Speech By

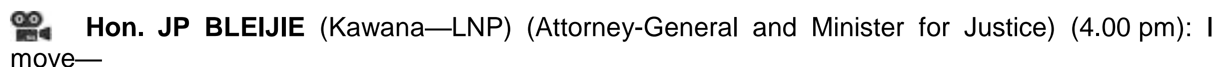
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 7 May 2014

CRIME AND MISCONDUCT AND OTHER LEGISLATION AMENDMENT BILL

Second Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.00 pm): I move—

That the bill be now read a second time.

I start by thanking the Legal Affairs and Community Safety Committee for its consideration of the Crime and Misconduct and Other Legislation Amendment Bill 2014, which I will now refer to as 'the bill'. The committee tabled its report on the bill on 30 April 2014 and I will shortly table the government's response to the committee report. I will also table a correction to the explanatory notes to correct a typographical error on page 4, where it states that one of the changes to the definition of 'official misconduct' to 'corrupt conduct' was to change the conditional 'would' to 'could'. This should read change the conditional 'could' to 'would'.

I take this opportunity to thank those organisations and Queenslanders who made written submissions or appeared at the public hearings to assist the committee in its consideration of the bill. In starting the debate on the topics, I think it is important that the House recalls just why the CMC was in desperate need of reform. This is not something that was plucked out of the air, but it reflects a pattern of behaviour that needed to be addressed. The simple fact is that, if things had been allowed to go along as they had been, the CMC would have driven itself into the ground. It was an organisation crippled by irrelevance, warped priorities and a lack of direction.

It is important to also look at what the Crime and Misconduct Commission was just over 12 months ago. It was leaderless. Not only had its former head, Ross Martin, resigned in the wake of the shredding scandal but his acting successor, Warren Strange, fled the state for a position in New South Wales just days after being appointed to the CMC position. The tenure of its former chairman, Justice Moynihan, had also been cut short. The CMC oozed incompetence. Through its inattention, confidential documents from the Fitzgerald inquiry were either released to the public—potentially threatening the lives or wellbeing of witnesses—or shredded. It had lost focus, spending time and money chasing the inconsequential, while serious crime seemed to take second place. It tried to blame others for its poor internal management and staffing arrangements—a tactic that was resoundingly disproved by the PCMC in its report on the shredding of the Fitzgerald documents in April 2013.

When we look at the maladministration of the CMC over the past few years, I think we have to understand that this is not the organisation that was set up following the Fitzgerald inquiry in the late 1980s. The Fitzgerald inquiry, I submit to the House, would not and could not have done its job properly if witnesses or whistleblowers knew that they would be compromised some 25 years later by the release of information that potentially put their lives at risk. People in the late eighties who put their names forward—understanding that their names would never be published in the future or released to media outlets—and people who were responsible for whistleblowing certain information to

the Fitzgerald inquiry would have had no idea that information relevant to the subject of the complaint would later be shredded by the very organisation that was given the power and the resources like none other in Australia to uphold the integrity and the secrecy, the confidential nature of the documents, and the identification of these whistleblowers and witnesses.

As I said, when people were putting themselves forward as whistleblowers back in the eighties and were giving information to the Fitzgerald inquiry, they would never have pondered that in 2012 and 2013 their information would be identified to third parties and their information that they gave for good cause and just cause would be shredded. The CMC blatantly let down the witnesses, and those people were compromised by the CMC's actions. The processes of the CMC were potentially corrupted. The CMC had become an organisation with no accountability, no integrity and no transparency, and it undermined the integrity of the process. The CMC would have us believe that over the last few years it has been the virtuous bastion of democracy. I think from everything we have seen over the last two years it has been anything but that.

Before getting into the debate on the aspects of the bill, I want to draw the attention of members to some of the information that has been around in the last couple of years. When I make allegations of maladministration, incompetence and a complete lack of integrity and I say that the CMC has undermined the integrity of the processes by the unauthorised release of information from those whistleblowers, I could not for a minute think of how the whistleblowers from some 25 years ago felt when they got the call in 2013 to say that the information they gave that led to the arrests, led to the Fitzgerald recommendations and led to the establishment of the CJC at the time had potentially been released. I could not bear to think what those people would have thought when they received the phone call that said that not only had their identity been released but the information they gave in good faith to the Fitzgerald inquiry had now been corrupted because it had been released to third parties.

Members will recall that this parliament had to act on that most serious matter. We had to move immediate legislation not to bring the documents back but to stop the unauthorised publication of the documents. As I said at the time in all seriousness, the third parties that received the information received it lawfully by the release of the information from the CMC. Although one would never consider that the information should have been released, the fact is that it was.

When I have been watching the debates in relation to the amendments to the CMC over the last six to seven weeks, I have been concerned with some of the commentary out there that holds the CMC up as this last bastion of democracy. If anything, we have to be reminded that this bastion of democracy failed Queenslanders. It let Queenslanders down because of its incompetence and its maladministration. The most unaccountable body potentially in the nation—but certainly in Queensland—let Queenslanders down. How could anyone watching and viewing from the outside what the CMC has been up to in the last couple of years have any confidence at all that the CMC could appropriately deal with these matters, when it is an organisation that could not even retain the confidential identity of informants and whistleblowers for that very important Fitzgerald inquiry.

