



# ***PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE***

**Members present:**

Mr JM Krause MP—Chair  
Mr LP Power MP  
Mr TJ Smith MP  
Ms JM Bush MP  
Mr MJ Crandon MP  
Ms JC Pugh MP  
Dr MA Robinson MP

**Staff present:**

Ms E Hastie—Committee Secretary  
Ms H Radunz—Assistant Committee Secretary  
Mr F Poropat—Senior Committee Support Officer

## **MEETING WITH THE PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

### **TRANSCRIPT OF PROCEEDINGS**

**Friday, 2 February 2024**

**Brisbane**

## FRIDAY, 2 FEBRUARY 2024

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**The committee met at 9.00 am.**

**CHAIR:** Good morning. I welcome everyone to this meeting of the Parliamentary Crime and Corruption Committee. I am Jon Krause, the member for Scenic Rim and chair of the committee. Joining me on the committee today are: Mr Linus Power, the member for Logan, who is substituting for Mr Jimmy Sullivan, the member for Stafford and deputy chair, so the member for Logan is the acting deputy chair; Ms Jonty Bush, the member for Cooper; Mr Michael Crandon, the member for Coomera; Ms Jess Pugh, the member for Mount Ommaney; Dr Mark Robinson, the member for Oodgeroo; and Mr Tom Smith, the member for Bundaberg, who is substituting for Mr Don Brown, the member for Capalaba.

The committee's proceedings are proceedings of the 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. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available upon request. All those present today should note it is possible you may be filmed or photographed by media during the proceedings and images may also appear on the parliament's website or social media pages. Before I proceed I ask everyone, including members of the committee, to please turn mobile phones off or to silent mode.

The committee is beginning its meeting in public to deal briefly with some committee matters before commencing its 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 Parliamentary Commissioner in private session. Following that, the committee will meet in public from approximately 11 am with the CCC before closing that public part of the meeting to continue the remainder of proceedings in private session.

I will move today's agenda. Members have been provided with a copy of the agenda. I move that the agenda for Friday, 2 February 2024 as circulated be adopted. Those in favour? Against? That is carried.

We have apologies and declarations of interest. I note Mr Brown's apologies and the substitution of Mr Sullivan with Mr Power. Are there any declarations of interest relevant to this public session?

**Ms BUSH:** No.

**CHAIR:** Very good. Members have been provided with draft minutes of the committee's meetings held on 28 November 2023 and 11 January 2024. There is a proposed resolution that we confirm those minutes as a true and accurate record of the meetings. Any discussion on that motion? If not, would the member for Cooper like to move those minutes?

**Ms BUSH:** I am happy to so move.

**CHAIR:** So moved. All in favour? Against? That is carried. Members have been provided with the results of eight votes outside the committee meetings conducted pursuant to standing order 204A on 11 and 12 December 2023 and also 17 January 2024. It is proposed that the committee notes the results of votes outside of the committee meeting. Any discussion around that? Michael, would you like to move that?

**Mr CRANDON:** I am happy to move that, Chair.

**CHAIR:** All those in favour? Against?

**Ms Pugh** interjected.

**CHAIR:** That is a fair question.

**Mr SMITH:** What was the question?

**CHAIR:** The question was: 'Why are we assessing this in public session?' That is fine because there is legislation, section 302A of the act, I think it is, that says that as much as possible things should be conducted in public. While we can adopt these resolutions in public, if there is going to be

a discussion around them or any member would like to, we would obviously do that within our private session. If there is something that you would like to discuss, we can do that. Michael, you moved that?

**Mr CRANDON:** Yes.

**CHAIR:** All in favour? Against? It is carried. Members have been provided with the register of the incoming and outgoing correspondence. Again, if anyone would like to discuss that we can do that in a later session. If not, we can move that the inwards be accepted and the outwards be endorsed.

**Ms BUSH:** I am happy to move that.

**CHAIR:** Thanks, member for Cooper. All those in favour? Against? That is carried.

Members have been provided with a copy of correspondence from the CCC dated 13 December 2023. This relates to item 10.1 on today's agenda. There is a proposed resolution that the committee provide a copy of that CCC correspondence to the committee dated 13 December 2023 to the Parliamentary Commissioner. Again, if there is any discussion then we can have that, otherwise I will move that motion. All those in favour? Against? That is carried. Thank you, members.

