




Speech By
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MEMBER FOR WOODRIDGE

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CRIME AND MISCONDUCT AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs SCOTT** (Woodridge—ALP) (8.00 pm): I rise to speak to the Crime and Misconduct and Other Legislation Amendment Bill. From the outset, I want to put on the record my support for the comments made by the Leader of the Opposition in opposing this bill. All reasonable people in Queensland, and beyond, are shocked by the changes outlined in this bill. This bill will effectively dismantle Queensland's anticorruption watchdog. Through this legislation, the Liberal National Party will unwind 25 years of improvements in integrity, accountability and transparency. Through this legislation, the Liberal National Party will discard the legacy of the landmark Fitzgerald inquiry. Through this legislation, the Liberal National Party will send Queensland back to the dark days when corruption went unpunished and indeed flourished. The breadth of changes in this bill is quite extraordinary. I will attempt to address as many as I can in the time available.

The opposition leader has already given a detailed explanation of the need for bipartisanship. The submissions to the Legal Affairs and Community Safety Committee were scathing of this change and there was much focus on this as the primary focus for change that undermines the independence of the CMC in the media. Consequently, the committee has recommended inserting a requirement for a power of veto on the part of the committee, which appears to have been accepted by the government. But make no mistake: this is not a true power of veto similar to that which operates at the United Nations, where if an individual member says no the person is excluded. The LNP's version of a veto simply means a veto by a majority vote of the committee. This is illusory when the government has a majority on the committee, which it currently does. The opposition opposes the consultation requirement provided in the bill—all commissioners should be appointed with bipartisan support—and is also opposed to the power of veto proposed by the committee.

I would now like to address the changes to the governance structure that are proposed in this bill. There have been a number of reviews of the CMC in recent years, with various recommendations regarding its governance. With all of that information to call upon, the government has decided to go beyond any recommendations made previously and to proceed according to the provisions outlined in the bill. Under the bill, the commission shall consist of a full-time commissioner who is the chairman, a part-time commissioner who is the deputy chairman, a full-time commissioner who is the chief executive officer and two part-time commissioners who are ordinary commissioners. This means that the chief executive officer shall be a full-time commissioner. This is contrary to the recommendation of the Fitzgerald inquiry, which expressly stated that the CEO, or executive director, 'will not be a member of the CJC'. Neither the Callinan-Aroney report, nor the PCMC report No. 90, recommended that the CEO be a commissioner. In fact, recommendations, whilst not expressly ruling that out, certainly impliedly did so by recommending a 'structural separation of the role of chairperson and CEO'.

The government's approach is not supported by many stakeholders, including the Queensland Law Society and the Bar Association of Queensland. The QLS concluded—

The role of CEO of the Commission appears to be inconsistent with being a full time commissioner.

While supporting the restructure of the CMC, and in particular the structural separation of the role of chairperson and CEO, the opposition does not support the CEO being a commissioner, particularly a full-time commissioner.

Another area of concern in this bill is the government's decision to remove corruption as a prevention function of the CMC. The act currently provides that the CMC has a function to prevent major crime and misconduct. Misconduct has now been removed from this function but has not been replaced with corruption. Therefore, the prevention function is restricted to major crime. Prevention of corruption should remain as one of the functions of the CMC.

I now move on to statutory declarations. The Callinan-Aroney review recommended that complaints be required to be accompanied by a statutory declaration. This proposal was rejected by many of the submitters because it would eliminate anonymous complaints. Even the chair of the CMC did not support this proposal. He pointed out that the Tahitian prince complaint was anonymous. Complaints about the former member for Redcliffe, Scott Driscoll, were initially made anonymously. Labor will be opposing the government's changes.

I will now address the extension of the appointment of acting commissioners. Clause 80 of the bill extends the appointments of the acting chairperson and part-time commissioners and acting part-time commissioners respectively until commencement of the act. Clause 81 then extends these appointments from the commencement date until 31 October 2014 if no alternative appointments are made under the provisions of the act. This means that, as at 31 October 2014, the incumbent will have been acting in the position, without the bipartisan support of the PCMC, for a period of almost 18 months.

Subsection 24B(5) of the Acts Interpretation Act 1954 provides that, when a person is appointed to act during a vacancy in a position, that appointee cannot act in that position for more than 12 months. This bill statutorily extends the appointment of the current chairperson of the CMC beyond what is the accepted maximum period for an acting appointment. There have been quite a number of submissions which have questioned the appropriateness of the statutory extension of the appointment.

The research function of the CMC is pivotal to its role. Since the CMC commenced a research project into electoral donations in 2012, the Attorney-General has been opposed to this. At his first estimates hearing there was conflict with the chairperson, and he made a veiled threat to look at funding of the CMC if they did research into matters which 'weren't a priority for the government'. These legislative changes indicate that this is how he has achieved his threat. Many high-profile submissions address this issue. The executive should not be interfering with the functions of an anticorruption body.

The committee recommended that the Attorney-General consult with the PCMC before approving research proposals, and I note that the Attorney-General has circulated amendments to this effect. This does not address the important issue that the executive should have no control over the exercise of this power. It is no concession in reality when the government has a majority on the committee. The opposition does not believe this amendment goes far enough. However, if it is adopted, the Attorney-General should commit to publishing details of any research proposals that were put forward by the commission, and he should also commit to publishing reasons for his decisions.

In conclusion, every member of the Liberal National Party should hang their heads in shame if they vote for this bill. I note that Dr Paul Williams, a senior lecturer at Griffith University and keen observer of Queensland politics, made some observations about this legislation in the *Courier-Mail* this morning. He urged LNP MPs to think very carefully before exercising their vote on this legislation. Dr Williams understands the significance of the government's actions. He knows that this bill turns the clock back a generation to a time when corruption and graft were rife among public officials in Queensland. Tonight is a night for the Liberal National Party members of this chamber to show some courage. Everyone in this House should recognise the danger of winding the clock back to the bad old days of the National Party government. Everyone should reject this legislation.