



# PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

## REPORT TO THE PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

### PUBLIC REPORT

15 SEPTEMBER 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 last meeting with the Parliamentary Crime and Corruption Committee (the Committee) on 2 May 2023.

#### Progressive Work Program

2. The Progressive Work Program of the Office of the Parliamentary Crime and Corruption Commissioner for the period 26 April to 6 September 2023 is attached as Appendix 1 for the consideration of the Committee.

#### SIGNIFICANT EVENTS

##### Telecommunications Interception Legislation

3. At last year's meeting of Parliamentary Inspectors and Commissioners, representatives from the Commonwealth Attorney-General's Department mentioned that it was proposed to amend the Commonwealth electronic surveillance legislation at some stage. On 1 May 2023 the office of the Parliamentary Inspector of the Corruption and Crime Commission (Western Australia) contacted my office concerning issues with the *Telecommunications (Interception and Access) Act 1979 (Cth)* discussed at our annual meeting. The Parliamentary Inspector had received advice that the Commonwealth Attorney-General's Department was considering amendments to the Act and asked whether other state and territory Attorneys-General had received approaches from the Commonwealth Attorney-General.
4. On 4 May 2023 the Commonwealth Attorney-General's Department contacted the Committee Secretariat in relation to difficulties oversight agencies had in performing their oversight functions in circumstances where they were unable to receive information relating to intercepted telecommunications and stored communications data obtained by the integrity bodies. The Commonwealth Attorney-General had agreed to explore amendments to the TIA Act to allow better information sharing for the agencies who had made representations. The Committee and the Parliamentary Commissioner were invited to contribute.

5. The Committee Secretary, Ms Longworth, and my Principal Legal Officer, Mr Kunde subsequently had a teleconference with officers from the Commonwealth Attorney-General's Department to discuss various aspects of the *Telecommunications (Interception and Access) Act 1979 (Cth)*.

## ADMINISTRATIVE MATTERS

6. Pursuant to s.315(1) of the *Crime and Corruption Act*, officers or employees of the Parliamentary Service may be assigned, and other administrative and support services provided, to help the Parliamentary Crime and Corruption Commissioner in performing functions under the *Crime and Corruption Act* or another Act. However, pursuant to s.315(3), before a person first acts under subsection (1), the person must take an oath, to be administered by the Parliamentary Commissioner, that the person will not, except as provided under the Act, disclose any information received while helping the Parliamentary Commissioner. In order to maintain a pool of IT officers available to provide technical support to the Parliamentary Commissioner, on 30 August 2023 I swore another IT officer in accordance with s.315(3).
7. Mr Kunde had leave during the reporting period.
8. On 15 June 2023 I conducted Mr Kunde's performance review.

### Key Outputs achieved during the period 26 April to 6 September 2023

9.

Function	Output
Committee referrals finalised	2
Statutory functions finalised	3
Notifications of improper conduct assessed	13
Advices to the Committee finalised	2
Own initiative investigations finalised	0
Committee referrals received	3
Statutory functions arising	6
Notifications of improper conduct received	13
Advices to the Committee requested	2
Own initiative investigations commenced	0
Committee referrals on hand	3
Statutory functions on hand	4
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.	5
Public meetings with the Committee	1
Private meetings with the Committee	1
Other meetings (CCC/QPS etc)	3
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	5.3 weeks

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## **MATTERS ARISING FROM KEY OUTPUTS**

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

10. Section 362(1) of the *Police Powers and Responsibilities Act 2000* (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. On 2 May 2023 notice of an inspection of the CCC's surveillance device warrant records was provided to the CCC Chairperson pursuant to s.362(2)(a) of the PPRA. I conducted an inspection of the CCC's surveillance device warrants records on 4 May 2023.
11. 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 8 May 2023. During the period covered by this inspection the CCC and law enforcement officers of the CCC complied with the provisions of Chapter 13 of the PPRA in all respects. I note that the report was tabled on 13 June 2023.

### **Inspection of the CCC's Controlled Operations Records**

12. Pursuant to s.272 of the PPRA the Parliamentary Crime and Corruption Commissioner is required to conduct an annual inspection of the CCC's records to consider the extent of the CCC's compliance with chapter 11 (Controlled Operations) and chapter 21 part 2 (Registers).
13. On 5 September 2023 notice of an inspection of the CCC's Controlled Operations records was provided to the CCC Chairperson pursuant to s.272(2)(a) of the PPRA. The inspection was conducted on 6 September 2023. No authorities for Controlled Operations were operational in 2022-23. The inspection confirmed that no records were created since my last inspection of the CCC's Controlled Operations records.

