



PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Members present:

Mr JM Krause MP—Chair
Mr JA Sullivan MP
Mr DJ Brown MP
Mr MJ Crandon MP
Mr JR Martin 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—Committee Support Officer

MEETING WITH THE CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF PROCEEDINGS

Friday, 24 November 2023

Brisbane

FRIDAY, 24 NOVEMBER 2023

The committee met at 11.00 am.

CHAIR: Good morning, everyone. The committee will now commence its public meeting with the Crime and Corruption Commission. Members have been provided with the Crime and Corruption Commission's public report to the committee for the period 1 July 2023 to 30 September 2023. Deputy Chair, would you like to move that the committee authorises the publication of that report?

Mr SULLIVAN: So moved.

CHAIR: All those in favour? Against? That is carried. The committee will now commence its public discussion with the CCC.

BARBOUR, Mr Bruce, Chairperson, Crime and Corruption Commission

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

DARCH, Ms Helen, Ordinary Commissioner, Crime and Corruption Commission

DOWLING, Mr Peter, Ordinary Commissioner, Crime and Corruption Commission

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

McMILLAN, Ms Kathryn KC, Deputy Chairperson, Crime and Corruption Commission

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

WEBBE, Ms Simone, Ordinary Commissioner, Crime and Corruption Commission

CHAIR: Welcome, everyone, and thank you for joining us today. I note that we have a full deck: all commissioners, the chairperson as well as the SEOs for Crime and Corruption. Welcome and thank you all for attending. Mr Barbour, would you like to make an opening statement?

Mr Barbour: Thank you very much, Chair and committee. We are pleased to present the Crime and Corruption Commission's report for the reporting period 1 July to 30 September 2023. As noted by you, Chair, it is a pleasure to have the entire commission and senior officers here to assist the committee. Our public report has been prepared in line with the objectives set out in our strategic plan for 2023 to 2027. These objectives articulate services, approach and outcomes that the people of Queensland and our partner agencies can expect us to deliver. The public report sets out our performance and activities for the reporting period in detail, but I would like to highlight the work that we undertook during this time.

We held 41 days of hearings to advance major crime investigations. Our proceeds of crime area obtained four restraining orders, to the value of \$1.27 million. The Crime division made 54 intelligence disclosures to law enforcement. In relation to our Corruption division, between 1 July and 30 September it received 1,128 complaints, notifications and matters notified as falling within our jurisdiction; 178 matters were assessed as serious, systemic or strategic, and of those 22 were retained for investigation. During the reporting period, the CCC also finalised nine corruption investigations. Seven investigations found the allegations were not substantiated in relation to allegations of a misuse of authority and improper influence. These investigations concerned the alleged conduct involving several officers in one public sector agency. One investigation found the allegations could not be proven to amount to criminal offences in relation to misappropriation, misuse of resources and failure of duty. However, disciplinary action in that matter was taken against the officer by the agency.

As at 30 September, the CCC was conducting 45 corruption investigations. On 30 October, we had a significant court outcome from the corruption investigation that began in 2018. Operation Unbound was a joint investigation conducted by the CCC and the Department of Education. One of

the five people who were charged with offences pleaded guilty to fraud and misconduct in relation to public offices, in the Brisbane District Court. As other individuals have not yet been dealt with, I will just say at this point that the conduct we investigated related to the awarding of certain contracts.

During the reporting period, we remained focused on building our capability in all areas. A priority for us is the development of a corruption investigation case management system that will improve the efficiency, effectiveness and quality of corruption investigations. We continue to collaborate with partner law enforcement agencies to increase our cryptocurrency capability, and our investment in data and analytics capability will be a key element in our corruption prevention function, amongst others. We want to arm Queensland's public sector executives and managers with up-to-date information about potential corruption risks so that they can factor those into their strategic and operational decision-making.

A recent example of our corruption prevention work was our campaign to raise risk awareness about fraud. To mark International Fraud Awareness Week, which began on 12 November, we wrote to every director-general and chief executive across the public sector. We provided materials and messages that they could use or customise to their own agency to encourage their staff to be fraud aware and to know how to identify the red flag behaviours that indicate potential fraudsters. The initiative was well received.

Today we are also publicly releasing our discussion paper in relation to the review of the Criminal Proceeds Confiscation Act 2022. The review aims to identify areas of reform to ensure that act remains responsive and effective in what is a rapidly changing organised crime environment.

Finally, last week, on 16 and 17 November, the CCC hosted the national Integrity Commissioner and CEOs biannual meeting. The meeting was extremely well attended and received, with commissioners from all 10 Australian agencies and two commissioners from Papua New Guinea, the Independent Commission Against Corruption there, also attending. The meeting provided the opportunity to discuss a range of significant issues of common interest across each of the corruption agencies and also to provide updates on collaborative projects.

Those are my opening remarks. Thank you, Chair and members. We are very happy to answer any questions that you have.

