

CRIME AND CORRUPTION AMENDMENT BILL 2023

Submission No: 4
Submitted by: Crime and Corruption Commission
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

GPO Box 3123
Brisbane QLD 4001

Level 2
North Tower Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006

Tel.: **07 3360 6060**
Toll-free: 1800 061 611
(in Queensland outside
Brisbane)

Fax: 07 3360 6333

mailbox@ccc.qld.gov.au
www.ccc.qld.gov.au

ABN 32 164 714 360



Our reference: 24/022581

29 February 2024

Committee Secretary
Community Safety and Legal Affairs
Parliament House
George Street Brisbane QLD 4000

via email: LASC@parliament.qld.gov.au

Dear Chair

RE: Crime and Corruption Amendment Bill 2023 (Private Member's Bill)

Thank you for the opportunity to provide a submission on the *Crime and Corruption Amendment Bill 2023* (Private Member's Bill).

I note the purpose of the Private Member's Bill is to remedy the deficiency in the reporting powers of the *Crime and Corruption Act 2001* (the Act) found by the High Court in the decision of *Crime and Corruption Commission v Carne*¹ (Carne).²

The Crime and Corruption Commission (CCC) supports the introduction of amending legislation to restore the long-held consensus understanding that the CCC is, and its predecessors were, authorised to report on corruption investigations under the general reporting power in section 64(1) of the Act in performance of the commission's corruption and prevention functions.³

Since the introduction of the Private Member's Bill in 2023, the Queensland Government has announced an independent review into CCC reporting powers. The CCC anticipates that the matters traversed by the Community Safety and Legal Affairs Committee in its consideration of the Private Member's Bill will also be considered by that Review. To assist the Committee, the CCC provides the following submission:

¹ [2023] HCA 28.

² Explanatory Notes to the Crime and Corruption Amendment Bill 2023.

³ *Crime and Corruption Act 2001* ss 24 & 33.

CCC public reporting powers for corruption investigations

One of the main purposes of the Act is to ‘continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector’.⁴ The CCC has primary responsibility for achieving the Act’s purposes and it does so by performing its functions and exercising its powers. The CCC’s ability to fulfil one of its main statutory purposes is significantly diminished if, after completing a corruption investigation, its reporting powers are limited to reporting to identified authorities under section 49 of the Act so that prosecution proceedings or disciplinary action may be considered.

In the absence of public reporting powers, the CCC is limited in its ability to report on:

- the detail of an investigation which identified systemic corruption risks for which recommendations may be made; and
- where an investigation has concluded that there was not corrupt conduct and there is a public interest in explaining the basis for the CCC’s conclusion about this.

There is a public interest in reporting to the Legislative Assembly about the above matters in order to ensure public confidence in the public sector, whether by providing a basis for legislative action, identifying systemic or cultural corruption risks endemic to the public sector, allowing for dissemination of reports for the education of the public sector and the public generally, or by dispelling an allegation of corrupt conduct where it is not established on the evidence.

At present, the CCC has no statutory power to report publicly on its corruption investigations.⁵ This sets Queensland apart from its federal and interstate counterpart agencies which each have a statutory power to publicly report. A summary of the enabling provisions in each jurisdiction is set out in **Attachment A** to this submission.

The proposition that integrity bodies ought be empowered to publicly report is supported by the United Nations Convention Against Corruption which provides at Article 10 that state parties (of which Australia is one) are to take such measures as may be necessary to enhance transparency in its public administration, and that such measures may include publishing information, such as periodic reports on the risks of corruption in its public administration.⁶ Moreover, the Best Practice Principles for Australian Anti-Corruption Commissions, to which the CCC subscribes, provides that one of the key ways anti-corruption commissions can give insight into their operations is through the ability to report on investigations and make public statements.

⁴ *Crime and Corruption Act 2001* s 4(1)(b).

⁵ Based on the High Court’s finding in *Crime and Corruption Commission v Carne* [2023] HCA 28.

⁶ Article 10 United Nations Convention Against Corruption.

