



PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Members present:

Mr JM Krause MP—Chair
Mr JA Sullivan MP
Mr JP Bleijie MP
Mr DJ Brown MP
Ms JM Bush MP
Mr MJ Crandon MP
Ms JC Pugh MP

Staff present:

Ms A Honeyman—Committee Secretary
Ms H Radunz—Assistant Committee Secretary

MEETING WITH THE CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF PROCEEDINGS

Friday, 15 September 2023

Brisbane

FRIDAY, 15 SEPTEMBER 2023

The committee met at 11.00 am.

CHAIR: The committee will commence its public meeting now with the Crime and Corruption Commission. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Members, are there any declarations of interest relevant to the public session here today? I will start by giving my usual standing declaration.

Mr BLEIJIE: I have three matters: an interest obviously with the Trad matter, if we speak about that—and I have spoken about that in the parliament before; secondly, with respect to the private briefing, just to bring the CCC chair—

CHAIR: Hang on. You can wait until the private briefing for that one.

Mr BLEIJIE: The same issue may be raised, though, in the public meeting, which is with respect to—

CHAIR: Hang on, is it in the public domain?

Mr BLEIJIE: Yes, it is, with respect to a complainant of the Office of Industrial Relations matters.

CHAIR: Thank you. Are there any other declarations?

Mr SULLIVAN: Chair, I would like to give my standing declaration. Likewise, when it comes to individual matters, if something arises I will bring it up at the time, but I do not expect there will be in this session.

Ms BUSH: There is nothing I anticipate, but if something comes up I will certainly let you know, Chair.

Ms PUGH: Same for me, Chair. There is nothing I anticipate in the public meeting.

CHAIR: Members have been provided with the Crime and Corruption Commission's public report to the committee for the period 1 April 2023 to 30 June 2023. There is a proposed resolution, which I would ask if the member for Coomera would like to move—

Mr CRANDON: I do, Chair.

CHAIR:—that the committee authorise the publication of the Crime and Corruption Commission's public report for that period. All those in favour? That is carried. The committee will now commence its public discussion with the CCC. I welcome witnesses.

BARBOUR, Mr Bruce, Chairperson, Crime and Corruption Commission

CHRISTENSEN, Ms Cecelia, Senior Executive Officer (Corruption), Crime and Corruption Commission

LODER, Ms Sharon, Senior Executive Officer (Crime), Crime and Corruption Commission

O'FARRELL, Ms Jen, Chief Executive Officer, Crime and Corruption Commission

CHAIR: Mr Barbour, thank you for joining us. Would you like to make an opening statement before we go to questions?

Mr Barbour: Thank you, Chair, and thank you, committee. We are pleased to present the Crime and Corruption Commission's report for the reporting period of 1 April to 30 June 2023. I would like to highlight some key achievements for the reporting period which are set out in more detail in the public report which has already been provided to you.

It has now been 13 months since the report of the commission of inquiry relating to the CCC was handed down. I said on the day the report was released that it was an important day for the commission and that we would immediately commence implementing the recommendations. The CCC has sole responsibility for 29 of the 32 recommendations made and we have been diligently

making progress on them throughout the last 13 months. We know how important transparency is and we have now provided 11 progress reports to the committee, the parliamentary commissioner and also the Attorney-General. We have also published four progress reports on our website.

As at 30 June 2023 we have completed 10 recommendations in full and we have made material progress on 15 other recommendations. The remaining seven require legislative amendments, which are therefore dependent on government. They relate to future reporting requirements or they are not the responsibility of the CCC. Our momentum to implement these recommendations has continued into the new financial year. On that note, I want to provide an update on an important development.

Recommendation 26 of that review was for the CCC and the Director of Public Prosecutions to develop a memorandum of understanding outlining the practices and procedures for referral of matters and provision of advice including time frames. We have had a very productive engagement, consultation and collaboration with the DPP, and I am pleased to advise the committee that on 1 August the MOU between the CCC and the DPP was executed and is now in operation. I can also advise that we have already referred one matter to the DPP for their consideration in line with the MOU.

In addition to the work we have been conducting to implement the recommendations, we have also published our strategic plan for 2023 to 2027. The plan sets out an ambitious body of work that will guide the delivery of our important service for Queenslanders. Importantly, the plan reflects the research, deep thinking and reflection that we have undertaken and an analysis of global trends, ideas and contributions from our staff, and it aligns with our renewal agenda. While it has been a year of renewal and growth, our operational activities have continued. Without revealing all the detail from our upcoming annual report as it has the same reporting period, until 30 June, I would like to mention a few of our operational highlights for the 2022-23 financial year.

