



PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Members present:

Mr JM Krause MP—Chair
Ms JM Bush MP
Mr MJ Crandon MP
Ms JR Howard MP (virtual)
Mrs MF McMahon MP
Ms JC Pugh MP (virtual)
Dr MA Robinson MP

Staff present:

Ms L Manderson—Committee Secretary
Ms R Ponting—Assistant Committee Secretary

MEETING WITH THE PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 25 FEBRUARY 2022

Brisbane

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The committee met at 9.02 am.

CHAIR: Good morning, everyone. I am Jon Krause, member for Scenic Rim. Joining me on the committee today are Ms Jonty Bush, member for Cooper; Mr Michael Crandon, member for Coomera; Mrs Melissa McMahon, member for Macalister; Ms Jess Pugh, member for Mount Ommaney, who is on the phone; Dr Mark Robinson, member for Oodgeroo; and Ms Jennifer Howard, member for Ipswich, who today is joining us on the phone and substituting for Mr Jimmy Sullivan, member for Stafford. Before we begin I would like to acknowledge that we are meeting today on the land of Aboriginal people and pay my respects to the traditional owners and our many First Nations people and their elders past, present and emerging.

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 meeting at the discretion of the chair or by order of the committee. Proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed by media during the proceedings and images may also appear on the parliament's website or social media pages.

The committee is beginning its meeting in public to deal with a number of matters. It will then commence its public meeting with the Parliamentary Crime and Corruption Commissioner. The committee will then close the public part of that meeting and continue its meeting with the parliamentary commissioner in private session. Following that, the committee will meet in public from approximately 10.30 am, although this depends on how things progress in the other meetings, with the Crime and Corruption Commission before closing the public part of that meeting to continue the remainder of proceedings with the CCC in private.

Please note that while the current COVID-19 restrictions for South-East Queensland remain in force all persons present at committee proceedings will be required to wear a face mask, to be removed only when speaking during the proceedings. With regard to apologies and declarations of interest, are there any declarations of interest for the public meeting today with the parliamentary commissioner?

Mrs McMAHON: Chair, I am assuming if the Logan matter becomes a topic for conversation I will raise my standing declaration.

CHAIR: Yes. Jonty?

Ms BUSH: Yes. I will foreshadow the same obviously if that comes up today.

CHAIR: Michael?

Mr CRANDON: Yes, standing regarding the Logan matter.

CHAIR: Mark?

Dr ROBINSON: Yes, standing regarding the Logan matter.

CHAIR: Jess?

Ms PUGH: Yes. My previous declarations from meetings apply also to this one.

CHAIR: Jennifer?

Ms HOWARD: I have nothing to declare.

CHAIR: That is good. I place on the record my standing declaration of interest in relation to the Logan matter and Ipswich council matters that I have previously made on many occasions.

There are no apologies, just a substitution of the member for Ipswich for the member for Stafford. The next item on the agenda is that members have been provided with a copy of the agenda for today's meeting. I move that the agenda for Friday, 25 February 2022 as circulated be adopted. All those in favour? Against? That is carried. Thank you.

Members have been provided with copies of the incoming and outgoing correspondence schedules. There is a proposed resolution which the member for Coomera informed me that he would move—that is, that the inward correspondence be accepted and the outward correspondence is endorsed. Is there any discussion around that or anything that people want to flag in our session here? If not, I will put that motion. All in favour? Against? That is carried.

Members have been provided with the parliamentary commissioner's public report to the committee for the period 12 August 2021 to 14 February 2022 and I will move that the committee authorises publication of the parliamentary commissioner's public report to the committee for that period. All in favour? Against? That is carried.

Members have the public report from the parliamentary commissioner and also a briefing paper from the secretariat on that report. The committee will now commence its public discussion with the commissioner.

WOODFORD, Mr Michael, Parliamentary Crime and Corruption Commissioner

CHAIR: I welcome Mr Woodford, parliamentary commissioner, to the committee. Thank you for joining us. I think this might be your first public meeting with the committee—

Mr Woodford: Yes, that is correct, Mr Krause.

