



PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Members present:

Hon. ML Furner MP—Chair
Hon. GJ Butcher MP
Mr MA Hunt MP
Mr JJ McDonald MP
Ms JC Pugh MP
Mr RA Stevens MP
Hon. AJ Stoker MP

Staff present:

Ms L Manderson—Committee Secretary
Ms H Radunz—Assistant Committee Secretary

MEETING WITH THE ACTING PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

TRANSCRIPT OF PROCEEDINGS

Tuesday, 13 May 2025

Brisbane

TUESDAY, 13 MAY 2025

The committee met at 9.15 am.

CHAIR: Good morning, everyone. I am Mark Furner, member for Ferny Grove and chair of the committee. Joining me on the committee today are: the Hon. Amanda Stoker, member for Oodgeroo and deputy chair; the Hon. Glenn Butcher, member for Gladstone; Mr Marty Hunt, member for Nicklin; Mr Jim McDonald, member for Lockyer; Ms Jess Pugh, member for Mount Ommaney; and Mr Ray Stevens, member for Mermaid Beach.

I would like to respectfully acknowledge the traditional custodians on the land on which we gather, and pay our respects to elders past and present. The committee's proceedings are proceedings of Queensland parliament and are subject to the standing rules and orders of the parliament. As parliamentary proceedings, under the standing orders, any person may be excluded from today's meetings at the discretion of the chair or by order of the committee.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. I ask everyone participating in today's proceedings to ensure they turn their microphone on before speaking and off once they have finished to ensure you can be heard clearly and proceedings are accurately captured for broadcast and transcription purposes.

Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff. All those present today should note that it is possible you may be filmed or photographed by media during the proceedings and images may also be on the parliament's website or social media pages. Before we proceed, I ask everyone present to please turn your phones off or switch them to silent mode.

The committee's proceedings today will commence with a public meeting with the parliamentary commissioner, which will run for approximately 30 minutes. The committee will then close the public part of the meeting and continue its meeting with the parliamentary commissioner in private session. Following that, the committee will meet in public from approximately 10.30 am with the Crime and Corruption Commission, before closing the public part of that meeting to continue the remainder of the proceedings with the Crime and Corruption Commission in private session.

Members, before we proceed, are there any apologies or declarations of interest relevant to the public sessions with the parliamentary commissioner? There are none.

Members are to note they have been provided with: a secretariat briefing, a copy of the parliamentary commissioner's public report and appendix for the period from 22 January 2025 to 22 April 2025, and the transcript of the last public meeting with the parliamentary commissioner on 12 February 2025.

The motion is that the committee authorises the publication of the parliamentary commissioner's public report to the committee for the period 22 January 2025 to 22 April 2025. So moved by the deputy chair. All those in favour? Those against. It is carried.

KUNDE, Mr Mitchell, Acting Parliamentary Crime and Corruption Commissioner

CHAIR: The committee will now commence its public discussion with the parliamentary commissioner. We are joined today by Mr Mitchell Kunde, the acting parliamentary commissioner. Welcome, Mr Kunde. I invite you to make an opening statement, after which I will turn to members for questions. Before I do so, I want to remind members to take care not to refer to any private matters in the public part of the meeting. Over to you, Mr Kunde.

Mr Kunde: Thank you, Chair. I want to start by explaining that the report, which I provided to the committee, for our last meeting on 12 February was provided much earlier than that—21 January—and that was prior to the resignation of the former parliamentary commissioner, Mr Woodford, on 31 January. Even though we spoke about Mr Woodford's resignation at our last meeting, it had not been formally reported, so it is addressed in the current report. Similarly, my public report dated today, 13 May, was provided to the committee a little while ago and I have completed other functions since that time. I can discuss them during our meeting today, but they will be included in the office's report for our next meeting. I wanted to explain what might appear to be repetition.

I will provide a brief overview of the office's activity since our last meeting. You will note—and the member for Nicklin will know—that I made a brief submission to the Justice, Integrity and Community Safety Committee concerning the Crime and Corruption (Restoring Reporting Powers) Amendment Bill. It was only a short submission directed at some concerns I had with the wording of a few sections. As stated in my report to the committee, upon reading the department's response to written submissions, I consider that my concerns were adequately addressed. The Justice, Integrity and Community Safety Committee tabled its report on 11 April, and the bill was read for a third time on 30 April.

During the reporting period, I conducted an inspection of the Crime and Corruption Commission's telecommunications interception warrants records. I have provided a schedule of the results of that inspection to the manager of the relevant section on 17 March. Another inspection of those records will be conducted in August after which I prepare a report to be prepared for the Attorney-General, and information from that report is provided to the committee and to the commission.

My report refers to a scheduled audit of the CCC's authorities for the use of assumed identities under both the Crime and Corruption Act and the Police Powers and Responsibilities Act. That inspection proceeded as scheduled, and a report on the results of the audit was provided to the chair of the commission on 24 April.

