



Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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CRIME AND CORRUPTION AMENDMENT BILL

Second Reading

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.05 pm): I move—

That the bill be now read a second time.

This bill delivers on our election commitment to Queenslanders to deliver a truly independent corruption watchdog. The Crime and Corruption Amendment Bill 2015 delivers a number of election commitments to restore the independence and integrity of the Crime and Corruption Commission. I am proud to be in a government committed to an independent and empowered corruption watchdog and Queenslanders have sent a very loud message that they want a government committed to transparency and accountability. Queenslanders recognise that a powerful independent corruption watchdog is an essential element of our modern democracy in this state. Briefly, the bill addresses these commitments by providing that the CCC chief executive officer is not a commissioner and requiring bipartisan Parliamentary Crime and Corruption Committee support for this appointment; limiting temporary appointments for the commissioners and CEO to three months unless there is bipartisan PCCC support; reinstating the CCC's corruption prevention function which was removed by the former government in 2014; reinstating the CCC's research function to as it stood prior to the former government's 2014 amendments to enable the CCC to perform its research independently; and removing the requirement for complaints about corruption to be made by way of a statutory declaration to ensure people are not discouraged from reporting corruption. The bill also restores gender-neutral language to the title of the CCC chair and deputy chair which was removed by the previous government in 2014 and removes the current prohibition on the CEO subdelegating the financial accountability functions under the Financial Accountability Act 2009.

I thank the Legal Affairs and Community Safety Committee for its consideration of the bill and note with regret that the committee was not able to give bipartisan support to recommend the bill's passage. It is unfortunate that the committee was unable to reach bipartisan support for the bill, particularly as it delivers on our public commitment to Queenslanders and makes straightforward and sensible changes that will enable this important watchdog to independently and effectively perform its functions. Although the committee did not make any recommendations in relation to the bill, I will address matters raised in its report. I note that the statement of reservation by non-government members considered that aspects of the bill should be dealt with as part of the PCCC's current broad review of the CCC which is due for report by 30 June 2016. I acknowledge that some of the amendments in the bill touch on matters within the scope of the PCCC's review and that several submissions to the committee recommended legislative changes that will build on amendments in this bill—for example, additional recommendations about the CCC's corporate governance and powers that should accompany the CCC's reinstated prevention function.

This bill does not seek to adopt all of those submissions nor address all of those broader issues. The PCCC will continue to do its work considering issues of governance and the government will consider a report from that committee when it is provided. This bill is about delivering what this government promised Queenslanders. It is important that we act now to address the impact of the former government's attacks on the independence of the corruption watchdog that politicised the CCC and impacted adversely on its ability to perform its functions. Certainly, the PCCC review may recommend other amendments to the Crime and Corruption Act that are considered necessary to support the CCC in performing its vital functions, some of which may complement the changes made by the bill. However, that is not a genuine reason to delay the amendments in this bill.

Those opposite are twisting themselves inside out trying to use the PCCC review of governance as political cover for refusing to accept the important changes that we took to the election and which were supported by Queenslanders—changes that go directly to the independence and effective operation of the CCC. Those opposite should admit to the people of Queensland what their position is all about: their continued deep-rooted, ill-thought-out, historical opposition to having an independent corruption watchdog. They should just admit what it is all about. Year after year the LNP members and their conservative forebears tried to attack the independent watchdog. In government, under the member for Kawana, the CCC was treated like a political plaything. The LNP's approach to the CCC became emblematic of the Newman government years and its disrespect for transparency and openness in government.

I note that the statement of reservation by the non-government members opposed the amendment to remove the requirement for complaints to be made by statutory declaration. The removal of the statutory declaration requirement, in accordance with this government's election commitment, will help ensure that there are no barriers to genuine complaints about corruption being made. Those opposite claimed in government that there was still an opportunity for anonymous complaints—people just have a sign a statutory declaration. I am not sure members of the public who were worried about providing information about their boss who might be committing fraud, or information about organised crime, would really feel like their complaint is anonymous when they have to sign a statutory declaration with their name and address to state why their complaint should be anonymous.

