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To: [Legal Affairs and Community Safety Committee](mailto:LegalAffairsandCommunitySafetyCommittee@parliament.qld.gov.au)
Cc: [REDACTED]
Subject: Submission re Crime and Misconduct and Other Legislation Amendment Bill 2014
Date: Tuesday, 25 March 2014 10:05:32 AM

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The Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam,

Section 36(1) states people can complain to the Commission. It also states people can complain to others – for e.g. CEO's of UPA's.

36 Complaining about misconduct

(1) A person may complain about, or give information or matter involving, misconduct to the commission.

(2) Subsection (1) does not limit to whom a person can complain about misconduct.

Examples—

1 A person may complain directly to the commissioner of police about misconduct.

2 A person may complain directly to the chief executive of a government department about misconduct happening within the department.

Proposed new ss(3) appears to say all complaints to the Commission will be required to be via Stat Dec's however this requirement for Stat Dec's does not apply to people seeking to complain to others for e.g. CEO's of UPA's.

It is highly likely most complaints about corrupt conduct tend to be made to UPA's directly and if the legislature now views the requirement of introducing Statutory Declarations as a useful tool to

a. reduce nuisance complaints and

b. possibly improve the ability to prosecute those who make false claims,

then as I think ss(3) would better read as

“.. If a person elects to complain to either the commission, or someone other than the commission, then the complaint must be made by statutory declaration unless the commission or other person receiving the complaint decides, because of exceptional circumstances, that it need not be made by statutory declaration.

Examples of exceptional circumstances—

the person making the complaint—

- *fears retaliation for making the complaint in relation to the person's employment, property, personal safety or well being*
- *is illiterate, or not literate in English*
- *has a disability or impairment that affects the person's ability to make the complaint by statutory declaration...*”

I do work in the area of fraud and corruption prevention with a large Council and this role includes receiving and managing complaints and public interest disclosures, however I make this submission not on my employers behalf but as a private citizen.