



COMMUNITY SAFETY AND LEGAL AFFAIRS COMMITTEE

Members present:

Mr PS Russo MP—Chair
Mr MA Boothman MP
Mr SSJ Andrew MP (virtual)
Ms JM Bush MP
Mr JE Hunt MP (virtual)
Mr JM Krause MP

Staff present:

Mrs K O'Sullivan—Committee Secretary
Mr R Pelenyi—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL 2024

TRANSCRIPT OF PROCEEDINGS

Friday, 8 March 2024

Brisbane

FRIDAY, 8 MARCH 2024

The committee met at 8.59 am.

CHAIR: Good morning. I declare open the public briefing for the committee's inquiry in the Crime and Corruption and Other Legislation Amendment Bill 2024. My name is Peter Russo, member for Toohey and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the lands on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me here today is Mr Mark Boothman, member for Theodore and deputy chair; Jonty Bush, member for Cooper; John Krause, member for Scenic Rim; Stephen Andrew, member for Mirani, by telephone, and Jason Hunt, member for Caloundra, also by telephone.

The purpose of today's briefing is to assist the committee with its inquiry. This briefing is a proceeding of the Queensland parliament and subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in proceedings. Witnesses are not required to give evidence under oath but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that the department officers are here to provide factual or technical information. Any questions seeking an opinion about policies should be directed to the Attorney-General or left to debate on the floor of the House.

These proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during proceedings, and images may also appear on the parliament's website or social media pages. I ask everyone present to turn your mobile phones either off or to silent mode. Thank you, and happy International Women's Day, everyone.

ALLAN, Ms Kathryn, Acting Director, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice and Attorney-General

LANG, Ms Kristina, Acting Senior Legal Officer, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice and Attorney-General

NEWICK, Ms Glenda, Acting Principal Legal Officer, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice and Attorney-General

ROBERTSON, Mrs Leanne, Acting Deputy Director-General, Justice Policy and Reform, Department of Justice and Attorney-General

CHAIR: I now welcome the following representatives from the Department of Justice and Attorney-General: Mrs Leanne Robertson, Acting Deputy Director-General, Justice Policy and Reform; Ms Kathryn Allan, Acting Director, Strategic Policy and Legislation, Justice Policy and Reform; Ms Glenda Newick, Acting Principal Legal Officer, Strategic Policy and Legislation, Justice Policy and Reform; and, Ms Kristina Lang, Acting Senior Legal Officer, Strategic Policy and Legislation, Justice Policy and Reform. Good morning, everybody. I now invite you to brief the committee, after which committee members will have some questions for you.

Mrs Robertson: In opening, I too would like to acknowledge the traditional owners and custodians of the various lands on which we meet this morning and pay my respects to elders past and present. I was going to use this opening statement to briefly outline the reforms in the bill and to address some key issues raised in the public submissions and also the public hearing. I note that the department provided a brief to the committee on 23 February 2024 and a response to submissions on the bill on 1 March 2024.

Broadly speaking, the bill contains reforms to implement the government's response to particular recommendations from three separate reports from the Parliamentary Crime and Corruption Committee relating to the Crime and Corruption Commission. The bill also delivers on the government's commitment to apply journalist shield laws to the CCC and implements the government's response to recommendations from the commission of inquiry relating to the CCC.

Turning to that part of the bill dealing with advice for corruption offences—and that introduces a requirement on the CCC to seek the advice of the Director of Public Prosecutions, DPP, before laying charges for a corruption offence—the commission of inquiry relating to the CCC made 32 recommendations designed to address the risk of institutional capture of the CCC by the Queensland Police Service and the risk of corruption investigations adopting an overly law enforcement approach. The amendments in the bill relate principally to recommendations 25 to 28 of the commission of inquiry's report.

Specifically, the bill requires a prosecuting authority to seek the written advice of the DPP before the authority can commence a prosecution in relation to a corruption offence arising from a corruption investigation. The CCC, in seeking this advice, must provide the DPP with all relevant material relating to the investigation—this includes compelled information, whether or not that information would be admissible in a prosecution. The DPP's advice will consider whether the person should be prosecuted for one or more corruption offences arising from the investigation and, if so, for which corruption offence or offences the person should be prosecuted.

