

Review of the Crime and Corruption Commission's activities

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Queensland Police Union Submission

Review of the *Crime and Corruption Act 2001*

The Queensland Police Union (QPU) respectfully submits the Crime and Corruption Commission (CCC), in its current form as a standing Royal Commission, has become an outdated model for overseeing public sector integrity. The operational landscape of Queensland has been profoundly transformed since the Fitzgerald Inquiry, and the structure of our primary integrity body must evolve accordingly.

This submission does not advocate for the abolition of the CCC's anti-corruption function. Rather, it argues for a fundamental restructure to refocus the Commission on its core mandate as a dedicated anti-corruption body.

The QPU contends the inclusion of ancillary functions—namely major crime investigation, witness protection and academic research—dilutes the CCC's purpose, creates significant operational inefficiencies and represents a misallocation of taxpayer funds.

These functions are more appropriately and effectively housed within other specialised government agencies. It is the QPU's firm position widespread or systemic corruption does not infect any government department, least of all the Queensland Police Service (QPS). The governance and integrity frameworks of today bear no resemblance to the "dark days" of the 1980s, and our oversight bodies must reflect this modern reality.

Restructuring the Commission's Functions

The QPU proposes the CCC be divested of its crime, witness protection and research functions, allowing it to concentrate its considerable resources on its primary purpose as an anti-corruption watchdog.

The Crime Function

The current model, where the CCC's crime function is largely discharged by police officers on secondment, creates an unnecessary and costly duplication of roles, investigations and expenditure. This structure is inefficient and fails to leverage the extensive capabilities of the QPS's Crime Command. In reality, the CCC's crime



function is already performed by police; it is merely administered through a separate and less efficient bureaucracy.

A significant concern is the inherent conflict in a single body wielding extensive coercive powers for both serious crime investigation and public sector misconduct. This consolidation of power creates a tangible risk of overreach and misuse.

Recommendations:

- Abolish the CCC's crime function.
- Transfer these responsibilities to the QPS State Crime Command.
- Establish an independent Crime Commissioner within the QPS, vested with the coercive powers currently held by the CCC (such as convening investigative hearings). This Commissioner would operate independently of the Commissioner of Police, ensuring clear access to enhanced investigative powers for major crimes like murder, paedophilia, terrorism and organised crime, while eliminating the current duplication of effort between the CCC and QPS.

The Witness Protection Function

The witness protection function is a specialist police capability. It is currently staffed by seconded police officers and logically belongs within the QPS command structure.

Recommendation:

- Repatriate the witness protection function to the QPS, to be integrated within an appropriate area such as the Intelligence Command or Ethical Standards Command. Appropriate statutory safeguards for confidentiality can and should be imposed, regardless of which agency administers the programme.

The Research Function

The QPU submits the CCC is not the appropriate body to conduct impartial research into policing methods and powers. Its concurrent role as an investigative and prosecutorial body creates a clear potential for confirmation bias, which compromises the perceived and actual independence of its research findings.

Recommendation:



- Establish a government-funded, independent Public Policy Research Centre based at a Queensland university. Such an institution could provide impartial, peer-reviewed research and policy advice across a range of public matters—including, but not limited to, policing, environmental issues, and health strategies—thereby ensuring true academic and intellectual independence from government bodies.

Reforming the Core Corruption Function

While Directors-General are appointed with the full confidence of the Government to manage their departments, including internal discipline, the QPS is subject to an additional layer of oversight. The QPS has a robust, independent, and well-resourced internal investigation body, the Ethical Standards Command. Furthermore, the CCC already possesses extensive powers to oversee and direct these investigations, ensuring independent scrutiny.

The current framework, however, allows the CCC to become involved in minor disciplinary matters, which is a misapplication of the resources of a premier anti-corruption body. This also leads to considerable delays in finalising discipline matters; often resulting in an officer being stood down from duty, and thus unable to perform their primary role of protecting the Queensland community and preventing criminal activity.

