




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 1 December 2015

CRIME AND CORRUPTION AMENDMENT BILL

Introduction

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.38 pm): I present a bill for an act to amend the Crime and Corruption Act 2001 and the acts mentioned in schedules 1 and 2 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Crime and Corruption Amendment Bill 2015 [[1764](#)].

Tabled paper: Crime and Corruption Amendment Bill 2015, explanatory notes [[1765](#)].

I present a bill for an act to amend the Crime and Corruption Act 2001 to deliver on a number of the government's election commitments to restore the independence and integrity of the Crime and Corruption Commission. This government is strongly committed to a robust integrity system where oversight bodies can perform their vital functions independently and free from political interference. Successive Labor governments have introduced landmark reforms in Queensland to ensure those in government do what they are meant to do—serve the people of Queensland and not themselves. These reforms have helped ensure government officials perform their functions ethically and with the highest standards of integrity, taxpayers' money is used only for proper purposes and that the actions of government are not hidden from the public.

Today we take another step in rebuilding the capacity of one of our most important integrity bodies charged with preventing and addressing corruption in Queensland. Prior to the election the government committed to a package of reforms to address the erosion of the CCC's independence and integrity. We have already delivered on several of these commitments. For example, in May this year amendments commenced which provided the chair of the CCC with access to an improved salary and pension to provide for greater independence and to attract the best and the brightest to the role. Further, on 1 September, Mr Alan MacSporran QC commenced duties as the new permanent chair of the CCC. We are in the process of recruiting and appointing other commissioners and the chief executive officer. This bill further delivers on a broad range of the government's remaining CCC commitments. The bill ensures that the CCC CEO will not be a commissioner. This is consistent with best practice corporate governance and helps ensure that the CEO is answerable to the commission. The existing provisions regarding the CEO's appointment will continue to apply. The bill maintains a five-member commission, with a requirement for an additional ordinary commissioner because the CEO will no longer be a commissioner. This ensures the commission continues to have a broad range of expertise and skills.

There may be ways to further improve the CCC's governance. However, before making any further changes the government wants to carefully consider recommendations that may arise from the Parliamentary Crime and Corruption Committee's current review of the CCC which is due to report by 30 June 2016. The bill also supports the CCC's independence by ensuring there is bipartisan support of the PCCC for particular appointments. Firstly, the bill requires the bipartisan support of the PCCC for the nomination of the chief executive officer. This will support transparency and accountability in that

appointment. Currently the PCCC has a right of veto in relation to the nomination of the CEO. A right of veto is not the same as having bipartisan support of the PCCC. Bipartisan support ensures that the voices of non-government members also count and a nomination cannot just proceed with the support of government members. The bill also limits acting appointments for commissioners and the CEO to three months unless there is bipartisan support of the PCCC for the appointment. This will prevent long-term, politically partisan acting appointments being made. We have just heard the member for Sunnybank talk about these vacancies having existed for some time in relation to both the chair, the CEO and the ordinary commissioners' roles.

In 2014 the Newman government removed the CCC's important corruption prevention function. This removed the CCC's ability to proactively support public sector agencies in the prevention of corruption and created a critical gap in Queensland's integrity system. The bill reinstates the CCC's important corruption prevention function to enable the CCC to build the capacity of units of public administration to prevent corruption.

The Newman government also removed the CCC's independence and flexibility in being able to set its own research agenda by requiring the CCC to obtain ministerial approval for its research. The bill reinstates the CCC's research function to what it was prior to the 2014 amendments so that the CCC will not have to obtain ministerial approval for its research activities. This will enable the CCC to determine its own research priorities unfettered by political interference. Since 1 July 2014, as a result of amendments made by the previous government, complaints by members of the public to the CCC could not be made anonymously, they must be by way of statutory declaration unless the CCC decides, because of exceptional circumstances, that they do not need to be made this way. By removing the statutory declaration requirement the bill will foster a culture that encourages complaints about corruption to be made. The bill also restores gender neutral language to the position of the CCC chair by replacing references in the act and other legislation to the 'chairman' with CCC 'chairperson'. It was a regressive, petty, simply unnecessary move by the former government to amend the act to make this change given that for many years gender neutral language has been well accepted and used across the Queensland statute book.

The bill also supports the efficient performance of day-to-day financial management by the CCC by removing the current prohibition on the CEO subdelegating financial accountability functions. The CEO's ability to subdelegate these functions aligns with delegation powers departmental accountable officers have under the Financial Accountability Act 2009.

The government has also committed to widening the definition of corrupt conduct in the Crime and Corruption Act. The definition of corrupt conduct, or official misconduct as it was previously known, sets the parameters of the CCC's jurisdiction to address public sector corruption. The definition of corrupt conduct was narrowed under the previous government. The government wants to make sure that the definition of corrupt conduct establishes the necessary and appropriate jurisdiction for the CCC to adequately address public sector corruption. To achieve this the government will, in the new year, be releasing an issues paper on the definition of corrupt conduct for public consultation. This will provide the opportunity for all interested stakeholders to provide feedback and ensure that changes to the definition are carefully considered and we get the amendments right.

It is unfortunate that this bill was necessary. The CCC should never have had its independence stripped and its important corruption prevention and research functions limited as occurred in 2014. This bill rights the wrongs that occurred in 2014. The bill delivers on the government's commitment to restoring the CCC's independence and integrity and so ensuring Queenslanders have a government that lives up to the highest standards of integrity. I commend the bill to the House. I move that the bill be now read a first time.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.46 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.