

PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE
ANNUAL REPORT 2014-15
REPORT NO. 96
November 2015

This report provides details of the Committee's activities during 2014-15, in accordance with section 108 of the *Parliament of Queensland Act 2001* (POQA). The POQA requires the report to include:

- a list of meetings of the committee and the names of members attending or absent from each meeting;
- a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations;
- a statement of the committee's revenue and spending for the year; and
- a brief description of responses by Ministers to recommendations of the committee.

In this current report, as in previous annual reports, the Committee commends the Crime and Corruption Commission (the CCC or Commission) on its co-operative and responsive approach in dealing with the Committee.

THE COMMITTEE

The Committee is established under section 291 of the *Crime and Corruption Act 2001* as the parliamentary committee responsible for overseeing the operations of the Commission. The Committee's functions under that Act are to:

- monitor and review the performance of the CCC's functions;
- report to the Legislative Assembly where appropriate;
- examine reports of the CCC;
- participate in the appointment of the Chairperson and Commissioners;
- conduct five yearly reviews of the CCC;

- periodically review the structure of the CCC; and
- issue guidelines and give directions to the CCC where appropriate.

It is through the Committee that the Commission is accountable to the Parliament and to the people of Queensland.

THE CRIME AND CORRUPTION COMMISSION

The Commission is created under the *Crime and Corruption Act 2001*. The key responsibilities of the Commission are to:

- combat and reduce the incidence of major crime (organised crime, criminal paedophilia and other serious crime); and
- reduce the incidence of corruption in the public sector.

The Commission also undertakes a number of other functions in the areas of research and prevention, intelligence, witness protection, and the civil confiscation of proceeds of crime.

The Commission has a range of coercive powers under the *Crime and Corruption Act 2001*, including to:

- conduct hearings at which persons can be compelled to provide evidence;
- compel persons to provide information;
- compel the production of records and things;
- enter and conduct searches of premises (including covert searches);
- seize evidence;
- use surveillance devices; and
- intercept telecommunications.

MONITORING AND REVIEWING THE COMMISSION

The Committee actively monitors and reviews the operations of the Commission by:

- holding regular Committee meetings;
- carefully examining the confidential and public reports provided by the Commission every two months which provide detailed information about the activities of the Commission during the relevant period;
- considering the confidential minutes of meetings of the Commission and its executive;
- holding bi-monthly public and *in camera* meetings with the Chairman, Deputy Chairman, Chief Executive Officer and Ordinary Commissioners, and Senior Executive Officers of the Commission during which Committee members question Commissioners and staff about the activities of the Commission;
- receiving and considering complaints against the Commission and its officers;
- reviewing Commission reports;
- requesting reports from the Commission on matters which arise via complaints, the media or other means;
- conducting inquiries into specific or general matters relating to the Commission;
- conducting (either itself or through the Parliamentary Crime and Corruption Commissioner) audits of various registers and files kept by the Commission concerning the use of its powers;
- meeting regularly with the Parliamentary Crime and Corruption Commissioner to discuss the Commissioner's activities;
- examining the appropriateness of the Commission's performance measures;
- examining the Commission's performance against its performance measures;
- and reviewing the Commission's implementation of legislative amendments and of changes recommended in reviews of the Commission.

REPORTING TO THE LEGISLATIVE ASSEMBLY

Reports of the Parliamentary Commissioner

The Committee considered various reports by the Parliamentary Crime and Corruption Commissioner on

investigations carried out by him at the request of the Committee.

When appropriate, the Committee may table such reports.

During the reporting period, the Committee determined not to table those reports because, while they informed the Committee's deliberations on matters, they contained confidential material the Committee considered is inappropriate for tabling.

EXAMINING REPORTS OF THE COMMISSION

Section 69 of the *Crime and Corruption Act 2001* allows the Committee to direct that certain reports of the Commission be given to the Speaker and tabled in the Legislative Assembly. In providing such a direction, the Committee does not endorse or adopt the Commission's report in any way.

During the reporting period, the Committee made no directions to the Commission.

PARTICIPATING IN THE APPOINTMENT OF COMMISSIONERS

During the reporting period, the Committee participated in the appointment of the Chairman and Deputy Chairman.

The Committee considered and provided its bipartisan support for the nomination of Mr Sydney Williams QC as Deputy Chair on 27 October 2014.

The appointment of the Chairman was finalised after the end of the reporting period. The Committee considered and provided its bipartisan support for the nomination of Mr Alan MacSporran QC as Chairman on 21 July 2015.

ISSUING GUIDELINES TO THE COMMISSION

Under section 296 of the *Crime and Corruption Act 2001* the Committee may issue guidelines to the Commission about the conduct and activities of the Commission.

