



PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Members present:

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

Staff present:

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

MEETING WITH THE ACTING PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

TRANSCRIPT OF PROCEEDINGS

Wednesday, 12 February 2025

Brisbane

WEDNESDAY, 12 FEBRUARY 2025

The committee met at 12.00 pm.

CHAIR: Good afternoon, everyone. I am Mark Furner, member for Ferny Grove and chair of the committee. Joining me on the committee are: Hon. Amanda Stoker, member for Oodgeroo and Deputy Chair; Glenn Butcher, member for Gladstone; Marty Hunt, member for Nicklin; Jim McDonald, member for Lockyer; Jess Pugh, member for Mount Ommaney; and Ray Stevens, member for Mermaid Beach, who will be joining us shortly.

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

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

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

The committee is beginning its meeting in public to deal with some committee matters before commencing its public hearing with the Parliamentary Crime and Corruption Commissioner. The committee will then close the public part of the meeting and continue its meeting with the parliamentary commissioner in private session. Following that, the committee will meet in public from approximately 2 pm with the Crime and Corruption Commission before closing the public part of the meeting to continue the remainder of the proceedings with the Crime and Corruption Commission in private session.

The first matter on the agenda is that we adopt the agenda. Could I have a mover of the proposed resolution that the committee adopts the agenda for Wednesday, 12 February 2025?

Mrs STOKER: I so move.

CHAIR: All those in favour? Those against? That is carried. Thank you. Are there any apologies or declarations of interest before we proceed? There being none, we will begin the public meeting with the parliamentary commissioner.

KUNDE, Mr Mitchell, Acting Parliamentary Crime and Corruption Commissioner

CHAIR: In relation to the parliamentary commissioner's public meeting documents, members are to note that they have been provided with a secretariat briefing; a copy of the parliamentary commissioner's public report and appendix for the period 20 August 2024 to 21 January 2025; and the transcript of the last public meeting with the parliamentary commissioner on 30 August 2024. Could I have a mover of the proposed resolution that the committee authorise the publication of the parliamentary commissioner's public report to the committee for the period 20 August 2024 to 21 January 2025?

Ms PUGH: I so move.

CHAIR: All those in favour? Those against? That is carried.

The committee will now commence its public discussion with the parliamentary commissioner. I take this opportunity to acknowledge the recent departure of our parliamentary commissioner Mr Michael Woodford to take up his appointment as President of the Parole Board Queensland. On behalf of the committee, I wish to put on the record our thanks to him for his work as commissioner and also extend to him our very best wishes in his new role.

We are joined today by Mr Mitchell Kunde, the Acting Parliamentary Crime and Corruption Commissioner—a position Mr Kunde has occupied on a number of occasions over the years. Welcome, Mr Kunde. I invite you to make an opening statement, after which I will turn to members for questions. I remind members to take care not to refer to any private matters in the public part of the meeting. Over to you, Mr Kunde.

Mr Kunde: Thank you, Mr Chair. Before I refer to the public report, may I also acknowledge the great work of the former parliamentary commissioner, Mr Michael Woodford, since he was first appointed on 21 August 2021 and thank him for suggesting that I might ably act as parliamentary commissioner upon his resignation. I also want to thank the Speaker for the acting appointment and the committee for their bipartisan support.

It has been almost six months since the previous committee last met with the parliamentary commissioner. The report is dated 12 February but was provided to the committee prior to Mr Woodford's resignation. I will do my best to provide an overview of the office's activities during the period covered by the report.

The last half of each calendar year is a busy time for the office in terms of inspections and reports. Since August 2024, we have completed an inspection of the Crime and Corruption Commission's telecommunications interception warrant records and reported on the results of those inspections conducted in 2023-24 to the Attorney-General, the committee and the commission.

Mr Woodford and I also visited the headquarters of the Queensland Police Service and the commission to conduct a review of each agency's intelligence data, and we prepared advice on the intelligence data review which was provided to the committee, the chair of the CCC and the Police Commissioner. In December 2024, the office conducted an audit of the CCC's authorities for the use of assumed identities under the Crime and Corruption Act and the Police Powers and Responsibilities Act, and a report on the results of the audit was provided to the chair of the commission. The office also conducted an inspection of the commission's surveillance device warrant records in December 2024, and I note that the chair tabled that report last week.

The Crime and Corruption and Other Legislation Amendment Act was assented to on the day of our last meeting, 30 August 2024. There were three amendments which the parliamentary commissioner's office had sought over the years which came into operation at that time. Section 314(8) of the act makes it clear that the parliamentary commissioner's own-initiative investigative powers extend to conduct of a commission officer which would be corrupt conduct if the officer was an officer in a unit of public administration. That had been a slight gap in the provision until that time. An amendment to the Telecommunications Interception Act allows the parliamentary commissioner and the Public Interest Monitor, as the police's inspecting entity, to report to the Attorney-General not just on breaches of the Queensland and Commonwealth telecommunications acts but also on breaches of warrant conditions, and I think that was an important amendment.

