

Review of the Crime and Corruption Commission's activities

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Submission to the Five-Year Review of the Crime and Corruption Commission 2025

Executive Summary

This submission addresses the terms of reference relating to corporate governance, application of the devolution principle, and oversight arrangements. It identifies systemic oversight failures stemming from legislative gaps in the *Crime and Corruption Act 2001* that affect the CCC's handling of public interest disclosures (PIDs).

Key accountability weaknesses include structural conflicts of interest and the absence of an independent body empowered to investigate CCC officers. Changes to the CC Act are proposed as a measured and reasonable response to significant legislative gaps, aligning Queensland's anti-corruption framework with national and international best practices.

Recommended Legislative Reforms

1. Insert a new Part 3A, titled '*Independent Oversight of the Commission*,' immediately following Part 3 of the Crime and Corruption Act 2001, beginning at section 293, and comprising such sections as necessary to establish the oversight body, its membership, powers, and reporting obligations.
2. Insert a new Division 2, titled "*Mandatory audits of PID referral decisions*," under Part 3A of the Crime and Corruption Act 2001 to require the independent oversight body to conduct annual independent random audits of at least 10% of CCC referrals.
3. Amend s 292 of the Crime and Corruption Act to confine the PCCC to a high-level oversight and reporting role, with operational oversight (audits and investigations of CCC officers) transferred to the proposed independent body.
4. Insert after section 35(1)(m): (n) to publish annually, in the commission's annual report and on its publicly accessible website, detailed, disaggregated statistics on public interest disclosures assessed by the commission.

These reforms require only minor legislative changes. While they involve some additional cost and administrative effort, they reduce duplication by refining the PCCC's role and clarifying oversight responsibilities, and bring Queensland into line with other states and best practice globally.

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Compliance with Terms of Reference

This submission addresses the statutory review of the *Crime and Corruption Commission* (CCC) under section 292(f) of the *Crime and Corruption Act 2001* (CC Act), addressing the CCC's functions, structure, performance, and oversight. Specifically, this submission addresses the following key areas:

- Corporate governance and organisational structure
- Handling and reporting of corruption complaints
- Application of relevant principles, including the devolution principle
- Oversight arrangements, including the role of the PCCC

Current Oversight Structure – Legislative Basis & Limitations

Current oversight arrangements for the CCC suffer from significant limitations arising from the structural design of the Parliamentary Crime and Corruption Committee (PCCC). These structural weaknesses undermine effective independent scrutiny.

Oversight Powers and Limitations

While the PCCC may issue policy guidelines (s 296), its role is confined to oversight and referral; not independent investigation or enforcement. Under Division 3, the PCCC may refer concerns about the CCC to other bodies for investigation - including the CCC itself - but cannot investigate such matters independently (s 295(2)). Furthermore, section 293(4) prevents the PCCC from accessing operational records relating to ongoing CCC investigations that could support a referral for an investigation of CCC conduct.

The Parliamentary Commissioner has statutory powers to investigate the CCC and audit its activities (ss 314–315). However, the Commissioner may only investigate or audit matters

referred by the PCCC or notified through the PCCC under s 329. Members of the public cannot submit complaints to the Parliamentary Commissioner. Consequently, the Commissioner functions primarily as an agent for a parliamentary committee that has no automatic access to CCC operational information under the existing legislative framework. External scrutiny is entirely contingent on the initiative of a parliamentary committee whose access to information and investigative capacity is constrained by legislation.

Importantly, the Act does not mandate CCC audits or prescribe statutory standards for their timing, scope or content. Accordingly, audits are not conducted routinely, but only when specifically requested by the PCCC. If no request is made, necessary audits may not occur. If a request for an audit is made, the investigation may be constrained by overly narrow or restrictive criteria set by the PCCC, limiting the potential for uncovering systemic issues within the CCC.

One significant factor potentially influencing the PCCC's decision to initiate audits is that Members of Parliament - including PCCC members - fall within the CCC's investigative jurisdiction (s 15, Sch 2, s 35). Section 15 of the CC Act enables the CCC to investigate alleged corrupt conduct; Schedule 2 defines MPs as units of public administration; and section 35 allows the CCC to initiate investigations without a complaint. Section 35 particularly undermines the credibility of parliamentary oversight, as MPs are unlikely to authorise referrals or scrutiny that could expose themselves or their colleagues to a CCC initiated investigation.

