

Mr Ian Berry MP  
Chairperson  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Berry

I wish to respond to the opportunity to comment on aspects of the *Crime and Misconduct and Other Legislation Amendment Bill 2014*.

1. The reform of the misconduct function so that the newly named Crime and Corruption Commission (CCC) focuses on serious cases of corruption is commendable. For too long the proper administrative functions of government departments have been hamstrung by the involvement of the Crime and Misconduct Commission in the investigation of matters of official misconduct.
2. No justification is provided for the 'reform' creating the office of Chief Executive Officer. The result is that taxpayers will foot the bill for two expensive, full-time officers to manage the CCC. In the absence of clear reasons justifying it, this change should not be supported. If this amendment is to proceed, consideration should be given to requiring legal qualifications for the CEO and making the Chairperson part-time.
3. The proposal to remove the requirement for bipartisan support for the appointment of Commissioners and senior officers is repugnant. The CCC has an extremely difficult and sensitive role to undertake which may require the investigation of members of government. For it to do so in a way that will be seen to be fair by the community, bipartisan support for these appointments is essential. These amendments—they are not reforms—fail a fundamental public test of justice: that it is both done and seen to be done. Given the proclivity of governments of all persuasions to make partisan appointments, these amendments are likely to result in long-term damage to the CCC. They should not be supported.
4. The latter two changes identified above are no more than ways for the executive government to increase its capacity to control the Commission and should not be supported.
5. Limiting the Commission's research function to matters generally approved by the Minister is a further step in increasing the capacity for the executive government to control the CCC. It should not be supported.

6. The inclusion of new section 219A in the *Public Service Act 2008* is, in my view, unnecessary; the equivalent of using a sledgehammer to crack a peanut. I acknowledge that others will disagree, but using legislation to achieve what could easily be done by administrative action is superfluous. Further the reliance on an unseen future Australian Standards is risky. Today's legislators have no way of knowing what future standards may contain. I have experience in workplace health and safety where, from time to time, the need to comply with Australian Standards has imposed an unnecessary burden on business. The likely outcome of this amendment is that even more departmental staff will be distracted from the task of actually delivering services to the community.
  
7. Finally, the change in nomenclature from Chairperson to Chairman is petty and will achieve nothing more than aggravating a sector of the community.

In summary, those changes to the legislation that increase the capacity of a government to act in ways that constrain the independence of the CCC should be rejected by the Parliament. The proposed section 219A of the *Public Service Act 2008* is too heavy handed and should be also be rejected.

Thank you for the opportunity to provide comment.

Yours sincerely

A handwritten signature in blue ink that reads "George O'Farrell". The signature is written in a cursive, flowing style.

**George O'Farrell**

10 April 2014