




Speech By
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MEMBER FOR ROCKHAMPTON

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**CRIMINAL LAW (CRIMINAL ORGANISATIONS DISRUPTION) AMENDMENT
BILL; TATTOO PARLOURS BILL; VICIOUS LAWLESS ASSOCIATION
DISESTABLISHMENT BILL**

 **Mr BYRNE** (Rockhampton—ALP) (9.11 pm): I rise to make a contribution to this debate. For those who were not listening, the Labor opposition will be supporting this legislation at the second reading, although, as the Leader of the Opposition pointed out, we carry serious reservations given the limited opportunity we have had to scrutinise this legislation—and rightly so. It was interesting for me to hear the Premier talk about crossing the Rubicon because, frankly, when I looked at this legislation, in the limited time we have had to actually scrutinise it, I thought the new title of this bill might be ‘Cry “Havoc!” and let slip the dogs of war’, which is very much Shakespeare from *Julius Caesar*. I use that phrase because there is nothing sophisticated about these bills. There is nothing that has been rigorously or intellectually tested whatsoever. What a sad set of circumstances this government finds itself in. This government has demonstrated nothing but complete ineptitude and incompetence when it comes to the issue of dealing with organised crime and particularly bkie related crime in this state.

Previously, I have risen in this parliament to make the point very clear that the LNP have dropped the ball in dealing with organised crime in this state. On 5 June last year I rose to make the very points that I am sure members of the government are trying to take ownership of today. What did I receive at the time? I received the howls of jackals, the mob rule of the LNP dominated parliament. At the time I said that bkie gangs were a problem in our communities and our communities wanted them removed from society.

I contrast that with the nonsense that has been peddled by the LNP since 2009. I call on the Attorney-General, ministers and backbenchers of this government who participated in the 2009 debate on the Labor Criminal Organisation Bill to retract their position stated at that time. Many on the government side of this chamber should be hanging their heads in shame. I could have a lot of fun reflecting on the stupidity of the commentary emanating from the then opposition but, given that the current opposition leader has already made a point of that, I will move on to challenging members of that LNP opposition, who are now ministers of this government, to get up and be honest with Queenslanders by admitting that they got it absolutely wrong in 2009. A bit of a humility and honesty would not go astray for a bunch of ignoramuses who so flagrantly and opportunistically got it wrong.

The Attorney-General in particular should stand in this House and retract everything that he said for four years. He was completely wrong in 2009 and he either did not understand the legislation at the time or was completely incompetent. What this saga tells me is that the LNP represents a movement of no conviction—no conviction whatsoever. This is a party that is prepared to say and do anything for the sake of generating a headline and spin.

I nearly expired with laughter when I went back and read the Attorney-General's speech of 2009. The first chunk of it was all about the number of government members speaking on the bill—the sort of grade 11 school debate standard. The Attorney-General then threw in the obligatory term 'draconian'. Today he called that bill a bit soft. Four years ago it was all draconian stuff. Then he talked about Queensland leading the way on freedoms and liberties of our people. Then he talked about the child safety crisis—clearly outside the long title of the bill, one would have thought—and then there was a direct quote referring to what Labor was doing from 2009. He said—

They wake up one morning, the Premier gets the newspaper and says, 'Goodness gracious! There's a shooting with motorcycle gangs! What are we going to do? We're a very proactive state so we're going to do something about this.' Absolutely not! It is just reaction after crisis management ...

This government needs to be proactive ...

That is exactly what he said in 2009. It is a bit of a joke for the Attorney-General to rabbit on about a proactive government. At the time he talked about how the LNP had tried to support the CMC with more resources. He made a big deal about more support. It is funny that none of that attitude actually migrated through to this government, which sacked 50 staff and ripped a million dollars out of the CMC. Of course there was a little rant about personal freedoms and liberties and the now Attorney-General had the hide to raise the issue of natural justice during that debate. Maybe the Attorney-General should give a lecture to the transport minister, who seems to have no idea whatsoever about what the term 'natural justice' means. Perhaps the LNP might like to adopt one of my rules: don't say something in opposition that you're not prepared to repeat on ministerial leather. Ultimately, the government's complete failure is symptomatic of a philosophy that always—

Government members interjected.

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! I call the member for Rockhampton.

Mr BYRNE: Perhaps the LNP might like to adopt one of my rules, which I just outlined. Ultimately, the government's complete failure is symptomatic of a philosophy that always puts form, that is spin, over substance which is measured by effect: a government entirely lacking conviction, a government entirely lacking competence that has shown not the slightest interest in addressing this issue for the many years when in opposition and government until now. What a bunch of charlatans!

Let us revisit some of the history because it dramatically portrays the head space of this government. The people of Queensland have seen years of vacuous, spineless pontification from the LNP. On 5 June last year in this House I made the following observations in the debate on the Criminal Organisation Bill. I said—

Too often the political debate about law and order has been corrupted and reduced to the lowest common denominator. Harsher sentences and a bidding war over constables—

always—

attract political attention.

