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# **PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE**

## **Members present:**

Hon. ML Furner MP—Chair  
Hon. SM Fentiman MP  
Mr MA Hunt MP  
Mr JJ McDonald MP  
Ms JC Pugh MP  
Mr RA Stevens MP  
Hon. AJ Stoker MP

## **Staff present:**

Ms L Manderson—Committee Secretary  
Ms M Lyons—Assistant Committee Secretary

## **REVIEW OF THE CRIME AND CORRUPTION COMMISSION'S ACTIVITIES**

### **TRANSCRIPT OF PROCEEDINGS**

**Monday, 16 February 2026**

**Brisbane**

## MONDAY, 16 FEBRUARY 2026

### **The committee met at 8.59 am.**

**CHAIR:** Good morning. I am Mark Furner, member for Ferny Grove and chair of the committee. Joining me on the committee are the Hon. Amanda Stoker, member for Oodgeroo and deputy chair; Mr Marty Hunt, member for Nicklin; Mr Jim McDonald, member for Lockyer; Ms Jess Pugh, member for Mount Ommaney; Mr Ray Stevens, member for Mermaid Beach; and the Hon. Shannon Fentiman, member for Waterford, who is participating in today's proceedings as a substitute for the member for Gladstone, the Hon. Glenn Butcher.

I would like to respectfully acknowledge the traditional owners of the lands on which we meet today and pay our respects to elders past, present and emerging. Section 292(1) (f) of the Crime and Corruption Act 2001 provides that the committee must, on a five-yearly basis, review the activities of the Crime and Corruption Commission and report to the parliament about any action that should be taken in relation to the act or the functions, powers and operations of the Crime and Corruption Commission. The committee commenced its review on 16 June 2025 and must report to the parliament on the review by 30 June 2026. In undertaking the review, the committee is examining the Crime and Corruption Commission's overall performance over the last five years and considering its jurisdiction, responsibilities, functions and powers.

The purpose of today's proceedings is to enable the committee to further discuss with stakeholders some of the issues raised in their submissions to the review. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath but I remind witnesses that intentionally misleading the committee is a serious offence. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. As parliamentary proceedings under the standing orders, any person may be excluded from the hearing at the discretion of the chair or by order of the committee. Please also note that, although the hearing is a public hearing, confidentiality requirements of standing order 211(A) still apply. This is particularly relevant in relation to any individual complaints or correspondence with the committee about individual matters which have not been authorised for public disclosure.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. I ask everyone participating in today proceedings to ensure they turn their microphone on before speaking and off once they have finished to ensure they can be heard clearly and the proceedings are accurately captured for broadcast and transcription purposes. Media may be present and will be subject to the chair's discretion at all times. Media rules endorsed by the committee are available from committee staff. All those present today should also note that it is possible you may be filmed or photographed by media during the proceedings and images may also appear on the parliamentary website or social media pages. Before we proceed, I ask everyone to please turn their mobile phones off or switch them to silent. Before I welcome the witnesses I would like to declare a conflict of interest. I know Mr Shane Prior, general president of the union.

### **PRIOR, Mr Shane, General President, Queensland Police Union of Employees**

### **SCHMIDT, Mr Troy, Barrister, Queensland Police Union of Employees**

**CHAIR:** Good morning. I invite you to make a brief opening statement of not more than five minutes, after which the committee will have questions of you.

**Mr Prior:** Thank you, Chair and committee members, for the opportunity to address you on behalf of the Queensland Police Union about our submission on the five-year review of the Crime and Corruption Act. The Queensland Police Union's position is clear: the Crime and Corruption Commission in its current form as a standing royal commission is an outdated model. While the 1980s and early 1990s required a specific response to the challenges of that era, the governance and integrity frameworks of today bear no resemblance to those dark days. It is time for our primary integrity body to evolve. Queensland is no longer the moonlight state, and has not been so for nearly 40 years. Our submission argues for a fundamental restructure to refocus the commission on its core mandate—that is, being dedicated to anti-corruption.

Currently, the CCC is burdened by ancillary functions—major crime investigation, witness protection and academic research. These functions dilute its purpose and represent a misallocation of taxpayer funds. Specifically, we recommend abolishing the CCC's crime function, because this work is already largely performed by seconded police officers. It should be taken back to the Queensland Police Service crime command under an independent crime commissioner or assistant commissioner. We recommend transferring witness protection, because this is a specialist police capability that logically belongs to the Queensland Police Service, and reallocating research, because the CCC is not the appropriate body to conduct impartial research into policing.

We propose establishing an independent, university-based public policy research centre to ensure true academic independence. The Queensland Police Union is aware such centres already exist at Griffith University and a partnership with them would lead to better law enforcement policy. We recommend reforming the corruption function.

We advocate for the CCC's corruption function to operate on a principle of devolution. Direct intervention should be limited to egregious circumstances such as systematic or executive level corruption or matters exceeding a department's internal capacity. The current framework allows the CCC to become involved in minor disciplinary matters. The misapplication of resources leads to protracted delays, often leaving officers in career uncertainty for years while they await the outcome of CCC reviews in QCAT.

Finally, we have identified critical legislative deficiencies that require urgent amendment. For example, in section 15 of the act we must reassert the element of dishonest intent in the definition of corrupt conduct to ensure actions without malicious motive are not unfairly classified. This does not mean negligent or reckless behaviours would not be appropriately addressed as misconduct, it simply means such behaviours would not attract the stigma of corrupt conduct.

In section 16 we propose a three-year statutory limitation period for initiating proceedings. The current unlimited retrospective application is contrary to the principles of natural justice. In section 60 we recommend coercively obtained information should be restricted to the specific purpose for which it was acquired, rather than being used broadly across all CCC functions. Additionally, with regard to false complaints, our position is there must be a commitment to vigorously prosecuting those who make these malicious and vexatious complaints. These complaints derail careers and place immense stress on our members.

