



PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Members present:

Mr JM Krause MP—Chair
Hon. SJ Hinchliffe MP
Mr DJ Brown MP
Mr MJ Crandon MP (virtual)
Mr JR Martin MP
Mr LL Miller MP
Ms JC Pugh MP

Staff present:

Ms E Hastie—Committee Secretary
Ms H Radunz—Assistant Committee Secretary
Ms C Reissis—Senior Committee Support Officer

MEETING WITH THE PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

TRANSCRIPT OF PROCEEDINGS

Friday, 17 May 2024

Brisbane

FRIDAY, 17 MAY 2024

The committee met at 9.02 am.

CHAIR: Good morning, everyone. Welcome to this public meeting of the Parliamentary Crime and Corruption Committee. I am Jon Krause, member for Scenic Rim and chair of the committee. Joining me today are: the Hon. Stirling Hinchliffe, deputy chair and member for Sandgate; Mr Don Brown, member for Capalaba; Mr Michael Crandon, member for Coomera, who is on the phone; Mr James Martin, member for Stretton; Mr Lachlan Millar, member for Gregory; and Ms Jess Pugh, member for Mount Ommaney. Before we begin, I would like to acknowledge the traditional owners of the land we meet on today whose lands we all now share.

The committee's proceedings are proceedings of the 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 my discretion or by order of the committee. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff. Those present today should note that it might be possible you will be filmed or photographed by media during the proceedings and images may also appear on the parliament's website or social media pages. Before we proceed, I ask everyone present—including members—to ensure their phones are turned off or switched to silent mode.

The committee is beginning its meeting in public to deal briefly with some committee matters before we commence our public meeting with the Parliamentary Crime and Corruption Commissioner. The committee will then close the public part of the meeting and continue its meeting with the commissioner in private session. Following that, the committee will meet in public from approximately 11 am with the CCC before closing that part of the meeting and meeting in private with the CCC.

The first thing is to adopt today's agenda. Members have been provided with a copy of that for today's meeting. I move: that the agenda for 17 May 2024 as circulated be adopted. Those in favour? Against? That is carried.

Are there any apologies or declarations of interest relevant to this public session? No. That is good. Members, we are required to acknowledge votes outside the committee meeting at the first meeting after they were carried. Members have been provided with the results of two votes outside the committee conducted pursuant to standing order 204A on 3 May and 7 May. The proposed resolution is: that the committee notes the results of votes outside of the committee meeting.

Mr HINCHLIFFE: I so move.

CHAIR: All in favour? Against? That is carried. Now we move on to the meeting with the parliamentary commissioner. Members have been provided with a copy of the parliamentary commissioner's public report for the period 19 January to 24 April 2024. The proposed resolution is: that the committee authorises the publication of that public report to the committee for the period 19 January to 24 April 2024.

Mr MILLAR: I so move.

CHAIR: All in favour? Against? That is carried. Members have been provided with a copy of the secretariat briefing paper in relation to this public report and also other documents in relation to the parliamentary commissioner. The committee will now commence its public discussion with the parliamentary commissioner.

KUNDE, Mr Mitchell, Principal Legal Officer, Office of the Parliamentary Crime and Corruption Commissioner

WOODFORD, Mr Michael, Parliamentary Crime and Corruption Commissioner

CHAIR: Welcome. Mr Woodford, would you like to make a brief opening statement before we have questions?

Mr Woodford: Certainly. I am here to update the committee on the work of the office since we last met on Friday, 2 February this year. The committee has the report from 19 January to 24 April, a period of a few months. In terms of the business of the office, there has been some auditing

undertaken. The auditing has been ongoing, as is usual. We have been to the CCC and undertaken audits of assumed identities. The telecommunications interception warrant inspection has also been undertaken. Those efforts have both been reported to the relevant people at the CCC.

Various notifications have come in under section 329 of the act from the CCC. Each of those has been considered, responded to and reported. There are, I think, three that have come in in the last week or so that the committee will receive some information on. I think maybe one has already come through, but there will be another two over the next couple of days. Otherwise, we have been working on the referrals that the committee has sent through. There has been quite a body of work that has been undertaken over the past few months. It has been a very busy period.

Apart from those usual functions that are undertaken, on 27 February this year we met with Mr David Adsett, the Public Interest Monitor. Mr Adsett's role has involvement with surveillance device warrants and telecommunications interception warrants. Given the similarity of our inspection regimes and Mr Adsett's wealth of experience, particularly in criminal law and institutional management and engagement, I was very interested to meet with him to explore and discuss matters of mutual interest. It was very helpful to spend some time with Mr Adsett given the crossover, if you like, in some of the things that we do.

I followed up further as well in relation to the issue of stakeholder welfare at the CCC. I know that is an issue in which the committee is very interested. I received a package of information after the end of our last meeting which detailed the efforts that are going on and have been going on at the CCC in relation to that issue. From my perspective, it was pleasing to see the substantial amount of work that had been undertaken over the past year since we first discussed that issue.

