

**Annual Report**  
**2017-18**

**Report No. 101, 56<sup>th</sup> Parliament**  
**Parliamentary Crime and Corruption Committee**  
October 2018

## **Parliamentary Crime and Corruption Committee**

### **56<sup>th</sup> Parliament**

<b>Chair</b>	Mr Tim Nicholls MP, Member for Clayfield
<b>Deputy Chair</b>	Ms Joan Pease MP, Member for Lytton
<b>Members</b>	Mr Michael Crandon MP, Member for Coomera
	Mr Shane King MP, Member for Kurwongbah
	Mrs Melissa McMahon MP, Member for Macalister
	Mrs Charis Mullen MP, Member for Jordan
	Dr Mark Robinson MP, Member for Oodgeroo

### **55<sup>th</sup> Parliament**

<b>Chair</b>	Hon Lawrence Springborg MP, Member for Southern Downs
<b>Deputy Chair</b>	Mr Joe Kelly MP, Member for Greenslopes
<b>Members</b>	Ms Nikki Boyd MP, Member for Pine Rivers
	Mr Glen Elmes MP, Member for Noosa
	Ms Di Farmer MP, Member for Bulimba
	Mrs Brittany Lauga MP, Member for Keppel
	Mr Ian Rickuss MP, Member for Lockyer

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### **Acknowledgements**

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**Table of Contents**

- 1 Parliamentary Crime and Corruption Committee ..... 2**
- 2 Crime and Corruption Commission ..... 2**
- 3 Annual report ..... 3**
- 4 Oversight of the Crime and Corruption Commission..... 3**
  - 4.1 Monitoring and reviewing the Commission..... 3
  - 4.2 Inquiries..... 3
  - 4.3 Complaints about the Commission ..... 4
    - 4.3.1 Complaints received from the public..... 4
    - 4.3.2 Notifications from the Commission..... 5
  - 4.4 Reporting to the Legislative Assembly ..... 5
  - 4.5 Examining reports of the Commission ..... 5
  - 4.6 Participating in the appointment of the Chairperson, Commissioners and the Chief Executive Officer ..... 5
  - 4.7 Review of the Commission..... 5
  - 4.8 Issuing guidelines to the Commission..... 6
- 5 Mechanisms available to the committee ..... 6**
  - 5.1 Parliamentary Crime and Corruption Commissioner..... 6
    - 5.1.1 Assistance provided by the Parliamentary Commissioner during reporting period ..... 7
- 6 Committee expenditure ..... 7**
- 7 Meetings ..... 8**
  - 7.1 Attendance record ..... 8

## 1 Parliamentary Crime and Corruption Committee

The Parliamentary Crime and Corruption 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 Crime and Corruption Commission (Commission or CCC).

The committee's functions under the *Crime and Corruption Act 2001* include:

- monitoring and reviewing the performance of the CCC's functions
- reporting to the Legislative Assembly on matters relevant to the Commission or the performance of its functions or exercise of its powers where appropriate, including matters referred to the committee by the Legislative Assembly
- examining reports of the CCC
- participating in the appointment of the CCC Chairperson, Commissioners and the Chief Executive Officer
- conducting five yearly reviews of the CCC
- periodically reviewing the structure of the CCC, and
- issuing guidelines and giving 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.

## 2 Crime and Corruption Commission

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

- combat and reduce the incidence of major crime (organised crime, criminal paedophilia and other serious crime), and
- continuously improve the integrity of, and to 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 *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.

### 3 Annual report

Section 108 of the *Parliament of Queensland Act 2001* requires the committee to table an annual report within four months and 14 days after the end of each financial year. The report must 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
- a brief description of responses by Ministers to recommendations of the committee.

This report provides a summary of the activities of the committee from 1 July 2017 to 30 June 2018.

### 4 Oversight of the Crime and Corruption Commission

#### 4.1 Monitoring and reviewing the Commission

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

- holding regular committee meetings
- conducting inquiries into matters relating to the Commission
- examining the public and private reports provided by the Commission which set out detailed information about the activities of the Commission during the relevant period
- examining the confidential minutes of meetings of the Commission
- holding regular public and private meetings with the Commission and senior officers of the Commission during which committee members ask questions 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 (the Parliamentary Commissioner)) audits of various registers and files kept by the Commission concerning the use of its powers
- meeting regularly with the Parliamentary 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 statutory reviews of the Commission.

#### 4.2 Inquiries

On 21 August 2017, the committee resolved to commence an inquiry into the operation of section 329 of the *Crime and Corruption Act 2001* relating to the duty to notify the committee and the Parliamentary Commissioner of the suspected improper conduct of CCC officers.

The focus of the inquiry is on the definition of improper conduct under section 329, the operation of the provision with respect to notifications received by the committee and the Parliamentary Commissioner; and any other matter the committee considers appropriate.

The committee received seven submissions to the inquiry and conducted a public hearing on 8 June 2018. The inquiry remained ongoing during the reporting period.