The Committee did not issue any guidelines to the Commission in this reporting period.

REVIEW OF THE COMMISSION

During the reporting period, the Committee began the statutory review of the Commission by calling for submissions. Published submissions are available on the Committee's webpage. The Committee is required to report by 30 June 2016.

COMPLAINTS ABOUT THE COMMISSION

Complaints about the Commission or its officers usually come to the Committee in two ways – directly from members of the public or from the Commission itself.

Considering complaints about the Commission and its officers assists the Committee in its oversight role by providing a valuable insight into the Commission's operations and activities.

The Committee does not have jurisdiction over any organisation other than the Commission and therefore cannot consider original allegations of corruption, or police misconduct itself. Further, the Committee is not able to substitute its own decision for that of the Commission in a particular matter.

The Committee examines complaints to assess whether the Commission or any of its officers has acted inappropriately and will, where appropriate, make recommendations to the Commission. Analysis of complaints, even where specific allegations against the Commission are not substantiated, may assist the Committee identify procedural or systemic deficiencies that the Commission may recommend the Commission address.

Complaints from members of the public

Most complaints about the Commission or its officers come to the Committee directly from members of the public. The Committee only accepts complaints in writing in order to efficiently identify and consider complaint matters, and to prevent misunderstanding or misinterpretation of the relevant facts or circumstances.

Other complaints about the Commission

Under section 329 of the *Crime and Corruption Act 2001*, the Chairman, Deputy Chairman and Chief Executive Officer (the notifiers) are obliged to advise the Committee of suspected improper conduct by officers of the Commission. Knowledge of such conduct might come via a complaint made to the Commission about a Commission officer or from officers within the Commission itself referring the conduct to the relevant notifier.

The Committee receives frank and prompt advice from the Commission about Commission officers' conduct which involves, or may involve, 'improper conduct'.

COMPLAINTS CONSIDERED IN 2014-15

During the reporting period, the Committee received 18 complaints about the Commission or Commission officers from the public which enlivened the Committee's jurisdiction. The Committee finalised 38 complaints during the reporting period.

In considering complaints, the Committee takes into account material and submissions provided by the complainant, any reports and other material provided

by the Commission and, if the Committee referred the matter to the Parliamentary Commissioner, any reports from the Parliamentary Commissioner.

Issues that the Committee considers in determining whether or not the Commission has acted inappropriately include (but are not limited to):

- timeliness in the handling of complaints and investigations;
- whether the Commission made appropriate inquiries before determining not to pursue a matter;
- whether the Commission considered all relevant facts and material;
- whether a determination by the Commission to refer a matter back to the relevant public sector agency to deal with was appropriate;
- whether the Commission acted without bias in making its determinations;
- whether the Commission was responsive and timely in its communications with complainants and with subject officers;
- whether the Commission's conclusions and determinations are appropriate; and
- whether the Commission acted within its legislative powers.

NOTIFICATIONS FROM THE COMMISSION IN 2014-15

During the reporting period the Committee received 13 notifications of suspected improper conduct by Commission officers from the Commission under section 329 of the *Crime and Corruption Act 2001*.

The Committee finalised 12 matters which arose from section 329 notifications during the reporting period.

While the Chief Executive Officer (CEO) of the CCC is the final decision maker in relation to any disciplinary action taken against Commission employees, during the reporting period the Committee monitored the processes undertaken by the Commission including the CEO's intended actions relating to the relevant Commission officers.

In considering these matters, the Committee often seeks further information and reports provided by the Commission and, if the Committee referred the matter to the Parliamentary Commissioner, any reports from the Parliamentary Commissioner.

MECHANISMS AVAILABLE TO THE COMMITTEE

Under the *Crime and Corruption Act 2001* and the *Parliament of Queensland Act 2001* the Committee has a range of powers that enable it to carry out its functions, including to call for persons, documents or other things; administer oaths to witnesses; and examine witnesses on oath.

PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

The Committee is assisted in its role of monitoring and reviewing the Commission by the Parliamentary Crime and Corruption Commissioner (the Parliamentary Commissioner). The Parliamentary Commissioner undertakes a range of functions on behalf of the Committee.

The Parliamentary Commissioner is an experienced barrister, appointed on a part-time basis, for a period between two and five years, by the Speaker of the Legislative Assembly with the bipartisan support of the Committee.

On 22 August 2011, the Speaker appointed Mr Paul Favell as the Parliamentary Commissioner for a period of three years. On 01 August 2014, the Speaker appointed Mr Favell for a further two year term.