We come to the Parliamentary Commissioner's public report, which members have been provided with, for the period 11 November 2023 to 18 January 2024. The proposed resolution is that the committee authorises publication of the Parliamentary Commissioner's report for that period. Mr Smith, would you like to move that motion? Thank you. All those in favour? Against? That is carried. Members have been provided with a copy of the secretariat briefing paper for report of 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, Commissioner, Office of the Parliamentary Crime and Corruption Commissioner**

**CHAIR:** I welcome Mr Michael Woodford, the Parliamentary Commissioner, and Mr Mitchell Kunde, the principal legal officer, to the meeting. Mr Woodford, would you like to make an opening statement and then I am sure we will have questions for you.

**Mr Woodford:** Thank you, Mr Krause. I am here this morning to report to the committee on the work that has been undertaken by the office over the past two months. Considerable work continues to be done, albeit with Mr Kunde on a well-earned five week rest. A public report has been provided in advance of the meeting.

In terms of auditing, the statutory auditing functions have all been executed in a timely fashion. The intelligence review of the QPS and the CCC were conducted in November. The surveillance device warrants audit was conducted and reported in December. The assumed identities audit was also done, although that is not a matter that troubles the committee. The 2024 auditing program will commence later this month as part of the statutory program.

Various reports have come through, under section 329, from the CCC. They have been considered and responded to. During the period, an investigation has been finalised and the committee has received a report in relation to that. Mr Krause, that is a summary of the work of the office over the period.

**CHAIR:** Thank you. I will go to the government side first. Would you like to ask any questions of the Parliamentary Commissioner?

**Ms PUGH:** I note you had your big annual get-together. I want to follow up on my usual line of questioning around any developments in witness welfare that had been discussed at that meeting or any work your office has been doing separate to that.

**Mr Woodford:** I did speak a little about this at the last meeting. There were more discussions about that in Sydney with my colleagues, particularly with the national inspector's office commencing with the national oversight legislation. Witness welfare is something that is taken very seriously in that office as well so they have put in place a program.

I did flag, quite some time ago now, my particular interest in witness welfare for those compelled particularly to attend the CCC given the extraordinary nature of the compulsion. I know that is something that, when we discussed it, the committee is particularly interested in. It is something I

have flagged publicly and I am most optimistic that the CCC is aware of that flagging. My intention in this period is to meet with people from the CCC to personally discuss the issue of witness welfare there and to get a feel of the systems in place beyond what is publicly available and, to this point in time, available to me. Given the lengthy period since flagging the issue, I am expecting them to progress that program, if you like, over the coming months.

**Ms BUSH:** In relation to your statutory auditing functions, are there any trends, issues or highlights that you would like to bring to the committee's attention?

**Mr Woodford:** No, there are not any changes in what we have seen over the past 2½ years that I have been undertaking the role. The cooperation of the CCC with the work, when we go down to undertake those functions, has remained constant and that is constant in a good sense. There are no negative trends that we are picking up at all.

**Ms BUSH:** Do you think that is in part due to a lot of the work that has occurred with some of the integrity bodies in building expectations around that cooperation? We hear sometimes from the Ombudsman and different bodies around the work that they are doing. Do you think that you are starting to see an impact of that work?

**Mr Woodford:** Not really. I have found a consistent approach from the CCC when Mr Kunde and I go down there, right from day 1. The first time I came in and had a meeting like this with the committee my impression was a positive one of the systems in place and that continues to be the case.

I think a large issue for the CCC is destruction of records. That is something that they are well aware of because it is a very difficult and significant issue for them to work through. Mr Barbour can speak to that. I know it is something that they are looking at very seriously and they are very aware of the committee's interest in that particular issue. When we were down there last time, we got to speak to some people responsible for that particular issue. Mr Kunde and I were very pleased to see the progress that was being made.

It is not just a simple thing for the CCC to say, 'We are going to destroy these documents now because under the act we have a power and they are no longer necessary.' It is quite a process for them to go through to isolate and identify material that falls within the relevant categories. That is ongoing work for the CCC. Whether they want any legislative change to make that process simpler is probably something that would be raised with the CEO, I think, but I do know for the CCC that that continues to be quite a difficult issue. It is something that they are putting a lot of resources into to finalise the processes.

**Ms BUSH:** I have a final question around data security, privacy breaches and the rise of AI, in particular. Do you have any broad comments in terms of integrity frameworks and bodies broadly? Not just here but are you seeing any trends in your industry around that or concerns?

**Mr Woodford:** I am not seeing any trends around that and I am not ahead of the curve on it. Now that you have raised it, when I am speaking with the CEO and the chair of the CCC it is something that I will put on the agenda to raise with them.

