




Speech By  
**Jonty Bush**

**MEMBER FOR COOPER**

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**CRIME AND CORRUPTION AMENDMENT BILL**

 **Ms BUSH** (Cooper—ALP) (6.36 pm): I rise to speak against the private member's bill, the Crime and Corruption Amendment Bill, which was introduced into parliament by the member for Clayfield in October last year and referred to the Community Safety and Legal Affairs Committee for consideration. The member, when introducing the bill, stated that this bill was to strengthen the reporting powers of the Crime and Corruption Act—powers that were tested in the 2023 High Court case of CCC v Carne. I want to provide some background information to the genesis of the bill and the Carne matter—all of which has already been comprehensively documented and reported on publicly.

The Carne matter relates to a complaint made to the CCC about Mr Carne, a statutory office holder at the time in 2018. The complaint related to alleged corrupt conduct and was investigated by the CCC. The CCC determined that no criminal prosecution would be pursued. The CCC provided a report on its investigation, including the evidence it considered and recommendations to the PCCC, and requested that the PCCC provide this report to the Speaker of the Legislative Assembly for tabling under section 69(1)(b) of the CC Act. This section provides that a research report or other report that the parliamentary committee directs to be given to the Speaker can be tabled, which then makes the report public, even though the CCC has not themselves been able to have the powers to publish that report.

Mr Carne and the CCC both pursued this issue of the publishing of reports into corruption through the courts, with the High Court ultimately finding that the report was not a report for the purposes of section 69(1) and that parliamentary privilege did not apply. This bill introduced by the opposition is in response to this and argues that there are issues that are fundamental to openness and transparency within Queensland's corruption watchdog and the operation of parliamentary privilege, which is essentially the things that we can say here and the degree of protection offered under privilege.

Since the introduction of this bill, the Queensland government announced an independent review into the CCC's reporting powers in February this year in relation to corruption matters following the High Court's decision in the Carne matter. This review was an acknowledgement of the impact that the Carne case would have on the CCC's reporting powers. I think the CCC identified around 32 corruption investigation reports and 256 media releases related to corruption investigations over the past 26 years which it said would or could have fallen foul of the Court of Appeal's decision in the Carne case.

The three-month independent review was led by former Queensland chief justice the Hon. Catherine Holmes ACSC and was completed in May this year. As the former chief justice states in her preface to the report—

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 bill before us seeks to provide the CCC unfettered powers to report on any corruption investigation by amending: section 35(1) of the Crime and Corruption Act to add that the CCC may perform its corruption functions by reporting to the Legislative Assembly under section 69 regarding

complaints about corruption notified to it; and section 64 of the Crime and Corruption Act by inserting a new provision that provides, to remove any doubt, section 64(1) applies to a commission report about its corruption functions, and includes the ability to report about its investigations whether or not a report has been made under section 49 and whether or not criminal proceedings or disciplinary action has been commenced. The independent Holmes report did not take this view. Holmes arrived at the view that the CCC should be granted greater reporting powers, but there should be appropriate safeguards that balance the public's interest with the detection and uncovering of corrupt conduct, while recognising the human impact that these investigations have, particularly when the CCC determined that there is no finding of corruption. Accordingly, the Holmes report found in recommendation 3 that—

The Crime and Corruption Commission should have a discretion to prepare a report on a completed investigation for the purpose of confirming that allegations of corrupt conduct are unfounded.

The Holmes report, in fact, makes 16 recommendations in an attempt to reconcile the different public interest considerations and to set the CCC up with appropriate legislative powers and functions to meet its demands, including recognising the critical prevention function that the CCC has in drawing from its investigations to build the capabilities of the Queensland Public Service. Under this bill, the CCC would have no limit or safeguard on their ability to table a public investigation report beyond the requirement to provide an opportunity for an adversely affected individual to comment under section 71A. We have seen examples of where public reports about individuals inferring there are issues of corruption—where in fact that has not been proven—have not only had an incredible human toll on that person and their family and community but also have actually eroded the reputation and efficacy of the entire integrity system.

