




Speech By
Lachlan Millar

MEMBER FOR GREGORY

Record of Proceedings, 1 November 2018

CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MILLAR** (Gregory—LNP) (4.38 pm): I rise to make a contribution to the debate on the bill, which is of great concern to all Queenslanders. I acknowledge the member for Bundamba, who tried to shine a spotlight on corruption but was ignored for a long time. Eradicating crime and corruption in Queensland's civil and political life is a responsibility of the utmost importance and one that I hope is respected by all members of the House. The bill aims to implement the recommendations of the bipartisan 2016 PCCC statutory review of the act. Timely review of the act is vital as eradicating crime and corruption is an ongoing challenge.

While the LNP supports the bill, we are doing so with some reservations. The bill will widen the definition of 'corrupt conduct' by removing the requirement that corrupt conduct be engaged in for the benefit of or detriment to a person. It will also remove the list of offences that could previously be categorised as corrupt conduct and instead replace it with a new definition of 'corrupt conduct'. Under this amendment, corrupt conduct may now include things such as collusive tendering, fraud in relation to applications for a licence, permit or authority, dishonestly obtaining a benefit from the payment or application of public funds or disposition of state assets, evading a state tax, levy or duty or fraudulently obtaining or retaining a government appointment.

I comprehend the importance of the inclusion of collusive tendering as vital in ensuring that public administration is held to the highest standards. I know that my constituents in the seat of Gregory are very concerned about this. However, I also note that the Queensland Law Society has concerns that the definition is open to being too broadly construed. They suggested that it should have some restrictions around it.

Firstly, it should be restricted to corruption that involves or affects a Queensland public official or public authority. Collusive tendering has occurred in the past between commercial entities and too broad a definition in that regard would extend the commission's considerable powers into private spheres. However, it may be the case for future review to see whether these fears have manifested.

The Queensland Law Society also wanted the definition to make explicit that corrupt behaviour needs to be behaviour that is deliberate or intentional as opposed to actions that are a result of negligence or genuine mistake. There have been concerns in the past that the commission's vital work should not become bogged down by trivial investigations and by not excluding actions resulting in negligence or error we may open the floodgates to such an onslaught.

To ensure this was not the case, the Queensland Law Society suggested that the definition of 'corrupt conduct' be confined to actions that are a criminal or disciplinary offence or conduct which constitutes reasonable grounds for dismissing or otherwise terminating the services of a public official or, in the case of a member of the Queensland parliament or a local government councillor, a substantial breach of an applicable code of conduct. I do not see that concern addressed in the bill before us and yet it is a very reasonable concern which was explicitly articulated in the Callinan-Aroney

recommendations that the operational focus of the CCC should be on investigating serious cases of corrupt conduct. It is a sad fact of life that corruption occurs in Queensland and we must always be ever vigilant in exposing it to public scrutiny.

Sadly, the 2017-18 CCC annual report shows a staggering rise in corruption complaints. It was ironic that the recent CCC annual report was uploaded late on a Friday night. That is a tactic often used by governments when they wish to conceal a failure. Despite the tactic of burying the news, the rise in corruption complaints is there for all to see.

In the last year the number of corruption hearing days has more than doubled while corruption allegations have increased by 45 per cent in the last two years. The commission is already underresourced. This is obviously a concern. If this new definition results in a further upward swing in corruption complaints, the government should ensure that their funding is increased. It has, after all, ignored the expert advice of the Queensland Law Society and the statement of reservation issued by the LNP parliamentary committee members.

If the commission is forced to devote considerable resources into determining what is needed to be investigated, the important issues that should be investigated may be delayed or deferred to Queensland's detriment. The work of the commission is so vital to the proper conduct of public life in Queensland that we cannot afford to be distracted by red herrings. If the new definition is to have an effect then the government has an absolute duty to increase its resourcing to ensure that serious matters can still be progressed in a timely fashion. I commend the bill to the House.