



Queensland

Crime and Corruption Amendment Bill 2023



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2023

A Bill

for

An Act to amend the *Crime and Corruption Act 2001* for particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Crime and Corruption Amendment Act 2023</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Crime and Corruption Act 2001</i> .	6
Clause 3	Amendment of s 35 (How commission performs its corruption functions)	7 8
	Section 35(1)—	9
	<i>insert—</i>	10
	(k) reporting to the Legislative Assembly under section 69 about complaints about, or involving, corruption made or notified to it.	11 12 13
Clause 4	Amendment of s 49 (Reports about complaints dealt with by the commission)	14 15
	Section 49(5)—	16
	<i>omit, insert—</i>	17
	(5) If the commission reports on an investigation under subsection (2), the commission may also report on the investigation under section 64.	18 19 20
Clause 5	Amendment of s 64 (Commission’s reports—general)	21
	(1) Section 64(1), after ‘functions’—	22
	<i>insert—</i>	23
	, including its corruption functions	24
	(2) Section 64—	25

insert—

- (1A) To remove any doubt, it is declared that the commission may report under subsection (1) about an investigation of a complaint about, or information or matter involving, corruption regardless of whether—
- (a) the commission has reported on the investigation under section 49; or
 - (b) prosecution proceedings have, or disciplinary action has, commenced arising from the investigation.
- (3) Section 64(3), ‘subsection (2)(a)’—
- omit, insert—*
- subsection (3)(a)
- (4) Section 64(4), ‘subsection (2)(b)’—
- omit, insert—*
- subsection (3)(b)
- (5) Section 64(1A) to (5)—
- renumber* as section 64(2) to (6).

Clause 6 Replacement of s 69 (Commission reports to be tabled)

Section 69—

omit, insert—

69 Commission reports to be tabled and published

- (1) A commission report, signed by the chairperson, must be given to—
- (a) the chairperson of the parliamentary committee; and
 - (b) the Speaker; and
 - (c) the Minister.

[s 7]

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|-----|---|----------------------------|
| (2) | If the report is a report to which section 71A applies, the chairperson must certify on the report whether section 71A has been complied with in relation to the report. | 1
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| (3) | If the Speaker receives the report when the Legislative Assembly is sitting, the Speaker must table the report in the Legislative Assembly as soon as practicable. | 5
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| (4) | If the Speaker receives the report when the Legislative Assembly is not sitting, the Speaker must deliver the report and any accompanying document to the clerk of the Parliament and order that the report be tabled. | 9
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| (5) | A report published under this section is taken for all purposes to have been tabled in and published by order of the Legislative Assembly and is to be granted all the immunities and privileges of a report so tabled and published. | 14
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| (6) | This section does not apply to an annual report of the commission. | 19
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Clause 7	Replacement of s 71A (Report containing adverse comment)	21 22
	Section 71A—	23
	<i>omit, insert—</i>	24
	71A Report containing adverse comment	25
	(1) This section applies if the commission proposes to make an adverse comment about a person in a report to be tabled in the Legislative Assembly under section 69, regardless of whether the adverse statement is to be stated in the body of, or the foreword to, the report.	26 27 28 29 30 31
	(2) The commission must provide the person with procedural fairness in relation to the adverse comment.	32 33 34

<p>(3) Without limiting subsection (2), the commission must—</p> <p style="padding-left: 2em;">(a) give a copy of the report in draft form to the person; and</p> <p style="padding-left: 2em;">(b) invite the person to make written submissions to the commission on the draft report; and</p> <p style="padding-left: 2em;">(c) advise the person of the day by which the submissions must be made, which must be 30 days after the day the draft report is given to the person.</p> <p>(4) If the draft report applies to 1 or more other persons, the commission is required to give the person only that part of the report that applies to the person.</p> <p>(5) Within 14 days after receiving the draft report, the person may apply to the commission or the Supreme Court for an extension of time in which to make submissions.</p> <p>(6) If the person makes submissions and the commission still proposes to make the adverse comment, the commission must ensure the person’s submissions are fairly stated in the report.</p> <p>(7) If the commission proposes to make a further adverse comment about the person in addition to the adverse comment mentioned in subsection (1), subsections (2) to (6) apply to the further adverse comment.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p>
<p>Clause 8 Insertion of new ch 8, pt 20</p> <p style="padding-left: 2em;">Chapter 8—</p> <p style="padding-left: 2em;"><i>insert—</i></p> <p style="padding-left: 4em;">Part 20 Crime and Corruption</p> <p style="padding-left: 4em;"> Amendment Act 2023</p>	<p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p>

459 Validation of giving, tabling and publishing of particular reports	1 2
(1) This section applies to a commission report about a complaint about, or information or matter involving, corruption made or notified to the commission that was, purportedly under former section 69—	3 4 5 6 7
(a) given to the Speaker; and	8
(b) tabled in the Legislative Assembly by the Speaker; and	9 10
(c) published.	11
(2) It is declared that the report is taken to be, and to always have been, as validly given, tabled and published as it would have been if the report had been given, tabled and published under section 69.	12 13 14 15 16
(3) In this section—	17
<i>former section 69</i> means section 69 as in force from time to time before the commencement.	18 19
460 Application of new provisions to particular investigations and reports	20 21
(1) The new provisions apply to a corruption investigation carried out by the commission after the commencement regardless of whether the investigation started before or after the commencement.	22 23 24 25 26
(2) Also, the new provisions apply to a commission report about a corruption investigation that, at the commencement, has not been published.	27 28 29
(3) However, section 71A does not apply to a commission report about a corruption investigation that, at the commencement, has not been published, including the following reports—	30 31 32 33

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- (a) the report entitled ‘An investigation into allegations relating to the former Public Trustee of Queensland: Investigation Report’; 1
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- (b) a report arising from the commission’s investigation of allegations of corrupt conduct in relation to Jackie Trad and her involvement in the appointment of Frankie Carroll as Under-Treasurer. 5
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- (4) In this section— 10
- corruption investigation*** means an investigation of a complaint about, or information or matter involving, corruption made or notified to the commission. 11
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- new provisions*** means the provisions of this Act as in force from the commencement. 15
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