The bill before us also seeks to clarify the process for the CCC to table reports to parliament by amending section 69 of the Crime and Corruption Act to report directly to parliament rather than through the Parliamentary Crime and Corruption Commission, the PCCC. The Holmes review agreed with this view and recommended that section 69 of the Crime and Corruption Act should be amended so that the CCC may give a report prepared under one of the recommended reporting powers to the Speaker for tabling, in addition to tabling through the PCCC. This recommendation has been accepted by government.

The bill before us also speaks to retrospectivity by the insertion of a new section to ensure that all previously tabled reports have been validly tabled and published, and the insertion of provisions to ensure the new provisions apply to any new or ongoing corruption investigations and any unpublished commission reports. The Holmes review took a more nuanced view of this, finding that the CCC ought to have the powers to prepare, table and otherwise publish reports that fell within the guidelines of the Holmes recommendations 2 to 10 and that they should operate retrospectively. The government has accepted this recommendation.

The Community Safety and Legal Affairs Committee ultimately did not recommend that the private member's bill be passed at that time, given that there was an independent review underway. That review has concluded and it has been presented to the government. It has made 16 recommendations and those recommendations are the subject of ongoing legislative development by the government.

The LNP have attacked the government's response to the private member's bill and also disagreed with the independent reviewer, the Hon. Catherine Holmes, in her assessment of the CCC's current and future powers and functions. It was not the government that removed these powers; it was the High Court that found that the legislators had not provided that head of power in the first place. Our government has responded by establishing an independent review led by a highly credentialed reviewer who undertook consultation with the CCC, the Human Rights Commissioner, the ODPP, the LGAQ, directors-general, the Queensland Police Service, the Queensland Law Society and various other stakeholders, and has arrived at the model recommended. The government is drafting amendments to its bill to reflect those recommendations. Accordingly, I will not be supporting the private member's bill today.

I also wish to highlight that this is the only private member's bill introduced by those opposite in almost four years. They have had four years to demonstrate their ideas. They could have introduced bills on the things that matter to Queenslanders—things like cost-of-living relief or their ideas on how to respond to a housing crisis. They could have introduced a bill on crime and community safety, but they have not.

**Mr NICHOLLS:** Mr Deputy Speaker, I rise to a point of order on relevance. This has nothing to do with this bill.

**Mr DEPUTY SPEAKER** (Mr Kelly): I will take some advice. Thank you, member. The point of order is relevant. I was listening to hear where you were going with your contribution. You started off on a point which may have been relevant, but you have strayed beyond that so I ask you to come back to the title of the bill.

**Ms BUSH:** Thank you, Deputy Speaker. Not a very demure comment by the member for Clayfield.

**Mr NICHOLLS:** Mr Deputy Speaker, I rise to a point of order. In that respect, Mr Deputy Speaker, you made the ruling on my point of order and the member for Cooper has actually shown disrespect for the chair by having a comment at me regarding your ruling on a point of order, and I take personal offence to it as well. It was a valid point of order that you endorsed.

**Mr Whiting:** She said—

**Mr DEPUTY SPEAKER:** Order! Thank you. I do not need assistance across the room, member for Bancroft. I will take some advice in relation to the matter. Member for Cooper, the commentary, while not helpful, I would not perceive as a reflection on the chair. However, the member has taken personal offence and I ask you to withdraw.

**Ms BUSH:** Thank you, Deputy Speaker. I withdraw. This is the first private member's bill introduced by those opposite—

**Ms Boyd** interjected.

**Mr DEPUTY SPEAKER:** Pause the clock. Member for Pine Rivers, I am going to warn you and I ask you to withdraw that unparliamentary remark.

**Ms BOYD:** I withdraw.

**Ms BUSH:** This bill has been introduced with a pure focus on uncovering information held by the CCC for political purposes, rather than focusing on the big issues affecting Queenslanders right now. We can certainly see where the priorities are and, accordingly, I will not be supporting this bill today.