There is a need for urgent legislative amendment to address this to avoid the corruption risks which may follow. Public law experts Dr Gabrielle Appleby⁷, and Grant Hoole⁸ have said the following in respect of integrity agencies' reporting powers:⁹

“Suspending a right of reporting undermines most basic purposive account of a commission’s role in fostering public confidence and government integrity; indeed, it weakens integrity through the unseemly implication of executive government serving as gatekeeper in the release of critical findings about its own conduct”.

The Private Member’s Bill provides the CCC with an express power to report about an investigation of a complaint about, or information or matter involving, corruption to be inserted at section 64(1A) of the Act. This provision is supported by amendments to section 49 and 35 of the Act to make clear that irrespective of whether the CCC reports under section 49, it may still report under section 64, and that reporting to the Legislative Assembly is one of the ways in which the CCC performs its corruption functions. The CCC considers the proposed provisions would effectively provide the CCC with appropriate public reporting powers.

Balanced consideration in the public interest when making public reports

As the CCC recognised in its submission to the Review of the Crime and Corruption Commission’s activities¹⁰ and the Inquiry into the CCC’s performance of its functions to assess and report on complaints about corrupt conduct,¹¹ striking the right balance between properly informing the public and particular stakeholders so that they maintain confidence in the CCC’s work, and providing fairness to those investigated, is a difficult exercise.

Prior to the *Carne* decision, the CCC determined when and how to report on the outcome of a CCC investigation based on a number of factors outlined below, underpinned by the commission’s overriding obligation under section 57 of the Act to act independently, impartially, fairly and with regard to the importance of protecting the public interest:

- the status of an operational matter and any related activities;

⁷ Professor at the Law Faculty of the University of New South Wales.

⁸ Vice-Chancellor Postdoctoral Fellow and Director of the Inquisitorial Justice Project at the Gilbert and Tobin Centre of Public Law.

⁹ This was in the context of public discussion about what a federal anti-corruption body would involve, by reference to South Australia’s Independent Commission Against Corruption which had, at the time, no power to publicly report (Grant Hoole and Gabrielle Appleby, ‘Integrity of Purpose: A Legal Process Approach to Designing a Federal Anti-Corruption Commission (2017) 38 *Adelaide Law Review* 397, 437 <https://classic.austlii.edu.au/au/journals/AdelLawRw/2017/15.html>).

¹⁰ Submission 027 to Report No 106 57th Parliament, *Review of the Crime and Corruption Commission’s activities* <https://documents.parliament.qld.gov.au/com/PCCC-8AD2/RCCC-21CB/submissions/00000027.pdf>.

¹¹ Submission 008 to Inquiry into CCC’s performance of its functions to assess and report on complaints about corrupt conduct <https://documents.parliament.qld.gov.au/com/PCCC-8AD2/ICCCRCCC-AA17/submissions/00000008.pdf>.

-
- considerations of equity to all stakeholders who have an interest in a matter;
 - considerations of any criminal prosecution;
 - the need to afford natural justice to persons adversely affected by a proposed publication including the need to comply with section 71A of the Act; and
 - obligations arising from legislative provisions including the *Human Rights Act 2019* (Qld).

The CCC must be accountable and transparent to Members of Parliament, the Queensland public sector, and the public generally given the unique position it holds and the extraordinary powers it exercises. The CCC has always maintained a commitment to promoting public understanding of its role, and confidence in the effectiveness of the organisation. The CCC acknowledges that this responsibility to the public and the public interest must be balanced against the interests of individuals, particularly those who may be adversely affected by publications. The Act as it stands sets out a statutory regime which promotes the protection of privacy and guards against reputational risk, thereby providing a framework to appropriately balance those competing interests. For example:

- There is an express right to seek judicial review of the commission's activities in relation to corrupt conduct investigations under section 332 of the Act where an applicant contends that an investigation is being conducted unfairly or a matter does not warrant investigation by the CCC. An application may be made to the Supreme Court for an order to injunct the CCC in these circumstances. This important and powerful safeguard provision is not replicated in the legislation of any other anti-corruption agency in Australia.
- Section 71A of the Act provides for procedural fairness protections for persons who are the subject of adverse comment in a commission report which is to be tabled or published. The CCC must not make a proposed adverse comment public unless, before the report is published, the CCC gives the person an opportunity to make submissions about the proposed adverse comment, and where the adverse comment is to be made in the report, for the person's submissions to be fairly stated in the report. This provides an important procedural fairness protection for affected persons.
- There is a presumption against the holding of public hearings in section 177(1) of the Act. The commission may only open hearings in relation to a corruption investigation to the public if it considers closing the hearing to the public would be unfair to a person or contrary to the public interest.¹²
- Decisions and actions taken by the CCC are underpinned by the commission's overriding obligation set out in section 57 of the Act to, at all times, act independently, impartially and fairly having regard to the purposes of the Act and the importance of protecting the public interest.

