

Ensure the Crime and Corruption Commission is the strongest it can be to prevent corruption in Queensland

There are amendments before the Queensland Parliament to the *Crime and Corruption Act 2001* (Qld) (**CC Act**) that include proposed amendments to the definition of ‘corrupt conduct’, proposed in the [Crime and Corruption and Other Legislation Amendment Bill 2017](#), (**Bill**) cl 5.

These amendments are in response to the election commitment made by the current Queensland Government to widen the definition of ‘corrupt conduct’ in the CC Act, to ensure Queensland has a government that lives up to the highest standards of integrity.

Under these amendments, the NSW Independent Commission Against Corruption (**ICAC**) remains more capable of investigating and addressing corrupt conduct than the Crime and Corruption Commission (CCC) will be in Queensland. See the table **below** which demonstrates that the NSW ICAC made more findings of corrupt conduct, held more public inquiries, and tackled more systemic corruption cases of public significance, compared to relatively minimal activity of the Qld CCC.

Body	Public hearings	Corrupt conduct findings	People referred to DPP	Findings against MPs and ministers
NSW ICAC	28	123	76	11
Qld CCC	0	0	32	0

Figure 1: NSW ICAC and Qld CCC outcomes, compiled from Annual Reports, 1st July 2012 – 30th June 2016

Three key changes are required to the CC Act and Bill - to ensure the definition of ‘corrupt conduct’ is widened sufficiently to include all appropriate activities, and to meet the high standards and effectiveness of the respected NSW ICAC:

1. Broaden application of need to demonstrate grounds for terminating services

Under the current definition of ‘corrupt conduct’ in CC Act s 15, and the definition as amended in the Bill, there is a requirement that the action in question ‘*would, if proved, be—*

- (a) a criminal offence; or*
- (b) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.’*

Under the NSW *Independent Commission Against Corruption Act 1988* (NSW) (**ICAC Act**), section 9, a broad interpretation is provided as to the equivalent limitation on what constitutes corrupt conduct through disciplinary action or reasonable grounds to terminate the public official’s services.

We suggest that the approach of ICAC Act section 9 be integrated into the CC Act to provide more guidance as to the kinds of actions that could be considered relevant to fulfil the need for a disciplinary breach to be able to be proved. This is particularly important since it is a requirement of any definition of corrupt conduct under the CC Act and the Bill amendments that either (a) or (b) above be demonstrable in the matter.

2. Maintain the list of additional matters which could be 'corrupt conduct'

The Bill removes a list of matters provided in CC Act section 15(2) which could appropriately extend the types of activities which can be considered to be corrupt conduct for the purposes of the Act.

We recommend instead that the Bill amends current section 15(2) to insert the equivalent of NSW ICAC Act s8(2), excerpted below. This list stands alone and provides a wider definition of 'corrupt conduct', unlike the current list provided by the CC Act in s15(2) which is only implemented to assist in the definition where other criteria are first met. ICAC Act s8(2) excerpted below:

'(2) Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:

- (a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),
- (b) bribery,
- (c) blackmail,
- (d) obtaining or offering secret commissions,
- (e) fraud,
- (f) theft,
- (g) perverting the course of justice,
- (h) embezzlement,
- (i) election bribery,
- (j) election funding offences,
- (k) election fraud,
- (l) treating,
- (m) tax evasion,
- (n) revenue evasion,
- (o) currency violations,
- (p) illegal drug dealings,
- (q) illegal gambling,
- (r) obtaining financial benefit by vice engaged in by others,
- (s) bankruptcy and company violations,
- (t) harbouring criminals,
- (u) forgery,
- (v) treason or other offences against the Sovereign,
- (w) homicide or violence,
- (x) matters of the same or a similar nature to any listed above,
- (y) any conspiracy or attempt in relation to any of the above.'

3. Public hearings must be norm in investigations to improve integrity and transparency

We strongly recommend that a preference for public hearings be inserted into the CC Act through this amendment Bill.

Public hearings provide multiple benefits to improve the integrity of anti-corruption investigations, including assisting in providing greater public confidence that justice is being served in investigating corruption in Queensland and improving transparency and accountability of the CCC. This is particularly important at present where public confidence has clearly reduced in anti-corruption mechanisms in Queensland.