I also conducted an inspection of the commission's surveillance device warrants records on 7 and 8 May—last week. I am in the process of preparing a report to the committee on the results of that inspection.

There have been notifications under section 329 of the act, and I have considered these matters and made an assessment as to whether to commence an own motion investigation, pursuant to sections 314(4) and 314(5) of the Crime and Corruption Act. All of the notifications received have been considered and the committee has been notified of the decision in accordance with section 314(7). There was ongoing work in relation to matters which the committee referred to the parliamentary commissioner. One of those matters was largely finished before Mr Woodford resigned, and I finalised that and another matter more recently and reports for both matters have been provided. Otherwise, there are matters which remain ongoing.

CHAIR: Thank you, Mr Kunde. We will now go to questions. Deputy chair, do you have a question?

Mrs STOKER: Thank you, acting parliamentary commissioner. I wanted to ask you a question about the audit of assumed identities. Obviously you have gone through that process and you have reported to the CCC's chairperson. Is there anything that you reflected upon in the course of doing that audit that might be matters to which this committee should have regard?

Mr Kunde: No. That is a fairly straightforward audit. We assess the reasons assumed identities have been given to CCC officers briefly, but the main part of the audit is to check that appropriate records have been kept. We monitor the CCC's compliance with both those acts because they use assumed identities for corruption investigations and for crime investigations under respective acts. We basically monitor their compliance with record keeping, and there were no issues to refer to the committee.

Ms PUGH: You have been acting in the commissioner's role for some time now. I wanted to inquire as to how you are going managing both of the roles. Hopefully, that will be coming to an end soon for you.

Mr Kunde: It has been okay. I have done three inspections during this time, and normally they are done with the parliamentary commissioner, so you might think they would have taken twice as long seeing as there is only one of me. The surveillance device warrants inspection, which I completed last week, took more than twice as long, but I have managed. It helps that at present we have finished referrals from the committee, so that has given me time to do inspections and audits, but the appointment of a parliamentary commissioner will be welcomed.

Mr STEVENS: Thank you very much, Mr Kunde, for your service over the period of time as acting parliamentary commissioner. You have been acting parliamentary commissioner from January to May. Are there issues and difficulties that you would see with the current process of changing to a new parliamentary commissioner that you would like to address, and are there matters that you will be advising the new commissioner of in relation to different processes going forward?

Mr Kunde: Yes, there is going to be a lot for the new commissioner to take on board. I have started an office manual which will be a useful document for a new commissioner to read, but at this stage it is nowhere near completed. The information that I will impart to the new commissioner would be the sort of thing that needs to go into that manual. There are so many little areas that the new commissioner is going to have to take on board.

The inspections and audits, as I say, mostly involve the CCC's compliance with record keeping which is not a difficult concept, but can be tedious. There are some more nuanced areas like the assessment of section 329 notifications, but our offices consider those matters as to whether or not the parliamentary commissioner should start an own initiative investigation. That is a fairly easy concept. The committee has to consider a lot more than that. There are many things that the new parliamentary commissioner is going to have to come up to speed with, and I am here to help them. I have been through a number of new commissioners, and it has never been a problem. A manual will help after I am gone. It is about documenting corporate knowledge as best as possible.

Mr BUTCHER: Thank you, Mr Kunde, and thank you so much for your service and everything you have had to do to in the position of fulfilling the commissioner's role; we really do appreciate that. You mentioned in your opening statement the committee's inquiry in relation to the Crime and Corruption (Restoring Reporting Powers) Amendment Bill. You said that you had a few concerns and you had those addressed by the department. Can you let the committee know what those concerns were and how they were addressed, if it was just verbal or was backed up by information; what did that look like?

Mr Kunde: It was pretty simple. I was going to talk about this in the private session, but it is not private. Generally, our office does not make submissions on legislation on policy, but where something is relevant or directly impacts our office, we will make a submission. It was not clear to me whether, pursuant to the proposed amendments, the CCC was required to table every report it prepared. That is how the wording of the proposed amendments read. However, then I read the department's briefing paper and under the heading 'Tabling' it said, 'The bill revises the approach under the CC Act for the tabling of commission reports to ensure that the decision to table reports rests solely with the CCC.' I took that to mean that the decision as to whether or not to table the report would rest with the CCC, and my submission addressed some concerns with the wording based on that interpretation.

Then, in its response to the submissions, the department noted my concern that section 69 effectively removed the discretion for the commission to table a report, as it was worded, and the department explained that, under the bill, the commission will be required to table every commission report. I just thought that was inconsistent with the statement in the briefing paper that the decision to table reports rests solely with the CCC.

