



# PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

## REPORT TO THE PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

### PUBLIC REPORT

24 NOVEMBER 2023

#### 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 report for the last meeting with the Parliamentary Crime and Corruption Committee (the Committee) on 15 September 2023.

#### Progressive Work Program

2. The Progressive Work Program of the Office of the Parliamentary Crime and Corruption Commissioner for the period 7 September to 10 November 2023 is attached as Appendix 1 for the consideration of the Committee.

#### SIGNIFICANT EVENTS

##### Records of the Connolly Ryan Commission of Inquiry

3. The Connolly Ryan Commission of Inquiry (COI) 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 COI 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.
4. 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. Long-term storage capacity for the Legislative Assembly and Legislative Council strongrooms has been an issue under consideration for some time. If the Connolly Ryan records were relocated, it is estimated that many additional years' worth of storage would be gained.
5. In June 2022 I supported a proposal 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. Suitable amendments to the Act remain under consideration.

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## Annual meeting of Parliamentary Inspectors and Commissioners

6. On 14 November 2023 the Office's Principal Legal Officer and I will be attending this year's meeting of Parliamentary Inspectors and Commissioners in Sydney. The meeting will be hosted by Ms Gail Furness SC - Inspector of the National Anti-Corruption Commission and Inspector of the Independent Commission Against Corruption (NSW). Other attendees include Mr Iain Anderson - ACT Ombudsman and Inspector of the Integrity Commission (ACT), Mr Bruce McClintock SC – Inspector of the Law Enforcement Conduct Commission (NSW) and Inspector of the Independent Commissioner Against Corruption (NT), 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), Mr Philip Strickland SC – Inspector of the Independent Commissioner Against Corruption, Office for Public Integrity and Ombudsman (SA). Senior officers of each agency have also been invited.
7. Amongst the topics for discussion will be possible amendments to the Commonwealth *Telecommunications (Interception and Access) Act 1979 (Cth)*.

## ADMINISTRATIVE MATTERS

8. The office's Principal Legal Officer, Mr Kunde, had leave during the reporting period.

## Key Outputs achieved during the period 7 September to 10 November 2023

9.

<b>Function</b>	<b>Output</b>
Committee referrals finalised	0
Statutory functions finalised	2
Notifications of improper conduct assessed	7
Advices to the Committee finalised	0
Own initiative investigations finalised	0
Committee referrals received	0
Statutory functions arising	1
Notifications of improper conduct received	7
Advices to the Committee requested	0
Own initiative investigations commenced	0
Committee referrals on hand	3
Statutory functions on hand	3
Notifications of improper conduct to be assessed	0
Advices to the Committee to be provided	0
Own initiative investigations current	0
Reports to the Committee	2
Public meetings with the Committee	1
Private meetings with the Committee	1
Other meetings (CCC/QPS etc)	5
Hearings (in hours)	0
<b>Timeliness</b>	
Cumulative average time taken to finalise complaints against the CCC	23 weeks
Cumulative average time taken to finalise statutory functions	5.2 weeks

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## MATTERS ARISING FROM KEY OUTPUTS

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

10. 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 ss.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.
11. The first inspection for the 2023-24 financial year was conducted on 20 September 2023. A report on the results of the inspection was provided to the Manager of the CCC's Electronic Collections Unit on 25 September 2023.

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

12. 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. The annual report to the Attorney-General on the results of inspections of the CCC's telecommunications interception warrant records was provided on 25 September 2023.
13. 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". The information contained in the report to the Attorney-General was provided to the Committee and the CCC Chairperson on 25 September.

### Intelligence Data Review

14. Section 320(1) of the *Crime and Corruption Act* requires the Parliamentary Commissioner to conduct an annual review of the intelligence data in the possession of the CCC and the Queensland Police Service (QPS). The 2022-23 intelligence data review involved inspections of the intelligence data held by the QPS State Intelligence Group on the Australian Criminal Intelligence Database (ACID) and intelligence data held by the Crime and Intelligence Command on QPRIME. An inspection was also conducted of the CCC's intelligence holdings on its IRAS database. The review of all relevant intelligence data held by the QPS and the CCC was completed on 27 October 2023.
15. Section 320(3) of the *Crime and Corruption Act* requires that the Parliamentary Commissioner prepare a written advice on the review containing the Parliamentary Commissioner's findings and recommendations. That advice is being finalised and will be provided to the Parliamentary Committee, the CCC Chairperson and the QPS Commissioner within the next few weeks.