As members will appreciate, the bill allows a prosecuting authority, which includes a police officer seconded to the CCC, to commence the prosecution for a corruption offence without first seeking the DPP's advice in exceptional circumstances. This ensures that the ability to lay a charge, or the opportunity for a successful prosecution, is not inadvertently lost or limited by the requirement to first seek the DPP's advice where exceptional circumstances prevent this. I understand that stakeholders who made submissions to the committee and appeared at the public hearing had divergent views regarding the need to define 'exceptional circumstances' in proposed new section 49C, as inserted by the bill.

Whether or not exceptional circumstances exist will depend on the particular facts and circumstances of the individual matter, and it would be impossible to try to contemplate every situation where exceptional circumstances may arise. The term, therefore, has intentionally not been defined in the bill. I note that this approach is consistent with the use of the term 'exceptional circumstances' across the Queensland Statute Book, where the term is often undefined but may include an example for guidance, as has been done with this bill.

Where a prosecuting authority charges a person before seeking the advice of the DPP because they are of the opinion that exceptional circumstances existed, the bill requires the CCC to seek the DPP's advice as soon as reasonably practicable and then provide that advice to the prosecuting entity. Ultimately, any charges before the court, whether they are laid before or after DPP advice is sought, need to be consistent with the DPP advice, otherwise they must either not be proceeded with or, in the case of charges laid prior to advice being sought, be amended or withdrawn. This represents a significant new safeguard against the potential for corruption investigations resulting in individuals being prosecuted other than in cases where the DPP considers there are reasonable prospects of success. In this regard, I also note that there are existing offence provisions under the Crime and Corruption Act for frivolous and other improper complaints.

I understand that some stakeholders who made submissions to the committee and appeared at the public hearing also raised concerns about the scope of the requirement to seek the DPP's advice and, specifically, that it should be broader than just a corruption offence. At this point I note that corruption offence is defined in schedule 1 of the Crime and Corruption Act to mean alleged or suspected criminal conduct that may be corrupt conduct or misconduct under the Police Service Administration Act.

Corrupt conduct is itself defined in section 15 of the Crime and Corruption Act to be conduct which, if proved, would constitute either a criminal offence or a disciplinary breach providing reasonable grounds for terminating the services of the person who has engaged in the conduct. The scope of what may amount to a corruption offence is, therefore, extremely broad and could potentially include any criminal offence, including the offence of fraud under the Criminal Code, provided that it arises from the corruption investigation.

I will now turn to the amendments in the bill which implement the government's response to recommendation 6 of PCCC report No. 97 relating to a review of chapters 3 and 4 of the Crime and Corruption Act. Importantly, these amendments are not intended to provide additional powers to the CCC but are designed to minimise confusion, to reduce inconsistencies and to improve operational effectiveness. In particular, the situation with respect to the application of privileges other than for the introduction of journalist privilege, which I will come to shortly, is broadly consistent with the application of privileges under the current Crime and Corruption Act.

Legal professional privilege, parliamentary privilege, public interest immunity and confidentiality will be able to be claimed in the same way for all functions under the bill, and the process for dealing with claims will be uniform. Self-incrimination privilege continues to be abrogated across all CCC functions. I understand that some stakeholders took issue with the ability for the chairperson to authorise a search of official premises by a commission officer under new section 81L, as inserted by the bill. I would like to take this opportunity to clarify that new section 81L neither increases nor limits the CCC's powers. Instead, the section simply reflects the existing power available to the chairperson under current section 73 of the Crime and Corruption Act.

Building on the review of chapters 3 and 4, the bill also includes amendments applying journalist privilege to the CCC. Journalist privilege is a creature of statute and, prior to it being incorporated into the Evidence Act by the Evidence and Other Legislation Amendment Act 2022, it could not be claimed in court proceedings in Queensland. The Evidence Act framework expressly prevents journalist privilege from being raised in a proceeding under the Crime and Corruption Act but does extend to cover claims of journalist privilege made in the context of CCC search warrants. The provisions in this bill are designed to operate alongside the Evidence Act to fill the gap created by the express exclusion of Crime and Corruption Act proceedings. I understand queries were raised during the public hearing on Monday about the need for amendments to the Evidence Act. We understand that no amendments are required.

