




Speech By  
**Jonty Bush**

**MEMBER FOR COOPER**

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### **CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms BUSH** (Cooper—ALP) (3.34 pm): I rise to speak to the Crime and Corruption and Other Legislation Amendment Bill. In February this year, the Attorney-General and Minister for Justice introduced the bill into the Queensland parliament and referred it to the Community Safety and Legal Affairs Committee. The committee recommended 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 to implement a requirement for the Crime and Corruption Commission to seek the advice of the Director of Public Prosecutions on corruption offences arising from a corruption investigation.

This bill introduces a raft of reforms amending various acts and fundamentally is designed to improve the operation of the CCC. Without a robust integrity system, the risk of corruption, misconduct and inefficiency increases, undermining the very foundation of public trust. An effective monitoring system holds individuals accountable without subjecting individuals to unsubstantiated defamation and reputational damage. It is not just a matter of good governance; it is essential for maintaining the public's faith in our systems of government.

This bill primarily responds to various recommendations across three Parliamentary Crime and Corruption Committee reports relating to the activities of the CCC. It also responds to a recommendation of the commission of inquiry relating to the CCC, established by this government, which found that, despite the passage of time since the 1989 Fitzgerald report, the CCC held a central role in Queensland's integrity landscape and there was a requirement for legislation to modernise its powers and functions.

One of the key reforms in this bill is to enhance the oversight of decision-making in corruption investigations by requiring that the advice of the Director of Public Prosecutions be sought about a decision to bring charges arising from a corruption investigation. Recent inquiries have highlighted the incredibly complex operating environment for the CCC, particularly in the investigation of corruption allegations and the harm that can eventuate if, after a prosecution has been commenced, criminal charges are subsequently withdrawn.

I saw this myself as a member of the PCCC and during the inquiry into the CCC's handling of the Logan City Council matter. We have also had councillors present to the Legal Affairs and Safety Committee. The effect it has had on their lives is very real. This needs to be balanced with other prosecutorial considerations. Having additional scrutiny over the decision to prosecute ameliorates this risk and contributes to the reputation of the CCC. This additional and external oversight will ensure decisions are made with the requisite guidance. The amendments make it clear that legal professional privilege will attach to the ODPP's written advice and to confidential communications between the CCC and DPP.

As part of the chapter 3 and 4 review, the government gave consideration to the application of journalist shield laws to the CCC. The identity of a journalist's confidential sources is protected under the Evidence Act; however, the Evidence Act does not currently apply to the CCC outside of search

warrants. When introducing the Evidence and Other Legislation Amendment Bill, the Attorney-General noted that a review of the applicability of journalist shield laws to the CCC would take place in the future as part of the government's review of the Crime and Corruption Act.

This bill delivers on our commitment to establish a statutory framework under the Crime and Corruption Act to protect the journalist-informant relationship known as 'shield laws'. The bill will create a qualified journalist privilege applying in CCC investigations and hearings, consistent with the approach contained in the Evidence Act 1977. In practice, it will mean that claims of privilege will be initially considered by the CCC. Where a person claiming journalist privilege disagrees with the decision of the CCC, they will have the right to apply to the Supreme Court to ultimately make that determination.

Submitter feedback on this aspect was mixed. While the Queensland Law Society was supportive of the amendments relating to journalist privilege, Australia's Right to Know coalition, ARTK, criticised aspects of the shield law, suggesting that the bill was inconsistent with recent case law that the confidentiality of sources was paramount. In response to those concerns, the department noted that the bill does not require a journalist or relevant person to comply with CCC directions if this would disclose the identity of an informant. Further, journalist privilege may only be overridden if in the public interest, where this public interest outweighs any likely adverse effect of the disclosure.

The bill also makes several amendments relating to production powers to require production of a document or thing outside of a hearing applying to a crime investigation, a specific intelligence operation, a corruption investigation as well as witness protection functions. There were 11 submitters to this bill who gave qualified support for the bill. The LGAQ, for example, stated—

Overall, the LGAQ welcomes changes that implement recommendations of the PCCC Inquiry and CCC COI. It should never be forgotten that people's lives were destroyed and the reputation of our chief corruption watchdog was brought into ... disrepute.

This bill is responsive to recent reviews into Queensland's integrity framework and sets the CCC up with the powers, functions and responsibilities that are required to meet both current and future demand. Like my colleagues, I would like to thank committee colleagues, the chair, the deputy chair, all of our secretariat and all of the submitters who came along and gave their stories and helped us to form the insights of the report. I commend the bill to the House.