¹² There are even more restrictive considerations for hearings in crime investigations and in support of the witness protection function.

-
- Queensland is one of only three Australian jurisdictions where integrity agencies are bound to comply with human rights legislation.¹³ The CCC is subject to the operation of the *Human Rights Act 2019* (Qld) which protects Queenslanders' rights to privacy, rights to a fair hearing and rights in criminal proceedings among others.¹⁴

The Private Member's Bill proposes the replacement of section 71A to make clear that procedural fairness must be afforded regardless of whether the adverse statement is to be stated in the body of, or the foreword to, the report, and outlines a structured timeframe and process within which a person is provided the report and given the opportunity to respond. The process which is set out in those amendment provisions is generally consistent with the process the Commission has always taken to provide procedural fairness under section 71A. The CCC has no objection to the articulation of a more detailed process such as the one outlined at clause 7 of the Bill.

Tabling of public reports to Parliament

The CCC submits that it would be appropriate for the Commission to provide reports directly to the Speaker of the Legislative Assembly rather than via the Parliamentary Crime and Corruption Committee.

The CCC observes that no other state or territory integrity agency, nor the National Anti-Corruption Commission, is required to table its reports via a parliamentary committee.¹⁵ Enabling the CCC to report directly to Parliament would bring the CCC into alignment with interstate corruption bodies. Following are three examples of interstate reporting and tabling powers which all achieve, while via slightly different mechanisms, what the CCC considers to be appropriate tabling arrangements:

- The *Independent Commission Against Corruption Act 1988* (NSW) provides the New South Wales Independent Commission Against Corruption shall furnish a report in relation to any matter that has been or is the subject of an investigation to the Presiding Officer of each House of Parliament.¹⁶ A copy of the report shall be laid before the respective House within 15 sitting days.¹⁷

¹³ The Victorian Independent Broad-based Anti-Corruption Commission is subject to the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the Integrity Commission (ACT) is subject to the *Human Rights Act 2004* (ACT).

¹⁴ *Human Rights Act 2019* ss 25, 31 & 32.

¹⁵ See *National Anti-Corruption Commission Act 2022* (Cth); *Independent Commission Against Corruption Act 1988* (NSW) ('ICAC NSW Act'); *Independent Broad-based Anti-Corruption Commission Act 2011* (Vic) ('IBAC Act'); *Corruption, Crime and Misconduct Act 2001* (WA) ('CCM Act'); *Independent Commission Against Corruption Act 2012* (SA); *Integrity Commission Act 2018* (ACT); *Independent Commissioner Against Corruption Act 2017* (NT); *Integrity Commission Act 2009* (Tas).

¹⁶ ICAC NSW Act s 74(4).

¹⁷ ICAC NSW Act s 78(1).

-
- The *Independent Broad-based Anti-Corruption Commission Act 2011* (Vic) provides the Victorian Independent Broad-based Anti-Corruption Commission may, at any time, cause a report to be transmitted to each House of the Parliament on any matter relating to the performance of its duties and functions.¹⁸ The Clerk of each House of the Parliament must cause the report to be laid before the House on the day on which it is received or the next sitting day of that House.¹⁹
 - The *Corruption, Crime and Misconduct Act 2003* (WA) provides the Corruption and Crime Commission Western Australia may, at any time, prepare a report on any matter that has been the subject of an investigation.²⁰ The Commission may cause the report to be laid before each House of Parliament.²¹

Clause 6 of the Private Member's Bill provides that commission reports must be given to the Speaker and the Speaker must table the report in the Legislative Assembly as soon as practicable, or if the Legislative Assembly is not sitting, the Speaker must deliver the report to the clerk of the Parliament and order that the report be tabled. The CCC considers the Private Member's Bill provides an appropriate mechanism, consistent with those outlined for interstate agencies, for the tabling of commission reports directly through the Speaker.

