



Speech by
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CRIMINAL ORGANISATION BILL

Mr HORAN (Toowoomba South—LNP) (4.50 pm): This has been a long debate about some very important principles. This debate has been notable for the outstanding contribution by the LNP's shadow minister in a one-hour speech yesterday and also the outstanding contribution today, as well as a number of other speeches yesterday and today, by the member for Clayfield, who is legally trained and who understands in a clinical way and who can explain in a clinical way our objections to this bill.

It has been said by noted historian Donald Horne that Australia is a great country and that the English gave us our democracy and our system of justice and the Irish gave us our system of mateship, and that has been the foundation of our nation. People come to Australia from all over the world because of our democracy. It might have some ups and downs, but it is a wonderful democracy. They come to Australia because of our justice system, and it is the cornerstone of a happy and safe country.

Other members who have legal training have explained the details and some of the issues of this bill, but I want to speak on behalf of the average person. The average person in Australia likes to know that our police are given a fair go and that when the police catch someone, arrest them and take them to court and they are found guilty the punishment fits the crime. One of the important things that everybody in Australia understands is that the cornerstone of our justice system is that you have your day in court, that you are judged by your peers through a jury system for major or serious crime and that everybody is entitled to have a defence. That is the basis of our justice system and one of the cornerstones that makes our country a strong country and a country that many people from other nations who do not have these opportunities and who do not have this wonderful system of justice and democracy come here for in order to seek a better life.

Our side of politics is always calling for tougher laws, tougher penalties and better systems to assist our police. For years we have called for telephone interception powers. During the time of the Borbidge government Russell Cooper, the then police minister, introduced move-on powers under the police powers and responsibilities legislation. That legislation was in force throughout the time of the Borbidge government and continued throughout the time of subsequent Labor ministers who amended the police powers and responsibilities legislation. The amazing thing about the police powers and responsibilities process undertaken by Russell Cooper is that he spoke to civil liberties groups and other groups to ensure that this system, which enabled the police to have move-on powers, involved the Public Interest Monitor. They are the sorts of tests that are part of our justice system.

What we are looking at here today in this bill is a system whereby people can be found guilty by association, a system in which the standard by which people are judged to be guilty is lowered to the point of simply hearsay. Judgements can be made about a very low standard of association. At present a person and their defence lawyer are told what is against the person and the lawyer can test not only the veracity of those who are providing that evidence but also stand up in defence of their client so that we have a true and fair justice system.

I come from a police family. My grandfather and father gave a lifetime of service to the police. I have always felt very strongly that the police should have every opportunity to make an arrest, to investigate and

to have a successful conclusion to that arrest. However, I have also come to understand over the years the importance of that being done properly, and I think we have all seen what can happen once that slips away. You can slip into verballing; you can slip into all sorts of connotations being put forward. Today's modern detectives can no longer interrogate a suspect in a room with a light bulb for hours and hours and hours, day and night. Today our Police Service has a system of tape recording, of videoing, of proper statements before and after interviews. There are systems whereby people are allowed to have their representation present. They do not even have to answer particular questions. We have a system in place that jealously guards the justice system that provides for our day in court. It provides for proper testing. It provides for a fair trial. It provides for fair investigation.

I have always felt that the merging of the Queensland Crime Commission and the CJC to form the CMC was a mistake. I felt that the Queensland Crime Commission was a specialist organisation that specialised in major crime. It provided some of those additional systems of interrogation and investigation over and above the standard ones that apply to the police. I thought that putting that organisation together with an organisation that dealt specifically in official misconduct and corruption watered down the speciality and the strength of the Queensland Crime Commission. I say that because I believe that we do have ways of dealing with major crime and organised crime. Those systems do provide for the fundamental principles of people being interrogated and investigated in a proper justice system and having their day in court to be judged by their peers in a fair trial.

Some examples have been given during this debate about association that could draw people into trouble under these control orders and declarations of organisations as criminal elements, and we do have to be careful. We can stand in this parliament and talk about criminal gangs and criminal bikie gangs, but this legislation is broad enough that there could well be circumstances where innocent people who, unbeknown to them, are in an organisation in which some other people are undertaking fraudulent activities, and they could well be drawn into the net and put under a control order and subject to all of the other arrangements that exist in this legislation.

The legislation might apply to a particular religious organisation or cult where people at the top—and we have seen examples of this before—have been committing fraud and so forth. That is the sort of thing that we want stamped out, but we want it done in the normal way that we operate in Queensland and in Australia, where there is an investigation and where people are provided with the evidence against them so that there can be a proper and a fair trial. With this bill, we are moving down a path that is away from those fundamental principles.