In conclusion, the QPU advocates for strategic reform to ensure the CCC is positioned as a specialised, high-level oversight body. This will empower department leaders to manage their own staff while ensuring public funds are used efficiently. Thank you, Chair, and I welcome any questions to myself and Mr Schmidt.

**CHAIR:** In your submission in relation section 15, the amendment to insert a dishonest intent, can you provide the committee with some examples of where that may have occurred, please?

**Mr Schmidt:** If I could answer that, Chair. It used to be the case that dishonest intent was, in fact, an element for corrupt conduct. That was repealed a number of years ago. The problem that the Police Union has with it at the moment is that it will capture any sort of conduct which is not necessarily intentional conduct. The union's position is if you are wanting to engage in corrupt conduct that is a positive mindset, it is not something you do as a consequence of negligence or as a consequence of recklessness. Conduct which is reckless or negligent can still be captured under the definition of misconduct and it can still be appropriately punished, it simply means that it is not classified as corrupt conduct unless the person who is doing it is intentionally trying to deceive. Examples would be misuse of public funds, tampering with a budget, claiming overtime for matters that you have not worked, conflicts of interest such as making sure that a friend of yours received contracts to supply without disclosing that, and that sort of behaviour.

**CHAIR:** How many police may have been captured under this lack of having a definition of dishonest intent?

**Mr Schmidt:** At this stage, I am aware of, I believe, two people who have been prosecuted for it and my understanding is that only one of them has actually been convicted effectively. It is a prosecution that is effectively a civil prosecution in QCAT. However, given the wide remit of it, it is the union's position that it is simply too wide and it does capture people who are acting not innocently, but negligently or recklessly.

**CHAIR:** Section 16 in your submission is seeking an amendment to provide a statute of limitations. I am familiar with other acts having statutes of limitations. You are suggesting three years. Have there been examples—please provide the numbers if you are aware—of officers who have been disadvantaged by this currently with the present act?

**Mr Schmidt:** I cannot give you numbers because effectively corrupt conduct prosecutions are fairly rare, which is a good thing as far as our members are concerned because it means that they are not engaging in deliberate misconduct. However, as it presently stands, a perpetrator could commit corrupt conduct early on in their career that may not come to light for 20 something years, and in that time they have reformed themselves and they are a valuable member of the Public Service. They are still open to prosecution in relation to that. What we are proposing is that there be a three-year limitation for the last act which constitutes an element. If you do one act which is an element of the offence within the three-year period then proceedings can be commenced. It is simply about giving natural justice and ensuring that people are actually able to answer a charge. The problem with historic offending is that witnesses disappear, sometimes they die, evidence is lost et cetera. It puts a person at a real disadvantage in terms of trying to defend themselves.

**Mrs STOKER:** If I might clarify something in relation to the line of questioning that was just engaged in. You have talked in your submission about the need for there to be dishonest intent. There already is, in section 15(1) (b) (i), a reference to conduct that is not honest. Am I right to understand that you want there to be, in effect, a measure of a dishonest mindset that applies also to (ii) and (iii)?

**Mr Schmidt:** Yes, that is correct.

**Mrs STOKER:** I wanted to clarify that before I go on to the question I was hoping to ask. I noted in your submission that you are advocating for the management of witness protection matters to come out of the CCC. What would you have done with those matters?

**Mr Schmidt:** In essence, the witness protection function is actually supplied by seconded police officers. It is police who are already doing this. The reason that we say it should come back to the service is that it is a police duty. Most other jurisdictions have it vested in their police force. The Australian Federal Police, for example, provide witness protection functions. The reason historically that the then Crime and Justice Commission took on the witness protection function was because of the issues around the Fitzgerald inquiry and obviously police officers having to give evidence against other police officers and there was a potential conflict. That no longer exists. We say restoring witness protection officers back to the Police Service is the appropriate step. There also becomes problems in terms of the secondment. The CCC can actually revoke a person's secondment effectively at its whim. There are no real review rights to that. We will have officers who have been specialist witness protection officers for some 20-odd years, they do not have real experience anymore or current experience in terms of other areas of policing. In instances where that secondment is then revoked, they suddenly fall into a nether region. They effectively go back to the service. They have no place to go. They have no skill set. They have to be retrained. They can no longer perform the functions that they are actually properly trained for.

**Mrs STOKER:** Could some of those risks be managed with better arrangements around their permanency rather than by taking away the institutional protection against Fitzgerald-era-like problems occurring again?

**Mr Schmidt:** I do not think putting them back to the service would actually affect that simply because there was a real reason for them to be with the CJC at that time. However, we have the Ethical Standards Command, which is effectively an independent body within the QPS. It has a proven track record of properly investigating and prosecuting police officers for misconduct and for criminal offences. In fact, I would suggest that their track record is significantly better when it comes to getting successful prosecutions for criminal activity than the CCC's is. Placing the witness protection function under the command of the assistant commissioner of ethical standards would certainly be something which would ensure that those officers remain separate and that there is a high level of integrity in relation to them and less risk, I suppose.

**Ms PUGH:** How did you select three years for the statute of limitations, being that that is even less than a term of parliament now?

**Mr Schmidt:** As you would probably be aware, most simple offences and breaches of duty have a 12-month limitation. Some of those are extended to three years—some of the things under the Transport Operations (Road Use Management) Act, for example. We have effectively taken that three-year period as being an appropriate period, although obviously if such an amendment was considered it would be something for the government of the day to consider. We say three years is long enough to catch most conduct that would be problematic.

**Ms PUGH:** Regarding the aspects of your submission that go to false complaints and obviously you are calling for more if not prosecutions then certainly investigations and pursuit of those false complaints, could you give any examples or would you like to expand on that aspect of your submission?