We recently completed the legislative review of the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004. Our review was tabled in parliament on 21 June and it made 23 recommendations to improve the operation of this important act. We finalised 73 investigations across both our crime and corruption portfolios. We provided more than 200 intelligence disclosures to law enforcement resulting from our crime investigations. More than 100 days of crime investigative hearings, corruption investigative hearings and crime intelligence hearings have been held. We made seven recommendations for disciplinary action as a result of corruption investigations relating to three people and we received 3,391 complaints of corrupt conduct, which is a one per cent increase when compared to the 2021-22 financial year. All five commissioner positions are now filled, with the appointment of Ms Simone Webb as an ordinary commissioner. Ms Webb's appointment commenced on 25 August 2023. In addition, there are two recent important items that I would like to refer to.

In February 2023 the CCC commenced intelligence operation Aberdeen, which included a focus on the suspected money laundering activities of a 37-year-old man in the Logan area. During the investigation the CCC obtained evidence indicating the man was allegedly involved in the distribution and sale of illicit tobacco and vape products to retail stores throughout Queensland. Investigations indicated that these activities generated significant profits which may have been laundered.

The committee will be aware that on 29 August of this year more than \$835,000 in cash, more than eight million cigarettes, approximately 3.74 tonnes of loose-leaf tobacco with a total excise value of more than \$14 million, 60,000 vapes with a street value of approximately \$1.8 million and six motor vehicles were seized following a multiagency response involving more than 150 operational staff from six separate agencies. The scale of this response I think demonstrates clearly the willingness and value of multiple agencies working together to combat major and organised crime to keep communities safe. The CCC is continuing to investigate these and additional related matters.

On Wednesday this week the High Court delivered its decision in the Carne matter. The court dismissed our appeal. The court decided the appeal on two bases: first, that in the facts of this case parliamentary privilege did not attach to our draft report; second, and most crucially for our purposes, that section 64 of the Crime and Corruption Act did not authorise the preparation or publication of reports on investigations into complaints of corrupt conduct. We have publicly reported on our investigations since the Criminal Justice Commission was established in 1989. We have always done so on the understanding that our legislation empowered us to provide such reports. We believe that such reports serve the public interest and they promote public confidence in the integrity of the public sector.

Where corrupt conduct is uncovered, explaining that to the public gives confidence that investigations are conducted diligently and the corrupt conduct will be exposed. It also explains how this conduct occurred so that the public and the public sector can understand how to avoid it in the

future. Where an investigation does not determine that corrupt conduct has occurred, it can nevertheless be important to explain what did happen so that the public can have confidence that the matter was properly dealt with. That, too, promotes public confidence and, importantly, trust in public administration.

The High Court's ruling that the power in section 64 to report publicly on the performance of the commission's functions does not extend to its investigations of complaints of corrupt conduct means that the CCC cannot report publicly on these matters. That obviously has significant ramifications for our work. We note that this committee has previously observed that it strongly believes in the importance of public reporting. So do we, and it is for that reason that we have sought urgent legislative reform to address this issue. Those are my opening remarks and I am most happy, as are my staff, to answer any questions the committee has for us.

CHAIR: I will begin. You mentioned that, since the time of the CJC, public reporting on corruption investigations has been the modus operandi of the CJC and successors. You might say it is part of the 'lock, stock and barrel' that was implemented in 1989 when the reforms were made. I have a list—and this is something you have given us previously—of 32 reports and 256 media releases that would not have been able to be issued if the Carne judgement had been in place at that time, including Operation Keller relating to the Premier's former chief of staff; Operation Arista in relation to recruitment in the QPS; Operation Windage in relation to corruption at Ipswich City Council; the Tahitian prince and the millions of dollars of fraud that went on there; and even a media release in relation to Premier Palaszczuk and allegations made in relation to section 60 of the Criminal Code in 2018. I wanted to give you that context and ask you to expand on your view that urgent legislative reform is required in order to give the CCC that public reporting power that you have always understood it to have and everyone has always understood it to have.

Mr Barbour: Firstly, can I just say there has been some reporting about the fact that our call for legislative amendment means that we are criticising the High Court. I want to make it abundantly clear that that is not the case. The High Court has acted entirely appropriately and has done what it is expected to do, which is to interpret the law. We are very grateful for that decision, despite the fact that it causes some difficulties.

CHAIR: That is an understatement.

Mr Barbour: In answer to your question, it certainly does cause some concern and that is why I have asked for there to be consideration and discussions around urgent amendments. I also hasten to add that, whilst we see this as an urgent call for change, it also needs to be very considered and it needs to be considered very carefully. The High Court decision undoubtedly has narrowed the landscape in terms of the way in which the legislation works as we understand it. If we are going to enter into discussions with government and ultimately if parliament is going to consider these matters, it needs to do so very carefully, because I think there are a number of areas which are not as simply identified as a cursory review of the decision might suggest.

My hope is that we will be able to sit down and work with not only the government but also the committee as a significant stakeholder in this matter to look at the way forward to ensure we are actually able to do what we have previously done but perhaps also be able to do things that the High Court decision has now implied may not necessarily be possible or as clear-cut as we understood them.

CHAIR: Such as?

