



Office of the Parliamentary Crime and Corruption Commissioner

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Your Ref: 11.1.10

19 January 2016

Mr Mark Furner MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr Furner,

Re: Crime and Corruption Amendment Bill 2015

By letter dated 3 December 2015 you invited submissions on the Crime and Corruption Amendment Bill 2015, introduced into Parliament on 1 December 2015 by the Hon Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills,. Your letter calling for submissions sets out the key objectives of the Bill and as a general observation, I consider that the proposed amendments would appear to appropriately achieve those stated aims.

I note that the Bill presently retains the current appointment process for the position of Chief Executive Officer (CEO) of the Crime and Corruption Commission (CCC). I understand that any changes to this process will be considered in light of any recommendations made by the Parliamentary Crime and Corruption Committee in its current review of the CCC conducted pursuant to section 292(f) of the *Crime and Corruption Act*. I note that in the Supplementary Submission it made to the Review in October 2015, the CCC has recommended that the CEO not be a statutory appointment, rather that the CEO be appointed by, and answerable to, the Commission.

The CCC's Supplementary Submission also recommends, consistently with the amendments proposed in the amendment Bill, that the CEO not be a Commissioner and that the Commission comprise five members - the Chairman, Deputy Chairman and three Commissioners, or alternatively - the Chairman and four Commissioners, with one or more of the four Commissioners being eligible for appointment and have the capacity and availability to act as Chairman in the Chairman's absence. I have no concerns in relation to this suggested governance structure.

Through recent dealings with the CCC, I am aware of functional difficulties associated with the fact that section 269(4)(c) of the *Crime and Corruption Act* specifically limits the CEO from sub-delegating the Commission's financial accountability functions. It also appears that the *Financial Accountability Act 2009* does not operate to permit the CEO to sub-delegate his or her financial accountability functions. The practical implications of the existing legislative provisions are that the CEO is required to personally sign-off on all of the CCC's day-to-day financial management activities. It is recognised that this must compromise the effective performance of the CCC's functions. The omission of section 269(4)(c) as proposed in clause 36 of the Bill should serve to address this difficulty.

There is one final matter which I wish to raise. The 2014 amendments to the *Crime and Corruption Act* permitted the appointment of a Commissioner for a further term or terms of up to five years, as long as the Commissioner does not hold office as a Commissioner for more than ten years in total. In my submission, for the sake of parity in the terms of appointments, consideration might be given to extending the duration of the appointment of a Parliamentary Commissioner in similar terms.

Thank you for affording me the opportunity to comment on the Crime and Corruption Amendment Bill 2015.

Yours faithfully

A handwritten signature in black ink that reads "Paul Favell". The signature is written in a cursive style with a large initial 'P' and 'F'.

Paul Favell
**Parliamentary Crime and
Corruption Commissioner**