I want to take members back. The Parliamentary Crime and Misconduct Committee have dealt with this matter, and their response was tabled in parliament. As I said, there are things that have concerned me in the commentary and from some of the submitters—even Mr Fitzgerald himself somehow now attacks the government for wanting to reform the organisation that led to the destruction of documents from his own inquiry. I want to make it abundantly clear that this organisation is not the great organisation that some commentaries have held it out to be. It has serious flaws, so much so that a former High Court judge—one of the most experienced and most respected jurists in the land—condemned the CMC and what it was up to in the report that we commissioned in 2013.

I need not remind members of the issue the PCMC had to deal with in relation to one Ms Kathryn Ellis. I have talked about it in this House before. Kathryn Ellis was a member of the Labor Party. Kathryn Ellis's husband, Mr Nolan, was the business partner of Bruce Hawker. Bruce Hawker was Anna Bligh's personal strategist. During the campaign in 2012 Bruce Hawker and Mr Nolan were photographed at a restaurant having coffee together. Let me put this together for members. There was Bruce Hawker, Anna Bligh's and the Labor Party's personal strategist, having coffee during the election campaign with Mr Nolan, who was his business partner.

Members know that the honourable the Premier at the time, the leader of the LNP, was subjected to some of the worst gutter politics that I think any commentariat would have seen in Queensland. People can make complaints—legitimate complaints—to the CMC. The Labor Party used the CMC as a political football. It was found out, unfortunately 12 months after the 2012 election, that Kathryn Ellis was employed by the CMC, she was a member of the Labor Party and her husband was a member of the Labor Party and a business partner of the Labor Party strategist. What

members may not recall was that not only was Kathryn Ellis a member of the Labor Party and everything else I have just said, she was also acting Misconduct director responsible for complaints and investigation when Campbell Newman was investigated by the CMC.

Where has the commentariat who was condemning these reforms which will make this organisation a strong, independent watchdog been in the last seven weeks? Where has the commentariat been talking about that issue? You cannot get any more political than a member of the Labor Party being responsible for investigating other members of political parties and determining who conducts those investigations. Where is the commentariat condemning the CMC for allowing that to happen?

For 12 months I had the burden of responsibility as the complainant to deal with that issue. I could not talk about it to any member of this honourable House because of the secrecy involved in the CMC and the PCMC at the time. I had to continually write to the PCMC asking for updates. I had to continually write to the CMC saying, 'This matter has dragged on for some 12 months. Where is it at?' Why was Kathryn Ellis still employed at the CMC? Why was Kathryn Ellis not required to tell the CMC about her Labor Party affiliation? Why was Kathryn Ellis not required to tell the CMC that her husband was running the Labor Party campaign in 2012 against Campbell Newman and the LNP?

The CMC allowed Kathryn Ellis to be in that senior acting position of such a political nature while she herself was a member of the Labor Party. That was the situation for 12 months. As the complainant, I could not talk to any member of parliament about it. I could not talk to the Premier about it, who was the subject of the complaint. For 12 months I had to follow up with the PCMC and the CMC behind closed doors about what on earth was going on so much so that I called on the PCMC to make interim reports to the House to let us as members of the House know where the investigation was at. I believe in a strong, independent corruption watchdog. I believe in it, but I lost confidence and faith in this independent watchdog that was no longer independent, an independent watchdog that allowed a member of a political party to conduct investigations into other members of political parties and that let the situation go on for 12 months.

What was the outcome of that investigation? There were some adverse findings against Kathryn Ellis in that she should have disclosed her Labor Party affiliation. There was going to be a recommendation to terminate her employment. But alas, Kathryn Ellis left the CMC before any termination could take place and no responsibility for any issues was taken. The CMC was happy; they wiped their hands and life moved on; Kathryn Ellis was out of the equation. I acknowledged at the time—and I think it was acknowledged in the PCMC report—that Kathryn Ellis resigned or retired from the CMC for health reasons. However, for 12 months an investigation ensued in relation to Kathryn Ellis that led to a finding that there should have been a disclosure of her Labor Party links.

The Labor Party have said a lot about the CMC reforms that this government has instigated. The Labor Party have said a lot about former justice of the High Court Ian Callinan. What they have not said much about is Kathryn Ellis, Labor Party operative in the CMC. They have not said much about that. What the Labor Party have not said much about is how the bastion of democracy, the CMC, could shred 4,000 Fitzgerald documents. They have not said much about that. They have not said much about how the CMC allowed the disclosure of information that could have risked the lives of whistleblowers dating back to when the Fitzgerald inquiry took place.

If we look at all these issues—the fact that Kathryn Ellis was a Labor Party operative in a senior position at the CMC, the fact that the CMC allowed lives to potentially be put at risk from the unauthorised release of documentation, the fact that the CMC had become the Labor Party political plaything, play toy, by referrals of matters to the CMC, the fact that the CMC shredded 4,000 documents from Fitzgerald—are they not worthy of being addressed? Are those issues not enough to say, 'That's it. Enough is enough. It's time to end the politics of the CMC. It is time to end the shenanigans. It's time to end the maladministration of the CMC'? That is why this government took the position we did in getting one of the most respected jurists in the country, the Hon. Ian Callinan, and Professor Nicholas Aroney from UQ law school to conduct an inquiry in relation to the CMC.