Mr Barbour: For example, the approach the court has taken in constructing the legislation is that where there are specific provisions they overrule general provisions. In other words, section 49 sets out how we can report on the conclusion of investigations and about investigations, and that effectively means that section 64 in that regard is rendered pretty much useless. There is reference in section 69(1) (a) to the tabling of a public report, but that is a facilitatory provision. It is not actually an authoritative provision. Nowhere in the report does it specifically say that we are permitted to make a public report where there has been a public hearing. I think we need to acknowledge that we need to address these issues as quickly as possible but, as I say, we need to do so with careful consideration to make sure we cover everything that we need to do.

CHAIR: Mr Barbour, based on your opening statement and also statements you made to this committee last year, on 3 November and prior to that on 19 August 2022, you were of the firm view in both of those meetings that both the Carne report and the Trad report ought to be made public. I understand that the consequences of the High Court decision effectively gag the CCC in relation to doing that, but do you still hold the view that those reports should be public?

Mr Barbour: I hold the view that any issue arising from an investigation, whether it be reports that have already been prepared or other things that we have not been able to report on during the period that this litigation has been running, we should be in a position to be able to report on, so I think it is broader than just those reports.

CHAIR: So a further question would be: reforms should be both looking back as well as looking forward?

Mr Barbour: I believe that is appropriate, and that would be certainly one of the positions that I would be putting forward in any discussions.

CHAIR: Thank you.

Mr BLEIJIE: Mr Barbour, thank you and good morning. Following on from the chair's questioning there, it has been reported publicly and you have just indicated that you have written to the Attorney-General requesting urgent legislative reform to fix what has happened with the High Court ruling in the Carne matter. Did you specifically request that the reforms be retrospective to cover previous reports and reports that you have or draft reports that you want to table that have not yet been tabled, including the Carne and Trad matters?

Mr Barbour: No, I did not include that in the letter. The letter was written on Wednesday afternoon, in response to the decision. I simply sought for the Attorney to initiate discussions and I indicated in the letter that I believed that there was a need for urgent legislative amendment. As I say, that is going to encompass a lot more than just existing reports that may have been prevented from publication.

Mr BLEIJIE: Mr Barbour, the High Court ruling on page 3 talks about the Carne matter and it says that a foreword was put in the Carne report. I quote from the High Court ruling on page 3 at paragraph 13 where it says—

... whose conduct was the subject of allegations and investigation, the foreword would be understood to be directed to him and to be highly critical of him, although the body of the Report contained no findings of corrupt conduct against him. The conclusion of the foreword contained a statement urging Ministers, senior public sector employees and members of the public to read the Report.

That was in the High Court judgement and that was in the Carne report foreword, and I guess it is hard for ministers and members of the public to read reports that are now not subject to public availability. I just want to absolutely have it on record, Mr Barbour, that it is the CCC view and your view that the Carne matter, which was subject to the High Court ruling, and the Trad matter and any other reports you may have been working on that we do not know about or the public does not know about should be made available, at least for education purposes under section 24 of your legislation, and that would involve retrospective legislation.

Mr Barbour: There are a number of issues in that question. Let me tackle them in order. Firstly, I do not believe section 24 provides us with an opportunity to report on specific corrupt conduct investigations. Section 24 is designed for other purposes and, I think consistent with the High Court's recent judgement, it would be inappropriate to look at that as a vehicle by which we would be able to table lawfully reports that are about a specific investigation.

In terms of retrospectivity in relation to any amendments, I do support that, but not simply because of the reports that have been prepared and we have not been able to table but because of potentially other elements that we would like to also raise publicly. Thirdly, it is important, I think, to state that we do not prepare or seek to publicly report on any and every investigation that we conduct in relation to corrupt conduct. There is a process in play where we determine—and we have historically over 30 years—whether or not we believe it is in the public interest to report on a particular matter and whether that report and the conduct that is described and the type of investigation that has been undertaken is something that there can be learnings from and there is something in there that it is important to allow the public to properly scrutinise. We, not surprisingly, have regular media commentary and public discussion about matters that are the subject of investigation by the CCC that are not initiated by us. In such circumstances, the public reporting of issues gives us an opportunity to advise the public accurately about what has happened and the nature of issues, rather than it simply relying on information that has been released to the media by other persons.

Mr BLEIJIE: Thank you.

Mr SULLIVAN: Mr Barbour, I take you to page 11 of your public report where you talk about some of the strategic projects, particularly the issue of crypto investigations—and thank you again for the tour and briefing that you provided to members of the committee onsite. I am mindful that we are in the public setting and so I will obviously leave it to you as to how much detail you go into, but can you talk about some of the recent developments in that investigative space?

Mr Barbour: Absolutely. It is continuing and we are currently in stage 2 of that particular project. I will ask Ms Loder to brief more fully as it is a project that is in her area and she has control of.

Ms Loder: I think there are three things. We are obviously implementing some capability initiatives in that area. A lot of the focus is on foundational training for our staff, and there is some training that is coming up at the beginning of October which we will be rolling out. We are also looking at our forensic capability and our investigative capability. We have done reviews of our forensic technology requirements and we have moved to acquire and upgrade some of our software in that regard. We are currently in the process of assessing some investigative software that will allow us to trace cryptocurrency transactions.

