




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 11 October 2023

CRIME AND CORRUPTION AMENDMENT BILL

Introduction

 **Mr NICHOLLS** (Clayfield—LNP) (12.46 pm): I present a bill for an act to amend the Crime and Corruption Act 2001 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights.

Tabled paper: Crime and Corruption Amendment Bill 2023 [1624](#).

Tabled paper: Crime and Corruption Amendment Bill 2023, explanatory notes [1625](#).

Tabled paper: Crime and Corruption Amendment Bill 2023, statement of compatibility with human rights [1626](#).

Government members interjected.

Mr NICHOLLS: I note the catcalls and cries from those opposite. The LNP opposition is introducing this private member's bill to fix the Crime and Corruption Act 2001 because the Palaszczuk Labor government has failed to do so. Palaszczuk Labor is failing Queenslanders when it comes to transparency. Palaszczuk Labor is failing Queenslanders when it comes to acting with integrity. Palaszczuk Labor is failing Queenslanders when it comes to simply being honest. Palaszczuk Labor is failing to ensure that one of the fundamental checks and balances in our Queensland parliamentary system has the authority and power it needs to give Queenslanders the assurance they deserve that government is acting honestly and without corruption. By failing to act and by failing to act urgently, Palaszczuk Labor is acting only to protect itself, protect its Labor mates and protect its re-election prospects. It is as plain and simple as that.

Because Labor is acting so slowly—if indeed it will act at all—the LNP opposition is doing what this government should have been in a position to do almost immediately after the High Court decision was delivered in the Carne matter. We will act to fix the deficiencies in the CC Act and along the way implement other longstanding and outstanding matters recommended by past inquiries. We will act to restore the integrity that is so sorely missing under the Palaszczuk Labor government. The bill addresses the deficiency in the law identified by the High Court in the recent decision—

Mr HINCHLIFFE: Mr Deputy Speaker, I rise to a point of order. There have been rulings made in this House about the way in which governments are addressed and referred to. The member for Clayfield has repeatedly referred to the Palaszczuk Labor government. There have been corrections made to others around similar descriptions. I seek your guidance.

Mr DEPUTY SPEAKER (Mr Krause): I will take some advice on that. Thank you, member for Sandgate, for your point of order. I have heard various references to the Palaszczuk Labor government and it is my understanding that it is in accordance with the previous rulings of past Speakers and it is acceptable.

Mr NICHOLLS: The bill addresses the deficiency in the law identified by the High Court in the recent decision of the Crime and Corruption Commission v. Carne. Specifically, it addresses the deficiency in the reporting powers of the act found by the High Court. The bill also reverses a 2018 amendment that omitted the Director of Prosecutions from section 49 of the Crime and Corruption Act. It reverses the 2018 amendment, and this reversal was recommended by both the PCCC in its report No. 108, 57th Parliament, *Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council*, and the commission of inquiry relating to the Crime and Corruption Commission that has recently reported. It also specifically makes provision for the release of CCC reports into former public trustee and well-known Labor identity, Peter Carne, and former Labor treasurer, former deputy premier and former member for South Brisbane, Jackie Trad. Both those reports should be published as recommended by CCC chair Mr Bruce Barbour, and both should have the protection of this House, as was thought to be the case by governments of all persuasions and the CCC for the last 26 years.

In the Carne case, the High Court confirmed the majority decision of the Queensland Court of Appeal that, the CCC having investigated a complaint of corruption against Labor mate Peter Carne, the task of the CCC was to decide whether proceedings or disciplinary actions should be considered. They found that if the CCC decides that the proceedings should be considered it may report, not publicly, but only to a prosecuting authority, a head of jurisdiction or the chief executive officer of a unit of public administration under section 49 of the act. Otherwise, there is no provision by which it is to report. As the CCC had completed its investigation into Mr Carne and decided not to proceed with criminal or disciplinary proceedings, the CCC was not empowered or required to make a report.

What we do know is that Mr Carne had been issued a show cause notice by the Attorney-General, Ms D'Ath, asking why he should not be sacked for serious allegations, including being intoxicated at work, absent without leave, conflicts of interest and bullying of staff. We also know he pocketed tens of thousands of dollars for study and over \$350,000 in salary from June 2019 while suspended on a show cause notice before resigning in July 2020, shortly before the extended due date for the show cause notice expired.

As a result of the decision in the High Court in the Carne matter, it is also the case that the report of another CCC investigation into the role of Jackie Trad in the appointment of former under treasurer Mr Frankie Carroll will not be released if the law is not changed. Again, this is despite Mr Barbour's strong position that it ought to be published. Remember, this is a matter where taxpayers have funded Ms Trad's case to prevent the release of the report. Indeed, so sensitive was Ms Trad that she sought and obtained an unusual order preventing even any mention of the matter from being reported on, and we still do not know the full cost to taxpayers of this indulgence granted by Premier Palaszczuk, Attorney-General D'Ath and also Ms Trad's close factional friend, former attorney-general Fentiman. We do know the costs for the CCC amount to over half a million in the Carne matter. Just last week, we saw the Premier throw the Attorney-General under the bus when she directly overruled the Attorney-General, who at that time tried to say that the costs of Ms Trad's matter would not be publicly released.