CHAIR:—other than your assistance during the inquiry last year.

Mr Woodford: That is correct.

CHAIR: I understand Mr Kunde cannot make it today, but that is okay. I invite you to make an opening statement to the committee.

Mr Woodford: Thank you. I do have an apology for Mr Kunde for not being here today. He is currently unwell, but I do suspect he will be watching the proceedings nonetheless, given his keen interest.

CHAIR: We send our best wishes to Mr Kunde. I know he works very hard.

Mr Woodford: Yes, that goes without saying. Mr Krause, I can update the committee on the work that my office has undertaken since the last six-monthly update to the committee which was received by my predecessor, Ms Carmody, in August 2021. I commenced my three-year term in the role of parliamentary commissioner on 22 August last year, with Ms Carmody departing the previous day.

You have mentioned a report that has been placed before the committee which details the activities that have been undertaken by the office. That report details the operations that the office has done over the last six months. A table of the key outputs that have been achieved are contained on page 2 of the report. As the committee is aware, the Office of the Parliamentary Commissioner has various statutory obligations and functions that are found in various pieces of legislation, both state and Commonwealth. From a performance point of view, I am pleased to advise that the office has continued on the good work of Ms Carmody to execute its statutory functions in a timely manner. In that regard, all statutory inspections and reporting obligations have been discharged and are up to date. That includes all reports to the committee and to the external statutory office holders where required under legislation.

In undertaking the statutory functions, being new to this role, I have held various ad hoc meetings—some ad hoc, some planned—with others from both the QPS and the CCC in order to better understand the manner in which certain functions are undertaken and probably more significantly how those functions are captured in the documentary reporting, particularly as required by the legislation. Those meetings have been undertaken with two particular things in mind: firstly, to have a better practical understanding of the particular operations being undertaken and to be able to understand present reporting; and, secondly, in order to analyse present reporting systems from our perspective of the Office of the Parliamentary Commissioner taking into account what is required under legislation and to look for areas of improvement. I have sought engagement with a view to enhancing the effectiveness of the execution of our statutory functions. The planning for the next half of the yearly statutory inspections and reporting tasks is well in hand and it will commence in the coming weeks, subject to Mr Kunde returning of course, which I understand has good prospects.

CHAIR: I hope so.

Mr Woodford: Yes, me too. Part of the work of the office is to examine and consider and respond to various notifications of improper conduct via section 329 of the Crime and Corruption Act. Each of those notifications received over the last six months has been finalised. There are two

committee referrals, and I will only speak briefly of those just to mention that two have come down. One is all but complete and, subject again to when Mr Kunde is physically back in the office, that report will be received, so I expect within days you will have that, but it is more or less completed. The other matter that has come down is much more extensive and the material required to be considered is large and has not been obtained yet, so I expect that will take some time. Those are probably the key matters that I wish to update the committee on at this stage in the public meeting.

CHAIR: Thank you, Mr Woodford. I will start off with a question and if other committee members could have a consideration of questions for Mr Woodford that would be appreciated. Mr Woodford, you would be aware we did our five-year review into CCC activities and legislation last year, prior to your appointment.

Mr Woodford: Yes.

CHAIR: While your predecessor had some input into that process, having been in the role for some time now, are there any particular legislative or regulatory matters you would like to raise with us regarding either the CCC or your office?

Mr Woodford: Nothing in particular that is not already in the pipeline through other endeavours that are taking place—for example, the inquiry that is currently ongoing following the committee's recent Logan matter. Things are being looked at in that inquiry and in particular I think there was some input in the five-yearly review into charging via the CCC and that whole process, which is something quite important, and it did take up some period of time in the inquiry, and rightly so. That was one particular matter that certainly had my attention throughout the six months here but it looks like a matter that is going to receive some considerable further attention moving forward in the current inquiry that is going on, so one would expect that at the end of that inquiry that matter will have been thrashed out in great detail and one would expect that some very helpful recommendations would come through in that regard.

