




Speech By
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CRIME AND CORRUPTION AMENDMENT BILL

 **Ms PUGH** (Mount Ommaney—ALP) (6.18 pm): I rise to speak on this private member's bill with my experience as a member of the PCCC over the last few years now and, therefore, as a member of this House who has had the opportunity and the benefit of seeing the work of the CCC, both the wonderful work they do and of course what can happen when reports or allegations are made that cannot be properly supported. I am sure all of us in this House agree that it is important for the CCC to have a clear idea of their powers. That is why the Attorney-General requested the Hon. Catherine Holmes to undertake a review to form a path forward for suitable legislation.

The terms of reference for the Holmes report included the following: the reviewer is asked to examine the issue of the ability of the CCC to publicly report and make public statements in performing its corruption functions and prevention function so far as it concerns corruption, particularly in relation to the investigation, assessment, consideration or disposition of individual corruption matters whether ongoing or concluded; and arising from the examination of these matters, the reviewer is to make recommendations on appropriate legislative amendments to enable the CCC to publicly report and make statements in performing its corruption functions and prevention function so far as it concerns corruption. The Holmes report makes the following observation in its preface—

This report endeavours to reconcile the different public interest considerations which apply in identifying what reporting and public statement powers would appropriately be conferred on the Crime and Corruption Commission. There is no easy answer to the questions involved, no simple solution to determining how the Commission may report and make public statements which would apply across all circumstances.

It has become clear over the course of the Review that a 'one size fits all' approach, giving the Commission an unlimited discretion to report and speak on investigations, whether the kind of conduct investigated is minor or serious, individual or systemic in nature, whether in fact any evidence of corruption has emerged, whatever the status of the individuals concerned—elected or employed—is not the answer. The number of variables involved has made it necessary instead to propose a range of circumstances for reporting and making statements.

It is also important to remember that while the work of anti-corruption commissions is vital, it can be accompanied by a human toll; which requires safeguards to protect individuals who may be caught up in the process.

I note from my work on the committee and the public hearings our committee held, both with the CCC and the parliamentary commissioner, that the welfare of witnesses is an increasingly important issue raised, including in hearings with the parliamentary commissioner in our public sessions. That is also something that has been followed up with the CCC. The welfare of witnesses and others appearing before the CCC is a significant issue that is gaining increasing recognition. It is good to see that the Holmes report recognises the significant impact on a person's mental health being named in a report or even just being a witness to an issue can have on that person. Of course, beyond the impact of mental health we have also seen previous instances of huge and long-lasting impacts on a person's career.

My views on this particular aspect of the issue and the Holmes report are very much informed by my entry into the PCCC, as I joined the PCCC right in the middle of the Logan inquiry. Members will recall that the Logan inquiry essentially dealt with the aftermath of charges laid against the Logan

councillors, and repercussions for those councillors and the CCC continue to be felt to this day. To be clear, the Logan inquiry forms no part of this legislation, but in my view it demonstrates why it is so important that the CCC gets things right. That means having the right safeguards in place.

As a member of the committee I have to say that, as we weighed up our deliberations and the report we ultimately put before the parliament, I felt a great deal of responsibility in the recommendations that we made to carefully weight all of the issues presented and be reasoned in the recommendations that I supported. It was not lost on me that the recommendations I made or supported could have a negative impact on the careers of those within the CCC, which was why it was so important that those recommendations be reasonable and balanced. It was clear that the initial investigation into the Logan councillors had a significant impact on both the careers and the mental health of the councillors affected, and those impacts likely continue to this day. As Catherine Holmes herself notes in the report, it will not make everybody happy. How could it? In the words of Ms Holmes, 'They set up a workable regime which balances the considerations of human rights protection and the desirability of public sector transparency and accountability.'

I would also like to address the issue of public statements. It is not properly addressed in this private member's bill, but in my view it is a vital part of what a fitting piece of legislation should be. Under the heading 'Can the Commission make public statements?' the Holmes report continues—

The Commission should have a general discretion to make public statements but only for limited purposes, for example, to inform the public that a referral is not warranted (if the matter is already in the public domain and the subject of the investigation agrees).

For particular situations at the earlier stages of investigations where there is a higher risk to reputation and a fair trial, the Commission should only be able to make a public statement if there are exceptional circumstances. No person should be named unless reasonably necessary.

In this circumstance, I turn my mind to the CCC's decision in 2022 to publish the Operation Workshop report into apparent adverse activity that occurred within the Integrity Commissioner's office. For months those opposite asked, 'What's on the laptop?' The inference from the opposition was that the Premier was engaged in retribution against the Integrity Commissioner and that her office had involvement in a raid on the Integrity Commissioner's office and may have gone so far as to delete information. The CCC had a very different view of what happened and went so far as to write a report to clear up what they referred to in that report as misinformation in the public domain, courtesy of those opposite. In their explanation of why they elected to release their report, the CCC noted—

- i. Whether there was any improper disclosure of information by an officer working in the Integrity Commissioner's office
 - ii. The circumstances surrounding the 'raid' on the Integrity Commissioner's office and the 'seizure' of laptops from that office
 - iii. The information security arrangements in relation to the confidential information held by the Integrity Commissioner.
5. In relation to those three matters, the investigation concluded that:
- i. There was no evidence of improper disclosure.

I will repeat that again: there was no evidence of improper disclosure. The report continues—

- ii. The circumstances in which these laptops were retrieved from the Integrity Commissioner's office were entirely ordinary, and the descriptions of 'raid' and 'seizure' do not reflect the reality of what occurred. Further, the circumstances in which one laptop was 'wiped' are wholly unremarkable.

Under the changes proposed in the Holmes report, these reports would continue to be able to be released. I think this is really important. In my view, members of this House have a responsibility to verify the information they release into the public domain. Under the recommendations made by Catherine Holmes, the CCC will be able to continue to shine a light on misinformation like this should it make its way into the public domain. Sadly, the bill before the House does not grapple with these very issues and I cannot support it.