




Speech By
Leanne Linard

MEMBER FOR NUDGE

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CRIME AND CORRUPTION AMENDMENT BILL

 **Ms LINARD** (Nudgee—ALP) (5.08 pm): I rise to speak in support of the Crime and Corruption Amendment Bill 2015. This bill gives effect to the government's election commitment to restore once more the independence and integrity of the Crime and Corruption Commission and rights a serious wrong carried out by the former LNP government in 2014. I will not go into all elements of the bill—my colleagues have ably done so—but instead will confine my comments to three key areas of reinstating the CCC's corruption prevention function, reinstating the CCC's independence when undertaking its research functions and allowing complaints to be made unanimously to the CCC as well as making a few comments in regard to the use of gender-neutral language.

In 2014 the Newman government removed the CCC's responsibility for the prevention of corruption in units of public administration and, in so doing, created a critical gap in Queensland's integrity system. In 2014 the Attorney-General handed himself control of the CCC's research program, removing the independence and flexibility of the commission. The ability to make anonymous complaints about corruption to the CCC was also removed and instead replaced with a requirement to make such complaints by way of statutory declaration unless the CCC decides otherwise.

Following passage of the bill, the then attorney-general issued a media release titled 'Government listens on CMC reforms' and said that the new CCC would be a modern, unmuzzled watchdog. While 'muzzled' may have indeed become correct under the former government, I think we all know the mendacity of the former attorney-general's statements.

In its submission to the 2014 Newman government bill inquiry, the Queensland Law Society said—

The Society, has serious concerns about ... aspects of the Bill ... the Society considers it critically important to ensure that the Commission remains an independent, apolitical corruption watchdog.

...

The Commission's purpose should be equally focused on dealing with organised crime and corruption.

...

Restricting the research function of the Commission to require prior approval of the Minister for research undertakings may reduce the independence of the institution.

The Queensland Ombudsman in his submission stated in regard to the requirement that complaints be made by way of statutory declaration—

I believe that this is a retrograde proposal as it will have the effect of deterring all citizens, not just those with inappropriate motives, from making complaints about alleged corrupt behaviour to the Commission.

The Bar Association in its submission stated—

The Bill deletes several of those safeguards placed in the Act to achieve the Commission's independence from partisan considerations and influence that were placed in the Act in the wake of the 1989 report. The deletion of these provisions is the first of the concerning tendencies referred to ... the internal structure of the Commission is changed by the Bill to place increased influence and authority in the Chairman, the Chief Executive Officer ... and in the Minister. The two developments cause the Association much concern.

That is the Queensland Law Society, the Queensland Ombudsman and the Bar Association so far. We on this side of the House can certainly see why the Queensland public rejected the former government's version of listening, but I will go on.

The CMC submission to the 2014 inquiry cited in regard to the requirement for a complaint to be made way of a statutory declaration that in 2012 approximately seven per cent of complaints received were from anonymous sources. Based on its experience, the commission believes that the amendments 'may inhibit the CCC's ability to effectively investigate some complaints of serious corruption and that it would be prudent for it to retain some flexibility in this area'. The submission also went on to make the point that the bill would leave Queensland as 'the only state that does not have a primary function to deal with serious corruption'.

The submission from Tony Fitzgerald, which I would encourage everyone to read, certainly makes for instructive reading. It labelled the bill in its present form 'a gross abuse of power'. I am not sure who the former LNP government was listening to when it took steps to diminish the independence of the CCC. It certainly was not the CCC itself. It was not the Queensland Law Society or the Bar Association or the Queensland Ombudsman.

The independence of the commission must be protected by all sides of politics. The commission's independence is vital to ensuring the integrity of Queensland's public institutions. Successive Labor governments have understood that and have protected that independence through the introduction of landmark reforms in Queensland. The commission is there to serve the people of Queensland and not the government of the day.

I commend the Attorney-General for bringing in these reforms. This bill reinstates the CCC's corruption prevention function by amending section 4 to provide that one of the main purposes of the act is to continuously improve the integrity of and to reduce the incidence of corruption in the public sector. All the corruption entities in Australia have a function to prevent corruption, and this amendment puts Queensland back in step with the rest of the country in this regard. I note that the CCC in its submission to the recent bill inquiry indicated that there is a continuing role for the CCC in corruption prevention within the public sector and that it should be reinstated.

The bill reinstates the CCC's research function to what it was prior to the 2014 amendments so that the commission can once again determine its own research priorities, independent of political interference. The bill also removes the requirement for complaints to be made by way of a statutory declaration—once again, fostering a culture that encourages complaints about corruption to be made. No other jurisdiction requires complaints to corruption entities to be made by statutory declaration. In its submission to the PCCC review, the CCC stated—

In our experience, complaints accompanied by a statutory declaration are not of any higher quality or value to the CCC.

They said that they 'have no greater probative value nor are they more reliable for the requirement'.

This bill will also rectify the regressive and narrow-minded move by the former government to override the well-established legislative drafting practice of using gender-neutral language in statutes. The decision to change the term 'chairperson' throughout the act to 'chairman', though attempted on the quiet, may seem to some to be minor but to my mind it was retrograde and offensive. The use of language—particularly language promoted in legislation and by government—carries significant weight and has a normative effect. Most levels of government in Australia have promoted a bipartisan policy of using language that promotes equal opportunity values for decades now. The Bar Association in its submission to the PCCC review commented—

The use of the terms "chairman" and "deputy chairman" are outdated terms. More significantly the amendment to instate their use is an unnecessary provocation to the very many in the community who think so and an unfortunate use in turn of legislation given that could be its only purpose. The use of gender stereotyping language in legislation should be avoided to reduce the prospect of gender stereotyping in the community.

It is disappointing that the former government and all its members saw fit to support amendments that not only diminished the independence of the commission but also saw a return to the use of outdated language that supports stereotypes that exclude women from public life and is no longer representative of the values of the broader community. This bill will see a return to the use of gender-neutral language to reflect contemporary practice.

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. The commission's independence is vital to ensuring the integrity of Queensland's public institutions. Its independence should be protected by all sides of politics. Successive Labor governments have understood this. The Queensland public demands it, and those opposite ignored it at their peril. I thank the Attorney-General for taking a strong stand on behalf of Queenslanders and restoring the independence of the Crime and Corruption Commission. I commend the bill to the House.