The reality is that the formal, technical and legal aspects of a statutory declaration may overwhelm some people and discourage them from coming forward with issues of corruption that need to be addressed. The CCC has also indicated in discussions with me that it has no concerns whatsoever that allowing anonymous complaints to be made again would significantly increase the number of complaints being made and that there are sufficient safeguards in place to deal with those issues if that were to occur.

This is not what we want in a modern democracy and Public Service where we want to avoid corruption. The government does not consider that continuing to impose the requirement for complaints to be made by statutory declaration is the most appropriate way to address these risks. That is why this amendment is being made now. There are existing offences in the Crime and Corruption Act regarding the making of vexatious or frivolous complaints. Of course, there may be other policy responses that could be adopted in this area, but that can be considered by the PCCC review.

We are also delivering on our election commitment to restore bipartisanship in the appointment of important positions at the CCC, including the CEO. We are also removing the ability of a government to appoint someone on a temporary basis beyond three months. That is to ensure that a government cannot simply continue to appoint someone who lacks bipartisan support on an ongoing basis by abusing the temporary appointment process. Under the Crime and Corruption Act 'bipartisan support' of the PCCC is defined to mean—

- (a) support of the members of the parliamentary committee unanimously; or
- (b) support of a majority of the members, other than a majority consisting wholly of members of the political party or parties in government in the Legislative Assembly.

The statement of reservation also supports an amendment to the definition of 'bipartisan support' in the Crime and Corruption Act. That is on the basis that bipartisan support does not necessarily require the support of opposition members of the PCCC if other non-government PCCC members, such as crossbenchers, provide support. The current definition of 'bipartisan support' in the Crime and Corruption Act has been in the act for over a decade. We are delivering on our election commitment to restore bipartisan support in the appointment process and those opposite have some gall trying to claim the high ground on this issue. It was the LNP government that abused the temporary appointment process, that attacked not only the CCC's independence but also the PCCC to the extent that, when the committee did something that the member for Kawana and then premier Newman did not like, they sacked the entire Parliamentary Crime and Corruption Committee.

In contrast, this government takes the independence of the CCC seriously. We have made solid and appropriate appointments. However, I am still seeking to fill one ordinary commissioner appointment. That has not been supported by the PCCC, but I respect the role of the PCCC and I will bring another nominee forward and hope that the PCCC will consider the individual on their merits.

This legislation delivers important changes that will enable the independent watchdog to get on with their job. This bill restores integrity and independence to one of our most critical integrity bodies and for that reason should be supported by all members. We are restoring the ability of the CCC to initiate its own research plan without needing the approval of the minister. Under the previous government, when ministerial approval was required, for the three years that the LNP was in government the CCC did not have a research plan approved. There was no research plan. We believe that the Crime and Corruption Commission should be able to establish its own research plan and not have that in any way stalled by the government of the day. It should have that independence.

At this point, I also want to indicate that it is my intention to move an unrelated amendment during the consideration in detail of the bill to the Queensland Civil and Administrative Tribunal Act 2009 to extend the justices of the peace QCAT trial for a further six months. I will be seeking this amendment, because the provisions in the QCAT Act that facilitate the justice of the peace QCAT trial will expire at 13 May this year pursuant to section 206BB of the QCAT Act and section 20 of the Queensland Civil and Administrative Tribunal Regulation 2009. I am giving the House the consideration of highlighting that amendment now and indicating what it is. This is an important amendment as I consider that, to ensure that we have proper time to consider the trial and its future, we have to extend the current trial under the act to ensure that it continues while that consideration is being given. Without this amendment, that JP QCAT trial will cease in May.

The non-government members will be briefed on this amendment as soon as I and the shadow minister have made our contributions in this debate. I understand that, more than likely, those on the other side are going to oppose this bill but I hope, with this amendment, there can be support in relation to the extension of the JP QCAT trial. On that basis, I commend the bill to the House.