Mr SULLIVAN: Mr Barbour, I take you to page 10, although Ms Loder may be best to answer again, in relation to the major investigation into the Gold Coast, including 16 intelligence profiles in terms of serious trafficking and importing of dangerous drugs. Is there any information you can give us in the public setting as to what has occurred with those referrals to other agencies?

Ms Loder: I can address that in the private session, if I could.

Mr SULLIVAN: Yes, that is fine.

Mr BROWN: Coming back to the Carne matter, you talked about urgent amendments. Have you drafted anything for consideration or sent those through to the Attorney-General?

Mr Barbour: No. I think it will be something that will be done in conjunction with DJAG. My understanding from public commentary is that there is urgent advice being sought by the Attorney in relation to the matter as well. One of the things we are doing, obviously, is looking at the current provisions which relate to other anti-corruption bodies around the country. Organisations such as the ICAC in New South Wales and IBAC in Victoria both have the capacity to report publicly in circumstances that are far broader than what we even traditionally had here as we understood it. We will be doing some work on that and we will certainly be in a position to enter into discussions.

Mr BROWN: Because the commissioner was in a similar sort of situation with regard to making sure this is considered and, as you have just said, retrospective in terms of that mix when it comes to creating legislative amendments. Do you also take into consideration the current practices of the commission when preparing these reports and are you considering changing those practices about how you work in with individual matters that pertain to corruption and whether those findings can be rolled up into educational reports that can still be delivered to ministers under section 24?

Mr Barbour: That is certainly a factor that we always consider and one does not rule out the other. As I indicated before, there are certain matters which in our view should be reported on publicly. If we are doing a corruption prevention report then we are obviously going to draw on multiple sources, and that might include specific investigations, to inform what recommendations we might make or what reporting we might do under section 24, but I do not think one excludes the other.

In relation to the challenge around urgently responding to this and doing it in a considered way, I think those are both compatible principles. I think what is important is that the resolution can be clear. I think it is a question on whether or not everybody agrees that, firstly, transparency is important. Secondly, it is an important element of our work to be able to report publicly. If those two things are agreed to, I think the process of developing amendments will be much easier.

Mr BROWN: I note that there are other amendments that have flown from our recommendations under the Logan review. I think there are a number of items with regard to changing the act that should be considered. I feel we have come to a situation where we are banning a number of reports now that have been quite controversial and not considered, I think, going back to Logan. We cannot just be looking at rushing through amendments and not also considering the practices about how the CCC acts under the act when we are changing the overall legislation.

Mr Barbour: I am not aware of the commission preparing a report in the Logan matter, so I am not exactly sure what you are referring to there, but certainly those factors are very much in our mind when we make these decisions and obviously it is an opportunity that other agencies have. It is seen in other states and other jurisdictions as being important. I think also here—

Mr BROWN: I should correct that. I meant under the previous commissioner there were press conferences that were reported without detailed reports. There has been a history under previous commissioners of different ways to report on different items. Our committee and members on this committee have been highly critical about how those matters have been reported in the past. Is it the purpose now to make sure that we get this right and that the practices are well understood by the CCC and their role under the legislation?

Mr Barbour: I would hope that would be happening in any event, but in terms of addressing the specific issue that you are concerned about in terms of how long it might take to review these issues, unfortunately legislative change and amendment often take a very long time. The committee would be aware that many of its recommendations from two five-year reports ago—so we are talking almost 10 years ago—are still the subject of discussion and negotiation. We are currently looking at reviews of parts 3 and 4 of our act and we have been in consultation with DJAG for a long period of time. I would be hopeful and I would be pressing that amendments to deal with these issues would not fall into the same time line processes that we are seeing in relation to other legislative amendments. Once there are amendments in place and once we talk about those issues, I would be confident that the sorts of concerns that you are raising would be very much front and centre with the commission and its operations.

Mr SULLIVAN: I point you to page 15 of your report, please, Mr Barbour, where it talks to organisational culture. I think it is fair to say that one of the key recommendations out of our committee's public hearing in 2021 was going to the nature of culture and organisational reform, and I think at the last public meeting we did speak about your staff survey, from memory. Can you talk us through where you are at and how you think the organisation is implementing those recommendations?

Mr Barbour: I will ask our CEO to address that question in detail, but we have been doing an enormous amount of work as a consequence of recommendations made by this committee and also by the COI into the CCC but also of our own volition. We recognise that any dynamic agency—no matter what its work is—must hold a mirror up to itself and must recognise that it needs to ensure that its systems are as robust and as appropriate as possible and that the culture within the organisation is fit for purpose and consistent with what we need to do. We have been guided by all of those elements in terms of the work we have done. Ms O'Farrell, I think, can provide some more detail about that work.

