




Speech By  
**Jason Hunt**

**MEMBER FOR CALOUNDRA**

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Record of Proceedings, 20 August 2024

**CRIME AND CORRUPTION AMENDMENT BILL**

 **Mr HUNT** (Caloundra—ALP) (6.47 pm): I rise to make a contribution to the private member's bill of the member for Clayfield and the LNP's shadow Attorney-General, shadow minister for justice and shadow minister for CBD activation which was introduced into the Legislative Assembly of the Queensland parliament on 11 October 2023 and was referred to the then Legal Affairs and Community Safety Committee for its careful consideration of the matter.

From the outset, I would like to make plain that I do not support the bill put forward by the member for Clayfield on behalf of the LNP opposition for a number of reasons, but primarily because the Queensland government established an independent review into the reporting powers of the Crime and Corruption Commission led by the highly respected judicial officer, the Hon. Catherine Holmes. The legislation which has been borne out of that report, I dare say, has been so superior in its drafting while ensuring the Crime and Corruption Commission has the powers it needs to do its job. As such, I will not be supporting the bill, but I have supported the bill introduced by the government.

It would be remiss of me not to thank the committee for their efforts during the hearing—Peter Russo, the chair and member for Toohey; Jon Krause, the member for the Scenic Rim; Steve Andrew, the newly independent member for Mirani; Don Brown, the member for Capalaba; and Michael Crandon, the member for Coomera—and the hardworking secretariat, who make life immeasurably easier for all of us.

The member's bill has raised several points that need to be unpacked: inserting a new section 35(1)(k), which expressly includes as a function of the CCC 'reporting to the Legislative Assembly under section 69 about complaints about, or involving, corruption made or notified to it'; replacing section 49(5) to specify that if the CCC reports to an entity under section 49(2) it may also report under section 64; inserting a new section 64 which explicitly declares that the CCC has the power to report on any corruption investigation or matter regardless of whether a report has been made under section 49, or whether a prosecution and disciplinary proceedings have arisen; replacing section 69 with a more streamlined process for the tabling of types of reports whereby they are tabled directly by the Speaker, with a copy going to the PCCC and the minister; replacing section 71A with enlarged requirements in relation to the provision of reports to persons about whom adverse comment will be made; inserting transitional provisions to validate reports that were previously tabled under section 69; and specifically authorising the release of two reports, with the subject individuals excluded from the operation of the new section 71A.

There are clearly a number of difficulties with the approach proposed by the member for Clayfield. Firstly, there is the completely erroneous implication that at some point the CCC was possessed of the ability and mandate to report with almost limitless freedom prior to Carne. This has never been the case, as it required the working collaboration of the PCCC inasmuch as it required the issuing of a direction under section 69(1)(b)—putting aside, of course, that this arrangement itself was found to be beyond the powers provided by the act.

It is self-evident that the PCCC has a good record of cooperation in this regard, but it is equally evident that this very same ability provided a level of oversight, with the PCCC able to decline to issue a direction to table the document if it believed it necessary to do so. The member for Clayfield's private member's bill creates a scenario whereby the CCC will not be constrained by any limits or indeed have any safeguards on their ability to table a public investigation. In the words of Omar Khayyam, the famous Persian philosopher—

The moving finger writes and having writ moves on

Nor all thy piety nor wit shall lure it back to cancel half a line

Nor all thy tears wash out a word of it.

This is a very nice way of saying 'you can't unsee a report, no matter how flawed it might turn out to be'. Yes, certainly there would be a requirement for the CCC to relay an individual's submissions under section 71A, but by then the damage is done. This is more alarming when understood in conjunction with the idea that, under this private member's bill, the CCC does not have to pay regard to any matters before issuing a report of this type. I note Ms Holmes' comment in her report—

Accepting the significance of the Commission's obligations of fairness, impartiality and regard to the public interest, some caution is nonetheless warranted. Those obligations in s 57 of the *Crime and Corruption Act* are expressed at too high a level of generality to provide concrete guidance to the Commission. For example, it is not clear how the Commission is to weigh the public interest in transparency against the competing public interest in respecting privacy and reputation, if indeed the Commission regards that as an aspect of the public interest. Moreover, powers that must be exercised in the 'public interest' are typically treated as conferring a very wide discretion, involving a value judgment to be made by reference to undefined matters, confined only by the subject-matter, scope and purpose of the Act. There is justifiable concern about how the Commission has exercised its perceived powers in the past, quite apart from the issue of its misapprehension that it was entitled to report publicly at all. More than reliance on a statutory statement of principle in general terms is needed.

Ms Holmes continues—

The prospective consequences of public reporting for individual rights are significant. The Commission's factual conclusions in the course of an investigation are not binding, but, obviously, they can have an enormous impact. As the High Court observed in *Ainsworth v Criminal Justice Commission*, although an integrity body's report may have no legal effect or consequence, it may nonetheless have 'the practical effect of blackening its subject's reputation'. The right to privacy is likely to be severely impaired and other rights—to the presumption of innocence, and to a fair trial—too may be adversely affected.

With the lessons learned in the Holmes report, we fully understand that now, as ever, outcomes like this can be disastrous, and once the report genie is out of the bottle it is impossible to put back in. While it is not directly related to the issue of public reporting, I believe that the significant damage that arose from the CCC's conduct during the Logan council matter lends credence to this view.

The member claimed in his opening remarks to the committee that the LNP believes that the Queensland public values transparency and integrity in government. A cynical person would claim that they demand the same transparency from party leaders trading insolvent, but that is a discussion for another time.

The private member's bill is a deeply flawed piece of legislation. That is tinged with a hint of tragedy, as it represents the single private members' bill put forward by the LNP this term—one bill in four years. What a titanic effort: near on \$200,000 a year each, for one bill. Congratulations. The private member's bill is a deeply flawed piece of legislation. It is not based on an objective review of contemporary anti-corruption practice, it does not have sufficient regard for human rights and it does not appropriately address the recommendations of the PCCC or the CCC commission of inquiry. It is not a good law, and it should not be supported.