



QUEENSLAND PARLIAMENT **COMMITTEES**

Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Justice, Integrity and Community Safety Committee



Report No. 7

58th Parliament, April 2025

Justice, Integrity and Community Safety Committee

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All references and webpages are current at the time of publishing.

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Chair's Foreword

This report presents a summary of the Justice, Integrity and Community Safety's inquiry into the Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025 was introduced to Parliament in response to a 2023 High Court decision and interpretation of reporting powers on appeal which overturned the commonly accepted interpretation of reporting powers and practices of the Crime and Corruption Commission under section 69(1) of the CC Act.

The committee held a public hearing and departmental briefing in Brisbane on 24th March 2025 and a public hearing with the Crime and Corruption Commission on 2nd April 2025.

I'm proud to be part of a Government that seeks to restore public confidence, transparency and important reporting powers to the Crime and Corruption Commission so that they can affect their purpose of continuously improving the integrity of, and reducing the incidence of corruption in, the public sector as per Section 4 (1)(b) of the Act.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and appeared at public hearings. I also thank our Parliamentary Service staff and the Department of Justice for assisting us in the inquiry.

I commend this report to the House.



Marty Hunt MP

Chair

Executive Summary

On 20 February 2025, the Honourable Deborah (Deb) Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, introduced the Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025 (Bill) into the Queensland Parliament. The Bill was referred to the Justice, Integrity and Community Safety Committee (committee) for detailed consideration.

The development of the Bill was primarily informed by the decision of the High Court in *Crime and Corruption Commission v Carne*¹ which was at odds with the prevailing understanding at the time regarding the reporting powers of the Crime and Corruption Commission (CCC).

The primary objectives of the Bill are to:

- restore the power of the CCC to report publicly about corruption investigations, as it was considered to exist before the High Court decision, and to ensure that the CCC may also make public statements about these matters
- safeguard against the release of information to the public about corruption matters in circumstances where the risks or harms outweigh any benefits to be derived from releasing the information, and
- ensure that any residual legal risk that might be attributable to the CCC and its officers in respect of the preparation and publication of past reports and statements is removed.

Stakeholders were invited to make written submissions on the Bill. In response, the committee received and accepted 11 submissions which were published on the committee's webpage.

The committee received a written briefing on 25 February 2025 and an oral briefing on 24 March 2025 from the Department of Justice.

The committee also heard from stakeholders at public hearings in Brisbane on 24 March 2025 and 2 April 2025.

Key issues raised during the committee's examination of the Bill related to the following clauses:

- clauses 7, 12-15 – Power to make public reports and statements about corruption matters
- clause 19 - Updated procedural fairness framework regarding adverse comments
- clause 18 - New procedure for the tabling of CCC reports
- clause 30 - Retrospective validation of existing CCC reports and statements

¹ [2023] HCA 28.

- clause 24 – Expansion of unauthorised publication of other restricted information offence
- clause 25 – Amendment to requirements for CCC to engage agents
- clause 22 – Amendment to ability to serve notices by email.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*.

Further, the committee is satisfied that the Bill is compatible with human rights as defined in the *Human Rights Act 2019*.

The committee made one recommendation, found at page vii of this report, that the Bill be passed.

Recommendations

Recommendation 1	6
The committee recommends that the Bill be passed.	6

Glossary

2023 Bill	Crime and Corruption Amendment Bill 2023
2024 Bill	Crime and Corruption (Reporting) Amendment Bill 2024
Bill	Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025
Carne matter	CCC investigation into allegations of corrupt conduct by the former Public Trustee of Queensland, Mr Peter Carne
CC Act	<i>Crime and Corruption Act 2001</i>
CCC	Crime and Corruption Commission
Committee	Justice, Integrity and Community Safety Committee
DoJ	Department of Justice
Former committee	Community Safety and Legal Affairs Committee
HRA	<i>Human Rights Act 2019</i>
Independent Review	Independent review into the Crime and Corruption Commission's reporting on the performance of its corruption functions conducted by the Honourable Catherine Holmes AC SC in 2024
Independent Review Report	Final report of the Independent Review published on 20 May 2024
LSA	<i>Legislative Standards Act 1992</i>
OPCCC	Office of the Parliamentary Crime and Corruption Commissioner
PCCC	Parliamentary Crime and Corruption Committee
PCCC Inquiry Report	Parliamentary Crime and Corruption Commission's Report No. 108 – 57th Parliament - <i>Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters</i> tabled on 2 December 2021
QCCL	Queensland Council for Civil Liberties
QLS	Queensland Law Society

1. Overview of the Bill

The Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025 (Bill) was introduced by the Honourable Deborah (Deb) Frecklington, Attorney-General and Minister for Justice and Minister for Integrity (Attorney-General) and was referred to the Justice, Integrity and Community Safety Committee (committee) by the Legislative Assembly on 20 February 2025.

1.1. Aims of the Bill

“Corruption poses a serious threat to the stability and security of societies and can undermine the institutions and values of democracy, ethical values and justice, and jeopardise sustainable development of the rule of law.

As a result, there is a strong public interest in ensuring that the CCC [Crime and Corruption Commission] can publicly release commission reports and make public statements about corruption.

Explanatory notes, Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

The *Crime and Corruption Act 2001* (CC Act) establishes the role, powers and functions of the Crime and Corruption Commission (CCC) to combat major crime and reduce the incidence of corruption in the public sector.²

The objectives of the Bill are to make amendments to the CC Act to:

- restore the power of the CCC to report publicly about corruption investigations and to ensure that the CCC can also make public statements about these matters
- safeguard against the release of information to the public about corruption matters in circumstances where the risks or harms outweigh any benefits to be derived from releasing the information,³ and
- ensure that any potential residual legal risk that might be attributable to the CCC and its officers in respect of the preparation and publication of past reports and statements is removed.⁴

The Bill also responds to Principle 8 of the *Fundamental Principles of Australian Anti-Corruption Commissions* which provides that an anti-corruption commission must have the ability to report on investigations and make public statements.⁵

1.2. Context of the Bill

In recent years, the CCC's power to publicly report on corruption matters in Queensland has been considered on multiple occasions. This history has informed the development of the Bill.

² Crime and Corruption Act 2001 (CC Act), ss 4(1), 5(1).

³ Public briefing transcript, Brisbane, 24 March 2025, p 4.

⁴ Bill, explanatory notes, p 2.

⁵ National Anti-Corruption Commission, *Fundamental Principles of Australian Anti-Corruption Commissions*, 31 July 2024.

1.2.1. *Carne matter*

In 2018, an anonymous complaint was received by the CCC which alleged that the then Public Trustee of Queensland, Mr Peter Carne, had engaged in corrupt conduct. The CCC commenced an investigation into the allegations which was concluded in April 2020 (Carne matter). The CCC determined that no criminal prosecution would be pursued in relation to the allegations and notified Mr Carne of its decision, along with the Attorney-General.⁶

In September 2020, the CCC notified Mr Carne that it had prepared, and intended to publish, a report on the Carne matter containing an overview of its investigation and the relevant outcomes. While the report outlined the evidence and provided recommendations, it did not contain any findings of corrupt conduct against Mr Carne. It provided this draft report to Mr Carne and invited him to provide a response to its contents.⁷ The CCC did not receive a response to the matters contained in the draft report.

In October 2020, the CCC requested the Parliamentary Crime and Corruption Committee (PCCC) to direct, under section 69(1)(b) of the CC Act, that the report be given to the Speaker of the Legislative Assembly to be tabled.⁸ To prevent the tabling and publication of the draft report, Mr Carne applied to the Supreme Court for an injunction. It was argued that the report was not a report for the purposes of section 69(1) and should therefore not be tabled.⁹

In the first instance, the Supreme Court of Queensland dismissed Mr Carne's application, finding the report was authorised by section 64 of the CC Act, could be tabled in accordance with section 69 of the CC Act and was protected by parliamentary privilege.¹⁰

Mr Carne then appealed to the Queensland Court of Appeal and the appeal was upheld. The Court of Appeal found that the report was not made by the CCC in the performance of any of its statutory functions, pursuant to section 64 of the CC Act, and was therefore:

- not a report for the purposes of section 69(1) of the CC Act, and
- not subject to parliamentary privilege.¹¹

Following the decision of the Queensland Court of Appeal, the CCC sought special leave to the High Court and the appeal was allowed.

⁶ *Carne v Crime and Corruption Commission* [2021] QSC 228, [9], [10], [17]-[18].

⁷ *Carne v Crime and Corruption Commission* [2021] QSC 228, [21].

⁸ A research report or other report that the parliamentary committee directs be given to the Speaker can be tabled: CC Act, s 69(1)(b); This section does not apply to the CCC's annual report, or a report under section 49 or 65, or a report to which section 66 applies: CC Act, s 69(2).

⁹ *Carne v Crime and Corruption Commission* [2021] QSC 228, [36].

¹⁰ *Carne v Crime and Corruption Commission* [2021] QSC 228, [159]-[161]; The commission may report in performing its functions: s 64, CC Act; N Laurie, 'Removing the Watchdog's bark: Crime and Corruption Commission v Carne', *AusPubLaw*, 23 October 2023, p 3.

¹¹ *Carne v Crime and Corruption Commission* (2022) 11 QR 334, 348 [15]; N Laurie, 'Removing the Watchdog's bark: Crime and Corruption Commission v Carne', *AusPubLaw*, 23 October 2023, p 3.

