




Speech By
Michael Berkman

MEMBER FOR MAIWAR

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CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (4.16 pm): I rise to make a brief contribution to the debate in support of the Crime and Corruption and Other Legislation Amendment Bill. The Greens and I have long supported any and all efforts to strengthen anti-corruption measures at all levels of government and this bill goes some way towards achieving that goal. In particular, the expanded investigative power to be given to the CCC is a welcome improvement. Also, the amended definition of 'corrupt conduct' appears to expand the good work that has been done already by the CCC.

I would like to raise briefly a couple of points on this aspect of the bill. Firstly, it is worth looking at the interstate counterparts of the CCC and, in particular, the New South Wales ICAC, which has been so effective in recent years in identifying and taking on corrupt conduct in New South Wales. I think that we can fairly recognise that ICAC in New South Wales has been more effective in taking on corruption than any other comparable anti-corruption body. That is at least in part down to the breadth of the definition of 'corrupt conduct' that falls within the remit of ICAC in New South Wales.

For the purposes of the New South Wales ICAC, corrupt conduct includes an important element beyond what Queensland's CCC can investigate. In New South Wales, corrupt conduct includes conduct that would result in a disciplinary offence. For these purposes, a disciplinary offence is defined to include any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

It is important for us to remember that this is simply the threshold for the CCC to investigate. It does not mean that corruption charges become a routine substitute for disciplinary action. To have any chance of restoring public confidence in our system, the CCC must at least be given this broad capacity to investigate.

In its submission on the bill to the committee in the last parliament, the Australia Institute noted instances where the CCC has not had sufficiently wide powers to investigate in circumstances that are genuinely suspicious and quite reasonably undermine public confidence in the system. Specifically, it identified favourable decisions or changes in policy in respect of the New Acland Coal Mine stage 3 expansion and Sibelco's mining operations on North Stradbroke Island, where both holding companies donated many hundreds of thousands of dollars to the LNP. In circumstances like this, the CCC must be given sufficient powers to investigate.

In addition, the Australia Institute notes in its submission concerns that the amended definition of 'corrupt conduct' could unintentionally narrow the scope of the conduct that the CCC will investigate. The Australia Institute says further in its submission—

The wider investigative jurisdiction given to the CCC through the CCOLA bill are of little use if the definition of corrupt conduct to which these investigative powers are used is narrower.

The department does not share these concerns. I encourage the government to pay close attention as to whether this risk plays out in the coming months or years.

Widening the definition of 'corrupt conduct' is part of the anti-corruption policy that the Greens brought to the last election. While the changes in this bill need to be taken further, and would be complemented by the CCC holding more public hearings, I welcome this first step. I encourage the government to continue to adopt Greens policy by stopping the common practice of cash for access meetings with government ministers and senior MPs and to stop politicians from walking into cushy lobbyist jobs when they leave this place.

The government's ban on developer donations was an important first step in adopting Greens policy on election funding reform. It might go some way to restoring faith in our system. We are yet to see whether the government and opposition will finally be willing to sever their ties with their corporate donor mates by voting with my private member's bill to ban all for profit political donations.

In closing, I refer briefly to the member for Stretton's observation about federal Labor's newfound support for Greens policy on the need for a federal ICAC. Everyone would be aware that we have had a bill in federal parliament since 2010 that Labor has refused to support. They have seen the light. They deserve credit for that. We should add this now to the list of Greens policy that has been adopted by federal Labor on top of negative gearing, the banking royal commission—the federal government has taken that one up too—and the bank levy, although that was the government first followed by Labor.

I encourage all members, particularly on the Labor side of the House, to get in touch with their federal counterparts and urge them to back the motion that Senator Waters will move in the Senate on Tuesday, 13 November to show that the Senate supports the establishment of a federal anti-corruption body. It will be interesting when that motion gets to the House and the new member for Wentworth has the opportunity to show that the Senate and the lower house agree with Greens policy—Labor has taken it on board—and they are going to work for an end to corruption at the federal level.