### **4.3 Complaints about the Commission**

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 cannot consider original allegations of corruption, or police misconduct. 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. The analysis of complaints, even where specific allegations against the Commission are not substantiated, may assist the committee to identify procedural or systemic deficiencies that the committee may recommend the Commission address.

Complaints about the Commission or its officers received by the committee as part of its monitoring and reviewing role usually come to the committee in two ways – directly from members of the public or from the Commission itself as a notification under section 329 of *Crime and Corruption Act 2001*.

The committee only accepts complaints about the Commission or its officers from members of the public in writing in order to efficiently identify and consider the concerns raised, and to prevent misunderstanding or misinterpretation of the relevant facts or circumstances.

Under section 329 of the *Crime and Corruption Act 2001*, the Chairperson, Deputy Chairperson or Chief Executive Officer (CEO) must advise the committee of all conduct the relevant notifier suspects involves, or may involve, improper conduct by officers of the Commission. Knowledge of such conduct might come to the attention of the relevant notifier through an external complaint made to the Commission or through referral from officers within the Commission.

#### **4.3.1 Complaints received from the public**

During the reporting period, the committee received 26 new complaints about the Commission or Commission officers from the public that enlivened the committee's jurisdiction. The committee finalised 31 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.

#### 4.3.2 Notifications from the Commission

During the reporting period, the committee received 24 new notifications of suspected improper conduct by Commission officers from the Commission under section 329 of the *Crime and Corruption Act 2001*. The committee finalised 20 notifications during the reporting period.

While the CEO of the CCC is the final decision maker in relation to any disciplinary action taken against Commission employees, the committee monitors the processes undertaken by the Commission including the CEO's proposed actions relating to the relevant Commission officers.

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

#### 4.4 Reporting to the Legislative Assembly

The committee did not table any reports in the Legislative Assembly during the reporting period.

#### 4.5 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.

#### 4.6 Participating in the appointment of the Chairperson, Commissioners and the Chief Executive Officer

During the reporting period, the committee considered and provided its bipartisan support for acting arrangements for the position of Chief Executive Officer of the Commission in accordance with section 237 of the *Crime and Corruption Act 2001*.

#### 4.7 Review of the Commission

On 30 June 2016, the committee tabled its report on the statutory review of the Commission and made 29 recommendations.<sup>1</sup> On 16 December 2016, the Attorney-General tabled the Government's response to the committee's recommendations. Out of the 29 recommendations, 21 were supported, three were supported in principle and five were noted.

On 23 March 2017, the Attorney-General introduced the Crime and Corruption and Other Legislation Amendment Bill 2017 (the Bill), seeking to implement ten of the committee's recommendations made in report no. 97.<sup>2</sup> The Bill lapsed upon the dissolution of the 55<sup>th</sup> Parliament and was reintroduced in the 56<sup>th</sup> Parliament on 15 February 2018.<sup>3</sup>

<sup>1</sup> Parliamentary Crime and Corruption Committee: Report No. 97 – *Review of the Crime and Corruption Commission*, available at: <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T2273.pdf>.

<sup>2</sup> The Bill also seeks to implement a number of recommendations arising from the Committee's Report 99. See: Parliamentary Crime and Corruption Committee: Report No. 99 – *Report on a complaint by Mr Darren Hill*, available at <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T2145.pdf>.

<sup>3</sup> As at 8 October 2017, the Bill was set down on the Notice Paper for its second reading.

#### **4.8 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 the reporting period.

### **5 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
- examine witnesses under oath
- appoint persons with special knowledge or skill to help the committee perform its functions, and
- refer matters relating to the conduct or activities of the Commission or its officers for investigation and reporting, or other action the committee considers appropriate.

The committee is also assisted in carrying out its functions by the Parliamentary Commissioner.

#### **5.1 Parliamentary Crime and Corruption Commissioner**

The Parliamentary Commissioner is an experienced lawyer, 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.

Ms Karen Carmody is the current Parliamentary Commissioner and is supported by a Principal Legal Officer.<sup>4</sup>

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, and conduct hearings in certain circumstances, but must notify the committee of their decision to do so.<sup>5</sup>

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:

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<sup>4</sup> 18 August 2016, Ms Karen Carmody was appointed as the Parliamentary Commissioner by the Speaker for a period of three years commencing on 22 August 2016. On 18 August 2016, Mr Mitchell Kunde was appointed by the Speaker as the Acting Parliamentary Commissioner for all periods when Ms Carmody is absent from duty or from the State or, for any other reason, cannot perform the duties of the office, for the duration of Ms Carmody's term.

<sup>5</sup> See section 314A of the *Crime and Corruption Act 2001*.



- inspecting 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
- inspecting 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 Chairperson and the Chair of the committee, and
- auditing the Commission's records relating to assumed identities at least once every six months.

The Parliamentary Commissioner has further statutory roles under the *Telecommunications Interception Act 2009* that 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.

#### 5.1.1 Assistance provided by the Parliamentary Commissioner during reporting period

During the reporting period, the Parliamentary Commissioner provided a report on the investigation of one matter referred by the committee in the previous reporting period. The committee considered the report and finalised the matter.