Lastly, the amendment act amended the Crime and Corruption Act provisions relating to the records of the Connolly-Ryan commission of inquiry, which was wound up almost 30 years ago. Those records were vested with the parliamentary commissioner and are presently stored in the Legislative Council strongroom. Over the past few years, our office has been involved in discussions about relocating those records to Queensland State Archives. I might talk about that further in the private meeting.

There have been a number of notifications under section 329 of the act. The parliamentary commissioner needs to consider these and make an assessment as to whether to commence an own-initiative investigation pursuant to sections 314(4) and (5). All of those notifications have been considered and the committee has been notified of the parliamentary commissioner's decision, in accordance with section 314(7).

There has been ongoing work in relation to matters which the committee has referred to the commissioner, and I hope to finalise one of those matters and provide a report to the committee in the next week. There are other matters which remain ongoing, and I am about to prepare for the office's first statutory inspection for 2025. I welcome any questions on our activities.

CHAIR: Thank you, Mr Kunde, for your introduction in terms of the report. I note you mentioned the amendments made to the Telecommunications (Interception and Access) Act. Would you like to share with the committee any further consideration of what future amendments may be appropriate to that?

Mr Kunde: That is sort of a pet area of mine. It is a little bit complicated, but I think it is important that the committee does understand because this committee will have to take up from the last committee and help push those amendments through.

A few years ago, the CCC obtained a legal opinion which concluded that the Commonwealth act—the operative act—did not permit the CCC to share information intercepted under TI warrants, or information about TI warrants, with the committee or with the parliamentary commissioner's office. The CCC acknowledged that the Commonwealth act restricts the committee's ability in its oversight function so it is important that that be fixed. The CCC agreed that it should be permitted to share that information with the parliamentary commissioner for the performance of the commissioner's functions and that the commissioner should be permitted to report and disclose information to the committee to the extent it is necessary, is not operationally sensitive and would not impede the integrity of the CCC's operations. All of the agencies—the commissioner, the committee and the CCC—agreed with that principle.

The Commonwealth act, therefore, requires amendments in two respects. Firstly, section 68 needs to be amended to include the parliamentary commissioner as an entity with whom the chair of the CCC may communicate information. That is fairly basic. All of our interstate colleagues are named as entities with whom their agencies may share information but not the parliamentary commissioner. Secondly, the permitted purposes for which the parliamentary commissioner may use that information need to be defined.

The CCC has been working with our office to settle the amendments, and I provided a version of proposed amendments in August 2024. On Monday, I received the CCC's comments on those proposed amendments and they seem to be acceptable. The reason for the delay with the CCC is that a further complication has arisen in relation to the CCC's use of that information. I might touch upon that a little bit more in the private meeting. Things are coming along. We have a joint approach, which is helpful. When the proposed amendments are settled, I suspect that we can all support those with the Commonwealth.

CHAIR: Thank you, Mr Kunde. Before I hand over to the deputy chair, I note that the member for Mermaid Beach has joined us via telephone. Good afternoon, Ray.

Mrs STOKER: Thank you for being with us, Mr Kunde. Is there anything that you might be able to share with the committee today about the way that time sensitivity is a factor in your role and the ways that you need help or support to be able to deliver on that imperative?

Mr Kunde: The office is fairly small; it is two-fifths of a commissioner and me as the Principal Legal Officer. With regard to the statutory inspections that we perform, we have had no problems getting those done fairly quickly. With regard to investigations, some of those can be very lengthy. If we required assistance we would be prepared to ask the Clerk to provide staff, but we have not had any situations where we have considered we needed to do that to this point in time. We have an ongoing investigation that is pretty lengthy, but I might talk about that a little further in the private meeting. I am reasonably satisfied that when the office is at full staffing levels it works efficiently.

Mrs STOKER: Given the parliamentary commissioner has tendered his resignation, does that leave you in a difficult position insofar as discharging those duties or do you feel sufficiently resourced to be able to meet those requirements?

Mr Kunde: We are almost finished one particular referral from the committee. The previous parliamentary commissioner was very much involved in that and there is not much more to go on that. We have one other matter for investigation and then our statutory responsibilities. I can manage the statutory responsibilities, inspections and audits so I do not think we need to consider anything further. At the moment, I think things will be alright.

Ms PUGH: Mr Kunde, congratulations on your continued appointment and reappointment as the acting parliamentary commissioner. We are delighted to have you. We all wish Mr Woodford all the very best in his new role. My question goes to your comment in your opening statement around now including the parliamentary commissioner as a named person in legislation. I am interested in the fact that Queensland was the only state that previously did not include that. I wonder if you have any information about whether that was an oversight or a deliberate decision made a long time ago. In this public session, could you shed any light on the process that led to that change being made?