CHAIR: Before we proceed, I did forget to ask members for declarations earlier so I will ask that now. I will make the standard declaration that I always make in public proceedings.

Mr SULLIVAN: I, likewise, have a standing declaration.

CHAIR: Are there any other declarations for the public proceedings?

Ms PUGH: Just the one standing, Chair.

Mr BROWN: The declaration that I made before with Mr Dowling.

Dr ROBINSON: Yes, I am the same—the historic one.

CHAIR: The standing one for the member for Oodgeroo. There have been no others. That is great. I did forget to mention the CEO before. I welcome the CEO. Mr Barbour, thank you for your introductory comments. I notice on page 2 of the public report, which we have just published, you comment that some investigations undertaken by the CCC cannot be reported on publicly until they are finalised. In the corruption space at least, that is not quite correct in that there cannot be any public reporting in the corruption space now; isn't that the case?

Mr Barbour: That is also talking about public reporting here for the committee.

CHAIR: Okay. I want to ask you about discussions that you have had, following on from the Carne decision in the High Court, with the government and the Attorney-General in particular. I understand that there have been discussions and a range of ideas put by the CCC to the government about legislative reform. I want to ask you about the nature of those suggestions, including whether it extends to being able to table reports that have already been prepared in the past as well as reporting into the future for corruption investigations.

Mr Barbour: As the committee knows, the decision in Carne was handed down on 13 September. On that day, I wrote to the Attorney-General and indicated, given the nature of the decision, that I thought it was extremely important that we look at amendments to the legislation to permit us to publicly report. Certainly in discussions, and as well with this committee, I have indicated quite strongly and publicly that I believe that those amendments ought to be retrospective or at least drafted in a way to allow for the tabling of anything that is currently held up as a result of the decision in Carne. I have met with the Attorney on two occasions where these issues have been discussed. My understanding is that the government is certainly considering how it wishes to proceed in relation to any amendments to deal with the issues raised.

CHAIR: On page 4 of the report you have mentioned the work being undertaken to implement commission of inquiry reforms. It is stated that the CCC has implemented 11 recommendations in full and made significant progress on 16. I want to ask you about recommendation 25, which I am sure you are well aware relates to the charging process and the DPP. Can you please provide the committee with an update about where that is at, particularly in relation to legislative reform that may be needed to implement that recommendation?

Mr Barbour: Certainly. As you are aware, there is a significant number of matters that have come from two five-year reviews of this committee. The commission of inquiry, Coaldrake and various other issues—all of those are the subject of current consideration and preparation of amendments of the Crime and Corruption Act by DJAG. In terms of that specific issue, as indicated to the committee on previous occasions, we have not waited until legislative amendment has been introduced to facilitate that change. We have actually entered into an MOU with the Director of Public Prosecutions. That MOU has been executed, and the first matter under that MOU has been provided to the DPP and has been returned for us.

CHAIR: Do you not require legislative amendment in that aspect now, or you still do?

Mr Barbour: The legislative requirements, I think, ought to be mandated—absolutely. Certainly we wanted to action that matter to deal with the spirit of the recommendations as quickly as possible. That is why we have entered into the MOU.

CHAIR: Do you know when the legislative amendments may be coming?

Mr Barbour: The last engagement we had with DJAG was 6 October. I anticipate, given the time of year and given the limited parliamentary sittings, that it is not likely that those amendments will go forward before the early new year.

CHAIR: In your opening comments, you mentioned a review of the Criminal Proceeds Confiscation Act.

Mr Barbour: Yes.

CHAIR: I think you said '2022', but I believe you meant '2002'.

Mr Barbour: Two.

CHAIR: One of the recommendations of the five-year review tabled in 2021 was to review the definition of money laundering, and to my knowledge that has not been implemented yet. This review will obviously encapsulate a money laundering definition as well?

Mr Barbour: The purpose of the review is to be as comprehensive as possible. Ms Loder, I think, can answer specifically in relation to whether that is covered.

Ms Loder: Yes, I can confirm that the offence of money laundering is covered in the discussion paper, and also the definition of tainted property.

CHAIR: Going back to the Carne decision for one second, does that impact the crime function in any way?

Mr Barbour: No, not at all.

CHAIR: It is completely sealed off from there?

Mr Barbour: The decision only related to the corruption function.

CHAIR: I just wanted to clarify that. Going to page 6 in your report: 1,128 complaints received in the corruption space and 1,113 assessed within the time period. Can you give us any indication of trends in those corruption complaints? I did notice further in the report there has been an uptick in the local government space.

Mr Barbour: Yes. The trends are reflected in the tables that are at the end of the public report. There are tables that indicate the number of matters and statistically their rise or decrease over the period. You will see that in relation to local government there has been a significant increase, of 123 per cent, but we were coming off a fairly low base in relation to that. In relation to complaints received for QPS, we have a 14 per cent increase over the same period last year. For total complaints—as you suggested, 1,128—we have overall a 17 per cent increase there over the same period last year.