### **Report on Controlled Operations Activities**

14. Pursuant to s.269 of the PPRA, the Parliamentary Commissioner is required to prepare a report of the work and activities of the CCC under chapter 11 (Controlled Operations) for the preceding 12 months. This report is prepared using information contained in the CCC Chairperson's six-monthly controlled operations activity reports to me and information gathered during my inspection of the CCC's Controlled Operations records.
15. On 6 September 2023 I provided the Committee with my Annual Report on the CCC's Controlled Operations work and activities for the 2022-23 financial year.

### **Investigation Matter**

16. This matter is completed.

### **Investigation Matter**

17. This matter is ongoing.

### **Review Matter**

18. This matter is ongoing.

### **Investigation Matter**

19. This matter is ongoing.

### **Investigation Matter**

20. This matter is completed.

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## Advices to Committee

21. The Committee has requested my advice in relation to certain matters.

## Section 329 Notifications

22. 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 notifications to the Committee and to me pursuant to s.329 of the Act.

23. 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.

24. 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 s.329 notifications received in this reporting period and notified the Committee and the CCC of my assessments.

## Assessments under section 314(4)

25. 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, the Office conducted other preliminary assessments in the relevant period.

## CERTIFICATION

26. 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.

27. 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 6 September 2023**

**Meeting date: 15 September 2023**

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
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.	May 2023	<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>• Finalised report.</li> </ul>	Finalised. Report provided to Committee 8 May 2023.	Parliamentary Commissioner  Legal Officer
Annual inspection of CCC's Controlled Operation records	Pursuant to s.272 <i>PPRA</i> inspect the CCC's records to find out the extent of compliance with chapter 11 <i>PPRA</i> and provisions relating to registers.	September 2023	<ul style="list-style-type: none"> <li>• Inspected register of Authorities to Conduct Controlled Operations.</li> </ul>	Finalised. Inspection completed 6 September 2023	Parliamentary Commissioner  Legal Officer
Annual report on Controlled Operations Activities	Pursuant to s.269 <i>PPRA</i> prepare a report of the work and activities of the CCC under chapter 11 <i>PPRA</i> for the preceding 12 months.	September 2023	<ul style="list-style-type: none"> <li>• Referred to six-monthly reports of CCC Chairperson.</li> <li>• Verified Chairperson's reports and noted no authorities for controlled operations.</li> <li>• Finalised report.</li> <li>• Provided report to Committee and CCC Chairperson.</li> </ul>	Finalised. Report provided to Committee	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 issues	Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report on issues	July 2023	<ul style="list-style-type: none"> <li>• Refined issues and identified further relevant CCC material.</li> <li>• Requested further material from CCC.</li> <li>• Received and considered material.</li> <li>• Finalised report.</li> </ul>	Finalised. Report provided to Committee	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 the complaint	October 2023 (revised from August 2023)	<ul style="list-style-type: none"> <li>• Received hard drive full of material. Started going through material.</li> <li>• Identified relevant correspondence and considered relevant case law.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue going through material provided by CCC.</li> <li>• Commence drafting 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	October 2023	<ul style="list-style-type: none"> <li>• Sought contact details for officer undertaking investigation.</li> <li>• Contacted Officer in Charge of investigating officer to receive progress report on 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	October/November 2023	<ul style="list-style-type: none"> <li>• Read through complaint letters and identified material relating to particular issues</li> <li>• Requested material</li> </ul>	<ul style="list-style-type: none"> <li>• Receive and consider material requested 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
Investigation of complaint	Pursuant to s.295(2)(d) of the <i>Crime and Corruption Act</i> investigate and report on allegations	August 2023	<ul style="list-style-type: none"> <li>• Received reference.</li> <li>• Identified and requested relevant material.</li> <li>• Interviewed complainant.</li> <li>• Obtained and considered material provided by CCC.</li> <li>• Organised and commenced interviews with CCC officers</li> <li>• Completed report and provided to Committee</li> </ul>	Finalised. Report provided to Committee	Parliamentary Commissioner  Legal Officer
Provide advice to Committee	Provide advice to Committee	July 2023	<ul style="list-style-type: none"> <li>• Received correspondence</li> <li>• Considered various issues.</li> <li>• Provided advice to Committee</li> </ul>	Finalised. Letter provided to Committee	Parliamentary Commissioner  Legal Officer
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 new s.329 notifications.</li> <li>• Assessed notifications.</li> <li>• Advised Committee and CCC of assessment decisions for 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 complainants.</li> <li>• Conducted preliminary assessment of complaints under s.314(5).</li> <li>• Advised complainants of assessment decision.</li> <li>• Notified Committee of assessment decisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Finalise assessment of complaint</li> <li>• Advise complainant of assessment decision.</li> <li>• Notify Committee of assessment decision.</li> </ul>	Parliamentary Commissioner  Legal Officer