Further, the bill makes it clear that the procedural provisions under the Evidence Act, including these dealing with the burden of proof, continue to apply for journalist privilege claims raised in response to search warrants. I understand that there is general support for journalist privilege being applied to the CCC but that certain stakeholders who made submissions to the committee and appeared at the public hearing raised concerns with some aspects of how the bill achieves this. It is probably important to point out that there are two objectives underpinning the approach to journalist privilege in this bill. Firstly, the bill's approach is to ensure consistency with the operation of the privilege under the Evidence Act. As it is a new statutory privilege, it is important that journalist privilege is reflected consistently across the statute book, particularly in terms of how the public interest component of the privilege is applied.

Secondly, in order to ensure the efficient and effective operations of the CCC, consistency with the revised procedural requirements for dealing with the other privilege claims available under the Crime and Corruption Act was important. For this reason, the application of journalist privilege to the CCC was considered as part of that review of chapters 3 and 4. This in turn means that the claims of journalist privilege, as with other claims of privilege, will be considered in the first instance by a CCC officer. In all cases where the CCC officer decides against the claim, there is a right to apply to the Supreme Court and the person must be given reasons for the CCC's decision.

The bill also introduces a new procedure applying to all claims of privilege whereby the CCC is able to decline to decide a claim and the CCC itself may make an application to the Supreme Court to have the claim decided. Allowing the CCC to continue to deal with claims of privilege and reasonable excuse will ensure that, whenever possible, claims can be resolved without the need for an application to the Supreme Court. This has clear benefits for the momentum of the CCC's investigation and will provide the person with either a swift resolution or clear grounds upon which to decide whether or not to apply to the Supreme Court.

I will now touch on the bill's amendments relating to the tenure of the position of chairperson. I understand that the issue as to why the bill departs from the wording of the relevant PCCC recommendation for a term not exceeding seven years has been raised. While the approach in this bill is ultimately a policy matter for government, the department notes the provision in the bill is designed to give certainty and enhance the independence of these appointments. It is also probably worth noting that the approach of the bill is consistent with another key integrity position in Queensland, that of the Auditor-General, who must also be appointed for a fixed seven-year, non-renewable term. In closing, Chair, thank you for the opportunity and, obviously, we are happy to take questions.

CHAIR: Thank you. Mark?

Mr BOOTHMAN: Thank you, Chair. Happy International Women's Day. My first question goes to your comments about proposed new section 81L, which was previously section 73. I am just trying to get my head around it. Why is it necessary to give the CCC chairperson the ability to issue warrants and not seek the second opinion of a judicial officer for them to issue the warrant?

Ms Allan: Thank you for the question, Mr Boothman. I am an Acting Director with Strategic Policy and Legislation in the Justice Policy and Reform Branch in the Department of Justice and Attorney-General.

Mr BOOTHMAN: That is quite a mouthful.

Ms Allan: It was. Lucky it was there on my name tag! To your question as to why there is not the additional requirement to go before a judicial officer, we reiterate that it is not a new power; it is an existing power in section 73 of the current act. It is also a limited power in that it is confined to official premises, excluding court premises, and it may only be issued in relation to a corruption investigation. Persons engaged by the public sector or a unit of public administration are arguably in a different position to private citizens or businesses where it would be more appropriate for there to be a greater level of oversight to apply the use of intrusive powers such as a search warrant. Beyond that, our objective in carrying out the review of chapters 3 and 4 was not to alter or amend any of the powers currently available to the CCC.

Mr ANDREW: Could you give me an example of the circumstances around issuing one of those warrants? I understand what you said, but could you give me an example of how that would apply? Do you know of any cases in the past? Did you envisage anything when that provisions was included?

Ms Allan: Off the top of my head, I cannot think of a particular example. As I said, this is an existing power. I cannot speak to why it was included in the first instance. However, it could be used in the scenario where a corruption investigation is ongoing involving, for example, a government department and there is a need to obtain departmental documents, and that authorisation can be issued by the chairperson.