Ms O'Farrell: Yes, I can. Ms Christensen might talk about the particular interventions and reviews that have been made with respect to the corruption function specifically. Right across the commission, culture and the ways of working—policies, processes, leadership, systems, governance—are all part of the cultural system of the commission and, in fact, any organisation. Right through the organisation, each and every year we have a particular focus on all of those dimensions because they all act as part of the cultural system to make the place work as well as it needs to work and also to provide a workplace environment where people are enabled to do their very best each and every day.

The organisation has always put a focus—at least since we have been doing these surveys for the last eight years—on making sure that we take account of the feedback that we receive from staff in relation to their perceptions of the workplace and that we design particular interventions in consultation and collaboration with them that are designed to make the place more effective for them and also to achieve the purpose of the organisation that we set.

In relation to the corruption division specifically, we have done a lot of independent reviews in line with the recommendation of this committee in relation to the Logan inquiry report. We have basically taken a cradle-to-grave approach in relation to every function. We have looked at the intake and assessment area of our business. We have redesigned that area to be much more client focused, complaint focused. What that looks like is that complainants are asked by us for as much information as they possibly can give. Quite often you will get a complaint initially that does not contain a lot of information—certainly not sufficient for us to make a good assessment decision—so we are engaging much more with complainants and also units of public administration who are referring complaints to us.

In fairness to people who are subject officers of those complaints, we are also making much more preliminary inquiries before an assessment decision is made. Through that process we are finding that in many cases—I will not give a figure but in a number of cases—just by undertaking those inquiries we are disproving the conduct occurring. That is not to discredit the veracity and the motivations of a complainant in making such a complaint, but it certainly does allow them to understand what inquiries we have made at that early stage—be that body worn camera video footage of a police officer or, in fact, paperwork that we have been provided by a department.

There has been a lot of great work there. There has been a lot of change for our people in that process because we have fundamentally turned around the process and what particular roles people are playing in that process, but they have responded exceptionally well. We are seeing a lot of timely assessments now after a period of embedding that new process. I might pass over to Ms Christensen to talk about other processes in relation to corruption investigations.

Ms Christensen: I am pleased to say that the corruption division has released a corruption strategy for the next four years. That has been developed in consultation with external stakeholders but also very much within our division. There are two simple objectives—that is, Queenslanders having confidence in the work we do but also about our successful transformation. One of those pieces is about our workforce—capable, empowered, adaptable—and within that piece addressing culture. A number of initiatives published on that will be addressing culture, and in that a key part we are hearing within our organisation is more support around their development.

The report here mentions the consultancy and the number of areas and topics they have flagged for initiatives. Those were around trust, leadership, communication, change management, development and motivation. I am currently working with my corruption division. We have shared those principles and we are working together on initiatives. That is going very well. That is a co-design process in that sense. For a number of initiatives, the good news is that we are well underway redesigning the way we do our work and intake assessment. We have introduced new work instructions and induction training and addressed and supported that capability.

A key area I would like to talk about—and this is us being on the front foot—is around communication. My division has been very clear about wanting to understand and have stronger communications. We have changed our practices around that in terms of our weekly and more regular meetings for them to hear that ongoing work on our corruption strategy and the change and to listen and hear from our team. I think that is a very important part of culture.

CHAIR: Mr Barbour, it has been 807 days since 30 June 2021, when the five-year review was handed down. Most of those recommendations remain unlegislated. I would hope that reforms we have spoken about this morning might come a bit sooner. Do you think it is reasonable to put a time frame of the end of the year for these changes to be implemented by the government?

Mr Barbour: If it were up to me and my responsibility alone, I would be happy to give you a time line, but unfortunately it is not.

CHAIR: What would that be?

Mr Barbour: I do not propose to get into giving a time line. I think that would be potentially destructive and unhelpful, really. All I can do is say that my position in discussions and negotiations with the department, with the Attorney, with any other ministers and with this committee will always be to push from our perspective an outcome as quickly as we possibly can, recognising that there are quite complex issues there. It is very difficult to put a time line on this. Ultimately, of course, these will be matters that will go before parliament and parliament will make a decision.

Mr BLEIJIE: Mr Barbour, having established that it is the CCC's view and public policy ground that not only the Carne and Trad matter be made publicly available, as has been the CCC's position for quite some time, but any other matter, taking personalities out of it, I have two questions. Is there any work the CCC have done or your legal officers have done in the last couple of days since the High Court decision to look at alternative ways to publish these reports that you have prepared, or is it the case that there is no opportunity to publish those reports under any other provision or legal requirement?

Mr Barbour: In terms of the reports as currently drafted, we think the High Court very clearly has put an end to the capacity to actually publicly release those reports via tabling in parliament. I think we would need to exercise appropriate caution in trying to find backdoor channels to be able to do it. I think the decision is very clear. As I said before, there are elements of the decision that actually suggest that the interpretation is quite significantly narrowed. There are obviously provisions to be able to report more generally on other issues, other operational issues. As I said earlier, the construction that the court has applied is that, where there is specific reference to provisions which empower a particular course, those will overtake and overrule any general provisions that are inconsistent, so one needs to exercise caution.

