



Speech by

Robert Messenger

MEMBER FOR BURNETT

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CRIMINAL ORGANISATION BILL

Mr MESSENGER (Burnett—LNP) (4.31 pm): Labor has failed for 11 years to be tough on crime. Queensland has become the organised crime capital of Australia because of mismanagement by the Labor Party on law and order issues. Instead of being an attack on organised crime, this Labor legislation is an attack on the fundamental rights, freedoms and liberties that individuals expect in a free, democratic country.

I draw the attention of members to the Scrutiny of Legislation Committee alert—a rather comprehensive alert. In relation to whether the bill has sufficient regard to the rights and liberties of individuals, the committee draws the attention of the parliament to clauses 10, 18, 33 and 110, which may have insufficient regard to rights and liberties of individuals as they would require satisfaction of a lower standard of proof than the criminal standard. Many members have canvassed those issues.

As the shadow Attorney-General stated in his speech—a very well thought out speech, as were all speeches by members on this side of the House—it is an antifreedom bill, and that is why members of the LNP will be opposing this bill. I do not doubt the seriousness of the threat posed by organised crime in Queensland, but this legislation is a disproportionate legislative response to that threat. Two years ago, as the shadow police and corrective services minister, I had the pleasure of introducing legislation which would arm police with laws that would help them fight organised crime. That legislation was well thought out, measured and planned to attack organised crime while, at the same time, protecting the civil liberties and rights of individuals.

Like so many pieces of legislation, this legislation has not been properly thought through and is the product of a Premier and a political party, the Labor Party, who are desperate to retain their hold on power and all the political perks that come with that: jobs for the boys, jobs for the husband, the plum jobs, 'a job for the guy who gave me the job'—the former Premier, who is in America on half a million dollars a year—the success fees, the grants without due process—

Mr DEPUTY SPEAKER: Order! Member for Burnett, I direct your attention to the purposes of the bill and I ask you to come back to those purposes.

Mr MESSENGER: In designing this legislation the Premier has her eye firmly fixed on the sinking opinion polls. The focus is not on the problem of organised crime; the focus is on the latest Newspoll. The focus is on the 24-hour media cycle. This Labor legislation proves that the Premier is prepared to throw away a lifetime of personal morals and political values—as have many of those opposite—as well as her credibility and that of those who agree with her and who will vote with her. Her credibility with her factional colleagues of the Left—indeed, the Right and Centre as well—has completely vanished. Human rights, civil liberties, natural justice and procedural fairness are the first casualties of this legislation, and those casualties will be bleeding on the floor of this parliament as soon as the government uses its numbers to pass this bill.

Members of the Labor Party know this. That is why there is such a small speaking list. Members on this side of the chamber have commented on that, and I would like to note that, too. They are scared about

getting up and putting on the record what they think of this legislation. There is absolute cowardice in this chamber. There are a number of notable Labor members of parliament who, I have to give them their due, have at least got on their feet and said what they think, such as the member for Toowoomba North and the member for Murrumba. However, it has been shown by their speeches that they have placed the membership of the Labor Party before their lifelong principles, their constituents, their families and their electorate—and they are proud of that. I absolutely cannot believe that they are proud of that. It has shown that the Labor Party is a totalitarian organisation with no capacity for dissent.

In summarising the bill, persons who have never been convicted of a criminal offence can now be labelled as part of a criminal organisation with the use—and this is a very important proviso—of criminal intelligence in civil proceedings which involve the withholding of admitted evidence from another party that raises serious issues about natural justice. Under the provisions of this bill, an informant will not be called to give evidence at a hearing. The respondent in each matter will also be denied access to all criminal intelligence. The major issue with this part is that the court or the COPIM cannot call for an informant or operative for the purposes of testing the veracity of the informant's evidence. We all know that this is a very serious breach of natural justice and procedural fairness.

