




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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## **CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr HART** (Burleigh—LNP) (5.04 pm): I rise to add to the debate on the Crime and Corruption and Other Legislation Amendment Bill 2018. Like my compatriot from the Gold Coast, I lived through the time when the CMC or the CJC looked at the issues on the Gold Coast. I join in the words from the member for Mermaid Beach in that there were quite a few vexatious referrals a few years ago including that referral to the body about the Gold Coast City Council. That was one of the reasons why in 2014 we looked to narrow that definition and take away the opportunity for someone to abuse a referral to the Crime and Corruption Commission. We did that then, and it made a lot of sense. This government, as we know, tries to reverse anything that the previous LNP government may have done around these particular issues.

This bill will change the definition of 'corrupt conduct'. It is worth noting that this is done by proposed section 15(2) which removes the previous definition and inserts a new definition. Proposed section 15(2) states—

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following ...

The first point listed is collusive tendering. This leads me to ask the Attorney-General whether this widening of the definition may cover some of the issues that I have canvassed this week on the JM Kelly issue. Quite frankly, there is some very suspicious stuff happening in that area. Since I spoke on this matter on Tuesday, I have been inundated by emails and phone calls from various people in Central Queensland telling me exactly what may have gone on in that area. The sort of information that is flowing through there is quite disturbing. With the widening of this definition as per this clause, we may well be starting to look at issues around collusive tendering. As I said today, it is really worrying. It appears that we may have some former members of parliament and current members of parliament who may be involved, even on the sidelines, in the tendering process and there may have been favours given by JM Kelly in Rockhampton. These are things that we seriously need to look at. It may be something that the Crime and Corruption Commission needs to—

**Mrs LAUGA:** Madam Deputy Speaker, I rise to a point of order on relevance. Can the member please come back to the long title of the bill?

**Madam DEPUTY SPEAKER** (Ms McMillan): Honourable member, I ask you to return to the bill.

**Mr HART:** Madam Deputy Speaker, I prefaced my comments by talking about section 15(2), which is the definition of 'corrupt conduct'. I understand that the member does not want me talking about this, but that is exactly what this is about. This is about the definition of 'corrupt conduct'.

**Mrs Lauga:** You are running down someone's name who has no opportunity to defend themselves.

**Mr HART:** Madam Deputy Speaker, I am not taking any interjections from the member up the back.

**Mrs Lauga:** I don't think you need to give a direction.

**Mr HART:** Madam Deputy Speaker, while I am on my feet and the member up the back is talking, I think the member may well have some real issues that may come to fruition in the near future. The member wants to be extremely careful.

**Mrs Lauga** interjected.

**Madam DEPUTY SPEAKER:** Order!

**Mr HART:** I do not know whether corrupt conduct may be in the fact that somebody lends you money and you do not talk about it for quite a while and then it appears on your register of interests. That could be a real issue.

**Mrs LAUGA:** Madam Deputy Speaker, I rise to a point of order. I take personal offence to the imputations that the member is making and I ask him to withdraw.

**Madam DEPUTY SPEAKER:** Member, you have been asked to withdraw your comments.

**Mr HART:** I withdraw. The bill that I am reading from states—

- (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
- (A) protecting health or safety of persons;
  - (B) protecting the environment;
  - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
- (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets—

I suggest that that goes directly to the conversation I have been having in the House about JM Kelly and the activity of some members of the Labor Party.

The bill also widens the definition of 'corruption'. We have to ask the question as to whether this would then capture the mangocube email accounts and the information that has been coming from the Minister for Transport around the decision on who might be on the boards of directors of some of our GOCs, including the appointments of Mark Algie and Mike Reynolds. If they were appointed as a result of an email that was sent to a private email address, I wonder what happened with regard to Mr Schwarten being appointed to the board of the QBCC a couple of years ago. We have to start to wonder about that process. Obviously, the appointment process is something that I suggest the CCC will eventually have to look at. There are some real issues contained in some of the questions we have been putting to the government, and we quite simply have not had any responses to them.

The Queensland Law Society raised a number of issues with regard to changing the definition of 'corruption'. It said—

However, we do not consider that these powers should be open-ended and limitless.

I guess that is part of the problem here. When you do not actually have a clear definition about anything and you leave it wide open to interpretation, then anybody can interpret whatever they like into it and that may lead to vexatious claims. We saw that during the election campaign, when Campbell Newman and his family were targeted with completely vexatious claims. The Crime and Corruption Commission investigated them and there was nothing there at the end of the day, but those on the other side and those in their party machinery thought it was appropriate to attack the family of a member. That should not be happening, but that is where we will end up with that. The Queensland Law Society said that we should not be leaving this open-ended and limitless. They said—

The definition as drafted is exceptionally broad and may be open to being construed too broadly.

Who would have thought that a lawyer might look at something and construe it more broadly than it was ever intended to be? I guess that is why they get paid the big bucks. They continued—

As such, it is our view that the jurisdiction of the Commission should be restricted to corruption that:

- involves or affects a Queensland public official or public authority
- is deliberate or intentional (as opposed to negligence or mistake)
- is a criminal offence, or a disciplinary offence, or constitute reasonable grounds for dismissing or otherwise terminating the services of a public official—

I suggest there are a few public officials who should be terminated over the JM Kelly debacle that is happening in Rockhampton and will continue to happen in the next couple of weeks.