Speech By

Tim Nicholls

MEMBER FOR CLAYFIELD

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CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

Mr NICHOLLS (Clayfield—LNP) (12.43 pm): This bill is indeed lengthy and important. The overarching objective of the bill 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 2001.

It has to be pointed out that the pace of reform to the CCC under this Labor government can only be described as glacial. The bill implements certain changes that were recommended as far back as 2016—eight years ago. Even the most recent recommendations for reform from the Parliamentary Crime and Corruption Committee were tabled 1,010 days and 855 days ago respectively. It is almost as bad as the time this government has wasted getting ready for the Olympics. The latter of those recommendations were contained in the very significant report No. 108 of the PCCC in relation to the CCC's investigation of former Logan City councillors, and we will all remember that report into the charging and subsequent withdrawal of charges against the Logan City councillors. That also led to the dismissal of that council by this government through this House.

Notwithstanding the very long time the government has had to consider all these recommendations, going back, as I say, in some instances to 2016, some of them still remain unlegislated. Some of the recommendations from those reports still have not been done eight years down the path. This makes a mockery of the poor old member for Toohey's statement as the chair of the committee in the foreword to the committee report that, 'It is important we remain ever vigilant in the ongoing fight against corruption.' This government has only ever remained vigilant by looking in the rear-view mirror. This government is the Rip Van Winkle of vigilance when it comes to performance with this legislation.

What we have also found out about is this government's reluctance to advance reforms that are actually needed to deal with the decision in Labor mate Peter Carne's High Court case. It would not surprise anyone today if this government sought to move some sort of amendment to try to neuter the private member's bill that is on for debate this afternoon. Hopefully we will get to it. It has been a case of a protection racket set up to prevent the release of embarrassing, supposedly, reports in relation to former Labor mate Peter Carne and former Labor deputy premier Jackie Trad and, in particular, the release of the report into the appointment of former under treasurer Frankie Carroll and actions that I might say in respect to the former deputy premier were undertaken with funding approved by the Attorney-General, the former premier and the former attorney-general. Nothing in this bill deals with those very important transparency matters. This is despite the Attorney having said on a number of occasions that legislation will be brought before this House dealing with that matter. In fact, earlier this year, the Attorney-General said she expected the matter to be dealt with early in 2024. Here we are in the dying days of a dying Labor government that will no doubt be shown the door later on in October and still no action is being taken and there is no prospect of it being taken.

What is amazing—quite amazing—is that we can get a series of amendments dropped by the Attorney-General in this place not 20 minutes ago trying to deal with a lobbyist issue and trying to get them through this House with no scrutiny, no consideration and no information apart from the tabling of a few letters to try to gain some political advantage, but with all the time and all the effort they have not been able to deal with either of the matters in relation to the releasing of reports by the CCC that the CCC itself say are urgent and need to be done. Queenslanders will see through the charade and they will see that this government only acts in its own best interests. The Attorney-General's comments that she made just a few minutes ago in relation to supporting the actions of the CCC and supporting integrity are hollow without amendments that will be made, that should be made, to enable the CCC to do its job to report as it was originally set up to do and as people have thought it could do for 30 years.

Most of the bill's amendments implement the government's response to various recommendations in the following reports: the Parliamentary Crime and Corruption Committee's report No. 97, *Review of the Crime and Corruption Commission*, tabled on 30 June 2016; its report No. 106, *Review of the Crime and Corruption Commission's activities,* tabled on 30 June 2021—that is a statutory report; the PCCC's report No. 108, *Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters,* tabled on 2 December 2021; and the report of the commission of inquiry, headed by the two retired judges, relating to the Crime and Corruption Commission, tabled on 9 August 2022.

The amendments in the bill arising from the review of chapters 3 and 4 in report No. 97 are designed to streamline the CCC's enforcement powers by: providing single processes outside a hearing for the discovery of information and the production of documents and things across all relevant functions, ensuring consistency across functions for attendance and consideration of matters at a hearing of the CCC, and streamlining related offence provisions for failure to comply with the exercise of those enforcement powers.