Mr BOOTHMAN: But they can still go to a judicial officer if needed. If you went to a judicial officer you could still get a warrant, but you still have that additional check to make sure everything is done in proper accordance with whatever requirements are set out.

Ms Allan: The option to obtain a warrant would be available but would not be necessary. In these very limited circumstances, the chairperson has the power to issue that authorisation.

Mrs Robertson: If members require further information, the CCC is probably the best entity to answer that.

CHAIR: The way you explain it, Ms Allan, is that it is, for want of a better description, a limited power given to the chair in relation to official premises and that would only come into play in relation to organisations rather than individuals.

Ms Allan: Yes, 'official premises' are defined in relation to premises of a unit of public administration.

Mrs Robertson: That is correct. The definition of 'official premises' in section 73 states—

... premises occupied or used by, or for the official purposes of, a unit of public administration, but does not include any part of premises that is occupied or used by or for the purposes of any State court.

Ms BUSH: Thanks for coming along. Leanne, your opening statement addressed a lot of the questions that I had, to be honest, but let's dig into some more of it. The CCC making preliminary decisions on the matter of privilege was raised. I think the Australia's Right to Know Coalition submission talked about partiality and the CCC's ability to do that in a way that upholds public confidence. You have touched on that, but did you want to explain the benefit of that particular clause and/or address any issues raised by submitters?

Ms Allan: The consideration of claims of privilege including public interest considerations by the CCC is not unique to journalist privilege. I would also note that, when the PCCC considered similar concerns raised around the CCC's ability to deal with claims of privilege and reasonable excuse in the context of one of its reports, it did not recommend that the position should change. It noted that the CCC was already empowered to hold hearings and determine claims of privilege and reasonable excuse.

In terms of the benefits that come from this approach, where the CCC accepts a claim of privilege is established, this avoids the need for the matter to be considered by the Supreme Court and the corresponding impost on the workload of the courts. It is also important to note that the CCC's ability to consider the claims is much more limited than the Supreme Court. All claims of privilege dealt with by the CCC are subject to the right to apply to the Supreme Court for a final determination.

The bill also includes the option for the CCC to decline to decide a matter and refer it straight to the Supreme Court. This is designed to ensure that CCC officers are not required to make decisions on claims of privilege where they clearly are not in a position to do so—for example, in a claim for legal professional privilege where you would need access to the privileged material to make a proper determination.

Ms BUSH: Are you able to comment on how that aligns with other jurisdictions? Is there a similar approach to that adopted elsewhere?

Ms Allan: That might be one we would need to take on notice. Generally, it is sometimes difficult to tell from the face of the act that you are looking at how it is applied in practice because, while the provisions allow privileges to be raised, they are less prescriptive in terms of the procedures that are applied and how and if there is the extent of any consideration by the equivalent of the commission.

Ms BUSH: That makes sense. Again, Australia's Right to Know Coalition mentioned—I do not have the clauses in front of me—two particular clauses that allow journalists to then make an application to the Supreme Court. They mentioned that 14 days might be more appropriate over the seven days. Do you have any comment on whether that had been canvassed by the department with stakeholders or on whether you feel seven days is fair and reasonable for journalists to make that application?

Ms Allan: The seven-day time frame was considered—and considered appropriate—because it is consistent with the procedures for other claims of privilege under the bill, and obviously one of the key objectives is to ensure consistency there. It is also consistent with the time frame for making an application in relation to journalist privilege under the Evidence Act. We did not contemplate an alternative approach.

Ms BUSH: That is fine. It sounds like that is a fairly standard approach and they would be alive to those time frames. That answers my question.

Mr KRAUSE: I have a question about journalist privilege. There were some concerns raised about the onus being placed on journalists or media organisations to apply to the court to maintain their privilege where it is claimed. How would you respond to those, particularly in the context of calls for that onus to be placed on the CCC to go to court to abrogate the privilege?

Ms Allan: I can confirm that the application of the burden of proof in relation to journalist privilege is consistent with how the privilege operates under the Evidence Act. It is up to the journalist in the first instance to establish that there is a valid claim but, once that is established, the onus shifts to the CCC to establish that the public interest lies in favour of disclosure. That is what makes it a qualified privilege.

