

ATTACHMENT A

Government Response to the Joint Standing Committee on the Corruption and Crime Commission – ‘A need for clarity – Parliamentary Inspector’s report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met?’ (Report 9) - 30 March 2023

Recommendation:

That the Attorney General direct the Department of Justice to examine matters raised in the attached report by the Parliamentary Inspector as part of its project to modernise the *Corruption, Crime and Misconduct Act 2003*, and report to Parliament as to the action, if any, proposed to be taken by the government with respect to these matters

Response:

On behalf of the Government, I thank the Joint Standing Committee on the Corruption and Crime Commission (the Committee) for its work on ‘A need for clarity – Parliamentary Inspector’s report Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met?’ (Report 9).

Report 9 was tabled on 30 March 2023, and sets out the concern expressed by the Parliamentary Inspector of the Corruption and Crime Commission about whether the Corruption and Crime Commission has the discretion to decline to form an opinion of serious misconduct where the definition of serious misconduct has been met.

The Government accepts the recommendation set out Report 9.

As you are aware, I previously directed the Department of Justice to develop proposals for the modernisation of the *Corruption, Crime and Misconduct Act 2003*. In accordance with the recommendation, I have instructed the Department to consider Report 9 and provide advice on changes that may be required to resolve any ambiguity about the ability of the Corruption and Crime Commission to form an opinion of serious misconduct. Following my review of the advice, I will submit any proposed changes to the Act for consideration by Parliament.