




Speech By  
**Sandy Bolton**

**MEMBER FOR NOOSA**

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### **CRIME AND CORRUPTION AMENDMENT BILL**

 **Ms BOLTON** (Noosa—Ind) (6.56 pm): This bill, as we have heard, addresses a long-running issue with the operation of the Crime and Corruption Commission, CCC, which can be summarised as: the CCC has always believed that it has the power to issue reports to parliament on corruption investigations and the High Court has determined that it does not. The background is that the CCC investigated a 2018 complaint into the Public Trustee. It made no findings of corrupt conduct and provided its report to parliament for public release. The Public Trustee applied to the Supreme Court and then all the way to the High Court, with that court finding that the CCC did not have the power to make public its report through parliament. The report of the CCC investigation into the once deputy premier also cannot be provided to parliament for publication due to this court decision. Thus, the purpose of the bill is to amend the CCC legislation to explicitly allow the CCC to table and publish reports on its corruption investigations and to make this power retrospective, in which case it would apply to the abovementioned reports.

The first question is: should the CCC be allowed to table its reports? The government established an inquiry after the court decisions on the CCC reports, headed by Hon. Catherine Holmes. The Holmes inquiry looked at what she described as ‘the competing public interest and human rights factors around CCC reporting’. She made three relevant findings on what should be able to be reported on. First, the CCC should be able to report on investigations where a person has been found guilty, disciplined or found to be corrupt. Second, reports on investigations where allegations are determined to be unfounded can be reported but the individual investigated not identified. Third, the CCC should be able to report on corruption allegations about elected officials even if the person is not found guilty; however, reports must not include critical commentary, opinions or recommendations based on their conduct.

There are behaviours that fall far below community expectations but do not rise to the level of criminal or disciplinary conduct. However, they could improve the integrity of government operations and surely the CCC should be able to comment and make recommendations. Government reports often make recommendations for improvements. An example is the transport accident investigation board into aircraft accidents. These deliberately do not address criminal issues yet do provide critical commentary, opinions and recommendations based on the conduct of pilots, air traffic controllers and others with the intention to improve operations to avoid accidents in the future. Our CCC reports should play a similar role and recommend how to make improvements for the future. With the Holmes inquiry recommendations problematic, this bill’s restoration of the CCC powers, I believe, is appropriate.

The second question is: should the law be applied retrospectively? The practical impact of this would be that the Public Trustee and the Deputy Premier reports could be made public. Making laws retrospective means acts which were once legal can be made illegal after the fact. The Office of the Queensland Parliamentary Counsel state that it is a fundamental legislative principle reflecting common law presumption that parliament intends legislation to operate prospectively rather than retrospectively, although they say it has sometimes been justified, for example, in child protection.