The Attorney has gone through in some detail the matters that were raised by submitters at the committee inquiry and the effect of those provisions. I do not intend to repeat that. I want to point out that in 2021, when the government introduced a statutory framework to provide better protection of the identity of journalists' confidential sources in the Evidence Act—the journalist shield laws—the government committed to examining these laws as part of the review of chapters 3 and 4 of the CC Act. This bill amends the CC Act to apply a qualified journalist privilege under the act consistent with the Evidence Act—the so-called journalist shield laws. They are designed to protect journalists when they report in the public interest against actions designed to force them to reveal their confidential sources in court. The matter stems from a hearing and court actions in relation to the CCC seeking to obtain information regarding confidential sources from a journalist.

Previously, there was no common-law privilege that allowed journalists to refuse to reveal their confidential sources in Queensland. It was argued that that stifles the free flow of information and an active and free press. Changes were introduced to the Evidence Act through legislation passed in 2022 after the bill was introduced in 2021. The LNP welcomed the changes and at that time sought to amend the bill to extend the operation of the shield laws to matters before the Crime and Corruption Commission—exactly what this bill we are debating two years later is doing. Those amendments and that action were supported at the time by both the Law Society and the Bar Association as well as Australia's Right to Know coalition. In typical fashion, the government refused to act. They refused to countenance the amendment then, yet here we are today dealing with exactly the same issue and we are doing today what could have so easily been done over two years ago now.

Of course, we should not be surprised. Members will remember this Attorney-General's previous attempt at changing laws relating to the CCC and the provision of information when in August 2020—the member for Toowoomba South will well remember this—she wanted to introduce gag laws to stop the reporting of matters reported to the CCC. The paragons of virtue on openness and transparency in August 2020, months out from an election—is there a habit forming here?—wanted to change legislation to stop the CCC reporting on matters that had been referred to it. It outraged journalists and led the *Courier-Mail* to publish a completely blank front page of their statewide paper highlighting the Orwellian overreach of the then arrogant Labor government.

Such was the reaction to that proposal, it did not even last 24 hours. There was an embarrassing backflip—or a spectacular backflip, depending on which report you read at the time. Members will remember that the Attorney ended up gagging herself when, 20 hours after introducing the bill, she issued one of the shortest and most feeble media statements of all time announcing the withdrawal of the bill.

Of course the LNP will be supporting the changes to the privilege laws, precisely because we championed them three years ago when the bill was introduced and just over two years ago when the debate was carried out. As I said then—

... there is no compelling reason advanced as to why the shield laws should not apply to hearings before the Crime and Corruption Commission.

The question again today is: why the delay? At the time, the then attorney, this current Attorney's predecessor and successor, said—

I can assure stakeholders that further consultation will be undertaken in relation to this work and that we will be in a position to determine the most appropriate course of action in the first half of next year.

That is, the first half of 2023, and here we are in the second half of 2024—for a bill introduced in 2021. It could have been done so much sooner. As the Bar Association said at the time, it would require only a relatively minor amendment to the provisions as they currently stand.

The bill proposes to make amendments to implement recommendations 1, 3 and 4 of the PCCC report No. 106 and recommendation 5 of PCCC report No. 108 by dealing with the issue of qualifications for ordinary commissioners, clauses 34 and 37; the PCCC consideration of appointments, clauses 35, 42 and 47; and the tenure of officers of the CCC, clauses 36, 38 and 47 of the bill.