Of course, that is where we find ourselves today: a government that has sat on its hands for nearly two years, failing to deal with the issue that has been self-evident to every Queenslander. Here we are with a government running around like a bunch of headless chooks, desperate to be seen to be doing something, desperate to maintain their mantra of being tough on crime despite their complete failure and lack of practical appreciation, desperate to provide a perception of control when of course this is a facade.

This House should be debating strategic issues deriving from the Keelty report. I can assure those members opposite that I have grave reservations about that report. Thirty per cent of it is probably worthwhile, 40 per cent is not supported by any evidence and the remaining 30 per cent represents one of the most disgraceful, verbose, ill-informed and irresponsible sets of recommendations that this state has ever seen. That 30 per cent will destroy our emergency services and destroy families. It is the very type of recommendations and trains of thought outlined in that report that made me join the Labor Party in the first place. I told the Police Union earlier this year what I feared about the Keelty review and I was absolutely right because the LNP are so predictable.

Instead of me pointing out the flaws in Keelty's report, here we are debating this finger-in-the-dyke stuff from an entirely reactionary administration. The 30 per cent of what he wrote that was actually worthwhile, in my view, includes the following remarks, which outline the trap that the LNP government has fallen into. The LNP paid over \$700,000 for that report but ignored Keelty's observations at the very first sign of trouble. Keelty said—

Media will often focus on a particular law and order problem, and the government will often feel compelled to respond. The cycle is completed by a promise of more police or a shift in resourcing which can sometimes treat the symptom and not the

cause. The services or options provided by other agencies at all levels of government in collaboration with the police can be overlooked in the haste to find quick solution for a rapid media cycle.

I hope you have all read Keelty. He went on to say—

This cycle of event/response/promise of more resources is not sustainable and can mask inefficiencies in systems and how policing is conducted. In effect, the Queensland Police Service does not need to be able to produce better data or more information on the cost of its services because despite any inefficiency they are likely to be promised more police officers at a budget cycle in the not too distant future. Perversely this can drive a desire not to improve reporting capability, as good data may not support the resource increases being promised.

In turn, by being unable to pinpoint the effects of adding more police resources, the argument for more resources can be made again and again on similar grounds, chiefly the perception by the community about their safety.

This is exactly the point associated with this legislation and the government's reaction, and here we have the perfect case study playing out on the Gold Coast. In many respects these bills are a smokescreen for a government desperate to be seen to be doing something. If this government and the responsible ministers were across their briefs, we should be debating in this House the substantial issues raised by the Keelty report.

By the way, where is the government's response to that report? We know the report has been in the possession of the government since July. We know that Mr Keelty consulted with the government on a regular basis during the period of the review. We know the report was deliberately withheld until after the federal election for purely political partisan purposes. In order to demonstrate the consistency of my opinion, back on 5 June last year in this House I said—

Certainly greater emphasis on police intelligence gathering and analytical capacities represents a sensible discussion that needs to be embraced. Again, senior officers on the ground remain gravely concerned about this intelligence capacity, and virtually every policeman I speak to makes mention of it to some degree.

It is really a bit of a joke, because we all know the LNP's expressed views about Labor's Criminal Organisation Act. We all remember the public dismissals of that legislation by the now Attorney-General when he described it as a wasted opportunity. The Attorney-General was greatly concerned about the civil liberty implications of the Labor legislation. He did not think that anti-association laws were the right way to deal with rogue bikie gangs and other organised crime syndicates. Funny thing, that! What a turnaround by the Attorney-General and this government. It has been breathtaking, and intelligent observers must be shaking their heads watching this bump-and-go government blunder from one stuff-up to the next—an opportunistic government with no conviction.

I have heard the outrage from certain quarters regarding this legislation. Personally, I suspect that some aspects of this legislation will certainly not survive a High Court appeal. This is a matter to be tested, as I am sure it will be. Labor knew and knows that bikie gangs and organised crime represent a clear and present danger to our collective notions of decency and democracy.

I would like to point out Labor's record in relation to Gold Coast crime and bikie gangs, and I stress that these are not my figures. They come from Superintendent Ziebarth, who at the time was the district officer on the Gold Coast. The House should note the date of these comments, because they were made well into the LNP's term of government, on 17 August last year.

Superintendent Ziebarth stated that on the Gold Coast between 2001 and 2011 offences against property were reduced by 29 per cent. This means that Gold Coast residents had a 29 per cent less chance of being the victim of a break-and-enter or vehicle theft. Superintendent Ziebarth stated that between 2001 and 2011 offences against the person were reduced by 49 per cent. This means that the former government reduced your chance of being assaulted on the Gold Coast by nearly 50 per cent. Armed robberies were reduced by 26 per cent. In contrast, the LNP has seen motor vehicle theft on the Gold Coast rise from 1,835 in 2010-11 to 2,028 for 2012-13—a 10.5 per cent rise in vehicle thefts.

