




Speech By
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MEMBER FOR TOOHEY

Record of Proceedings, 20 August 2024

CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (3.03 pm): I rise to speak to the Crime and Corruption and Other Legislation Amendment Bill 2024. The Community Safety and Legal Affairs Committee, in its report No. 4 of the 57th Parliament tabled in this Assembly on 5 April 2024, recommended that the bill be passed. As the member for Clayfield has already paid tribute to me, it is important that we remain ever vigilant in the ongoing fight against corruption.

Corruption undermines democracy and we cannot allow it to fester. The capture of the public sector by corrupt and criminal elements leads to a loss of trust in public institutions and democratic processes. We must not forget that the need for an anti-corruption organisation in this state lies purely at the feet of those opposite in their historical governance of this state. Strong anti-corruption institutions such as the Crime and Corruption Commission are key in our ongoing fight against corruption; however, we walk a narrow path. Endowing these institutions with coercive powers runs the risk of subverting our fundamental democratic freedoms. Checks and balances, external oversight and external vigilance are needed.

While the purpose of this bill is not to alter the current powers of the CCC, the reforms in the bill are nevertheless important in streamlining how the CCC performs its functions and providing additional avenues of accountability and oversight. I believe that this bill, as part of our ongoing fight against corruption, strikes a balance between the need for institutions with robust anti-corruption powers and the need for equally robust accountability mechanisms that apply to those institutions.

The committee recommended that the Crime and Corruption and Other Legislation Amendment Bill be passed. A key recommendation of the CCC's commission of inquiry was that the CCC be required to seek advice from the Director of Public Prosecutions prior to the consideration of bringing a prosecution in relation to a corruption investigation. The bill sets out a clear and practical process for obtaining this advice. As we heard this morning from the Attorney-General, there is progress being made in relation to this memorandum of understanding. The benefit of this approach, as outlined by the CCC in their commission of inquiry, is to provide the CCC with expert advice regarding the prospects of a successful prosecution and accordingly reduce the possibility of withdrawn or failed prosecutions. Corruption prosecutions are generally very high profile, and an individual's reputation is still significantly harmed even if a prosecution is discontinued or fails.

The bill's main policy objective is to improve the operation and performance of the Crime and Corruption Commission through making a range of legislative amendments, principally to the Crime and Corruption Act. Two of the key reforms of the bill relate to a review of chapters 3 and 4 of the Crime and Corruption Act. These chapters contain most of the CCC's key powers, such as the power to coerce evidence, hold hearings and provisions regarding privilege and reasonable excuse. The problems with the chapters arise due to the merging of the Criminal Justice Commission and the Queensland Crime Commission in 2001 and the resulting integration of these bodies' governing legislation. This means that the CCC's powers are couched in duplicative terms, as various discrete but similar powers are retained in the act each with application only to certain functions of the CCC. The reworked chapters

are more concise and consistent, with broad application across most of the CCC's functions. Additionally, the new provisions include various practical improvements such as making COVID era arrangements for remote appearances and electronic notices permanent.

One of the most important reforms arising out of the review of chapters 3 and 4 is the introduction of qualified journalist privilege. This privilege, commonly referred to as a shield law, means that a journalist cannot be compelled to reveal a confidential source during a CCC hearing or investigation unless it is in the public interest to do so.

The committee recognises that the prosperity of democratic societies depends on robust anti-corruption mechanisms and institutions. At the same time, these powerful institutions must be subject to external oversight and frequent review to ensure they remain trusted as independent investigatory bodies. The significant coercive powers of these institutions must be balanced with safeguards that protect the fundamental rights and freedoms of the state's individuals. The committee was satisfied that the amendments set out in the bill strike this balance. Based on the above, I commend the bill to the House.