**Ms BUSH:** Thank you.

**Mr SMITH:** Gentlemen, with regards to the investigators and commissioners coming together, which you have outlined as a key event in your public report, do the powers of each jurisdiction allow commissioners and investigators to review investigations that each different body has undertaken for a collaborative learning and sharing and review feedback process?

**Mr Woodford:** Maybe you can ask me that question later in the private session, Mr Smith.

**Mr SMITH:** I will note that one down.

**Mr CRANDON:** My question relates to the Carne matter and the decisions that were brought down last year. In particular I would like you to make some comment or observations—and I will give you free rein if you like. The member for Clayfield, Tim Nicholls, tabled the Crime and Corruption Commission Amendment Bill 2023 on 11 October.

**Mr POWER:** I wish to raise a point of order. Given that there is anticipated discussion in relation to that tabled paper, I wonder whether standing order 233 has an application.

**CHAIR:** No, the anticipation of debate rule does not apply in committees. He has not even finished his question yet, so I am not saying whether there is any point of order. I will hear the question and if there is more to say from you, I will hear that.

**Mr CRANDON:** As I said, I will give you free rein in how you would like to answer the question. I would like you to give me your views. I take it you had an opportunity over Christmas to have a good read of the legislation. Could I get your views on the need for the bill itself and any feedback that you might have received from others?

**Mr Woodford:** I am aware of the bill. I have read the bill. In terms of commenting on the bill, there are many ways to skin a cat and that is one way to achieve that act. Rather than commenting on the bill in particular, I would go back a step—and it is a comment I made when the High Court case came down to this committee. No doubt it is a matter Mr Barbour will raise with the committee and he probably will raise that again today. In this state for well over 20 years there was a process in place because all the stakeholders in the CC Act—and I am talking about the commission and particularly this committee—understood the powers of the commission worked in a particular way, which was that there was a permissive power and there was a responsive power. The committee itself could say to the CCC, 'Hey, we would like a report on this,' and the commission would go about putting its report together. Then the committee would look at the report and determine whether or not it wanted it tabled. It is up to the committee to determine whether it tables a report in parliament.

The other part of the power was the permissive power. The CCC was always understood to have the power to report to the committee on matters that it was looking at even though this committee had not asked for a report. That system worked well for over 20 years since the act came in, and indeed before that act there were also powers to report like that.

I have seen some of the things that Mr Barbour has said that have been reported in the media. I have not spoken with Mr Barbour about the issue; that is not my thing to do because I understand it is probably a matter for government to look at it at the moment. Publicly, I see Mr Barbour is quite concerned that the act does require some amendments to clarify or rectify the obvious drafting error. When I look at that I am sympathetic to what Mr Barbour has to say because it seems to me in terms of accountable government, the CCC should have both a responsive power when this oversight committee wants a report and the permissive power to send reports to the committee that it considers the committee should have whether or not the committee asks for a report. I think that is a very important dual reporting power that the CCC should have. I think that is probably what sits at the base of Mr Barbour's major concerns and his want to have the legislation amended.

In terms of the nature of the amendments, as I said, the bill that has been put forward is one way to do it. The sitting government may put legislation forward to do it in the same or in a different manner. I think the common view from Mr Barbour—and it is a view I hold—is that the act does require amendment to allow the CCC to report on matters that it wants.

Something that seems to be lost in the debate that I am watching is there seems to be some great concern that anything that is coming from the CCC to this committee is going to be tabled in parliament. When one looks at the act, there are reports that have to be tabled—for example, a report on a public hearing. That has to be tabled under the act, but that is a specific thing. Reports come to this committee and then it is a matter for the committee to examine the report. The committee is not the rubber stamp on Mr Barbour and his organisation for reports that get tabled in parliament. Reading the High Court judgement and reading the commentary that is going on, there seems to be something that is lost. Ultimately, this committee determines whether or not permissively supplied reports are tabled. Let's think of an example.

The committee may receive a report from the CCC about a particular matter that it is investigating. The CCC may say, 'Here's our report. We think that the committee should think about tabling this.' Then the committee may say, 'Hang on for a moment. We're reflecting upon what the High Court had to say.' The policy underlining the High Court, without them saying it, is it seems grossly unfair for the CCC to put a report before an oversight committee in circumstances where there is no prosecutorial or disciplinary action being undertaken and that report is then tabled in parliament. Yes, it might have an educative function, but on the other hand there might be other ways that such reports can be placed before parliament.

If it is being placed before parliament as an educative report, it can be styled in a particular way. Does that mean people need to be named, unless it is a restorative report? I do not know. They are matters that the committee would take into account when it has reports coming over from the CCC. My concern reading the commentary is this perception that the committee receives a report from the CCC and then bang, it is tabled. I am just not so sure. From my reading of the act in the case of certain reports, yes—public hearing reports—but why is a public report singled out? Because it is a public hearing; all of the information is in the public domain. That is my view on the legislation.

