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Our Reference: AD-21-0372 | 22/177673
Contact Officer: Jen O'Farrell

SENSITIVE

9 November 2022

Mr Jon Krause MP
Chair
Parliamentary Crime and Corruption Committee
Parliament House
George Street
BRISBANE QLD 4000

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

Dear Mr Krause,

**RE: Response to questions taken on notice at the public meeting with the
Parliamentary Crime and Corruption Committee on 3 November 2022**

During the public meeting between the Crime and Corruption Commission (CCC) and the Parliamentary Crime and Corruption Committee (the Committee) on 3 November 2022, the CCC undertook to provide further information on the following matters.

Request number 1 – Quorum of commission in approving Investigation Workshop report

During the meeting you asked about the membership of the CCC's commission in the context that the letter to the Speaker which accompanied the public report arising from Investigation Workshop stated, "The Commission has adopted the report."

You noted that, in the period of June and July 2022 the Commission only had three members – the chairperson, the deputy chairperson, and one ordinary commissioner. You further noted that s264(2) of the *Crime and Corruption Act 2001* (CC Act) provides that "if a report is to be presented to the commission for adoption, the quorum for the meeting is any 4 commissioners".

You asked how the commission could have adopted the Investigation Workshop report as it only had three members in June and July. I took that question on notice.

We have since checked our records regarding this issue and can advise that a draft of the report was provided to the Committee on 10 June 2022, at the same time it was sent to various persons for procedural fairness consideration. That draft did not contain a draft letter to the Speaker.

The final draft of the report then went to the Commission at its meeting on 24 June 2022. The briefing note sought the Commission's 'approval' of the public report. The minutes reflect that the Commission, as then constituted, approved the report.

Pursuant to s69(1)(b), the Committee directed the report be given to the Speaker. The letter to the Speaker which accompanied the report on 4 July 2022 included the statement that the report had been "adopted" by the Commission. Noting the condition in s264(2) of the CC Act, that statement was incorrect, and had the potential to confuse. It was an error and should not have been included.

We have previously had occasion to consider the quorum issue arising under s264 in the context of public reports which are given to the Speaker under s69 of the CC Act because the Commission had less than 4 members able to consider a public report.

In 2014 the CC Act was amended by the *Crime and Misconduct Amendment Act 2014*. That Act amended s269 to delegate all the Commission's powers and functions (save for some specified exceptions) to the chairperson or CEO.

A report which is to be tabled under s69 must be signed by the chairperson (s69(3)). Under s269 the chairperson is delegated the Commission's powers and functions, except for certain specified statutory provisions. Therefore, the chairperson is delegated the Commission's reporting powers under ss64-69.

Since that time the CCC's general practice has been for the Commission to approve its public reports, rather than to 'adopt' them under s264.

Request number 2 – Legal fees in two current litigation matters

You requested "an update on any legal costs incurred by the commission in relation to both the *Carne* High Court appeal and any increase or change in costs for the legal proceedings involving *Ms Trad*".

I advise that \$87,384 (inc GST) has been paid in external legal fees to date on the *Carne* matter.

I advise that the external legal fees for the *Trad* matter to date are \$75,282 (inc GST).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B A Barbour', written in a cursive style.

Bruce Barbour
Chairperson