Mr KRAUSE: Yes, but that determination about whether privilege exists in itself is made by the CCC in the first instance, is it, under these mechanisms?

Ms Allan: I suppose it will depend on—

Mr KRAUSE: On what option they take?

Ms Allan:—as I mentioned before, there is the option for them to decline to decide a matter. It might be a case where, for example, the information that the journalist is able to put before the CCC allows them to say, 'This is a valid claim and we feel that this is where the public interest would lie in this case and we are happy to accept your claim.' If they did not do that or, more likely than not, they felt like they did not have enough information before them to be able to make that claim, they would be able to decline to make it, and then the onus would be on the CCC to make the application to the Supreme Court. If they failed to do that, that would be the end of the matter. Any document or thing that had been produced to the CCC would have to be returned to the journalist.

Mr KRAUSE: I just want to interrogate that a little further. If there is a preliminary decision made by the CCC, that privilege does not exist?

Ms Allan: Yes.

Mr KRAUSE: The onus is on the CCC to go to the judiciary?

Ms Allan: Only in the case where the CCC declines to decide a matter. Where the CCC does make a decision, it has to give the person reasons for its decision and then the person has seven days to apply to the Supreme Court.

Mr KRAUSE: Yes, that is what I am getting at. The onus on trying to displace the CCC's preliminary assessment rests with the media organisation?

Ms Allan: Once you get before the Supreme Court, the onus applies in the same way. The journalist would have to present evidence before the court to raise a valid claim of journalist privilege but, after that, it would be up to the CCC to establish for the court that they think the public interest lies in favour of the disclosure of the document. That onus rests on the CCC to produce the evidence to establish that aspect of the test.

Mr KRAUSE: I have another question in relation to tenure provisions for the commissioners of the CCC. Can you explain the policy drivers for the seven-year fixed non-renewable terms for commissioners being put in place? I note that Mrs Robertson noted that it is a slight departure from the recommendations of the PCCC. For the record, I remake the declarations I made on Monday in relation to my role in the PCCC.

Mrs Robertson: I really cannot take it any further than what I said in the opening statement. It does create certainty, acknowledging the difference. At the end of the day, it is a policy matter for the government. I think any further questions on that should be directed to the Attorney.

Mr HUNT: Some submitters have expressed some concerns relating to the bill's reference to 'exceptional circumstances' in section 49C. Can you expand on some possible examples of what these exceptional circumstances might be?

Ms Allan: Certainly. The bill allows for the prosecuting authority to lay a charge without first seeking the DPP's advice in exceptional circumstances. As to what the exceptional circumstances might be, it is very difficult to imagine in advance. The commission of inquiry relating to the CCC did provide an example of where there is an emergent situation, meaning that an arrest is essential. That example has been reflected in the bill. That might be, for example, where the authority receives information that a person is about to flee the country and so the authority needs to proceed with a charge immediately.

Mr BOOTHMAN: My next question goes to the presentation at the public hearing on Monday by three ex-councillors of Logan City. They feel that potentially this bill will not do anything to prevent what happened to them from ever happening again. Is that correct? Will this bill make any inroads to prevent that type of indictment on evidence that obviously the Director of Public Prosecutions ended up throwing out? Is there anything in this bill that will prevent that from ever happening again?

Ms Allan: As Mrs Robertson mentioned in her opening statement, this is a significant safeguard against the potential for charges to be laid without the DPP first having considered that there are reasonable prospects of success. The circumstances in which that initial DPP advice will need to be obtained are quite broad as well. They are going to apply to any charge for a corruption offence, which as we have indicated again is quite broad, arising out of a corruption investigation. I think that before the prosecuting authority can proceed to lay a charge the bill makes it very clear that that advice needs to be sought from the DPP.

Mr BOOTHMAN: I refer to the department's response to Phil Pidgeon's comments about new sections 49B, 49C, 49D and 49E of the bill. Your reply was—

Therefore, a "corruption offence" can include criminal offences that involve corrupt conduct under section 15 of the CC Act, including for example, depending on the circumstances and context of the corruption investigation....

