



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

**Members present:**

Mr JM Krause MP—Chair  
Hon. SJ Hinchliffe MP  
Mr PS Russo MP  
Mr MJ Crandon MP  
Mr JR Martin MP  
Mr LL Miller MP  
Ms JC Pugh MP

**Staff present:**

Mrs K O'Sullivan—Committee Secretary  
Ms H Radunz—Assistant Committee Secretary  
Ms C Reissis—Senior Committee Support Officer

## **MEETING WITH THE CRIME AND CORRUPTION COMMISSION**

### **TRANSCRIPT OF PROCEEDINGS**

**Friday, 30 August 2024**

**Brisbane**

## FRIDAY, 30 AUGUST 2024

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**The committee met at 11.00 am.**

**CHAIR:** Good morning, everyone. Welcome to our public meeting of the Parliamentary Crime and Corruption Committee with the Crime and Corruption Commission. It is a pleasure to be here with you this morning. I note that we were going to do this a few weeks ago, but we had to postpone. I am glad that we are all able to be here today. The proceedings are being recorded by Hansard and broadcast live on the parliament's website.

Before we come to the commission, members of the committee have a couple of matters of business to attend to. Members, please note that you have been provided with a secretariat briefing, a copy of the Crime and Corruption Commission's public report for the period 1 April 2024 to 30 June 2024, and also the transcript from public proceedings of 17 May 2024, when we last had a joint meeting. I move that the committee authorise the publication of the Crime and Corruption Commission's public report to the committee for the period 1 April 2024 to 30 June 2024. All those in favour? Those against? That is carried.

**BARBOUR, Mr Bruce, Chairperson, Crime and Corruption Commission**

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

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

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

**LODER, Ms Sharon, Senior Executive Officer (Crime), 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:** The committee will now commence its public discussion with the Crime and Corruption Commission. Welcome, everyone. Thank you for being with us here today. I think we have almost a full complement.

**Mr Barbour:** Almost a full house, yes.

**CHAIR:** I will let Mr Barbour speak to that. Mr Barbour, would you like to make a brief opening statement to the committee?

**Mr Barbour:** Thank you very much, Chair. Firstly, I thank the committee for agreeing to reschedule this meeting. It was much appreciated. We are pleased to present the Crime and Corruption Commission's report for the period 1 April to 30 June 2024. The public report sets out in detail our performance and activities for the reporting period, but I would like to highlight some of the work that we have undertaken during that time.

The Crime division closed one QPS referred investigation into trafficking of dangerous drugs between multiple interstate locations by a syndicate with links to an outlaw motorcycle gang. The CCC used its coercive powers in hearings to advance investigations referred by the QPS, including two investigations into crimes against very young children. It made 55 intelligence disclosures to law enforcement. With regard to proceeds of crime, an amount of \$2.4 million was returned to the state as forfeited property, with restraining orders obtained over a further \$5.6 million.

At our last meeting in May, I advised the committee that on 9 April we tabled a report of our review of the Criminal Proceeds Confiscation Act 2002, which is the key statute in Queensland's asset confiscation regime. Our review found that the legislation will need significant reform if it is to deal effectively with issues such as money laundering, crime derived assets and the accumulation of

criminal wealth. Without reform, the legislation may not achieve the disruptive impact on serious and organised crime that it is intended to have. The review and its recommendations are currently under consideration by the government.

Our review of the proceeds of crime legislation was one of the strategic crime related projects that we are undertaking. Others relate to our capability in cryptocurrency, as we have discussed previously, and the review of the provisions in the Police Powers and Responsibilities Act for searching places for high-risk missing persons.

Turning now to the work of the Corruption division, for the period 1 April to 30 June the commission received 1,434 complaints, notifications and matters identified as falling within our jurisdiction. Of these, 181 have been triaged as meeting the criteria of serious, systemic or strategic. In the same period, 184 SSS matters were assessed and as at 30 June the CCC had 29 active corruption investigations underway.

During the reporting period, the commission finalised 26 investigations and, in summary, 21 were finalised in relation to allegations of misuse of office or authority, misuse of information and fraud. The majority of the complaints were referred to the agencies subject to monitoring, two were referred to the Office of the Independent Assessor and three were referred to the agency with no outcome required.

Four investigations were finalised in relation to allegations of misuse of authority. The investigations did not substantiate any allegations of corrupt conduct. However, the relevant agencies have been provided with information to support their ongoing management of risks in relation to procurement and gifts and benefits. One matter was finalised in relation to allegations of interfering with or undermining an investigation, legal process or conduct matter. This matter was referred to the agency subject to monitoring.