The purpose of this bill is to tackle organised crime by declaring an organisation as criminal and allowing the court to make a control order on certain members of that organisation. It also allows for the making of public safety orders banning certain members of a criminal organisation from public events as well as making anti-fortification orders. We have made it quite clear that we have no objection to anti-fortification orders. Previously, members on this side have introduced private members' bills that allow specific crimes committed by organised criminal gangs to be investigated and people charged for committing those particular offences. But we wanted that process to take place with an honouring of the system of justice that means so much to the people of Australia—and that is the testing of evidence, the testing of those giving the evidence or those people who have made the claims, and the ability to have a defence.

All of us in Australia see people who are charged with the most heinous of crimes—be it murder, rape, causing major mayhem, or assaults—and we all understand that we have a process that means that people receive a fair trial, that the right person gets caught and convicted and that people do not have to be frightened of a system being so broad that they lose those fundamental principles that underpin our justice system.

This bill contains some very contentious elements. The cornerstone of the bill is the ability of the Supreme Court to make a declaration that an organisation is a criminal organisation. The bill also contains provisions relating to a control order, which is almost guilt by association. That order remains in force until it is revoked. The bill also contains public safety orders. A public safety order can be made by the Supreme Court when it is satisfied that the presence of the respondent at a particular place poses a serious risk.

I am concerned that this bill has been brought into the House for a reason similar to the reason for the Integrity Bill that we debated earlier this week being introduced into this House. Good government is about getting things right, not making a quick response or doing something to make people think that the government is tough on crime or it is doing something that is right. The most glaring example of that was the Traveston Dam stunt by Mr Beattie, because he was seen in the polls as not building dams. He wanted the conflict, he wanted the protests, and we have had a mistake that has cost the people of Queensland \$700 million. That is not good government. Traveston was ninth on the list of possible dam sites. That area should never have been considered. Similarly, yesterday we debated the Integrity Bill. During that debate many opposition members pointed out that that bill was an exercise in spin and would achieve very little.

The dissent by very genuine and learned people within the Labor Party to this legislation that we are debating today makes me believe that this legislation has been brought in for similar reasons.

This bill introduces into our state provisions that probably go against the fundamental principles that all of those who understand and uphold the law in a professional and academic way stand for. Further, all of us who are simply out there in the community know that everybody, regardless of what they are suspected of or charged with, is entitled to a fair trial, is entitled to a defence and is entitled to be judged by their peers, via a jury. This bill introduces secretive measures where people do not even know about the evidence against them or cannot even test the evidence.

Later on tonight we will have an amnesty debate. We have them every year when parliament breaks for Christmas. In that debate we talk with great emotion and belief about people overseas who have been locked up because of their religious or their political beliefs, or people who have not had a fair trial, or who have not had a chance to appeal their convictions. All of those sorts of fundamentals can slowly be eroded through legislation such as this bill. I am not saying that this bill is alarmist, Zimbabwe sort of stuff, but it introduces a real chink in the fundamentals of the justice system that we cherish in Australia and that we cherish in Queensland.

People on the other side of this House should take note of the deep concern that has been expressed. The public of Queensland must be well aware that we in the LNP want criminals caught. We want them to go through a fair trial and when they are found guilty, we want them charged and given a penalty that fits the crime, that acts as a deterrent and also assuages the grief and the damage that has been done to people. We stand strong and resolute on that matter. We do not want to see any organised crime gangs able to flourish. We do not want to see particular groups able to thumb their nose at the law. But we can have, and we do have, a system of investigation.

Where do we start to classify a gang? Many robberies are committed after three or four people get together and work out how to do it. They do not perhaps have the sophisticated structure that an organised crime gang may have, but we have the ability to investigate those crimes. We have the CMC, with its major crime and organised crime component powers that were transferred to the CMC from the Queensland Crime Commission. Through the insistence of the LNP, we now have telephone interception powers. We have covert surveillance. We have the Public Interest Monitor, which we have always fought for and insisted that we should have. We have all of those sorts of powers and the police can do the job provided we give them the numbers, we give them the resources and we give them the opportunity to be able to investigate matters.

The freedoms of our nation are precious. Many people would like to see an almost unilateral power to arrest some people who have been charged with particular crimes. But we have to go through this process because, if you lose that ability, then you lose the cornerstone of the wonderful justice system that we have.