

Political pain that all states must embrace

THE Queensland Crime and Misconduct Commission caused me, as premier, enormous political pain and, more than any other organisation, put my government at risk on several occasions.

CMC investigations or inquiries caused me to lose a deputy premier and two members of state parliament, while one former minister went to jail, another is facing court and a couple of other ministers lost their portfolios.

Since its inception in 1990, this standing royal commission has pursued crooked police officers, dishonest politicians and public officials to keep all the bastards honest, to borrow a line from Democrats founder Don Chipp.

The CMC emerged from the Fitzgerald inquiry into corruption in Queensland which ran between 1987 and 1989. In May 1987 the then Queensland National Party government headed by Joh Bjelke-Petersen was forced by public and media pressure to set up a commission of inquiry into possible misconduct and illegal activities by police.

This followed the broadcast of an ABC *Four Corners* program called *The Moonlight State* and the publication of various press articles. The Fitzgerald inquiry and report led to the establishment of the Criminal Justice Commission, which became the CMC, to deal with official misconduct and corruption.

Without the Fitzgerald report, this independent, standing royal commission would never have been created. Unlike politicians, commissioner Tony Fitzgerald QC did not depend on favourable media coverage for re-election, and the inquiry's public hearings and subsequent recommendations changed Queensland forever. Cleverly, he recommended that this independent watchdog be accountable, through an all-party committee, to the parliament, not to the executive government.

This safeguards the commission's independence. The executive is responsible only for the commission's budget, but this too is carefully watched by the estimates committee process and the parliament through the committee.

So, why am I consistently on the public record as one of the CMC's strongest supporters, and why did I, as premier, refer many of the matters to the CMC that subsequently caused me such pain? The answer is simple. Queensland needed, and indeed all states need, a watchdog beyond government control to maintain honesty and integrity in public administration.

NSW and Western Australia have similar powerful watchdogs. Even though in Queensland the CMC came about only as a result of the Fitzgerald inquiry, eventually other states, such as Victoria, will have to follow suit.

For politicians, these independent bodies are a political nightmare, but for public administration they act like a truth serum.

History has shown that a cosy link between politicians and corrupt police leads to corruption. Police power needs checks and balances. Internal police processes are not enough. There has to be external review, with the protection of the parliament.

PETER BEATTIE



More to the point, the public must be empowered to take allegations to an independent body to have their concerns fairly and properly investigated without the dead hand of political intervention from executive government to protect politicians, police or local government from the consequences of their misdeeds.

The CMC has had a therapeutic effect on politicians and police alike because they know their behaviour can be the subject of an independent investigation.

This in Queensland has resulted in a significant improvement in public behaviour and a serious change in culture since the pre-Fitzgerald corrupt days. Queensland is a better and more honest place.

Sure, there is the occasional vengeful or

mischievous complaint, but these can be dismissed after investigation and, in addition, it is an offence to make false complaints.

Bodies such as the CMC are the only long-term safeguards against political and police corruption. There also needs to be a voice for the public to balance police union advocacy for its members whenever there is an incident involving police and the public.

The union is a regular voice in the media explaining a police shooting or other incident. Where is the public voice? The only hope is independent bodies such as the CMC.

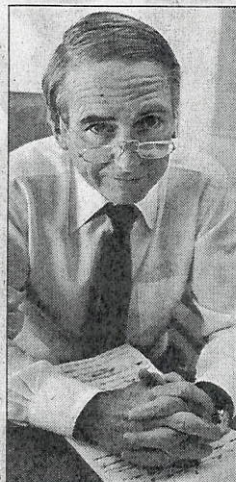
It is worth remembering that while the CMC's inquiries caused my government considerable political pain, they didn't cause political damage. The reason for that is simple: whenever there was an issue of alleged misconduct, it was referred immediately by my government to the CMC for investigation. The community knew we were honest and behaved honourably, notwithstanding the political pain. The electorate rewarded us for our honesty at the

ballot box on several occasions.

It is worth remembering what this fiercely independent body has prevented since it came into operation. The way to do that is to look at the outcomes of the Fitzgerald inquiry, where former police commissioner Terry Lewis was jailed in August 1991 for 14 years for corruption;

Geraldo Bellino was jailed in 1991 for seven years for corruption; Vittorio Conte was jailed in 1991 for seven years; Warren Armstrong was jailed in 1989 for five years for corruption; Hector Hapeta was jailed in 1989 for heroin trafficking and in June 1990 for corruption; Ann Marie Tilley was jailed in 1990 for five years for corruption; former police officer Allen Bulger was jailed in 1990 for 12 years for corruption; former National Party minister Russ Hinze died in 1991 while on bribery charges; former premier Bjelke-Petersen beat perjury charges when the jury could not reach a verdict; former National Party ministers Don Lane, Brian Austin, Leisha Harvey and Geoff Muntz also served jail sentences; and Jack Herbert, a former corrupt police officer and bagman who gave evidence to the inquiry after being given immunity from prosecution, has regularly given evidence in a range of trials. Herbert lived with his wife Peggy under protection in New Farm in my former electorate until his death.

Former premier Peter Beattie was a solicitor at the Fitzgerald inquiry. He was also inaugural chairman of the parliamentary criminal justice committee, which supervised the Criminal Justice Commission. Beattie has a master of arts from the Queensland University of Technology for a thesis on the Fitzgerald inquiry and the CJC entitled *The Window of Opportunity: The Fitzgerald Experiment and the Queensland Criminal Justice Commission 1987-1992*. He was premier for more than nine years until September.



Tony Fitzgerald QC