Finally, a submission was made by me to the Community Safety and Legal Affairs Committee in relation to certain legislative amendments that procedurally touched the office. That was also done. They are the opening matters I wanted to raise.

Mr HINCHLIFFE: Thank you very much for your report, Mr Woodford. It is a pleasure to have a chance to meet you today and to get a better understanding of the work that you are doing in cooperation with both the PCCC and the Crime and Corruption Commission. One matter that is mentioned which is of great interest to the committee is in relation to those prospective amendments to the Commonwealth's Telecommunications (Interception and Access) Act. What is appropriate for you to raise and discuss at this public meeting? I note the difficulties oversight agencies have in performing functions in circumstances where they are unable to receive information relating to the intercepted telecommunications and stored communications data obtained by integrity bodies. Can you elaborate on these difficulties and the benefits of the proposed amendments that have been discussed by each of us and what they would mean to you and your activities?

Mr Woodford: There has been considerable pushing, if you like, for amendments to take place to the legislation—one, just to put my office in the position that we are able to obtain that sort of material which may be relevant if we are conducting an investigation of a matter referred by the committee. That has been going on and on for years. We reached a point in time where there was commencement of the National Anti-Corruption Commission. That was a catalyst, if you like, for there being change in the Commonwealth legislation to enable that organisation access to material. At that time, there were various amendments that other states wanted to have achieved, and there are amendments that we wanted to have achieved so we could have access to information. There was a nice push for the legislation to be amended to get to a position that Queensland could have access to what it needed to have access for my office to perform its functions.

The legislation is going through in the process in the Commonwealth sphere for various states. A difficulty that occurred—the speed bump, if you like—was that the amendments proposed by the Commonwealth in relation to Queensland required a little bit more thinking. I sent a submission to the Commonwealth in relation to that. This is something that I discussed with the committee at prior meetings. It is just unfortunate that, when you have a Commonwealth department or parliament ready to put draft legislation through and they are trying to accommodate all of the states, when you have one or two states saying, 'Just hang on, you need to make some amendments here,' or 'You need to clear this up,' unfortunately the machine gets jammed and, whilst the legislation for some states keeps progressing, things go back to the drawing board.

What happened then is: we had engagement with the state Attorney with the Commonwealth Attorney to try to progress things. Looking into my crystal ball, we were quite fortunate that Mr Jimmy Sullivan moved from this committee into his current position as assistant minister. I know that Mr Krause and Mr Sullivan put substantial work into trying to get those amendments progressed. That is where we are up to.

From my position at the moment, I am happy that I can see that the work is ongoing. There is correspondence back and forward that we have received from the state Attorney and the Commonwealth Attorney. We have seen that correspondence as well. Things are progressing. We will get access to the information that we require. How long that takes I cannot say, but we have been waiting a long time already. I do feel that at the moment we are in a position where it is progressing.

Mr HINCHLIFFE: You feel your patience is being rewarded with some progress?

Mr Woodford: I think Mr Kunde's patience has been tested for many years because there was a view about the legislation and what information perhaps could be exchanged or provided to us, but that view changed a number of years ago. A consequence of that is the position we are in now so it needs to be cleared up.

CHAIR: Are there any further questions?

Ms PUGH: Mr Woodford, you made a brief reference to witness welfare. I know that is because you expected one of us to ask a question about it. Any further information you can furnish in the public session would be greatly appreciated.

Mr Woodford: I have probably said in the public session all that needs to be said, really. I would just make the point that it was really positive to see the amount of work that has gone on at the CCC in relation to that issue over the last year, perhaps since it was raised—and I think it was you and I who were discussing this issue a year ago. From my perspective, it was very positive to see that that work has been going on for quite a period. The other aspect of it that I think is important is the external engagement by the CCC with people with the relevant experience and qualifications to guide and assist them with that work. I think that is something we have discussed on a number of occasions that was a difficulty for me in, say, having a lawyer look at witness welfare and express opinions. What would a lawyer know about these things? From my perspective, I think it is really positive to see that external engagement is taking place and it is progressing and work is being done.

Ms PUGH: I might ask you about that again in the private session.

Mr BROWN: You might not be able to answer this in the public session, but from your recent activities over the last couple of years is there any inclination to do an own-initiative investigation into the CCC in any particular area?

Mr Woodford: No. The own-initiative investigation powers—and I can speak fairly bluntly about this, I guess, because the powers are what they are. The powers are really reserve powers that sit there. What would happen is that if I saw an issue at the CCC that I thought warranted investigation through doing the auditing and my engagement with the CCC and I thought it was something the committee should be interested in, then really the process would be that I would correspond with the committee or I would raise it in a session with the committee, the particular issue. Then what would happen is that the committee would then direct me, after that information, to conduct whatever investigations the committee thought were the best use of the resources of my office.

Mr BROWN: Does that then become a committee referral?

