




Speech By  
**Peter Russo**  
MEMBER FOR TOOHEY

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### CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (6.14 pm): I rise to recommend that the House support the passing of the legislation before us this evening. I listened to the contribution made by the member for Toowoomba South, who I understand is a commercial lawyer. I should point out to him that I think I have spent more time in court representing his side of politics than my side.

This bill will bring Queensland's legislation into line with that of New South Wales and is consistent with that jurisdiction. With the change in the way service delivery is affected by governments, with private entities and government working together to deliver services, it is important that legislation keeps pace with the way those services are delivered to the community. The bill does exactly that. It is further evidence of the commitment that the Palaszczuk Labor government has to good governance and is an election commitment from 2015. The first stage of reforms have been passed previously in this House.

This bill is technically well measured and is a response to the community's expectation that the Crime and Corruption Commission is able to do its job, which is to ensure that the people of Queensland are well protected from corruption within organisations that, for the most part, are here to serve the people of Queensland and deal with the complexities of governing a vast state such as Queensland. The bill is for an act to amend the following legislation: the Ambulance Services Act, the Crime and Corruption Act, the Director of Public Prosecutions Act, the Fire and Emergency Services Act, the Ombudsman Act, the Police Service Administration Act, the Public Service Act and the Public Service Regulation for particular purposes.

In the time available to me this evening, I do not intend to deal with each section separately. I will deal with the more substantive parts of the bill and recommend that the bill be passed. As stated earlier in my contribution to the debate on the bill, the policy objectives of the bill are to give effect to the government's election commitment to widen the definition of 'corrupt conduct' and implement recommendations of the Parliamentary Crime and Corruption Committee's report No. 97, *Review of the Crime and Corruption Commission*, and report No. 99, *Report on a complaint by Mr Darren Hall*. The government's response to report No. 99 supported the recommendation and undertook to progress amendments to the Crime and Corruption Act that would make it a legislative requirement for the commission to provide procedural fairness to persons who may be adversely affected by a commission report that is publicly released.

I will now deal with policy objectives dealing with the definition of 'corrupt conduct'. As outlined in the explanatory notes to the Crime and Corruption and Other Legislation Amendment Bill—

... the Bill simplifies the definition of 'corrupt conduct' by removing (i) the requirement that conduct is engaged in for the benefit of, or detriment to, a person under section 15(1)(c) because this element has caused confusion among public sector agencies; and (ii) the list of additional matters, criminal offences or behaviours, which could be 'corrupt conduct' under section 15(2) because it has not aided in the interpretation of the definition.

As part of the process to widen the definition of 'corrupt conduct', the government released an issues paper on 25 February 2016 titled *Corrupt conduct under the CC Act* to canvass the views of relevant stakeholders. The responses to the issues paper were generally supportive of the current definition, as conduct that falls outside the current definition is dealt with by units of the public administration. On the basis of submissions from the commission, as well as government and non-government stakeholders, the bill makes important changes that will simplify the definition of 'corrupt conduct' to assist UPAs in their interpretation and understanding by widening the definition to include conduct of persons that impairs or could impair public confidence in public administration, consistent with the commission's overriding responsibility to promote public confidence in the integrity of the public sector.

The bill widens the definition of 'corrupt conduct' to include certain conduct that impairs or could impair confidence in public administration, even where it does not involve a lack of propriety by a person who holds or held an appointment in a UPA. This extended definition is limited to the following types of conduct that would, if proved, be a criminal offence or a disciplinary breach, providing reasonable grounds for terminating a person's services: collusive tendering; certain frauds relating to the application for a licence, permit or other authority; dishonestly obtaining or helping someone to dishonestly obtain a benefit from the payment or application of public funds or the disposition of state assets; evading a state tax, levy or duty or otherwise fraudulently causing a loss of state revenue; and fraudulently obtaining or retaining an appointment in a UPA.

The amendment is modelled on changes that were made to the New South Wales Independent Commission Against Corruption Act in 2015 to broaden the definition of 'corrupt conduct'. An example given in the explanatory notes to this new limb of corrupt conduct is that the commission will have to power to investigate, expose, prevent or educate about serious and systemic fraud in the making of applications for licences, permits or clearances issued under the Queensland legislation designed to protect the health or safety of persons or the environment or facilitate the management and use of valuable state owned resources.

The bill also provides the commission with a broader investigative jurisdiction by expanding its corruption functions under section 33 of the Crime and Corruption Act to enable the commission to investigate or otherwise deal with conduct liable to allow, encourage or cause the occurrence of corrupt conduct or conduct connected with corrupt conduct as well as investigate whether this type of conduct or corrupt conduct may have happened, may be happening or may happen. This broader investigatory jurisdiction is based on the powers conferred on the Independent Commission Against Corruption in New South Wales. The jurisdiction may be enlivened through a variety of methods, including by way of a complaint, by the commission on its own initiative or through a referral of a matter by the Parliamentary Crime and Corruption Committee with bipartisan support.

In deciding what action to take when dealing with the types of matters that will fall within the new broader investigative jurisdiction, the bill requires the commission to have regard to the public interest principle in section 34(d) of the Crime and Corruption Act. Under this subsection the commission must have primary regard to a number of public interest considerations, including the nature and seriousness of the conduct, particularly if there is a reason to believe it may be prevalent or systemic within a UPA.

The committee recommended that the bill be passed. I would like to thank the previous committee for the work they carried out on the bill in the 55th Parliament. I would like to thank the current committee members and the current secretariat of the committee for their assistance on this important bill. I recommended the bill to the House.