




Speech By
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MEMBER FOR CALOUNDRA

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CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr HUNT** (Caloundra—ALP) (3.18 pm): I rise to make a contribution on the Crime and Corruption and Other Legislation Amendment Bill 2024. As always, I start by thanking my fellow committee members: the committee chair, Peter Russo, the member for Toohey; Jonty Bush, the member for Cooper; Steve Andrew, the member for Mirani, who was a committee member at that time; Mark Boothman, the member for Theodore; and, lastly, Jon Krause, the member for Scenic Rim. I would also like to thank the members of the secretariat who so ably support the members of the committee in every way.

In his opening remarks, our committee chair indicated that corruption undermines democracy, which is certainly true, but I would go further and say that even the perception of corruption has a deleterious effect on the trust that people place in the institutions that wield power in our modern society. This not only affects how people interact with government and political processes but also entrenches an unhealthy cynicism in the wider community that makes it progressively more difficult for a government, any government, to canvas opinions of the community. When a party seeks to fan this cynicism for partisan political purposes, they damage everything that this chamber seeks to uphold and diminishes the potential of governments of all political persuasions. A prime example would be to deliberately scream, 'What's on the laptop?' to implant manufactured suggestions of wrongdoing, knowing full well that in fact there was precisely nothing on said laptop, or keeping secret financial transactions that ought to have been fully ventilated.

In February 2024, the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence introduced the Crime and Corruption and Other Legislation Amendment Bill 2024 into Queensland parliament and referred it to the Community Safety and Legal Affairs Committee. The committee's sole recommendation was simply that the bill be passed.

The bill's primary objectives include: a review of chapters 3 and 4 of the Crime and Corruption Act to develop uniform provisions and clarify the application of privileges under the act; to establish journalist shield laws; and implement a requirement for the CCC to seek the advice of the Director of Public Prosecutions on corruption offences arising from a corruption investigation. As suggested by the Attorney-General in her introductory speech, these reforms are critical, but exhaustive and further work remains to be done. This is only right and proper given the significant powers afforded to the CCC. By way of example, Queenslanders should be reminded that the CCC remains the only Queensland law enforcement agency with powers to conduct coercive hearings requiring witnesses to attend hearings and give evidence. These investigative powers are not ordinarily available to other investigative bodies, including the Queensland Police Service. This is why the role of the PCCC is so vital for a healthy democracy in Queensland. The importance of this body in monitoring and overseeing the functions of the CCC cannot be overstated.

Following the discharge of all eight Logan City councillors in early 2021, the PCCC report 108 recommended that an investigation be conducted into the CCC investigatory and charging functions. The ensuing commission of inquiry from early 2022 identified two primary areas of concern, notably that

there was: a risk of institutional capture of the CCC by the QPS due to the system by which QPS officers are seconded to the CCC; and the risk of corruption investigations adopting an overly 'law enforcement' approach at the expense of other responses like systemic or organisational changes intended to promote prevention. To that end, the main issue identified in report No. 97 of the PCCC, according to the bill's explanatory notes, was that 'different powers and processes apply, depending on the function being exercised'. This has led to 'significant complexity and potential confusion'. Recommendation 6 of report No. 97 recommended reviewing chapters 3 and 4 of the Crime and Corruption Act.

The bill also makes several amendments relating to production powers, most notably: the power to require production of a document or thing—to insert a single set of provisions to require production of a document or thing outside of a hearing applying to a crime investigation, a specific intelligence operation, a corruption investigation, a specific intelligence operation for corruption as well as witness protection functions; and the power to require immediate production at a hearing—the bill proposes to add new sections requiring the immediate production of a document or thing at a hearing relevant to the investigation or operation.

As you would expect with a bill containing amendments of this type, there was significant feedback from Queensland's legal sector. The Queensland Law Society opposed section 81L which gives the CCC chairperson power to issue a search warrant, stating that they felt the amendment was 'inappropriate and removes a critical check present in the current system where a judicial officer is able to interrogate the reasons for the issue of a warrant'. They questioned how this power sits with other powers given to judicial officers in relation to search warrants under the legislation.

In response, the Department of Justice and Attorney-General noted that the amendments reflect sections in the current Crime and Corruption Act. In keeping with the policy objectives of the review of chapters 3 and 4, the amendments do not extend the coercive powers of the CCC, but rather streamline their operation. The Department of Justice and Attorney-General further notes that new section 81L is based on section 73 of the current Crime and Corruption Act.

Turning now to the protections afforded to the media, the bill proposes to introduce amendments to provide for better protections of a journalist's confidential sources in relation to CCC investigations. The bill would amend the Crime and Corruption Act to apply a qualified journalist privilege consistent with the Evidence Act. The amendments provide that: where a person claiming journalist privilege disagrees with the decision of the CCC, they have the right to apply to the Supreme Court to decide their claim; while confiscation related to investigations are not included in the new processes for dealing with claims of reasonable excuse, including privilege, journalist privilege is applied to confiscation matters; and existing provisions under the Evidence Act will continue to apply to the execution of search warrants by a CCC officer, including a police officer seconded to the CCC, under the Crime and Corruption Act. These amendments also provide that the claims of journalist privilege will be initially considered by the CCC.

Australia's Right to Know coalition criticised several aspects of the shield laws. They emphasised that the confidentiality of sources is paramount. Going further, they added that they oppose the provisions whereby an initial claim of journalist privilege will be decided by the CCC. They stated that they believe such decisions should only be made by the Supreme Court and questioned the ability of the CCC to remain impartial. By way of response, the Department of Justice and Attorney-General provided that the bill does not require a journalist or relevant person to comply with the CCC directions if this would disclose the identity of the informant. Further, journalist privilege may only be overridden if it is in the public interest, where the public interest outweighs any likely adverse effect of the disclosure.

Lastly, Australia's Right to Know proposed amending section 205D(4) to provide greater protection of confidential sources, including by providing for situations such as where the editor supervising a journalist does not know the identity of the informant but has access to the documents which could lead to their identification. The Department of Justice and Attorney-General responded that the proposed changes to section 205D(4) were designed, according to policy objectives, to align with that of the Evidence Act and not to extend the scope of privilege beyond that applied under the Evidence Act.

Most significantly of all, in my view, the bill proposes to amend the Crime and Corruption Act to require that, before commencing a prosecution for a corruption offence, the CCC must seek the written advice of the DPP on whether a person should be prosecuted and, if so, for what offences. According to the Department of Justice and Attorney-General, the bill also provides that—

The CCC must provide the DPP with a report on the corruption investigation and include all relevant information known to the CCC. This includes compelled materials and is not limited to material that would be admissible in a prosecution.

Where a prosecution is commenced without first seeking advice because of exceptional circumstances, the CCC must seek the DPP's written advice to the prosecuting entity as soon as reasonably practicable after it is received.

Given all that has gone before, a strong and robust CCC remains as vital as ever but, given its necessary and not inconsiderable powers and scope, a constantly evolving reviewing process which seeks improvement and refinement is vital. This bill is part of that ongoing process, so I commend it to the House.