




Speech By
Tony Perrett

MEMBER FOR GYMPIE

Record of Proceedings, 20 April 2016

CRIME AND CORRUPTION AMENDMENT BILL

 **Mr PERRETT** (Gympie—LNP) (5.40 pm): I rise to speak to the Crime and Corruption Amendment Bill 2015. I do so as a former member of the Legal Affairs and Community Safety Committee and as a former local government councillor. This experience underpins my grave concerns about the use of the complaints process. I wish to focus on two areas regarding the complaints process: firstly, proposals to remove the need for a statutory declaration to accompany a complaint; and, secondly, the need to provide a deterrent to the making of unfounded and frivolous complaints.

Under a cloak of secrecy and carrying little responsibility, too often the Crime and Corruption Commission is used for scurrilous complaints. That is why the LNP is concerned about the proposed provisions that remove the requirement to provide complaints to the CCC with a statutory declaration except in exceptional circumstances. These changes mean that it will now provide for anonymous complaints. These amendments should be rejected. If the proposed amendments become part of the Crime and Corruption Act 2001, the LNP believes that the issue of maintaining confidentiality should be further investigated.

Complaints should remain confidential to safeguard the progress of the crime and corruption allegations, but there needs to be both a mechanism to protect those investigations and a deterrent to vexatious and false complaints. As Professor Charles Sampford of Griffith University said, confidentiality is important for the integrity of the political process. It is important to increase the chances that corrupt conduct will be caught. It is important to reduce the chance of mischief such as evidence being destroyed or alibis being made up.

The right to confidentiality carries a responsibility. This leads to my second concern about combating unsubstantiated complaints. Too often within local government circles it is commonplace to hear of the complaint process being misused for both political purposes and vindictiveness. It is used to give legs to conspiracy theories and for pure mischief-making. This diminishes the seriousness of genuine complaints. It devalues their legitimacy and the worries of honestly concerned residents. It takes up valuable time and resources that should be spent on real and legitimate complaints.

That is why the Local Government Association of Queensland is concerned at the removal of statutory declarations, noting that this 'will encourage frivolous and vexatious complaints in relation to local government, particularly at sensitive times such as the lead-up to a council election'. Its prediction is easy to believe, as in the run-up to the last two council elections the number of allegations spiked by 80 per cent in 2008 and 40 per cent in 2012. The LGAQ advised that it 'believes that the exceptional circumstances provisions contained within section 36(3) of the Crime and Corruption Act 2001 provide an individual with the appropriate protections and safeguards'. It goes on—

Notwithstanding, the LGAQ and Queensland councils take matters of corruption very seriously and in no way wish to discourage complaints about corruption. Any complainant who believes their allegation has merit should have no issue in completing a statutory declaration which is a relatively straightforward process.

As predicted, we saw yet again during the recent local government elections allegations and complaints made to the CCC and then being publicly aired in the media. The LGAQ's chief executive officer, Greg Hallam, described the 2016 elections as the worst he has seen. The Deputy Premier's own department of local government made two very damaging referrals, which were quickly leaked to the media, regarding the mayors of both Brisbane and Ipswich. Those leaks and allegations were deliberately designed to cause maximum damage to reputations and make the mud stick. They ran for a number of weeks before everything was then cleared. Unfortunately, as there is no deterrent, in the prism of an election period complaints are clearly designed to inflict reputational damage. It is not really about weeding out corruption. We need some sort of deterrent mechanism because the current system has not worked.

During the public hearing I specifically raised my concerns about this with the chair of the Crime and Corruption Commission, Alan MacSporran. I asked—

My question is around the politicisation of the CCC, particularly around frivolous complaints. I have had 12 years in local government and I have seen the CCC used as a mechanism to attack political opponents, rightly or wrongly—wrongly when they are frivolous complaints, particularly when they are mentioned in the media as 'under investigation' or 'referred to the CCC'. It is very difficult to be able to counter those as an individual and particularly as someone who is involved in the political process. What mechanisms can be used to prevent those sorts of issues that are deliberate tactics from political operatives, be it inside or outside the direct line of politics?

Mr MacSporran advised—

... we have proactively run campaigns ... to educate candidates and the public as to what is expected and, in particular, to warn candidates that they should not use the CCC as a political vehicle to gain some advantage for themselves or to cause detriment to their opponents. I issued a video on our website ... We conducted a joint press conference with the LGAQ ... we did ... radio interviews ... it pointed out the unfairness and often unnecessary reputational damage from false complaints being made to us with the object of gaining an advantage, how that could backfire on the candidate, how the public would be cynical and entitled to be cynical.

...

As part of our message we have also reminded people that it is a criminal offence to make a false allegation to us, and it is a serious criminal offence.

The problem is that, despite saying it is a criminal offence, not one person has been referred to the courts. I asked—

Given that it is a serious criminal offence, are there examples of where there have been frivolous and vexatious complaints based on trying to gain political advantage over someone else, they have been referred to the courts and there have been successful convictions?

The chairman was not even aware that the legislation, section 216, had been in existence for a long period of time, but he did advise—

To my knowledge there has not been a prosecution under that legislation.

...

It has never been used, to my knowledge.

...

The time is rapidly approaching when maybe it is time to prosecute because it is a grossly unfair thing to do if there is nothing in it, if it is baseless.

We need to provide an adequate deterrent for the confidence of the community and the people who operate within the political sphere. Until we can refer frivolous complaints and have prosecutions, all of the education programs in the world will have no teeth. That is why the LNP believes that the legal framework and proposed criminalisation measures suggested by Professor Sampford should be investigated by the PCCC. The CCC has a valuable role, but that role should not be used as a political tool.