1.2.1.1. High Court decision

The CCC appealed to the High Court on two grounds, being that the draft report was:

- a report for the purposes of section 69(1) of the CC Act
- a proceeding of parliament and therefore could not be ‘impeached or questioned’ in any court.¹²

On 13 September 2023, the High Court dismissed the CCC’s appeal, reaffirming the decision of the Queensland Court of Appeal.¹³

The High Court further noted that there was ‘no provision of the CC Act which authorises a report of this nature’.¹⁴

1.2.2. Crime and Corruption Amendment Bill 2023

On 11 October 2023, the Honourable Tim Nicholls MP, the then Opposition Member for Clayfield, introduced the Crime and Corruption Amendment Bill 2023 (2023 Bill) into the Queensland Parliament as a Private Member’s Bill. The 2023 Bill was referred to the former Legal Affairs and Safety Committee of the 57th Parliament for detailed consideration.¹⁵

The main purpose of the 2023 Bill was to restore the CCC’s powers as they were considered to exist before the High Court decision in the *Carne* matter and thereby remedy the deficiency in the reporting powers of the CC Act found by the High Court.¹⁶

The 2023 Bill was transferred to the former Community Safety and Legal Affairs Committee (former committee) on 13 February 2024.¹⁷ The former committee tabled its report on the 2023 Bill on 11 April 2024 with a recommendation not to pass the Bill on the basis that the then Queensland Labor Government proposed to conduct an independent review into the relevant issues.¹⁸

The 2023 Bill lapsed on 1 October 2024 upon the dissolution of the 57th Parliament before it could be debated in the House.

1.2.3. Independent review of CCC’s reporting functions

On 15 February 2024, the former government announced an independent review into the CCC’s reporting powers in relation to corruption matters. The three-month Independent

¹² *Crime and Corruption Commission v Carne* [2023] HCA 28, [23], [25].

¹³ *Crime and Corruption Commission v Carne* [2023] HCA 28, [26]-[27], [70];. N Laurie, ‘Removing the Watchdog’s bark: *Crime and Corruption Commission v Carne*’, *AusPubLaw*, 23 October 2023, p 3.

¹⁴ *Crime and Corruption Commission v Carne* [2023] HCA 28, [26].

¹⁵ Queensland Parliament, Record of Proceedings, 11 October 2023, pp 2924-2926.

¹⁶ 2023 Bill, explanatory notes, p 1; DoJ, written briefing (2023 Bill), p 1.

¹⁷ On 13 February 2024, the Legal Affairs and Safety Committee ceased to exist by a motion in the House and its portfolio areas of responsibilities were transferred to the Community Safety and Legal Affairs Committee following an amendment to Schedule 6 of the Standing Rules and Orders of the Legislative Assembly.

¹⁸ Community Safety and Legal Affairs Committee, Report No. 6, 57th Parliament - *Crime and Corruption Amendment Bill 2023*, April 2024, p 15.

Review was led by the former Chief Justice of Queensland, the Honourable Catherine Holmes AC SC.¹⁹

The Independent Review responded to the need to legislate new reporting powers for the CCC, while recognising that the publishing of reports relating to individual corruption matters raised complex legal, ethical and human rights issues. The terms of reference for the Independent Review highlight that it was initiated to ensure that any legislative amendments struck a proper balance between the right of the individual and the broader public interest.²⁰

The final report of the Independent Review was delivered on 20 May 2024 (Independent Review Report).²¹ The key recommendations of the Independent Review Report focussed on empowering the CCC to report in relation to corruption investigations and to also have a general discretion to make public statements, subject to limitations.²²

1.2.4. Crime and Corruption (Reporting) Amendment Bill 2024

On 10 September 2024, the Honourable Yvette D'Ath MP, then Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, introduced the Crime and Corruption (Reporting) Amendment Bill 2024 (2024 Bill).. The 2024 Bill was referred to the former Community Safety and Legal Affairs Committee of the 57th Parliament for detailed consideration.²³

According to the explanatory notes, the 2024 Bill was designed to implement the policy underpinning certain recommendations in the Independent Review Report.²⁴ The main objective of the 2024 Bill was to amend the CC Act to introduce new powers for the CCC to prepare, table and publish reports and make public statements relating to corruption matters.²⁵

The 2024 Bill lapsed on 1 October 2024 upon the dissolution of the 57th Parliament before the former committee finalised its consideration.

1.3. Committee's examination of the Bill

The following key issues were raised during the committee's examination of the Bill,²⁶ which are discussed in Section 2 of this Report:

- Power to make public reports and statements about corruption matters

¹⁹ 'CCC reporting powers under the microscope in former chief justice-led review', Joint Statement by the then Premier and the then Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, Media Release, 15 February 2024.

²⁰ Independent review into the Crime and Corruption Commission's reporting on the performance of its corruption functions (Independent Review), Terms of Reference, 20 March 2024, <https://www.cccreportingreview.qld.gov.au/about-the-review/terms-of-reference>.

²¹ The Honourable C Holmes AC SC, *Report – Independent Review*, 20 May 2024.

²² The Honourable C Holmes AC SC, *Report – Independent Review*, 20 May 2024, pp 267-272.

²³ Queensland Parliament, Record of Proceedings, 10 September 2024, p 2884.

²⁴ Crime and Corruption (Reporting) Amendment Bill 2024 (2024 Bill), explanatory notes, p 3.

²⁵ 2024 Bill, explanatory notes, p 1.

²⁶ Note that this section does not discuss all consequential, minor, or technical amendments.

- Updated procedural fairness framework regarding adverse comments
- New procedure for the tabling of CCC reports
- Retrospective validation of existing CCC reports and statements
- Expansion of unauthorised publication of other restricted information offence
- Amendment to requirements for CCC to engage agents
- Amendment to ability to serve notices by email.

1.4. Inquiry process

The committee received and considered a variety of evidence. This included:

- 11 written submissions accepted from stakeholders
- a written briefing provided by the Department of Justice (DoJ) on 25 February 2025
- evidence provided by witnesses at public hearings in Brisbane on 24 March 2025 and 2 April 2025, and
- a public briefing provided by the DoJ in Brisbane on 24 March 2025.

1.5. Consultation

It is noted that the CCC was the only stakeholder consulted regarding the broad policy matters underpinning the Bill and provided feedback on a draft version of the Bill.²⁷ This was insufficient in the view of some submitters.²⁸

In respect of the consultation undertaken in the development of the Bill, the DoJ noted:

- the consultation undertaken with the CCC reflects ‘an election commitment to work with the commission [CCC] to bolster its reporting functions’
- other relevant stakeholders have the ability to provide feedback on the Bill through the committee’s inquiry process.²⁹

1.6. Legislative compliance

The committee’s deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (LSA), and the *Human Rights Act 2019* (HRA).



1.6.1. Legislative Standards Act 1992

Assessment of the Bill’s compliance with the LSA identified two issues listed below which are analysed in Section 2 of this Report:

- the relevance and proportionality of the expansion of the unauthorised publication offence

²⁷ Bill, explanatory notes, p 7.

²⁸ Queensland Council for Civil Liberties, submission 9, pp 1-2; Queensland Law Society, submission 10, p 1; Trevina Schwarz, public hearing transcript, Brisbane, 24 March 2025, p 7.

²⁹ DoJ, written response to submissions, 19 March 2025, pp 31-32.

- the justification of the retrospective application of the public report and statement validation provisions.

The committee is satisfied that the explanatory notes tabled with the Bill comply with the requirements of Part 4 of the LSA. The explanatory notes contain a sufficient level of information, background and commentary to facilitate understanding of the Bill's aims and origins.



1.6.2. Human Rights Act 2019

Assessment of the Bill's compatibility with the HRA identified issues with the right to privacy and reputation which is analysed further in Section 2.

The committee found that the Bill is compatible with human rights in accordance with the HRA.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights in accordance with the HRA.

1.7. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.



Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

This section discusses key themes which were raised during the committee's examination of the Bill.

2.1. Power to make public reports and statements about corruption matters

Section 64(1) of the CC Act states that the commission may report in performing its functions.

As outlined above in section 1.2.1, prior to the decision of the High Court in the Carne matter, the CCC operated on the basis that section 69 of the CC Act empowered the Commission to table and publish reports regarding corruption investigations.

This assumption was held to be incorrect by the High Court.³⁰

The DoJ highlighted in its written briefing that while the CCC had made 32 reports and 256 statements public about corruption matters prior to the High Court decision, it had not published any such reports or statements since this time.³¹

To address this issue, the Bill provides new 'broad discretionary' powers for the CCC to report and make public statements at any time about corruption matters subject to overarching safeguards (new and expanded):³²

Reporting power	Power to make public statements
<i>Without limiting section 64, the commission may report on a corruption matter under section 64(1).³³</i>	<i>The commission may make a statement to the public about a corruption matter (a public statement).³⁴</i>

The DoJ highlighted in its written briefing the purpose of these powers remains 'to ensure the CCC has power to report publicly on corruption in an effective way'.³⁵

2.1.1. Definition of 'corruption matter'

In terms of the types of matters that the CCC is able to report on and make statements about, clause 12 of the Bill proposes to insert a new definition of the term 'corruption matter' being:

- a complaint about, or information or matter involving, corruption made or notified to the CCC, or otherwise coming to its attention, whether or not the complaint has

³⁰ Crime and Corruption Commission v Carne [2023] HCA 28, [26]-[27], [70].

³¹ DoJ, written briefing, 25 February 2025, p 1. At the public hearing, the CCC noted that these figures do not represent a complete catalogue of reports and statements which the CCC considers would be covered by the validation provisions or that the CCC has been required to remove from its website: public hearing transcript, Brisbane, 2 April 2025, p 2.

