




Speech By
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MEMBER FOR FERNY GROVE

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CRIME AND CORRUPTION AMENDMENT BILL

 **Mr FURNER** (Ferny Grove—ALP) (4.30 pm): This afternoon, I rise to speak in support of the Crime and Corruption Amendment Bill 2015. As chair of the Legal Affairs and Community Safety Committee, I will add some commentary around what the committee dealt with. The committee received seven submissions and held a public hearing on 17 February this year. The objectives of the bill are: to provide that the Crime and Corruption Commission chief executive officer is not a CCC commissioner; retain a five-member commission and three part-time commissioners, two of whom are ordinary commissioners; require bipartisan support of the Parliamentary Crime and Corruption Committee for the CEO appointment; limit temporary appointments for the CCC chair, commissioners and CEO to three months, unless there is bipartisan PCCC support; reinstate the CCC's corruption prevention function, as well as the CCC's independence when undertaking its research function; allow complaints to be made anonymously to the CCC; restore gender-neutral language to the title of the CCC chair position; and support the efficient performance of the CCC's day-to-day financial management by removing the current prohibition on the CEO sub-delegating the financial accountability functions under the Financial Accountability Act 2009.

This bill implements our election commitment in regard to what we believe are fair and transparent messages and processes in dealing with these important integrity issues. This government is strongly committed to a robust integrity system where oversight bodies can perform their vital functions independently and free from political interference. Over a period, successive Queensland Labor governments have introduced landmark reforms to ensure those in government do what they mean to do while serving the people of Queensland and not themselves. Unfortunately, we did not see that from the previous LNP government. Campbell Newman removed the CCC's important corruption prevention function, which removed its ability to proactively support public sector agencies in the prevention of corruption, creating a crucial gap in Queensland's integrity system. The bill proposes to reinstate the CCC's important corruption prevention function, which will enable the CCC to build the capacity of units of public administration to prevent corruption. By requiring the CCC to obtain ministerial approval for its research, the Newman government went one step further by also removing the CCC's independence and flexibility in being able to set its own research agenda. The CCC should never have had its independence stripped or its important corruption prevention and research functions limited, as occurred in 2014.

Turning to some of the matters within the bill, section 223 of the Crime and Corruption Act relates to the membership of the commission and provides for the COE to be a full-time commissioner. If successful, the bill will change that. Clause 18 of the bill seeks to amend section 223 to rightly retain the CEO position, while providing that the CEO will not be a commissioner. This is considered to be in line with best practice and best governance arrangements, as it ensures that the CEO position is accountable to the five-member commission. None of the submitters to the inquiry raised any concerns in respect to the proposal that the CEO not be a commissioner.

Turning to corporate governance, under the current arrangement the commission consists of five commissioners: a full-time chair, a part-time deputy chair, a full-time chief executive officer and two part-time ordinary commissioners. Clause 18 of the bill proposes to retain a five-member commission, by providing for the commission to have an additional ordinary commissioner in place of the position that the act currently specifies is held by the CEO, who would no longer be a commissioner. In its briefing, the department stated that the maintenance of the five-member CCC ensures a broad range of experience within the commission, derived from the additional ordinary commissioner who would be appointed in place of the CEO.

Turning to bipartisan PCCC support, currently the act allows the PCCC to veto the CEO's appointment nomination. Clause 23 of the bill proposes to amend section 228 of the CCA to remove the current ability of the PCCC to veto the CEO's appointment nomination, and provides that the appointment nomination can only proceed with bipartisan PCCC support. This is consistent with the provisions in respect of appointing commissioners. The bill also seeks to amend the appointment arrangements for temporary acting commissioners. Clause 28 of the bill inserts a new section 237 that provides that a person may not be appointed to act in the office of the CCC chair, deputy chair, ordinary commissioner or the CEO.

Turning to the corruption prevention function, under the existing law the CCC does not have responsibility for the prevention of corruption in units of public administration, UPAs, including the responsibility to raise the standards of integrity and conduct of a UPA. That function was transferred to the Public Service Commission. The bill seeks to amend section 23 of the act to provide that the CCC has a function to help prevent corruption. There is widespread support for the bill's proposal that the CCC regain a corruption prevention function, including in submissions to the PCCC review. In its submission to the PCCC review, the QLS outlined its concerns with the current law, stating—

Fundamentally, the Society considers it critically important to ensure that the CCC remains an independent, apolitical corruption watchdog.

Turning to anonymous complaints, there was a bit of toing and froing in respect to this particular proposal. Nevertheless, adequate evidence demonstrated that this proposal should be approved. The bill proposes to remove the requirement for complaints about corruption to be made by a statutory declaration, which would mean that people could make anonymous complaints to the CCC regardless of whether exceptional circumstances existed. The rationale of that amendment is to foster a culture that encourages complaints about corruption to be made. No other Australian jurisdiction requires complaints to anti-corruption bodies to be made by statutory declaration, so why should Queensland be different? At the public hearing on this inquiry, Professor Sampford emphasised the significance of confidentiality when initially making a genuine complaint to the CCC. He stated its importance for the integrity of the political process, to increase the chance the corruption conduct will be caught and reduce the chance of mischief, such as evidence being destroyed. He further stated—

The other thing, as I have said, is that if the person who is accused possibly is corrupt the last thing you want to do is alert them to it.

That is a common-sense change in respect to the anonymity of complainants.

Turning to gender-neutral language, the 2014 amendments to the act changed the reference from 'chairperson' to 'chairman'. Amendments in this bill propose to ensure gender-neutral language in the CCA to reflect contemporary legislative drafting practices. I am pleased to commend the bill to the House.