Role and functions of the Parliamentary Commissioner

Under section 314 of the *Crime and Corruption Act 2001*, the Committee may require the Parliamentary Commissioner to:

- audit records and operational files of the Commission;
- investigate complaints against the Commission and its officers;
- investigate allegations of a possible unauthorised disclosure of confidential information;
- verify the Commission's reasons for withholding information from the Committee;
- verify the accuracy and completeness of Commission reports to the Committee; and
- perform other functions that the Committee considers necessary or desirable.

The Parliamentary Commissioner may investigate a matter on their own initiative if certain criteria are met.

The Parliamentary Commissioner may conduct hearings in certain circumstances, but must notify the Committee of the decision.

The Parliamentary Commissioner also conducts annual reviews of the intelligence data held by the Commission and the Queensland Police Service.

The Parliamentary Commissioner has a number of other statutory roles under the *Police Powers and Responsibilities Act 2001*. These include:

- inspection of the records of the Commission to decide the extent of the Commission's compliance with the legislative requirements relating to surveillance device warrants, retrieval warrants and emergency authorisations;
- reporting in writing to the Committee at six monthly intervals on the results of such inspections;
- inspection of the records of the Commission at least once every 12 months to determine the extent of the Commission's compliance with the legislative requirements relating to controlled operations;
- as soon as practicable after 30 June each year, preparing a report of the activities of the Commission relating to controlled operations for the preceding 12 months and providing a copy of the report to the Commission Chairman and the Chair of the Committee;
- auditing the Commission's records relating to assumed identities at least once every six months.

The Parliamentary Commissioner also has statutory duties under the *Telecommunications Interception Act 2009* which include:

- regularly carrying out inspections of the records of the Commission to determine the extent of the Commission's compliance with the legislative requirements relating to telecommunications interception; and
- providing reports on inspections to the responsible Minister and the Committee.

Assistance provided by the Parliamentary Commissioner in this reporting period

As noted above, the Committee receives bi-monthly reports from the Commission to assist the Committee identify issues for examination.

The Parliamentary Commissioner is also provided with a copy of the Commission's bi-monthly confidential reports in order to assist the Committee to identify issues for examination.

During the reporting period the Committee referred four matters to the Parliamentary Commissioner for review. The Parliamentary Commissioner reported to the Committee on each of those matters in the reporting period.

The Parliamentary Commissioner also provided the Committee with advice relating to the performance by the Commission of its functions under the *Crime and Corruption Act 2001*. The Chair of the Committee tabled reports of the Parliamentary Commissioner as required.

These activities are in addition to the statutory reporting responsibilities of the Parliamentary Commissioner outlined above.

MEETINGS

In addition to Committee meetings (held at least once every Parliamentary sitting week), the Committee holds meetings with the Commissioners and senior officers of the Commission on a regular basis, usually every two months.

The Committee holds public and *in camera* meetings with the Commission to provide open and transparent oversight of the Commission coupled with the ability to receive candid advice on more sensitive matters. The Committee has found these meetings valuable for open communication between it and the Commission.

To assist with the meeting process the Commission provides confidential bi-monthly briefing papers and public reports on its activities since the previous joint meeting and minutes of internal Commission meetings. The Committee asks questions in relation to matters contained in these documents or any other matter that has come to its attention.

On 5 June 2015, three Committee members attended the CCC offices for a site visit and presentations by the Commission.

The Committee also meets regularly with the Parliamentary Commissioner who provides bi-monthly reports to the Committee on the status of matters referred to the Commissioner and administrative issues concerning the day-to-day running of the Office of the Parliamentary Commissioner.

During the reporting period, the Committee met 25 times, including:

- five public and/or private meetings with the Commission;
- three public and/or private meetings with the Parliamentary Commissioner; and

- public and/or private meetings with the Health Minister, Public Service Commissioner, and the Attorney-General.

CONFERENCES AND MEETINGS WITH OTHER AGENCIES

The Committee did not attend any conferences or meetings with other agencies, apart from the CCC, during the reporting period.

COMMITTEE EXPENDITURE

The Committee had no revenue during 2014-15. The Committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the Committee from 1 July 2014 to 30 June 2015 is shown in the table below.

Employee expenses ¹	296,445
Business travel	629
Communication costs	1,972
Advertising	6,541
Contractors and Printing & Production	3,072
Other Costs ²	2,125
EXPENDITURE TOTAL	\$310,784

I thank the current and former Committee members for their diligent work over the last year and I commend the Committee's report to the House.

Peter Russo MP
Acting Chair

November 2015

¹ Figures for staffing expenditure shown above reflect a three person secretariat supporting the committee. The committee's staffing might have been supplemented with additional resources from general Committee Office staff during the year.

² This figure includes office equipment and stationery, hospitality and miscellaneous expenses.

