

Review of the Crime and Corruption Commission's activities

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Our ref: Patrick Flemming [REDACTED]

30 September 2025

The Honourable M Furner MP
Chair
Parliamentary Crime and Corruption Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: pccc@parliament.qld.gov.au

Dear Mr Furner

Review of the Crime and Corruption Commission's activities

Thank you for the opportunity to provide a submission to the committee's 5-yearly review of the activities of the Crime and Corruption Commission (CCC). I believe there is an opportunity to strengthen the way matters involving suspected corrupt conduct can be reported to the CCC.

The CCC is an important part of Queensland's integrity framework along with the Queensland Audit Office (QAO), the Queensland Ombudsman, Office of the Information Commissioner and the Office of the Queensland Integrity Commissioner. It is vital that these entities work effectively together to ensure each discharges its legislative mandate. This provides confidence in the integrity of public sector entities and public officials and the system of government in Queensland.

The QAO and the CCC have a strong working relationship and regularly share information and insights on risks to public sector integrity and accountability. Through sharing information both the QAO and the CCC consider and, where appropriate, investigate concerns raised about conduct within the public sector that fall within our respective mandates. My ability to share information with the CCC is expressly provided for in section 53 of the *Auditor-General Act 2009*.

In accordance with section 38 of the *Crime and Corruption Act 2001* (CC Act) I am also required to notify the CCC where QAO has information that raises a reasonable suspicion of corrupt conduct. This may arise through an audit of a public sector entity conducted by the QAO or through a matter referred to the QAO by a member of the public or an employee of a public sector entity.

However, my ability to directly share information with the CCC is presently limited where the suspected corrupt conduct involves a government owned corporation (GOC). This is due to the operation of the CC Act and section 156 of the *Government Owned Corporations Act 1993*.

Presently, GOCs do not meet the definition of a unit of public administration (UPA) under the CC Act. Instead, section 156 of the GOC Act requires either the chief executive of a GOC or the Under Treasurer to notify the CCC of a complaint involving suspected corrupt conduct.

QAO has received advice that the CCC can only receive allegations of corrupt conduct involving a GOC directly from the GOC or the Under Treasurer. If QAO wishes to refer suspected corrupt conduct involving a GOC to the CCC, we must refer the matters to the GOC or the Under Treasurer and request them to refer the matter to the CCC.

QAO has several previous examples where we have identified matters that raised suspicions of corrupt conduct at GOCs but were unable to refer the matters directly to the CCC. These posed several practical and mandate challenges for us.

Firstly, depending on the circumstances, it may not be appropriate to refer matters back to the entity to which they relate. For example, referring the matter back to the GOC may potentially expose people who have provided information on the matter to reprisal. I note that disclosing information to QAO on suspected corrupt conduct at a GOC is not considered a public interest disclosure due to the application of section 19 of the *Public Interest Disclosure Act 2010*. This section requires the disclosure to be made to the GOC or CCC.

Secondly, while section 53 allows QAO to share protected information with the CCC, our ability to share protected information with the GOC or the Under Treasurer is more complicated. Even where QAO can share information on the suspected corrupt conduct with the GOC or Under Treasurer, there remains a risk that the information is not referred to the CCC for their consideration or there is a significant delay in its referral.

In my opinion, this represents a gap in the existing integrity framework that should be addressed. This could be achieved by either:

- specifically including GOCs within the mandate of the CCC under the CC Act, or
- providing relevant integrity agencies, such as QAO, with the ability to refer directly to the CCC matters of suspected corrupt conduct involving GOCs.

I believe that addressing this gap in the current requirements would:

- more closely align the integrity requirements for GOCs with those applying to other public sector entities, and
- enhance the level confidence the public has in the system of government in Queensland.

If you would like any further information, please have your committee secretary contact Patrick Flemming, Deputy Auditor-General, on [REDACTED] or at [REDACTED]

Yours sincerely

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Rachel Vagg
Auditor-General