

SPEECH for QCU Parliament House, November 19, 2013

(Rev Dr) Noel Preston AM

I realise that my place on this podium is as something of a fossil who was there in the Bjelke Petersen era. Why did I accept that invitation?

I am not here to self-righteously condemn or even to suggest that the Newman government carries something of the Bjelke Petersen government's DNA. But I am here because in the 1970s and 80s, in the Bjelke-Petersen era, I learnt some serious lessons about the misuse of political power.

I say this in a measured way. I am not accusing anyone of corruption on the scale uncovered by the Fitzgerald Commission of Inquiry. I am not here just because we have an LNP government. But I am here to back up the concerns already voiced from this platform. I am here because it is time, once again, for citizens of this State to realise we are at the brink of a chasm into which may be thrown: taken for granted democratic rights, rights to equal treatment before the law, the separation of power between arms of government, regulations which protect the vulnerable (including the natural environment) and the integrity mechanisms necessary to ethical government. All this is against the backdrop of an elected government which has an overwhelming, unrepresentative majority in the Parliament. Queenslanders have been in this place before – and the remedy requires vigilance against unchecked power by what is effectively an extra-Parliamentary opposition. That's why your participation today is so important.

Let me turn to the particular issue which has recently generated public reaction and is the major spark for today's gathering: the so called anti-bikie laws. I preface what I say by acknowledging that there may be a problem which law enforcement and the criminal justice system should attend to. I do not really know. But I wonder why the criminal law system has apparently been relatively inactive before? I have even heard stories that in the past working police in

areas such as the Gold Coast have hitherto been prevented by others from using the lawful instruments they had to shut down the illegal activities we've been hearing about recently. When it comes to the law I am a lay person, but when I hear experts in the law, for whom I have great respect, telling us that the laws rammed through the Legislative Assembly recently are so flawed, I am deeply troubled.

Because they are:

- too broad - covering all associations not just bikies (and therefore threaten innocent people);
- instruments of mandatory sentencing;
- fiddle with the principle of innocence until proven guilty;
- enable arbitrary detention and dehumanising gaol conditions; and
- interference with the judiciary.

Faced with these assessments I struggle to recall, despite the street march legislation and the SEQEB laws, whether any laws of the Bjelke Petersen era ever trashed justice like these do. I am reassured that there have now been amendments and that these laws will be struck out in the High Court eventually.

But the fact that a Queensland Cabinet and Attorney General designed these laws and promoted them, shatters my confidence in our State government and makes me fear, what next? Or what about other areas of government? What else is going on? Furthermore, what sickens me is the populist drive behind this, which Tony Fitzgerald talked about in his article in the *Brisbane Times* on 28 October 2013 (<http://www.brisbanetimes.com.au/queensland/new-queensland-government-laws-dangerous-fitzgerald-20131028-2wafc.html>).

A consequence of this populism is that it debases our political processes and stirs up what can only be called 'red-neck' sentiment. (And I have to ask: why ever did the Labor Opposition vote with the Government when the laws were

first introduced into Parliament?)

There are other issues where I am not a lay person, and where I can bring some professional judgement to bear. I refer to the fate of what I call Queensland's integrity regime which includes everything from the CMC, to the Parliamentary Integrity Commissioner, and the Codes which are meant to guide the conduct of public servants, politicians and Government ministers. Of course, these are not always effective. Ethics and integrity measures will not prevent those determined to be corrupt and dishonest from their nefarious deeds, to wit recently, one Gordon Nuttall. It is also obvious that the culture of the major political parties in Australia has, by and large, remained immune to ethical reform, bedevilling attempts to develop integrity in various jurisdictions. So many of us think that political ethics is an oxymoron. But we cannot afford to adopt such cynicism. Without ethics measures, things would be worse.

But I have worried from Day One whether the Newman government would see the value of these integrity instruments. Of course the Premier himself came into the Parliament without experience of the integrity system. Soon after the LNP government was elected I wrote an opinion piece whose theme was: 'Will this Can Do Premier know what he Can't Do?' I wrote:

Indeed, only one member of Premier Newman's government has legislative experience dating back to that time (post Fitzgerald), the Minister for Health, Lawrence Springborg, an MP who has a sound appreciation of the importance of the reforms aimed at encouraging integrity in Queensland public life. The new Premier would do well to keep a hotline to Mr Springborg when it comes to these questions.

I wonder.

It turns out that the Attorney General, the man who was a pre-schooler when Queenslanders, including some Liberals, were campaigning for civil rights in Queensland. Mr Bleijie has oversight of 'the Integrity System' which is undergoing a review at the moment, following the Callinan-Aroney study of the

Criminal Misconduct Commission.

Now I do not object to a review or even some revisions. Over time that makes sense. But remember, my confidence has been shattered. We don't know when the CMC will be restructured or when the rationalisations and minimisations of the other mechanisms will be implemented. I have great fears that through these developments the Fitzgerald Reforms are going to be savaged. Frankly, that would be good news for the forces of darkness in our body politic and it would rob many good people of instruments through which they can expect transparency and accountability.

As for the CMC. It has been greatly damaged already, especially by the way the Acting Commissioner has conducted himself, while the extension of his 'acting' role raises more than an impression that he is the government's man, looking after their agenda.

In closing, I recall the words attributed to Eleanor Roosevelt, a champion of progressive politics in America, and widow of Franklin D Roosevelt. These words were spoken at her funeral by Adlai Stevenson. I repeat them now as a reminder to us that while this gathering focuses on real grievances, there is light at the end of the tunnel even if it is designed by our engineer Premier.

There is much that is positive that we can do. Hope has not died. Oppositional politics is not all there is. In Eleanor Roosevelt's words: 'It is better to light a candle than to curse the darkness.'