One of the issues which has been raised in the statement of reservation by the very diligent and hardworking LNP members of the committee relates to tenure. A range of amendments are proposed to the tenure of commissioners and CCC officers which include introducing a seven-year fixed, non-renewable term for the chairperson, deputy chairperson and ordinary commissioners. It is important to note that this is not strictly in compliance with the recommendation made by the PCCC, whose recommendation was for terms up to seven years—allowing for the appointment of commissioners, the chairperson and the deputy chairperson for periods less than seven years. That matter is explored further in the statement of reservation and I am sure will be raised by a number of other speakers from this side of the House.

The amendments retain the requirement for up to five-year appointments for senior officers and the requirement for notice to the PCCC with the existing performance standards to be met before reappointment, but it removes the precondition which places a limit on extending maximum tenure from 10 to 15 years and includes a new provision allowing tenure limits to be reset after 10 years has elapsed for a person who has permanently left the CCC. The amendments also contain a requirement to give notice to the PCCC when a senior officer has been appointed to a further term and that term will result in the senior officeholder holding office for a period in excess of 10 years.

The LNP members on the committee noted in their statement of reservation that the chairperson, deputy chairperson and ordinary commissioners are to be appointed for seven years as a fixed term—not the PCCC recommendation that the term not exceed seven years. This is important because the ability of the PCCC to change the length of the proposed term of these positions when assessing the applicant is important to ensure there is bipartisan support for those appointments. One of the enduring characteristics of these positions is that they do receive bipartisan support. The ability to change tenure, or to have a lesser tenure than seven years, is one of the matters that has been taken up by the PCCC in previous appointments.

The CCC itself highlighted inconsistencies in the terms of employment for senior officers of the CCC with senior officers of other Public Service departments. The CCC have said that this makes recruitment more difficult. They argue that these positions are no greater risk of institutional capture or corruption than other departments. These are clearly matters in relation to tenure that will need to be monitored over time.

I want to turn to the amendment of section 49 with regard to the necessity to obtain Director of Public Prosecutions' advice. The bill amends the CC Act to provide a legislative requirement for the CCC to seek the advice of the DPP on corruption offences arising from a corruption investigation, unless in exceptional circumstances. This follows a recommendation from the commission of inquiry report relating to the CCC which was tabled on 9 August—that is the most recent of those commission of inquiry reports—which followed the PCCC report into the Logan City Council matter. It is also a matter directly covered in my private member's bill, although in a different manner.

This is another instance of the government being late to the party when such a change could have been made after the commission of inquiry report two years ago, or the PCCC report nearly three years ago. It is interesting to note that it is not just me saying this. We heard the same sentiment from the Local Government Association of Queensland, which said in its submission to the bill—

It has been over 18 months since that report was handed down, which included key recommendations urgently needed to overhaul the remit of our State's corruption watchdog. Queenslanders deserve to have a corruption watchdog that is unbridled from its recent failings, not a pile of reports that simply gather dust.

They have had to brush the dust off these reports. These reports have been gathering dust for over 1,000 days and, in the case of one of those reports, since 2016.

In order to give effect to the DPP prosecutions provision, a memorandum of understanding will be required between the CCC and the DPP to facilitate the operation of the new process, which will also hopefully provide guidance on what constitutes exceptional circumstances, because that is undefined—although I note that the department, in its response to these questions, has made some submissions regarding that. That MOU has a minimum set of requirements and must be published on the CCC's website. I note the Attorney mentioned this in her contribution to the debate a little while ago. I did not pick up all of it but, if I understand correctly, there have been negotiations underway between the CCC and the DPP in relation to that MOU.

My question is: given the provisions about the bill and the time that the bill has been in the House—it was introduced in February this year—has the Attorney been notified in relation to the MOU? Is she aware that the memorandum has been finalised and is she aware of the timeframe for that to be done? There certainly has been plenty of time for that to occur. The Attorney might be able to answer that. If I have missed it, I apologise.