I would also like to advise the committee of several important matters which occurred more recently and outside the reporting period. Firstly, in late July a number of CCC staff attended the Australian Public Sector Anti-Corruption Conference, known as APSACC, held in Darwin. The CEO, Ms O'Farrell, was part of a discussion panel on the theme of exploring multifaceted approaches to addressing integrity challenges. The commission also presented a paper on the increasing role of data science and analytics in preventing and addressing corruption.

On 31 July, commissioners of the 10 independent anti-corruption and integrity agencies around Australia jointly released a published document titled the *Fundamental principles of Australian anti-corruption commissions*. These 12 principles provide a framework for legislation and policy governing anti-corruption and integrity commissions. Each principle is considered fundamental to the ability of an anti-corruption or integrity commission to undertake its functions independently and effectively. The fundamental principles document has now been made available on the CCC's website, as it has on other agencies' websites.

Our work continues on the implementation of recommendations from the commission of inquiry. During the reporting period, the commission commenced recruitment of key critical roles to deliver the COI recommendations including development of our prevention and engagement functions and an increased technical capacity in data analytics. The CCC has now implemented 11 recommendations in full and we have made significant progress on 19 other recommendations.

The Crime and Corruption and Other Legislation Amendment Bill 2024 passed the parliament with amendment on 20 August. The amendments to the Crime and Corruption Act will commence on a date to be fixed by proclamation—probably sometime in the next 12 months. As the committee is aware, the bill responded to a number of reviews and inquiries into the commission and it makes amendments to address a range of policy issues.

As the committee is aware, on 20 May the Hon. Catherine Holmes, former chief justice of Queensland, presented her report of the independent crime and corruption reporting review to the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence. Her report remains under consideration by government. To date, the CCC has had limited engagement in relation to proposed amendments.

The annual report of the commission for the 2023-24 year was forwarded to the Attorney-General this morning. It is anticipated that the Attorney will table the annual report in parliament in mid-September.

I am also able to confirm for the committee that the costs in relation to the Trad v Crime and Corruption Commission matter have now been resolved by the parties. Costs have been agreed and have been paid. The commission will now progress equalisation of costs with Queensland Treasury.

I also wish to advise the committee, as previously reported in April 2024, that seven former Logan City councillors commenced proceedings in the Supreme Court of Queensland against the state of Queensland. The state, through the commission, is defending those proceedings. A detailed defence was delivered on 5 July 2024, and that defence is publicly accessible on the court file. Given the nature of these proceedings, it is of course inappropriate for me to discuss any matters in detail and I will not be making any public comment in relation to them.

Finally, I wish to advise the committee that this will be Ms Christensen's last meeting. Ms Christensen has been appointed Crown Solicitor for the state of Queensland and is the first female to be appointed to that important role. She commences in that role on 9 September. We are of course sad to see her leave but we wish her only the very best in that important new role.

Lastly, apologies from the deputy chair, Ms McMillan. She was hoping to be with us the morning, but unfortunately she is unable to attend. Those are my opening remarks. We of course are very happy to answer any questions the committee has for us.

**CHAIR:** Thank you, Mr Barbour. I will lead off. Touching on one of the points you raised in your opening statement in relation to the costs agreed between the CCC and Ms Trad for litigation, how much have you agreed to pay?

**Mr Barbour:** Ms Trad's solicitors accepted the CCC's offer as to costs on her behalf on Friday, 23 August—so Friday last week. The amount settled upon was \$211,195.40 in full and final settlement of the costs of and incidental to the Supreme Court proceedings.

**CHAIR:** That is costs for Ms Trad. That adds to the costs already incurred by the commission which were—

**Mr Barbour:** \$91,953.31.

**CHAIR:** That is a bit over \$300,000 all told. Thank you, Mr Barbour, for that information. I wanted to ask you a question about matters that were raised by the Deputy Leader of the Opposition in estimates in the Community Safety and Legal Affairs Committee in respect of the Parole Board. Mr Barbour, could you please tell the committee if you are investigating any matters relating to the Parole Board at this point in time?

**Mr Barbour:** Chair, as the committee knows, it is inappropriate for the commission to refer to matters about whether or not they are or are not the subject of investigation in public session. To do so may well compromise any work that we would be undertaking in any such matter. I am more than happy to have any questions you have in relation to any matter and whether it is the subject of an investigation or not to be asked during our closed session, and I will do my best to provide you with a full and frank answer.