³² DoJ, written briefing, 25 February 2025, p 2.

³³ Bill, cl 14 (new s 64A(1), CC Act); 'The Bill declares this power is exercisable regardless of whether the CCC has reported about a corruption investigation under section 49 (where it has concluded that prosecution proceedings or disciplinary action should be considered)': DoJ, written briefing, 25 February 2025, p 3.

³⁴ Bill, cl 15 (new s 65A(1), CC Act).

³⁵ DoJ, written briefing, 25 February 2025, p 2.

been assessed or any action has been taken in relation to the complaint under section 46 of the CC Act (such as a referral to a relevant person to ‘deal with’ the complaint), or

- a corruption investigation, whether or not the investigation is complete.³⁶



2.1.1.1. Stakeholder submissions and department advice

i. Stakeholder submissions

The CCC noted in its submission that it welcomes and supports the Bill.³⁷ Further, the CCC noted that the Bill:

*... recognises the important public interest in revesting the CCC with the power to publicly report in the performance of its corruption function, and effectively returns the CCC to the position as it was widely understood to exist prior to the High Court’s decision.*³⁸

This was echoed by other submitters.³⁹ In particular, the Office of the Parliamentary Crime and Corruption Commissioner (OPCCC) voiced support for the intent of the Bill to ensure the CCC has the power to report on ‘corruption risks in the State’.⁴⁰

Professor A J Brown, Associate Professor Yee-Fui Ng and Professor Gabrielle Appleby ‘endorsed’ the clarification in the Bill that the CCC retains its ability to report publicly on corruption matters even in circumstances where the CCC reports or refers evidence to a prosecuting authority to consider further disciplinary or criminal action.⁴¹

Despite its general support for the new reporting and statement-making powers proposed in the Bill, the CCC did note the definition of ‘corruption matter’ includes the words ‘involving corruption’ which may limit the CCC’s ability to report or make statements regarding matters which do not meet the threshold of ‘corrupt conduct’ as defined in section 15 of the CC Act. This may be particularly relevant for matters of public interest, or matters which are already in the public domain, that the CCC wishes to discuss publicly but do not meet the definition of ‘corrupt conduct’.⁴²

The Queensland Law Society (QLS) raised concerns that the definition of ‘corruption matter’ contained in the Bill was ‘overly broad and will produce unintended consequences’.⁴³ In particular, the QLS highlighted the following issues with the current drafting of the definition:

- the current definition appears to be at odds with comments made in the Independent Review Report regarding the caution to be exercised by the CCC

³⁶ Bill, cl 12 (new s 63A, CC Act).

³⁷ Submission 2, p 1.

³⁸ Submission 2, p 1.

³⁹ Prof A J Brown, A/Prof Yee-Fui Ng and Prof Gabrielle Appleby, submission 11, p 2.

⁴⁰ Submission 8, p 1.

⁴¹ Submission 11, p 3.

⁴² Submission 2, pp 2-3.

⁴³ Submission 10, p 2.

when reporting on corruption issues, namely that '(t)he discretion to report publicly should not be at large'⁴⁴

- the current definition captures matters that may come before the CCC which are vexatious, frivolous or those which involve a public sector employee or official merely falling short of expected standards⁴⁵
- the ability of the CCC to report on any information that comes before it which falls within the definition may cause real harm to the individuals who are the subject of the report or statement, without achieving the purpose of the powers of the CCC to report and make public statements⁴⁶
- public confidence may in fact be damaged if a report is made prematurely regarding an investigation which has not yet been finalised⁴⁷
- the ability of the CCC to report on matters which are still the subject of a preliminary assessment or ongoing investigation undermines the purpose of the 'safeguards' included in the Bill (explored further in section 2.1.2.1 below).⁴⁸

In light of the above issues, the QLS recommended that the definition of 'corruption matter' be amended so that it only applies to corruption matters where the CCC is not required to take further action, either where a preliminary assessment deems that further investigation is not warranted or where an investigation has been concluded.⁴⁹ In this regard, the QLS noted that proposed section 63D of the 2024 Bill would have given the CCC power to report on a more narrow scope of matters, being 'completed corruption investigations'.⁵⁰

At the public hearing, in response to a question regarding whether there would be any circumstances which would justify the CCC reporting on a corruption matter prior to the investigation being finalised, the QLS noted:

*... there will be occasions where it is in the public interest to release information prior to the end of an investigation, but the safeguards would have to be extremely strong for that to occur to protect against any reputational harm that is ultimately found to be unnecessary.*⁵¹

On this point, at the public hearing, Mr Phil Pidgeon outlined his personal experience of the CCC making public statements prior to the finalisation of the investigation of a corruption matter:

For both Trevina and me, our whole lives have been affected. We are not just talking about us; we are talking about our families, relatives and friends. The amount of damage that has been done is beyond belief, all because somebody

⁴⁴ Submission 10, p 2.

⁴⁵ Submission 10, p 2.

⁴⁶ Submission 10, p 2.

⁴⁷ Submission 10, pp 2-3.

⁴⁸ Submission 10, p 3.

⁴⁹ Submission 10, p 3.

⁵⁰ QLS, response to question on notice, 27 March 2025, p 1.

⁵¹ Public hearing transcript, Brisbane, 24 March 2025, p 2.

*decided to get in front of a television screen and say, 'This person is guilty,' or 'This person is despicable'—whatever the wording that was used.*⁵²

In response to these concerns, the CCC noted that it has a 'long-standing policy to neither confirm nor deny that a matter is under investigation, unless there are exceptional circumstances', particularly in respect of matters of high public interest or which attract significant media attention.⁵³ The CCC also clarified that it did not envisage using this power to make a public statement prior to the conclusion of an inquiry frequently, but having the discretion to do so where appropriate was of key importance.⁵⁴

ii. Department advice

In response to the CCC's comments regarding the potentially narrow definition of 'corruption matter', the DoJ clarified that the definition is not limited to matters where the definition of 'corrupt conduct'⁵⁵ is met and confirmed:

*... it would be open for the commission to exercise the power to report or make a public statement in respect of a corruption matter it has assessed or investigated and for which it has decided to take no further action.*⁵⁶

At the public hearing, the CCC noted that it was satisfied with the DoJ's clarification on this issue.⁵⁷

Regarding the QLS's concerns relating to the broad application of the CCC's powers to report and make public statements, the DoJ highlighted the overarching objective of the Bill to restore the powers of the CCC (as were considered to exist prior to the High Court decision in the Carne matter) noting that these powers were 'broad' in scope, but the Bill contains 'safeguards' regarding the exercise of this power.⁵⁸ The DoJ also clarified that in exercising its discretion to report, the CCC was required to comply with its broad obligations under the HRA to consider human rights in the making of relevant decisions.⁵⁹

Further, the DoJ provided the following example regarding the ability of the CCC to make public reports or statements prior to the conclusion of an investigation into a corruption matter:

*... potentially there may be conduct that is ongoing in a unit of public administration that the CCC has been investigating involving multiple people. Perhaps the investigation is at different points along the way with respect to how various people have been engaged in the particular conduct but it is of such a serious nature that they feel that a report is necessary to be released in the public domain to ensure that particular corruption risk is brought to the attention of the public sector and the broader public.*⁶⁰

⁵² Public hearing transcript, Brisbane, 24 March 2025, p 9.

⁵³ Public hearing transcript, Brisbane, 2 April 2025, p 2.

⁵⁴ Public hearing transcript, Brisbane, 2 April 2025, p 3.

⁵⁵ CC Act, s 15.

⁵⁶ DoJ, written response to submissions, 19 March 2025, p 4.

⁵⁷ Public hearing transcript, Brisbane, 2 April 2025, p 5.

⁵⁸ DoJ, written response to submissions, 19 March 2025, p 5.

⁵⁹ DoJ, written response to submissions, 19 March 2025, p 6.

⁶⁰ Public briefing transcript, Brisbane, 24 March 2025, p 6.

2.1.2. Contents of reports and public statements

i. Reports

The Bill retains the current provisions outlined in section 64 of the CC Act regarding the contents of reports, namely:

- the CCC is entitled to include recommendations in its reports⁶¹
- if recommendations are included in a report, the report must also include ‘an objective summary of all matters of which it is aware that support, oppose or are otherwise relevant to its recommendations’⁶²
- the CCC may also include any comments regarding the above matters.⁶³

The Bill also confirms that the CCC is able to report simultaneously on the performance of one or more of its functions.⁶⁴ Relevantly, the DoJ provided the following advice regarding the operation of this power:

*For example, a public report about a corruption investigation may be directed to ensuring transparency in terms of how a particular corruption complaint has been dealt with in the performance of the CCC’s corruption function ... as well as alerting the public sector to corruption risks and learnings arising from the investigation in the performance of the prevention function.*⁶⁵

ii. Public statements

The Bill contains the following provisions regarding the contents of public statements made by the CCC in accordance with the new power:

- a public statement may be made in any way that the CCC considers appropriate such as via a media release, verbal statement at a press conference or publishing information on its website,⁶⁶ and
- a public statement must not include a recommendation in relation to a corruption matter unless that recommendation has been made in a report of the CCC published in accordance with section 69 of the CC Act.⁶⁷

In its written briefing, the DoJ noted that the recommendation limitation:

*... reflect[s] the fact that a public statement is not conducive to including lengthy objective factual summaries. Therefore, if the CCC wishes to make recommendations it must make a public report.*⁶⁸

2.1.2.1. Departmental advice

In response to a question from the committee regarding whether the Bill restricts the content of public statement to factual information only (as opposed to commentary on

⁶¹ CC Act, s 64(2)(a).