Retrospective application of amendments

The CCC submits that there is an imperative to introducing curative legislation following the decision in *Carne* which validates public reports which have previously been prepared by the CCC (and its predecessors) and tabled in the Legislative Assembly.

The CCC and its predecessor agencies have historically reported on significant matters relating to corruption investigations on the understanding that it had the power to do so pursuant to the Act. Those reports highlight corruption risks, demonstrate important integrity lessons and in many cases were the impetus for improved processes and procedures in public agencies.

Express provisions for retrospectivity which confirm the authority for the preparation and tabling of previous reports will be an important aspect of any amendment to the reporting powers in the Act.

The proposal for retrospective operation of any amendment should not be controversial, in the CCC's submission. Parliament retains the power to legislate retrospectively and will be justified in doing so where the intent is to be curative or validating.²² There are multiple examples across the Queensland statute book of laws being amended retrospectively in order to clarify a situation or correct unintended

¹⁸ IBAC Act s 162.

¹⁹ IBAC Act s 162(10).

²⁰ CCM Act s 84(1).

²¹ CCM Act s 84(4).

²² Queensland Legislation Handbook p 35.

legislative consequences.²³ Specifically, the *Crime and Misconduct Act 2001* (CM Act) has previously been amended retrospectively following Supreme Court decisions that interpreted Crime and Misconduct Commission (CMC) powers differently to how the Commission understood those powers to operate:

- Following the decision of the Supreme Court of Queensland in *Witness D v Crime and Misconduct Commission*²⁴ ('Witness D') the *Criminal Code and Jury and Another Act Amendment Bill 2008* inserted a retrospective amendment to the Act in order to confirm that a witness at a commission hearing was not entitled to refuse to answer a question on the ground of the self-incrimination privilege or the ground of confidentiality since the commencement of section 192. The retrospective application of the provisions were justified in the explanatory notes on the following basis:²⁵

"This is consistent with the previous longstanding interpretation of section 192. It is consistent with the position for investigation hearings under section 190 of the Crime and Misconduct Act 2001 and equivalent provisions of the previous Criminal Justice Act 1989 and the Crime Commission Act 1997 which the Crime and Misconduct Act 2001 replaced. There would be serious and costly consequences relating to previous, existing and future prosecutions if the retrospective declaration is not made."

- Following the decision of the Supreme Court of Queensland in *Scott v Witness C*²⁶ the *Crime and Misconduct and Summary Offences Amendment Bill 2009* introduced amendments to give effect to Parliament's original intent in relation to 'umbrella' referrals as evinced in transcripts of parliamentary debate and the explanatory notes of the Crime Commission Bill 1997 and the Crime and Misconduct Bill 2001.²⁷ The amendments applied retrospectively to validate the past use of umbrella referrals by the former Queensland Crime Commission (QCC), investigations conducted by the CMC and the QCC under those referrals and the use of any information or evidence obtained by those investigations for the performance of a function of the QCC, CMC or other law enforcement or prosecuting agency.²⁸

Proposed section 459 of the Private Member's Bill seeks to retrospectively validate reports which were previously tabled by the CCC and its predecessors under section 69 of the Act. The CCC considers this provision would appropriately address any doubt about the validity of the tabling of previous reports.

²³ See Local Government (Community Government Areas) Bill 2024; Water Amendment Bill 2005; Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005; Police Powers and Responsibilities and Other Acts (Registers) Amendment Bill 1999; State Housing and Other Acts Amendment Bill 2002; Justice and Other Legislation Amendment Bill 2005.

²⁴ [2008] QSC 155.

²⁵ Explanatory Notes to the Criminal Code and Jury and Another Act Amendment Bill 2008 p 3 – 4.

²⁶ [2009] QSC 35.

²⁷ Explanatory Notes to the Crime and Misconduct and Summary Offences Amendment Bill 2009 p 4.

²⁸ Explanatory Notes to the Crime and Misconduct and Summary Offences Amendment Bill 2009 p 4.