**Mr Schmidt:** There are really no examples of prosecutions for false complaints and that is the exact problem.

**Ms PUGH:** That is where I am going. Can you provide examples of where that might have been beneficial?

**Mr Schmidt:** I probably cannot without committing an offence. However, can I speak generally? There seems to be a philosophy with not just the CCC but also Ethical Standards Command that prosecuting people for making malicious complaints is going to stop other people coming forward and reporting misconduct and serious corruption. We say that that is just wrong because members of the public know the difference between making a complaint and making a genuine complaint and making a complaint to be malicious. For example, if I were a police officer and I arrested somebody for drug trafficking and that person decided to make complaints about me and about my integrity because they want to undermine the prosecution against them, that is the sort of thing that we say should be subject to criminal charges. It is malicious complaints of that nature, not some poor individual who believes that the police have wronged them for a particular reason. You will see people, unfortunately, with mental health issues and so forth come forward. Obviously there is no public interest in actually prosecuting those individuals. However, people who are setting out to make malicious complaints to further their own defence in a criminal matter, for example, are people who should be prosecuted for making those sorts of complaints.

**Ms PUGH:** Thank you for clarifying that.

**Mr STEVENS:** In terms of section 60 of the Crime and Corruption Act, your submission recommends that coercively obtained information be used specifically for that purpose and not used for other prosecutions. What is the justification for and examples of that particular request? Wouldn't it be a good thing if coercively obtained information, even though it was not specific to that particular problem, led to other criminal activity being prosecuted?

**Mr Schmidt:** We are not saying that it should not be used for other criminal activity. We are saying matters that are seized under a search warrant, for example, for a crime should not be used in the discipline arena and vice versa. There is a very good reason for that. A number of years ago, the Supreme Court made a ruling in a case called *Flori* that effectively says that compulsory powers exist for a particular purpose and they should only be used for that particular purpose. Section 60 in the CCC Act effectively overrides that and lets the CCC use it for any purposes at all. Where it becomes even trickier is that the CCC is able to actually provide information to departments so it could arguably—I do not believe it has ever done so—use section 60 to inform itself to move around the decision in *Flori*. *Flori* was an instance where a search warrant was executed to obtain evidence. A decision was made not to criminally charge but to go down the discipline line. The Supreme Court was called upon to rule the admissibility of that evidence which was obtained under the search warrant and it said that it cannot be used. As a consequence of that, criminal charges were then filed and later dismissed.

It is a very important issue because effectively it allows the use of compulsive powers in circumstances where you would not otherwise be able to use them and it really opens the door for potential noble-cause corruption. For example, if I am investigating misconduct which is not a criminal offence and I need to search your House to obtain evidence of that, I can do up a dodgy search warrant and say that I am investigating some sort of crime for the purpose of actually obtaining that information solely for the purposes of misusing it for a disciplinary investigation as opposed to a criminal investigation. That is the reasoning behind it.

I should also put on the record that I am aware that the former chair, when this amendment first came in, wrote to the committee after the Police Union gave evidence and indicated that the CCC would not use section 60 in the way that I have just described. Certainly to the best of my knowledge it never has. The fact is that it is still there and it is a legislated provision that somebody in the future might decide to use. It really is opening the door for potential noble-cause corruption.

**Mr McDONALD:** At the outset, I must say that I was a member of the Police Service from 1985 to 2017 when I was elected to parliament and I was a member of the union during that time. On page 3 of your submission you talk about reforming the core corruption function. In the second paragraph you say that the CCC have become involved in minor disciplinary matters. In my experience, the CCC devolves those already. There might be an investigation around something that touches on that and looking for further things, but is that a systemic problem or are they isolated incidents?

**Mr Schmidt:** What we are really talking about there is the review power that the CCC holds. The current set-up under part 7 of the Police Service Administration Act is that a senior police officer, usually at the rank of assistant commissioner or chief superintendent—the assistant commissioner has the power to dismiss; the chief superintendent cannot dismiss but can demote—will actually impose a sanction in relation to some form of misconduct by a police officer. The CCC then have a right to review that to QCAT. I have matters in QCAT that have been listed for over 12 months and some are approaching the two-year mark. That is not a criticism of QCAT. It is a very busy tribunal and I appreciate that. Obviously, we want them to take the time to actually get the matters right.

However, where a police officer receives a sanction and that sanction is, for example, a fine or a period of community service or something of that nature and the CCC comes in and tries to tamper with that and simply increase the fine or increase the amount of community service, we say that is a complete waste of resources. The onus is upon the Commissioner of Police to make sure that he or she properly discharges their obligations under the Police Service Administration Act, which includes disciplining members of the Police Force. If there is an instance where differing minds come to a different conclusion, we deal with that every day. If there are systemic issues where the commissioner is not ensuring that there are appropriate standards being held then that is something that the CCC should be investigating and they should be investigating the commissioner for that, not going after a particular police officer and putting their career effectively on hold while it drags through QCAT. That is our issue.

**Mr McDONALD:** Could you give us some examples of that or some case studies that do not identify anybody?

**Mr Schmidt:** I probably can but I would prefer, if possible, to perhaps answer that in writing afterwards, to make sure that I do not disclose anything that I am not allowed to disclose.

**Mr McDONALD:** I would be happy with that, Chair.

**CHAIR:** Would you be happy to do that in camera or would you prefer to take it as a question on notice?

**Mr Schmidt:** As a question on notice is probably better because then I can actually make sure that I have exact details.

**CHAIR:** Thank you.

**Mr HUNT:** I too was a member of the Police Union during my 33 years of service with the police. I refer to your comments that we are not the moonlight state anymore and things have moved on and about the outdatedness of what you say is the current model. Are you aware of the CCC's fairly recent public perception survey around corruption, which shows a widespread public perception at least—whether it is the reality or not is a different thing—of high levels of corruption right across the Public Service and those sorts of things? Is the union aware of any police specific research or something that would show public confidence that would warrant devolving the CCC of some of these things that you are talking about? Are you aware, in an atmosphere of that high public perception plus CCC reports indicating increasing complaints to them, that in the eyes of the public it is not necessarily getting better?

