



Law Society House, 179 Ann Street, Brisbane Qld 4000, Australia  
GPO Box 1785, Brisbane Qld 4001 | ABN 33 423 389 441  
P 07 [REDACTED] | F 07 3221 9329 | [REDACTED] | qls.com.au  
Office of the President

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Our ref: KB MC

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Dear Committee Secretary

**Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019**

Thank you for the opportunity to provide comments on the Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019 (**Bill**).

The Queensland Law Society (**QLS**) is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

QLS made submissions to the inquiry conducted by this Committee that considered the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 (**Government Bill**) and also appeared as a witness at the public hearing. During the inquiry we made the following comments which are relevant to the consideration of this current Bill:

1. QLS abhors corruption within our government and supports reasonable steps to address and erode corrupt conduct, including systemic corruption.
2. The new offences contained in the Bill, and in the Government Bill, are unnecessary. There are already two offences in the *Criminal Code 1899* which will capture the serious conduct contemplated by these provisions. They are section 92A - *Misconduct in relation to public office* and section 408C - *Fraud*. In addition, the broad definition of "corrupt conduct" in section 15 of the *Crime and Corruption Act 2001* allows the Crime and Corruption Commission to investigate and prosecute practically any matter involving a public official. For less serious behaviour, there again are existing frameworks which can be utilised. We discuss these further, below.
3. We oppose the introduction of strict liability offences including those that would apply to members of state government. In particular, we are concerned about these types of

**Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019**

offences applying to conduct which includes administrative tasks, such as updating of registers of interests. "Strict liability" for these offences will effectively mean that an individual is deemed to have committed the offence even if there was no dishonest intention to do so. Such an outcome is not fair and just in these circumstances and abrogates a cornerstone principle which is fundamental to the effective and efficient operation of our legal system.

We also refer to the submission of the Ethics Committee, Queensland Parliament dated 4 February 2020 which noted:

1. There is a lack of evidence offered by the Crime and Corruption Commission as to the extent and nature of the corruption by the Executive or by Parliamentarians that it proposes be addressed, and secondly, there is a lack of evidence that the proposal would address any such problem.
2. Ministers are currently required to update register of interests, pursuant to the *Parliament of Queensland Act 2001*, Standing Orders of the Legislative Assembly, and Ministerial and Cabinet guidelines.
3. Misconduct of a number ministers has resulted in penalties, including terms of imprisonment in appropriate cases.

QLS objects to the introduction of new criminal offences without cogent evidence to demonstrate their need and evidence that existing laws are not capable of capturing the conduct which is the target of the offence. There is no evidence of either. In fact, there is evidence to the contrary.

Finally, we have not specifically commented on the drafting of each of the Bill's provisions. If the Committee recommends that the Bill should be passed, we would advise reviewing the clauses to ensure there are no unintended consequences arising from the drafting.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on (07) [REDACTED]

Yours faithfully



Luke Murphy  
President