

Annual Report
2018-19

Report No. 102, 56th Parliament
Parliamentary Crime and Corruption Committee
October 2019

Parliamentary Crime and Corruption Committee

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Table of Contents

- 1 Parliamentary Crime and Corruption Committee..... 1**
- 2 Crime and Corruption Commission 1**
- 3 Annual report 1**
- 4 Oversight of the Crime and Corruption Commission 2**
 - 4.1 Monitoring and reviewing the commission 2
 - 4.2 Inquiries 2
 - 4.3 Complaints about the commission 3
 - 4.3.1 Complaints received from the public3
 - 4.3.2 Notifications from the commission4
 - 4.4 Examining reports of the commission 4
 - 4.5 Reporting to the Legislative Assembly..... 4
 - 4.6 Participating in the appointment of the Chairperson, Commissioners and the Chief Executive Officer 5
 - 4.7 Reviewing the activities of the commission..... 5
 - 4.8 Reviewing the structure of the commission 5
 - 4.9 Issuing guidelines to the commission 5
- 5 Mechanisms available to the committee..... 5**
 - 5.1 Parliamentary Crime and Corruption Commissioner..... 6
 - 5.1.1 Assistance provided by the Parliamentary Commissioner during reporting period7
- 6 Committee expenditure 7**
- 7 Meetings..... 7**
 - 7.1 Attendance record 8

1 Parliamentary Crime and Corruption Committee

The Parliamentary Crime and Corruption Committee (committee) is established under section 291 of the *Crime and Corruption Act 2001* (Act) as the parliamentary committee responsible for overseeing the operations of the Crime and Corruption Commission (commission or CCC).

The committee's functions under the Act 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 the Act. The key responsibilities of the commission under the Act 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 the Act, 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

In accordance with section 108 of the *Parliament of Queensland Act 2001*, the committee is required to table an annual report within 4 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 2018 to 30 June 2019.

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 including the commission's annual report
- 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 (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 Act, relating to the CCC's 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 inquiry remained ongoing during the reporting period. The committee anticipates reporting to parliament on the inquiry in the next 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 the Act.

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 Act, 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.

The consideration of complaints and notifications about the commission and its officers forms a significant part of the committee's work.

During the reporting period, the committee received over 50 complaints and notifications in relation to the commission and its officers.

The consideration of these matters involves a thorough assessment of the relevant information, which is often very complex, detailed and voluminous. For example, the committee's consideration of complaints associated with Operation Stockade are still ongoing after 12 months, and have involved the detailed consideration of over 780 pages of complex information relating to multiple allegations.

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 27 new notifications of suspected improper conduct by commission officers under section 329 of the Act. The committee finalised 31 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.

During the reporting period, one matter was referred to the Queensland Police Service (QPS) to investigate and the Parliamentary Commissioner was requested to supervise the investigation. The reports on the QPS investigation and the Parliamentary Commissioner's supervision were received.

4.4 Examining reports of the commission

The committee considered the commission's *Annual Report 2017-18* and the report on *Taskforce Flaxton – An examination of corruption risks and corruption in Queensland prisons* and held public and private meetings with the commission.

Section 69 directions

Section 69 of the Act 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 gave a direction to the commission to give a report to the Speaker under section 69(1)(b) of the Act. The CCC's report, *Culture and corruption risks in local government – Lessons from an investigation into Ipswich City Council (Operation Windage)* was tabled on 14 August 2018.

4.5 Reporting to the Legislative Assembly

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

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 the permanent appointment of the Chief Executive Officer of the commission in accordance with section 228 of the Act.

4.7 Reviewing the activities of the commission

On 30 June 2016, the committee tabled its report on the statutory review of the commission and made 29 recommendations.¹ 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 (Bill), seeking to implement ten of the committee's recommendations made in report no. 97.² The Bill lapsed upon the dissolution of the 55th Parliament and was reintroduced in the 56th Parliament on 15 February 2018.

The reintroduced Bill was passed with amendment on 1 November 2018, and commenced, as the *Crime and Corruption and Other Legislation Amendment Act 2018*, on 9 November 2018.

During the reporting period, the committee sought and received information from the CCC and the Attorney-General regarding the implementation of the recommendations arising from the committee's report on the statutory review of the commission.

4.8 Reviewing the structure of the commission

A function of the committee includes periodically reviewing the structure of the commission, including the relationship between the types of commissioners and the roles, functions and powers of the commission, the chairperson and the chief executive officer, and, for each review, to table in the Legislative Assembly a report about the review, including any recommendations about changes to the Act.

On 2 April 2019, the committee was advised of an internal restructure within the commission. The committee conducted public and private meetings with the commission to question the restructure. The committee is actively monitoring the matter and will further consider conducting a periodic review.

4.9 Issuing guidelines to the commission

Under section 296 of the Act 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 Act 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

¹ 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>

² 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 Hall*, available at <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T2145.pdf>

- 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.³

Under section 314 of the Act, 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.⁴

The Parliamentary Commissioner also conducts annual reviews of the intelligence data held by the commission and the QPS.

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

- 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

³ On 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.

⁴ See section 314A of the *Crime and Corruption Act 2001*.