**Mr Schmidt:** I am privy to an email that Commissioner Gollschewski sent out only a couple of days ago—it might have been a week or two—where he is actually talking about complaints against police officers. I do not have that email with me unfortunately, but I do recall that there were some significant drops in the number of complaints that were being made. I am always hesitant when we talk about public perception because it depends on who you ask and whether those people actually have any real interplay or interaction. I would suggest asking victims of crime what their perceptions are. I think the figures there would be somewhat different.

The union are not calling to remove corruption as a significant safeguard or the corruption watchdog as a significant safeguard to our community. We say that that absolutely needs to exist. We simply say that there are better ways of doing it. Certainly, we are advocating for the CCC retaining its corruption powers and its oversight powers. The powers that we are saying should be moved are things such as the major crime powers, again because it is really performed by police officers. If we go back to Fitzgerald, one of the real problems with places like the licensing squad was that you actually had police officers who had the power to do certain things and investigate crime on the one hand and then we had the police board and the complaints tribunal, whatever it was called at the time, which was also staffed by police officers and they were all interplaying with each other. It is a real corruption risk, in my view.

We certainly are not advocating for anything that would reduce public trust in our institutions. In fact, we are actually saying that the CCC should be strengthened in that regard. By removing these other functions from them you are actually allowing them to concentrate on their core function which is making sure there is no more corruption in this state.

**Mr HUNT:** Thank you; good answer.

**CHAIR:** I will follow on from that line of questioning. In terms of the removal or the abolition of the crime function of the CCC and divesting that back into the QPS, how many seconded police would be in that role if that was to come about?

**Mr Prior:** Chair, we could not give you the exact figures. We are thinking about 100 police officers are probably seconded down there and I would not say that they are evenly split between the crime and corruption functionality. Again, we could probably address that on questions on notice as well.

**CHAIR:** I appreciate that. Would it be the case, if that came about, that there would be a new unit created or would it be investing or inserting those officers back into the functions and the units currently within the QPS?

**Mr Prior:** We would have to look at what that would look like, but just remember that down the road at 200 Roma Street there is already functions of major crime investigation anyway. I would like to see those officers go back into those respective areas with, might I add, the capability to go with it so that they can do their job that they do every day. In terms of witness protection, there would very likely have to be a new area set-up in order to ensure that functionality was available. That said, I know dignitary protection also operates out of the Queensland Police Service and they operate a very similar function as would witness protection.

**CHAIR:** Mr Prior, last week you were on record in the media criticising the current government about changes to youth justice laws, suggesting that that diminishes the core role or the roles of police away from their functions. Is this just another attempt to fill the ranks in the QPS that, in your opinion, are lacking?

**Mr Prior:** No, not at all. As I said in my statement at the beginning, it is time for this model to evolve. This is not the era of the 1980s and 1990s. The system was specifically developed for that and we have come to a point now where we need to evolve from that. We think we are in a position now where those functions can be returned back to the Queensland Police Service and that the Crime and Corruption Commission would focus solely on dealing with corruption matters.

**Ms FENTIMAN:** I note that pretty much in the majority of other submissions, a lot of submitters are calling for the police integrity unit, which was part of the Richards commission of inquiry, to be established. I note that the Queensland Police Union is on the record as not supporting that. Do you want to address some of the submissions that other submitters have made about this? I think it would help the committee in its deliberations.

**Mr Schmidt:** I can say that, since Mr Prior took over as General President of the Police Union, the Police Union now supports that model. I have had personal discussions with the chair of the CCC in relation to it. We see some issues in terms of how that would be set up, but that is from, I suppose, the perspective of where you are going to attract the necessary staff from. Obviously, if we are going to have an independent integrity body or independent investigators we cannot really have them come from the Queensland Police Service. So that is an issue, but I am aware that other jurisdictions do it. I am aware that there are officers from other police forces that are seconded or, alternatively, take a leave of absence and work for the CCC in that sort of role. I am aware that a lot of other government departments have civilian investigators, though admittedly a lot of them are retired or former police officers from Queensland. As far as that model goes, we see a real benefit in it, provided it is used for the appropriate matters. They should not be investigating whether or not an officer has dirty shoes, but they absolutely should be investigating if somebody is stealing drugs out of the property office and then trafficking them.

**Ms FENTIMAN:** Just a quick follow-on, finding civilian investigators obviously has been a challenge for the CCC following on from the recommendations from Fitzgerald 2.0. Have you seen some positive change in how the CCC use civilian investigators? I would be very interested in your views given that that is a big challenge for this potential unit if it is established and trying to find more civilian investigators and more broadly any thoughts you have about how other states are doing that well or anything that you have seen done well in Queensland.

**Mr Schmidt:** Most of the civilian investigators that I have had dealings with have been former police officers from Queensland. I can think of two notable exceptions who have come from interstate and I believe one from the UK, but I could be wrong on that. They certainly bring valuable knowledge and experience, though I think it comes down to how much experience they have. There are very few careers that you can get investigative experience from outside of the police, and that is the difficulty. It might be the case that if that model goes ahead maybe former police officers who subsequently move on to—I do not know—Fair Trading, for example, and do a stint in Fair Trading and have been disassociated from the police force itself for a period of, say, five years or 10 years could do it, because it is really about making sure that there is no case of police investigating their mates, and that is really the idea behind this model. If you have given up for that period of time, there is a good chance that any sorts of friendships are no longer in play.

**Ms PUGH:** Following on from the member for Waterford's question, obviously the structure that you are proposing for the CCC moving forward is significantly different to what we have now. Would you be able to provide any examples of any other state or federal anti-corruption bodies that have a similar structure or have aligned or realigned in this way?

