



# **PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

## **REPORT TO THE PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE**

### **PUBLIC REPORT**

**19 AUGUST 2022**

#### **OPERATIONAL REPORT**

1. This is a report on the activities of the Office of the Parliamentary Crime and Corruption Commissioner for the period since the last formal meeting with the Parliamentary Crime and Corruption Committee (the Committee) on 25 February 2022.

##### **Progressive work program**

2. The Progressive Work Program of the Office of the Parliamentary Crime and Corruption Commissioner for the period 14 February to 9 August 2022 is attached as Appendix 1 for the consideration of the Committee.

#### **SIGNIFICANT EVENTS**

##### **Relocation of office**

3. On 16, 17 and 18 March 2022 the Parliamentary Crime and Corruption Commissioner's office was relocated from level 3 to level 5 of the Parliamentary Annex.

##### **Custody of records of the Connolly Ryan Commission of Inquiry**

4. The Connolly Ryan Commission of Inquiry was constituted by order in council in 1996. It concluded unresolved in 1997. Section 374 of the *Crime and Corruption Act 2001* requires that the Parliamentary Commissioner secure the records of the Connolly Ryan Commission of Inquiry so that only persons who satisfy the Parliamentary Commissioner that they have a legitimate need of access may access the records. The most important aspect of this role is the determination of a person's legitimate need of access. It is not essential that my office maintains physical possession of the records in order to make that assessment.
5. Since the 2010 relocation of the Office of the Parliamentary Commissioner, the Connolly Ryan records have been stored in the Legislative Council strongroom in six secured compactus bays and three locked storage cupboards.

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6. Recently, long-term storage capacity issues for the Legislative Assembly and Legislative Council strongrooms have been under consideration. If the Connolly Ryan records were relocated, it is estimated that many additional years' worth of storage would be gained.
  7. On 22 June 2022 I wrote to the Deputy Clerk, Mr Michael Ries, in response to a proposal that the Connolly Ryan records be moved to the Queensland State Archives. I supported a suggestion that s.374 of the *Crime and Corruption Act* be amended to permit storage of the records at the Queensland State Archives with the Parliamentary Commissioner retaining responsibility for determining access.

#### **Appointment of Crime and Corruption Commission Chairperson**

8. Mr Bruce Barbour was permanently appointed as the Chairperson of the CCC commencing 2 July 2022.

#### **Annual meeting of Parliamentary Inspectors and Commissioners**

9. On 25 July 2022 Mr Kunde and I received invitations to attend this year's meeting of Parliamentary Inspectors and Commissioners to be held in Sydney around the time of the Australian Public Sector Anti-Corruption Conference. The meeting is tentatively scheduled for Tuesday 15 November 2022. The meeting will be hosted by Mr Bruce McClintock SC - Inspector of the Law Enforcement Conduct Commission (NSW) and Inspector of the Independent Commissioner Against Corruption (NT). Other invitees include Mr Eamonn Moran PSM QC - Inspector of the Independent Broad-based Anti-corruption Commission (Victoria), Mr Matthew Zilko QC - Parliamentary Inspector of the Corruption and Crime Commission (WA), Ms Gail Furness SC - Inspector of the Independent Commission Against Corruption (NSW), Hon John Sulan QC - Reviewer of the Independent Commissioner Against Corruption (SA) and Mr Iain Anderson - Commonwealth and ACT Ombudsman and Inspector of the Integrity Commission (ACT). Senior officers of each agency are also invited.
10. Approval will be sought from the Clerk of Parliament for my and Mr Kunde's attendance at the meeting.