⁶² CC Act, s 64(2)(b).

⁶³ CC Act, s 64(4).

⁶⁴ Bill, cl 13 (new s 64(4A), CC Act); DoJ, written briefing, 25 February 2025, p 3.

⁶⁵ DoJ, written briefing, 25 February 2025, p 3.

⁶⁶ Bill, cl 15 (new s 65A(2), CC Act).

⁶⁷ Bill, cl 15 (new s 65A(3), CC Act).

⁶⁸ DoJ, written briefing, 25 February 2025, p 4.

behaviour), the DoJ confirmed that there is no express restriction on the CCC making comments on a person's conduct however:

- the CCC would be required to consider whether the statement would prejudice an ongoing proceeding⁶⁹
- the restriction regarding the CCC making a recommendation, finding or statement about a person's guilt or commencing proceedings for an offence would still apply (as explored further in section 2.1.3 below).⁷⁰

The DoJ also noted the following regarding the content of public statements:

*... there would be nothing to prevent the commission from making a statement to the effect that a matter had been investigated and then indicating the outcome of their investigation. It is not exonerating the individual as such, but they would be able to put in the public domain the results of their investigation and the fact that no referral had been made.*⁷¹

2.1.3. Safeguards prior to publication

Prior to the CCC's exercise of its new reporting and statement-making powers, the Bill proposes to include a set of criteria to support the CCC's decision-making. These criteria are non-exhaustive and must be considered prior to making a report or statement of the CCC regarding a corruption matter public.⁷²

In terms of the CCC's application of the criteria, the explanatory notes advise that the criteria may also be relevant to the preparation of the report or statement by the CCC.⁷³

The DoJ highlighted that these criteria are 'designed to operate alongside and give substance to' the existing responsibilities of the CCC to perform its corruption functions and operate in accordance with the CC Act.⁷⁴

The relevant criteria which must be considered in all circumstances are outlined below.

Mandatory criteria for public reports and public statements
<ul style="list-style-type: none"> • <i>The need for accountability and transparency in government and the public sector</i> • <i>Whether the report or statement will be for the public benefit</i> • <i>Whether the CCC has finalised its assessment of the corruption matter, and any action taken in relation to it, under section 46 of the CC Act</i> • <i>The seriousness of the corruption matter</i>

⁶⁹ Public briefing transcript, Brisbane, 24 March 2025, pp. 8, 10.

⁷⁰ Public briefing transcript, Brisbane, 24 March 2025, p 8.

⁷¹ Public briefing transcript, Brisbane, 24 March 2025, p 8.

⁷² Bill, explanatory notes, p 3.

⁷³ Bill, explanatory notes, p 3.

⁷⁴ DoJ, written briefing, 25 February 2025, p 4.

- *Whether the report or statement may prejudice any proceeding that the CCC is aware of or any reasonably foreseeable future proceeding in relation to the corruption matter, or an investigation by the CCC or other law enforcement agency*
- *For statements, whether the statement is the most appropriate and suitable means of releasing information about the corruption matter to the public*
- *Any other relevant matter.*^{75, 76}

In addition to these general matters for consideration, additional criteria must be considered by the CCC prior to publication where a person's identity is readily apparent, or can be reasonably ascertained, in a report or statement.⁷⁷

The relevant criteria to be considered in circumstances where a person may be identified are outlined below.

Mandatory criteria where individuals identifiable in public reports and public statements

- *Whether the standing and status of the person warrants greater public scrutiny*
- *Whether the report or statement may unreasonably damage the person's health, safety or wellbeing*
- *The seriousness of the person's conduct*
- *Whether the person consents to being identified*
- *Whether the report or statement may unreasonably interfere with the person's privacy or reputation.*⁷⁸

Finally, the Bill contains a limitation on the types of findings, recommendations and statements that the CCC can make in public reports or statements.⁷⁹ In particular, the CCC must not make any finding or statement in a public report or statement that:

- a person has or has not engaged in, or is or is not engaging in or about to engage in, corruption
- a person should be prosecuted for a criminal offence or be the subject of disciplinary action
- prosecution proceedings or disciplinary action should be considered in relation to a person

⁷⁵ Bill, cl 14 (new s 64A(2)(a)-(e), (g), CC Act); DoJ, written briefing, 25 February 2025, pp 4-5.

⁷⁶ Bill, cl 15 (new s 65A(4)(a)-(f), (h), CC Act); DoJ, written briefing, 25 February 2025, pp 4-5.

⁷⁷ Bill, explanatory notes, p 3.

⁷⁸ Bill, cl 14 (new s 64A(2)(f), CC Act); DoJ, written briefing, 25 February 2025, p 5.

⁷⁹ Bill, cl 7 (new s 48B, CC Act); DoJ, written briefing, 25 February 2025, p 5.

- there is evidence, or insufficient evidence, supporting the start of a proceeding against a person.⁸⁰

However, this provision does not limit the CCC's ability to make a factual statement about information that is already in the public domain or to indicate that the CCC has already reported on a corruption investigation.⁸¹ In its written briefing, the DoJ notes that this caveat will allow for the CCC to make statements about the outcome of proceedings related to a corruption matter which is the subject matter of a relevant report.⁸²



2.1.3.1. Stakeholder submissions and department advice

i. Stakeholder submissions

The CCC acknowledged that while there may be some practical challenges in considering the mandatory criteria prior to publication of relevant reports or statements, the criteria will support the CCC to 'make fair decisions about reporting by balancing competing considerations on a case-by-case basis'.⁸³

At the public hearing, the CCC also noted its belief that the restriction contained in new section 48B regarding the types of findings, recommendations and statements that the CCC can make in public reports or statements would not prevent it from discharging its anti-corruption functions.⁸⁴

Other submitters also highlighted the importance of consideration of both collective and individual human rights by the CCC when making decisions on publication noting:

*In addition to providing a stronger guarantee that individual human rights will be respected in the investigation and reporting process, we support the amendments' inclusion and recognition of important collective human rights to transparency and accountability in government – including as to the Commission's own operations – as providing a clearer hierarchy than the crude and often opaque presumptions about 'balancing' all the relevant rights, reflected in previous approaches.*⁸⁵

The QLS also highlighted at the public hearing that although it did not take issue with the adequacy of the safeguards, the fact that they will need to be applied in a discretionary way requires clear and strong guidance regarding the application 'particularly around the public interest test'.⁸⁶

The CCC also raised concerns regarding the additional criteria to be considered where a person's identity may be ascertained. It noted that, if construed narrowly, it could require the CCC to 'inquire with every person who may be identifiable in a report or statement as

⁸⁰ Bill, cl 7 (new s 48B(1), CC Act).

⁸¹ Bill, cl 7 (new s 48B(3), CC Act).

⁸² DoJ, written briefing, 25 February 2025, p 5.

⁸³ Submission 2, p 2.

⁸⁴ Public hearing transcript, Brisbane, 2 April 2025, p 4.

⁸⁵ Prof A J Brown, A/Prof Yee-Fui Ng and Prof Gabrielle Appleby, submission 11, pp 3-4.

⁸⁶ Public hearing transcript, Brisbane, 24 March 2025, pp 2, 4.

to whether they consent to the report or statement's publication in every circumstance' which would be inefficient and confusing.⁸⁷

The Queensland Council for Civil Liberties (QCCL) 'welcomed' the limitations imposed on the findings and recommendations which can be published by the CCC.⁸⁸ The OPCCC similarly noted that it had 'no concern' regarding such provisions.⁸⁹

Conversely, Professor A J Brown, Associate Professor Yee-Fui Ng and Professor Gabrielle Appleby raised the following concerns regarding the imposition of the limitations (which they did not support) on the basis that the limitation may stifle the CCC's ability to discharge its statutory functions under the CC Act. In particular, they noted:

*We are concerned that this restriction on the CCC's ability to fact-find, draw conclusions as the sufficiency of evidence, and make recommendations, is both unnecessary and unwise. Under the proposed limitation, it is difficult to see how the Commission could fulfil a function of referring outcomes for the consideration of criminal or disciplinary action, if it needed to do this publicly rather than or in addition to a private referral, without actually stating that opinion.*⁹⁰

Instead, the submitters proposed that, in order to clarify the role of the CCC as an investigative authority regarding corruption matters, a provision could be added to the Bill which confirms that the CCC 'has a fact-finding and recommendatory role, rather than a guilt-finding or determinative one'.⁹¹

The QCCL also submitted that a notice explaining the effect of the new section 48B limiting the commission's findings, recommendations and statements should be included at the end of each public statement and at the beginning of each commission report.⁹²

The OPCCC raised concerns about new section 48B(1)(b)(ii) which provides that the CCC must not make any finding, recommendations or statement that prosecution proceedings or disciplinary action should be considered in relation to a person and new section 65A(3) which provides that a public statement must not include any recommendations in relation to a corruption matter other than a recommendation included in a corruption report that has been tabled in the Legislative Assembly, or published under section 69.⁹³

In the context of public statements, the QCCL submitted that the proposed criteria relating to 'unreasonable damage to someone's health, safety or wellbeing' and 'unreasonable interference with someone's privacy or reputation' should be afforded 'significant weight' and 'significant priority' in comparison to the other criteria.⁹⁴

⁸⁷ Submission 2, p 3.

⁸⁸ Submission 9, p 2.

⁸⁹ Submission 8, p 1.

⁹⁰ Submission 11, p 4.

⁹¹ Section 150 of the *National Anti-Corruption Commission Act 2022* (Cth) was noted as an example of this kind of provision: Prof A J Brown, A/Prof Yee-Fui Ng and Prof Gabrielle Appleby, submission 11, p 5.