**Mr Schmidt:** I would suggest the federal system has a new body, but the name has jumped out of my mind at the moment. They have recently introduced an integrity body for public sector corruption which solely looks after public sector corruption. I should make it clear that when we are talking about corruption I am not just talking about misconduct; the union is saying that the CCC should still be able to prosecute for criminal offences. If they are investigating corrupt activity and as a consequence of that they find that somebody, using the example before, is stealing drugs and then selling them, they should absolutely be able to prosecute for that. We are simply saying that they should not be investigating organised crime which is involving bikies and not the police or the public sector. We are saying that that is a policing function, not a CCC function.

**Mr McDONALD:** Gents, in your submission you have recommended the research function be publicly funded and located at a university. Can you talk to us about the rationale of that, particularly in light of the immediacy facing law enforcement agencies around particular issues and the nuances around those law enforcement challenges? Arguably, if that research function was in a university then that would be lost.

**Mr Prior:** I can only point to a recent example that the union is currently engaged in with Dr Jacqueline Drew around mental wellbeing for police. She comes with a wealth of experience and is also from Griffith University. These particular functions are something that they invest in significantly and we think that you will get better outcomes by those kinds of organisations doing the research as opposed to the Crime and Corruption Commission.

**Mr STEVENS:** My question is to Mr Prior as the union boss. You have mentioned that most of the investigators on these crimes are police or former police or seconded police. My understanding is that they get paid more in the CCC for their job than they do as a normal funding issue in the police force. Why would you be looking to bring union members back under a less paid occupation than they currently get at the CCC?

**Mr Prior:** But I do not think they are paid more, I am afraid. They go on what you would call a non-operational, so they lose their operational shift allowance. Essentially, a police officer who is required to work shifts gets 21 per cent of their wage. To go to the CCC, they lose that 21 per cent because they are then working Monday to Friday from eight to four. In terms of any overtime arrangements, that is an ad hoc basis and I would expect if a job required them to work more hours than the work day then you would be paid overtime. Similarly, those who work around the state in investigative units are also paid overtime on top of their operating shift allowance, so I am unaware of any extra money that they do get other than overtime, so they do not attract an allowance as such, if that is the suggestion?

**Mr STEVENS:** No, the suggestion was that the inducement to move as a policeman to crime investigation for the CCC was partly because it pays more money and also works less hours, as you have just mentioned, from Monday to Friday, so why would they move otherwise?

**Mr Prior:** Again just to answer that question, the position down there does not attract an individual allowance. I know that that is an allowance that that group has been seeking for some time because of the money that they do lose in their pay packets for losing the operational shift allowance. That said, as of right now, there is no allowance that is attracted by a CCC investigator. More often than not they are coming from an operational setting, meaning they have to at least do two to three shift rosters before they go down to the CCC, so straight off the bat they are losing 21 per cent of their wage.

**Mr STEVENS:** So there is no financial advantage for a serving police officer in the crime area going to the CCC?

**Mr Prior:** I would say no to that, unless they are getting paid overtime, but all police officers in Queensland get paid overtime. If you work above and beyond your nominated shift, you will absolutely get paid overtime and similarly down the road at the CCC. I just reiterate that there is no allowance payable to any CCC investigator and more often than not if an investigator is leaving from a particular area in the state they are probably attracting a 21 per cent allowance for doing shifts. Yes, at the CCC they do not have to do shifts; they only have to do Monday to Friday from eight to four.

**Mr HUNT:** I want to go back to when we were discussing different models of investigation. The comment was made that we do not want mates investigating mates. I just wanted to revisit that comment because perception is important. I do not want anyone reading this transcript to think that that is the current situation—that is, in whatever role as an investigator you are working, if you receive a file for a friend of yours it is not appropriate for you to investigate that file regardless. Could we make that clear?

**Mr Schmidt:** Thank you very much for clarifying that. That is 100 per cent correct. In fact, it would be misconduct, so the investigator would have to declare that and obviously not be involved in that investigation. I used the phrase because it is commonly used in the public and as a justification for having an independent police investigation unit. It is usually Caesar judging Caesar, I think is the term.

**Mr HUNT:** Yes, so I just wanted to make that clear, because it is not currently the situation that mates are investigating mates under whatever model we have—Ethical Standards, the CCC, any other proposed model. That perception is incorrect.

**Mr Schmidt:** Absolutely incorrect.

**CHAIR:** As there are no further questions, the committee thanks you for your appearance here today and your submission. The committee has given you some homework, and that is to provide questions on notice by Friday, 27 February 2026. I look forward to those. Once again, thank you for your appearance here today.

**Mr Prior:** Thank you, Chair. Thank you to the committee.

**CHAIR:** The committee will now have a brief adjournment to set up the videoconferencing for the next witness, who is appearing online.

**Proceedings suspended from 9.39 am to 9.44 am.**

**PARTLETT, Association Professor William, Stephen Charles Fellow, Centre for Public Integrity (via videoconference)**

**CHAIR:** Good morning and thank you for joining us. I invite you to make an opening statement after which committee members will have some questions of you.

**Prof. Partlett:** Thanks for inviting me. It is a pleasure to be here. I am an Associate Professor at the University of Melbourne Law School focusing on institutional structures and particularly anti-corruption commissions. My work at the Centre for Public Integrity as a Stephen Charles Fellow is specifically looking at the history and development of anti-corruption oversight across Australia since the late 1980s, when anti-corruption institutions were set up for the first time in Queensland and New South Wales.

This work and my research shows something that will not be a surprise to you as a committee that Australian anti-corruption oversight has traditionally been much broader than just a narrow focus on criminal conduct. This includes a focus on serious and systemic misuse of power by those in public office or those interacting with public officials. This is sometimes known as soft, or grey, corruption and the oversight committees and the CCC look into this type of misuse of public power or resources that is not criminal at times. Of course, there are limitations on what these non-criminal forms of grey, or soft, corruption can be. They are normally conduct warranting some sort of dismissal or serious disciplinary breaches or breaches of applicable codes of conduct.