The other point that has been exercising our minds in our office is the content of section 329, referrals, and in particular the difference in the content that the commissioner and the committee receive. There are ongoing discussions between the CCC and the commission and me in effect in relation to that issue. I will perhaps speak to those a little later and not in this particular session. That is something that has been an interesting concern and I am hoping that that will progress in the coming months. Those two issues in particular are the two that I have been interested in.

CHAIR: Have you made a submission to the commission of inquiry yet, or do you think you will?

Mr Woodford: Not yet. We have not made one yet. We are still considering whether or not to make one.

CHAIR: Do you have any particular issues you want to raise, especially about the charging and investigatory functions aspect of the inquiry?

Mr Woodford: No, I do not. I thought long and hard about that and this is where I got to. The inquiry that was conducted by this committee took matters so far and it delivered a platform. That platform, in my view, helpfully, now has a highly skilled—not that this committee is not—team of expert lawyers with experience in those particular areas and a long, long background in corruption work who are now going to, in effect, take the good work that was done by this committee in the production of the report and then drill deeper into those particular issues. From my perspective that is nothing but positive. When we saw what happened with the Logan matter and perhaps other matters, the issue of charging and perhaps the fallacy of seconded police officers exercising an independent power is something that might have troubled many for a long period of time. I think many will be quite happy to see the current inquiry looking into that specific issue. It seems to me that is ripe for reform and, unfortunately, it takes significant events to lead to things like the inquiry that this committee had to conduct. That is unfortunate. It is really unfortunate.

When you look back in time and step back from that matter, I say to myself that this is a body—the CCC—a legitimate body with significant, important functions. With bodies like that all around the world it is not a set-and-forget arrangement. The Logan matter is a very good reminder that with bodies like that you do need periods or times of review—an intense review, an external review—just to see how such a body is tracking internally and whether it is the best model that is working, taking into account what is happening in other jurisdictions in this country and other countries. I think what we saw in the Logan inquiry was a really unfortunate set of circumstances. Unfortunately, history tells us that you always require these unfortunate set of circumstances to lay a catalyst for real change.

Getting back to your question about the things in which I am interested in terms of the act and what we do, that is the prime thing, that charging. It seems to have a great capacity for analysis and perhaps change which may make the system better. Then in terms of the systemic matters with the CCC, that is well beyond anything I am capable of commenting on. That requires expertise from people with that particular skill and training.

Mr CRANDON: Because you have touched on that, it has prompted a question that I have probably asked various people their views on. We have had witnesses talk to the committee about this particular aspect. It is about the Star Chamber powers. We have heard from a range of witnesses over time, and the Queensland Police Union, the Queensland Law Society and barristers have all said that they have major concerns about the way in which the Star Chamber powers are being used in industrial matters—I think that was the Queensland Police Union—but also in other matters where a witness might be told that anything they say within a Star Chamber cannot be used against them. However, then under discovery, everything they have said in a Star Chamber has to go to the defence of anyone who might have been charged, which is concerning. The advice to the witness is perhaps not up to scratch; that is my terminology. Would you care to comment on that as part of that overall issue you were just talking about?

Mr Woodford: Yes. A classic example of what you are alluding to is where you have a number of people who are charged with an offence; there are multiple codefendants. One defendant has been down to the CCC and been compulsorily examined on the basis that it is private and confidential and nothing will be used against that person unless they commit an act of perjury in that hearing. The current interpretation of the particular provision—I do not have the act with me at the moment—is that if a codefendant requests of the Crown any and all materials that may be relevant to the case—and the Crown would bounce back through the investigating officer who may be that seconded officer to the CCC—‘any and all material’ may include a co-accused’s or a codefendant’s compelled evidence. The current view—and this has been a view held in Queensland for many years—is that that material is required to go to the codefendant.

