

CRIME AND CORRUPTION AMENDMENT BILL 2023

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SUBMISSION TO PARLIAMENTARY LEGAL AFFAIRS AND SAFETY COMMITTEE
From
THE HONOURABLE GLEN MILLINER

Crime and Corruption Amendment Bill 2023

The purpose of the Bill is to remedy the deficiency in the reporting powers of the Crime and Corruption Act 2001 (CCC Act) found by the High Court in *Crime and Corruption Commission v Carne* [2023] HCA 28.

The Bill will also reverse a 2018 amendment that omitted the Director of Prosecutions from s.49 of the CCC Act (s12 Crime and Corruption and Other Legislation Amendment Act 2018). The reversal of the 2018 amendment was recommended by both the PCCC (Parliamentary Crime and Corruption Committee Report No. 108, 57th Parliament, Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters, December 2021) and the Commission of Inquiry relating to the Crime and Corruption Commission.

In respect to reversing the 2008 amendment that omitted the Director of Public Prosecutions from s.49 of the CCC Act. I have no comment to make.

In respect to the other provisions of the proposed bill I make the following comments.

I would urge the committee not to agree to the demands of the Chair of the CCC, and the media seeking for the Government to urgently pass retrospective legislation to enable the publication of reports alleging that individuals may of committed corruption after an investigation by the CCC did not lead to charges being laid against any individual.

This issue has arisen as a result of the recent decision of the High Court in the case of *CCC v Carne* where the Court dismissed the appeal by the CCC seeking to overturn the decision of the Qld Court of Appeal and allow for the tabling in the Parliament of a report into the investigation of anonymous corruption allegations made against the former Public Trustee Peter Carne.

My understanding of the High Court decision is that the Crime and Corruption Act 2001 does allow for the CCC to publish certain reports to the Parliament and the public, however, the Act does not give the CCC the right to have tabled in the Parliament a report into the investigation of an individual against whom corruption allegations have been made, and the CCC, after an investigation using its extensive powers given to it by the Parliament, finds no criminal charges should be brought. With the resources available to it I would of thought that the CCC would of known or should of known that it did not have the authority to table these reports

As a former Minister for Justice I can well understand why the Parliament when passing the CCC Act gave the CCC extreme investigative powers. I also understand the Parliament intended that no harm could be done to an individual who has been subjected to those investigations and has been found not to have done anything justifying criminal charges.

It has been reported in media statements that the current chair of the CCC is seeking the passing of urgent retrospective legislation allowing the CCC to publish reports with the protection of Parliamentary privilege, these demands have been echoed by the media.

As you would be aware Parliaments are loathe to pass retrospective legislation. This is rarely done and should only be considered in extreme circumstances. This is certainly not an occasion where this should occur.

The Parliament when passing the CCC Act was mindful not to give the CCC powers to have tabled through the Parliament reports that would be subject to Parliamentary privilege with all the protections that Parliamentary privilege provides.

I urge the committee to reject those sections of the Bill that would overturn such an important protection to Queenslanders found to be innocent of any act of corruption.