The department explained that the decision to table the report rests solely with the commission, as stated in the department's briefing paper, because the commission may decide not to prepare or sign a report. Basically the CCC has the discretion whether or not to prepare a report but, if it does prepare a report signed by the chair, there is no discretion and the report must be tabled. I just thought that the department's briefing was a little bit misleading on that issue. I think the CCC, in their submission, must have had the same point of view.

I should say that I have no difficulty at all with the mandatory tabling provision. I attended the committee's public hearing on 2 April. The CCC chairperson raised no concern with the mandatory tabling of reports either. That was the basis of my submission that I thought there were inconsistencies. As it turned out, there were none. I just wanted to explain that to you.

Mr BUTCHER: Just to confirm, you are now comfortable with that?

Mr Kunde: I am comfortable with that, yes.

Mr McDONALD: Thank you for your service, Mr Kunde, and for assisting us through this time. In regard to the 329 notifications, I understand the concept of making sure people are self-reporting and self-referring things, but there seems to be a very large amount of work in those 329s for often mistakes. Is there anything that you can share with us in the public session about your observation of the 329s?

Mr Kunde: I think you are right. A wide range of incidents are referred to the committee and to our office. Some of them are basically mistakes but they still fall within the definitions under 329. A former committee assessed a few years back now where that threshold for reporting should be set. I think that was because they had received a lot of fairly insignificant notifications which fell within the definition. If the threshold were higher, I think the CCC, the committee and our office would have less to do, but the committee's point of view back then was that it was at the appropriate level. These things need to be kept an eye on.

There may be ways in which the committee's workload and my workload, or our office's workload, could be lowered if there was some sort of memorandum of understanding of how these things get processed so I did not have to write back to them each time. The main issue is that threshold. It is really a matter for the committee to decide whether or not it is set at the appropriate level. As I say, a few years back that was the committee's decision that it was fine where it was.

Some of the incidents reported will give the committee a chance to monitor the CCC and how they are handling these things. It is pleasing to see the amount of self-reporting. I think the committee can gain some level of insight into the culture down there from that.

It is really a policy issue for the committee to decide. I am happy with whatever threshold is set. I appreciate there are some fairly insignificant matters but you do not want those to balloon into something more serious, so it is probably okay. It is good to keep an eye on these things.

CHAIR: I take you to your response to the member for Lockyer. The question in itself was interesting. No doubt the threshold needs to be satisfactory to capture all possibilities. Are you satisfied with the current threshold that is set?

Mr Kunde: I am. Theoretically, communication with the CCC might get misdirected, let's say, broadly. The committee will know the sort of thing I am talking about. The question is whether or not those sorts of things should be reported. There was an incident a few years back where that happened a number of times, action was taken and the committee was able to satisfy itself with that action. It does not hurt to be notified of those sorts of incidents.

It is really a matter for the committee to decide whether or not they think it is at the appropriate level. As I say, our office's only issue with the 329s is whether or not we do an own-initiative investigation. It is a very simple question. The committee has a lot more to consider, so it would take a lot more of the committee's time than it would our office's time. Most of the time for us it is just about recitation of the facts and the outcome.

Mr HUNT: Over the last couple of years there have been some negotiations and conversations with the Commonwealth about the telecommunications interception act and amendments to that in relation to information sharing essentially. Can you outline what you are seeking in those amendments? Is there anything you can share in the public meeting about the progress of those negotiations?

Mr Kunde: Yes, I can. This has been going on for a few years, as you say. A number of years ago the CCC obtained an opinion which concluded that the Commonwealth Telecommunications (Interception and Access) Act did not permit the CCC to share information intercepted under TI warrants or information about TI warrants with the committee or the parliamentary commissioner. The CCC, I think, acknowledged that that restricts the committee's and the commissioner's ability to perform its oversight functions.

The CCC also agreed that the parliamentary commissioner should be able to access certain of that information. It is called lawfully intercepted information and interception warrant information. I will just call it TI information. The CCC accepted that the parliamentary commissioner should be able to have access to that in certain circumstances and disclose that to the committee to the extent necessary for the committee's oversight and where it is not operationally sensitive and would not impede the integrity of CCC operations. That is sensible, I think.

There are two ways in which the act needs to be amended. Firstly, our office needs to be named as an entity to whom the CCC chair can communicate information; and, secondly, the permitted purposes for the parliamentary commissioner to use that information need to be defined. They are the proposed amendments that we have been working on with the CCC and the committee for some time. We are, I think, pretty close to a settled version to go to the Commonwealth.

More recently, the CCC have had some issues with their permitted purposes under the legislation. I will discuss that later. That is probably the latest hold-up. Once those issues are resolved, it is intended, I think, to make a joint approach to the Commonwealth to get those amendments.

Mr HUNT: I look forward to discussing that a bit further shortly.

Mr Kunde: Yes.

CHAIR: There are no further questions. There are no questions on notice. Thank you, Mr Kunde. We will now close this public meeting and proceed to a private meeting.

The committee adjourned at 9.38 am.