In summary, the PCCC relies on whatever information the CCC provides to decide if an audit of the CCC is merited. The Parliamentary Commissioner can act only at the direction of a parliamentary committee constrained by limited information, statutory restrictions and potential political considerations and conflicts of interest. As a result, the oversight system forms a closed loop that severely limits meaningful accountability of the CCC. There is no independent, external body with authority to investigate the CCC or receive complaints about it, leaving serious allegations of misconduct or abuse of power without a credible, impartial avenue for examination.

Evidence from Recent PCCC–CCC Hearing.

The transcript of a recent public meeting between the PCCC and CCC illustrates the practical limitations in oversight and complaint handling raised in this submission.¹

During the February 2025 meeting, Mr RA Stevens MP asked CCC Chair Mr Bruce Barbour:

“A complaint I have received was, basically, that when a complainant referred a matter through to the CCC ... the complaint was referred back to the agency that he was actually complaining about. How do you differentiate who should be dealing with different matters when you have a complaint about a particular area that the overseeing body is then in charge of?”

Mr Barbour replied:

“We will look at that and consider whether or not we should investigate the matter ourselves. If we think there is the possibility of corrupt conduct, we can also make a decision to monitor the investigation of a matter if it is referred back to a UPA [unit of public administration], or we might decide that we refer it back but with no further action required in terms of notifying us of outcomes.”

Mr Barbour’s response indicates that CCC decisions on public interest disclosures (PIDs) are guided less by objective benchmarks than by internal discretion: an approach that has enabled the Commission to routinely devolve or dismiss the overwhelming majority of matters. Notably, there was no further exploration following Mr Barbour’s description of the CCC’s ad hoc, subjective decision-making processes. This absence of follow-up is noteworthy, especially given that the CCC reports dismissing or devolving back to the subject entity over 99% of PIDs it receives.²

For example, in its 2020–21 annual report² and in previous annual reports, the CCC reported investigating fewer than 1% of PIDs. This likely explains why the PCCC continues to receive

complaints about the CCC's handling of corruption-related PIDs, where allegations are effectively self-investigated by the subject entity.

Of relevance to this submission, after 2021 the CCC stopped publicly reporting how many PIDs it devolved, thereby withholding vital information from the public and potentially the PCCC. This removed an important layer of transparency around the Commission's discretionary handling of such matters. Prior to this, the CCC routinely reported its near 100% devolvement rate in annual reports, revealing the extent to which devolvement enabled cost-shifting and offloading of corruption investigations onto subject agencies, often at the expense of independent scrutiny. Now this information is withheld from the public.

Without legislative reform to limit or better regulate the CCC's devolvement powers under s 46, this statutory flaw will continue to enable subjective, discretionary offloading of serious corruption matters back to the very agencies accused of wrongdoing, without accountability.

No effective controls on poor practice and misconduct by CCC Officers

Under Division 9, senior CCC officers and staff suspected of misconduct are disciplined by the CCC's own Chief Executive Officer (CEO) or another internal authority. This creates an inherent conflict of interest: the CEO, as part of the same organisation and chain of command, may be reluctant to investigate or discipline senior colleagues, especially when reputational damage is involved. For an agency tasked with investigating corruption, independent oversight of internal misconduct is essential to maintain public trust.

Currently, under Part 3, Division 2 of the *Crime and Corruption Act 2001 (Qld)*, PCCC is responsible for monitoring and reviewing the CCC. However, the PCCC lacks sufficient investigative expertise, independence, and resources needed to effectively oversee the CCC. While it holds formal powers to call for documents and issue directions, it typically relies on the CCC's assurances about CCC officer misconduct. The PCCC has no mandate to independently audit operational misconduct, nor is it required to engage external investigators or compel full disclosure.

This creates the situation in which the CCC effectively oversees itself.

Illustrating this, the 13 May 2025 PCCC hearing ³ reveals three fundamental accountability failures. When Hon Amanda Stoker MP questioned the CCC about a 43% drop in matters being formally monitored, Mr Barbour admitted there was “*no particular reason*” for the decline and explained that monitoring applies only to matters the CCC considers “*significant enough*.” This confirms that decisions about whether to monitor a matter are based entirely on internal judgment, without reference to any published criteria or risk-based framework. Mr Barbour further described fluctuations in monitoring levels as “*natural peaks and troughs*,” reinforcing that CCC monitoring decisions are made outside of any objective benchmarks. CCC officers have total discretion over whether to investigate a matter, refer it back to the subject agency, or monitor that agency’s response. There is no objective or transparent structure guiding decisions that carry a high risk that corruption will be covered up.

In the same meeting, Mr G.J. Butcher MP asked:

“We have heard some stories around cases that go on for a fair bit of time, of people feeling as if they have not been listened to and the CCC has not responded to them. Is there a process in place where whoever has the complaint in gets that feedback a bit more regularly?... Is there a single point of contact or a case manager? How does that look?”