There is no particular trend observable in relation to matters other than perhaps QPS matters. QPS matters have definitely increased following the commission of inquiry held into the policing of domestic and family violence and its conclusions and recommendations last year. Since that time, we have certainly seen an increase in the number of complaints coming through—not necessarily relating to corruption conduct but certainly raising potential police misconduct around issues like bullying, harassment, misogyny and so forth.

CHAIR: I will just ask one more, Deputy Chair, and then you will have the call. Of the corruption investigations finalised, you indicated in your opening that none of those were substantiated, I believe. No charges were laid. Is there any way that the person who has been complained about, the alleged offender, can be cleared in those circumstances? When complaints are made, quite often word of that gets out into the public domain. Whether or not it should is another question. At the moment, is there any way that your organisation can tell people that they have been cleared or tell other people that they have been cleared—the world at large?

Mr Barbour: At the end of an investigation of the kind you are talking about, we have an outcome process that includes outcome letters and advising relevant parties of the outcome of that particular investigation. Ms Christensen can provide you with some more details about that process.

Ms Christensen: In terms of the finalisation of an investigation, at the end of that stage we consider our actual obligations under the legislation in terms of who to respond to. One is the complainant, which is contemplated in the act, and others are what are the reasons and what we can indicate in terms of action and outcome. We also write to subject officers and again provide information about the outcome. The other is: if the matter has come to us it can be through a complainant, through the public or through the agency, so we will be working with the agency as well. It will depend on that investigation in terms of what we communicate. In that we will be considering human rights, privacy, prevention and secrecy—our own confidentiality obligations. An important part of the finalisation of an investigation is how we communicate and then how we work with a particular agency in terms of prevention.

Mr SULLIVAN: Mr Barbour, following the chair's discussions around the Carne matter, I think in your previous appearance before us—I think it was page 5 of the public transcript—you described that the legislative reform needs to be careful or considered. Forgive me, I forget which word it was. Do you still have that opinion and is that reflective of your engagement with the Attorney?

Mr Barbour: Yes. I do not propose, obviously, to discuss particular aspects of conversations with the Attorney.

Mr SULLIVAN: That was not my question.

Mr Barbour: Certainly in terms of my position and the position of the commission, the reason it is a complicated issue is because there are a range of subtleties that go beyond just the simple tabling of the report. One of the areas that needs to be looked at—hopefully it will be addressed—is the issue of parliamentary privilege, which has been left hanging to some extent as a result of the Carne decision. I was also alluding to the fact that this is an opportunity to not just simply remedy what we believe is a problem but actually enhance the system so that it is more consistent with systems and jurisdiction in other states.

At the moment, were we just to address Carne without looking at a more general provision to report publicly, it may well be that that would be too narrow, in my view. If you look at, for example, the legislation available to IBAC in Victoria and the ICAC in New South Wales, both are largely able to report on any investigation and any corruption related matter at any stage of the process that they wish to. That to us would be an appropriate starting point for the consideration of any amendments. That is really where it becomes a little bit more complex.

Mr SULLIVAN: On a different issue, the commission received additional funding in 2022-23 for different projects including better processing of digital evidence as well as the implementation of the commission of inquiry report. Are those projects progressing well, in your opinion? Do you think that money has been put to good use?

Mr Barbour: Indeed. I will let Ms O'Farrell update the committee on that.

Ms O'Farrell: Yes, we did receive a significant injection which will continue to enable us to progress quite significant digital data and analytic strategies that we have had running for a number of years now. One of our biggest datasets is our corruption database, and we have recently ingested that database into our analytics data warehouse. We have some dashboards that are running internally—management dashboards around our intake and assessment time frames and decision-making. We have dashboards now for HR and finance and we will be working toward developing and obtaining new datasets from across the sector, in partnership with the QPS and other agencies, that will connect datasets and will become what we hope to be a significant corruption asset for Queensland. That is going to take a number of years, but certainly a significant milestone has recently been reached in relation to the ingestion of a significant amount of data into the ADW, and we hope from next year we will be able to start reporting out of that warehouse.

That is a significant efficiency internally for us. What used to take the best part of an FTE for a month is now almost instantaneous for us out of that warehouse. It is a significant investment. We hope it will have significant dividends. That is just one part of the investment. Certainly our processing of digital evidence—at last count I think we were storing about 218-odd terabyte of data in the CCC. A lot of that is evidence. A lot of it does not need to be processed. It has aged and we will be going through our destruction processes. However, a lot of it is current evidence, so we are looking at investing in new technologies to enhance that. Alongside that, we are also investing in the people capability uplift in terms of our forensic computing analysts and their knowledge of contemporary extraction methods and interrogation methods along with the digital literacy right across our investigator cohort.

Mr SULLIVAN: The other element of the investment I believe was the implementation of the commission of inquiry reforms.

Ms O'Farrell: Correct, and that is where the majority of the money from government has come from, leveraging off the recommendations from the COI.