It was not just this government talking about these issues of the CMC two years ago. Let us look at what some other people have said at that time. In March 2013, the Hon. Ian Callinan and Professor Nicholas Aroney said—

> The CMC lacks insight into its position in relation to constitutional government and the exercise of its own powers. It seems resistant to any suggestion that there may be better ways of doing its work and organising its affairs than it currently does.
>
> …
>
> We also thought the CMC overly sensitive to criticism.

That was contained in their report on page 208.

In referring to the CMC's response to questions concerning the Fitzgerald documents, Callinan and Aroney stated—

The failure to disclose these events earlier by the CMC is a serious reflection on its own transparency. How can it claim a right to educate others in integrity when it itself has been shown to be lacking in transparency?

Let me repeat that one because that speaks for itself. Callinan and Aroney said—

The failure to disclose these events earlier by the CMC is a serious reflection on its own transparency. How can it claim a right to educate others in integrity when it itself has been shown to be lacking in transparency?

That was in the report on page 208.

In its own report to this House in April 2013, the Parliamentary Crime and Misconduct Committee said—

The Committee notes that, in this instance, there have been multiple failures by senior officers to comply with the various frameworks and policies of the Commission, the failure in respect of the Governance framework being just one example ... The Committee found failures and a poor culture of governance within the Executive Management, the LSU, and Information Management.

That was recommendation No. 17 of their report in April 2013. So we have had a former High Court judge, Professor Nicholas Aroney and the Parliamentary Crime and Misconduct Committee of this parliament making those comments. The Leader of the Opposition even said in March 2013—

The breach of this confidentiality is therefore a very serious matter. Revelations by the CMC this week that an administrative error had resulted in a number of documents being wrongly classified so as to allow for their access by the public from the State Archives must have sent a shudder of fear down a number of the spines of former witnesses to the Fitzgerald inquiry. Even though over 20 years have passed, the threat to witnesses still remains real.

She went on to say—

I would like to thank the Attorney, the Treasurer and the Deputy Premier for giving me and the Independents an opportunity to be briefed on this bill tonight. It was necessary. This is unprecedented. We have not seen anything like this, I do not believe, in Queensland before. It is crucial that as a parliament we consider these matters in light of what has come before us in the last few days.

Members can find the Leader of the Opposition's comments at *Hansard*, 7 March 2013, page 606.

The *Courier-Mail* editorial of 9 March 2013 said—

It is a pity that Mr Martin left the CMC in this stage because his last week was filled with more questions than answers. The State Government must get to the bottom of the administrative debacle that resulted in sensitive documents relating to the Fitzgerald inquiry being improperly made available to Queenslanders.

I have struggled, honourable members, to find a single ringing endorsement of the CMC's performance. It is not just a matter of chance that these comments have been made; they reflect deep and widespread community anxiety at the time that the CMC was failing in its important duties.

I reject entirely the various attempts by commentators to rewrite history. If they think the CMC was doing its job to the best of its ability, they are seriously deluded. People cannot be expected to have confidence in the ability of the CMC to do its job if it refuses to acknowledge the mistakes of the past. The government is giving the revised CCC the tools and the resources that are necessary to make sure that they can do the job that Queenslanders expect. Queenslanders expect the CMC not to be politicised.

I do not have to single out the members in this House who know all too well about the politicisation of the CMC. I do not have to single members out because you can pick up any newspaper, you can pick up any media and you can ask the commentators. The CMC has failed in its duty to deliver a transparent body with integrity over the last few years. The icing on the cake was the shredding of the Fitzgerald documents. It was the unauthorised disclosure and release of information that could have put the lives of citizens of Queensland at risk and it was the fact that Kathryn Ellis, a Labor Party operative, was allowed to continue in her role at the CMC investigating the candidates of political parties and members of parliament. All the while when she was investigating, making the call to investigate, or even had a minor involvement in the complaints process, she knew her Labor Party links. She would have known that her husband was down the road having coffee with Bruce Hawker, who was planning the gutter politics strategy that we saw from the Labor Party in the 2012 election campaign.

I reject completely the assertion that the CMC is (1), doing its job; (2), fulfilling the obligations that are required of it; and (3), fulfilling its functions and purposes under the legislation; and I reject the assertion that Queenslanders have confidence in the current administration in terms of how the CMC operates under its current legislative framework.

I call on the commentariat who have had a lot to say about these reforms in the last seven weeks as we have been debating this committee, including Mr Fitzgerald himself. What does he say about the shredding of 4,000 documents from his own inquiry? What does he say about the

maladministration of the CMC? What does he say about the plethora of chairmen who have resigned and gone off to other jobs? There has been a complete lack of administration in the CMC, and I do not think he would expect that the CMC of today is what he envisaged back when he made the recommendation for the CJC.

So as I said earlier, honourable members, look at the issues that we have been talking about: Kathryn Ellis, a known Labor Party operative; the shredding of the documents in the CMC; the maladministration of CMC; and the time it takes to investigate matters. As I said, I do not have to point out the honourable members in this House who have gone through the crazy processes of the CMC, only for it to be found that there is no case for them to answer. But they have a cloud over their head, sometimes for over 12 months, because the CMC has not prioritised its functions and dealt with the issues in a timely way. No-one—not through our courts, not through our QCAT and not through our CMC—should have a cloud over their head for such an extended period of time. They cannot get on with their lives and careers are wrecked and damaged, all because we have a body that cannot administer itself appropriately.