**Mr HINCHLIFFE:** Very appropriated.

**CHAIR:** You will get your chance, Deputy Chair. Minister Boyd has confirmed, as has been reported in the media, that certain allegations have been referred to the Crime and Corruption Commission in relation to the Parole Board former president. In that light, given that that is in the public domain already, Mr Barbour, could you please confirm whether or not an investigation is taking place?

**Ms PUGH:** Point of order, Chair.

**Mr Barbour:** No. I cannot answer the question any differently to what I have. I am aware of Ms Boyd's comments and I am aware of the fact that she stated that there had been a referral made. There is a substantive difference between a referral and an investigation. I do not propose to answer any questions in relation to either of those matters, but I am happy to do so during the closed session.

**CHAIR:** What is your point of order, member for Mount Ommaney?

**Ms PUGH:** That was my point of order, Chair.

**CHAIR:** I think Mr Barbour is able to answer that question appropriately. Mr Barbour, could you please tell the committee when those allegations were referred to the CCC?

**Mr Barbour:** I cannot answer that specifically at this stage because to do so would in fact, I think, enter into a discussion about various other issues which I think ought be properly answered during the course of the private meeting. I am not trying to be difficult, but it is not a straightforward situation, if I can put it that way. I am very happy to answer that and to provide some detail in relation to that during our closed session.

**CHAIR:** Could you tell the committee who referred those allegations to the CCC?

**Mr Barbour:** The assumption of your question is that only one set of allegations has been raised. What I am trying to suggest is that the issue is more complex than that. I am happy to answer those questions in more detail during the closed session.

**CHAIR:** Mr Barbour, by your own words—I take your answer. Thank you for that. Mr Barbour, given what is on the public record, I find your answers to be less than helpful in engaging the public interest in the matter, especially given there are no reporting powers in play for your commission at the moment and this is the only avenue for you to be able to speak to the public. However, I will go on to another matter for now.

I wanted to ask you about another matter that came out of estimates, and that is in relation to the Office of Industrial Relations. The opposition has been given advice that an individual named Helen Burgess from that office is subject to a CCC investigation over allegations of inappropriate behaviour involving the CFMEU. There has certainly been some media coverage in relation to them of late. Has the CCC conducted an investigation into Helen Burgess from the Office of Industrial Relations?

**Mr Barbour:** Once again, I am afraid I would suggest that is an appropriate question to ask during the closed session. I do not propose to comment one way or the other in relation to that in public session.

**CHAIR:** Has the CCC received allegations in relation to Ms Burgess and the Office of Industrial Relations?

**Mr Barbour:** I do not intend to respond to that question, Chair. I am not wanting to be obstructionist, but these matters, as you well know, may or may not involve significant decisions and significant processes that could well be compromised by public discussion. I think it is inappropriate for me to answer. I am more than happy to have those questions asked of me during the closed session, and I will do my best to provide the committee with a full and frank answer.

**CHAIR:** Mr Barbour, certain matters relating to this are already in the public domain, though. I will quote from *Hansard* of estimates when a Ms Heelan responded to a question from Mr Bleijie, the member for Kawana. Ms Heelan said—

I can confirm that there are 15 matters alleging corrupt conduct that were reported to the Office of Industrial Relations; however, I can assure you that the department is committed to ensuring robust governance and ethical conduct of all employees by preventing, detecting, and, where necessary, investigating all incidents of fraud and corrupt conduct. I cannot go into specific details. These matters are still on foot either within the Office of Industrial Relations' Ethical Standards Unit or with the Crime and Corruption Commission.

Given that it is already in the public domain that these matters are within the purview of your commission, can you confirm that an allegation has been received by the CCC in relation to Ms Burgess?

**Mr HINCHLIFFE:** Point of order, Chair.

**CHAIR:** What is your point of order, Deputy Chair?

**Mr HINCHLIFFE:** It is often said that the definition of insanity is doing the same thing again and again and expecting a different outcome. It also could be the definition of a stunt. You are clearly getting the same response, Chair. I just want to make sure that we have time to ask some questions that are useful.

**CHAIR:** Member, three times now you have reflected on me and my position as chair. I would ask you to withdraw that, please.

**Mr HINCHLIFFE:** I withdraw.

**CHAIR:** To your substantive point of order, it is up to me to ask the questions and you will have your chance to ask questions as well. Mr Barbour is quite well equipped to answer them as he sees fit. Mr Barbour, in relation to the statement from Ms Heelan about there being allegations referred or, should I say, 'with' the Crime and Corruption Commission, can you confirm that there have been referrals made to the Crime and Corruption Commission?