The bill also makes some other policy changes to: enable the CCC to give notices by email; allow the appearance of a person via video and audiovisual link at CCC hearings in certain circumstances, which the Attorney has covered off on; ensure inspecting entities can report on contraventions of telecommunications interception warrant conditions or restrictions; and permit the transfer of the data and records of the Inquiry into the Future Role, Structure, Powers and Operations of the Criminal Justice Commission, fondly known as the Connolly-Ryan inquiry, to Queensland State Archives—a matter of concern about a decade ago—for storage while retaining the role of the PCCC and the parliamentary commissioner in determining applications for access to the data and records. These are, in the main, uncontroversial amendments which we support.

Mr NICHOLLS (Clayfield—LNP) (2.58 pm), continuing: When it comes to stink and pong, the member for Miller is the exceptional proponent of it and the source of it.

Mr BAILEY: Madam Deputy Speaker, I rise to a point of order. I take personal offence at those comments and ask that they be withdrawn.

Opposition members interjected.

Madam DEPUTY SPEAKER (Ms Bush): Order, members on my left! Member, he has taken personal offence.

Mr NICHOLLS: I withdraw. When it comes to stink and pong, the member for Miller is part of a government that excels in emanating it. They are proponents of it. Nowhere is that more evident than in this piece of legislation, where they fail to deal with the biggest stink and the biggest pong of all: their Labor mate Peter Carne, whom they appointed to a $300,000 a year job and to whom this Attorney-General had to give notice and sack because of allegations in relation to drinking on the job, the misappropriation of funds and travelling overseas at taxpayers' expense. That is a stink and a pong. This bill also does not deal with issues in relation to the former deputy premier, the member for South Brisbane, and her actions in the appointment of a former under treasurer of this state and allegations in relation to her interference in that appointment against a recommendation made by the director-general of the Department of the Premier and Cabinet. That is a stink and a pong. It was this government's decision—made by the former premier, the former attorney-general, the current Attorney-General and factional allies of Premier Miles in this place—to fund Jackie Trad's action against the CCC to stop the release of a report by the independent Crime and Corruption Commission into those matters that is a stink and a pong, member for Miller, not your contrived outrage in relation to matters that have been fully and totally investigated by ASIC and liquidators.

That is the essence of what this bill does not do in terms of the Crime and Corruption Amendment Bill. This bill fails to do the things that it should do and which this government knew had to be done. They knew it had to be done at least a year ago because of a decision out of the High Court which the government knew had a potential outcome and they failed to prepare for it. That is the decision in relation to their Labor mate, their Labor appointee, Peter Carne. This bill should have dealt with the fact that the CCC has been objectively neutered in its reporting function on its corruption investigations since 2020. Prevarication and delay have been the way this government has operated all the way through this shameful episode. Now to have, as the Attorney has done, some amendments introduced at the death of this particular debate shows just how desperate this government is. We have seen that desperation on display.

Let's not forget who it was that introduced requirements around lobbyists and the disclosure of ministers' diaries, because it was not the Labor Party. It was the LNP that between 2012 and 2015 introduced disclosure requirements in relation to ministers' diaries and lobbying activities and the establishment of a lobbyists register. It was the LNP, over the then Labor Party's objections, which introduced the requirement for the then leader of the opposition to disclose meetings held with lobbyists. That was not the Labor Party: that was the LNP. As the Leader of the Opposition has foreshadowed in terms of his correspondence with the Premier regarding this matter, which has been fulsome and complete, including copies of correspondence from the Integrity Commissioner, the LNP will not in that sense be opposing the principle in relation to the disclosure of lobbying matters. In fact, the very reason the government is moving that way is because LNP shadow ministers have been doing so anyway. My own diary discloses all meetings, as required since the amendment came in.

This bill, while necessary, in many respects is long overdue in what it does do, but it is more telling about the thought processes of this Labor government in what it fails to do and in the amendments that have been brought forward. There is only one way that transparency and integrity can be restored to the way this state is governed. The only way to restore the openness and transparency Queenslanders deserve is to show Labor the door in 2024 and elect a Crisafulli LNP government.