

**REPORT OF THE WORK AND ACTIVITIES OF THE
CRIME AND CORRUPTION COMMISSION
UNDER CHAPTER 11 OF THE
*POLICE POWERS AND RESPONSIBILITIES ACT 2000***



**OFFICE OF THE
PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

SEPTEMBER 2020

TABLE OF CONTENTS

INTRODUCTION..... 1

OVERVIEW OF AUTHORITIES IN THE REPORTING PERIOD..... 3

WORK AND ACTIVITIES OF THE CCC UNDER CHAPTER 11 PPRA 4

CONCLUSIONS 5

INTRODUCTION

1. This is a report pursuant to s.269(1) of the *Police Powers and Responsibilities Act 2000* (PPRA) on the controlled operations work and activities of the Crime and Corruption Commission (CCC) under Chapter 11 of the PPRA. This is the fourteenth such report and it covers the period from 1 July 2019 to 30 June 2020 (the reporting period). A copy of this report is provided to the CCC Chairperson and the Chair of the Parliamentary Crime and Corruption Committee.¹
2. Controlled operations are operations conducted by law enforcement agencies for the purpose of obtaining evidence that may lead to the prosecution of persons for criminal offences attracting seven or more years imprisonment or for other criminal offences specified in Schedule 2 of the PPRA. Controlled operations may involve conduct on the part of authorised persons for which the authorised person would otherwise be criminally responsible (“controlled conduct”).² The authorised person is not criminally responsible for controlled conduct if the conduct comes within the protections provided by s.258 or s.265 of the PPRA.
3. Essentially, Chapter 11 of the PPRA is a code for the regulation of controlled operations conducted by law enforcement agencies. The CCC is a law enforcement agency for the purposes of Chapter 11.³
4. According to s.228 of the PPRA, the main purposes of Chapter 11 are:
 - (a) *to provide for the authorisation, conduct and monitoring of controlled operations, including operations conducted in this and 1 or more other jurisdictions, for the purpose of obtaining evidence that may lead to the prosecution of persons for particular offences and that involve or may involve conduct for which participants in the operation would, apart from this chapter, be criminally responsible; and*
 - (b) *to facilitate the recognition of things done in relation to controlled operations authorised under laws of other jurisdictions corresponding to this chapter; and*
 - (c) *to ensure, as far as practicable, only appropriately trained persons may act as participants in authorised operations; and*
 - (d) *to ensure a person who may act as a participant in an authorised operation engages in otherwise unlawful activities only as part of the authorised operation; and*
 - (e) *to provide appropriate protection from civil and criminal liability for persons acting under this chapter; and*
 - (f) *to clarify the status of evidence obtained by participants in authorised operations.*

¹ Pursuant to s.138(2) of the *Crime and Corruption Act 2001*, the Controlled Operations Committee is required to provide the Chair of the Parliamentary Crime and Corruption Committee with an equivalent annual report in respect of controlled operations conducted by the CCC in the course of investigations of corruption offences.

² Section 229 of the PPRA defines “controlled conduct” as conduct for which a person would, apart from s.258 or s.265, be criminally responsible. Sections 258 and 265 absolve from criminal responsibility authorised participants who, in the course of, and for the purposes of, authorised operations engage in conduct that would otherwise constitute criminal offences.

³ See Schedule 6 of the PPRA definition of *law enforcement agency* - subsection (a) for Chapter 11.

5. The controlled operations provisions in Chapter 11 of the PPRA apply to the CCC's major crime investigations only. They do not relate to corruption investigations. Provisions dealing with controlled operations for the investigation of corruption offences are contained in Chapter 3 Part 6A of the *Crime and Corruption Act 2001*.⁴

6. Section 269(1) of the PPRA requires that:

The report entity for a law enforcement agency must, as soon as practicable after 30 June in each year, prepare a report of the work and activities of the law enforcement agency under this chapter [Chapter 11] for the preceding 12 months.

Section 229 of the PPRA defines the report entity for the CCC to be the Parliamentary Crime and Corruption Commissioner.

7. Pursuant to s.268(1) of the PPRA:

As soon as practicable after 31 March and 30 September in each year, the chief executive officer⁵ of each law enforcement agency must give a report to the report entity for the agency stating the details required by subsection (2) for authorised operations conducted on behalf of the agency during the preceding 6 months.

8. On 16 October 2019 the CCC Chairperson, Mr Alan MacSporrán QC, provided his report pursuant to s.268 addressing the controlled operations activity undertaken by the CCC pursuant to its major crime function during the period 1 April to 30 September 2019.