It is not that there is a lack of resources. The CMC is funded $50 million annually by the taxpayer, which was recently increased by another $7 million to $57 million, and yet the opposition claim that over the last two years we are getting rid of resources from the CMC and cutting things from the CMC. They are one of the most resourced crime and corruption bodies in the nation, but I would also suggest to people looking from outside that they would be one of the worst-performing crime and corruption commissions that we have in the nation.

It is no secret that there has been controversy around these amendments. There has been great debate and, as I said, I thank all of the submitters to the parliamentary committee. We said we would listen and take on board a lot of suggestions, and I hope in good faith that honourable members will see the amendments that I am about to talk about go some way to alleviate some of the concerns.

I would just implore people in the commentariat who continually attack these reforms to look back to two years ago. Do not forget what the Hon. Justice Ian Callinan said. As I said, he is one of the most respected jurists by all sides of politics in the nation. Do not forget what the PCMC said. Look at what Ian Callinan said; look at what Nicholas Aroney said; look at what the PCMC said; look at what this government said; look at what the opposition leader said back in 2013.

The Leader of the Opposition announced a policy for a major restructure to the CMC; in fact, the opposition leader was going to split the CMC. Honourable members may recall the last time a leader of the Labor Party talked about something that was so sick they were basically going to abolish it and start again.

Mr Cripps: Queensland Health!

Mr BLEIJIE: Queensland Health, I take the interjection from the honourable Minister for Natural Resources and Mines. Anna Bligh, the Premier at the time, said that Queensland Health was so sick that they were going to abolish it and they were going to split it. The opposition leader follows in her footsteps and essentially says, by her comments that I have previously quoted into *Hansard*, that the CMC was so sick they were going to restructure it. They were going to set up two bodies. But why not fix the body that we have? Why throw the baby out with the bathwater? Let's use the good elements of the CMC, but let's strengthen them. That has always been this government's commitment: to strengthen the CMC.

I know some of the provisions have been controversial and they have generated debate from the commentariat. But as I read commentators even today in relation to this, where were these commentators when the Hon. Ian Callinan produced his report and talked about the dysfunction of the CMC? Where was the commentary with respect to what the Hon. Ian Callinan was talking about at the time they produced their report? Where were the commentators that now hold the CMC up to this great spotlight and say, 'This is a fantastic organisation. Why are you touching it'?

The CMC has to be accountable. This is the people's House. The people elect the members of this House every three years. This parliament reigns supreme in democracy. The people have their say through the members elected to this House. For years the CMC has sat outside as an unelectable, unaccountable body answerable to no-one. Honourable members will remember that the PCMC and the CMC held their meetings behind closed doors on every available opportunity. There was a veil of secrecy about the CMC and the PCMC. It was this government that moved amendments last year when we were fixing the issue of the CMC in terms of the destruction of documents and the release of unauthorised information. It was this government that opened the PCMC hearings so that Queenslanders could see what was happening and they could see this unaccountable body be held accountable for the first time in its history.

Parliamentarians were embraced with opportunity, particularly the members on those committees, to grill the CMC chair and to grill the CMC commissioners about the performance, the structure and the administration of the CMC. I want to quote a couple of comments from the Hon. Ian Callinan when he reviewed it. I implore the commentariat to go back a couple of years and to look at where this all started. In no particular order, these are some of the comments that the Hon. Ian Callinan made. He said—

The comedy of errors does not end there.

He also said—

There are, in our opinion, several other problems with the CMC's performance. It appears to have embraced bureaucracy and bureaucratic language and practices too eagerly.

He also said—

The CMC lacks insight into its position in relation to constitutional government and the exercise of its own powers.

Remember, colleagues, that this is a former High Court judge—a judge of the highest court in the land—commenting on the Crime and Misconduct Commission. He said—

The CMC lacks insight into its position in relation to constitutional government and the exercise of its own powers. It seems resistant to any suggestion that there may be better ways of doing its work and organising its affairs than it currently does.

He goes on further to say—

We had the impression that the CMC would much have preferred to frame the questions that it was willing to answer, to the questions we chose to ask.

What the former High Court judge was essentially saying is that it did not want to answer his questions; it wanted to give him the answers that it wanted to provide. Again, it gets back to the accountability and integrity, or lack thereof, in this organisation. He goes on further—

An instance of this was its repeated request that we submit to a lengthy presentation by it at the beginning of our work. When we did seek a presentation later it was petulantly refused because we had been unwilling to receive it at a time of the CMC's choosing.

To paraphrase, a former High Court judge is saying that the CMC acted childishly because it was not willing to give a presentation to a former High Court judge because it wanted to do it on its terms and not his terms. He then went on further, if honourable members wanted any more proof and if the commentariat wanted any more proof about the CMC, to say—

We also thought the CMC overly sensitive to criticism. At one stage we were told, that our criticism of a CMC recommendation (to the effect that as a matter of public interest, different courses should be or should have been adopted) could 'undermine' the responsibility of the Parliamentary Committee's oversight of the CMC. In asserting this, the CMC did not, we think, take into account the Constitutional freedom of political communication which allows we believe, criticism of a body such as the CMC, members of Parliament, the Parliament itself, and its committees, including the Parliamentary Committee.