In August 2012 Superintendent Ziebarth attempted to bust the myth that bikies are taking over the Gold Coast. Remember, this is under the LNP's watch. I cannot imagine who from the minister's office approved the following statement by Superintendent Ziebarth. The previous government was certainly concerned in 2009. I have no idea how this issue was dropped off the radar by this government in 2012. At the time Superintendent Ziebarth said—

Outlaw Motorcycle Gangs (OMCG) have members and clubhouses throughout the state. The Gold Coast has no particular monopoly on them.

It would be a mistake to underestimate their criminality, or to believe the PR spin that they are simply motorcycle enthusiasts who are unfairly targeted by police.

But we have no evidence to support claims that there is any looming 'bikie war'.

We are well aware of the activities of these groups and their individual members, and do everything in our powers to ensure criminality is curbed, and offenders brought to justice.

This means using all the legislation available to us to make things as difficult as possible for those groups who do the wrong thing. We liaise closely with law enforcement agencies throughout Australia and internationally to combat OMCGs.

I ask the government members: what has changed in your view since August 2012? Why has the government been so comatose for so long? The Premier describes a sea-change moment from his position that wearing colours was akin to wearing a football jersey. This was under the LNP's watch, and the community needs an explanation about that performance.

One thing that has changed, of course, is that the Attorney-General ripped a million dollars out of the CMC and sacked 50 staff when the CMC gave evidence in a parliamentary hearing stating that they did not have the resources to deal with the proceeds of crime legislation. I say to the government: this is your watch; this is your responsibility; and you are accountable to the people of Queensland. I submit that while the language that this government has been using has been tough the effect has been insignificant. That must change! I believe that this narrow legislative approach of itself will not deliver the long-term effect required, despite how the House will be portrayed in the media.

I firmly believe that only investment in the intelligence apparatus of the state, with the associated scrutiny of all financial dealings of those parties identified, will result in the destruction of these criminal networks. Perhaps properly funding and enabling the CMC might be a good start for this government. The Labor Party believes more must be done to give effect to that notion. The former government's Criminal Association Act was successful in the High Court. The police minister and the Attorney-General need to explain this important question to the people of Queensland. When the High Court decided that the laws were constitutional earlier this year, why didn't the LNP hand out control orders to every other gang in Queensland? Once the High Court had ruled, the LNP should have been handing out these things like confetti. Instead the Premier and Ministers Dempsey and Bleijie turned into the three wise monkeys who let gangs free to do what they wanted, which led to the Bandidos being free to operate openly on the coast without any action to declare them. Is this just a smokescreen for their failure to pursue these gangs with the full force of the law when they should have already done so? The government must take responsibility—

Government members interjected.

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! There have been continued interjections. The member for Rockhampton is not taking interjections. I call the member and ask for silence.

Mr BYRNE: Thank you, Madam Deputy Speaker. I don't mind. It is okay with me. Keep it coming. The government must take responsibility. They have hidden all the information about this bill until the last minute. They stymied debate. They promised a briefing on the Gold Coast, but reneged. They have attempted to rewrite history from 2009, when they got into bed with the very people that they are so ardently opposing today. They are hypocrites of the highest order, and they will be found out in the long run by the people of Queensland. I mentioned that the government is ultimately responsible, and that responsibility extends well beyond debates within this House or the passage of individual pieces of legislation.

As I have pointed out repeatedly in this House, the people of Queensland have been calling for action from this government—not just on the Gold Coast but also in Townsville, Cairns, Rockhampton and everywhere else. People across Queensland saw crime rates last year go up on average two per cent under the LNP's watch. Some areas, like Ipswich, have seen statistics in some crime categories go through the roof. I have already remarked about motor vehicle theft going up 10 per cent since Labor's last full year in government.

I genuinely look forward to the day that any minister can stand up in this House and report substantial progress in the elimination of organised gangs in this state. The government will be measured against this target. I will hold the government to that, as will Queenslanders. It is what the LNP had promised the community. The government can pass any law it wants because it has the numbers, so the government must eliminate organised gangs or it will have failed once again.

Members should remember that numerous Australian citizens travel overseas and undertake drug-dealing enterprises with the prospect of a death penalty. I am not sure that 15-year penalties will change the way in which some of the individuals in bikie groups conduct themselves.

To have a determined, intelligent, comprehensive and sustained effort against organised bikie gangs we must first have a proper debate with appropriate experts and advisers. With that effort in mind, we must have a debate within the bounds of civilised reason. Whether this Attorney-General is capable of civilised reason is a question of debate in itself.

It concerns me that the LNP is not even worried about enacting laws that will probably not survive a High Court challenge. This concerns me a great deal, as it concerns most Queenslanders. It

would be devastating to hardworking police if the large number of hours they put into these investigations was wasted because it was all thrown out by an adverse finding in the High Court. The Attorney-General should provide to this parliament the legal advice about this legislation to give us confidence that it has some chance of surviving a High Court challenge. I conclude by saying that the Labor opposition will support this legislation within the bounds just described.