

Crime and Corruption Amendment Bill 2023

Explanatory Notes

Short title

The short title of the Bill is the Crime and Corruption Amendment Bill 2023.

Policy objectives and the reasons for them

The purpose of the Bill is to remedy the deficiency in the reporting powers of the *Crime and Corruption Act 2001* (CCC Act) found by the High Court in *Crime and Corruption Commission v Carne* [2023] HCA 28.

The Bill will also reverse a 2018 amendment that omitted the Director of Prosecutions from s.49 of the CCC Act (s12 Crime and Corruption and Other Legislation Amendment Act 2018). The reversal of the 2018 amendment was recommended by both the PCCC (Parliamentary Crime and Corruption Committee Report No. 108, 57th Parliament, Inquiry into the Crime and Corruption Commission’s investigation of former councillors of Logan City Council; and related matters, December 2021) and the Commission of Inquiry relating to the Crime and Corruption Commission.

Achievement of policy objectives

To achieve these objectives, amendments are proposed to various clauses as outlined below.

Alternative ways of achieving policy objectives

There are no known alternate ways of achieving the same policy objective.

Estimated cost for government implementation

There are no cost implications for the amendments.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles.

Consultation

There has been no specific consultation on the proposed amendments however the Crime and Corruption Commission (CCC) on 13 September 2023 called for “urgent legislative amendments” to address the matter.

The CCC also stated that “Having the ability to report on matters relating to its investigations is vital so the public, the public sector and elected officials can understand the reasons for and outcomes of CCC investigations. The inability to report on matters uncovered in such investigations reduces transparency and is clearly not in the public interest.”

Consistency with legislation of other jurisdictions

This legislation is specific to Queensland.

Notes on provisions

To achieve these objectives, the following amendments are included in the Bill:

- Amend s35(1) by adding to the list of how the commission performs its corruption functions, reporting to the parliament about its investigations into a complaint, information or matter under ss64 and 69,
- Amend s49 of the CCC Act to reverse the 2018 amendment and ensure that the Director of Public Prosecutions is a prosecuting authority within the terms of the section and include a new subsection that provides that if the CCC makes a report under s49(1) and (2) it does not preclude the CCC also making a report under s64.
- Amend s64 by inserting a new provision that provides that to remove any doubt, s64(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 s.49 and whether or not criminal or disciplinary proceedings have been commenced.
- Amend s69 to revert to a process for tabling CCC reports similar to the previous Criminal Justice Act 1988 and which applied to the former Criminal Justice Commission (CJC) and Crime and Misconduct Committee (CMC) to report directly to parliament, rather than through the PCCC.
- Replacement of s71A to improve provisions regarding procedural fairness for commission reports.
- Insertion of a new Chapter 9, Part 20 to ensure that all previously tabled reports have been validly tabled and that reports finalised, but not yet tabled, or reports started prior to commencement will be able to be tabled.