The Labor Party has admitted that it has tried to play catch-up but it has got it wrong. This side of the House understands the dangers of allowing organised crime to flourish, which it has done under Labor. We addressed this issue through the private member's bill which I presented to this House which was a considered and balanced piece of legislation long before the Labor Party introduced this disproportionate legislative response.

The legislation that I introduced was fundamentally different from the Labor legislation. The private member's bill I presented did not have provisions which allowed secret, untested evidence to be used against individuals. It struck the right balance between strengthening laws relating to organised crime and maintaining civil liberties. It recognised that organised crime gangs have been identified as having a major influence in the trade of illicit drugs and related property crime while there had been an explosion of gang related violence, particularly in South-East Queensland.

These were things that we were stating two years ago, but those opposite chose to ignore what was happening. It is only now that the opinion polls are reading so badly for them that they are finally motivated to try to do something, but they have mucked that up as well. The Beattie Labor government's softly, softly approach to organised crime was a major contributor to this, and the Premier was a senior member of that Beattie Labor government.

I would like to remind you, Mr Deputy Speaker, of exactly what happened. Under the Beattie government—with senior members, the Premier included—outlaw bikie gangs were granted liquor licences and police were paid to work at outlaw bikie gang charity days. That is the sort of rot that goes on under these people.

The bill I introduced two years ago would have provided a fresh, proactive and groundbreaking approach in the war against organised crime and gang violence. Those laws struck the right balance between a tough response to organised crime and a respect for the basic human right and freedom to face in a court of law an accuser and have that accuser's evidence tested every time. Our laws did not allow for a blanket ban on any declared criminal organisation as under this law. Under our laws the police would have had to prove, on a case-by-case basis, that a group was an organised criminal group in an open and transparent manner in a court of law without secret, uncontested evidence. There are clear differences between the private member's bill I presented two years ago and the absolute drivel that is presented here today.

I am actually flattered that the Attorney-General and members opposite have quoted what I said two years ago. They think they have uncovered some great debating point. All they have done is prove that they have done nothing for two years. One minute they are saying we have never had a policy and the next moment they are quoting it. Now they are trying to play catch-up and in unseemingly haste have mucked it up. Instead of having a proportional legislative response those opposite have produced something that the worst despot in the world would be proud of.

Declared criminal organisations, blanket bans, secret accusers in closed court is the opposite of what we would expect from a modern Western liberal democracy. We take for granted the rights, freedoms and liberties which we have been gifted by past generations. Democracy is a very delicate flower. Wherever it grows its perfume rids countries and societies of the stench of totalitarian regimes and the smelly odour of absolutism. It flourished in Ancient Greece some 2,500 years ago. It disappeared and did not really take root and flourish again until the French Revolution in the late 1700s.

It might be worthwhile to reflect on the fact that in World War I Australia was part of only a handful of free democratic countries in the world that made a stand and fought against the forces of totalitarianism and absolutism which dominated the majority of the world. The same could be said of World War II, except in World War I Italy was free and democratic and in World War II it was an ally of the fascists.

After the world saw millions of lives sacrificed we finally have a world today where a majority of the countries call themselves free and democratic. People have come to expect and take for granted the personal rights, freedoms and liberties of a Western liberal democracy. With the passing of this bill we will see a gem of the precious inheritance of civil rights, personal liberties and freedom won against the forces of totalitarianism slip from our grasp.

I take inspiration for a comment from noted academic AC Grayling in his book *Towards the Light*. AC Grayling writes—

When in 1940 Britain faced the imminence of invasion (and the actuality of daily aerial attack) by the might of the German armed forces massing just twenty miles across the English Channel, its government enacted some temporary security measures—*temporary*, note—such as identity cards and restrictions on the freedom of speech and the press. Now, in face of a far lesser threat, the greatest among the Western liberal democracies are enacting *permanent* legislation of even more draconian kinds.

