Speech By

Jann Stuckey

MEMBER FOR CURRUMBIN

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CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (12.23 pm): On 23 March 2017 the Crime and Corruption and Other Legislation Amendment Bill was introduced by the Attorney-General and Minister for Justice and referred to the Legal Affairs and Community Safety Committee of which I was a member at the time. Whilst the committee recommended that the bill be passed, non-government members of the committee provided a statement of reservation with recommendations that further amendments be considered in accordance with concerns raised by some of the submitters. This bill lapsed when the election was called and has been replicated and reintroduced. I note that the current committee has recognised the work done by the previous committee and has endorsed its 2017 report within its subsequent report No. 4 of the 56th Parliament tabled in March this year.

The 2017 committee received seven submissions, held a public briefing and public hearing including an address from the Queensland Police Union of Employees, the QPUE. Both this organisation and the QLS commented on the short time frame allowed for submissions, which was two weeks over the Easter school holidays, making it difficult for them to prepare as thoroughly as they would have liked. This is a common complaint—and one I have mentioned before—and needs to be observed in future legislation to make sure that a reasonable time is being granted for potential submitters to prepare their papers especially when debate on the bill is delayed for months.

The bill before us implements recommendations from a bipartisan Parliamentary Crime and Corruption Committee review of the act undertaken in 2016 and stems from an election promise made by the government prior to the 2015 election to widen the definition of 'corrupt conduct' in the Crime and Corruption Act 2001.

An issues paper titled *Corrupt conduct* under the Crime and Corruption Act 2001 was released by the Department of Justice and Attorney-General in February 2017 to enable the broader public to provide feedback on the current definition. Amendments were last made in 2014 by the LNP government when the term 'official misconduct' was changed to 'corrupt conduct' as a result of the Callinan-Aroney report, which recommended the change to ensure the commission's operational focus was investigating serious cases of corrupt conduct rather than more trivial complaints that at the time would fall under the much broader definition of 'official misconduct'.

As stated in the explanatory notes, the bill also proposes to widen the definition of 'corrupt conduct' to include conduct that impairs or could impair confidence in public administration in circumstances where the conduct would be a criminal offence or a ground for termination of employment. The proposed new definition of 'corrupt conduct' raised concerns amongst non-government committee members, concerns shared by the Queensland Law Society, which stated in its submission—

We understand the need for the Commission to have access to extensive powers in order to effect its functions. However, we do not consider that these powers should be open-ended and limitless.

The definition as drafted is exceptionally broad and may be open to being construed too broadly.

To mitigate potential misinterpretation, the Law Society recommended that the jurisdiction of the commission be limited to corruption that involves or affects a Queensland public official or public authority; is deliberate or intentional as opposed to negligence or mistake; is a criminal offence, or a disciplinary offence, or constitute reasonable grounds for dismissing or otherwise terminating the services of a public official, or, in the case of a member of the Queensland parliament or local government councillor, a substantial breach of an applicable code of conduct. The open-ended definition reflected in this bill risks the commission ending up back where it was before the Callinan-Aroney report of 2014—overwhelmed with complaints that fall well outside the scope of where its investigative focus should lie.

As noted in the statement of reservation, 'considerable resources may be utilised and effectively wasted in determining what needs to be investigated'. While we do not doubt the effectiveness of the commission's operational processes, an influx of vexatious complaints will undoubtedly add unnecessary pressure on the commission and its functions. The QUT similarly cautioned against amending section 15(1)(c) of the definition based on perceived confusion amongst public sector agencies. Its submission states—

QUT has found no such confusion with this aspect of the definition of 'corrupt conduct' and has, in fact, found its inclusion helpful in considering allegations of corrupt conduct. QUT, therefore, does not see a need for this to be removed.