If honourable members recall, the Hon. Ian Callinan has had a lot to say about political communication in the High Court—the implied freedoms of political communication. Finally, he said—

It is now a matter of public record that the CMC failed badly in 'information management' in relation to the Fitzgerald Inquiry documents. It may even be that a worse failure was the CMC's continuing default over many months in repairing (so far as it could repair it) damage that the release could cause, and not transparently revealing voluntarily what had happened. It is an irony we think that the CMC rebuked us for suggesting that the bureaucratic term 'information management' had an Orwellian ring to it. The failure to disclose these events earlier by the CMC is a serious reflection on its own transparency. How can it claim a right to educate others in integrity when it itself has been shown to be lacking in transparency?

They are not my words. They are not your words, Madam Speaker. They are not the words of members of this House. They are the words of the Hon. Ian Callinan—a respected jurist in the nation and a former High Court judge respected by all sides of politics for the way he handled himself on the High Court and the decisions he made on the High Court.

In this debate let us not just look at the reforms and the necessary reforms to make sure this body is accountable to the people of Queensland—not to us, not to the government but to the people of Queensland who elect their representatives to sit in this place and to serve on committees. Let us look back two years and look at the disasters that have led the government to doing what it has done. That is the past. If we look to the future of the CMC, it has a bright future. It has a future where it can be held to be accountable, it has a future of transparency, and it has a future of accountability—sadly lacking, over the last six years particularly.

I turn to some of the objectives of the bill. We unashamedly want to ensure that public confidence in the CMC is returned, timeliness of investigations is looked at and operational and corporate governance structures within the CMC are fixed, because you cannot have a chairman run the organisation and decide matters while also dealing with the budgetary outcomes of the organisation. We want to ensure that CMC internal complaints practices and internal complaints management systems for misconduct matters are fixed, and this bill will do that. We want to ensure

that processes, internal processes and practices of the CMC are fixed. We want to ensure that the personal conduct and works performance of Queensland public services are improved.

We know that this bill reforms the governance structure of the CMC and it will be renamed the CCC, the Crime and Corruption Commission. Despite some of the criticism out there, I think corruption has far more grandeur in the scheme of things than misconduct. This is going to be the Crime and Corruption Commission. We are changing the definition of 'official misconduct' to 'official corruption'. Members may not know that last year the CMC received approximately 5,000 complaints from members of the public about politicians, local government, departments and public servants. About 69 led to an investigation and the majority had no case to answer. As I said, none other than a few members of this House have had to experience the likes of investigations by the CMC.

We want to ensure the research functions are more focused and relevant to the functions of the CMC, and we are going to do that by helping the CMC prepare the three-year research plan that it puts to me—it prepares it and puts it to the minister. We are going to strengthen the transparency and accountability of the commission by expanding the role of the newly named Parliamentary Crime and Corruption Commissioner.

For all of the commentators and the agitators who are so disgusted with these reforms that we believe and we know will improve the CMC, where is their support for the likes of bolstering the Parliamentary Crime and Misconduct Commissioner to deal with the CMC directly? No more under these reforms will the CMC investigate itself. I forgot to mention when I talked at length earlier about Kathryn Ellis in the CMC. Not only was she a Labor Party operative in the CMC, but upon the allegation the CMC investigated the issue itself, with the PCMC sitting in secrecy and having meetings to ensure that it was handling the issue. The CMC should never have investigated potential corruption in the CMC by its own officer. The independent Parliamentary Crime and Misconduct Commissioner should be the one to investigate those issues, and this bill gives the power for the commissioner to do that.

But where is the commentariat playing all of the scary music supporting these reforms? Where is the commentariat supporting the reforms to say that the organisation that was there two years ago has been derelict in its duties? These reforms go a long way in fixing the mess of the CMC that we have seen creep in over the years and the politicisation of the CMC that we have seen creep in over the years.

I turn now to the committee recommendations, and I do apologise to members of the House that this is a lengthy contribution to the second reading debate. But I think this is a serious debate. It will be the Crime and Corruption Commission and Queenslanders have lost confidence in integrity and accountability of the Crime and Misconduct Commission. I think it is important that we put on the record the facts: where we have come to and where we are going, because the future is bright for the CMC—the CCC. The future, with accountability and integrity and with parliamentary committee oversight, is bright for the CMC.

The committee made nine recommendations and sought clarification on three. The government welcomes the committee's recommendation that the bill be passed and we accept it. I turn to other recommendations made by the committee majority, noting that I will also address later in my speech some issues raised in the dissenting report and by some of the submitters to the committee.

The committee majority's second recommendation proposes an amendment to the bill to provide the Parliamentary Crime and Corruption Committee with a veto power over the appointment of commissioners. It appears that this recommendation was made in response to the 19 written submissions that expressed concern that the bill's proposal to remove the requirement for the parliamentary committee's bipartisan approval for the appointment of commissioners would pose a risk to the independence of the commission and would undermine public confidence that the commission could act independently of government.

