




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 11 November 2015

MOTION

Organised Crime Commission of Inquiry

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (6.05 pm): As the Premier and I have already outlined in the House, the Queensland Organised Crime Commission of Inquiry report that has been handed down is very concerning. Mr Byrne's report deals with serious issues affecting this state: organised crime and financial crime, child exploitation, outlaw motorcycle gangs and illicit drugs. But instead of analysing this comprehensive report and dealing with the significant issues raised, those opposite come into this House to specifically overrule the decisions of the independent commissioner and the way he chose to exercise his power and conduct the commission. In asking this parliament to overrule the decision of the independent commissioner, those opposite are attacking the reputation of a highly regarded criminal lawyer.

Michael Byrne QC is one of Queensland's top criminal lawyers. I understand he was first called to the bar in 1977 and took silk in 1993. He has broad experience including significant trial work. His career has also included Acting Judge of the District Court, Deputy Director of Public Prosecutions and the Vice-President of the Queensland Bar Association. I have to say that it is sad that the member for Mansfield would undermine a respected member of the legal profession in this way.

After the election many people in the legal profession had hoped dearly that we had seen the end of the LNP approach to the legal profession that was personified by the member for Kawana. But, unfortunately, what we have come to realise with the member for Mansfield is that we have here a case of 'Bleijie ja vu'—same old, same old—attacking the legal profession instead of dealing with the facts. I say to the member for Mansfield that those members of the profession are not angry, they are just very—

Mr Cramp interjected.

Ms Davis interjected.

Mr SPEAKER: Pause the clock. Member for Gaven, you are now warned under standing order 235A. I urge you to cease your interjections. Member for Aspley, you are getting close to getting a formal warning. I would urge you to cease your interjections.

Mrs D'ATH: The members of the profession are not angry with the member for Mansfield; they are just disappointed. They expected better than an attack on such a highly respected legal professional.

In relation to the exception made in this motion, it is just an attempt by the shadow Attorney-General to protect himself from criticism. The fact is that the commissioner has already deemed the information to be confidential and that is why it has not been released. If those opposite want to read the information from the commission that is suitable to be released, perhaps they could read the 600 pages of the comprehensive report.

Let me offer another reason why the member for Mansfield and those opposite cannot be taken seriously on these important issues and certainly on this motion before the House. Section 9 of the Commissions of Inquiry Act 1950 sets out clearly that anyone who published any evidence given before a commission or any of the contents of a book, document, writing or record produced at the inquiry which a commission has ordered not to be published shall be guilty of contempt.

Here we have the LNP specifically asking the Premier to release material that could well be in contempt of the commission. We have the shadow Attorney-General calling on the Premier to act against legislation of this state. I appreciate that the shadow Attorney-General, who is moving this motion, would probably be willing to release such information, but as the first law officer of this state I will not be recommending to the Premier that she risk committing contempt under a law of this state. The Commissioner made the reasons why he did not release this information very clear when he spoke at the release of this report. He stated—

It was the intention of the commission, as I publicly stated when it commenced, to hold public inquiries to expose what was being done. It became apparent to us that was neither an effective nor efficient way to carry out the task entrusted to the commission.

The reasons for that are several. The first is that, quite properly under the terms of the reference, the commission was not to divulge intelligence-gathering matters, they were not to expose persons to risk and they were not to interfere with ongoing investigations or court proceedings. In a number of submissions—and many submissions came in and many interviews were conducted—there were requests for confidentiality, which was found to be understandable. Those opposite are all about attacking the person as opposed to looking at the policies and the intent. There is no regard for the independence of the court and no regard for the independence of the commission. This motion should be opposed by this parliament.