Of course, Labor members of parliament are all too familiar with having the term 'corrupt conduct' levelled at them and their union mates. There are way too many to mention here, but let us take Labor's current Minister for Transport and Main Roads, Mark Bailey, as an example. He continues to be under a shroud of controversy over his prolific use of a private email for work matters, even though the Crime and Corruption Commission branded the minister as very foolish in an earlier investigation. It begs the question why the government waited until after the CCC investigation into Minister Bailey had concluded before widening the definition of 'corrupt conduct', considering the amendment was first introduced in the last parliament on 23 March 2017.

Last year, Labor's member for Bundamba, Jo-Ann Miller, accused the Premier and Deputy Premier of turning a blind eye to corruption allegations in Ipswich. It was a bit more than one blind eye, was it not? In the union controlled Palaszczuk Labor government, corruption and criminality are tolerated at the highest levels. The CFMEU's cosy relationship with the Queensland Labor Party cannot go unnoticed.

While Annastacia Palaszczuk pushes the integrity and accountability line, the reality is totally different—an ingrained culture of cover-up and secrecy. I remember vividly having to attend a special parliamentary sitting in 2005 by Labor to exonerate health minister Gordon Nuttall. I could not believe what I heard and saw as minister after minister stood up in parliament, including Peter Beattie, and gave glowing testimonials of support for Gordon Nuttall, who was subsequently convicted—

Government members interjected.

Mrs STUCKEY: They are all mumbling away here because they do not like what I am saying, Mr Deputy Speaker.

Mr DEPUTY SPEAKER (Mr Weir): There is a lot of chatter in the chamber. The member has the call.

Mrs STUCKEY: I will repeat. Minister after minister stood up in parliament, including Peter Beattie, and gave glowing testimonials of support for Gordon Nuttall, who was subsequently convicted in 2010 of five charges of official corruption and five charges of perjury. Labor members do not like hearing the truth. It was Robert Schwarten's praise that was particularly sickening. Disturbingly, the 2017-18 CCC annual report shows a staggering rise in corruption complaints. Under-resourced to deal with this increase, the CCC will be stretched and cases will suffer delays.

Further concerns were raised by the Queensland Law Society about the potential for 'unintended and adverse consequences' as a result of the proposed amendment to clause 18 of the bill regarding the derivative use of compelled evidence. The Queensland Law Society stated—

... the provision might enable the Commission to provide information and bypass the protections offered by section 197 of the Act.

In addition to the concerns raised by the Queensland Law Society, it is important to note that the amendments to clause 18 were also identified as possible breaches of fundamental legislative principles, which is why the LNP is calling on the Attorney-General to clarify the intent of this provision and address the concerns raised by the QLS. I hope she will do that.

Another amendment identified as a potential breach of fundamental legislative principles is clause 15 of the bill relating to the use of search warrants for the investigation of criminal offences being used to further complaints of misconduct. Mr Troy Schmidt appeared before the committee at our public

hearing on behalf of the Queensland Police Union of Employees and presented concerns that there could be a misuse of the search warrant powers in the process of the investigation. Mr Schmidt advised that the QPUE wanted to see stricter limitations applied by amending the proposed section to allow the CCC to use all information it obtains—only for the purpose of performing its research and advisory functions. I therefore ask the Attorney-General to consider this request and clarify this aspect of clause 15.

The Technical Scrutiny Secretariat supplied a detailed 17-page report that found that 15 clauses raised potential issues of FLPs. Their report makes reference to the former scrutiny of legislation committee, of which I was a member for several years. In 2010, after a review of Queensland's parliamentary committee system, the SLC was abolished and replaced with the current system that has its foundations laid on a series of portfolio based committees. I remember it being recognised as a big change to the way our committee systems operated, and I recall my trip to the New Zealand parliament with other MPs to see their committees in action and to learn how the new system functioned. This new system commenced in the Queensland parliament in mid-2011.

The former SLC examined bills before the parliament. However, now it is the role of each portfolio committee to consider any FLP issues contained in the bills and subordinate legislation within its portfolio area. I would like to take a moment to thank the Technical Scrutiny Secretariat for their assistance and recognise the truly important work that they do within the new system.