Currently, the bill provides that the parliamentary committee is to be consulted prior to the minister nominating for appointment a person as commissioner. Although the government acknowledges the concerns raised by the submitters, the government is also cognisant of the varying requirements of other jurisdictions for similar appointments. As noted in the table in the DJAG written response to the committee dated 24 April 2014, Western Australia appears to be the only other Australian jurisdiction that requires its parliamentary committee to give bipartisan approval for the appointment of its commissioner to its Corruption and Crime Commission. New South Wales, Victoria and South Australia give their parliamentary committee an ability to either approve or veto the appointment. In Tasmania, the parliamentary committee is consulted prior to the nomination of a commissioner for appointment. Also, there is no requirement for a commissioner to the Australian

Crime Commission to be approved or otherwise considered by a parliamentary committee prior to the appointment.

Providing the parliamentary committee with a right of veto is what most interstate jurisdictions have opted for. Therefore, the government accepts the committee majority recommendation No. 2. I will be moving an amendment to the bill during consideration in detail to provide the parliamentary committee with a right of veto over the appointment of commissioners.

The committee majority also recommended in its recommendation No. 3 that the term 'corruption' be redefined to separate the terms 'police misconduct' and 'corrupt conduct' in response to concerns raised by the Queensland Police Union of Employees. The government has not accepted this recommendation. As noted in the committee's report, the bill replaces the term 'misconduct', which is currently defined in the act as a drafting tag to mean 'official misconduct' or 'police misconduct' with 'corruption', which results in the misconduct function being called the corruption function. As a result, 'corruption' is defined to mean corrupt conduct or police misconduct.

As I noted, this is a drafting tag only and, under the provisions of the act, when the CMC is to deal with the conduct of a police officer, that is police misconduct. It will unequivocally be dealt with as police misconduct and not corruption. Therefore, in no circumstances would the conduct of the police officer be prosecuted as corruption.

Committee majority recommendation No. 4 addresses the issue raised by two submitters, including the commission, that the new title of the commission, the Crime and Corruption Commission, will be confused with the Western Australian Corruption and Crime Commission in that both are CCCs. The government is of the view that the new title of the commission will not be confused with the Western Australian Corruption and Crime Commission and, therefore, does not accept the recommendation to include the word 'Queensland'.

The government does not accept committee majority recommendation No. 5 that requires the bill to be amended so that there is consistency with the two offence provisions, section 216 and new section 216A, which deal with a person making a complaint. This was an issue raised by the Queensland Law Society in its submission to the committee. The main difference between the two sections is that section 216 requires the commission to have issued a person with a prior notice to say that the complaint is frivolous and the person then makes a subsequent complaint on similar subject matter before a prosecution can be commenced. The purpose of new section 216A, which implements in principle recommendation 3D of the report by the Hon. Ian Callinan QC and Professor Nicholas Aroney, is to make it easier for the commission to prosecute complaints made intentionally for improper purposes and to act as a deterrent for people who wish to make a complaint for ulterior purposes. The government does not accept there should be a prior notice requirement for complaints made in such circumstances.

The committee majority recommendation No. 6 proposes that additional examples be added to the list of the examples of what may be an exceptional circumstance to avoid the requirement of a complaint being made by way of a statutory declaration. These additions are when the complainant is a child or a person who has a personal or physical disadvantage that may result in the making of a statutory declaration difficult or impossible. The government accepts this recommendation and I will be moving an amendment to the bill during consideration in detail to insert these two new scenarios as examples of 'exceptional circumstances'.

The committee majority recommended in recommendation No. 7 that the bill be amended to require the minister to consult with the parliamentary committee on the approval of the proposed research plans prepared annually by the commission. The bill amends section 52 of the act to require the commission to prepare three-year research plans to be provided to the minister annually for approval. The main concerns raised in a few of the submissions to the committee about the proposed amendment was whether the parliamentary committee would be the more appropriate approving authority and that the proposed amendment jeopardised the independence of the commission. The bill implements in principle recommendation No. 12 of the Callinan-Aroney report which, in fact, provides for a more limited ability of the commission to determine its own research agenda.

The government agrees with the committee majority that the parliamentary committee may have a role in providing input into the proposed research plan and accepts this recommendation. I will be moving an amendment to the bill during consideration in detail to provide that the parliamentary committee will be consulted prior to the minister's approval of a research plan or amendment to a research plan prepared by the commission.

The government notes the issue raised by the committee majority about the amendment in clause 74 of the bill and also in section 146ZQ of the act where there is no provision that facilitates the Parliamentary Crime and Misconduct Commissioner's tabling of documents in the Legislative

Assembly. The government therefore accepts this recommendation, which is recommendation No. 8, and in that regard I will be moving an amendment. The amendment will provide that in new section 314A the parliamentary commissioner will provide the documents to the Speaker, who will be required to table the documents in seven days. However, in the existing section 146ZQ, the amendments will provide that the assumed identity reports prepared by the commission are provided to the chairperson of the parliamentary committee, rather than the parliamentary commissioner, who will be required to table the reports within 14 sittings day.