9. On 6 April 2020 Mr MacSporrán provided his report addressing the controlled operations activity undertaken by the CCC pursuant to its major crime function during the period 1 October 2019 to 31 March 2020.

10. I have used information provided in these reports and information obtained during an inspection of the CCC's records to prepare this report.

11. By virtue of s.272 of the PPRA, the Parliamentary Crime and Corruption Commissioner must inspect the CCC's records, at least annually, to ascertain the extent of the CCC's compliance with the controlled operations provisions and the requirements relating to registers. There is no requirement that a report be prepared of the results of this inspection. In conducting the inspection, I am able to ascertain the details of the work and activities of the CCC under Chapter 11 for the period up to 30 June. This enables me to complete my report of the work and activities of the CCC under Chapter 11 of the PPRA for the entire preceding 12 months.

12. On 3 September 2020 I provided the CCC with notification of my inspection of the Controlled Operations records pursuant to s.272(2)(a) of the PPRA. The inspection was conducted on 3 September 2020.

13. I acknowledge the co-operation provided by the Chairperson and staff of the CCC in facilitating the inspection. Full and unrestricted access has been provided to all records of the CCC relevant to the inspection and all requests for information and assistance have been promptly answered.

⁴ See Chapter 3, Part 6A, ss.132 to 146N of the *Crime and Corruption Act 2001*.

⁵ Schedule 6 of the PPRA defines the chief executive officer of the CCC to be the CCC Chairperson.

OVERVIEW OF AUTHORITIES IN THE REPORTING PERIOD

14. No authorities for controlled operations were operational in reporting period.
15. The last active authority to conduct a controlled operation was in respect of Operation Endemic V. That authority was varied on 27 February 2018 to extend the period of validity of the authority for a further period of approximately four months. The authority expired on 30 June 2018.
16. No formal authorities for controlled operations were granted in the reporting period.
17. No formal applications for authorities or variation of authorities were made in the reporting period.
18. No urgent applications for authorities or variation of authorities were made in the reporting period.

WORK AND ACTIVITIES OF THE CCC UNDER CHAPTER 11 PPRA

19. The CCC conducted no work or activities under Chapter 11 of the PPRA in the 2019-20 financial year.

CONCLUSIONS

20. As stated above, on 16 October 2019 the CCC Chairperson, Mr MacSporran QC, provided his report pursuant to s.268 of the PPRA addressing the controlled operations activity undertaken by the CCC pursuant to its major crime function during the period 1 April to 30 September 2019. The report was brief but adequate as the CCC conducted no work or activities under Chapter 11 of the PPRA during that period.
21. On 6 April 2020 Mr MacSporran provided his report addressing the controlled operations activity undertaken by the CCC pursuant to its major crime function during the period 1 October 2019 to 31 March 2020. The report was brief but adequate as the CCC conducted no work or activities under Chapter 11 of the PPRA during that period.
22. The inspection of the CCC's controlled operations records conducted on 3 September 2020 verified the information provided in the Chairperson's reports concerning the CCC's controlled operations work and activities for the reporting period.
23. I am satisfied that the CCC has complied with the controlled operations provisions of the PPRA and the requirements relating to registers.



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4 September 2020

Mr Alan MacSporran QC
Chairperson
Crime and Corruption Commission
GPO Box 3123
BRISBANE QLD 4001

Dear Mr MacSporran

RE: Report pursuant to s.269 *Police Powers and Responsibilities Act 2000*

Pursuant to s.269(1) of the *Police Powers and Responsibilities Act 2000*, each year the Parliamentary Crime and Corruption Commissioner is required to prepare a Report of the Work and Activities of the Crime and Corruption Commission (CCC) under Chapter 11 (Controlled Operations) for the preceding 12 months.

The Report for the period from 1 July 2019 to 30 June 2020 has now been finalised and is provided to you in accordance with s.269(2) of the Act. As noted in the Report, the CCC conducted no work or activities under Chapter 11 of the PPRa in the reporting period.

Section 269(4) of the Act requires that the Chief Executive Officer (defined to be the Chairperson of the CCC) must advise the Chairperson of the Parliamentary Committee of any information in the Report that, in the Chief Executive Officer's opinion, should be excluded from the Report before the Report is tabled in the Legislative Assembly because the information, if made public, could reasonably be expected to-

- (a) endanger a person's safety; or
- (b) prejudice an investigation or prosecution; or
- (c) compromise any law enforcement agency's operational activities or methodologies.

Yours faithfully

Karen Carmody
**Parliamentary Crime and
Corruption Commissioner**

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