Mr Kunde: The change has not been made. That is what we are working towards. We are not the only agency in this situation. South Australia was in a similar situation. I guess it may have been an oversight that we were not named and initially it was not a problem because we were being shared information. Since the CCC has had a closer look at things—and I think they are correct—we need to be named. We have meetings with our interstate colleagues each year and this is an issue that comes up every year. It needs to be sorted and I think it will be fairly soon.

Ms PUGH: You have referred to the interstate meetings. I am always interested to hear from the parliamentary commissioner some of the trends, emerging issues and challenges being faced that come up at the parliamentary commissioners' conference with other states. Without divulging any private content or conversations, could you speak to the general trends that have emerged from your latest conversation with your interstate colleagues?

Mr Kunde: The main one that I can recall was in relation to police integrity units. We had a colleague who was raising that issue and we knew that that was a matter that was being considered in Queensland. That is probably the significant one. Apart from the developments with regard to the Telecommunications Interception Act that we talked about, which are significant, it was mainly the police integrity issue.

Mr McDONALD: Thank you, Mr Kunde, and congratulations on your acting appointment. Can you share with the committee how long you have been the acting parliamentary commissioner over the years?

Mr Kunde: I have been the Principal Legal Officer for 24 years and during that time have worked with many commissioners. In total I have acted as parliamentary commissioner for approximately 8½ months. The previous most lengthy period was when Mr Gary Long was appointed to the bench as a District Court judge and there was a four-month acting period. I am hoping that I will not be in the chair for that long, but I understand the appointment of a new parliamentary commissioner is not a simple thing.

Mr McDONALD: I place on record our thanks to Mr Woodford for his service. Thank you; you are a very able fill-in for us. I want to turn attention to the surveillance device warrants. Is there anything you can share with the committee with regard to your inspections and the report provided?

Mr Kunde: There was a matter in the report that was tabled that I mentioned earlier. There are probably other matters that I can discuss in private. The main issue was an unauthorised access of surveillance material. That material was a log. It was not particularly significant. It is mentioned in the report and has been addressed. I will perhaps talk about that a little further in the private meeting.

Mr BUTCHER: You mentioned before the records of the Connolly-Ryan commission of inquiry and that those will be moving to the State Archives. Can you share a little more in this public session about the storage and access of those records and your thoughts on the change?

Mr Kunde: I have had some communication from the Deputy Clerk about that. That is moving along reasonably quickly now. I will get some stats on that. Since 2010, those records have been in the Legislative Council strongroom and take up seven compactus bays and a couple of cupboards. It has been an issue of concern for the Parliamentary Service for a while. We have been looking at it for the last four years. The 2024 amendment act allowed us to request the State Archivist keep those.

There are still issues to be resolved. At present, it is envisaged that the parliamentary commissioner will maintain the role of determining access to those documents, but the documents themselves will be stored at the State Archives. There is perhaps a little more I will talk about in the private session. That is where we are at. We are considering a draft memorandum of understanding for the storage of those records and that is ongoing.

Mr HUNT: Could you please give the committee an understanding of section 314(4) of the Crime and Corruption Act providing the parliamentary commissioner with the function to do own-initiative investigations? I note in your report that there have been not any historically. Can you give an example of those and why that section is not used?

Mr Kunde: This came in with the amendments in 2014. The reason it has never been used is that if the committee is functioning properly the committee would refer to the parliamentary commissioner any investigation that needed to be conducted. I believe it was inserted into the act to address any concerns about matters being kept away from the parliamentary commissioner by the committee for political or other reasons. I think it is a safeguard. I think it is useful. In my view, it should not have to be used. If there were a matter that the parliamentary commissioner thought should be investigated that the committee was not aware of we would talk to the committee and suggest that it perhaps be referred to the parliamentary commissioner. It is there as a safeguard against that sort of scenario, I suppose.

CHAIR: Are there any further questions?

Mrs STOKER: Yes, thank you. You mentioned before that there is only one investigation on the go at present.

Mr Kunde: Two.

Mrs STOKER: One of them is basically finished, I think you said, and then there is one that is on the go well and truly. In the report that you have made public you refer to an investigation that had an estimated completion date of October 2024 which has been moved to January-February 2025. Is that the one that you are counting as basically done?

Mr Kunde: Yes, that is the one. I requested a number of documents late last year. There were 199 documents. I have been through a lot of those, but that is a very big investigation.

Mrs STOKER: Is the reason for the delay that there was difficulty in getting those documents from the CCC or is it simply a matter of working through the volume of those?

Mr Kunde: There has been no difficulty getting documents from the CCC. We have had no problems in that regard. There is a time lapse because they have to assemble them. They have to be careful about what they can disclose because of issues like telecommunications interception and they are very conscious of the confidentiality of their dealings with the committee so that material would need to be redacted, for example. There is generally no concern about obtaining documents. There was a huge volume of material and we also had a lot of inspections towards the end of last year that we had to finalise. There were statutory timeframes on those. That is probably the reason that that has been pushed back a little, but it is close.

CHAIR: That concludes our public hearing.

The committee adjourned at 12.27 pm.