The proposed amendment to section 146ZQ mirrors the similar requirements in section 314 of the Police Powers and Responsibilities Act 2000, as these reports are more appropriately provided to the parliamentary committee rather than the parliamentary commissioner. The parliamentary commissioner has been consulted about these amendments and I understand supports the proposed amendments.

The committee majority in recommendation No. 9 proposes that the proposed new section 292(g) be combined with existing section 292(g) to ensure that reviews on the structure of the commission are undertaken at the same time as the oversight committee's review of the activities of the commission—that is, every five years.

At this point it is timely to discuss concerns raised in the submissions about the new upper governance structure of the commission. Of the submitters who discussed these amendments in the bill, each had their own view on what would be the most appropriate structure, the commission's role and the relationships of and the role of each of the commissioners. Common themes raised in the submissions included that the chairman and the chief executive officer roles were given too many powers under the bill, that the chief executive officer position should not be a voting member of the commission, the removal of the civil liberties interest of the legally qualified commissioner, the removal of the requirement that at least one commissioner be a woman and increased maximum term of commissioners from five years to 10 years.

The Tasmanian Integrity Commission is the only other interstate agency similar to the commission with a board-like governance structure. The other commissions have one commissioner or chairperson who is responsible for the performance of the functions and the exercise of the powers of the relevant commission, but with an ability to appoint a deputy or assistant who helps the commissioner or chairperson. Other jurisdictions provide for legal qualifications for appointment as a commissioner with no reference to an interest in civil liberties or being a woman. I note that there is variance in the maximum terms of appointment of a commissioner across the other jurisdictions ranging from five years to 10 years.

As I stated in my explanatory speech when introducing the bill and as pointed out in the explanatory notes to the bill, there are many views on what is the most appropriate governance arrangements for the commission. The government has examined the various governance arrangements for similar interstate bodies and has arrived at what it considers to be the most suitable for the commission to carry out its various functions and exercise its powers. However, as the government is genuinely committed to making sure that the upper governance structure works, the bill inserts the new provision 292(g) in the act that allows the parliamentary committee to conduct periodic reviews of the structure of the commission. The proposed new section 292(g) provides flexibility to the parliamentary committee as to when it reviews the structure of the commission. The new clause does not mandate when the periodic reviews occur and this will be at the discretion of the parliamentary committee as and when required.

The committee majority recommendation would result in the parliamentary committee not being able to consider, should the need arise, if the upper governance arrangements are working effectively or not until mid 2016. For this reason, the government does not accept committee majority recommendation No. 9.

As I stated above, the committee majority also raised three points for clarification, which I will now address. The committee majority has invited me to clarify whether the commission will be able to demand a statutory declaration be submitted in the instance where a complaint is made without an accompanying statutory declaration and the commission requires a declaration to test the veracity of the complaint. The committee majority has also requested I clarify the various meanings of the terms 'complaint', 'information' and 'matter' and confirm in what instances a statutory declaration is required under the bill and in what circumstances a statutory declaration is not required.

At this point, I note that many of the submissions to the committee were opposed to the statutory declaration requirement for complaints, arguing this would prevent persons who had genuine and real complaints from making those complaints and there was a significant risk the commission

would be prevented from investigating serious corruption. The policy intent of the bill is that complaints made to the commission must be by way of a statutory declaration. If the complaint is not made by way of a statutory declaration, the complaint cannot be accepted by the commission or otherwise dealt with by the commission, except for in the limited situations provided for in the bill. For example, the commission may accept a complaint without a statutory declaration if exceptional circumstances exist.

The government considers this requirement will ensure the commission receives only genuine complaints and will deter people from making vexatious, malicious, vindictive complaints for ulterior or mischievous purposes. However, the government will, to clarify any confusion about when a statutory declaration is required and what is 'information' or 'matter', seek amendments to the bill. I will be moving during the consideration in detail stage of the debate of this bill, amendments to clarify when a statutory declaration is or is not required and to clarify what 'information' or 'matter' is by providing a list of examples. The examples of what is 'information' or 'matter' are based upon those included in the commission's submission to the committee. The amendments I will move will also provide that a disclosure made under the Public Interest Disclosure Act 2010 to the commission, known as a PID, does not need to be made by way of a statutory declaration. This amendment addresses a concern raised by the Queensland Ombudsman in his submission to the committee.

The majority committee has invited me to clarify which 'meetings' or 'hearings' of the parliamentary committee that the new clause 302A(2) is to apply to. As is noted in the government response to the committee's report, which I will now table along with the erratum to the explanatory notes, the government understands the term 'meeting' is an umbrella term and covers any time when the committee members gather together for the conduct of its business and may involve situations where other people or organisations are invited or summonsed to attend the meeting.

Tabled paper: Legal Affairs and Community Safety Committee: Report No. 62—Crime and Misconduct and Other Legislation Amendment Bill 2014, government response [5013].

Tabled paper: Crime and Misconduct and Other Legislation Amendment Bill 2014, erratum to explanatory notes [5014].

It is the intention of the new clause 302A to require all meetings of the Parliamentary Crime and Corruption Committee to be public, except when it decides it is necessary to close the meeting for the reasons allowed for in new clause 302A(2).