- 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 two reports on the investigation of two matters referred by the committee in the previous reporting period. The Parliamentary Commissioner also provided a report on the supervision of the QPS's investigation of another matter referred during the reporting period.

The Parliamentary Commissioner also provided the committee with advice relating to the performance by the commission of its functions under the Act and other matters.

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

6 Committee expenditure

The committee had no revenue during 2018-19. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 1 July 2018 to 30 June 2019 is shown in the table below.

Item	\$
Employee expenses ⁵	330,537
Business travel	25
Meeting expenses	9,366
Technology	976
Printing, postage and supplies	3,587
Telecommunication costs	2,371
Miscellaneous expenses	319
Legal advice	7,500
Expenditure Total	354,681

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 27 occasions.

⁵ These figures reflect a three person secretariat supporting the committee. The committee's staffing might have been supplemented with additional resources from general Committee Office staff throughout the year.

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.⁶

To assist with the meeting process, the commission provides confidential briefing papers, public reports, and minutes of 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.

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	Tim Nicholls MP	Joan Pease MP (until 4 March 2019)	Michael Crandon MP	Shane King MP (until 4 March 2019)	Melissa McMahon MP	Corrine McMillan MP (from 4 March 2019)	Charis Mullen MP	Kim Richards MP (from 4 March 2019)	Mark Robinson MP
08-Aug-18	✓	✓	✓	✓	✓		✓		✓
21-Aug-18 ⁷	✓	✓	✓	✓	✓		✓		✓
24-Aug-18	✓	✓	✓	✓	✓		✓		✓
04-Sep-18	✓	✓	✓	✓	✓		✓		✓
21-Sep-18	✓	✓	✓	✓	✓		✓		✓
26-Sep-18	✓	✓	x	✓	✓		✓		✓
02-Oct-18	✓	✓	✓	x	✓		✓		✓
08-Oct-18	✓	✓	✓	✓	✓		✓		✓
19-Oct-18	✓	✓	✓	✓	✓		✓		✓
23-Oct-18	✓	✓	✓	✓	✓		✓		x
26-Oct-18 ⁸	✓	✓	✓	✓	x		✓		✓
30-Oct-18 ⁹	✓	✓	x	✓	✓		✓		✓
31-Oct-18 ¹⁰	✓	✓	✓	✓	x		✓		✓

⁶ See section 302A, *Parliament of Queensland Act 2001*.

⁷ Mr Joe Kelly MP was appointed as a temporary member in place of Mrs Mullen under Standing Order 202 for one matter during the meeting.

⁸ Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202.

⁹ Mr Ray Stevens MP was appointed as a temporary member in place of Mr Crandon under Standing Order 202.

¹⁰ Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202.

Meeting Date	Tim Nicholls MP	Joan Pease MP (until 4 March 2019)	Michael Crandon MP	Shane King MP (until 4 March 2019)	Melissa McMahon MP	Corrine McMillan MP (from 4 March 2019)	Charis Mullen MP	Kim Richards MP (from 4 March 2019)	Mark Robinson MP
02-Nov-18 ¹¹	✓	✓	✓	✓	x		✓		✓
05-Nov-18 ¹²	✓	✓	✓				✓		
09-Nov-18 ¹³	✓	✓	✓	x	x		✓		x
16-Nov-18 ¹⁴	✓	✓	✓	x	✓		✓		✓
12-Dec-18 ¹⁵	✓	✓	x	✓	✓		✓		✓
12-Feb-19	✓	✓	✓	✓	✓		✓		✓
15-Feb-19 ¹⁶	✓	x	✓	✓	✓		✓		✓
01-Mar-19 ¹⁷	x	✓	✓	✓	✓		✓		✓
26-Mar-19 ¹⁸	✓		✓		✓	✓	✓	✓	✓
02-Apr-19	✓		✓		✓	✓	✓	✓	✓
30-Apr-19 ¹⁹	✓		x		✓	✓	✓	✓	✓
03-May-19	✓		✓		✓	✓	✓	✓	✓
17-May-19	✓		✓		✓	✓	✓	✓	✓
17-Jun-19	✓		✓		✓	✓	✓	✓	✓



Mr Tim Nicholls MP

Chair

October 2019

¹¹ Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202.

¹² Sub-committee appointed under Standing Order 220A.

¹³ Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202.

¹⁴ Mr Bart Mellish MP was appointed as a temporary member in place of Mr King under Standing Order 202.

Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202.

¹⁵ Mr Rob Molhoek MP was appointed as a temporary member in place of Mr Crandon under Standing Order 202.

Mr Joe Kelly MP was appointed as a temporary member in place of Mrs McMahon under Standing Order 202.

¹⁶ Mrs Corrine McMillan MP was appointed as a temporary member in place of Ms Pease under Standing Order 202.

Mrs Charis Mullen MP was appointed Deputy Chair for this meeting.

¹⁷ Mr Jim McDonald MP was appointed as a temporary member in place of Mr Nicholls under Standing Order 202.

Mr Michael Crandon MP was appointed Acting Chair for this meeting under Standing Order 202(3).

¹⁸ 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. Mrs Mullen was elected Deputy Chair of the committee.

¹⁹ Mr Mark Boothman MP was appointed as a temporary member in place of Mr Crandon under Standing Order 202.