### Investigation Matter

16. This matter is ongoing.

### Review Matter

17. This matter is ongoing.

### Investigation Matter

18. This matter is ongoing.

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## Section 329 Notifications

19. 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 sent seven notifications to the Committee and to me pursuant to s.329 of the Act.
20. 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.
21. 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 the seven s.329 notifications received in this reporting period and notified the Committee and the CCC of my assessments.

## Assessments under section 314(4)

22. 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 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, I conducted one other preliminary assessment in the relevant period.

## CERTIFICATION

23. 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.
24. 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 November 2023**

**Meeting date: 24 November 2023**

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.	September 2023	<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 25 September 2023.	Parliamentary Commissioner  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.	September 2023	<ul style="list-style-type: none"> <li>• Commenced drafting report on inspections.</li> <li>• Finalised report.</li> <li>• Provided report to A-G and information from report to Committee and CCC.</li> </ul>	Finalised. Report provided to Attorney-General and information from report provided to Committee and CCC Chairperson 25 September 2023.	Parliamentary Commissioner  Legal Officer
Intelligence Data Review	Pursuant to s.320(1) of the <i>Crime and Corruption Act</i> conduct an annual review of intelligence data in the possession of the CCC and the QPS.	Review-October 2023 Report-November 2023	<ul style="list-style-type: none"> <li>• Inspected CCC intelligence holdings on IRAS.</li> <li>• Inspected dissemination registers at CCC.</li> <li>• Inspected intelligence data on ACID at QPS State Intelligence Group</li> <li>• Inspected intelligence data on QPRIME at QPS Crime and Intelligence Command.</li> </ul>	<ul style="list-style-type: none"> <li>• Check details of QPS Command structure.</li> <li>• Obtain details of joint meetings from CCC.</li> <li>• Obtain details of NCIS from CCC.</li> <li>• Finalise report.</li> <li>• Provide report to PCCC, CCC and QPS.</li> </ul>	Parliamentary Commissioner  Legal Officer

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
Investigation of complaint	Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report on the complaint	October 2023 (revised from August 2023)	<ul style="list-style-type: none"> <li>• Continued going through material on hard drive provided by CCC.</li> <li>• Identified relevant correspondence and considered relevant case law.</li> <li>• Commenced drafting report.</li> </ul>	<ul style="list-style-type: none"> <li>• Finalise report.</li> </ul>	Parliamentary Commissioner  Legal Officer
Review Report	Pursuant to s.295(2)(f) of the <i>Crime and Corruption Act</i> review report	November 2023 (revised from October 2023)	<ul style="list-style-type: none"> <li>• Contacted Officer in Charge of investigating officer to receive progress report on investigation.</li> <li>• Received briefing on progress of investigation.</li> </ul>	<ul style="list-style-type: none"> <li>• Await finalisation of investigation and provision of report.</li> <li>• Review report and inform Committee of outcome of review.</li> </ul>	Parliamentary Commissioner  Legal Officer
Investigation of complaint	Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report on matters raised in complaint	November/December 2023	<ul style="list-style-type: none"> <li>• Obtained material</li> <li>• Commenced reading material</li> </ul>	<ul style="list-style-type: none"> <li>• Finish consideration of material obtained from CCC.</li> <li>• Consider methodology for investigation of other aspects of complaints.</li> <li>• Commence drafting report.</li> </ul>	Parliamentary Commissioner  Legal Officer

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
Receive and assess notifications of suspected improper conduct.	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.	Ongoing	<ul style="list-style-type: none"> <li>• Received 7 new s.329 notifications.</li> <li>• Assessed notifications.</li> <li>• Advised Committee and CCC of assessment decisions for 7 notifications.</li> </ul>	Ongoing	Parliamentary Commissioner  Legal Officer
Preliminary Assessment of complaint or concern	Pursuant to s.314(5) of the <i>Crime and Corruption Act</i> conduct preliminary assessment of complaint or concern about conduct of CCC.	Ongoing	<ul style="list-style-type: none"> <li>• Read material provided by complainant.</li> <li>• Finalised preliminary assessment of complaint under s.314(5).</li> <li>• Advised complainant of assessment decision.</li> <li>• Notified Committee of assessment decision.</li> </ul>	Finalised. Advised complainant and notified Committee of assessment decision 13 September 2023.	Parliamentary Commissioner  Legal Officer