




Speech By  
**Yvette D'Ath**

**MEMBER FOR REDCLIFFE**

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**CRIME AND MISCONDUCT AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms D'ATH** (Redcliffe—ALP) (8.29 pm): I rise to speak to this Crime and Misconduct and Other Legislation Amendment Bill 2014. As has been stated, the opposition will be opposing this bill. I want to talk about standards—standards of public administration, standards of accountability and standards of decency. Queensland had the great misfortune to be governed for many years by a National Party government—

**Government members** interjected.

**Madam SPEAKER:** Order, members.

**Ms D'ATH:** It has not taken long to start—

**Government members** interjected.

**Madam SPEAKER:** Order, members. I call the member for Redcliffe.

**Ms D'ATH:** I find it interesting that they say it is nonsense for me to simply talk about standards. That is all I have said so far and they are reacting to that. It is quite interesting that they have a problem simply because an opposition member talks about standards.

**Government members** interjected.

**Madam SPEAKER:** Order, members.

**Ms D'ATH:** Queensland had the great misfortune to be governed for many years by the National Party government, which had no standards. Members of that government not only allowed, but actively participated in, corruption and malfeasance. The ABC highlighted this endemic corruption in a *Four Corners* report called 'The Moonlight State'—

**Government members** interjected.

**Madam SPEAKER:** There are too many interjections in the chamber and they are not being taken by the speaker. I call the member for Redcliffe.

**Ms D'ATH:**—which led to the Fitzgerald inquiry and the creation of the Criminal Justice Commission in 1989. The CJC and its successor, the Crime and Misconduct Commission, were designed to set proper standards. It was designed to investigate breaches of those standards and, if necessary, refer cases of corruption to the Director of Public Prosecutions. We saw that the Borbidge government tried to shut down the CMC and now the Newman government is trying to control it.

I seek to take the House to some of the comments made by Tony Fitzgerald in a submission to the Legal Affairs and Community Safety Committee in relation to this bill. He states—

The Liberal National Party's present huge parliamentary majority makes effective, independent oversight of public administration more, not less, essential.

He goes on to state—

Following a Commission of Inquiry which exposed some of the criminals in the National Party and the Police Force, reforms were introduced during the late 1980s and 1990s. One important reform recommended by the Inquiry was the establishment of the Criminal Justice Commission (now the Crime and Misconduct Commission).

**Government members** interjected.

**Ms D'ATH:** It is amazing; I am simply reflecting history and they still feel the need to interject.

Tony Fitzgerald went on to state—

The Commission was established to continue the work of the Inquiry and, in doing so, prevent crooked politicians and police again running the State. Although it has not always functioned smoothly, the Commission is a constant reminder to all public officials that misconduct risks exposure and punishment and it has, until now, acted as a reasonably effective brake on the misuse of power and curtailed criminal activities.

I wish to now turn to some of the comments that the Attorney-General has made today in this debate. The Attorney-General has used terms such as maladministration, incompetence and integrity. However, in referring to those terms, the Attorney-General's and the government's solution seems to be that we should remove the independence of the Crime and Misconduct Commission and allow the government of the day to have full power over this commission. Not only would the government be able to interfere, at the very least there will be a perception of government interference if this bill is to pass. I fail to see how this is going to create the integrity that the Attorney-General seeks.

The second point that the Attorney-General makes is in relation to the confidentiality of witnesses and concerns about their private information being divulged, which is a very serious matter. Again, their solution to this seems to be prohibiting the ability to make anonymous complaints and requiring complainants to actually put in a statutory declaration in relation to their complaints. So far we have heard no evidence at all put forward by the Attorney-General or government members as to how this bill and its terms in any way address the points that this government seeks to make. It does not create greater independence, it does not create greater integrity and it certainly does not strengthen the role of the CMC and put it beyond reproach in relation to political interference.

I wish to specifically go to a couple of points in my remaining time, firstly, the appointment of the commission members. Initially, the bill talks about that power being solely with the government. We have since heard that amendments will be introduced containing a veto power that will rest with the Parliamentary Crime and Misconduct Committee. The problem with this, however, is that it is simply a veto; it is not a bipartisan decision. It does not say to the public that they can have confidence in this appointment because there is no political interference by the government of the day. It is actually saying, 'We are going to pay lip-service to this parliamentary committee in relation to the role it will play regarding these appointments.'

We know that the government has a very large majority in this parliament. This government can either choose to use that majority by governing with distinction, with integrity, with the best interests of the people of Queensland at heart, or it can take the low road and revel in its large majority and push ahead with an ideological position. Describing the Premier's and the Attorney-General's conduct, Tony Fitzgerald stated—

Both seem to inhabit a political universe which is divided into "us" and "them", in which those who do not agree with their views or do what they demand are for that reason enemies and legitimate targets for abuse and government retribution. In their brief time in office, they have embarked on unprincipled attacks on courts and the judiciary, which, by virtue of their independence and authority, are obstacles to political excess, and enacted radical, profoundly mistaken laws which were not mentioned prior to the last election, including laws aimed at subordinating the criminal justice system to political interference and a flurry of extreme "law-and-order" legislation.

So the veto power that they talk about is really, as I say, paying lip-service to the parliamentary committee. We know what this government does. It is all about wielding their power and showing the parliamentary committees that if they do not like what they do, they will just dismiss them and put people in place who will do as they are told.

**Mr Pucci:** Did they change the laws to protect their mates?

**Ms D'ATH:** In the time I have left—

**Government members** interjected.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order, members. The member is not taking interjections.

**Ms D'ATH:** I would take the interjection, but I have a very important point to make and that goes to the nature of anonymous complaints. Certain community leaders directly affected by the abuses of power displayed by Mr Scott Driscoll have expressed their serious concerns to me around these issues. In their words, the proposed changes would make it harder for a community to bring any individual like Scott Driscoll to justice. The ability to anonymously approach the CMC with evidence of misconduct or illegal activities is a right that should not be taken away from the community.

Individuals like Scott Driscoll plan their actions carefully. They gather confederates around them who often have significant influence and then create an atmosphere whereby people are bullied into silence. Anonymity should be a right under a fair legal system.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order, members.

**Ms D'ATH:** What I find extremely disappointing is the interjections on those comments because they are a direct quote from people in my community who contacted me with serious concerns about this bill—

**Mr Seeney:** What? From the ETU?

**Ms D'ATH:** I take that interjection 'from the ETU' because I want the people of Redcliffe, as community members who were directly affected by Scott Driscoll, to know that the member's response was—'They're just union people and we don't care what they have to think.' The member opposite should care about the people of Redcliffe. He should care about what Scott Driscoll did to these people.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order, members.

**Ms D'ATH:** Stand up for the people of Redcliffe and make sure you oppose this bill.

*(Time expired)*