It was for that reason when the Court of Appeal decision was handed down that we took a very, very cautious approach, which I discussed with the committee at previous meetings, to remove any media releases that we were going to issue on particular matters. We had also done some considerable work in terms of developing a process of placing on our website anonymised summaries of monitored investigations with UPAs so that we could put that information out to the public sector for them to learn from those as well. We have not put those on as a result of our approach.

I would not be looking for ways and means to try to do that. Quite frankly, given the clear intent of us wanting to table the Carne report, had there been any other provision within the act which would have permitted it, the High Court would have turned its mind to it.

Mr BLEIJIE: On that note, Mr Barbour, section 294 of the act, 'Directions by parliamentary committee to undertake investigation', states—

- (1) The parliamentary committee may, by notice, direct the commission to investigate a matter falling within the commission's corruption functions stated in the notice.

Further, section 294(3) (b) states—

- (b) report the results of its investigation to the committee.

If this committee were to direct the CCC to investigate the Carne matter and the Trad matter again under section 294, would that be something that the CCC would then take and be able to do? I understand that section 294 is not impacted by the High Court decision. I am trying to ascertain what this committee may in the future look to do, as we are all getting our heads around the High Court matter. If this committee, under section 294, gave the CCC a direction, yes, you are reinventing the wheel in terms of reinvestigating those two matters, but I come back to the point that it is in the public interest to have those two matters and other matters publicly available, particularly for lessons learned for government and for members of parliament and ministers. Is that something the CCC has a view on—on section 294 referral?

Mr Barbour: My immediate view is that it would be an inappropriate use of that section. It is not what the section is designed to do. Both of those matters have been the subject of investigation—very lengthy investigations—and the subject of reporting. To direct, under that, a further investigation I think would be somewhat problematic.

CHAIR: Mr Barbour, I am just going to jump in there—

Mr Barbour: Can I also point out—I have just been advised and it is something I should have mentioned—that the committee, of course, does have in its possession the Carne report. It is a matter for the committee as to whether or not it believes it ought to proceed to publish that report.

Mr BLEIJIE: Are you saying that the committee could publish that report?

Mr Barbour: I am not saying that. Obviously the committee would need to get advice. That report is already in the possession of the committee, and the committee could seek advice about what it could do with that report.

Mr BLEIJIE: What is your view on the Trad report? Is it the same circumstance?

Mr Barbour: I am very limited in terms of what I can say about anything to do with that report because there are currently nondisclosure orders in place in relation to it, but certainly that is a different situation and perhaps during the private session that could be canvassed.

Mr SULLIVAN: On that point, Mr Barbour—

CHAIR: Deputy Chair—

Mr SULLIVAN: It is on that same issue.

CHAIR: No. I want to ask a question first.

Mr SULLIVAN: I will come back to it.

CHAIR: Mr Barbour, I take your comment about section 294, which the member for Kawana spoke about. The High Court in its judgement actually made a reference to section 294 in paragraph 38 in terms of the committee authorising an investigation and directing the commission to act and to report and the commission being obliged to report to the committee with respect to an investigation. I see that as a signpost in terms of how matters can be progressed. Having said that, do you have any other reflections or changes in your view around section 294?

Mr Barbour: No. I am not questioning the capacity of the committee to do that, nor am I referencing what the High Court said in relation to it. I was responding to the question that I was asked about whether I believed it was appropriate for the committee to direct that we reinvestigate two matters that are already the subject of detailed investigations and reports, and I did not think that was appropriate. Dare I say, were such a direction to be made and we commenced such an investigation, I think we would be back in litigation very quickly. My preferred option—absolute preferred option—is that we resolve these matters through amendments.

Mr SULLIVAN: Mr Barbour, to your point around the ability of the committee to choose to publish or not, you will be aware that we as a committee, through the Speaker, were represented by Mr Walker in the matter. You are not suggesting that this committee is not going to have to be held to the same standards and abide by the decision of the High Court as well?

Mr Barbour: As I said, the committee would need to get its own advice on that issue, but the issue of documents that are currently held by the committee and what the committee does with those documents was not the subject of deliberation by the High Court. I am not suggesting by any means that I would endorse such an approach; I am just saying that that is something the committee could obviously seek its own independent advice about. My preference—and I cannot state it more clearly—is that we develop appropriate amendments to the legislation to ensure there is absolute clarity and there is no issue at all.

Ms PUGH: With regard to the Carne matter and the original correspondence you have written to the Attorney-General, would it be okay, if we do not get a copy of subsequent correspondence, to at least get a flavour of the suggested amendments you are proposing? You also mentioned consulting with the committee around those changes. How would you propose we go about that consultation process? Have you formed a view on that?