Some may say—and many lawyers may say—that that is a great unfairness to the defendant who has been down to the CCC to be examined in the conduct of his or her case in the criminal trial. There may be a sort of general view that if you have a number of defendants go in a trial together they are all heading in the same direction. That is not always the case. A defendant whose material has been disclosed can be in a position where his theory of his or her defence or how the case is being conducted is going that way and the codefendant—one or more—is going in the opposite direction. Of course, those other defendants are armed with the detail of the position of that defendant because they have been down to the CCC, compulsorily examined and required to dot every ‘i’ and cross every ‘t’ so far as they can under the threat of proceedings against them if they do not—failing to comply.

That is an issue. It came up in a matter in the District Court that I was involved in, one particular matter—and I am sure I am one of a thousand-odd barristers who have practised in crime, so I am sure it comes up elsewhere. It is a matter I cannot go into much detail on, but it was a real concern of the court in a quizzical sense of, ‘Hang on, you’re assuming under this section that all of this material is legitimately going to the codefendant.’ How is that happening? You have lawyers seeing the potential for the injustice of a person going to the CCC and then having all of their innermost thoughts on things put out there.

The other part of your question goes to the nature of the so-called Star Chamber hearings. Different people will have different views. I suspect the expectation of the community is that a person who is summonsed to go down to the CCC to have a compulsory hearing will be treated with the ordinary respect you would assume you would achieve in an ordinary courtroom and that the tactics involved, although robust, would be within that range of operation. I have my own personal experience and many other lawyers have their own personal experience of matters being conducted in the CCC. I think from speaking with my colleagues the question always comes up in terms of these sorts of private hearings as to whether an organisation conducting the investigation is the best vehicle to be conducting those sorts of examinations.

The sort of theory or proposal that is thrown around when lawyers engaged in crime talk about these sorts of matters is, ‘Wouldn’t it be so much better if the CCC and the committee of the CCC have a basis for someone to be compulsorily examined, that that material be placed before an independent person for an examination, a person that is not part of the machinery of the CCC?’ A lot of lawyers come to the view that it would be that much more transparent—that is the wrong word, but you will get my feel—if this was in front of a Supreme Court judge or a superior court officer. Where you had the CCC wanting to conduct a compulsory examination, they could put its material together

to justify conducting such an examination and put that brief in front of an independent judicial officer and then ask the questions that it wants to ask. That is the sort of feel I get from around the legal circles. The feel is that in terms of those matters of fairness, of conduct and of questioning, people would sit up perhaps a little straighter if you are having to go in front of an independent body with these sorts of compulsive powers. That is one end of things. At the other end of things people would say, 'Well, you have an independent body here charged with these functions who is more than capable of dealing with them. They have the expert people inside to handle the questioning.' Does that answer your question?

Mr CRANDON: Most of it. The industrial relations aspect rang quite clearly in my mind when the Queensland Police Union were before us. They were very concerned about the use of the Star Chamber powers in relation to industrial relations matters. Are you familiar with, or can you comment on, any aspect of that?

Mr Woodford: No, I do not believe I have the expertise to comment on that particular aspect of the matter.

Mrs McMAHON: Thank you very much for your first appearance before us. I understand you started your role in a trial by fire with the Logan City Council inquiry that we held. Now that that report has been compiled and the government response to those recommendation has been released, I was wondering if you had any comment on the government's response to any of those recommendations, whether they are suitable or substantive or whether you think there could have been more in terms of the government response to those recommendation?

Mr Woodford: My position was that the response was measured. The key things coming out of the inquiry for me are the points that I have already raised, and they are being put squarely before an inquiry now to hark into them in great detail. From my perspective, the response was necessary because I do not know that we would get the change we are likely to get if it stopped at the end of the committee's report. When the inquiry was announced, along with the terms of reference, I was happy to see that those particular issues were fixed upon by the government and taken further because I think they are important issues.

Mrs McMAHON: Obviously the appointment of such eminent people to really look into that is quite key to that, but do you feel that the terms of reference are adequate for what the committee raised?