I also see that there have been arguments and discussions about retrospectivity of any legislation that comes through. This to me is an interesting point in this way. Any legislation that the government is putting through to deal with a decision is really restorative in the sense that all the stakeholders—this committee over decades has worked on the basis that these reports, these permissive power reports, were fine under the act. Dozens of reports have come through over that period. I do not see any difficulty with a restorative process being retrospective when it is curing something that has been a defect, albeit one that has been sitting there for 20-odd years without anyone realising.

I am sorry I went a bit long there, Mr Crandon. I had thought about this matter last time we met as the High Court decision was fresh and it is something that is troubling Mr Barbour greatly. I had thought about it at that time. It is an important issue.

**Mr CRANDON:** In relation to your recent meetings with counterparts around Australia, was there discussion around the High Court decision, and can you share with us some of the views from those around Australia in that regard?

**Ms PUGH:** I am sorry, could the member repeat the first part of that question? I am really interested in what I think I heard. I just want to make sure I do not double up in my question.

**CHAIR:** Could you repeat the question please?

**Mr CRANDON:** In view of your recent meetings with counterparts around Australia could you share with us the type of conversation or the views of those other people in relation to the High Court matter and what has transpired since?

**Mr Woodford:** It would not be proper for me to go into the detail of the conversations with my colleagues around these issues. What I will say is what I said last time, which is the summary would be that they thought the decision was best seen as something confined to the particular circumstances in Queensland. I think you can take with that an implication that they do not see and do not hope to see any more wideranging application of that decision for their jurisdictions.

**CHAIR:** I think underlying that comment, if I could prod you a little bit more, is that is very specific legislation that we have in Queensland in relation to this reporting power—

**Mr Woodford:** Correct.

**CHAIR:**—which is different to other states and territories.

**Mr Woodford:**—and it has specific reporting powers that we all thought meant something in particular.

**CHAIR:** I understand.

**Ms PUGH:** Just following on from the chair's question and that of the member for Coomera, have you done a scan of similar sorts of laws around reporting in other states? Are the committees—the PCCC or the equivalent body—required to approve those reports before they are tabled, or does a separate function and process exist in other states? I am sorry if that is not something you know off the top of your head. I am very happy for you to take it on notice.

**Mr Woodford:** That is a really good question and a good question I do not know the answer to because I have not undertaken that work. I would be happy to look into that and see where the reporting and tabling—is it particularly the reporting powers, not so much the tabling?

**Ms PUGH:** It is both. I am really interested in the decision-making process around how that report reaches the public domain. Is there a parliamentary body such as a committee or a commissioner that oversees that, or does the report go straight from the corruption body into the public domain? Does that make sense?

**Mr Woodford:** It makes perfect sense. That is something I can look into and get some information on by the next meeting. If that is an issue that you would like me to look at and provide some information prior to then, I am sure Ms Hastie can let me know and we can do that.

**Ms PUGH:** Thank you. I really would appreciate that.

**Mr POWER:** I want to expand on that. You mentioned the case of reports where there have been no prosecutorial recommendations and no disciplinary recommendations being of a different class. You seemed to imply that for the most part the committee would have the responsibility to not publish. Is there a tension between the practice of parliamentary committees being seen as publishing for the public as much as possible the information before them?

**Mr Woodford:** Whether the committee publishes or not or says to the CCC, 'Listen, that report should be amended in one way or the other. If you want to be informative, give us an educational report,' my point is that that is a matter for the committee, and it is something that the committee has to grapple with in each case. It is not a matter that the committee is getting 20 reports a year. We are talking about a handful of documents.

**Mr POWER:** It is unusual that they create a report that has no prosecutorial or disciplinary recommendations. When would we take the responsibility of returning a report and say, 'Make it educative in function'? When would we offer instructions?

**Mr Woodford:** You engage with the CCC.

**Mr POWER:** In that way the CCC has seen fit to create a report that has no recommendations of prosecution and no recommendations of discipline, yet it has chosen to create a report that is not, as you said, purely educative in function and has not taken the sensible safeguards of removing those named in that fashion. They have already in their own way gone through that process.

**Mr Woodford:** That may be, but to get back to why they are providing a report. The CCC can get on a lectern down at the CCC and make a speech to the public—and they have done that before.