⁹² Submission 9, p 5.

⁹³ Submission 8, pp 1-2.

⁹⁴ Submission 9, p 4.

ii. Department advice

The DoJ reiterated that the consideration of the mandatory publication criteria is designed to be applied flexibly and ‘to be able to be interpreted depending on the circumstances that present themselves’.⁹⁵

At the public briefing, in response to a question from the committee regarding consideration of the position of elected officials when making publication decisions, the DoJ clarified that:

*The criteria that apply in relation to whether or not an individual should be identified extend to whether the standing and status of the person warrants greater public scrutiny as well as the seriousness of the person’s conduct. They may be considerations that would be relevant to whether or not, for example, an elected official’s conduct warranted greater scrutiny.*⁹⁶

Further to this, the CCC noted that (in its view) the Bill holds elected officials to a standard that is ‘at least equal to, if not higher than’ the 2024 Bill.⁹⁷

Regarding the QLS’s concerns about the discretionary application of the criteria to be applied prior to publication of a CCC report or statement, the DoJ highlighted that the imposition of a hierarchy of importance or weight when considering criteria ‘would provide greater rigidity’ and the consideration of the public interest in particular would involve balancing a number of different issues.⁹⁸ This response was also echoed by the CCC in the public hearing.⁹⁹

The DoJ responded to the CCC’s concerns regarding the imposition of a requirement to seek the consent of a person if they may be identifiable in a report or statement of the CCC prior to publication. In particular, the department noted that this criteria did not create a positive obligation on the commission, and instead the CCC will be required to consider consent if provided by the person in their submission under the procedural fairness requirements or in other communications with the CCC.¹⁰⁰

The CCC noted that it was satisfied with the DoJ’s clarification on this issue.¹⁰¹

The DoJ responded to the QCCL suggestion to include a notice explaining the effect of new section 48B in public statements and commission reports by stating that ‘[a] requirement to include such a statement is a policy matter for Government’.¹⁰² The DoJ further noted that while ‘the effect of the limitation is clear from the provision and the explanatory notes.... It would be open for the commission to include such information where relevant in a report if it so wishes’.¹⁰³

⁹⁵ Public briefing transcript, Brisbane, 24 March 2025, p 6.

⁹⁶ Public briefing transcript, Brisbane, 24 March 2025, p 4.

⁹⁷ Public hearing transcript, Brisbane, 2 April 2025, p 3.

⁹⁸ Public briefing transcript, Brisbane, 24 March 2025, p 5.

⁹⁹ Public hearing transcript, Brisbane, 2 April 2025, pp 2-3.

¹⁰⁰ DoJ, written response to submissions, 19 March 2025, p 18.

¹⁰¹ Public hearing transcript, Brisbane, 2 April 2025, p 5.

¹⁰² DoJ, written response to submissions, 19 March 2025, p 11.

¹⁰³ DoJ, written response to submissions, 19 March 2025, p 11.

Regarding the QCCL's suggestion about assigning added weight to certain criteria, the DoJ noted that '[i]t is not the policy intention to establish a hierarchy of factors'.¹⁰⁴ The DoJ also stated:

*A different approach which ranks the criteria or otherwise assigns relative weight could also risk introducing complexity to the framework and could result in unintended consequences. For example, there may be circumstances where the seriousness of the corruption matter is so significant that this criterion is afforded much more weight than the other criteria.*¹⁰⁵

Regarding the OPCCC's concerns about new section 48B(1)(b)(ii) relating to limitations on findings, recommendations and statements, the DoJ responded by stating that the provisions have been drafted in the manner they have because the CCC 'is not itself empowered to make findings of corruption'.¹⁰⁶

Regarding the OPCCC's concerns about new section 65A(3), the DoJ noted that this new section means a public statement by the CCC 'can only replicate recommendations that have already been made in a report'.¹⁰⁷



2.1.4. Compatibility with human rights under the HRA

The new powers of the CCC to make public reports and statements regarding corruption matters may limit the right to privacy and reputation.

The right to privacy protects individuals against unlawful or arbitrary interferences with their privacy, family, home or correspondence. It also includes the right not to have the person's reputation unlawfully attacked.¹⁰⁸

The Bill may limit this right on the basis that its provisions increase the instances in which the CCC can report and make public statements. Allowing the CCC to make a report public or to make a public statement on a corruption matter (being a broad definition as noted above in section 2.1.1) increases the circumstances under which an individual's personal information could be made public and may, depending on the context, negatively impact their reputation,¹⁰⁹ even if it does not lead to criminal or disciplinary proceedings. The proposed amendments may also limit the privacy or reputation of other individuals (meaning, those not subject to the investigation) if their personal or reputational information is contained in those reports.

The statement of compatibility notes that:

- the overarching purpose of the amendments (and the related limitations) is to promote the right to freedom of expression regarding the publication of information about corruption

¹⁰⁴ DoJ, written response to submissions, 19 March 2025, p 17.

¹⁰⁵ DoJ, written response to submissions, 19 March 2025, p 17.

¹⁰⁶ DoJ, written response to submissions, 19 March 2025, pp 8-10.

¹⁰⁷ DoJ, written response to submissions, 19 March 2025, p 11.

¹⁰⁸ HRA, s 25.

¹⁰⁹ Bill, statement of compatibility, p 4.

- this purpose is ‘consistent with a free and democratic society based on human dignity, equality and freedom’
- there is a rational connection between empowering the CCC to publish reports and statements regarding corruption and this purpose which allows the CCC to achieve its legislated purpose ‘to continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector’.¹¹⁰

While the statement of compatibility acknowledges that there may be alternative ways to publish particular reports and statements of the CCC which could mitigate the adverse impact on the right to privacy, it is noted that limiting the circumstances in which the CCC is able to publish information about corruption matters would not achieve the purpose of the Bill.¹¹¹

The Bill contains safeguards (as outlined above in section 2.1.2.1) including matters which the CCC must take into account prior to publication which are designed to, amongst other things, lessen the impact on the right to privacy and reputation.¹¹² There are also additional mandatory criteria to be considered where a person’s identity is readily apparent in the report or statement which would heighten the need for additional consideration of privacy issues.¹¹³

Accordingly, the statement of compatibility concludes:

*On balance, while there are limitations on human rights, promoting freedom of expression in relation to corruption by ensuring public confidence in how the CCC performs its corruption functions, and the related public confidence and trust in the public service and wider democratic institutions, is of foundational importance. Given there are significant safeguards in place which ameliorate the extent of the limitations, it is considered that the Bill strikes an appropriate balance in favour of achieving the purpose.*¹¹⁴

Committee comment



The committee heard from stakeholders regarding the impact that a public statement made by the CCC had on their personal, professional and family life. It is acknowledged that being identified in a public report or statement regarding instances of corruption could be a significant and distressing event in a person’s life, particularly if that report or statement reflected negatively on a person’s conduct or character.

However, the ability of the CCC to make public reports and statements of this kind is critical for the CCC to carry out its statutory functions under the CC Act including ‘to raise standards of integrity and conduct in units of public

¹¹⁰ Bill, statement of compatibility, pp 4-5.

¹¹¹ Bill, statement of compatibility, p 5.

¹¹² Bill, cl 14 (new s 64A(2)(a)-(e), (g), CC Act), 15 (new s 65A(4)(a)-(f), (h), CC Act); DoJ, written briefing, 25 February 2025, pp 4-5.

¹¹³ Bill, cl 14 (new s 64A(2)(f), CC Act), 15 (new s 65A(4)(g), CC Act); DoJ, written briefing, 25 February 2025, p 5.

¹¹⁴ Bill, statement of compatibility, pp 6-7.

administration'.¹¹⁵ It is also important for the public to be aware of how the CCC is achieving this function.

While a person's right to privacy and reputation may be limited in the CCC's exercise of these powers, the committee is of the view that such limitation is justifiable in circumstances where:

- the legitimate purpose of the provisions is achieved, and
- there are safeguards in place which seek to minimise unreasonable impingements on human rights as defined in the HRA.

On this basis, the committee is satisfied that these provisions of the Bill are compatible with human rights as defined in the HRA.

2.2. Updated procedural fairness framework regarding adverse comments

Under the current CC Act, if the CCC proposes to make adverse comment about a person in a report that is made public, the CCC must not make the proposed adverse comment unless, before the report is prepared, the CCC:

- gives the relevant person an opportunity to make submissions about the proposed adverse comment, and
- where the person makes submissions regarding the adverse comment, fairly states this response in the report.¹¹⁶

Clause 19 of the Bill proposes to expand the scope of the existing response framework under the CC Act by requiring that a person must be given the opportunity to respond to the evidence (or the substance or significant part of that evidence) which the CCC considers justifies an adverse comment.¹¹⁷

These updated requirements also apply where the CCC proposes to make an adverse comment about a person in a public statement.¹¹⁸

The CC Act does not currently specify any timeframes in the current process.¹¹⁹ This is addressed in the Bill which sets out the following timeframes:

- The CCC is to provide at least 30 days to a person about whom the CCC proposes to make an adverse comment to make a submission in response to a draft report or draft statement and any related evidence.¹²⁰
- Within 14 days of receiving the invitation from the CCC to make a submission, a person may apply to the CCC for an extension of time.¹²¹

¹¹⁵ CC Act, s 33(1)(a).

¹¹⁶ CC Act, s 71A.

¹¹⁷ Bill, explanatory notes, p 4.

¹¹⁸ DoJ, written briefing, 25 February 2025, p 6.