**Mr Barbour:** I am not in a position to comment on the accuracy of that statement during estimates hearings. What I can confirm is that matters are raised with the commission which relate to the Office of Industrial Relations and also potential issues relating to the CFMEU. I have no difficulty in saying that matters come to our attention in relation to those agencies, but in relation to any specific matter or specific individual, or whether we are investigating or not investigating, I will be very happy for you to ask those questions in the private session and I will do my best to answer them.

**CHAIR:** Thank you, Mr Barbour. Deputy Chair, do you have a question?

**Mr HINCHLIFFE:** I do, Chair. In your opening remarks, Mr Barbour, you referred to a review of the provisions for searching places for high-risk missing persons. It is pleasing to hear the further work that has progressed in relation to that. Is it possible for the CCC to share with the committee the terms of reference for that review?

**Mr Barbour:** Yes. The review is a mandated review under the relevant legislation, which is the Police Powers and Responsibilities Act. The review will look at how the provisions operate in practice, if they achieve their purpose and potential areas for reform. It is well advanced. We have almost a final draft prepared. There is a requirement for us to consult with the police minister prior to finalising any report.

The data collection that was undertaken included interviews with police investigators and missing persons specialists, an analysis of all QPRIME data on missing persons investigations and targeted consultation on the provisions. We are hoping that the report will be finalised and able to be tabled in parliament early to mid October. Please do not hold me to that timeline. There are a number of variables that we still have to go through but that is our current scheduled timeline.

**Mr HINCHLIFFE:** You made reference to the work that has been done in relation to the Criminal Proceeds Confiscation Act. The report that you referred to earlier has made several recommendations to those legislative amendments that you were highlighting would be essential to keep up to date to make sure that legislation is effective. Could you speak to how it is important for that to be proceeded and pursued? Where are you concerned that the current legislative environment does not maintain the currency—pardon the pun—to be responsive to attacking these areas of criminal behaviour?

**Mr Barbour:** Certainly. Firstly, unfortunately we have not received any response to that report as at this date. I will hand over to our Senior Executive Officer in Crime, Ms Loder, to run through that. It was an area of her responsibility in preparation for the report.

**Ms Loder:** Thank you. The report made 10 recommendations over seven priority areas, some dealing with legislation and some dealing with the administrative arrangements under the legislation. The legislative amendments that were recommended firstly related to clarifying the money-laundering offence and the tainted property offence in the legislation which, at the present time, is unclear in terms of the definition. The second area related to introducing new legislation that would enable us to seize, restrain and forfeit digital assets effectively. It is bringing the legislation up to date with the new financial system that we have at the present time.

The third area was about considering introducing a scheme for administrative forfeiture. New South Wales currently has such a scheme and, largely, that is around seizure of assets suspected to be tainted or criminally acquired where there is no person who is actually claiming ownership of those assets so that they can be dealt with. The fourth area of the legislative amendments is around clarifying the requirements for unexplained wealth orders, which are a little unclear at the moment, and clarifying issues around public interest considerations for the serious drug offender confiscation order scheme, particularly how these public interest considerations might be applied to make the scheme more effective to deliver its intent.

Another area that requires some clarity is in relation to dealing with stays, or potential stays, where there are collateral criminal prosecutions and civil confiscation proceedings, which there often are. The delay of the civil proceedings is problematic if they have to wait until the criminal proceedings are completed. There is also consideration of allowing confiscated funds to be used for purposes other than going into the general revenue. They might be used for victim compensation, crime reduction or special projects that are relative in that sense.

There are also some recommendations around improving efficiency in the way the scheme is administered. Some aspects of this have been dealt with in previous reports of this committee: giving the commission sole responsibility for the civil confiscation part of the scheme as opposed to using the DPP as the solicitor on the record, as we currently do—the DPP supports that position—and giving concurrent responsibility to the commission, the police and the DPP in relation to the conviction-based scheme. Of course, we would need to have those arrangements supported by appropriate resources.

They are the main areas. The other related to a suggestion in relation to the review of the scheme if those amendments were enacted.

**Mr HINCHLIFFE:** Thank you.

**Ms PUGH:** Can I congratulate you, Ms Christensen, on your new role. That is very exciting for you, being the first female in that particular role. That leads into my question, which is to the chairperson. Will there be a replacement appointment in the near future that the committee will need to attend to? If so, we can put some time aside in our diaries to do that in a prompt fashion.

