Speech By

Peter Russo

MEMBER FOR TOOHEY

Record of Proceedings, 29 April 2025

CRIME AND CORRUPTION (RESTORING REPORTING POWERS) AMENDMENT BILL

Mr RUSSO (Toohey—ALP) (4.44 pm): I rise to speak to the Crime and Corruption Commission (Restoring Reporting Powers) Amendment Bill 2025. This bill is the third piece of legislation which the parliament has seen that relates to the reporting powers of the Crime and Corruption Commission. This bill is, without question, a response to the genuine concerns raised by the 2023 High Court decision in Crime and Corruption Commission v Carne, as was the Crime and Corruption Commission (Reporting) Amendment Bill 2024 that was introduced by the previous Labor attorney-general, the Hon. Yvette D'Ath, in September 2024. The government has made clear its intention to restore the Crime and Corruption Commission's reporting powers to what they were widely understood to be prior to that ruling in the High Court.

We on this side of the House acknowledge and unequivocally support the vital role of transparency and public accountability in the fight against corruption. These principles are essential to maintaining the public's trust in our democratic institutions, but we also bear another solemn and inescapable responsibility to protect the rights, reputations and fundamental liberties of individuals. It is in that spirit that the opposition must express reservations regarding certain provisions contained in this bill while, as outlined by the shadow attorney-general, we will support the bill. As the LNP does not hold a monopoly on integrity, we firmly believe in transparency and accountability across all levels of government. That is why we support the Crime and Corruption Commission having the ability to publicly report on its activities, provided there are appropriate safeguards in place to protect the integrity of investigations and the rights of individuals.

I draw the House's attention to proposed section 48B(1)(c) of the bill. This clause expressly prohibits the Crime and Corruption Commission from making any statement or finding as to whether there is or is not sufficient evidence to commence proceedings against an individual. At first glance, such a provision might appear to be a protective measure, but in practice it creates a troubling imbalance. Under this clause, the Crime and Corruption Commission may issue public comments about a corruption investigation—potentially before it has concluded—yet it is prohibited from clarifying whether there is sufficient evidence to prosecute. This disconnect is not merely academic; it risks fostering uncertainty, casting public suspicion and inflicting reputational damage, all without the individual concerned having any clear path to exoneration or finality.

These concerns are not speculative. During the committee process multiple stakeholders raised this precise issue. The principal policy solicitor for the Queensland Law Society said it best when she said—

... there are reasons you wait to the end of a process to make a statement on it.

Without finality, reputational harm becomes not just a possibility but a likelihood. Public perception can harden into judgement long before due process has taken its full and fair course.

The bill does introduce a checklist of factors to guide the Crime and Corruption Commission in determining whether to make a public statement, but I say clearly that a checklist is not an enforceable safeguard. It offers guidance, not protection. Discretion, no matter how well intentioned, must be bounded by enforceable principles if we are to maintain public trust. Even the chairperson of the Crime and Corruption Commission acknowledged during the committee proceedings the inherent risks of making statements during ongoing investigations. He referred to 'unique circumstances' that might warrant public comment such as when a matter is already in the media, but such discretion is dangerously broad. The potential for political pressure, media influence or institutional overreach cannot be discounted.

We can reflect on the lessons of our own history. The Fitzgerald inquiry is rightly held to be a landmark in Queensland's political evolution; an inquiry marked not only by its outcomes but also by its integrity, rigour and careful adherence to due process. What made the Fitzgerald inquiry effective was its restraint, not its noise. This bill will take us in a different direction where public comment risks eclipsing judicial process and where reputations may be irreparably damaged without resolution.

I draw the attention of the House to a particularly concerning example raised in multiple submissions to the committee. On 26 April 2019, six former Logan City councillors were charged with aggravated fraud following a recommendation endorsed by the then chair of the Crime and Corruption Commission. In a submission to the Parliamentary Crime and Corruption Committee dated 26th July 2021, their legal representatives stated—

Great care must be taken in any public statements made by those responsible for the investigation of crime ... The capacity for such statements to prejudice the fair trial of any accused is well known.

They further stated—

... to describe the probationary process itself as dishonest and disingenuous and later, describing Ms Kelsey as a "poor woman" subject to "disgraceful" conduct by the Former Councillors in the course of the industrial proceedings was, at its lowest, gravely in error, in its prejudgment of the issues to be determined ...

On the day that the charges were laid, the then chair of the Parliamentary Crime and Corruption Commission held a press conference, naming the individuals and outlining the charges, all before a single finding had been made in a court. He stated—

There is significant public interest in these matters and that is the reason why I am taking the rather unusual course of conducting this press conference today ...

That is precisely the scenario we must guard against. It is a scenario in which the Crime and Corruption Commission becomes not an impartial investigator but a public commentator, where perception overtakes process and justice is conducted in the court of public opinion.

I support the core intent behind this bill to restore clarity and ensure the Crime and Corruption Commission can operate with confidence and transparency. However, I must also sound a clear note of caution: we must not sacrifice the presumption of innocence, the right to a good name and the integrity of a justice system in the name of perceived transparency. I urge the government to reconsider the breadth of these powers, particularly the implications of section 48B. Let us build a system that protects both our institutions and our citizens. Let us restore not just the power of the Crime and Corruption Commission but also confidence in our collective unwavering commitment to justice, fairness and the rule of law.

If these laws go ahead as is, it will be important that the oversight body, being the Parliamentary Crime and Corruption Committee, monitors the implementation of the laws and how the Crime and Corruption Commission uses them. It will be important to ensure the Crime and Corruption Commission only uses these powers for good and to ensure individual rights are maintained and balanced against the need to discharge their duties and functions.