



Comments by Labor Members—

Mr John Murphy MP, Hon Duncan Kerr SC MP,
Mr Robert McClelland MP and Hon Con Sciacca MP

With respect to Volume One of the LACA Report into Crime in the Community.

The history of the conduct of the Inquiry has been summarised in paragraphs 1.34 to 1.37 of the majority report.

Those paragraphs do not however set out the concerns of Opposition members as to how this Inquiry has been conducted and in particular the Chair's complete disregard of Parliamentary custom and practice in respect to appropriate deliberation by Committees of this Parliament.

As a result of the concern of Labor members, John Murphy, the Deputy Chair of the Committee, on 24 June 2004, wrote to the Clerk of the House of Representatives in the following terms:

Mr Ian Harris
Clerk of the House

Dear Mr Harris

**RE: HOUSE OF REPRESENTATIVES STANDING
COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS**

I am writing to you in my capacity as Deputy Chair of the House of Representatives Standing Committee on Legal and Constitutional Affairs.

To date, I have refrained from recording my grave concern as to how the inquiry into crime in the community has been conducted by the Committee Chair.

In particular, at a meeting today, the Chair declined to advise committee members of the nature of the subject matter that will be included in the first volume of the Chair's draft report.

The Chair also advised the Committee that the secretariat would not provide any assistance to those committee members who may wish to submit a dissenting report.

Opposition members are quite concerned with the position taken by the Chair because we are not in a position to focus our own researches in the context where the inquiry has itself been extremely wide ranging traversing a number of highly controversial issues and, indeed, impacting upon issues of governance by state legislatures.

It is with regret that I therefore seek your advice as to the entitlement of all committee members to be advised of the likely content of the likely topics to be covered in a draft report of their committee and, further, should they require it, what assistance is ordinarily made available to assist members in the preparation of a dissenting report.

I look forward to receiving your reply.

Yours sincerely

John Murphy

Since that time, by email transmission on 30 June 2004, the Chair's Draft of proposed Chapter 3 of the Committee's Report was distributed to Committee members.

However, the remaining Chapters of the draft report were not sent by email to members of the Committee until 10.30am on 22 July 2004 with no indication as to when the draft would be considered.

By subsequent email transmission at 5.12pm on that day, Committee members were advised that a meeting had been called at 11pm that same evening at the 'Royal Suite, Stamford Plaza Sydney (near airport)' for the purpose of considering 'Chairman's Draft: Inquiry into the Exposure Draft of the Bankruptcy Legislation Amendment (Anti-Avoidance and other Measures) Bill 2004' and 'Chairman's Draft: Inquiry into Crime in the Community: victims, offenders and fear of crime'.

The deliberations of the Committee concluded at approximately 1am on 23 July 2004 with no determination as to when the report should be submitted to the Speaker or when Opposition members should submit any minority comments.

By e-mail, sent to Mr McClelland, during the course of 23 July 2004, the Secretary of the Committee advised 'I am required to present Volume I of the report of the inquiry into Crime in the Community to the Speaker today'. As no such determination of that matter was made by the Committee, it is reasonable to assume that the requirement was one from the Chairman of this Committee.

As a result of the manner in which this inquiry has been conducted Opposition members, on 23 July 2004, issued the following Statement:

ALP Members resign from House of Representatives Standing Committee on Legal & Constitutional Affairs (LACA)

It is with regret that the ALP Members of the House of Representatives Standing Committee on Legal & Constitutional Affairs have announced their intention to submit resignations from that committee.

Prior to the appointment of the Member for Mackellar, Hon Bronwyn Bishop, as Chair, this committee was one of the most respected Committees of the parliament, having a culture of constructive bipartisan consideration of complex and at times controversial issues, including for instance copyright legislation, stem cell research and overseas sexual crime offences.

Unfortunately, that level of sophistication and bi-partisan constructive endeavour no longer exists.

Our continuing presence on the committee would give a false legitimacy to its deliberations which in recent times have become a matter of high farce.

Most recently, in order to negate the embarrassment of the Attorney-General snubbing the committee by announcing a

withdrawal of the *Bankruptcy Legislation Amendment (Anti-Avoidance and other Measures) Bill 2004* before the committee submitted its report, the chair called an 11-00pm hotel meeting last night in circumstances where the inadequate notice of less than six hours meant not all members were either physically capable of attending or participating on conference telephone.

We find ourselves unable to accept conduct which we regard as a fundamental abuse of the parliamentary committee system and we will be seeking the leave of the Parliament to withdraw from what has unfortunately become a partisan and tainted process.

It is as matter of extreme regret that Opposition members were not in a position to contribute to the contents of this report in any meaningful sense. There is perhaps no greater concern to Australians than their personal safety and the safety of their family members.

Thanks to admirable work on the part of the Secretariat, this volume has much to commend. Unfortunately, however, as a result of distractions caused by the Chair's pursuit of a personal agenda, the Inquiry has been unable to achieve much more than a summary of some encouraging developments in the area of crime prevention in Australia.

Further, as a result of the unrealistically broad terms of reference for the Inquiry, the Committee received evidence in relation to an extensive range of topics. This has resulted in evidence for each topic, including in the area of crime prevention, being less than adequate with nothing resembling anything of the depth of analysis that has, in the past, been the hallmark of deliberations of this Committee.

While Government members were enthusiastic in their praise of the Government's recently announced NCCPP there was no acknowledgement that, as at 2 July 2004, no applications had been allocated funding under the programme. Nor was there recognition that other comparable countries have had successfully operating community crime reduction programmes for a number of years. In particular, there has been no opportunity for the Committee to conduct an analysis of the wealth of material evaluating the effectiveness of community safety programmes in Great Britain, New Zealand, and Canada.

Without such evaluation of the fundamentals of successful programmes there is a real risk that funds under the NCCPP will, at best, be used less than effectively and, at worst, allocated on the basis of political rather than community priorities.

We are also concerned that some of the most disadvantaged communities, that are often faced with the greatest crime issues, do not have the necessary physical or human resources to effectively devise, implement and oversee effective crime prevention programmes. It is disappointing that there has been no opportunity to explore this issue or recommend solutions to the problem that ultimately affects

the entire population as criminal activity in any location is a concern for the whole community.

In order to produce an effective analysis of issues related to each area of concern, in particular community safety and crime prevention programmes, substantial research and analysis would have been required to supplement the evidence received. Such research and analysis has been hampered by an ill-defined approach to the conduct of the Inquiry; an approach which has, unfortunately, been based on the Chair's personal agenda.

The Committee Secretariat has undertaken some extremely valuable work that, with appropriate focus, could have formed the basis of a comprehensive report that would have provided a template for the development of community safety programmes throughout Australia. Such a report would have had the unanimous support of all Committee members and have drawn upon the past high esteem of this Committee.

Regrettably, as a result of the manner in which this Committee has been conducted, this report is substantially a missed opportunity.

Mr John Murphy MP

Hon Duncan Kerr SC MP

Mr Robert McClelland MP

Hon Con Sciacca MP