**Mr Barbour:** The appointment of the senior executive officer is not one that comes to the committee.

**Ms PUGH:** Excellent. I have never had to deal with that one before.

**Mr Barbour:** That is one less thing to do.

**Ms PUGH:** I do have a follow-up, if that is okay, Chair. Ms O'Farrell, my question is regarding the panel that you sat on. I imagine that was a public session and, therefore, it is okay to ask questions in public.

**Ms O'Farrell:** Yes. I think the panel session is actually on the website and available for viewing.

**Ms PUGH:** Yes. I was not there so, out of an abundance of caution, I wanted to check before I proceeded. Thank you. Obviously you are looking at the multifaceted approaches to integrity. Can you tease out some of the issues that you and the other panellists discussed in that session and any trends that you see emerging in that area?

**Ms O'Farrell:** The session was about innovation and particular challenges in the integrity sector. I spoke specifically about challenges around public reporting in Queensland. I also spoke specifically about how we deal with complainants and the tension and the difficulty that anti-corruption commissions have in terms of their focus on particular types of corruption, or serious corruption, and getting the balance right to ensure that complainants who come to organisations such as ours understand that their information and their complaints are valuable, notwithstanding the fact that we may not be able to actually investigate, or immediately tackle, their issue, which is quite a serious problem right across the nation.

I think the New South Wales Chief Commissioner spoke about work that they have been doing in relation to conflicts of interest and the challenges in public hearings—getting the balance right between public hearings and progressing investigations in private. We all operate under different schemes of legislation. Queensland has a default position of investigations being done privately. It is rare for our commission to conduct a public hearing into a specific investigation. We have a different test from everyone else. The National Anti-Corruption Commission's Chief Commissioner also spoke about the national scheme and how it is predicated upon there being exceptional circumstances for it to hold a public hearing. A lot of the discussion was around how the public understands what commissions such as ours do. That is how we got back to the particular challenge around public reporting and public statements.

There was a more particular issue around the value of information coming in to commissions such as ours from complainants, notwithstanding that the scheme we operate under will not allow us necessarily to focus on those complaints or to investigate them ourselves.

They were the broad issues that were discussed, along with some things around artificial intelligence and where we see artificial intelligence playing a role in anti-corruption commissions. Some people have tried the use of AI in assessment of complaints. My view is that you will always have to have a human touch. I am not too sure how empathetic AI can be, and that is a real issue that we deal with each and every day in our intake and assessment, which is our frontline function. There are lots of things on the horizon in terms of the use and ability of technologies, but they require careful consideration from an ethical point of view.

We have talked about witness welfare a lot in this committee. It is about making sure when you are dealing with complainants and witnesses that you do no further harm in relation to that interaction. It is really important that these issues—and we talk about them at these national meetings and we talked about them at the APSACC session. Those continue to be worked on, researched and interrogated by our commissions to ensure that, when we are making decisions about investment in new technologies or in new ways of working, we look at every dimension that is important and we look around the corners to make sure we have covered the things that might pop up that might have an adverse impact for people.

**Mr CRANDON:** The Holmes report, the *Report of the independent review into the Crime and Corruption Commission's reporting on the performance of its corruption functions*, was publicly released on 27 May. At the Community Safety and Legal Affairs Committee estimates hearing on 26 July, Mr Barbour said—

... what has been put forward as the proposed model by the review, which the government has indicated that it proposes to implement by way of amending the legislation, is in my view very troubling.

Today, if I have it correct, you said to the committee in your opening statement that you have had limited involvement with the government since then and at the Community Safety and Legal Affairs Committee estimates hearing you also said that you feel as if the CCC is unable to even write Brisbane

reports, let alone publish them. I am trying to bring those two things together. I do not think you have had any further conversation or have had little involvement with the government since then and you have these concerns. Can you expand upon those concerns and can you also expand on how the CCC continue to be affected by the decision in Carne? There are two parts to the question.

**Mr Barbour:** I think it would be helpful for the committee if I could just set out by way of a timeline the events since the Carne decision, because I think that helps to explain things. As you know, the High Court's decision was handed down in September last year, September 2023. On the same day it was handed down, I wrote to the Attorney seeking urgent amendments to the legislation because of my concern about the impact of that decision. In October 2023 there was a private member's bill introduced by the opposition putting forward suggested amendments. In February 2024, this year, the Attorney announced the review by the former chief justice. That review report was provided to the Attorney on 20 May. We participated and provided some submissions to Ms Holmes during the course of her review and those submissions are published as part of the review documentation.