Mr Barbour: I might add: that was a timely question, because just this morning we had a commission meeting and we actually had a detailed presentation on those very issues so that the entire commission was updated on where we are at in terms of the development of that work.

Mr SULLIVAN: You mentioned cryptocurrency in your opening. It has been some time since you provided a really good briefing and visit for us in person at the commission. I am mindful that we are in a public hearing, but is there anything further you could update us on in terms of where we are at in that space? If more appropriate, I am happy to ask again in the private setting.

Mr Barbour: Absolutely. Ms Loder can give an abridged version of what we are doing, and if we need to provide any more detail we can do that in the private meeting.

Ms Loder: Where we last left off we were at stages 2 and 3, which is around enhancing our administrative and operational environments. The major work that has been done in the last quarter has been around procurement of additional software to assist with our triaging for cryptocurrency artefacts. Also we have procured a proprietary blockchain explorer which will allow us to trace various cryptocurrencies for investigative purposes. I can provide some additional details in the private session.

Mr SULLIVAN: That is fine. I have more questions, but I will throw to my colleagues.

Ms PUGH: I will preface this by saying that if you want to furnish additional information in the private session, we completely understand. I note, as the chair did, in the report the increase in reporting through the local government sector. Were there any trends in that particular sector that you could speak to in the public session? They are not asking about particular councils—more just trends that you are noticing. Again, if you wanted to furnish some additional information, you could do so in the private session as well.

Mr Barbour: As I say, the significance of the increase is in part explained by the fact that it was coming off a fairly low base. For a number of years we had a reduction in the number of local government matters that were coming to us and that is now starting to go back to the position that it was in prior to that decrease. We have done a lot of work over the last 12 months in terms of our reconciliation action plan—working with local councils, particularly councils that are in heavily Indigenous populated areas and remote councils. We have also done a lot of engagement as a result of the development of our corruption strategy and also our change to our prevention and engagement unit. We think those have contributed to an increase. There does not appear to be any specific trend, but there are details that I could add to that answer in the private session, which I am happy to do. Is there anything you would like to add, Ms Christensen?

Ms Christensen: I would like to just emphasise that we are looking at matching reporting periods for last year and the low base. That, for example, is at 47 to 103. It looks a bigger number, but it is in that context. There are two other consultations. We did have a regional forum in Townsville in August as well as the corruption strategy consultation. We see as a trend the results of those consultations and some of those benefits flow through.

Ms PUGH: I have a question on a different issue, but I am happy to throw to Mr Crandon.

CHAIR: We will go to the member for Coomera but after I ask my question, which is: could you give us an update please on the legal expenses for the Carne matter and the Trad matter?

Mr Barbour: Yes, certainly. The final fees for Carne for us are \$571,733.41 and for the Trad matter \$91,953.

Mr CRANDON: That was part of my question, but I will also come back to the Carne matter. First of all, I take it that you have seen the draft legislation?

Mr Barbour: The private member's bill? Yes, I have.

Mr CRANDON: I thought through the Attorney-General you were having conversations about the draft legislation?

Mr Barbour: I have not seen any draft legislation from the government in relation to post-Carne amendments. The only draft I have seen is the one that was introduced by the opposition and the private member's bill.

Mr CRANDON: I was under the impression from the conversation we had earlier that you may have seen some draft legislation that the government is proposing. On the Carne matter, have you identified any other significant implications for the CCC's functions or powers as a result of the judgement? In other words, have you had a look around and gone, 'Okay, there's some impacts here and some impacts there,' that we have not already discussed?

Mr Barbour: No, I think we have canvassed everything with the committee previously and that was also from a very conservative standpoint. We have been deliberately cautious to ensure we do not in any way do anything which could be argued to be outside of power. That is why we have minimised a range of activities such as putting case summaries on our website, for example. We want to make sure that everything we do is permitted by the act. That is why we are anxious to have the amendments go through as quickly as possible.

Mr CRANDON: On the basis of that, is that stifling some of the work that you would like to be doing, or is it simply continuing but without it being particularly public?

Mr Barbour: I would not describe it as stifling, but what worries me about it is the fact that the CCC is regularly criticised for lacking transparency and for being secretive. To have limited our capacity to report in matters which we believe are important and significant matters that ought to be made public and ought to be reported to parliament is obviously limiting that. In addition, one of the things that was on the agenda of that corruption commissioners meeting last week was the best practice principles that we have all signed up to and whether or not we needed to amend any of those. One of those best practice principles is the capacity of agencies such as ours to be able to publicly report through parliament on our work, to minimise the very criticisms and lack of understanding that is out there about our work. It is not preventing us—we are getting on with the job; we are doing our work—but certainly we want it fixed so we can report publicly and be open about the work that we are doing.

Mr CRANDON: I turn to another matter, the matter that the member for Mount Ommaney raised in relation to councils and what have you. I see that the Auditor-General reported to the Economics and Governance Committee in a public hearing a couple of weeks ago, and they talked about a slowness of some councils in providing reports for audit. The audit process is being delayed by councils not providing the documentation and reports by the due date, and I think that was commented on a moment ago. Is there some sort of a nexus between what you are uncovering in that space and these delays that are going on that the Auditor-General has reported on?