Mr Capper, Senior CCC Executive Officer (Corruption) did not address the question of systemic processes or points of contact. Instead, he gave a vague, non-specific response that the commission “*endeavours to keep in contact*.” He said, “*it is dependent upon the circumstances of the individual matter*”.

This illustrates the CCC’s reliance on ad hoc case handling, rather than any clear or structured process. It also shows a tendency to avoid answering direct questions about systemic safeguards intended to ensure transparency and accountability to complainants.

Case study.

The following case study, while predating the current review period, illustrates longstanding systemic issues in the CCC's PID handling and oversight.

In late 2014, the Queensland Police fraud unit investigated suspected fraud at a Queensland public sector entity. After a routine meeting with police, senior CCC officers formally requested that the matter be referred to them under the CC Act. The CCC's *Acting Assistant Director of the Public Sector Program, Integrity Services* took over the case, and promptly shut it down without explanation, breaking off communication.

A Public Interest Disclosure (PID) was submitted to the CCC, alleging that the officer had improperly used their position to interfere with an active police criminal fraud investigation. Under the Public Interest Disclosure Act (PID Act), public sector entities are required to acknowledge receipt, inform the discloser how the matter will be handled, and notify them of the outcome. None of these occurred. The CCC did not follow the requirements of the PID Act.

Following repeated requests for action - including raising the matter with the regulatory oversight body - the subject officer of the PID eventually responded a year later. The CCC had assigned the formal PID of alleged corruption of a senior commission officer to that same officer to deal with.

This senior officer simply ignored that a PID had been made about them corruptly interfering with a police criminal investigation.

They wrote a letter saying they considered there was insufficient evidence to justify an investigation of a workplace complaint made to the CCC – falsely portraying a police criminal investigation as a routine PID lodged with the CCC. Their rationale about insufficient evidence was undermined by the fact that fraud detectives had given all the evidence they collected during their investigation to the CCC when this officer took over the case. The decision to disregard evidence of criminal activity was made via the same

process Mr Barbour described: a subjective assessment based on nothing more than a personal feeling it wasn't "*significant enough*."

Instead of managing the complaint as required by the PID Act, the CCC handed a credible PID of corruption to the subject officer of that PID - who had a clear conflict of interest. This senior officer then exploited their position to reframe a formal complaint of their alleged serious misconduct as the mere dissatisfaction of a complainant, causing a PID of corruption by a CCC officer to "*disappear*".

This case study - fact checked and published elsewhere - reveals profound deficiencies in the CCC's internal governance and accountability frameworks that remain unresolved to this day. No external statutory authority exists with the power to independently investigate or intervene in allegations of serious misconduct within the CCC itself. Consequently, the extent to which the more than 3,000 complaints processed annually by the CCC have been mishandled, misclassified, or "*disappeared*" by officers of the Commission remains entirely unknown.

Based on the above case study and transcript of PCCC public meetings, it is virtually guaranteed that complaints of alleged corrupt conduct by CCC officers will *not* be investigated.

The systemic absence of robust, independent investigatory and enforcement oversight mechanisms - clearly demonstrated by both the above case and the Logan City Council scandal - shows that integrity failings within the CCC are structural. Notably, the Logan City Council scandal became public because it involved elected officials, and this is why it resulted in a Parliamentary review. This was an exceptional case. Typically, as in the above case and countless others, questionable CCC practices have remained hidden from the PCCC and public scrutiny due to legislative inadequacies that preclude the PCCC from following up or referring complaints it receives about the Commission for investigation.

The persistent absence of independent oversight has allowed serious misconduct to go unaddressed, eroding public trust in the integrity of Queensland's anti-corruption framework. This situation urgently demands comprehensive legislative reform to establish effective, independent accountability and investigatory capacities that strengthen the Commission's

integrity and enhance public confidence in Queensland's oversight system. Without an external mechanism to investigate allegations of serious misconduct within the CCC, accountability remains dangerously inadequate.

Recommendations and Legislative Reform

Recommendation 1.

Establish a statutorily independent, non-political oversight authority (distinct from the PCCC) with professional investigatory capacity to audit CCC decisions and processes. This reform is critical because the current PCCC is composed exclusively of sitting Members of Parliament, all of whom remain subject to CCC jurisdiction. Currently, MPs overseeing the CCC are vulnerable to retaliatory or coercive investigations by the very Commission they are meant to hold accountable.