On 28 May, some eight days after that, I was asked to meet with the Attorney, which I did. What is on the public record is that, during that discussion and subsequently, it was indicated that the government had considered the report, that they accepted all of the recommendations made in the report and that they would move to implement amendments to facilitate those recommendations.

**Mr CRANDON:** That was back in May?

**Mr Barbour:** That was back in May. Importantly, that advice was provided without any consultation prior to any consideration of those recommendations by government. On 31 May the Crime and Corruption Commission—all commissioners—wrote to the Attorney raising our concerns, which were significant, around the report and the recommendations. On 10 July the Attorney wrote to the CCC providing some proposed amendments for comment and consultation—

**Mr CRANDON:** What date was that?

**Mr Barbour:** That was 10 July. Those were provided cabinet-in-confidence but the Attorney, during the course of estimates, indicated that that had happened and so that is now publicly known. On 19 July the acting chairperson wrote on behalf of the commission to the Attorney outlining significant concerns that we had in relation to those proposed amendments and drafting. Shortly before appearing before you at this meeting I was advised by the Attorney's office that we should anticipate receiving some redrafted amendments shortly. That is the extent of our consultation following on from the Holmes report.

**Mr CRANDON:** Shortly before this meeting today—when was that?

**Mr Barbour:** Literally just before this meeting.

**Mr CRANDON:** As you walked in?

**Mr Barbour:** I do not have any detail about that, but obviously we will consider those when we receive them and we will respond appropriately. That is effectively a timeline and it explains exactly what has happened in terms of the order of events. In both of our pieces of correspondence with the Attorney we have emphasised what we see as being potentially unworkable and problematic with the amendments and we have also indicated the importance of full and proper consultation in relation to these amendments. They clearly are going to have a significant impact on the organisation and on our work and what we can do. Of course, we want to be as involved in consultation and discussions about those as much as possible. Having said that, I do not know what is in the latest draft. When we get that we will have a look at it. My understanding from the very brief information I have been provided is that there have been quite significant amendments to make things clearer and to take on board some of our concerns from previous correspondence. That is basically the state of the situation as we currently stand.

In terms of the impact of the decision in Carne, as I have indicated to the committee before, because it is a High Court decision and because of the nature of the decision, we have taken a very conservative approach to ensure we comply with what Carne determined. As a result of that, we are not preparing any matters for public release by way of report through parliament and we are not making any public statements. We are extremely limited in terms of what we can say publicly in relation to any investigations and we are deliberately taking a very conservative approach to that for fear that we might overstep the mark and do something that would be inappropriate.

My view has been exactly the same since September last year, which is that we want this matter resolved as quickly as possible. We think the delay is extremely problematic in terms of our work. The Holmes report is a very well researched written document. I have nothing but respect for



the former chief justice. However, in our view, the recommendations are not workable; they are impractical; they are not consistent with the public interest; and, in effect, if they were implemented as drafted, we believe we would be so restricted in terms of reporting as to almost make publicly reporting not worthwhile.

**Mr CRANDON:** I want to clarify. Are you saying that as you were coming to this meeting today you were advised by the Attorney-General's office that a redraft has been done or is underway?

**Mr Barbour:** Yes. I do not see anything inappropriate in that. It is just that that happened to be the timing and it allowed me to give you that immediate advice, which is very good because I can indicate to you that we are anticipating receiving these now.

**Mr CRANDON:** It is positive in one respect, but were you pursuing the AG's office for that information or did it just come to you as you were coming here?

**Mr Barbour:** I had not sought any further information.

**Mr CRANDON:** You had not sought any information? I find that problematic from the perspective that you had no time for preparation; you had no time to make any inquiries. It is known that you are coming to this meeting at 11 o'clock today and it just so happens that you hear from the Attorney-General just prior to the meeting. You are not able to provide any further information to this committee other than 'there's a redraft'—

**CHAIR:** It is coming shortly.

**Mr CRANDON:**—'which is coming shortly', which is five minutes from the next election and this is the last time that we will be meeting with you to flesh those things out. Do you see any issues with that?

**Mr Barbour:** I do not know; is it the last time? I was hoping we might have the opportunity to have another meeting.

**Mr CRANDON:** I think there might now be a possibility for that.

**CHAIR:** Before I go to the deputy chair, because I know he had a follow-up, Mr Barbour, could you please inform the committee when you received those amendments and also when you will be ready to respond to the government after this meeting?

**Mr Barbour:** I do not have any problem. I imagine the amendments themselves will be cabinet-in-confidence so it may well be that I am limited in terms of sharing information about the specific amendments. Certainly in terms of the timelines, I do not see any difficulty.