Can you elaborate on what 'depending on the circumstances' means? I was a bit confused about your reply to his submission.

Ms Allan: What we are trying to get at is that, depending on the facts and circumstances of the investigation—and by that we mean depending on the corruption investigation—the kind of activity or behaviour that is being investigated will determine the nature of the charges that need to be laid. It might be a situation where, for example, it is a case of fraud or a case of inappropriate use of public funds. The charges that are selected are going to be relevant to the facts and circumstances surrounding the investigation. I do not know whether I have managed to make that any clearer.

Mr BOOTHMAN: It goes back to another comment made by departmental officers here today that confused me. The department writes the legislation but, when it comes to putting legislation through and the particulars of it, we rely on the CCC. For instance, when I mentioned section 81L and the issuing of a warrant, the comment was that we may need to ask the CCC about the specifics. I am curious about that.

Mrs Robertson: To clarify that, that is the operationalisation of the legislation. The legislation is the tool for the CCC. It gives the CCC powers. What the CCC do with that and how they exercise it and questions about the example that you asked in relation to that, those are the best people to answer because they do it on the ground in that space. We do not actually have a role in that sense.

CHAIR: It is an operational question.

Mrs Robertson: Yes.

Mr BOOTHMAN: I do not want to see what happened to those Logan City councillors ever happening again. That is the point of my questioning. We need to make sure that the legislation is tight enough to ensure that there are proper oversights.

Mrs Robertson: I appreciate the concern, member. Quite clearly, the commission of inquiry itself obviously had regard to that and came up with recommendations and this framework seeks to implement it in that sense. There is that strong gatekeeper of the DPP in relation to that. Certainly, even if those exceptional circumstances that my colleague has alluded to might arise, they still have to get that advice and that subsequent advice still has to be provided. The DPP has that real strong safeguard regime.

CHAIR: I am probably treading a very thin line here in relation to policy, so if I overstep the mark I am sure, Leanne, you will point me in the right direction. There was a recommendation made in report No. 106 that deals with amending section 197 of the Crime and Corruption Act that has not been taken up. I have a two-pronged question. You would have heard or seen the evidence that the chair gave and their written submission. Are you able to comment on the evidence that we heard or is that getting into the policy realm?

Mrs Robertson: As you have noted, section 197 is amended under this bill in a very limited respect. It is consequential to those amendments coming out of the review of chapters 3 and 4. I reiterate the comments that we made in our response to the submissions that amendments to section 197 in relation to those issues raised by the CCC are really outside the scope of the bill, so it is probably a question for the Attorney.

Mr BOOTHMAN: How does this legislation compare to that of other jurisdictions when it comes to their crime and corruption fighting powers? How does this legislation compare to, say, ICAC and bodies in other states?

Mrs Robertson: For a detailed response, I think we would need to take that question on notice and come back with something more comprehensive in that space. It is also important to note the point my colleague has made when talking about other questions that the legislation in each of these jurisdictions is quite different.

Mr BOOTHMAN: I appreciate that they have different oversight committees.

Mrs Robertson: Also in their legislation there may not be that level of detail. The sections do not necessarily indicate. I am happy to take on notice what we can. If I could clarify, because that is a very broad question, with respect: what particular powers are you looking for in that question?

Mr BOOTHMAN: As an example, all those years ago, premier Barry O'Farrell was done for being misleading about a bottle of wine, which ended up costing him his job. Obviously, the powers in New South Wales are quite extensive. I am curious to see what powers our CCC has when it comes to fighting corruption in the public domain compared to other states.

Mrs Robertson: Chair, I am still trying to understand the scope. I am happy for the department to take it on notice.

CHAIR: It is pretty broad.

Mrs Robertson: It is very broad.

Mr BOOTHMAN: Take it on notice. It would be an interesting read.

Mrs Robertson: If you are comfortable, we could tick-tack with the secretariat. I am not trying to be difficult; I am just trying to get some scope in relation to the question.

Ms Allan: We have a broad notion that those bodies have broadly comparable powers but, because the objective of this work was not to alter or amend the powers that the CCC currently had, it was not something that we looked into specifically in carrying out the chapters 3 and 4 review. The commission of inquiry, on the other hand, did pay quite a bit of attention to the situation in other jurisdictions in making its recommendations, so that work has been done. In terms of those bread-and-butter powers available to the CCC, we did not do an extensive comparison.