### **ADMINISTRATIVE MATTERS**

11. Mr Kunde had sick leave during the reporting period.

#### **Key Outputs achieved during the period 14 February to 10 August 2022**

12.

| <b>Function</b>                                  | <b>Output</b> |
|--|---------------|
| Committee referrals finalised                    | 1             |
| Statutory functions finalised                    | 4             |
| Notifications of improper conduct assessed       | 14            |
| Advices to the Committee finalised               | 3             |
| Own initiative investigations finalised          | 0             |
| Committee referrals received                     | 2             |
| Statutory functions arising                      | 6             |
| Notifications of improper conduct received       | 14            |
| Advices to the Committee requested               | 2             |
| Own initiative investigations commenced          | 0             |
| Committee referrals on hand                      | 3             |
| Statutory functions on hand                      | 3             |
| Notifications of improper conduct to be assessed | 0             |

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|--|-----------|
| Advices to the Committee to be provided                              | 0         |
| Own initiative investigations current                                | 0         |
| Reports to the Committee Invest.                                     | 3         |
| Public meetings with the Committee                                   | 1         |
| Private meetings with the Committee                                  | 1         |
| Other meetings (CCC/QPS etc)   | 4         |
| Hearings (in hours)  | 0         |
| <b>Timeliness</b>  |           |
| Cumulative average time taken to finalise complaints against the CCC | 22 weeks  |
| Cumulative average time taken to finalise statutory functions        | 5.5 weeks |

## MATTERS ARISING FROM KEY OUTPUTS

### Inspection of the CCC's telecommunications interception records

13. Pursuant to s.23(2) of the *Telecommunications Interception Act 2009* (TI Act), the Parliamentary Commissioner must inspect the CCC's telecommunications interception warrants records at least twice during each financial year to consider the extent to which CCC officers have complied with sections 14 to 16 and 18 to 20 of the TI Act. These sections relate to the detailed records the CCC is required to keep and the reports the CCC is required to make.
14. The second inspection for the 2021-22 financial year was conducted on 14 and 15 March 2022 and a report on the results of the inspection was provided to the Manager of the CCC's Electronic Collections Unit on 22 March 2022. The inspection established that CCC officers had complied with sections 14 to 16 and 18 to 20 of the TI Act.
15. The first inspection for the 2022-23 financial year was conducted on 4 August 2022. A report on the results of the inspection was provided to the Manager of the CCC's Electronic Collections Unit on 8 August 2022. Again, the inspection established that CCC officers had complied with the relevant sections of the TI Act.

### Report to Attorney-General on the Results of Inspections of the CCC's Telecommunications Interception Records

16. Pursuant to s.24(1) of the TI Act, as soon as practicable after the end of the financial year, and in any event before 30 September, the Parliamentary Commissioner is required to report to the Attorney-General about the results of the inspections of the CCC's telecommunications interception records conducted during the financial year. Preparation of the report to the Attorney-General has commenced.
17. Section 24(4) of the TI Act requires that information contained in the report to the Attorney-General, other than information mentioned in s.63 of the Commonwealth *Telecommunications (Interception and Access) Act 1979*, be provided to the Committee and to the CCC Chairperson. Section 63 refers to "lawfully intercepted information" and "interception warrant information".

### Audit of Assumed Identities

18. Pursuant to s.316 of the *Police Powers and Responsibilities Act 2000* (PPRA) and s.146ZS of the *Crime and Corruption Act*, the CCC Chairperson must have the records of authorities for the use of assumed identities audited by the Parliamentary Commissioner at least once every six months while the authority is in force and at least once in the six months after the cancellation or expiry of the authority. The Parliamentary Commissioner is required to give the CCC Chairperson a report on the results of the audit.

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19. A six-monthly audit of the CCC's records of authorities for the use of assumed identities was conducted on 5 May 2022 and involved an inspection of the CCC's records of assumed identities for the period 25 November 2021 to 5 May 2022. The CCC was found to be fully complying with its responsibilities pursuant to s.315 of the PPRA and s.146ZR of the *Crime and Corruption Act*. On 9 May 2022 I provided a report on the results of the audit to the Acting CCC Chairperson.