In that regard, the way that the Centre for Public Integrity and my research has understood anti-corruption commissions like the CCC is that they were established in the late 1980s and they still continue to operate as a way for parliament to carry out its traditional role in a Westminster system of overseeing the executive and overseeing the exercise of public power and, as part of that, restoring or safeguarding trust and public confidence in the exercise of public power. This is what we call the idea of responsible government. In many ways these anti-corruption commissions like the CCC are themselves agents of parliament in ensuring responsible government.

This explains why anti-corruption oversight in the Australian tradition has never really just been about investigating and prosecuting criminal conduct; it was broader than that: systemic and broader issues that can involve criminal conduct in public office but sometimes involve non-criminal conduct as well. The High Court in the early 1990s described this power in reference to the New South Wales ICAC as largely focusing on investigation, reporting and referral of criminal conduct to the relevant authorities, if necessary, all of which is to enlist and foster public support of public administration and to restore this.

Of course, the Queensland CCC came out of this tradition and it continues to operate in this tradition. The focus of the Criminal Justice Act all the way back in 1989 which created the CJC at the time was to focus on—they did not use the word corruption, they said official misconduct and to advise and report to parliament on this. Official misconduct was used in the Fitzgerald inquiry 1.0 as a term to refer to either the failure to properly perform, or the abuse of, public office and authority, so it was quite broad. It said sometimes it would involve the commission of serious criminal offences but not always. If we look at the development of the CCC—and for this I rely on the work of Tim Prenzler and Janet Ransley, whom I know have also made a submission to this committee—over time this broader focus, particularly on integrity oversight, has to some extent been eroded. The submission we make—and they are a set of submissions based on one purpose, which is for the committee to consider recommending amendments to the CCC Act to make the corruption and integrity purpose clearer.

I do note that, as the committee will be well aware, the High Court has recently made an interpretation of the CCC Act in the Carne case involving the former public trustee Peter Carne whereby the High Court actually came to quite a narrow conclusion about the reporting powers of the CCC. I think this interpretation reflects some of the ways in which this piece of legislation is drafted. We at the Centre for Public Integrity submit its intentions should be made clearer by adding in language in particular sections. The first set of changes we suggest are to section 5 of the CCC Act, the section entitled 'How Act's purposes are to be achieved'. In this regard we suggest that at the moment this section is currently heavily focused on the 'major crime' part of the commission's purpose in overseeing major crime and organised crime. We suggest including additional sections, making it clearer the extent to which the commission, in this case the CCC, is focused on reducing corruption more broadly and improving integrity in the public sector. This will, I think, help courts to interpret future cases involving the powers of the CCC and particularly the powers of the CCC that pertain to investigation and reporting in respect of its role in educating both parliament and the public about what it sees and its investigations show about potential misuses of public authority, public power and public money.

That is the first set of changes. The second is the additional changes to be made to part 3 that more clearly describe the corruption functions of the CCC. We suggest more explicit powers could be added in to carry out broad-based research and to educate public authorities on systemic issues that are potentially undermining integrity in public administration. One of the advantages that a specialised anti-corruption commission has in contrast with the police or others who have specialised prosecutorial agencies or investigative agencies is the ability to take a broader view so these types of powers of education specifically to the public administration units but also to the public be made more clear. That includes reporting powers. I know that the Queensland parliament has made significant change in the aftermath of the High Court case and we suggest potentially some additional changes in that regard.

Next—and this is something that I know you have discussed a little in the first session of these hearings—is to create a dedicated police oversight division within the CCC. This is, of course, something that was recommended in the Richards inquiry—the creation of a police integrity unit modelled on the ombudsman for Northern Ireland and that would be located within the CCC itself. This would deal with all complaints in relation to police. We have a proposal here that we suggest would be a good one.

Another option to further increase the ability—the more broader issue that we are focusing on, the integrity focus and the functions of the CCC—might be, if not creating a police integrity unit, as suggested by the 2022 Richards inquiry, to create a separate and standalone police oversight body. That is what happened in New South Wales whereby police oversight was transferred to the Law Enforcement Conduct Commission in 2016, so taken outside of the anti-corruption commission. There are additional potential ways of improving at least an area that I know those who have looked at this very closely, particularly Tim Prenzler and Janet Ransley, have seen as potentially an area that needs additional attention. I am happy to answer any questions on those submissions more broadly.

**CHAIR:** Firstly, in terms of your submission, you comment about having unnecessary ambiguity for officials in dealing with the legislative framework. Can you provide any examples of that other than what you have raised here in your opening statement?

**Prof. Partlett:** The ambiguities are not so much towards officials but to make it clearer to courts the particular purposes of the CCC with respect to integrity oversight—and particularly with respect, as you will be aware, to the CCC v Carne case whereby the High Court delivered quite a restrictive interpretation of the act and, in my view, an incorrect interpretation of the act. Our submission is that it would be clearer for courts and judges interpreting this provision for section 5 to include clearer language about what it requires for the CCC to carry out its integrity and corruption oversight functions. That includes the ability to report on issues to parliament and to the public as well as, we would suggest, education of public administration units and others with respect to systemic and serious issues. We are not talking here about paperclips and so forth; we are talking about serious and systemic issues that the CCC views as being important and has investigated that they can then make those known to the parliament and to the public. It is our view that the legislation itself could be made even clearer than it is with respect to those types of powers.

**Mrs STOKER:** Thank you very much for your presentation this morning. It sounds as though you saw the evidence that was given by the previous submitter in the Police Union and I wonder if I could get your take on something please. What is your response to the Police Union's submission that section 15 of the act should provide that the definition of corrupt conduct should require proof of dishonest intent for each of the different types of corrupt conduct it establishes?