Other matters

The CCC identifies the following matters relevant to its reporting powers which also warrant consideration:

- The power to report should expressly state, consistent with the IBAC Act,²⁹ that the CCC may report at any time before, during or after the conclusion of an investigation. Clause 5 of the Bill could be amended to insert at (1A) that:

“to remove any doubt, it is declared that the commission may report under subsection (1) about an investigation of a complaint about, or information or matter involving, corruption *at any time, including after the conclusion of an investigation*, regardless of whether...”

- Legislative clarification of what can or must be included in public reports would be consistent with section 149(2) of the *National Anti-Corruption Commission Act 2022* (Cth) which provides that an investigation must include findings and opinions about the corruption issues, a summary of the evidence, recommendations and reasons for those findings, opinions and recommendations. Similarly, section 74A(1) of the *Independent Commission Against Corruption Act 1988* (NSW) provides the ICAC is authorised to include in its report statements as to any of its findings, opinions and recommendations. The CCC considers an equivalent provision would be beneficial to make clear the commission’s scope in relation to the inclusion of findings, opinions, recommendations and evidence in reports.
- An inclusion to declare that the preparation of the reports by the CCC and its predecessors are, and always were, authorised by section 64 of the Act. While proposed section 459 of the Bill seeks to retrospectively validate the tabling of those reports, the CCC considers it is also necessary to validate the *preparation* of those reports by declaring in amending legislation that those reports were within the power of the CCC to make.

Thank you for the opportunity to provide this feedback. Should you wish to discuss any of these matters further, please do not hesitate to contact my office.

Yours sincerely



Bruce Barbour
Chairperson

This submission is suitable for publication.

²⁹ IBAC Act s 162.

Attachment A – Reporting and tabling powers of interstate anti-corruption agencies

Integrity Agency	Publishing/tabling of report
<p>Commonwealth</p> <p>National Anti-Corruption Commission (NACC)</p> <p>National Anti-Corruption Commission Act 2022 (Cth)</p>	<p>Section 149(1) – a report (<i>‘investigation report’</i>) must be prepared after completing a corruption investigation.</p> <p>Section 154(1) – the Commissioner must give the Minister (or the Prime Minister where the report concerns the Minister) both the investigation report and the protected information report.</p> <p>Section 155 – the Minister (or Prime Minister) must table the investigation report in each House of Parliament within 15 sitting days if public hearings were held in the course of the investigation.</p> <p>Section 156 – once the Commissioner has given the Minister (or Prime Minister) the reports, the Commissioner may publish the whole or a part of the investigation report if the Commissioner is satisfied it is in the public interest to do so. Publication is subject to procedural fairness requirements including providing persons an opportunity to respond under section 157.</p>
<p>NSW</p> <p>NSW Independent Commission Against Corruption (ICAC)</p> <p>Independent Commission Against Corruption Act 1988 (NSW)</p>	<p>Section 74(1) – the Commission may prepare reports in relation to any matter that has been or is the subject of an investigation.</p> <p>Section 74(4) – the Commission shall furnish a report made under s 74 to the Presiding Officer of each House of Parliament. Where the report is required under s 74, it shall be furnished as soon as possible after the Commission has concluded its involvement in the matter (s 74(7)).</p> <p>Section 78(1) – a copy of the report furnished to the Presiding officer of a House of Parliament shall be laid before that House within 15 sitting days.</p> <p>Section 78(2) – the Commission may include in a report a recommendation that the report be made public forthwith.</p> <p>Section 78(3) – the Presiding Officer of a House of Parliament may make the report public whether or not the House is in session and whether or not the report has been laid before the House. If that occurs, the report will attract the same privileges and immunities as if it had been laid before the House (section 78(4)).</p>