I will now address some of the other more significant issues that were raised in submissions to the committee. Clause 17 of the bill raises the threshold of when public officials are to notify the commission of corrupt conduct in section 38, so that notification is only required when the public official reasonably suspects corrupt conduct. This is to ensure that the duty of a public official to notify the commission arises only where there is a real possibility that corrupt conduct is or may be involved, rather than where there is a mere suspicion that the conduct involves corrupt conduct.

The Queensland Law Society in its submission to the committee recommended that the amendment to section 38 should be better drafted as 'a suspicion based on reasonable grounds' as this imports objectivity into the test and makes the need for objectivity far more obvious for the person with the relevant suspicion. Such an amendment is not required because the dictionary in schedule 2 of the act already defines the term 'reasonably suspects' as 'suspects on grounds that are reasonable in the circumstances'.

The changing of the term 'chairperson' to 'chairman' was the subject of concern in 12 of the submissions and has also been raised in media reports. The government's position is that the term 'chairman' does not refer to any gender and given section 32B of the Acts Interpretation Act 1954, words indicating a gender includes each other gender. The use of the term 'chairman' will not prevent an appropriately qualified woman from being appointed a chairman of the commission. However, having listened to the concerns of the community, in a bill to be introduced into the parliament in the not-to-distant future we will move amendments to the Acts Interpretation Act to ensure in future people who take on positions in government on any board or body can use their preferred title. That way we are not individually addressing each particular piece of legislation, we are addressing it through the Acts Interpretation Act and people can refer to themselves as they wish in the future.

Nine of the submissions discussed the bill's removal of the commission's prevention function for corruption, with many suggesting that prevention was an integral part of the commission's role to investigate complaints. Some submitters were concerned about the ability of the Public Service Commission to take up this role or the capacity of units of public administration to deal with corruption without the additional support of the commission's anticorruption training and education activities. The Public Service Commission's new CaPE service will provide the requisite advice, support and assistance to public sector agencies.

There are mixed views in the submissions made to the committee about various amendments in the bill requiring the commission to focus on and investigate only serious corruption or systemic

cases of corrupt conduct. These amendments align with the government's vision of a commission that deals with only serious corruption matters and whose finite resources are not diverted to less serious matters that are more appropriately dealt with by any other government agencies.

Concerns were raised in several of the submissions about the amendment in clause 6 to section 4 of the act to provide for the commission's primary and secondary purpose. The division of the commission's purpose in this way was in no way intended to suggest that the commission's corruption function is not important or that the government does not think fighting corruption is important. We did call it, after all, the Crime and Corruption Commission. Given the concerns, and in all the circumstances, the government has decided that it is prudent to remove the reference to the commission's primary and secondary purpose as provided for in the bill. I will be moving an amendment to clause 6 of the bill during consideration in detail of the bill to remove the reference to a primary and secondary purpose of the commission.

The transitional provisions in the bill, and in particular the clauses providing for the continuing appointment of the acting chairperson, have generated concerns in four of the submissions and have also generated media attention. As noted in the explanatory notes to this bill and in my explanatory speech, these amendments will provide stability in the leadership of the commission and facilitate the smooth transition into the new governance arrangements. The committee majority agreed with the purpose and intent of these transitional amendments to provide for the continuing appointment of the acting chairperson, acting part-time commissioners and part-time commissioners.

Addressing the dissenting report prepared by the non-government members of the committee, the member for Rockhampton and the member for Nicklin, the dissenting report includes 32 recommendations which do not support the bill or the amendments included in the bill or seek additional amendments to the bill. The dissenting report recommendations are primarily derived from the concerns raised in the submissions to the committee and which I have addressed in my speech today or in the government response. For this reason, I do not propose to address each of the 32 recommendations individually. I simply state that the government does not support the dissenting report.

If I start where I left off some 57 minutes ago, this government believes in wanting and having a strong, independent Crime and Corruption Commission. There have been words over the last week that I think have dumbed the debate down with respect to reforms to the CMC. This was a body worthy of reform, this was a body in desperate need of reform. I want to thank the Hon. Ian Callinan and Professor Nicholas Aroney from the UQ law school for their review, I want to thank former federal police commissioner Mick Keelty for his review and I want to thank the Parliamentary Crime and Misconduct Committee for its review. They all reached the same conclusion: here was a body in desperate need of reform, a body that was surrounded by maladministration, a body that was surrounded by political opportunism, a body that had political operatives in it investigating other candidates and politicians.

I firmly believe, despite all the criticism that I have personally received over the last six weeks while this committee has been deliberating, that these reforms are overdue. These reforms are necessary to ensure that if the Queensland community is to have any faith in the integrity and accountability of an organisation designed to protect Queensland's citizens from corrupt behaviour and organised crime then the only way forward is with these amendments. The only way forward is for the CMC to accept its problems of the past and to accept there is a bright future for a strong, independent watchdog in this state, a watchdog that will still go after the likes of Gordon Nuttall, a watchdog that will still chase fake Tahitian princes, a watchdog that will fight the criminal gangs and enforce the government's strong laws against criminal gangs to ensure this state is the safest place to raise a family.

All that we are attempting to do today is make sure we have a body that is accountable to the people of Queensland through the parliamentarians who are elected by the people who come in here and debate these important issues. I implore all honourable members to support the CMC reform because only then will the CCC truly be an independent watchdog fighting corruption and organised crime in this state.