

# Crime and Corruption and Other Legislation Amendment Act 2018

Explanatory notes for SL 2019 No. 7

made under the

*Crime and Corruption and Other Legislation Amendment Act 2018*

## General Outline

### Short title

Proclamation commencing provisions of the *Crime and Corruption and Other Legislation Amendment Act 2018*.

### Authorising law

Section 2 of the *Crime and Corruption and Other Legislation Amendment Act 2018* (the Amendment Act).

### Policy objectives and the reasons for them

The objective of the Proclamation is to commence sections 5, 6 and 44 of the Amendment Act, which are not yet in force.

The Amendment Act received assent on 9 November 2018.

Section 2 of the Amendment Act provides that sections 5, 6 and 44 commence on a day to be fixed by proclamation.

Section 5 of the Amendment Act amends section 15 (Meaning of corrupt conduct) of the *Crime and Corruption Act 2001* (CC Act) to:

- firstly, simplify the existing definition of 'corrupt conduct' in section 15 by omitting: (i) the requirement that conduct is engaged in for the benefit of, or detriment to, a person under section 15(1)(c) because this element has caused confusion among public sector agencies; and (ii) the list of additional matters, criminal offences or behaviours, which could be 'corrupt conduct' under section 15(2) because it has not aided in the interpretation of the definition; and
- secondly, insert a new section 15(2) to widen the definition of 'corrupt conduct' to include certain conduct that impairs or could impair public confidence in public administration, even where it does not involve a lack of propriety by a person who holds or held an appointment in a unit of public administration.

Section 6 makes consequential amendments to section 16 (Conduct happening over time, or at any time, may be corrupt conduct) of the CC Act to ensure the expanded definition of 'corrupt conduct' under section 15(2) applies to conduct which occurred before the commencement of the CC Act and Amendment Act. This is consistent with the current approach to corrupt conduct in the CC Act.

Section 44 inserts new chapter 8, part 15, division 2 (Amendments commencing by proclamation) into the CC Act providing for specific transitional arrangements for dealing with existing complaints and existing disciplinary proceedings about corrupt conduct that have not been finalised before commencement of the definitional changes.

Commencement by proclamation of these provisions enabled suitable time for the Crime and Corruption Commission (the Commission) to prepare for implementation.

### **Achievement of policy objectives**

The policy objective is achieved by fixing 1 March 2019 as the commencement date for sections 5, 6 and 44 of the Amendment Act.

### **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the objectives of the authorising law.

### **Inconsistency with policy objectives of other legislation**

The Proclamation is not inconsistent with the policy objectives of other legislation.

### **Benefits and costs of implementation**

The Proclamation will commence the amendments to the definition of 'corrupt conduct' which expand the Commission's corruption jurisdiction and therefore enhances the Commission's responsibility to promote public confidence in the integrity of the public sector.

Any costs associated with the Proclamation will be met by existing agency resources.

### **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

### **Consultation**

Consultation with the Commission was undertaken in the development of the Amendment Act and the Proclamation. The Commission supports the commencement date.

No other consultation occurred on the Proclamation as it is machinery in nature.

A self-assessment by the Department of Justice and Attorney-General determined that no Regulatory Impact Analysis is required as the regulatory proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.

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