Mr Barbour: No, I have not. I thought after today's meeting, if the committee was agreeable to be part of that process, we could potentially discuss how that might operate in practice. It seems to me that the committee is a very significant stakeholder in these issues. It has a role to play under the act in terms of the tabling of reports and the consideration of them, so it clearly has a direct interest in any amendments that might be pursued. I would welcome an opportunity to involve the committee in that process as well.

Ms PUGH: Fantastic.

Mr CRANDON: The CCC has received numerous complaints over the years with respect to allegations that staff in the Office of Industrial Relations, namely Helen Burgess, colluded with the CFMEU using personal mobile phones. The CCC has said that these allegations were unsubstantiated; however, in a QIRC court case it confirms that Helen Burgess did breach rules by using her personal mobile phone to receive a complaint by the CFMEU about a Queensland company. Is the CCC going to go back to all of the complaints about the Office of Industrial Relations and reopen those investigations, particularly with respect to the CFMEU and the OIR?

Mr Barbour: There are a number of issues there. What I would be able to do in private session is provide a detailed response to that question. I am significantly limited, given current operational matters, to be able to do that in public session, but certainly elements of the question that are being put are not strictly factually correct. I would be very happy to deal with those details in the private session.

Mr CRANDON: I just want to tick off on something to do with the High Court matter. Back in October 2022 we received a letter from you, following a request from us for information, regarding the number of reports that may have been impacted by *Carne v Crime and Corruption Commission*, QCA 141. You indicated that there were a significant number of reports—in the dozens—and indeed several hundred media releases going back over the years that perhaps would have been unable to be progressed or published at that time. I note that one of those, indeed, was on 26 April 2019 regarding the seven Logan councillors and the suspended mayor to be charged, which was a press release given back then by the then chair of the CCC, Alan MacSporran. Indeed, not only was there a press release; he then went to a media stand-up and discussed in-depth quite a few of those matters. We were critical over time that many of the things that we felt needed to be reported in a report were actually coming to public notice by press release with limited information attached to them—which in turn created problems for individuals—and not fleshing out all of the issues. Are you still of the same view in relation to the press releases? Are you going to be very tight on what you put out as a press release in relation to your ongoing operations?

Mr Barbour: Importantly, all of those items that were listed of course occurred in the past. They have not occurred in the immediate past and they have not occurred while I have been chairperson, for a range of reasons. Moving forward, any mention of or reporting of in public matters which are the subject of a corrupt conduct investigation will need to be considered in light of any amending legislation that is ultimately made and obviously with appropriate care and consistency with the legislation in terms of fairness and appropriateness of conduct. It is a very unfortunate set of circumstances. We operated under a system that has been in operation for 30 years. It has not been challenged. Multiple Supreme Court judges took a different view to the High Court. Others took a similar view. We have not had it raised. It has not been an issue raised by the committee. We are in a situation which is a little bit foreign to us, but my commitment is to work through that in the best way possible. I have stated a very strong commitment to the public interest requiring us to be able to publicly report, and I do that.

On the issue of media releases, charging and those kinds of things, whilst I am not minimising in any way your concerns that have been identified, I just note that it is not an unusual occurrence. Obviously, the Queensland Police Service do it all the time. They conduct press conferences about charges that they have made, the circumstances and who is involved. There are obviously factors that need to be weighed up before you do that, and I hope that we will be doing that.

CHAIR: Will the recommendations flowing from the COI and the PCCC Logan inquiry be finalised by the end of this parliamentary term, as you understand it?

Mr Barbour: I am hopeful. We are in very advanced negotiations about those amendments. There are still some issues that both my staff and DJAG staff are currently working through, but I dare say that the likelihood is that these amendments will be linked in with those to some extent, because they are going to cross over a number of those provisions. I cannot give a time line. All I can say is that we will be doing all we can to facilitate it happening as quickly as possible.

CHAIR: Can you please give an update about anything you can tell us around litigation that has been entered into by the former Logan City councillors?

Mr Barbour: I am not in a position to discuss those matters in public session, but I am happy to give you an update on what I am able to in our private session.

Mr BROWN: I refer to the use of section 294 and your comments about the use of it being inappropriate. Is that because it effectively would take away the independence of the CCC and grant a sort of precedent or more power to the PCCC to direct on individual matters to be reinvestigated?

Mr Barbour: I just find that that provision has a specific purpose, it seems to me. I think we have been criticised in the past and would be criticised, as would potentially the committee, if it was seen that the use of that section was designed to get around a High Court decision. I would feel most uncomfortable with that.

Mr SULLIVAN: If it was different legislation. It was an issue that came up in the Logan council investigation itself—the use of one legislation for a different purpose.

Mr Barbour: Absolutely. I just think it is problematic and I certainly would not endorse such an action, but obviously that is a matter for the committee.

Mr SULLIVAN: I take you back to page 11. You mentioned in your introduction the review of the Child Protection (Offender Reporting and Offender Prohibition Order) Act. Can you talk us through that and where that ended up?