¹¹⁹ DoJ, written briefing, 25 February 2025, p 6.

¹²⁰ DoJ, written briefing, 25 February 2025, p 6; Bill cl 19 (new s 69B(2)(c), CC Act).

¹²¹ DoJ, written briefing, 25 February 2025, p 6; Bill cl 19 (new s 69B(3), CC Act).

- If the CCC refuses the application, the person has 14 days from receiving the refusal to apply to the Supreme Court for an extension of time.¹²²
- An upper limit of 60 days for any extension granted by the CCC or the Supreme Court (for those cases where the CCC does not grant the extension of time) is provided unless there are exceptional circumstances.¹²³

The DoJ noted that this group of amendments ‘enhances and clarifies the scope of the procedural fairness requirements’.¹²⁴



2.2.1. Stakeholder submissions and department advice

i. Stakeholder submissions

While the CCC noted its general support for enhanced procedural fairness requirements regarding adverse comments, it noted that a small amendment to section 69B(1)(a) proposed in the Bill may be required to clarify that the requirements apply to any report to be tabled in the Legislative Assembly (as opposed to only those reports ‘required to be tabled’ in accordance with section 69).¹²⁵ To that end, the CCC’s proposed amendment is as follows:

CCC’s proposed amendment – section 69B(1)(a)
<p><i>(1) This section applies if the commission proposes to make an adverse comment about a person in—</i></p> <p><i>(a) a commission report required to be tabled in the Legislative Assembly, or published, under section 69; or</i></p> <p><i>(b) a public statement.</i></p>

In their written submission, Professor A J Brown, Associate Professor Yee-Fui Ng and Professor Gabrielle Appleby noted their support for the framework proposed in the Bill which implements recommendations outlined in the Independent Review Report.¹²⁶

The QLS noted that the updated ‘right of reply’ process proposed in the Bill does not contain a requirement for the CCC to advise the individual who has made the submission of the outcome of its consideration.¹²⁷ Accordingly, the QLS recommended that the Bill be amended to include this express requirement and stipulation of a reasonable timeframe between provision of this advice and the publication of the relevant report or statement.¹²⁸

The CCC noted that, based on its research, this requirement did not exist in respect of anti-corruption commissions in any other Australian jurisdiction.¹²⁹

¹²² DoJ, written briefing, 25 February 2025, p 6; Bill cl 19 (new s 69C(3), CC Act).

¹²³ Bill, explanatory notes, p 4; Bill, cl 19 (new ss 69C(1),(8), CC Act).

¹²⁴ DoJ, written briefing, 25 February 2025, p 6.

¹²⁵ Submission 2, p 4.

¹²⁶ Submission 11, p 4.

¹²⁷ Public hearing transcript, Brisbane, 24 March 2025, p 4.

¹²⁸ Submission 10, p 4.

¹²⁹ Public hearing transcript, Brisbane, 2 April 2025, p 3.

The QLS also noted that the 2024 Bill was different to the current Bill as it provided that a person identified in a report was given an opportunity to review the amended report after that person had provided a submission and was given a further 14 days for consideration. However, as the QLS notes, '[i]n the current Bill, it does not appear there is provision for a final decision or copy of the report to be provided'. The QLS recommends that this should occur.¹³⁰

The OPCCC expressed concern that the obligation to afford procedural fairness under the Bill will only apply when the CCC decides to table a report but not when it is published in another way.¹³¹

ii. Department advice

At the public briefing, the DoJ clarified that:

- beyond the procedural fairness framework implemented regarding adverse comments, the Bill contains a discretionary ability for the CCC to afford procedural fairness to a person identified in a report 'but about whom adverse comment is not made'¹³²
- should a person be aggrieved by adverse comments contained in a report, 'this bill does not alter any existing legal avenues that may be available to the individual, for example, in the form of a judicial review application'.¹³³

In response to the QLS's recommendation to insert a requirement for the CCC to inform a submitter regarding the outcome of their request and then wait a reasonable amount of time prior to publication, the DoJ contended that the current drafting of the procedural fairness framework in the Bill 'is consistent with the natural justice obligation at common law'.¹³⁴

Regarding the OPCCC's concerns that the obligation to afford procedural fairness will apply only when the CCC decides to table a report but not when it publishes it in another way, the DoJ explained the process of tabling and publishing CCC reports and concluded that the requirement to afford procedural fairness under new section 69B applies to the 'only mechanism the commission has to publish a report'.¹³⁵

2.3. New procedure for the tabling of CCC reports

Prior to the High Court decision in the *Carne* matter, the CCC relied upon the process provided in the CC Act for the tabling of CCC reports.¹³⁶ This process only applies to

¹³⁰ QLS, response to question on notice, 27 March 2025, p 2.

¹³¹ Submission 8, p 2.

¹³² Public briefing transcript, Brisbane, 24 March 2025, p 4.

¹³³ Public briefing transcript, Brisbane, 24 March 2025, p 6.

¹³⁴ DoJ, written response to submissions, 19 March 2025, pp 22-23. This was also agreed to by the CCC at the public hearing: public hearing transcript, Brisbane, 2 April 2025, p 3.

¹³⁵ DoJ, written response to submissions, 19 March 2025, pp 19-22.

¹³⁶ CC Act, s 69.

reports about public hearings or other reports which the PCCC had directed be given to the Speaker for tabling in the Legislative Assembly.¹³⁷

The explanatory notes advise that the CCC would request the PCCC to issue such direction calling for the tabling of the relevant report.¹³⁸

Clause 18 of the Bill proposes to amend the current process for the tabling of most CCC reports so ‘the decision to table rests solely with the CCC’.¹³⁹

The Bill sets out the following revised process for the tabling of CCC reports:

- *Firstly*, the CCC must give a report directly to the chairperson of the PCCC, the Attorney-General and the Speaker for tabling.¹⁴⁰
- *Secondly*, after receiving the report:
 - the Speaker must table the report on the next sitting day,¹⁴¹ or
 - if the Legislative Assembly is not sitting, then the Speaker must deliver the report to the Clerk of the Parliament who must authorise its publication.¹⁴²

The explanatory notes advise the proposed amendments for the tabling process ‘enhances the independence of the CCC’.¹⁴³



2.3.1. Stakeholder submissions and department advice

i. Stakeholder submissions

The OPCCC expressed concern that the amendments to section 69 relating to the process for tabling will effectively remove the discretion for the CCC to table a report and suggested that this issue could be addressed by changing ‘must’ to ‘may’ in proposed section 69(1).¹⁴⁴

ii. Department advice

Regarding the concerns of the OPCCC about section 69 removing the discretion for the CCC to table a report, the DoJ confirmed that while the CCC will be required to table every commission report under the Bill, the power to report will continue to be at the CCC’s discretion because the CCC will retain a discretion to decide which corruption matters it will prepare a report about and the chairperson will also retain a discretion to decide whether to sign a report and therefore enliven the tabling requirement.¹⁴⁵ This was also reiterated at the public briefing.¹⁴⁶

¹³⁷ CC Act, s 69(1).

¹³⁸ Bill, explanatory notes, p 4.

¹³⁹ DoJ, written briefing, 25 February 2025, p 8.

¹⁴⁰ Bill, cl 18(1) (omits ss 69(1), (2), CC Act); DoJ, written briefing, 25 February 2025, p 8.

¹⁴¹ CC Act, s 69(4); DoJ, written briefing, 25 February 2025, p 8.

¹⁴² CC Act, ss 69(5), (6); DoJ, written briefing, 25 February 2025, p 8.

¹⁴³ Bill, explanatory notes, p 4.

¹⁴⁴ Submission 8, p 2.

¹⁴⁵ DoJ, written response to submissions, 19 March 2025, pp 24-5.

¹⁴⁶ Public briefing transcript, Brisbane, 24 March 2025, p 6.

2.4. Retrospective validation of existing CCC reports and statements

The Bill proposes to retrospectively validate past reports of the CCC which were prepared or made, tabled or published and public statements which were prepared and made, ensuring these are taken to have always been lawful and valid.¹⁴⁷ This validation also extends to actions taken by the CCC in relation to reports and statements it has prepared.¹⁴⁸

This retrospective validation applies to:

- reports that were prepared prior to the High Court decision in the Carne matter purportedly under section 64 of the CC Act and tabled in the Legislative Assembly or published prior to the introduction of the Bill¹⁴⁹
- statements about particular corruption complaints published prior to the High Court decision in the Carne matter.¹⁵⁰

The Bill also clarifies that the validation provisions apply to relevant corruption matters regardless of whether the following occurred before the commencement of the new provisions:

- the complaint was made or notified to the CCC
- the investigation was completed or had been commenced
- the conduct which is the subject of the complaint or investigation happened, or is suspected to have happened.¹⁵¹

In its written briefing, the DoJ highlighted that this proposed amendment would provide 'legal certainty' to officers of the CCC when restoring these past reports and statements on its website.¹⁵²

The DoJ further noted, in respect of CCC reports tabled in the Legislative Assembly, that parliamentary privilege would attach to these reports and therefore these reports would continue to be publicly available regardless of commencement of the proposed amendments.¹⁵³

2.4.1. Stakeholder submissions and department advice

i. Stakeholder submissions

The CCC supported the validation provisions and commented that the Bill was:

... an important, sensible and necessary step in restoring the legacy work of the Criminal Justice Commission, the Crime and Misconduct Commission, and

¹⁴⁷ Bill, explanatory notes, p 5; Bill, cl 30 (new ss 471, 472, CC Act).

¹⁴⁸ Bill, cl 30 (new ss 471(2), 472(2), CC Act).