**Prof. Partlett:** My personal view—and I have not discussed this with my colleagues at the Centre for Public Integrity—would be that is unnecessary; it would create an additional hurdle for the CCC to carry out its integrity and corruption oversight. It is already quite clearly laid out that there needs to be at least some intent in the first section. Adding an additional hurdle for the CCC in this case to actually engage in an investigation and make some kind of finding would, I think, undermine the broader purpose that parliament has created this CCC to do, which is obviously, as we submit in our submission, to help parliament oversee the executive—and, of course, the executive includes, in this case, the police—in their exercise of significant public authority. On that basis I would say it is unnecessary and it might actually limit the ability of the CCC to carry out its statutory purpose.

**Mrs STOKER:** Thank you very much for your answer.

**Ms FENTIMAN:** You mentioned in your presentation the importance of dedicated police oversight. It was really encouraging, I think, to hear from the Police Union earlier today that they now support a dedicated police oversight unit. Could you talk about why that is so critical? Obviously we

have had the Richards inquiry here in 2022 and, as you mention in your submission, New South Wales has moved to an independent police oversight unit and Victoria has recommendations. Why is this so important and why is it so critical that we establish such a unit here in Queensland?

**Prof. Partlett:** In Queensland my view on this is supported or drawn from the work of Tim Prenzler and Janet Ransley, who I presume will be testifying to you at some later stage in these committees, because they have written a significant amount on this topic. Particularly the point they make, which is a broader point that I see comparatively across Australian jurisdictions, is the need for civilian oversight of police and police misconduct and potential serious and systemic corruption within the police. There has been, at least in their work in the Queensland context—and we have seen this in other contexts and we are seeing this in Victoria as well—to some extent a drift in the current model where you do not have a specialised integrity unit. It is a drift towards a little bit too much of an Internal Affairs style approach to oversight and not enough civilian control and civilian oversight, and I know that is something that was raised in the Richards report as well.

I was also pleased to hear that the Police Union are supporting this as well and they see this as a potential issue. It goes back to the broader submission that we make in this hearing and to this inquiry, which is that it would help the statutory purpose of the CCC in this regard as well by bringing in a more specialised police integrity unit. It has been a problem across, as you suggest, a number of different jurisdictions and each of them seem to be reaching for a solution and a specialised internalised one. I think this police integrity unit would be a good outcome for Queensland.

**Mr STEVENS:** Following on from the member for Waterford's question, professor, we have just been advised by the barrister for the Police Union that the Ethical Standards Command of the police force have had more successful prosecutions than the CCC has. I understand that the genesis for the CCC came through police corruption a long, long time ago. However, a dedicated function for police from the CCC that the union is supporting would obviously take further focus away from all of the other issues that the CCC has to deal with. Can you advise why in particular this dedicated unit would do a better job than the Ethical Standards Command do?

**Prof. Partlett:** Again, on this front—this is not just me; there are quite a few people who make this argument—the current system is not working particularly well and that there needs to be some form of reform. As we suggest in our submission, there are two ways: one would be a specialised police integrity unit, as suggested in the Richards report; another would be to take the New South Wales approach which is to take it completely out of the CCC altogether and make a standalone oversight body. I leave it to the discretion of the committee to decide which they think would be better. I think there is a relatively broad consensus, or at least amongst inquiries in recent years—and I can reference here the Coaldrake review as well—where there is concern about the current system of how the CCC is able to look into these issues, and that there are potential ways in which it can be improved.

To your other question, to the extent of creating a specialised unit within the CCC to look specifically at police integrity, that is something I think that actually would help in carrying out its broader overall issues because you would then have a specialised group rather than the current set-up as it is now.

I think there is quite a lot written, both inquiries as well as academic work, and again on this I refer the committee and the chair to the very detailed work of Tim Prenzler and Janet Ransley on this specific issue, where they have been writing about this for years, with respect to how there is a problem here that needs to be addressed. I am adding my voice to these others in saying that these are potential solutions that are being discussed elsewhere around Australia to a similar set of problems when you have the oversight of police by these types of anti-corruption commissions like the CCC.

**Mr STEVENS:** Professor, you mentioned there were examples currently where the CCC has not done a good job. Could you give us an example, please?

**Prof. Partlett:** The two examples I would use would be New South Wales and Victoria—

**Mr STEVENS:** Sorry, I am specifically talking about Queensland.

**Prof. Partlett:** In Queensland? No, I was not referring to—do you mean in terms of the—

**Mr STEVENS:** The CCC currently.

**Prof. Partlett:**—inquiries, the Coaldrake inquiry as well as the Roberts inquiry, where there has been discussion of this? Particularly on police oversight and some of the issues with that is the work of Tim Prenzler and Janet Ransley who have made a submission to this committee, who go into significant detail about where this is failing and how it can be improved.

**Mr HUNT:** Associate professor, drawing you back to your general comments around the parliament's responsibility to hold the executive to account and the CCC's reporting powers and how that assists the parliament in that respect—and certainly in the past we have seen reports suppressed and hidden by government, and noting your comments around welcoming the legislative reform of the current government in the reporting—could you expand on how you think that might be improved to what we have already done?

**Prof. Partlett:** Really the thrust of our submission is to say that the general idea of an anti-corruption commission like the CCC is that it is there to help parliament in holding the executive to account. Parliament often struggles in this role. The executive now is so multifaceted. I do not need to tell you that in multiple different ways it operates in a much more complex way than it did 100 years ago. It is much more difficult to hold to account and requires many more resources and much more energy to hold to account than it might have 100, 150 years ago. What we have seen in the overarching evolution of responsible government and parliament's role of holding the government to account has been the creation in Australia of anti-corruption commissions with significant reporting powers, as well as investigation powers, as well as education powers.

