was clearly demonstrated that it was far better to have an organisation with simply one role—that is, an official watchdog over corruption, misconduct and official misconduct which sets out standards, which produces fearless reports on research into justice, which researches trends in Queensland of major crime or other investigative activities, which researches trends regarding the prevention of crime in this state, which researches trends regarding the way departments are run and that they use every endeavour to ensure that everything is handled in a proper, open and accountable way. That is the true and proper role of the Criminal Justice Commission. With this bill, that role will be usurped and mixed with other roles which it was unsuccessful in properly undertaking previously.

As a result of the coalition government establishing the Queensland Crime Commission, we have a specialised unit. It is one that the Premier in his previous role as Opposition Leader approved of. Because of its speciality, he believed that it could do its job in a better way. As I have said a number of times today, it is a role it could undertake in harmony with the Queensland Police Service because it is not the organisation charged with responsibility for investigating police officers or investigating claims or



allegations made against the Queensland Police Service. It makes no sense whatsoever to have an organisation that has a specific responsibility to investigate all claims of misconduct made against the Queensland Police Service to a greater extent than any other government department. It makes no sense to have that same organisation charged with working hand in glove in close partnership with the Queensland Police Service on matters of a great investigative nature, on matters of serious networking, on matters that need resolution and that can only be resolved if there is absolute and total cooperation between the two organisations.

The principles behind this bill are illogical and make no sense whatsoever. This bill is a backwards step. This bill reduces the chance of Queensland having the best watchdog in Australia. This bill reduces the chance of Queensland having the best fighter of major crime and paedophilia in Australia. This bill reduces the chance of having an organisation that can work effectively in close cooperation with the Queensland Police Service to bring its additional powers of investigation and interrogation to assist the Queensland Police Service in difficult and intricate investigations.

**Mr Welford:** You should stop making it up as you go along. You should stick to the script. You are not making sense.

**Mr HORAN:** That just demonstrates that those opposite treat this with such frivolity. They treat this parliament as a joke. I will not take any more notice of the member opposite. He is only the Attorney-General, so he probably would not know a lot about things that make sense.

Our final objection to this bill is the serious transfer of the research unit from the Criminal Justice Commission into the Premier's Department and its access to the entire databank of the Queensland Police Service regarding the justice system and the corrective services system. We will not only oppose this bill but in good time will bring about measures that can fix all the serious problems and give Queensland a better corruption watchdog and a better Crime Commission.

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