### **Inspection and Report on Surveillance Device Warrants records**

20. Section 362(1) of the PPRA requires that the Parliamentary Commissioner inspect the CCC's surveillance device warrant records to decide the extent of compliance with Chapter 13 of the PPRA by the CCC and law enforcement officers of the CCC. I conducted an inspection of the CCC's surveillance device warrants records on 12 and 13 May 2022.
21. Pursuant to s.363(1) of the PPRA, the Parliamentary Commissioner is required to make written reports at six-monthly intervals on the results of each inspection under s.362. I provided the Committee with a written report on the results of the inspection on 25 May 2022.

### **Investigation Matter**

22. This investigation has been completed.

### **Investigation Matter**

23. The investigation of this matter is nearing completion.

### **Investigation Matter**

24. The investigation of this matter is ongoing.

### **Investigation Matter**

25. This matter is ongoing.

### **Advices to Committee**

26. The Committee has sought my advice in relation to certain matters.

### **Section 329 Notifications**

27. Pursuant to s.314(4) of the *Crime and Corruption Act* the Parliamentary Commissioner has the function to investigate on his or her own initiative a matter mentioned in s.314(2)(b) or (c) or a matter notified to the Parliamentary Commissioner under s.329, subject to certain conditions set out in s.314(4)(a) and (b). During the period covered by this report, the CCC provided notifications to the Committee and to me pursuant to s.329 of the Act.
28. Under s.314(5) of the Act, the Parliamentary Commissioner is permitted to undertake a preliminary assessment of a matter to decide whether the conditions set out in s.314(4)(a) and (b) are satisfied for the matter.
29. If the Parliamentary Commissioner decides to conduct a preliminary assessment under s.314(5), then pursuant to s.314(7), the Parliamentary Commissioner must notify the Parliamentary Committee of the decision. I finalised preliminary assessments of s.329 notifications received in this reporting period. I notified the Committee and the CCC of my assessments.

### **Assessments under section 314(4)**

30. Section 314(4) of the *Crime and Corruption Act* provides for the Parliamentary Commissioner's own initiative investigative function in relation to complaints made against, or concerns expressed about, the conduct or activities of the commission or a commission officer. This

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function only relates to conduct of a CCC officer that involves or may involve corrupt conduct. Pursuant to s.314(5), the Parliamentary Commissioner may conduct a preliminary assessment to decide whether a matter involves corrupt conduct. Apart from matters notified pursuant to s.329, the Office conducted one other preliminary assessment in the relevant period.

## **CERTIFICATION**

31. I submit that the above information demonstrates:

- a) satisfactory progress in the efficient, effective and economical achievement of the goals of the Office of the Parliamentary Crime and Corruption Commissioner;
- b) resources are being allocated to produce best value for money; and
- c) outputs are being provided at the standards stated in the Parliamentary Service Plan.

32. I also submit that the above information confirms:

- a) the appropriateness of the goal, and strategies to achieve the goal, as outlined in the Parliamentary Service Management Plan;
- b) the suitability of the performance indicators in measuring the achievement of the goal;
- c) options to improve the efficiency, effectiveness and economy of operations are being pursued.