The CCC Act itself was somewhat deficient, I think, and needed some improvement. Obviously, the High Court judgement in the *Carne* case suggested that. I think they did get it wrong in the end, but, from reading it, it could be made much clearer that the reporting powers are specifically tied to the need for this institution to be able to report to both parliament and the public on its investigations, once they have been concluded, and make findings with respect to that. In many cases, the CCC has no authority to prosecute or to make a finding of criminal guilt—that is left to a court—but they certainly have the authority to reveal their investigations and engage in fact finding, and report those facts that they find to parliament and the public. Prior to the High Court case, I think it was quite unclear in the legislation that that was a key purpose of the CCC. It has been made clearer, I think, with the legislative amendments that were brought in after that case, by the current government, as you suggested, and they could be made clearer in particular by updating section 5 and looking at the actual objects of this act are to be carried out. It could be made clearer, that type of role that this institution that the CCC plays and that it was intended to play when it was created in 1989 and that it continues to play, which is to engage in investigation and reporting on issues of the misuse of power—what is defined in the CCC Act as corrupt conduct.

**CHAIR:** Associate professor, the committee has a submission before us with regard to amendments to section 16 of the act where it would provide a statute of limitations for the proceedings for corrupt conduct. Do you have a view on whether that is necessary?

**Prof. Partlett:** I do not think that is necessary, and I would suggest that in that case it is putting what I would describe as a criminal law overlay onto a process that is not about criminal accountability. It might be if there is a referral, but again that goes to the relevant authorities and so forth. Generally, we think that a lot of what the CCC is doing in its corruption oversight purpose is not itself engaging in any kind of criminal findings. They are instead engaging in investigations and they are then reporting facts to parliament when necessary; if they find evidence of criminal conduct, that they refer it to the relevant prosecutorial authorities and otherwise. I think adding that kind of overlay would undermine this broader purpose which is that the overarching purpose of the CCC, like other anti-corruption commissions in Australia, is to allow parliament to oversee the executive. Creating too many limitations on that can undermine that role, and we can leave these types of statutes of limitations to what we are dealing with when we actually have criminal prosecutions made by executive branch agents, like the prosecutorial branches and so forth.

**Mr McDONALD:** You mentioned earlier in your evidence the important role that civilian investigators play in these powers and duties. Do you know how many civilian investigators we already have in Queensland in terms of that concern that you have? My second question is with regard to the New South Wales separate investigation. I think that happened in 2016. Are there any lessons that have come from that that would be important for us?

**Prof. Partlett:** To your first question, no, I am not aware of the numbers of civilian investigators in the current Queensland system. Again, largely, in our submission, we are adding our voice to the work that has already been done. I suspect someone like Tim Prenzler or Janet Ransley would have much more to add to that very Queensland specific discussion.

To your second question, yes, I can certainly comment on that. There are two answers to the New South Wales example where they created an independent oversight committee or an oversight statutory body to oversee the police. First of all, I say that I think it has been quite successful and it has aided the ICAC in New South Wales—the Independent Commission Against Corruption—to really focus specifically on public administration, public sector corruption and corrupt conduct. Obviously, Brisbane

overseeing the police is a huge chunk of work for any what we call broad-based anti-corruption commission, like we have in Victoria here where I sit, or as you do in Queensland. Taking that type of oversight away from a CCC or an anti-corruption commission can free up that commission to be much more focused on one of its key purposes which is public administration, the public sector, and looking at high-level and systemic corruption in those areas. It can free up resources and so forth in that regard. That has been, to some extent, the experience and, first of all, the reason in New South Wales they created an independent oversight body because I think ICAC itself was struggling to manage all of the different competing demands on its resources. It made it clear when it was taken away from it that it would be focusing on particular types of things, particularly not on police corruption or police systemic misuse of power and so forth. I think it has been successful in that regard.

I know that it is something that Victoria now is looking at doing because there are issues with our Independent Broad-based Anti-corruption Commission here—IBAC—with respect to police oversight because of the amount of resources that it is taking, and it is creating sometimes confusion in the overarching purpose of the commission itself. I think there can be advantages to that model of taking it completely away from an anti-corruption commission, and New South Wales is, I think, a good example of where it has worked. You are right; it was 2016, so it has been in place for eight years now and it does appear to be working quite well.

**Ms FENTIMAN:** You probably saw the Queensland Police Union evidence. In their submission, they have some suggestions around section 60 which is about the use of coercively obtained information and limiting how that information can be used, and they talked about a Supreme Court decision in *Flori*. Do you have any views on restricting section 60 and the use of information obtained through coercive powers?

**Prof. Partlett:** I have not read their submission in exacting detail; I heard the discussion. On that, I can say that there are important limitations to be placed on the use of specialised coercive powers that anti-corruption commissions have in criminal proceedings, so that it is not being used as an end run around particular criminal law protections that individuals have. To that extent, I would agree with that submission that particularly coercive powers that are used, for instance, where they override someone's common law right not to incriminate themselves and compel testimony and these types of things, this is something that anti-corruption commissions can use and do use, but this type of evidence should not be passed into criminal prosecutions and become evidence used in that, because, of course, it is in that regard encroaching too far on individual rights, whether it is the rights of whoever is being investigated in that regard. I think, yes, for those types of limitations.

I would say that all of the anti-corruption commissions sat down two years ago and came up with a set of anti-corruption oversight principles, and one of those was use immunity provisions that protect individuals in criminal prosecutions against the use of these types of extraordinary coercive powers that could lead them to actual criminal prosecutions. To the extent to which that submission covers that type of issue, I would agree, and I think there is actually quite strong broad support amongst those who study anti-corruption commissions for that type of what we call use immunity provisions to be applied in those types of context where really extraordinary coercive powers were being used by these specialised anti-corruption commissions.

**CHAIR:** Thank you, associate professor. That draws the committee hearing today to a close. Thank you so much to all the other stakeholders who have participated today. Thank you to committee members. Thank you to the Hansard reporters and broadcast team. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public meeting of the committee's review of the Crime and Corruption Commission's activities closed.

**The committee adjourned at 10.16 am.**