**Mr HINCHLIFFE:** Thank you for outlining that timeline. I also noted from some of your comments on the record at the estimates hearing that, while you were very keen, and understandably so, to see these matters resolved as soon as possible, you are also keen to make sure it is a fulsome process that ensures all the issues can be tested, tried and understood. So having the assurances that were provided by the government around a full parliamentary committee process for any legislation and not trying to rush something through at this stage was welcomed was my reading of your comments. Could you add to that and—

**CHAIR:** You are not putting words in his mouth.

**Mr HINCHLIFFE:** No—

**Mr CRANDON:** It seems to me that you are, frankly.

**Mr HINCHLIFFE:**—but I am wanting to understand, after the answer that Mr Barbour gave to your questions, that this opportunity that we are now hearing about in terms of the interaction—more interaction than you were possibly aware of before today—continues to be part of a process that will ensure the resolution of these issues as effectively as possible, ensure it is responsive, to use your phrase, and ensure the outcomes are practicable and can be implemented.

**Mr Barbour:** Certainly, any opportunity to provide comment on draft amendments is a positive opportunity. What the outcome of that is and whether or not it provides us with a workable system is a separate issue. I was very relieved when the Premier during estimates indicated that it was his preference that any amendments go to committee for consideration. I was relieved that that was going to happen, because I did not want amendments that were going to effectively shackle the Crime and Corruption Commission to be pushed through and to be pushed through quickly in the dying stages of the current parliament. That was a great relief to me and, I am sure, the other commissioners. In terms of how effective the consultation will be and what the outcome of that will be, I cannot speculate. Certainly it is a very positive thing for us to be provided with some draft amendments. We will have an opportunity to comment on these and then we will see what happens following on from that.

**CHAIR:** Are there other questions from government members? Michael, you have another question, no doubt, and then I have one, too.

**Mr CRANDON:** No. With regard to the deputy chair's summary, Mr Barbour's views were somewhat truncated in my view because, as I was writing all of this down and reading the material that was provided to us by our secretariat in relation to the estimates hearings, it is pretty clear to me that there is a lot of frustration in the way things have been going and where we are at at the moment. I make the point that today is the last working day—depending on who you ask, I suppose—of August and then we are into September. We have the next sitting week commencing on 10 September. It is the last sitting week before the parliament is prorogued and we are into election mode. In that regard, I just wonder whether or not things are going to be all of a sudden rushed if we are expected to put this through and you have five minutes in the whole scheme of things to respond to anything that you could have received well before this meeting but it was decided that it was going to be received by you just prior to walking into this meeting. I am very concerned and I think in the whole scheme of things—

**Mr HINCHLIFFE:** Chair, I am trying to understand where the question is.

**CHAIR:** Thank you, Deputy Chair.

**Mr CRANDON:** I think in the whole scheme of things you are concerned, and I would like you to reinforce what you have been saying through the estimates process and today about that concern.

**Mr Barbour:** I have no hesitation in saying that it has been a frustrating process and it has been a process that has taken far too long—

**Mr CRANDON:** Thank you.

**Mr Barbour:**—and I have gone on record saying that and I have indicated that frustration and the commission has indicated its concerns in correspondence to the Attorney and in conversations with the Attorney. I am on record, I believe, as saying that I did not believe it was necessary for there to be a review conducted into the process—and I remain of that view. It took a number of months and it has provided recommendations. Irrespective of how significant that review is and the reputation of its author, there are practical issues and problems with it and that is what we are focusing on. Our efforts are not in any way designed to frustrate amendment. In fact, we are calling for amendments. We want amendments. The last thing we want are amendments which are going to frustrate or shackle us into the future from doing what we see as being a very important element of our work, and that is why we have taken the steps that we have and that is why I have been quite outspoken in relation to the issues as I have.

**Mr CRANDON:** Thanks, Chair.

**CHAIR:** Thank you, Chairperson. Mr Barbour, just going back to the issue I started with in relation to the Parole Board president, I know that I have asked a couple of questions and I know that the deputy chair will be listening carefully to see that I do not ask the same question again. However, it is a different question. It is in the public domain that a referral has been made to the CCC about certain matters involving the Parole Board and the Parole Board former president. Did that referral to the CCC or matters that relate to the Parole Board president arise before or after 12 June 2024?

**Mr Barbour:** We have a range of dates for matters that have been referred to us in relation to the Parole Board. That is one of the reasons I was not in a position to answer your question specifically. I am more than happy to go through that with you in the closed session, as I have indicated.