Mr Woodford: Yes, I do. Looking into the systemic operation of the CCC is an enormous task on its own. That brings in so many things. Should the terms of reference have opened up a forum or platform for various other cases to come before it? Many may have thought that.

Mrs McMAHON: I am sure they will still get those submissions.

Mr Woodford: I am sure they will. It depends what you are setting out to achieve. This committee worked through those matters, and it took some time with one case—the Logan case, and it is a substantial case. It takes substantial time to work through those sorts of matters. How long do you want this inquiry to go on? Do you want it to go on for three or four years, where you have tens of matters coming before the inquiry to hark into?

I recall being involved as counsel assisting in the Carmody inquiry and the records aspect of it from out of the lower portals. I was heavily involved in the investigation and the evidence on that. That took months and months and months of work for one case. I look at my experience in that and I say to myself, 'If you open all of these matters up and ask this inquiry to look at that, how big of a mission are you asking it to go on? Is it a better allocation of resources for them to look at what this committee found?' The findings of this committee was a systemic problem. When you have a systemic problem you have to do something about it, and it seems to me that that is the big focus of attention, or should be.

Mrs McMAHON: Lastly, the focus of the inquiry that this committee was involved in surrounded Logan City Council, notwithstanding there are several other councils that have issues or have raised publicly issues with the CCC. Do you feel that the remit of the terms of reference will allow that commission of inquiry to not necessarily expand but certainly address some of those other systemic issues that other local government agencies will raise?

Mr Woodford: I guess those submissions would feed into an analysis of the systemic problems, so they may be helpful. Material put before that inquiry—for example, from other councils of their own personal experience—may be of assistance to the inquiry to look at the systemic problems. That may be helpful in that manner, but, when you step back from that, being expert in how a system such as the CCC is set up is a very different thing from understanding the legal wrangling

of the admissibility or the disclosure of documents. They are very highly technical issues that require the expertise of very highly trained people, which the inquiry will have access to, particularly when you are dealing with an organisation that exercises those exceptional powers. We can only hope and imagine that where they will get to is to make whatever amendments or changes, how extensive or not need be, to make sure that the system works better than it has to date, as found by the committee in its findings.

Ms BUSH: Just to change gears, in relation to the report you have provided to the committee, I am interested in the notifications of improper conduct that you have assessed and what kinds of trends and issues you have been seeing in those. Can you comment on that without going into details?

Mr Woodford: I can. Something that struck me when I have been down with the CCC—and also the QPS, although that is not relevant here—is that, so far as the recordkeeping goes with the statutory matters that I have to hark into, it is by and large impeccable. That has been the constant theme across the various different pieces of legislation—telephone intercept warrants, assumed identities and these sorts of things. When I have been in the CCC or I have been at the QPS, they are helpful in every way. They are helpful with the access to every single record that I want to look at. If there is a hole I want to go down, they are more than helpful to take me there. The help when I get there is terrific. The records themselves are impressive.

When I came into this role, when you go down to the CCC and look at the documentation sitting behind things like telephone intercept warrants and things like that, you have an idea about it but those things are always behind closed doors. Having had access to that material, I cannot say other than that I have been incredibly impressed by the work of the people in these organisations when they are doing their best to execute their functions in accordance with the legislation. That is the first point I would make.

The second point I would make in terms of the 329 matters that come through is that by and large these are human errors, which is pleasing, and it is consistent with what I am seeing when I am down in the CCC or the QPS with the level of detail and the systems they have in place to execute applications for different things. The systems are very good and the documentation is first class. When I get a number of 329 notifications and those notifications are human error, they are not substantive. For me, it is a mirror reflection of what I see when I am physically in the door down there looking at things. I hope that answers your question.

CHAIR: Are there any other questions? If there are none, that concludes this session. Thank you for your contribution in this public session. We will close the public part of this session now and go into a private session with the parliamentary commissioner.

The committee adjourned at 9.30 am.