

Community Safety and Legal Affairs Committee

Responses to stakeholder submissions

Three submissions were received by the Community Safety and Legal Affairs Committee (formerly Legal Affairs and Safety Committee) in relation to the Crime and Corruption Amendment Bill 2023 from the following submitters:

- 1 – The Honourable Glen Milliner
- 2 – Caisey Keehn
- 3 – Number not allocated
- 4 – Crime and Corruption Commission

Note - The responses provided by the Member for Clayfield, as set out in the table below, are primarily directed to issues of concern raised by stakeholders. Where the submission otherwise raises no issues with the Bill, no response has been provided.

SUBMISSION NUMBER/SUBMITTER	KEY ISSUE OR CONCERN	MEMBER FOR CLAYFIELD RESPONSE
1 – The Honourable Glen Milliner	<p>Mr Milliner was opposed to the passing of retrospective legislation to enable the publication of reports made by the CCC where no charges were laid, or corruption found.</p> <p>The submission stated the High Court decision still allows for the CCC to publish certain reports, it is only limited in relation to reports where an investigation has led to no findings of corruption being found.</p> <p>In relation to the reversal of the 2008 amendment omitting the Director of Public Prosecutions from section 49 of the CCC Act, no comment.</p>	<p>The Member notes the submitter's comments.</p> <p>It is critical our central integrity body to have the power to publish reports of their investigations, regardless of their findings. There the public interest in these reports being released; to heighten transparency of the operations of the CCC, and to highlight opportunities to raise our integrity standards.</p> <p>Each report provides more awareness of any weaknesses or failures in the system which could allow for or facilitate corruption.</p> <p>Publishing these reports raises the standard of integrity in this State and is in line with other jurisdictions.</p>
2 – Caisey Keehn	<p>Mr Keehn supported the Bill, stating taxpayers have a right to know what is alleged and what is investigated when it comes to corruption.</p> <p>The submission also noted even where a CCC investigation has found no corruption, reports should be released as they will exonerate any concerned party of alleged corruption.</p>	<p>The Member notes the submission.</p>
4 – Crime and Corruption Commission	<p>The Crime and Corruption Commission (CCC) supports the introduction of amending legislation to enable the long-held understanding that the CCC is authorised to report on corruption investigations under general reporting power in section 64(1) of the Act.</p> <p>The CCC noted the importance of its reporting powers, and stated at present it does not have statutory power to report publicly on its corruption investigations, setting it apart from its federal and interstate counterparts. The power to report is also</p>	<p>The Member notes the submitter's comments and the support for the Bill.</p> <p>In relation to the additional clauses suggested, the Member agrees there may be further amendments made to ensure the reporting powers of the Commission are validated and every opportunity is taken to enhance the integrity system of our state. The Member accepts these recommendations.</p>

	<p>supported by the United Nations Convention Against Corruption. The CCC submitted there is a need for urgent legislative amendment to address this to avoid corruption risks which may follow. The CCC considers the proposed provisions regarding reporting powers would be effective to address this deficiency.</p> <p>There was support for the replacement of section 71A to more clearly articulate the detailed process to provide procedural fairness as it is consistent with the process traditionally taken by the Commission.</p> <p>The CCC also supported for clause 6 of the Bill that commission reports must be given to the Speaker and the Speaker must table the report as soon as practicable as it is consistent with interstate agencies that currently have this ability.</p> <p>The retrospective nature of the Bill was strongly supported, submitting it has historically been done where the intent is curative or validating. There were several examples of this provided.</p> <p>The CCC also provided a number of suggestions to the Bill, including:</p> <ul style="list-style-type: none"> • Explicit provision that the Commission may report at any time before, during or after the conclusion of an investigation. • Clarification on what can or must be included in public reports consistent with section 149(2) of the <i>National Anti-Corruption Commission Act 2022 (Cth)</i> • An inclusion to retrospectively validate the preparation of the reports, not only the publishing of the report. 	
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