The disproportion is explainable by a number of factors. The most dismaying is that the leaders of the Western liberal democracies do not much resemble those in office when many of the rights and freedoms that were threatened by Nazi aggression were younger and fresher, and understood to be precious in a way that they seem not to be to today's leaders. Today's leaders have grown up taking those freedoms and rights for granted, and are demonstrably not much interested in them any more; they find them an inconvenience because protecting them requires lengthier and costlier measures than they care to sanction. Alas, most of the general population either seem to share that indifference, or are merely ignorant of what is in process of being lost. The cliché—no less true for being one—has it that we only properly value things when they have gone: perhaps the day will come when both leaders and led wake to the carelessness with which they allowed a precious inheritance to slip from their grasp.

The interests of the politicians introducing this bill are not in the high ideals of the fight against organised crime. They are not in a just and noble cause as they would have us make out. The interests of the politicians introducing this bill are in the fight for political survival. Their pride prevents them from admitting that the bill of two years ago would have been a much better option. Unfortunately, this legislation shows that we are led by politicians who have no respect for the sacrifice made by past generations and the principles that they fought for.

I like motorcycles. I like law-abiding motorcycle groups. I have met people from the God Squad, Ulysses and Vietnam vets clubs to name a few. I do not like outlaw motorcycle clubs. They rely on threats and intimidation to have their unlawful ways. They are some of the major manufacturers and distributors of illicit drugs. They manufacture 21st century drugs where one pill can kill or one—

Mr Springborg interjected.

Mr Dick interjected.

Mr DEPUTY SPEAKER (Mr Ryan): Order! Attorney-General and Deputy Leader of the Opposition, the member for Burnett has the call.

Mr MESSENGER: You will get your chance soon enough, Sunshine. They manufacture 21st century drugs where one pill can kill or one hit can hook. Then comes all the associated family heartache and pain that comes from drug addiction and the battle to pay for that drug addiction. It is a never ending spiral that many Queensland families go into. We can trace the root causes back to the outlaw motorcycle gangs, their associates and organised criminals. I acknowledge that the organised criminal element is not just with outlaw motorcycle gangs. There are the Russians, the Triads and a plethora of organised criminals.

One small example of the way outlaw motorcycle groups can intimidate was seen in this very chamber. I was sorry to be here. I remember sitting here and seeing all the outlaw motorcycle gang members, the patch members, sitting in the gallery. I am sure members opposite would have seen that as well. They were leaning over the railings. This is a place of rules and symbolism. We have the mace and the flags. We have rules. People are not supposed to lean on the railings. There were 15 bikie gang members leaning on the railings and they were allowed to do that. Little old pensioners who lean on the railings are told to get off them.

Government members interjected.

Mr MESSENGER: Those opposite complaining fail to understand that this place is a place of symbolism. If we cannot uphold the laws in this place—

Mr Reeves interjected.

Mr DEPUTY SPEAKER: Order! The Minister for Child Safety. The member for Burnett has the call. I remind members in the chamber to limit their interjections. If they wish to have a conversation they can have it outside the chamber. The member for Burnett has the call.

Mr MESSENGER: I take offence at what the minister is saying. Of course I am not attacking the parliamentary attendants.

Government members interjected.

Mr MESSENGER: They are trying to distract attention. What they do not like is that there is one rule in this chamber and a completely different rule outside this chamber.

Those opposite do not want to understand that the intimidation that happened in this chamber is symbolic of the intimidation that happens outside this chamber. If we cannot ensure that the rules of this chamber are obeyed in here, what chance do we have outside this chamber? This government has lost control of the public finances and driven us to a massive debt. The federal government's ETS will increase the financial pressure on Queensland families' budgets and this state budget, and therefore we have less money to properly resource our police.

Mr DEPUTY SPEAKER (Mr Ryan): Order! Member for Burnett, direct your attention to the purposes of the bill. I ask you to come back to the purposes of the bill.

Mr MESSENGER: The point I was making in closing is that this bill is oh-so easy to do instead of properly resourcing our police. We could have a win-win situation. The government could have strengthened the laws regarding organised crime while protecting our fundamental civil liberties and personal freedoms. It has failed again.