Mr Barbour: Not specifically. The local government complaints most typically tend to deal with issues around procurement, misuse of authority, conflicts of interest, inappropriate behaviours and conduct. That is the space that they tend to normally come into. We are actively in contact and have regular consultation with the Auditor-General, so any matters that he identified that went into our space or vice versa we would certainly be identifying during any discussions that we had.

Mr CRANDON: The local government complaints that you have just outlined come from, I assume, CEOs and people within the organisation as opposed to elected representatives. Is that the trend—that it tends to be within the organisation as opposed to fraud or overreach by councillors?

Mr Barbour: I would suggest that the majority of allegations relate to the conduct of senior staff including CEOs and/or other senior members of the executive within councils, but there are certainly matters which relate to elected officials as well.

Mr CRANDON: On a proportionate basis, would you say that it is significant, percentage-wise? Would it be five per cent versus 95 per cent? Would it be 50-50?

Mr Barbour: I do not have the facts to be able to provide a specific answer to that. I would simply say that I think potentially it is not so much about the number or volume; it is about the nature of the allegations. Whilst some might be only few in number, they may in fact be far more substantive than the majority of matters that are not as significant.

Mr CRANDON: Could we get something from you on the proportionate basis as a question on notice?

CHAIR: What was the question?

Mr CRANDON: What proportion of what is being uncovered is CEOs and other senior executives versus elected representatives?

Mr Barbour: We can certainly provide that to you. We are happy to take that on notice and give you a breakdown.

CHAIR: Recommendation 9 of the five-year review tabled in 2021 by this committee was that the government consider affording commission officers the same protection, as whistleblowers, that other public officers have under the Public Interest Disclosure Act. Can you inform the committee if there has been any progress towards implementing this recommendation?

Mr Barbour: As I said earlier, all of the recommendations that came out of the two five-year reports, together with the recommendations out of the COI, are currently in a package of amendments that DJAG have been working on and we have been consulting with them on. Our last consultation was 6 October. I am hopeful that those amendments will be introduced into parliament in the new year.

Mr SULLIVAN: The new system of managing and assessing complaints is mentioned on page 14 of the report and, Mr Barbour, you flagged it again in your opening statement. Can you talk us through in a bit more detail what impact that is having and how it is attempting to create efficiencies?

Mr Barbour: Certainly. I will let Ms Christensen deal with that, because we have introduced significant changes not only in our intake and assessment area but also to our monitoring function, both of which I am very happy to say are already indicating, I think, significant improvements in terms of the work that we are seeing and efficiency. Ms Christensen can provide you with a few more details.

Ms Christensen: In terms of what we call our intake and assessment group, which deals with the complaints from the public as well as matters referred to us from the agencies, we have seen, as you have noted, an increase in complaints for the reporting period. Under the new process that we have introduced, we introduced a triage change so that the most senior person is reviewing and seeing all complaints as they come in. That means we are putting strong, strategic and senior expertise into that. It also supports our responsiveness in terms of identifying any high-risk matters—for example, in terms of urgency around health or serious injury.

In terms of that process, we are triaging into two different categories—into the category around the strategic serious and systemic versus others. In terms of response, where it has been identified or triaged as not in the strategic serious and systemic space we are notifying the agencies within five days. While that is not necessarily showing through in our final numbers in this report, it is an improvement in the immediate responsiveness to those agencies.

Mr SULLIVAN: At least it is a positive trend.

Ms Christensen: Yes. That is strong and supportive. We have met with the community of practice across the government and are receiving positive feedback in terms of our improved responsiveness. Of course we would like to do better. Communication is important and responsiveness is important.

The other value that I see is the enhanced confidence of the matters that are being reviewed and then receiving very early guidance from, again, more senior staff on how to handle that. That again supports and improves the responsiveness and the timeliness that we can deal with that matter, along with training for the area with that new model, as well as enhancing our training. I hope that answers your question.

Mr SULLIVAN: It does. Hopefully over time it will create faith in the stakeholders you deal with in terms of people being comfortable and having faith in the system as well.

Ms Christensen: Exactly. The trend is certainly we are steadily improving. I am confident we see that going strongly in the right direction and we will continue to improve. In the longer term, one of our initiatives in the corruption strategy is to look at our performance framework and consider whether different measures are appropriate for more simple matters. That could see us looking to respond faster versus on more complex matters and dividing that and looking at how we can resource that differently. These areas we will continue to explore in this next financial year.

Mr Barbour: Can I also take the opportunity to commend the staff who work in that an area and within that space. It has been an extremely challenging process not only to introduce new systems but also to work those in; to try to recruit staff in a period of time when recruiting staff is

extremely difficult; to deal with training in relation to these matters; and to do all of that and not have a negative impact on business as usual. There has certainly been a little bit of slippage in relation to our time lines and our performance, but it is all credit to the staff. It has been a very challenging period. I think we are already seeing significant positive outcomes.

