

Crime and Corruption and Other Legislation Amendment Bill 2024

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Community Safety and Legal Affairs Committee
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Via email: CSLAC@parliament.qld.gov.au

Dear Committee,

Re: Crime and Corruption and Other Legislation Amendment Bill 2024

I refer to your correspondence of 16 February 2024 inviting submissions on the Crime and Corruption and Other Legislation Amendment Bill 2024. I only wish to briefly address aspects of the Bill directly impacting my office.

Clause 43 – Amendment of section 314 - Functions of parliamentary commissioner

I welcome the proposed amendment to s.314 of the *Crime and Corruption Act 2001* (the Act), inserting subsection (8) to clarify that the Parliamentary Commissioner may conduct an own initiative investigation in relation to conduct of a Crime and Corruption Commission (CCC) officer that would be corrupt conduct if the officer were an officer in a unit of public administration (UPA).

Section 20(2)(a) states that the CCC is not a UPA. Therefore a CCC officer does not hold an appointment in a UPA (unless the officer is on secondment to the CCC from a UPA). Consequently, purely internal conduct of a CCC officer cannot be *corrupt conduct* as defined under the Act. The only conduct of a CCC officer which could be the subject of an own initiative investigation is conduct which adversely affects, or could adversely affect, the performance of functions or the exercise of powers of a UPA or a person holding an appointment in a UPA. The present wording of s.314 unnecessarily limits the Parliamentary Commissioner's own initiative investigative jurisdiction. My office sought an amendment similar to that proposed, in a submission to the Parliamentary Crime and Corruption Committee's 2015 Review of the Crime and Corruption Commission's activities.

Clause 44 – Insertion of new section 346C- Possession of and dealing with data and records of CJC inquiry

The Connolly Ryan Commission of Inquiry (COI) was constituted by Order in Council in 1996. It concluded unresolved in 1997. Section 374 of the Act requires that the Parliamentary Commissioner secure the records of the Connolly Ryan COI so that only persons who satisfy the Parliamentary Commissioner that they have a legitimate need of access may access the records.

In June 2022 I supported a proposal that s.374 of the Act be amended to permit storage of the Connolly Ryan COI records at the Queensland State Archives with the Parliamentary Commissioner retaining responsibility for determining access. Since that time I have been involved in discussions with officers from the Department of Justice and Attorney-General concerning suitable amendments to the Act to achieve this outcome. I have been consulted on, and endorse, the proposed amendments. (Other relevant provisions include clause 46 which omits s.374 and clause 47 which inserts a transitional section - s.469.)

Clause 60 - Amendment of section 25 *Telecommunications Interception Act 2009* - Inspecting entity may report on other contraventions

I am pleased to note the proposed amendment to the *Telecommunications Interception Act 2009* which allows me and the Public Interest Monitor to report on contraventions of the conditions of telecommunications interception warrants issued under Part 2-5 of the *Telecommunications (Interception and Access) Act 1979 (Cth)*. My office has previously advocated for this amendment.

Yours faithfully



Michael Woodford
**Parliamentary Crime and
Corruption Commissioner**