Legislative Amendment:

Insert a new Part 3A, titled 'Independent Oversight of the Commission,' immediately following Part 3 of the Crime and Corruption Act 2001, beginning at section 293, and comprising such sections as necessary to establish the oversight body, its membership, powers, and reporting obligations. This new Part should establish an independent oversight body with clearly defined powers; membership criteria ensuring independence and investigative/audit expertise; and mandatory public reporting obligations. The body must be structurally and operationally independent from the CCC, and specifically empowered to investigate serious misconduct or corruption by CCC officers.

The oversight body should be mandated to

- independently investigate allegations against CCC officers, including senior officers and the CEO;
- audit internal CCC disciplinary procedures to ensure fairness and thoroughness;
- refer serious matters directly to the DPP, bypassing potential internal blockages; and
- report publicly and to Parliament about disciplinary and prosecution referrals.

Recommendation 2.

Require the independent oversight body to conduct an annual independent audit of a random sample of at least 10% of CCC referrals of public interest disclosures (PIDs) back to the subject agency for internal investigation.

The audit must assess:

- Whether allegations of serious misconduct or corruption were accurately categorised in terms of risk and severity;
- Whether serious matters (e.g., involving financial thresholds over \$10,000, systemic risks, or institutional misconduct) were inappropriately referred back to the subject agency
- Whether the CCC's endorsement of agency-handled investigations was based on comprehensive review by the CCC that included the presence of documentation of key evidence, witness interviews, and procedural fairness;
- Whether risks of whistleblower reprisal were identified and whether protective actions were monitored or enforced by the CCC.

Legislative Amendment:

Insert a new Division 2, titled "Mandatory audits of PID referral decisions," under Part 3A of the Crime and Corruption Act 2001. This division requires the independent oversight body to conduct annual independent random audits of at least 10% of CCC referrals of PIDs back to the subject agency for internal investigation, including all cases where reprisals are alleged. The division must also require publication of an annual report summarising findings, trends, and recommendations while maintaining confidentiality.

Recommendation 3.

Refine and strengthen the PCCC's role to focus on compliance monitoring and strategic parliamentary oversight with operational investigations delegated to the new oversight body.

Legislative Amendment:

Amend s 292 of the Crime and Corruption Act to confine the PCCC to a high-level oversight and reporting role, with operational oversight (audits and investigations of CCC officers) transferred to the proposed independent body. This would remove role conflict and allow the PCCC to focus on strategic transparency, compliance, and accountability functions.

Recommendation 4:

Require the CCC to publish detailed, disaggregated data annually on all public interest disclosures it assesses, including referral decisions, outcome summaries, and any allegations of whistleblower reprisal - including cases where management action followed an internal report of wrongdoing.

This recommendation addresses the CCC's current practice of publishing only selective and aggregated PID data, which obscures patterns of misconduct, concealment, and systemic retaliation. The CCC should be required to produce structured, agency-level statistics on how PIDs were handled, enabling greater transparency, accountability, and public scrutiny.

Data must be published in tabular form by public sector entity to enable comparisons and reveal patterns across agencies. The CCC already collects most of this data during PID assessment and monitoring, so implementation would require only minor system modifications.

Legislative Amendment:

Insert after section 35(1)(m):

(n) to publish annually, in the commission's annual report and on its publicly accessible website, detailed, disaggregated statistics on public interest disclosures assessed by the commission, including -

- the number of public interest disclosures assessed, disaggregated by category of alleged misconduct;
- the disposition of each public interest disclosure (dismissed, retained, or referred), including reasons for each decision;
- the outcomes reported by public sector entities receiving referred disclosures (e.g., substantiated, not substantiated, insufficient evidence);
- the number and classification of allegations of whistleblower reprisal (acknowledged, dismissed, or categorised as reasonable management action); and
- tabulated data presented by public sector entity to enable transparency, comparison, and detection of systemic patterns.

Feasibility

Recommendation 4 requires the CCC to publish detailed, aggregated data it already collects through its PID processes, including misconduct categories, entity involvement, referral decisions, and whistleblower reprisal outcomes. Implementing it would mainly require a one-time, procedural enhancement to the CCC's reporting system to automate data extraction and formatting. Since the necessary information is already in the case management system, ongoing resource demands would be minimal. The approach aligns with established practices of similar agencies in other states⁴⁻⁶ and maintains strict confidentiality by reporting only aggregated data. Overall, these reporting improvements are practical, achievable, and proportionate to the public interest benefits of greater transparency and accountability.

Conclusion

The above reforms will bring Queensland's integrity system into line with national⁴⁻⁶ and international⁷⁻⁹ standards, strengthening accountability and supporting the restoration of public trust. They reflect best-practice principles promoted by integrity bodies and anti-corruption commissions worldwide.

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