Mr SULLIVAN: This might be a good segue. I want to ask about the workforce and cultural satisfaction coming out of the Working for Queensland survey. Do you want to talk about what challenges you might have or where to from here in that regard?

Mr Barbour: Absolutely. I will hand over to Ms O'Farrell to talk about it in detail, but we have had a significant improvement in the response rates and we are certainly continuing to action any areas where we believe there needs to be additional work done. Ms O'Farrell can answer in detail.

Ms O'Farrell: I will just correct the chair in a minor way. We had a dip in the response rate—just a minor one—but the outcomes—the actual perceptions of staff and their opinions on particular indices that are reviewed—were enhanced across the board. We talked about last year being a bit of an outlier year—not that it was a reflection on perceptions and views of staff at the time. We are seeing particular interventions—and these are lessons for all of us—around ensuring that staff are regularly briefed on strategic priorities and where we are heading, that there is active discussion around performance management and professional development and that we are making the workplace as good as it can be every day.

You would have seen the report that I provided to the committee in October once we received this year's results. The team is now working in deep dives, as we always do, in particular divisions. We have already had workshops with staff around particular results in each division and the priority areas that we will focus on. Those are continuing. There is nothing new. It is around performance management. It is around professional development. We will continue to focus on those things during the next 12 months.

Mr SULLIVAN: Mr Barbour, following on from the member for Coomera's questions in relation to the proportion of charges, in your previous answer to his question you indicated that there could be some indication as to the seriousness or variation in the seriousness of those matters. Without going into detail of each individual matter, in providing the response to the question on notice could you give some clarification as to the internal categories that you use or the substance of them—something of that nature? That is a clunky way to say it, but I think you know what I am requesting.

Mr Barbour: Sure.

Mr SULLIVAN: I do not want you to reinvent the wheel. If you are giving us that information, it would be useful to know what we are dealing with.

Ms O'Farrell: Absolutely. The reason I have jumped in here is that we are hoping to release, before Christmas or just after Christmas, updated datasets publicly on our website around where corruption allegations are coming from and who they relate to in terms of those categories—by department, by local government, what category of conduct it comes into and subcategory. If it is a misuse of information, if it is regarding recruitment, abuse of power—all of those will be published on the website shortly. The data will be current to 30 June this year. In our response to the question on notice we will give you as much up-to-date data as we can, and we can give you the categories of the conduct that is being complained about.

Mr SULLIVAN: I am not asking of specific details of cases.

Ms O'Farrell: The categories—we have that.

Mr SULLIVAN: If we are getting numbers, we should know what we are looking at.

Ms O'Farrell: Indeed.

Mr Barbour: Let me just clarify in case there was misunderstanding. I was not speaking about specific matters. I was merely reflecting that sometimes the percentage of complaints and where they come from is not a good indicator of the level of seriousness.

Mr SULLIVAN: It is a different axis of seriousness.

Mr Barbour: Absolutely.

Mr SULLIVAN: I understand. That is what I was asking for.

Dr ROBINSON: Mr Barbour, I have a question in terms of the commission of inquiry recommendations. Excuse me if you have covered some of this already and I missed it. Can you update the committee in terms of any time frames for the full implementation of those?

Mr Barbour: The full implementation will take some time. The commission of inquiry itself contemplated that it would probably be a long-term process of three to five years in relation to some of the areas that they made recommendations in. That is why when we report each month we are at pains to indicate what we have done and what progress we have made in relation to them. Some of them—around things like capability development and building—are going to take a long period of time. They are a significant piece of work. Similarly, in relation to a lot of the data analytics that we have been talking about, delivering particular outcomes on some of those to meet what the commission of inquiry recommended will take some time.

CHAIR: Mr Barbour, I have a question in relation to local government. There has been a lot of talk about it today. In relation to the local government UPA—and I am referring to page 14 of your public report—there is a discussion about the process that the CCC goes through in relation to managing matters. By way of an example, if the CCC assesses a complaint in respect of a public officer in a local government as within jurisdiction because the complaint, if proven, may constitute grounds for dismissal and so fit into the definition of section 15 of the act, even if the conduct involved is not corrupt conduct in the absolute sense of the word would the CCC have the option of referring that back to the local government to investigate, by an external investigator presumably?

Mr Barbour: Potentially, yes. There is an absolute discretion available as to how we deal with those matters. Obviously, if there was potential corrupt conduct or a suspicion of corrupt conduct that had arisen, then, depending on the nature of that conduct—and, as you say, if it led potentially to the possibility of discipline leading to termination, it would be at the more serious end—we would look at a range of factors to determine how best to deal with that matter. It might be a matter that we retain for investigation or it might be a matter that we would return to the agency and it could be monitored under the new monitoring system—and it could be done either internally, depending on the council, or we might recommend it be an external investigation. Recommending an external investigation might have factors such as the particular person of interest who is the subject of the allegations, where they sit in the organisation, what data we have in terms of their capacity to do investigations, how they have handled matters in the past. There is a range of factors that would all come into play in that intake and assessment process.

