

Oversight of the Criminal Organisation Public Interest Monitor

Report No. 18, 55th Parliament
Legal Affairs and Community Safety Committee
December 2016

Legal Affairs and Community Safety Committee

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Acknowledgements

The committee acknowledges the assistance provided by the Criminal Organisation Public Interest Monitor.

Abbreviations

Act	<i>Criminal Organisation Act 2009</i>
Annual Report 2014-15	Queensland Criminal Organisation Public Interest Monitor Annual Report Financial Year 2014-15
committee	Legal Affairs and Community Safety Committee
COPIM	Criminal Organisation Public Interest Monitor

Chair's foreword

The Legal Affairs and Community Safety Committee (committee) has oversight responsibilities for the Criminal Organisation Public Interest Monitor (COPIM). This report provides information regarding the performance by the COPIM of his functions under the *Criminal Organisation Act 2009* (the Act).

The committee met with the COPIM, Mr Michael Halliday, on 11 November 2015. The committee also reviewed the COPIM's Annual Report 2014-2015 (Annual Report 2014-15) which was tabled in the Legislative Assembly on 29 September 2015.

On behalf of the committee, I thank the COPIM and his staff who assisted the committee throughout the course of this inquiry.

I commend this Report to the House.

Mark Furner MP

Chair

1. Introduction

1.1 Committee's role

The Legal Affairs and Community Safety Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police Service
- Fire and Emergency Services
- Training and Skills.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- for subordinate legislation – its lawfulness.

The committee also has statutory oversight responsibilities for the Office of the Information Commissioner, the Office of the Queensland Ombudsman, the Electoral Commissioner and the COPIM.

This report is made in relation to the committee's statutory oversight responsibility for the COPIM.

1.2 COPIM's functions

The *Criminal Organisation Act 2009* (the Act) provides for the making of declarations and orders by the Queensland Supreme Court, for the purpose of disrupting and restricting the activities of organisations involved in serious criminal activity, including outlawed meetings of criminal gangs.

The objects of the Act are to disrupt and limit the activities of organisations involved in serious criminal activity, including their members and associates.

Under the Act, the Supreme Court can, upon application by the Commissioner of Police, make various orders:

- an order declaring an organisation to be a '**criminal organisation**'
- Members and associates of declared criminal organisations will be liable to have **control orders** imposed on them
- a **public safety order**, for any period it considers necessary but no longer than six months, prohibiting an individual or group from entering a premises, specified area or attending an event
- **fortification removal orders** requiring an individual or organisation to modify or remove fortifications from particular premises.

The COPIM's functions are to monitor each court application for:

- a declaration that an organisation is a criminal organisation; or

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

- a control order; or
- a public safety order; or
- a fortification removal order.

In carrying out its functions, the COPIM is to monitor, test, and make submissions to the court about the appropriateness, and validity of, each criminal intelligence application.

1.3 Committee's oversight of COPIM

The committee has the following functions regarding the COPIM under section 91 of the Act:

- (a) monitor and review the performance of the COPIM's functions under the Act
- (b) report to the Legislative Assembly on any matter about the COPIM that the committee considers should be brought to the Assembly's attention
- (c) examine each annual report tabled in the Legislative Assembly under the Act.

Under section 91(2) of the Act the committee is not to be provided any criminal intelligence and such information is not required in order for the committee to perform its functions.

The committee undertook its oversight role by meeting with the COPIM and reviewing the COPIM annual report.

1.4 COPIM's Annual Report 2014-2015

The COPIM is required by section 92 of the Act to provide to the Attorney General an annual report as soon as is reasonably practicable after the end of each financial year, but, in any event, within four months after the end of the financial year. The annual report may make recommendations but it must not include criminal intelligence. The Attorney-General must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.

On 29 September 2015, the COPIM Annual Report for 2014-15 was tabled.

The COPIM Annual Report 2014-15 notes that no application under the Act was made by the Queensland police service. The COPIM further notes:

Accordingly, I have not been required to carry out my functions under the Act of monitoring any such applications.²

Committee Comment

The committee appreciates the COPIM's assistance in apprising the committee of his role and functions during this reporting period through both the material included in the COPIM's Annual Report 2014-15 and the committee's meeting with the COPIM.

Recommendation 1

The committee recommends the House note the contents of this report.

² COPIM, *Annual Report 2014-15*, p 1.