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* and other matters.

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

## 6 Committee expenditure

The committee had no revenue during 2017-18. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 1 July 2017 to 30 June 2018 is shown in the table below.

Item	\$
Employee expenses <sup>6</sup>	320,958
Travel	1,305
Meeting expenses <sup>7</sup>	2,680
Technology	3,215
Communications	2,939
Printing and supplies	2,048
Freight	2,929
Membership	319
<b>Expenditure Total</b>	<b>\$336,393.00</b>

<sup>6</sup> The figure for employee expenses reflects a three-person secretariat supporting the committee. The committee's staffing may have been supplemented with additional resources from general Committee Office staff during the reporting period.

<sup>7</sup> The figure for meeting expenses includes expenses for audio-visual broadcasting of meetings and hearings.

## 7 Meetings

In addition to committee meetings (held at least once every Parliamentary sitting week), the committee holds meetings with the CCC and Parliamentary Commissioner on a regular basis. During the reporting period, the committee met on 14 occasions.

On 13 April 2018, at the invitation of the Commission, the committee attended the Commission offices and received a briefing from senior personnel about ongoing operations and activities of the Commission and also inspected the Commission's hearing rooms.

The committee holds public meetings to the greatest extent possible to provide open and transparent oversight of the Commission as required by the *Parliament of Queensland Act 2001*. It also decides to conduct private meetings in order to avoid the disclosure of confidential information contrary to the public interest, information about a complaint about corrupt conduct or investigation or operation being conducted by the Commission.<sup>8</sup>

To assist with the meeting process, the Commission provides confidential briefing papers, public reports, 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.

The committee also meets regularly with the Parliamentary Commissioner who provides public and private 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.

### 7.1 Attendance record

The table below shows the attendance of committee members at meetings during the reporting period. The 55<sup>th</sup> Parliament was dissolved for general election on 29 October 2018. The membership of the committee continued despite the dissolution.<sup>9</sup> The Committee met once during the dissolution period.

Standing Order 202(1) provides that in the case of a committee members' illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry.

Meeting Date 55 <sup>th</sup> Parliament	Lawrence Springborg MP	Joe Kelly MP	Nikki Boyd MP	Glen Elmes MP	Di Farmer MP	Brittany Lauga MP	Ian Rickuss MP
07-Aug-17	✓	✓	✓	✓	✓	✓	✓
21-Aug-17 <sup>10</sup>	✓	✓	✓	✓	✓	x	✓
04-Sep-17	✓	✓	✓	✓	✓	✓	✓
27-Sep-17 <sup>11</sup>	✓	✓	x	x	✓	x	✓
09-Oct-17 <sup>12</sup>	✓	✓	✓	✓	x	x	✓
23-Oct-17 <sup>13</sup>	✓	✓	✓	✓	✓	x	✓
03-Nov-17	✓	✓	x	✓	x	✓	✓

<sup>8</sup> See section 302A, *Parliament of Queensland Act 2001*.

<sup>9</sup> See section 301, *Parliament of Queensland Act 2001*.

<sup>10</sup> Mr Jim Madden MP was appointed as a temporary member in place of Mrs Lauga under Standing Order 202.

<sup>11</sup> Mr Jim Madden MP was appointed as a temporary member in place of Ms Boyd under Standing Order 202. Mr Chris Whiting MP was appointed as a temporary member in place of Mrs Lauga under Standing Order 202.

<sup>12</sup> Mrs Julieanne Gilbert MP was appointed as a temporary member in place of Ms Farmer under Standing Order 202. Mr Jim Madden MP was appointed as a temporary member in place of Mrs Lauga under Standing Order 202.

<sup>13</sup> Mr Jim Madden MP was appointed as a temporary member in place of Mrs Lauga under Standing Order 202.

Meeting Date 56 <sup>th</sup> Parliament	Tim Nicholls MP	Joan Pease MP	Michael Crandon MP	Shane King MP	Melissa McMahon MP	Charis Mullen MP	Mark Robinson MP
06-Mar-18 <sup>14</sup>	✓	✓	✓	✓	✓	✓	✓
23-Mar-18	✓	✓	✓	✓	✓	✓	✓
01-May-18	✓	✓	✓	✓	✓	✓	✓
04-May-18 <sup>15</sup>	✓	✓	✓	✓	✓	✓	x
15-May-18	✓	✓	✓	✓	✓	✓	✓
08-Jun-18 <sup>16</sup>	✓	✓	✓	✓	✓	✓	✓
14-Jun-18	✓	✓	✓	✓	✓	✓	✓



Mr Tim Nicholls MP

**Chair**

October 2018

<sup>14</sup> Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202 for one matter during the meeting.

<sup>15</sup> Mr James McDonald MP was appointed as a temporary member in place of Dr Robinson under Standing Order 202. Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202 for one matter during the meeting.

<sup>16</sup> Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202 for one matter during the meeting.