CHAIR: Page 20 of the report shows that the percentage of complaints assessed within 30 days—table 8—is 42 per cent as against a target of 85 per cent. There is still some way to go here. I wanted to ask you in relation to the clearing house proposal, which was recommended by Mr Coaldrake in his review in 2022 and which the government has adopted—whether you think this will impact these targets or how it will impact the CCC in terms of assessing complaints.

Mr Barbour: There is so little known about what is contemplated in terms of what is referred to as a clearing house and how it might operate that it would be absolutely speculative of me to comment. However, it is clear from our data that we do not have much confusion in the community about where to direct complaints about corrupt conduct. The vast majority of our matters either come directly from members of the public or through formal referrals as required under the legislation from UPAs. We do not have, certainly as far as we can see, very many people who do not know that we are the agency to whom they come for corrupt conduct.

How the clearing house is contemplated to work I just do not know and so I cannot answer that question. These figures will come up. As I indicated, the changes that have been made in terms of intake and assessment, the fact that we have had difficulties recruiting and the fact that we have had to train people has meant that some of our figures have dipped certainly lower than what we would like, but we have every reason to believe that those figures are going to go up and there should be no bearing between those figures and a clearing house.

CHAIR: That was adopted by the government on 18 September. Can you tell us if there has been any discussion between the government or DJAG officials and the CCC about the clearing house?

Mr Barbour: I am going purely by recollection in terms of dates, but I think originally there was a commitment to a clearing house and then eventually there was a decision provided that there was going to be no clearing house. Then shortly after that there was a decision announced which said that there was going to be a clearing house board that would be headed by an eminent person who would work a couple of days a week. There is work underway that is being coordinated through the PSC, the Public Service Commission, in relation to putting some meat on the bones, if I can use that expression, around how this initiative and policy might work. We have been contacted in relation to the fact that we will be spoken to in relation to this, and I understand it is contemplated that we will be on this board, but beyond that I have no detail. Perhaps at our next committee meeting I will be able to provide more information.

CHAIR: It is on 2 February, by the way. I think the member for Coomera has a follow-up on that matter.

Mr CRANDON: You do not sound like you are too supportive of the clearing house concept, just in the way you have been responding to those few questions. Would you say that you are the clearing house and that you are doing the job adequately? Are you supportive of the idea of a clearing house, firstly? The comment that you made about everything comes to you and then you decide: that seems to be the crux of the issue—that you decide where things go and the people who are making the reports to you do not seem all that convinced that where their matter is going is the right place for it to go.

Mr Barbour: In terms of the clearing house model that has been contemplated, I think there are significant challenges. I think there are significant challenges in identifying evidence that supports how it would work and what benefits would be derived from it. It sounds good in theory, but the practical work that has already been done by committees that have been set up to look at this issue identified enormous challenges in terms of making this work—how it would work and whether or not it would truly benefit the broad public sector.

In terms of my response about matters coming to us, that was in the corrupt conduct space. If a matter is not within our jurisdiction, we will clearly identify that and deal with that, but my point is that there does not seem to be much doubt in the community, and certainly not within the public sector, about where they should refer complaints relating to potential corrupt conduct. In the broader public sector, if you look at other integrity agencies—the Ombudsman, the Information Commissioner, the Health Ombudsman, for example—already there is a system in place that if any of those agencies get a matter referred to them and it is not within their jurisdiction they will normally seek the consent of the person who has made the complaint to pass it on to the appropriate place. It is difficult to see how a clearing house is going to make that process more efficient or better, if I can put it that way. But I want to reserve my judgement because, as I say, I do not know what is contemplated and until I know what the detail is it is very difficult for me to comment in specifics.

As you know, I was New South Wales Ombudsman for 15 years. In that time, twice the New South Wales government looked at the development of a one-stop shop, a complaints clearing house. Neither time did it get off the ground due to the incredible complexity of making it work across agencies. It is not to say that it is a bad idea, but there are probably other ways of dealing with the problem if the problem is simply people not being certain about where to go or where to take their complaint.

Mr CRANDON: A follow-up?

CHAIR: No. I will come back to you, Deputy Chair or delegate.

Ms PUGH: Referring back to your opening statement, you used the words to the effect of 'fraud flags'. You are talking about education that you are doing with different organisations to pick up fraudulent behaviour and what some of those red flag behaviours might be. Would you be able to expand on that a little bit? Again, if you want to talk about that more in the private session, I am very interested to hear anything you might be able to share.

Mr Barbour: We can certainly provide some more detail in the private committee, but essentially red flags in a public sector environment are where you see somebody spending more money than would appear to be appropriate given their role and their income level in a particular organisation or people taking a lot of time off to go on extended travel which seems unusual in the circumstances. They are all pretty commonsense red flags, but it is really just being alert to those kinds of issues. Ms Christensen can probably add a couple of examples.