Mr Woodford: It becomes a committee referral. It would only become my own-initiative investigation if I thought this was so important and, for whatever reason, the committee was not willing to refer the matter to me. That is really why those powers were put into that legislation. The powers sit there. From my perspective, I hope that I would never have to be in the position that I would have to conduct an own-initiative investigation. From my position, it is a better situation if I am appraising the committee of particular issues and the committee is in agreement that it is something that is worthy of me spending the limited time that we have on investigating. You do not want to foresee a situation where I have to do that.

CHAIR: Mr Woodford, on that particular power, you mentioned in your opening statement that you made a submission to the Community Safety and Legal Affairs Committee about the Crime and Corruption Amendment Bill, about the own-investigation powers. I think you may have already covered this: how will the amendment in that bill enhance or benefit the existing powers that you already have?

Mr Woodford: In the legislation as it is, there is just a point that is not quite clear so it is more clarifying the powers that I think we already have, but some others might not think the same way. It is more a clarification of things.

CHAIR: In what specific aspect?

Mr Kunde: At present, the own-motion investigative powers are reserved for corrupt conduct of the CCC officers or suspected corrupt conduct. Corrupt conduct, under the definition, refers to units of public administration. The CCC is not a unit of public administration so purely internal conduct

down there would not be covered; it would not be corrupt conduct. In section 329, for example, there is a requirement to report on matters that would be corrupt conduct if the person were a member of a unit of public administration. That allows the committee to consider that sort of conduct, purely internal, of the CCC. We just need the own-motion power—as Mr Woodford said, probably we should never need to use it—to allow us, if we do need to use it, to extend to conduct purely within the CCC.

CHAIR: Both by commissioners and by staff members?

Mr Kunde: Yes.

CHAIR: If that were ever the case. You also mentioned the amendments to the Commonwealth telecommunications interception act. You have already gone into the detail around that and the representations you have made and we have made. Could you tell us, if you have the information in your mind, how many times during your term as parliamentary commissioner you have come across a situation where there has been a restriction on the sharing of information because of the absence of the amendment that we are seeking at the Commonwealth level?

Mr Kunde: Can I just say, a lot.

CHAIR: I hope Hansard picked that up. He said ‘a lot’.

Mr Woodford: Mr Kunde is very passionate about this issue. I am just thinking about the redacted documents that I have seen. It happens maybe every second matter.

Mr Kunde: In a lot of the section 329 notifications, we are not getting the full picture.

CHAIR: Can you just grab the microphone?

Mr Kunde: With a lot of the notifications under section 329, the committee and our office can only receive limited information because it might be interception warrant information or intercepted communications. That material, at the moment, we cannot get. We can get it for the purposes of our inspections. We can see that material when we are inspecting, but in terms of notifications and if we were doing investigations, at the present, because we are not named as one of the recipients of that material under the act, we would not be able to get it and neither can the committee.

CHAIR: It is an impediment to your oversight role of the CCC—

Mr Kunde: It certainly is.

CHAIR:—when it comes to section 329 notifications?

Mr Kunde: Yes, and investigations.

Mr Woodford: What Mr Kunde just said is the sort of strange thing about it all. When we go down to the CCC and conduct auditing and other functions, we have access to all of this material or parts of the material, yet for other functions that we exercise it is not available.

Mr HINCHLIFFE: When you are investigating and it is actually useful.

Mr Woodford: Yes, exactly, because the auditing function—really, when you are auditing it is procedural. We look at all of the material to get a feel and flavour for what is happening in the institution, but for that purpose there it is. Nonetheless, a view is expressed and that is the way it rolls down there at the moment.

CHAIR: Member for Gregory, do you have a question?

Mr MILLAR: No.

CHAIR: The member for Coomera is on the phone as he is a little unwell today, but he does not have any questions, either.

Mr CRANDON: Nothing from me.

CHAIR: I will ask another and then throw back to other members. In relation to recent inspections, is there anything you want to specifically bring to the attention of the committee?

Mr Woodford: No.

CHAIR: Are there any significant issues arising from key outputs of your office?

Mr Woodford: No, no issues. It has been a particularly busy period. There has been a lot on but we have got through it.

CHAIR: Are there any particular matters that you would like to comment on in relation to recent 329 assessments that you are able to raise publicly?

Mr Woodford: No, nothing.

CHAIR: Are there any questions from other members? I think that pretty much wraps up our public session. You are doing a good job, obviously, Mr Woodford and Mr Kunde. Thank you for all of your work. I acknowledge there has been a significant number of referrals, especially in the last 12 to 18 months so thank you for your work with them. Is there anything else you want to say about anything before we finish up the public session?

Mr Woodford: I do not think so, Mr Krause.

CHAIR: Thank you very much. That concludes our public hearing with the Parliamentary Crime and Corruption Commissioner. We will commence our public hearing with the CCC at approximately 11 am.

The committee adjourned at 9.26 am.