¹⁴⁹ Bill, cl 30 (new s 471(1), CC Act).

¹⁵⁰ Bill, cl 30 (new s 472(1), CC Act).

¹⁵¹ Bill, cl 30 (new s 473, CC Act).

¹⁵² DoJ, written briefing, 25 February 2025, p 9.

¹⁵³ DoJ, written briefing, 25 February 2025, p 9.

*the CCC, and ensures those publications will remain available to the Queensland community into the future.*¹⁵⁴

The CCC also noted that it supported the transitional provision (being new section 473) which will enable the CCC to engage in public reporting regarding current corruption matters under consideration since the High Court's decision in the *Carne* matter.¹⁵⁵

Several submitters, particularly former Logan City Councillors, Ms Trevina Schwarz and Mr Phil Pidgeon, highlighted their concerns regarding the retrospective validation of past reports and statements of the CCC.¹⁵⁶ In particular, it was noted that the broad application of the provision could deem any previous public statement by the CCC, regardless of its content, as lawful without 'justification for such breadth'.¹⁵⁷ Ms Schwarz, stated:

*On the surface it appears that this Bill is an attempt for the Queensland Government to knowingly retrospectively protect itself from previous irreparable and prejudicial commentary unjustly made by the CCC.*¹⁵⁸

The QLS also voiced its objection to the provisions on the basis that the adverse impact on the reputation of individuals and their ability to be afforded procedural fairness in respect of past reports or statements is not adequately justified.¹⁵⁹ This was underscored by the QLS at the public hearing who noted that:

- circumstances of impacted individuals may have changed between the time the report was prepared and the time it is published which would warrant reassessment of the procedural fairness risks prior to publication¹⁶⁰
- in respect of historical reports of the CCC which may be published and afforded protection under the validation provision, persons subject to or mentioned in those reports should be notified of their release prior to publication.¹⁶¹

At the public hearing, the CCC noted that:

- in respect of previous public reports being reinstated to the website, the Bill did not impact the status of these documents which were tabled in the Legislative Assembly and are still available on the public record¹⁶²
- it does not interpret the validation provisions to validate the content of any specific report or statement of its predecessors, but rather to put beyond doubt that the CCC did have the statutory power to make such public report or statement¹⁶³

¹⁵⁴ Submission 2, p 2.

¹⁵⁵ Submission 2, p 3.

¹⁵⁶ Public hearing transcript, Brisbane, 24 March 2025, p 7.

¹⁵⁷ Cherie Dalley, submission 1, p 4; Phil Pidgeon, submission 3, p 4; Stephen Swenson, submission 4, p 4; Jennifer Breene, submission 5, p 4; Laurence Smith, submission 6, p 4; Trevina Schwarz, submission 7, p 7.

¹⁵⁸ Trevina Schwarz, submission 7, p 7.

¹⁵⁹ Submission 10, pp 3-4; Public hearing transcript, Brisbane, 24 March 2025, p 3.

¹⁶⁰ Public hearing transcript, Brisbane, 24 March 2025, p 3.

¹⁶¹ Public hearing transcript, Brisbane, 24 March 2025, p 6.

¹⁶² Public hearing transcript, Brisbane, 2 April 2025, p 2.

¹⁶³ Public hearing transcript, Brisbane, 2 April 2025, p 2.

- procedural fairness was afforded in respect of previous reports in accordance with common law requirements and the statutory provisions in force at that time and therefore it is not necessary or required to afford procedural fairness again in this respect.¹⁶⁴

ii. Department advice

In response to submitters' opposition to the retrospective validation provisions, the DoJ reiterated the purpose of the provisions to provide legal certainty to the CCC and its officers and to ensure that previous reports and statements of the CCC are accessible to the wider public.¹⁶⁵ The DoJ also noted that the retrospective application of validation provisions was considered in the Independent Review Report and, while the Bill took a different approach than that discussed, the Independent Review Report did consider 'that there should be some form of retrospective validation'.¹⁶⁶

The DoJ also clarified that:

- as the validation provision would deem a part report to be valid and lawful 'as it would be if the commission had complied with the Act', the CCC would not need to apply the new safeguards or procedural fairness requirements proposed in the Bill to past reports¹⁶⁷
- in respect of reports or statements regarding ongoing corruption matters captured under the transitional provisions,¹⁶⁸ the new safeguards or procedural fairness requirements proposed in the Bill would apply and are broad in nature to encompass consideration of many of the concerns noted by the QLS.¹⁶⁹



2.4.2. Consistency with fundamental legislative principles

To have sufficient regard to rights and liberties of individuals, legislation should not adversely affect rights and liberties, or impose obligations, retrospectively. Strong justification is required for retrospective provisions in legislation.¹⁷⁰

As noted above in section 0, the validation of existing public reports and statements of the CCC will apply retrospectively.

As highlighted in the explanatory notes, the adverse impact on rights arises from the fact:

... that reports or statements may contain damaging content that impacts a person's rights and, in some cases, may give rise to a cause of action, for example an action in damages for defamation'.¹⁷¹

¹⁶⁴ Public hearing transcript, Brisbane, 2 April 2025, p 2.

¹⁶⁵ DoJ, written response to submissions, 19 March 2025, pp 28-29; Public briefing transcript, Brisbane, 24 March 2025, p 9.

¹⁶⁶ DoJ, written response to submissions, 19 March 2025, p 29.

¹⁶⁷ DoJ, written response to submissions, 19 March 2025, p 30.

¹⁶⁸ Bill, cl 30 (new s 473, CC Act).

¹⁶⁹ DoJ, written response to submissions, 19 March 2025, pp 30-31.

¹⁷⁰ LSA, s 4(3)(g).

¹⁷¹ Bill, explanatory notes, p 7.

The explanatory notes justify the validation provisions on the basis that they provide certainty and legal protection to the CCC and its officers.¹⁷² The explanatory notes also highlight that these provisions will allow continued public access to, and awareness of, information relating to past corruption issues that was previously publicly available.¹⁷³

There are circumstances where curative or retrospective legislation is justified to clarify a situation or correct unintended legislative consequences. However, this should only be used in circumstances where there is not a significant impact on individual rights and liberties.¹⁷⁴

According to the explanatory notes and statement of compatibility, the adverse impact on rights is minimised because:

- The reports were prepared under a common understanding before the High Court decision in the *Carne* matter that the power existed to prepare and publish them.¹⁷⁵
- The validating provisions promote the right to freedom of expression, which includes the right of the public to seek and receive information about corruption.¹⁷⁶
- Some of the reports are already publicly available as tabled papers on the Queensland Parliament website.¹⁷⁷
- The passage of time since the reports or statements were made may diminish the impact on individual rights and liberties.¹⁷⁸

Accordingly, the explanatory notes conclude:

*Any adverse impacts on individual rights arising from the proposed validation provisions are therefore considered reasonable having regard to the nature of these impacts. The benefit of ensuring transparency in relation to past reports and public statements and the desirability of giving certainty to the actions of the CCC and its officers that were considered to be lawful at the time justifies any departures from this fundamental legislative principle.*¹⁷⁹

Committee comment



The committee acknowledges that in the period since the decision of the High Court in the *Carne* matter, the CCC has been in a state of uncertainty regarding its ability to publish reports and statements regarding corruption matters. This uncertainty extended to whether, despite being made and published under the common understanding at the time that the CCC had the

¹⁷² Bill, explanatory notes, p 7.

¹⁷³ Bill, explanatory notes, p 7.

¹⁷⁴ Office of the Queensland Parliamentary Counsel, *Fundamental legislative principles: the OQPC Notebook*, p 56.

¹⁷⁵ Bill, statement of compatibility, p 9.

¹⁷⁶ Bill, statement of compatibility, p 9.

¹⁷⁷ Bill, statement of compatibility, p 10.

¹⁷⁸ Bill, explanatory notes, p 7.

¹⁷⁹ Bill, explanatory notes, p 7.

power to do so, the publication of those materials would be rendered unlawful due to future reforms to the CC Act.

This issue, in conjunction with the desirability for the public to have access to previous reports of the CCC regarding corruption matters, provides strong justification for the retrospective application of the validation provisions.

The committee appreciates stakeholders' concerns regarding the limitation the validation provisions may place on procedural fairness being afforded to an individual who was the subject of a historical public report or statement. However, in light of the above considerations, the committee is satisfied that these are appropriate and have sufficient regard to the rights and liberties of individuals, such that they are consistent with fundamental legislative principles.

2.5. Expansion of unauthorised publication of other restricted information offence

Clause 24 of the Bill proposes to expand the existing offence in section 214 of the CC Act which currently deals with the unauthorised publication of commission reports.¹⁸⁰ The expansion would capture instances where an individual discloses 'restricted information' to another person without a 'reasonable excuse'.¹⁸¹

For the purposes of the provision, 'restricted information' is defined as:

- a draft version of a commission report or public statement, or
- any evidence or other information related to a draft version of a commission report or public statement.¹⁸²

While what would be considered a 'reasonable excuse' is not expressly defined, the example of an individual providing the relevant information to their lawyer in the course of obtaining legal advice is noted in the Bill.¹⁸³

The Bill proposes that the maximum penalty for this expanded offence is 85 penalty units (\$13,710.50)¹⁸⁴ or 1 year imprisonment.¹⁸⁵

The DoJ notes that the expansion of this criminal offence is 'to ensure the confidentiality of certain restricted information'.¹⁸⁶

¹⁸⁰ Bill, explanatory notes, p 16.

¹⁸¹ Bill, cl 24 (new s 214(2), CC Act).

