



Speech By
Jon Krause

MEMBER FOR BEAUDESERT

**PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE: REPORT, MOTION
TO TAKE NOTE**

 **Mr KRAUSE** (Beaudesert—LNP) (11.49 am): I rise to make some comments about Report No. 92 of the PCMC. Of course, there is a public report of the CMC into an offer made to the then vice chancellor's daughter to a course at UQ, which will be tabled shortly if it has not been already. That report speaks for itself. Our report touches on other issues in relation to that investigation by the CMC. As previous speakers have noted, there was a recommendation made in that report in relation to section 58 of the Crime and Misconduct Act. It presently sets out a specific procedure for investigations about the conduct of judicial officers. In this case, the judicial officer in question was Justice Daubney, who is a member of the UQ Senate. It fairly clearly states that the CMC is limited in its ability to investigate judicial officers, even where they are not acting in a judicial capacity. This is an issue addressed by the recommendation of the report and I urge the Attorney-General and the government to seriously consider the proposed amendment. As the member for Coomera has pointed out, organisations should not be immune from scrutiny by the very fact that they have a judicial officer in their midst.

However, of concern to me is the fact that the report also deals with the legal advice that the CMC obtained in relation to section 58. Some months ago, it obtained legal advice from Mr Walter Sofronoff QC, an eminent and distinguished barrister, that informed them in relation to their consideration of section 58. Essentially, the legal advice said that the CMC was acting outside its powers in investigating the UQ matter in the way that it was. To be clear, I have no issue with the fact that the CMC was undertaking the investigation into what occurred at UQ. However, I am very concerned about the fact that the CMC does not seem to follow or abide by the legislation that it is set up under, even when it has obtained legal advice guiding it in relation to that legislation. It seems to have ignored that legal advice and formed its own view, which was confirmed as being incorrect by both the advice of Mr Sofronoff and a subsequent report of the Parliamentary Commissioner, Mr Favell. That report of the Parliamentary Commissioner was referred to in section 4.1 of the committee's report. Essentially, it states that the CMC was not able to investigate the UQ matter as it was under section 58. That is where our recommendation has come from.

However, I also need to make reference to the fact that there is an identified need, both in this report and in the earlier report No. 90 of the PCMC, for the CMC to improve its culture of governance, particularly within the legal support unit, to ensure it is undertaking its role diligently, appropriately and in accordance with the law. The facts set out in this report show that it has not done that. In the initial stages of its investigation of the UQ matter, it has investigated contrary to the provisions of section 58, despite the fact that it was provided with legal advice that said it should not. The CMC rightly expects all public officers to adhere to the rules and regulations that they need to abide by. That is what it enforces and that is what it investigates. The CMC must also do that and it needs to be beyond reproach in this respect. I commend the report to the House and the recommendation contained therein.