




Speech By
Stephen Bennett

MEMBER FOR BURNETT

Record of Proceedings, 1 November 2018

CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BENNETT** (Burnett—LNP) (4.43 pm): I rise to speak to the Crime and Corruption and Other Legislation Amendment Bill. We will not be opposing the bill given it implements recommendations from a bipartisan 2016 PCCC statutory review of the act. I welcome the contribution from the member for Bundamba where she talked about the fact that this issue is above party politics. She needs to be commended for her comments. I certainly appreciate her candour in that area.

It is important to acknowledge that the committee considering the bill made one recommendation. There was a statement of reservation that I will address later. I acknowledge that at all levels of government we must set an example. In federal, state and local government this issue is endemic. It is something we need to stamp out. Any opportunity to broaden the definition to capture those issues must be taken up.

The policy objectives of the bill are to widen the definition of 'corrupt conduct' and implement the recommendations of the committee. The definition of 'corrupt conduct' is proposed to be widened by removing the requirement that corrupt conduct be engaged for the benefit of or detriment to a person. It also proposed to remove the list of offences that could be corrupt conduct and replace it with a second limb defining corrupt conduct.

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. Some of these things obviously continue to plague us in this House, at the local government level and at the federal government level and, unfortunately, in a lot of the Public Service agencies.

The bill further implements the 2016 PCCC review by, among other things, lengthening the time frame for parties to seek a QCAT review of a reviewable decision, streamlining the process which must be undertaken when the commission commences disciplinary proceedings against public sector employees and requiring the unit of public administration to keep appropriate records in relation to any decision not to notify the commission of alleged corrupt conduct. There were only seven submissions to the committee. They were from the Australia Institute, the LGAQ, QUT, the Crime and Corruption Commission—two submissions—the Queensland Law Society and the Environmental Defenders Office.

We will not oppose the bill, but there are some areas that raise some concern. I wish to outline these for my constituents. These concerns were outlined by key legal and justice stakeholders in evidence before the committee. It is important that the chief corruption fighting body in Queensland, the CCC, is not distracted from its core task and concerns have been raised that the new definition of 'corrupt conduct' may be too broad. I did not see that in the submissions to the committee, we have faith in the CCC that they will get on with their job and do it well. The genesis of the Callinan-Aroney recommendations was that the CCC should focus on investigating serious cases of corrupt conduct.

I reiterate that if anyone at any level of government has concerns about corrupt conduct we should take the time to get to the bottom of it and report it. There has been talk in this House over a long period of time of people being investigated and people being accused of things. It has to be asked why the government waited until after the conclusion of the CCC investigation into Minister Bailey before widening the definition of 'corrupt conduct' considering the amendment was first introduced in March 2017. We have seen instances of corrupt conduct arise on all sides of politics that we would sooner not see.

I acknowledge the issues that have been pointed out in the debate, particularly around the Labor Party. I must say about Mr Gordon Nuttall—and I am not defending the man for what he did—who now lives in my electorate, that he is making a contribution to our community.

Mr Brown: Woodgate.

Mr BENNETT: Yes, at Woodgate. He became a friend of my mother. I do not say that for any reason other than to acknowledge that people do their time and then they should be able to get on with life. We wish him all the best after those tumultuous times.

In the last year the number of corruption hearing days has more than doubled. This is what we are talking about. We must set a higher standard. The CCC are already under pressure but, to make things worse, they are underresourced to deal with the rise in complaints. This means that major corruption complaints will be on the backburner. If we are going to call for more of us to be diligent in making complaints, we need to make sure that the CCC is resourced and focused on doing their job. We will not be opposing the new definition but note the concerns of the Queensland Law Society and trust that the CCC will maintain its core focus on fighting major crime and corruption in Queensland.

I alluded earlier to the statement of reservation to the previous committee report. We placed on record our concerns with certain provisions of the Crime and Corruption and Other Legislation Amendment Bill 2017, with submissions from various sources. The Queensland Law Society raised concerns with two aspects that have been widely canvassed in the course of that debate. Firstly, they were concerned about the amendment which expands the definition of 'corrupt conduct'. Their submission states—

However, we do not consider that these powers should be open-ended and limitless. The definition as drafted is exceptionally broad and may be open to being construed too broadly. 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, or in the case of a member of the Queensland Parliament or local government councillor, a substantial breach of an applicable code of conduct.

It would be timely to have a look at the codes of conduct that are applicable across all jurisdictions—local government, state government and federal government—to make sure that everyone is acutely aware of their duties when they commit to serve, particularly the people of Queensland, at a higher level.

The statement of reservation further talked about the CCC becoming overwhelmed, as I mentioned earlier, with complaints that may be vexatious in nature and well outside the purview of what they should be investigating. However, in determining the merit of complaints raised with the CCC, considerable resources may be utilised and effectively wasted in determining what needs to be investigated. That is a really good point. We have to root out the vexatious complaints and make sure that they do not become the norm. Unfortunately, we have seen it way too often in many campaigns, particularly in election campaigns, where we sometimes use the CCC as a distraction. As we know, if you throw mud, some will stick, and unfortunately you are guilty until you can prove yourself innocent. While we continue to make good laws in this place, I hope that we can get away from vexatious complaints which bog the CCC down in minutia and does not allow the CCC to do the investigations that we all would hope and believe would be essential for good governance in Queensland.

The Queensland Law Society raised concerns with the proposed amendment contained in clause 18 of the bill, regarding the derivative use of compelled evidence. While we understand the merits of this provision, the Queensland Law Society said in their submission, 'The Society notes that the law relating to derivative use can be exceptionally complicated.' They raised concerns with the protections offered by section 197 of the act and they talked at length about that. We would appreciate clarification from the Attorney on this. I know that we will all listen when she wraps up the debate. We support the intent of the bill. We note that the amendments to clause 18 are raised as a possible breach of fundamental legislative principles, specifically in relation to adversely impacting the rights and liberties of individuals.

This is an important piece of legislation. We acknowledge the other contributions. The Queensland Police Union of Employees raised concerns about clause 15 of the bill. The statement of reservation also talked about recommendation 22 of the PCCC report being broad in nature, while section 15(1) is also broad in nature.

In conclusion, I point out that there have been concerns raised with this legislation. It is an important part of Queensland's development that we continue to review and that, as members of the Legislative Assembly, we take corruption seriously and that our authorities, particularly the PCCC and the CCC, are given all the assistance and legislation to make sure that corruption in this state becomes a thing of the past. That is why we will not be opposing the bill. I commend the bill to the House.