

**EDO** Qld.

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*Using the law to protect
our environment.*

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12 April 2017

Research Director
Legal Affairs and Community Safety Committee
Parliament House
Sent via email only: lacsc@parliament.qld.gov.au

Dear Research Director

Submission: Crime and Corruption and Other Legislation Amendment Bill 2017

Thank you for the opportunity to provide comment on the Crime and Corruption and Other Legislation Amendment Bill 2017 (Qld) (**Bill**).

The explanatory notes to the Bill provide that the policy objectives include the widening of the definition of ‘corrupt conduct’. We congratulate the current Queensland Government for their work in seeking to bring more accountability and justice to Queensland through investigating improvements needed to the *Crime and Corruption Act 2001* (Qld) (CC Act).

Corruption watchdogs, such as the Crime and Corruption Commission, are an essential ingredient in ensuring our system of representative democracy and good governance works effectively and to a high quality.

We generally support the intent and amendments provided in the Bill.

However, we note the matters which we suggest be provided with attention prior to finalising the Bill.

1. Broaden application of need to demonstrate grounds for terminating services

Under the current definition of ‘corrupt conduct’ in CC Act s 15, and the definition as amended in the Bill, there is a requirement that the action in question ‘*would, if proved, be—*

(a) a criminal offence; or

(b) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.’

Under the NSW *Independent Commission Against Corruption Act 1988* (NSW), section 9, a broad interpretation is provided as to the equivalent limitation on what constitutes corrupt conduct through disciplinary action or reasonable grounds to terminate the public official’s services. We suggest that this be integrated into the CC Act to provide more guidance as to the kinds of actions that could be considered relevant to fulfil the need for a disciplinary breach to be able to be proved. This is particularly important since it is a requirement of any definition of corrupt conduct under the CC Act and the Bill amendments that either (a) or (b) above be demonstrable in the matter.

2. Maintain the list of additional matters which could be ‘corrupt conduct’

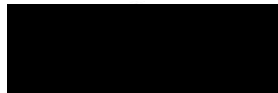
We suggest this list of additional matters provided in CC Act s 15(2) currently provides guidance which could appropriately extend the types of activities which can be considered to be corrupt conduct for the purposes of the Act. Without this list, we question whether ‘corrupt conduct’ as defined through the Bill amendments, particularly for s15(1), will be defined relatively narrowly compared to an interpretation with reference to this list of examples.

3. Public hearings are an essential ingredient in our justice framework, including the CC Act

We strongly recommend that a preference for public hearings be inserted into the CC Act through this amendment Bill. Public hearings assist in providing for public confidence that justice is being served in investigating corruption in Queensland. Public hearings also ensure more transparency around how effectively justice is being served under the CC Act. Reports such as the recent report by The Australia Institute ‘*Queensland watchdog asleep at the gate: A comparison of the Queensland and NSW anti-corruption commissions*’ (April 2017) demonstrate the current lack of public confidence in how Queensland is managing corruption, and possible flaws in our corruption framework currently.

Please do not hesitate to contact us if you have any questions or would like to discuss this matter further.

Yours faithfully
Environmental Defenders Office (Qld) Inc



Revel Pointon
Solicitor
Environmental Defenders Office (Qld) Inc