Mr Barbour: Yes. It was in my view a very worthwhile process—one that was a little bit caught up in crossover with QPS around amendments to the legislation at the same time as we were reviewing it, which was a little unfortunate. We made quite a number of recommendations. The content of the report I think challenged perhaps some of the assumptions around the success and operation of the legislation.

Mr SULLIVAN: I am asking in the public session because the report itself has been tabled now, so I feel comfortable doing so.

Mr Barbour: Absolutely. At the end of the day, our approach was to see whether or not in practice the provisions of the legislation and the way in which it was operating with police and personnel were in fact consistent with the intention of the legislation initially. We had a few concerns. Those are all spelt out in detail in the report. Obviously we have made recommendations to that effect. Really, the core concern was around the effectiveness—of whether or not the time that was being spent on certain offenders was justified or not. Those were factors that we thought ought be considered in more detail.

Mr SULLIVAN: As you say, in that child protection space, particularly with the online stuff, there is a crossover between yourselves and the police.

Mr Barbour: There is.

Mr SULLIVAN: Do you think that demarcation, for lack of a better word, is settled at an operational level?

Mr Barbour: I think it is settled at an operational level. I think the greater challenge with this legislation was, firstly, whether or not the requirements under the legislation were being met as they should have been and, secondly, if they were met as they should have been, whether that was appropriate or not in the circumstances of a particular offender.

Mr SULLIVAN: And where the resources go, in one way or another.

Mr Barbour: Exactly.

Mr SULLIVAN: Noting,, of course the appointment of the new Victims' Commissioner, who comes from that space, too. There is enormous work that I know your organisation does in that area.

Mr Barbour: Certainly through other roles that I have, I am aware of the significant work that QPS is doing in relation to a multitude of child protection related issues. There is an extraordinary amount of work that goes on. For obvious reasons that is not able to be discussed in public, but that work certainly keeps children safer in Queensland.

Mr SULLIVAN: I also refer to page 12 of your report where you talk about the CCC's role in serious crimes including homicides. Can you talk to how that operationally works? I do not want information about individual matters in the public sector, but can you speak to how that works between the commission's role and the QPS in terms of those most heinous crimes?

Mr Barbour: Clearly, QPS is the lead agency in relation to these matters, particularly in relation to homicides. Our work is very much work that supports them through the use of our specific powers and resources. With particular relevance is our capacity to hold hearings and to compel answers to questions, which can assist in the investigation of those matters. Ms Loder would be in a position to provide some more detail in relation to that. Obviously, her work involves regular negotiations with police around those particular matters and support within the CCC for those hearings.

Mr SULLIVAN: To that point, before we go to Ms Loder, how do you put Chinese walls between the work that you do to investigate those matters and handing back to the police—and then, I assume, the DPP—in terms of the material that would not be admissible?

Mr Barbour: Ultimately, our role is to assist the police. The police are very actively engaged in that process.

Mr SULLIVAN: In layman's terms, it is more about the investigation rather than the end goal of a conviction in terms of your role in the process?

Mr Barbour: That is right. Our role in the process is more to facilitate and to assist during the course of the investigation to ensure there is an outcome which is appropriate in the circumstances.

Ms Loder: If I can perhaps address what you may be looking at, is it in terms of the use of the hearing material?

Mr SULLIVAN: Yes.

Ms Loder: Obviously, the material cannot be used against a person who is charged with an offence. There are, I guess, protocols around that, particularly around giving that material to the DPP. Essentially, the DPP would not necessarily access that material. A defendant can access material under section 202 of our legislation. There are some provisions there where an application can be made to the Supreme Court if we think it is not in the public interest for that material to be released.

Mr SULLIVAN: To the defendant?

Ms Loder: Or another witness.

CHAIR: Mr Barbour, have you spoken to the Attorney-General, either in person or by phone, about the amendments?

Mr Barbour: No, not since the decision was handed down, but previously this came up and, of course, it was the subject of questions. Both the Attorney and I answered those questions at estimates.

Mr SULLIVAN: Your meetings are in your report, from memory.

Mr Barbour: Yes.

CHAIR: Ms Loder, one of the things that was spoken about in the opening statement was an organised crime operation—Aberdeen, I believe. I do not want to let you get away without having a direct question asked of you today, like you sometimes do. Is the issue of organised crime and illegal tobacco and vape shops on your radar—as much as you can tell us in open session? I know that it is a matter of concern for many people in the community.

Ms Loder: The issue of organised crime involvement in illicit tobacco is not so much specifically on our radar. We are looking at organised crime involvement in any illicit activity that enables them to financially benefit from that. In this particular operation, our interest was in money laundering by a criminal organisation. That action that was taken arose out of that investigation.

CHAIR: Maybe we could have a greater discussion about it later on. That brings us to the close of our public session today. I thank each of you in front of us for your contribution. Thank you to media and members of the public attending and watching the live stream. We will close the public session now and recommence in a private meeting with the CCC. Thank you.

The committee adjourned at 12.03 pm.