Now let's turn to what Ms Trad says about the CCC. She welcomes the outcome of the matter before the Supreme Court; she decries the 'unlawful' report of the CCC; she questions the way the CCC understands its responsibilities; and she refers to the CCC's 'unlawful conduct'. My, how the tune has changed! This is what Ms Trad said in *Hansard* on 20 November 2013—

It is incumbent on us to make sure that we maintain the CMC, not only because, as we have seen in recent days, it plays a critical function in terms of addressing the organised crime network in Queensland, but also because it plays an important role in terms of the misconduct inquiries that Queensland needs.

On 20 August 2019, Ms Trad said—

Unlike those opposite, we believe in the CCC.

Ms Trad again said—

It is this side of the House that has always fought for and always supported the CCC.

How interesting! Ms Trad is not so effusive when the investigation is turned onto her own actions—spending untold and uncounted and unreported thousands of dollars to prevent a report being made public.

According to information provided by the CCC to the Parliamentary Crime and Corruption Committee, the court's interpretation of the statute mean at least 32 reports of the CJC, the CMC and CCC and 256 media releases over 26 years would not have occurred. Some examples: the fake Tahitian prince who defrauded Queensland Health of millions of dollars; a report in 2010 of the police investigation into the police itself after the high-profile death in custody of Mulrunji on Palm Island; a

2015 report into transparency and accountability in local government in relation to the Ipswich City Council; a 2017 report involving two researchers at the University of Queensland prosecuted for falsifying a breakthrough study on Parkinson's disease; Operation Keller, relating to the Premier's former chief of staff; a media release in relation to Premier Palaszczuk and allegations in relation to section 60 of the Criminal Code and offences against members of this place; a 2021 report blasting the police for unlawful discrimination; the mangocube private email affair embroiling transport minister Mark Bailey; investigations into Ms Trad's investment property; and the 2020 report into Ms Trad's role in the selection of a principal at the new South Brisbane State High School.

This is important for transparency and openness and public confidence in the institutions of, and governance and administration of, this state, and this is confirmed by no less a person than the Chair of the CCC Mr Barbour himself. In a media release issued on the day of the High Court decision, Mr Barbour said—

The CCC and its predecessor agencies have historically reported on significant matters... Reporting has occurred when there has been a strong public interest in doing so and when there are issues uncovered in investigations that the public, public sector agencies and elected officials should be made aware of to raise integrity standards and to reduce corruption risks in Queensland.

It has done so on the understanding that it was empowered to report under its governing legislation...

Having the ability to report on matters relating to its investigations is vital so the public, the public sector and elected officials can understand the reasons for and outcomes of CCC investigations.

He went on to say—

It is for these reasons the CCC will be seeking urgent legislative amendments. I have today—

that is, 13 September—

written to the Attorney-General to initiate discussions on this issue.

Mr Barbour's evidence to the inquiry and other comments are on the public record. The question that remains unanswered is: why is the Labor government not acting? The mealy-mouthed excuse from the Attorney-General and the Premier today that the government is considering legal advice does not stand up to scrutiny. This government can act urgently when its political survival is at stake. Look at amendments to the youth justice laws, look at the adoption of the LNP's breach of bail laws, look at its urgent changes to the remand of youth offender laws in breach of its own Human Rights Act—all done in very short time. When it comes to protecting itself and its Labor mates, as in this case, it is as fast as treacle on a winter's day. It is known this matter has been coming now for over eight months. The High Court granted leave in December.

Queenslanders and this House might well ask: how much more time did the Attorney need? The reality is there is no justifiable excuse for not acting. Delays, prevarication and excuses will not hold water. We cannot let the perfect be the enemy of the good. We know what the problem is. We know how to fix it. The obligation of elected representatives in this place is to ensure the law works as intended and as understood for the past 26 years. A failure to act leaves Queenslanders in the dark. A failure to act will mean those wrongly accused in investigations or who have their name tarnished will not have the opportunity to have a public report clearing their names published. A failure to act will mean the antiseptic of sunlight will not be shone into all the corners of government administration. A failure to act will condemn Labor.

The test for this Labor government: will it act in the interests of Queenslanders and support the prompt passage of this bill, or will it act out of self-interest and delay and ultimately reject it? We must tarry no longer. I nominate the Legal Affairs and Safety Committee to consider the bill. I commend the bill to the House.

First Reading

Mr NICHOLLS (Clayfield—LNP) (12.59 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Safety Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.