**CHAIR:** So you cannot tell us when the Parole Board president—

**Mr Barbour:** I believe you and the committee will better understand when I answer the question fully during the private session.

**CHAIR:** Okay. Mr Chairperson, following on from what the member for Coomera was saying in his questions, which were very good questions, I would like to just make an observation around the process that has led to where we are now with the reporting powers for the CCC and the Holmes review and the Carne decision before that, both in the High Court and the Court of Appeal, and compare that as an observation to the process that led to the situation which we all understood to be the law of Queensland for about 30-odd years which arose out of the Fitzgerald inquiry. The Fitzgerald inquiry ran for—it is a long time ago—I understand around about two years with public hearings and exposed a lot of things that should not have been going on in Queensland and worked out a way to ensure that does not happen again. One of the things that came out of that was the CJC and the public reporting powers that came out of that.

This process and the Holmes review came out of an entirely different process, where litigation was taken in order to stop the publication of a report under the then understood powers of the CCC and the Holmes review, which, as you have stated, changes dramatically the reporting powers of the CCC, and you have identified public interest issues with that. Could you please give us your thoughts and tell the committee how you would compare those two processes in terms of where they have come from and the impact they have had in their different times? I know it is a very open-ended question, but it is an observation that they have come from two very different scenarios and are leading to two very different outcomes. Could you give us your thoughts around that, please?

**Mr Barbour:** It is almost a bit like a piece of string, if I can say that, and it is about where you chop it off in terms of discussing those various issues and a timeline which stretches over decades. Fundamental, I think, to the position which led up to the Carne litigation was that everybody until that point in time and the decision of the High Court had accepted that the commission had a capacity to report publicly, as all such commissions do around the country. The issue of concern that the High Court identified, and the Court of Appeal prior to the High Court decision, had not been identified previously by this parliament, by this committee in its previous incarnations, by the commission—

**CHAIR:** If I can just interrupt you there for one moment, the issue that you are touching on is not just one of legal interpretation, but even the issue as a matter of principle had not been discussed—

**Mr Barbour:** No.

**CHAIR:**—in my view, but I will allow you to carry on with your answer.

**Mr Barbour:** No, and clearly when public reports are issued, or have been issued previously, by the commission sometimes those reports make for uncomfortable reading and sometimes it is difficult for people who might be mentioned in those reports, but underlying that—and certainly underlying the Fitzgerald inquiry and underlining the principles that we believe are important here—is the principle of transparency and openness in relation to our work. When we do major investigations into potentially corrupt conduct, I think the people of Queensland expect and deserve for us to be able to report on those investigations and to explain very clearly and openly what we have done and why we have done it. The organisation is regularly criticised for being secretive. We have to be secretive because of the nature of our work. We exercise extraordinary powers, and because we exercise extraordinary powers we have an enormous amount of scrutiny. This committee is just part of that scrutiny. We are very happy for there to be scrutiny. What we are concerned about is potential amendments to a very key component of integrity in the public sector—that is, openness and transparency about issues—and making that unnecessarily complex, unworkable and difficult.

If I can give one particular example, our concern given the recommendations that came out of the review is that you may have multiple people involved in directly related corrupt conduct and, depending on who those people are and what their status is—if they are individual citizens, if they are public sector employees, if they are elected representatives—one has to approach how you report on them differently. That completely misunderstands the way in which corruption investigations are often undertaken and the idea that you would have to prepare potentially multiple reports. Then on top of that, depending on who you are reporting on, you may or may not be able to make comment; you may or may not be able to make adverse remarks. These are issues that are problematic for an agency such as ours where we want to shine a light on corrupt conduct and let the people in this state know that they can have confidence in this organisation to identify those issues, to investigate them thoroughly and then to publicly report on them.

**CHAIR:** Thank you, Mr Barbour. Are there any other questions from committee members?

**Ms PUGH:** Not for the public session, Chair.

**CHAIR:** Thanks, member for Mount Ommaney. Mr Barbour, is there anything else you would like to tell the committee today?

**Mr Barbour:** No, thank you.

**CHAIR:** Thank you for your attendance here today. I very much appreciate it. To all of the officers and commissioners here as well, thank you. That concludes our public meeting with the Crime and Corruption Commission. We do not have any questions on notice, although, Mr Barbour, I just reiterate my request to you to let the committee know when you have received those amendments from the Attorney-General and are ready to respond. With that, I will close the public session and move into a private meeting with the CCC. Thank you.

**The committee adjourned at 11.55 am.**