Michael Woodford  
**Parliamentary Crime and  
Corruption Commissioner**

*Appendix 1*

**PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

**Progressive Work Program**

**PUBLIC**

**As at 10 August 2022**

**Meeting date: 19 August 2022**

| Inquiry or Function  | Description   | Anticipated or agreed completion date | Progress last reporting period  | Anticipated progress next reporting period  | Resources                                       |
|--|---|---------------------------------------|---|---|---|
| Inspection of Telecommunications Interception Records  | Pursuant to s.23(2) of the <i>Telecommunications Interception Act 2009</i> inspect the CCC's TI records to find out the extent to which the CCC has complied with ss.14-16 and 18-20. | March 2022                            | <ul style="list-style-type: none"> <li>• Inspected hard copy files and RADARS records to ensure all documents and details kept</li> <li>• Checked copies of evidentiary certificates were maintained.</li> <li>• Inspected Use and Communication register to ensure appropriate level of detail recorded.</li> <li>• Recorded results of inspection on Compliance Schedule.</li> </ul>                  | Finalised. Covering letter and Compliance Schedule provided to Manager ECU 22 March 2022. | Parliamentary Commissioner<br><br>Legal Officer |
| Audit of Assumed Identities  | Pursuant to s.146ZS <i>Crime and Corruption Act</i> and s.316(1) <i>PPRA</i> , audit the CCC's records of authorities for assumed identities and provide a report to the CCC Chair.   | April/May 2022                        | <ul style="list-style-type: none"> <li>• Inspected registers of assumed identities, cancellations and variations.</li> <li>• Inspected applications for authorities to acquire/use assumed identities, variations and formal authorities.</li> <li>• Prepared report on audit of assumed identities.</li> </ul>   | Finalised. Report on results of audit provided to Acting CCC Chair on 9 May 2022.         | Parliamentary Commissioner<br><br>Legal Officer |
| Inspection and report on the inspection of the CCC's records of Surveillance Device Warrants | Pursuant to s.362 of the <i>PPRA</i> inspect the CCC's records to decide extent of compliance with chapter 13 of the <i>PPRA</i> and report to the Committee Chair.                   | April /May 2022                       | <ul style="list-style-type: none"> <li>• Formally notified CCC Chair of inspection.</li> <li>• Inspected warrants registers for all required documents.</li> <li>• Checked warrants compliance with provisions of <i>PPRA</i>.</li> <li>• Inspected Use and Communication register.</li> <li>• Inspected destruction register.</li> <li>• Provided draft report</li> <li>• Finalised report.</li> </ul> | Finalised. Report provided to Committee.  | Parliamentary Commissioner<br><br>Legal Officer |

| Inquiry or Function                                   | Description   | Anticipated or agreed completion date | Progress last reporting period   | Anticipated progress next reporting period  | Resources                                       |
|---|---|---------------------------------------|--|---|---|
| Inspection of Telecommunications Interception Records | Pursuant to s.23(2) of the <i>Telecommunications Interception Act 2009</i> inspect the CCC's TI records to find out the extent to which the CCC has complied with ss.14-16 and 18-20. | August 2022                           | <ul style="list-style-type: none"> <li>• Inspected hard copy files and RADARS records to ensure all documents and details kept</li> <li>• Checked copies of evidentiary certificates were maintained.</li> <li>• Inspected Use and Communication register to ensure appropriate level of detail recorded.</li> <li>• Recorded results of inspection on Compliance Schedule.</li> </ul> | Finalised. Covering letter and Compliance Schedule provided to Manager ECU 8 August 2022.   | Parliamentary Commissioner<br><br>Legal Officer |
| Telecommunications Interception Warrant Report        | Pursuant to s.24 of the <i>Telecommunications Interception Act 2009</i> report to Attorney-General about the results of inspections of the CCC's TI records.                          | August/September 2022                 | <ul style="list-style-type: none"> <li>• Commenced drafting report on inspections.</li> <li>• Gathered details of any contraventions of Cth TI Act.</li> </ul>   | <ul style="list-style-type: none"> <li>• Provide draft report to CCC for procedural fairness if necessary.</li> <li>• Receive and consider response from CCC.</li> <li>• Finalise report.</li> <li>• Provide report to A-G and information from report to Committee and CCC.</li> </ul> | Parliamentary Commissioner<br><br>Legal Officer |
| Investigation of complaint                            | Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report.  | February 2022                         | <ul style="list-style-type: none"> <li>• Finalised report.</li> </ul>  | Finalised. Report provided to Committee.  | Parliamentary Commissioner<br><br>Legal Officer |