Recommendation:

- The CCC's corruption function should operate on a principle of devolution. Its primary role ought to be one of high-level oversight.
- Direct CCC intervention should be limited to specific, egregious circumstances, such as:
 - Corruption so serious as to warrant dismissal, where the relevant Director-General has failed to take appropriate action.
 - Evidence of systemic or widespread corruption within a department.
 - Investigations whose complexity or scope exceeds a department's internal capacity.



- Directors-General must be trusted and empowered to manage their departments. A failure to maintain appropriate disciplinary standards should reflect on the Director-General's tenure and could, in itself, constitute a matter for CCC investigation.

Addressing Critical Legislative Deficiencies

The QPU has identified several sections of the *Crime and Corruption Act 2001* that require urgent amendment to align with principles of fairness, justice and effective governance.

False and Vexatious Complaints

A serious and ongoing issue for QPU members is their subjection to false and vexatious complaints. Such allegations can derail an officer's career, placing them under immense stress and administrative suspension for protracted periods—often years—only for the complaint to be ultimately dismissed.

The CCC's reluctance to prosecute individuals for making demonstrably false complaints, based on a concern it may deter genuine whistleblowers, is a position the QPU strongly contests. We believe the public can readily distinguish between a genuine report of misconduct and a malicious falsehood. Failing to prosecute vexatious complainants undermines the integrity of the complaints system and unfairly targets police officers.

Recommendation:

- The existing false complaint offence must be vigorously prosecuted in cases of malicious and vexatious complaints to create a genuine deterrent.

Section 15: Definition of 'Corrupt Conduct'

It is a matter of profound concern that the current definition of 'corrupt conduct' no longer requires an element of dishonest intent. This broadens the definition to such an extent actions without any malicious or deceitful motive could be classified as 'corrupt', which is contrary to the spirit and purpose of the legislation.

Recommendation:

- Re-insert the element of 'dishonest intent' into the definition of corrupt conduct in section 15. This could require proof of a dishonest intent to obtain a benefit or



cause a detriment. Alternatively, amend s15(1)(c)(i) and s15(2)(c)(i) to specify an 'indictable offence involving dishonesty' rather than the current, overly broad term 'criminal offence'.

Section 16: Retrospective Application

The unlimited retrospective application of section 16, which imposes no statutory time limitation for initiating proceedings, is contrary to fundamental principles of natural justice. It allows for allegations to be pursued decades after the fact, prejudicing an individual's ability to mount a defence and failing to reflect community expectations of timely justice.

Recommendation:

- Amend section 16 to introduce a statutory limitation period. A proceeding for corrupt conduct should not be commenced unless at least one act constituting an element of the conduct occurred within a maximum of three years before the commencement of the proceeding.

Section 60: Use of Coercively Obtained Information

Section 60 grants the CCC overly broad powers to use information obtained through coercive means for any of its functions. This practice, where evidence gathered for a criminal investigation under a search warrant can be used in disciplinary proceedings, contradicts established legal principles that information obtained under compulsion should be used only for its original specified purpose.

Recommendation:

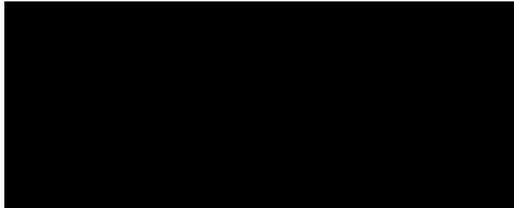
- Amend section 60 to restrict the use of coercively obtained information to the specific purpose for which it was acquired, or for the performance of the CCC's intelligence functions only.

Conclusion

The Queensland Police Union advocates for a strategic and necessary reform of the Crime and Corruption Commission. The QPU propose its reconstitution as a specialised, stand-alone anti-corruption agency with a tightly focused remit. This involves transferring its crime, research, and witness protection functions to the agencies best equipped to perform them.



Its core role should be to support departments, provide high-level oversight, and investigate only the most serious and systemic cases of corruption. The QPU supports the CCC retaining a power to review departmental disciplinary decisions, but this power must be judiciously limited to instances where a sanction of dismissal was warranted but not imposed. Such a reform will ensure the CCC is positioned to act effectively as the state's premier anti-corruption watchdog, while also ensuring public funds are used efficiently and departmental Directors-General are empowered to lead.



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