**Mr POWER:** They have done that before.

**Mr Woodford:** If they want to do that, they can do that. They are providing a report to this committee as the oversight body, not as a step along the way of them publishing things via tabling a document in parliament because they will not stand there at the lectern and do a public speech on it. My point is they are reporting to you as the committee. That is their function to report to the oversight body. Certain matters that they must report on, such as public hearing reports, are a different matter. If it is information that they are giving the committee so the committee can undertake its oversight functions—

**Mr POWER:** Just to be clear, as a practice it would seem that the chair would recommend to the committee that such reports not be published as a matter of principle where there was no prosecutorial or disciplinary action recommended. I am not certain about what you said initially.

**CHAIR:** To clarify, do you mean the chair of the CCC and not the chair of this committee?

**Mr POWER:** No—the chair of this committee. A recommended practice that seems to have been put forward is that where there was a report of that nature it would be our responsibility to be seeking an educative report rather than—

**CHAIR:** I think this is straying into the realms of the hypothetical really.

**Mr POWER:** No doubt. Is there a way I can phrase that differently, Chair?

**Mr Woodford:** I understand your question. My response is that you get the report and then it is a matter for the committee to determine what utility the report or parts of the report can have in the public domain by being tabled in parliament. That is my point.

**Mr Kunde:** It is up to the committee to decide whether they want to direct that a report be tabled. That is a decision for the committee. You were talking earlier about reports that recommend disciplinary proceedings or criminal charges. They are not going to be coming here because they are specifically not under section 69. They are under section 49, so they will not be coming here.

**CHAIR:** Are there any further questions on that? I am not quite sure where that was all going. The High Court has said that the CCC cannot prepare reports unless they are recommending a prosecution in any case.

**Mr Woodford:** That is correct. You cannot get those reports anyway at the moment.

**CHAIR:** There is not much to section 69 now as we understood it to operate previously.

**Mr POWER:** We seem to be debating. It was more hypothetical: if we were given that, what would our recommended responsibility be in that circumstance? You are right. It does stray into the hypothetical. I apologise.

**CHAIR:** Does anyone else have a question?

**Mr CRANDON:** This is a bit of a history lesson in regard to all of this. I have been on the committee for some time, and in the past we were getting fewer and fewer reports. In fact, the CCC were tending to put out press releases and standing up but saying scant little. In other words, the sensational announcements were coming out but none of the meat on the bones was coming out. We were quite critical, for want of a better word, of the CCC and asked the CCC to provide the committee with reports. The difference is that we are asking the CCC. Can you comment on that?

**CHAIR:** There is that power in the act.

**Mr CRANDON:** I just wanted to close off with that aspect of it—the power that we have in the act.

**Mr Woodford:** Yes. It is one thing for the CCC to put out press releases about operations that have been closed where people have been charged. That seems to have an educative function and lets the public know the work that is being done by the CCC. I do not think anyone has a difficulty with that. Beyond that, my personal view is that reporting should be done to the oversight committee. If information is to go out into the public domain, it seems like a rather risky process to me to be doing a press releases on a matter. One would have to have a very strong conviction of truth and the rest of it to be doing that. It just seems to me to be a rather loose way to do things.

**Mr CRANDON:** Yes, but to my point we have the capacity as a committee to ask the CCC for a report.

**Mr Woodford:** That is exactly right. Part of my problem is that in saying, 'Yes, there is a responsive and a permissive way to get a report,' it was always understood that if they wanted to report they would report, rather than have Mr Barbour have to come in here and say, 'Listen, we're looking at this. Maybe that is something you want to request a report on.' It is just not how it is meant to be done. It also gives autonomy between Mr Barbour's office and this committee such that if they feel they want to report they can.

**Dr ROBINSON:** In terms of the recent inspections of the CCC's telecommunications interception records and/or the intelligence data review—if we have not covered that already—are there any particular matters you would like to comment on?

**Mr Woodford:** No, I do not think so. There is one unresolved issue that is better discussed in the private setting. The TI work was all fine.

**Mr CRANDON:** Are there any particular matters you would like to comment on in relation to your recent assessment of section 329 notifications in the public hearing?

**Mr Woodford:** Not in the public hearing, no.

**CHAIR:** There is a question which you agreed to come back to us about. It was on reporting and tabling powers in different jurisdictions. Could you do that please?

**Mr Woodford:** Certainly.

**CHAIR:** I do not think we need to be overly prescriptive with the time line. Is it okay if we discuss that office to office?

**Mr Woodford:** That would be fine.

**CHAIR:** Thank you for agreeing to do that. This concludes our public hearing with the Parliamentary Commissioner.

**The committee adjourned at 9.37 am.**