¹⁸² Bill, cl 24 (new s 214(3), CC Act).

¹⁸³ Bill, cl 24 (new s 214(2), CC Act).

¹⁸⁴ The value of a penalty unit is \$161.30: Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, s 5A.

¹⁸⁵ Bill, cl 24 (new s 214(2), CC Act).

¹⁸⁶ DoJ, written briefing, 25 February 2025, p 8.



2.5.1. Stakeholder submissions and department advice

i. Stakeholder submissions

One submitter, Ms Schwarz, noted her concern that the term ‘reasonable excuse’ is unreasonably broad and may excuse inappropriate disclosures of sensitive information so long as the excuse is deemed ‘reasonable’.¹⁸⁷ In particular, Ms Schwarz noted the findings of the Parliamentary Crime and Corruption Commission’s *Report No. 108 – 57th Parliament - Inquiry into the Crime and Corruption Commission’s investigation of former councillors of Logan City Council; and related matters* tabled on 2 December 2021 (PCCC Inquiry Report) which noted that confidential documents had been disclosed by the CCC without authorisation.¹⁸⁸

ii. Department advice

In respect of concerns regarding the illegitimate use of ‘restricted information’, the DoJ highlighted that the findings of the PCCC Inquiry Report were in relation to the provision of confidential documents by the CCC to third parties and clarified that the expanded offence did not apply to commission officers, but instead to:

*... a person who is given restricted information (a draft commission report or statement or related evidence or other information relating to the draft report or statement) by the commission under the procedural fairness framework.*¹⁸⁹

The DoJ further advised that there are separate criminal offences under the CC Act which apply to officers of the CCC who make improper disclosures of confidential information.¹⁹⁰



2.5.2. Consistency with fundamental legislative principles

For the Bill to have sufficient regard to the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In particular, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.¹⁹¹

As outlined above in section 2.5, the Bill proposes to expand the existing offence to capture the disclosure of a broader range of documents than the previous offence which may impact a wider range of individuals.

The statement of compatibility notes the following regarding the purpose of the expansion:

The purpose of expanding the offence is to guard against the new reporting and public statement making powers being undermined by disclosure of restricted information.

...

The expansion of the offence to include unauthorised disclosure of restricted information will assist in ensuring that people who receive restricted

¹⁸⁷ Trevina Schwarz, submission 7, p 5.

¹⁸⁸ Parliamentary Crime and Corruption Commission, Report No. 108 – 57th Parliament - Inquiry into the Crime and Corruption Commission’s investigation of former councillors of Logan City Council, p 11.

¹⁸⁹ DoJ, written response to submissions, 19 March 2025, p 23.

¹⁹⁰ DoJ, written response to submissions, 19 March 2025, p 24.

¹⁹¹ LSA, s 4(2)(a).

*information understand the importance that the information should not be disclosed unless there are legitimate reasons for doing so.*¹⁹²

The penalty for the expanded offence is consistent with the current offence in the CC Act for unauthorised publication of commission reports.¹⁹³ While the possibility of imprisonment does present a potential limitation to individual liberties, it is acknowledged that the ‘reasonable excuse’ component of the offence mitigates this risk to an extent.

Committee comment



The committee is satisfied that the expansion of the existing unauthorised disclosure offence in the CC Act is relevant and proportionate. In particular, the committee notes that the penalty attaching to the expanded offence:

- is consistent with the current offence in the CC Act, and
- will support the policy intent of the provision to minimise the risk of individuals disclosing sensitive and restricted information in the course of preparing a report or statement of the CCC.

On this basis, the committee considers that this provision has sufficient regard to the rights and liberties of individuals, such that it is consistent with fundamental legislative principles.

2.6. Amendment to requirements for CCC to engage agents

Currently, the CC Act allows the CCC to engage suitably qualified persons as agents to provide it with services, information or advice in order to meet temporary circumstances.¹⁹⁴

The Bill proposes to amend the CC Act to remove the requirement that the engagement must be to meet temporary circumstances.¹⁹⁵ The explanatory notes advise:

*... the ‘meeting temporary circumstances’ requirement imposes an unnecessary temporal limitation on the engagement of agents by the CCC. In practice, the CCC is required to use agents irregularly or intermittently but often over an extended period. The Bill will address this issue by removing the temporary circumstances requirement.*¹⁹⁶

2.6.1. Stakeholder submissions and department advice

i. Stakeholder submission

One submitter, Ms Schwarz, raised concerns that the removal of the ‘limited circumstances’ requirement for the CCC’s engagement of external agents may adversely impact the ‘integrity and culture of the CCC’.¹⁹⁷

¹⁹² Bill, statement of compatibility, pp 7-8.

¹⁹³ CC Act, s 214.

¹⁹⁴ CC Act, s 256; DoJ, written briefing, 25 February 2025, p 9.

¹⁹⁵ Bill, cl 25.

¹⁹⁶ Bill, explanatory notes, p 5.

¹⁹⁷ Trevina Schwarz, submission 7, p 6.

ii. Department advice

In response to the submitter's concerns regarding the engagement of agents, the DoJ highlighted:

- anti-corruption bodies in other jurisdictions have an unfettered power to engage agents for a number of reasons, and
- a person or entity engaged as an agent by the CCC under the CC Act is subject to the same disciplinary framework as other commission officers and can be disciplined if relevant standards regarding their conduct are not met.¹⁹⁸

2.7. Amendment to ability to serve notices by email

Section 85AA of the CC Act allows for the service of notices by the CCC in relation to particular investigations.¹⁹⁹ This section:

- does not apply to notices to produce or notices to attend a hearing²⁰⁰
- provides criteria to assess whether the electronic delivery of such notice is appropriate in the circumstances (being subsection 3).²⁰¹

Clause 22 of the Bill proposes to amend this section by limiting the application of subsection 3 to only individuals.

The DoJ noted that the current requirements of section 85AA(3) of the CC Act represent an impractical administrative burden for the CCC, particularly in relation to notices addressed to financial institutions.²⁰² In the written briefing, the DoJ noted 'the primary intention of the requirements is to protect individuals who are the subject of notices' and on this basis the proposed amendment will result in the requirements in subsection 3 applying to individuals only.²⁰³



2.7.1. Stakeholder submissions and department advice

i. Stakeholder submission

In its submission, the CCC noted its preference that section 85AA be simplified through the removal of subsections 3 and 4 altogether as opposed to the amendments to subsection 3 as proposed in the Bill. The CCC noted that would be:

*... in the interests of achieving consistency with the notice provisions in the COVID-19 emergency legislation which preceded this and the notice provisions in other legislation which the CCC employs ...*²⁰⁴

This was reiterated by the CCC at the public hearing.²⁰⁵

¹⁹⁸ DoJ, written response to submissions, 19 March 2025, pp 27-28.

¹⁹⁹ CC Act, s 85AA(1).

²⁰⁰ CC Act, s 85AA(1).

²⁰¹ CC Act, s 85AA(3).

²⁰² Bill, explanatory notes, p 5; DoJ, written briefing, 25 February 2025, pp 8-9.

²⁰³ DoJ, written briefing, 25 February 2025, p 9.

²⁰⁴ Submission 2, p 4.

²⁰⁵ Public hearing transcript, Brisbane, 2 April 2025, p 5.

One submitter, Ms Schwarz, shared her experience of the CCC using an outdated email address for communications regarding an ongoing investigation.²⁰⁶

ii. Department advice

In respect of the CCC's recommendation, the DoJ noted that the requirements of the COVID-19 emergency legislation are tailored for that emergency situation but largely mirror the requirements of the current subsections in the CC Act.²⁰⁷

In circumstances where the email address of a relevant party to a corruption matter before the CCC is incorrect or outdated, the DoJ also clarified that the CCC:

*... will not be considered to have served the notice if they send it to an email address other than the person's email address. This would include a notice sent to the incorrect email address.*²⁰⁸

Committee comment



The committee notes the comments made by the CCC regarding the workability of the amendments to section 85AA of the CC Act proposed in the Bill and the DoJ's response noting the comparisons made to the pandemic arrangements.

²⁰⁶ Trevina Schwarz, submission 7, p 6.

²⁰⁷ DoJ, written response to submissions, 19 March 2025, pp 25-26.

²⁰⁸ DoJ, written response to submissions, 19 March 2025, p 26.

Appendix A – Submitters

<i>Sub No.</i>	<i>Name / Organisation</i>
1	Cherie Dalley
2	Crime and Corruption Commission
3	Phil Pidgeon
4	Stephen Swenson
5	Jennifer Breene
6	Laurence Smith
7	Trevina Schwarz
8	Office of the Parliamentary Crime and Corruption Commissioner
9	Queensland Council of Civil Liberties
10	Queensland Law Society
11	Professor A J Brown, Associate Professor Yee-Fui Ng and Professor Gabrielle Appleby

Appendix B – Public Briefing, 24 March 2025

Department of Justice

Greg Bourke

Executive Director

Kathryn Allan

Director

Jamie Impson

Principal Legal Officer

Appendix C – Witnesses at Public Hearing, 24 March 2025

Individuals

Phil Pidgeon

Trevina Schwarz

Organisation

Queensland Law Society

Genevieve Dee President

Kate Brodnik Principal Policy Solicitor

Calvin Gnech Chair, QLS Occupational Discipline Committee

Daniel Maroske Member, QLS Occupational Discipline Committee

Appendix D – Witnesses at Public Hearing, 2 April 2025

Organisation

Crime and Corruption Commission

Bruce Barbour

Chairperson

Jennifer Crowther

Director, Corporate Legal