Ms Christensen: One other key one is a person not taking leave. I am aware of some public sector agencies—one comes to mind—where their staff must take two weeks recreation leave each financial year and that is a fraud control measure.

Mr SULLIVAN: Can you go into that in a bit more detail? Because they do not want anybody else looking at their work? Is that what you are talking about?

Ms Christensen: Yes, that is the concept. A person who is not taking leave has more control, their sign-off. This is a particular control measure of the financial sector. I am certainly aware of a Queensland government agency that has two weeks. In that time they are locked out of access to their emails and that system. That manages that risk during that period. Someone else is acting in the role and that is an opportunity to bring a fresh perspective and look. That is quite a strong response and that is particularly strong in your financial sectors. The other is we talk about the behaviours that are different and one is looking at the expenditure and what they are doing that does

not match the person in the role. You think it how you understand. Another one is around behaviour, around stress, habits for sick leave or a different reaction to things. There may be a range of things. You are looking at mental health support or other things, but they are also things you want to then understand for your organisation.

CHAIR: Member for Coomera, ask your follow-up question now.

Mr CRANDON: Back to the clearing house issue, it seems to me, from my memory of all of this, and certainly in my experience talking to the Police Union and others, that a lot of the criticism around how things are happening at the moment is that, for example, the Ethical Standards Command is looking at matters in relation to police, departments are doing their own investigations and, even if it comes to you, you tend to send it back to the department for them to do the review. Sometimes they will bring someone in from outside, but not necessarily all the time. My own imagination of this was that the clearing house would make a decision as to where matters might go, but as part of that specifically not refer them back—not having police investigating police, not having a department investigating their own people but to have it somewhere else in the system. Would you care to comment on that?

Mr Barbour: Only to the extent that that is certainly not my understanding of what was contemplated, and also if that was what was contemplated I would be even more concerned about it. An ethical public sector, a public sector that is informed on integrity and proper conduct and behaviour, must take account and be responsible for matters that happen within its agencies. The idea that you shunt off from one agency to another matters to be investigated or reviewed is not going to encourage appropriate ethical or integrity behaviour within the particular agency. Police is a separate issue. There are obviously recommendations already in play that the government is looking at in relation to creating a separate police integrity unit. Unfortunately, the Police Union is not supportive of that. However, that is a separate issue and that is because the commission of inquiry identified that the police ethical standards unit and, more importantly, local area commands were not dealing with complaints as effectively or as appropriately as they should and there were concerns identified as a result of a lot of the evidence that had been obtained. That is a very different issue.

My understanding of the clearing house was simply that complaints, where they were not made directly to agencies, would go through a central portal and that clearing house would identify what the type of complaint was—if it was about corrupt conduct in the public sector then they would refer it on to us to deal with as normal; it was literally a clearing house—and that it would keep data and provide information about how matters were tracking. As I say, I do not know what is contemplated at the moment and so I cannot comment about what is actually envisaged with the current policy.

Mr CRANDON: There is public perception, though. When these matters go to you and then pass on to a department, the feedback that I have as a member of parliament is about one case where, in relation to the individual, there was a report being done by an external agency and the department was not happy with that report so they went back and said, 'No, we want you to do more,' and that came back and they were not happy with that. They were sending the matter back until such time as they got something in a report that they were happy with. That is an issue of perception, even if it is not the fact, that something funny is going on here. I recall having union members in public hearings telling us what the issues are in that regard and the perception from other people out in the marketplace. In a perfect world, ethics covers everything, but sadly the perception is that that is not the case and there is a 'they will keep on going until they get me' type of attitude.

Mr Barbour: Given the kind of perception issues you are talking about, I am not sure what system would adequately deal with those. Unfortunately, I think they are always going to be part of the process. I am sure that each of the integrity agencies, us included, is going to have significant relationships with particular individuals around matters and those individuals will ultimately not be happy with the outcome of their matters. That is unfortunately going to be a constant element of the system.

CHAIR: Has the CCC had any complaints made to it in relation to the DNA labs that have been subject to two commissions of inquiry recently?

Mr Barbour: Obviously I will not discuss any operational matters in public session. However, it is publicly known, because the first commission of inquiry into the DNA lab did refer matters to us and the Department of Health referred certain matters to us and that has been noted in the media and commented on publicly, so I can certainly confirm that those matters came to us. Beyond that, I am happy to have any questions put to me in the private session.

CHAIR: Are they ongoing?

Mr Barbour: Yes.

CHAIR: I understand now. That brings us to the end of the public session. We had one question taken on notice. Thank you for agreeing to take that on notice. If you could provide your response by the close of business on Friday, 1 December, that would be appreciated. Thank you to everyone who has attended the public gallery and those watching online. I will close the public hearing and we will move into private session.

The committee adjourned at 12.02 pm.