2014-15 Meeting Attendance Record – 54th Parliament

DATE	PURPOSE	Steve Davies	Jo-Ann Miller	Verity Barton	Michael Pucci	Ian Rickuss	Jackie Trad	Peter Wellington
22/7/2014	PCCC/CCC	✓	✓	✓	✓	✓	X ^a	✓
4/8/2014	PCCC/CCC	✓	✓	✓	✓	✓	✓	✓
18/8/14	PCCC	✓	✓	X	✓	✓	✓	✓
25/8/14	PCCC/Commissioner	✓	✓	✓	✓	✓	✓	✓
26/8/14	PCCC/Health Minister	✓	✓	✓	✓	✓	✓	✓
8/9/2014	PCCC/PSC	✓	✓	✓	✓	✓	✓	✓
11/9/2014	PCCC	✓	✓	✓	X	X ^b	✓	✓
13/10/2014	PCCC/CCC	✓	✓	✓	✓	X ^c	✓	✓
14/10/2014	PCCC	✓	✓	✓	X ^d	✓	✓	✓
15/10/2014	PCCC/AG	✓	✓	✓	✓	✓	✓	✓
16/10/2014	PCCC	✓	✓	✓	✓	✓	✓	✓
27/10/2014	PCCC	✓	✓	✓	✓	✓	✓	✓
29/10/14	PCCC	✓	✓	✓	✓	✓	✓	✓
24/11/14	PCCC/ Commissioner	✓	✓	✓	✓	✓	✓	✓
19/12/14	PCCC	✓	✓	✓	✓	✓	✓	✓

2014-15 Meeting Attendance Record – 55th Parliament

DATE	PURPOSE	Peter Russo	Don Brown	Ann Leahy	Joan Pease	Mark Ryan	Jeff Seeney	Trevor Watts
4/5/15	PCCC	✓	✓	✓	✓	✓	✓	✓
6/5/15	PCCC	✓	✓	✓	✓	✓	✓	✓
18/5/15	PCCC/CCC	✓	✓	✓	✓	✓	✓	✓
28/5/15	PCCC/AG	✓	✓	X	✓	✓	X	✓
1/6/15	PCCC/Commissioner	✓ ^e	✓	✓	✓	✓	X	✓
3/6/15	PCCC/CCC	✓	✓	✓	✓	✓	✓	✓
17/6/15	PCCC/AG	✓	✓	✓	X ^f	✓	✓	✓
19/6/15	PCCC	✓	X ^g	X	✓	✓	✓	✓
22/6/15	PCCC	✓	✓	✓	✓	✓	X	✓
26/6/15	PCCC	✓	✓	✓	✓	✓	✓	✓

^a Ms Desley Scott MP was appointed as a temporary member in place of Ms Trad in accordance with Standing Order 202.

^b Mr Ian Rickuss MP abstained and did not attend the meeting.

^c Mr Steve Minnikin MP was appointed as a temporary member in place of Mr Rickuss in accordance with Standing Order 202.

^d Mr Steve Minnikin MP was appointed as a temporary member in place of Mr Pucci in accordance with Standing Order 202.

^e Mr Jim Madden MP was appointed as a temporary member in place of Mr Russo in accordance with Standing Order 202 for a particular matter.

^f Mr Mark Furner MP was appointed as a temporary member in place of Ms Pease in accordance with Standing Order 202.

^g Mr Mark Furner MP was appointed as a temporary member in place of Mr Brown in accordance with Standing Order 202.

COMMITTEE MEMBERSHIP

54th Parliament

Chair	Mr Steve Davies MP, Member for Capalaba
Deputy Chair	Mrs Jo-Ann Miller MP, Member for Bundamba
Members	Ms Verity Barton MP, Member for Broadwater Mr Michael Pucci MP, Member for Logan Mr Ian Rickuss MP, Member for Lockyer Ms Jackie Trad MP, Member for South Brisbane Mr Peter Wellington MP, Member for Nicklin

55th Parliament

Acting Chair	Mr Peter Russo MP, Member for Sunnybank
Acting Deputy Chair	Mr Trevor Watts MP, Member for Toowoomba North
Members	Mr Don Brown MP, Member for Capalaba Ms Ann Leahy MP, Member for Warrego Ms Joan Pease MP, Member for Lytton Mr Mark Ryan MP, Member for Morayfield Mr Jeff Seeney MP, Member for Callide

CONTACTING THE COMMITTEE

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STAFF

Research Directors Amanda Honeyman
(until 3 Feb 2015)

Josephine Mathers
(from 4 Feb 2015)

Principal Research Officers Kym Christensen
(to 18 Aug 2015)

Peter Rogers
(from 19 Aug 2015)

Executive Assistant Amanda Parker