| <b>Inquiry or Function</b>       | <b>Description</b>  | <b>Anticipated or agreed completion date</b> | <b>Progress last reporting period</b>  | <b>Anticipated progress next reporting period</b>   | <b>Resources</b>                                |
|----------------------------------|---|--|--|---|---|
| Investigation of complaint       | Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report on the complaint.                       | August 2022                                  | <ul style="list-style-type: none"> <li>• Received and considered material provided by CCC.</li> <li>• Requested further specific information from CCC.</li> <li>• Contacted witness to provide further information.</li> <li>• Commenced drafting report.</li> </ul> | Finalise report and provide to Committee.   | Parliamentary Commissioner<br><br>Legal Officer |
| Investigation of complaint       | Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report on the complaint.                       | October 2022                                 | <ul style="list-style-type: none"> <li>• Received reference and copy of complaint from Committee.</li> <li>• Read material and identified relevant CCC holdings.</li> <li>• Requested relevant material from CCC.</li> </ul>   | <ul style="list-style-type: none"> <li>• Receive and consider material requested from CCC.</li> <li>• Commence drafting report.</li> </ul>  | Parliamentary Commissioner<br><br>Legal Officer |
| Supervision of CCC investigation | Pursuant to s.295(2)(f) of the <i>Crime and Corruption Act</i> supervise the CCC investigation and report on the supervision. | September/October 2022                       | <ul style="list-style-type: none"> <li>• Received and approved proposed investigation plan.</li> <li>• Received and considered fortnightly updates.</li> <li>• Received and considered interim report.</li> </ul>  | <ul style="list-style-type: none"> <li>• Receive further updates and final investigation report.</li> <li>• Provide views on final report.</li> <li>• Commence preparing report on supervision of CCC investigation.</li> </ul> | Parliamentary Commissioner<br><br>Legal Officer |
| Provide advice to Committee      | Provide advice to Committee.  | March 2022                                   | <ul style="list-style-type: none"> <li>• Researched issue</li> <li>• Prepared and settled advice to Committee.</li> <li>• Provided advice to Committee.</li> </ul>   | Finalised. Advice provided to Committee.  | Parliamentary Commissioner<br><br>Legal Officer |
| Provide advice to Committee      | Provide advice to Committee.  | August 2022                                  | <ul style="list-style-type: none"> <li>• Researched Commonwealth amendments.</li> <li>• Analysed proposed amendments to Qld Act.</li> <li>• Prepared and settled advice to Committee.</li> </ul>   | Finalised. Advice provided to Committee.  | Parliamentary Commissioner<br><br>Legal Officer |

| Inquiry or Function  | Description   | Anticipated or agreed completion date | Progress last reporting period   | Anticipated progress next reporting period                                  | Resources   |
|--|---|---------------------------------------|--|---|---|
| <p>Receive and assess notifications of suspected improper conduct.</p> <p>Conduct preliminary assessment of complaint or concern</p> | <p>Pursuant to s.314(5) of the <i>Crime and Corruption Act</i> assess notifications received from CCC of suspected improper conduct of Commission officers.</p> <p>Pursuant to s.314(5) of the <i>Crime and Corruption Act</i> conduct preliminary assessment of complaint or concern about conduct of CCC.</p> | <p>Ongoing</p> <p>May 2022</p>        | <ul style="list-style-type: none"> <li>• Received new s.329 notifications.</li> <li>• Assessed notifications from current reporting period.</li> <li>• Advised Committee and CCC of assessment decisions for notifications.</li> <li>• Read material provided by complainant.</li> <li>• Conducted preliminary assessment of complaint under s.314(5).</li> <li>• Advised complainant of assessment decision.</li> <li>• Notified Committee of assessment decision.</li> </ul> | <p>Ongoing</p> <p>Finalised. Notified Committee of assessment decision.</p> | <p>Parliamentary Commissioner</p> <p>Legal Officer</p> <p>Parliamentary Commissioner</p> <p>Legal Officer</p> |