Integrity Agency	Publishing/tabling of report
<p>Victoria</p> <p>Independent Broad-based Anti-Corruption Commission (IBAC)</p> <p><i>Independent Broad-based Anti-Corruption Commission Act 2011 (Vic)</i></p>	<p>Section 162 – IBAC may, at any time, cause a report to be transmitted to each House of the Parliament on any matter relating to the performance of its duties and functions ('a special report'), including after conducting an investigation (s164(1)(c)).</p> <p>Section 162(10) – the clerk of each House of the Parliament must cause the report to be laid before the House on the day on which it is received or on the next sitting day of that House.</p> <p>Section 162(11) – if the report is transmitted to Parliament on a day neither house is sitting, the IBAC must give notice of the intention to give the report to the clerk of each House, and publish the report on the IBAC's website as soon as practicable after giving the report to the clerks. A report published by IBAC to their website under section 162(11)(c) is absolutely privileged, and all laws relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a document published under the authority of the Parliament (section 162(14)).</p>
<p>Western Australia</p> <p>Corruption and Crime Commission (WA CCC)</p> <p><i>Corruption, Crime and Misconduct Act 2003 (WA)</i></p>	<p>Section 84(1) – the Commission may, at any time, prepare a report on any matter that has been the subject of an investigation or other action in respect of serious misconduct.</p> <p>Section 84(4) – the Commission may cause a report prepared under section 84 to be laid before each House of Parliament.</p> <p>Section 93 – if a copy of a section 84 or 85 report may be laid before each House of Parliament and the House is not sitting, the Commission may transmit a copy of the report to the Clerk of that House. A copy of a report transmitted to the Clerk of a House is to be regarded as having been laid before that House, and is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy of the report.</p>
<p>South Australia</p> <p>Independent Commission Against Corruption (SA ICAC)</p> <p><i>Independent Commission Against Corruption Act 2012 (SA)</i></p>	<p>Section 42(1) – the Commission may prepare a report setting out:</p> <ul style="list-style-type: none"> (a) recommendations, formulated in the course of the performance of the Commission's functions, for the amendment or repeal of a law; or (b) findings or recommendations resulting from completed investigations by the Commission in respect of matters raising potential issues of corruption in public administration; or (c) other matters arising in the course of the performance of the Commission's functions that the Commission considers to be in the public interest to disclose.

Integrity Agency	Publishing/tabling of report
	<p>Section 42(2) – the report must be provided to:</p> <ul style="list-style-type: none"> • for an investigation report, the relevant public authority and Minister of the public authority; and • in any case, the Attorney-General, the President of the Legislative Council and the Speaker of the House of Assembly. <p>Section 42(3) – the President of the Legislative Council and the Speaker of the House of Assembly must, on the first sitting day after 28 days (or such shorter number of days as the Attorney-General approves) have passed after receiving a report, lay it before their respective houses.</p>
<p>ACT</p> <p>Integrity Commission</p> <p>Integrity Commission Act 2018 (ACT)</p>	<p>Section 182 – the commission must prepare a report after the completion of an investigation.</p> <p>Section 189 – once completed, the report must be given to the Speaker. If Parliament is sitting, the report must be tabled on the next sitting day. If Parliament is not sitting, the Speaker must give the report to each member of the Legislative Assembly.</p> <p>Section 190 – the Commission must publish the report on its website after providing parliament with a copy of the report, unless it is a confidential report or the Speaker directs otherwise.</p>
<p>Northern Territory</p> <p>Independent Commission Against Corruption (NT ICAC)</p> <p>Independent Commissioner Against Corruption Act 2017 (NT)</p>	<p>Section 50 – the NT ICAC may make a report on an investigation to the responsible authority for a public body or public officer whose conduct is the subject of an investigation.</p> <p>Section 50(6) – an investigation report that is provided to the Speaker or deputy speaker must be tabled in the legislative assembly on the next sitting day after receiving the report.</p> <p>An NT ICAC investigation report must only be given to the Speaker where the investigation relates to a Minister. In that case, the report must be tabled.</p> <p>Section 50A – the NT ICAC may decide to publish an investigation report if it is of the opinion it is appropriate to do so.</p>

Integrity Agency	Publishing/tabling of report
<p>Tasmania</p> <p>Integrity Commission</p> <p><u>Integrity Commission Act 2009 (Tas)</u></p>	<p><u>Section 11</u> provides that the Commission may report on any matter arising in connection with the performance of its functions or exercise of its powers, and may report on the performance of its functions or exercise of its powers relating to an investigation or inquiry.</p> <p><u>Section 11(3)</u> – the Integrity Commission may, at any time, lay before each House of Parliament a report on any matter arising in connection with the performance of its functions or exercise of its powers.</p> <p><u>Section 11(4)</u> – the Integrity Commission may, at any time, provide a report to the Joint Committee on the performance of its functions or exercise of its powers relating to an investigation or inquiry.</p>