Mr BOOTHMAN: Thank you.

Mrs Robertson: We could maybe look at that COI report and see whether that has the information that you are after. That may be sufficient, given what my colleague just said.

CHAIR: I think that would be more than sufficient.

Mr KRAUSE: The Queensland Law Society raised some issues with the fact that seconded police officers have retained their powers to charge within the CCC. Also the QPS are referred to in the amendment provision in section 49 as being a party. From recollection, they referred to some ambiguity between what police are legislated to do, what the CCC says they do and what they actually do when it comes to charging powers in the CCC. Can you respond to the concerns of the QLS in Brisbane

relation to that, noting also that the former councillors who appeared before us on Monday raised some concerns about the powers of seconded police officers within the CCC, especially in relation to the exceptional circumstances provisions?

Ms Allan: We would acknowledge that the commission of inquiry was specifically tasked with making recommendations on the adequacy and appropriateness of the CCC's use of seconded police officers and recommended that the use of seconded police officers by the CCC is appropriate and should continue and that they should retain their police powers under the Crime and Corruption Act. From that respect, the bill clarifies that a prosecuting authority under the Crime and Corruption Act includes a police officer seconded to the CCC.

In terms of those broader issues, the commission of inquiry made a range of other recommendations that went to its consideration around the use of seconded police officers, including recommendations designed to ensure greater emphasis on a multidisciplinary approach within the CCC's corruption division and in order to diversify the skill and experience at the leadership level within the corruption operations unit. It also recommended increasing the number of civilian investigators and improving the training of all investigators to equip officers to better investigate corruption effectively. It also recommended the establishment of a new corruption prevention and engagement unit to enable the CCC to enhance and embed a corruption prevention and policy focus. The commission of inquiry gave detailed consideration to those issues and made a number of recommendations that will be relevant in regard to decreasing the risk of the situations that were raised at the committee's public hearing.

CHAIR: In relation to section 256 of the current act, I think you just touched on using suitably qualified persons for investigations, if I heard you correctly. Is that specifically what that amendment is designed to allow the CCC to do?

Ms Allan: The CCC—

CHAIR: To get other qualified people to assist in the investigations.

Ms Allan: The existing provision in the act?

CHAIR: Yes.

Ms Allan: Are you referring to an amendment in the bill or an existing provision in the act?

CHAIR: The current section says the CCC may engage suitably qualified people, and the bill amends the act to allow agents to be employed under that. Is that what you were referring to?

Ms Allan: Seconded police officers are seconded to the CCC under section 255 of the Crime and Corruption Act. We are making a small amendment to—

CHAIR: Allow suitable qualified persons?

Ms Allan: We are amending section 256. That amendment does not change the kind of person who can be engaged—the agent who can be engaged under that section. It is designed to allow the CCC to issue directions to those people. That is the small amendment.

CHAIR: That is what the amendment is for. Steve, I will give you an opportunity to ask a question.

Mr ANDREW: Some of the things have been covered off by other members, so I am satisfied with that.

CHAIR: In relation to the question on notice, I understand that the department will look at the commission of inquiry to identify what was identified in the inquiry on the comparison jurisdictions?

Mrs Robertson: Yes. As I understand, the commission of inquiry looked at the issue, so there may be material in that report that will answer the question that was proposed this morning. If members and the chair are comfortable, we will look at that and provide advice in relation to what is in that report. If there is a further consequential question, we will see where we go from there.

CHAIR: That will be very helpful.

Mr KRAUSE: There are a number of recommendations from various inquiries that have not been touched yet. Is there another amendment bill coming?

Mrs Robertson: That is a matter for government.

CHAIR: That is a policy question. Could you please provide the answer to the question on notice to the secretariat by 5 pm on Wednesday, 13 March? That concludes this public briefing. Thank you for your attendance here today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. Before I close the public briefing, I thank you for all the hard work that you do. I declare the public briefing closed.

The committee adjourned at 10.48 am.