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24 February 2009

Mr Paul Hoolihan MP
Chair
Parliamentary Crime and Misconduct Committee
Parliament House
BRISBANE QLD 4000

Dear Mr Hoolihan

RE: Submissions to three-yearly review.

Thank you for affording me the opportunity to consider the submissions to the three-yearly review provided under cover of your letter of 1 December 2008. As in the previous review, it appears that most of the submissions are quite positive and express satisfaction generally with the performance of the Crime and Misconduct Commission (CMC). Many of the submissions from the Units of Public Administration (UPAs) mention the CMC's misconduct prevention and capacity building initiatives very favourably.

I have set out below some observations concerning the submission made by the CMC and the more significant issues referred to in other submissions. I trust this will be of assistance to the Committee. The CMC's 150-page submission makes only 12 individual recommendations or requests (set out below) most of which appear to be quite reasonable.

1. **The CMC requests the Committee's support for an amendment to s.197 of the Act to remove the anomaly in relation to claims against self incrimination.** (Pages 6 and 7 of the CMC's submission and pages 2 and 3 of the hearing transcript.)

The situation under section 197 of the Act at present is that if a witness gives false evidence at a CMC hearing after having claimed privilege on the grounds of self-incrimination and then, on a second occasion, gives contradictory evidence, again after having claimed privilege on the grounds of self-incrimination, the witness's evidence on the second occasion can be used to prove the falsity of the evidence given on the first occasion. That is as it should be. However, an anomalous situation arises when the evidence on the first occasion is given without a claim of privilege on the grounds of self-incrimination. As the section presently stands, contradictory evidence given on a second occasion cannot be used to prove the falsity of the evidence given on that first occasion. That was clearly not the intention of the amendment made to the section on 11 August 2006, but that was the effect. The CMC's submission seeks to rectify that anomaly.

This request is uncontentious and has my support.

2. **The CMC requests the Committee's support for an amendment of s.75(9) of the Act to allow the utilisation of notices to discover in respect of subject officers of Misconduct Tribunal proceedings and witnesses before those proceedings.** (Pages 8 to 10 of the submission and pages 4 and 5 of the transcript.)

Presently, section 75(9) prohibits the CMC from issuing Notices to Discover to persons who are witnesses or the appellant before a Misconduct Tribunal hearing. It appears this may be due to the fact that the Misconduct Tribunal conducts its review jurisdiction by way of re-hearing of the evidence before the original decision maker (except in certain specified circumstances). The CMC's submission cites certain instances where it might need to undertake further inquiries using Notices to Discover after a matter has been referred to the Misconduct Tribunal. This seems to be a reasonable request and has my support. I note in particular that the Independent Expert Panel Tribunals Review Project has already accepted the force of the CMC's argument in this respect.

3. **The CMC requests the support of the Committee to amend the Act to provide CMC officers working in misconduct and confiscation investigations with the power to seize evidence located in a public place or another place that a Commission Officer has lawfully entered.** (Page 10 of the submission and pages 5 and 6 of the transcript.)

This recommendation addresses situations such as when a CMC civilian investigator interviews a witness and discovers the existence of documents or other evidence which the witness is not prepared to provide to the CMC. In the case of misconduct and confiscations investigations, a civilian investigator has no general power to seize such documents or other evidence. Seconded police officers retain such a power and civilian investigators have the power when executing search warrants and in crime investigations, but not in the course of misconduct or confiscation investigations.

Mr Needham gave the following example during the hearings: *"If they are interviewing someone and there is that physical object there and the person is not prepared to hand it over, if it was a police officer, the police officer could seize it, whereas, if there are purely civilian investigators there, they cannot do that. They have to come back and get a notice from me to this person to be able to require them to hand it over, and of course by that time it could be gone."* Mr Lambrides explained that *"It is more the situation where interviews are done quite regularly without police being present, and that is the situation we really want to cover."*

Again, this seems to be a reasonable request and has my support.

4. **The CMC seeks the Committee's support for the authority to provide information under section 60(2) of the Act to be effectively delegated to the level of senior officer, either by a new provision (similar to that which existed in section 38(4) of the former CJ Act) or by amendment to section 269.** (Page 13 of the submission and pages 6 and 7 of the transcript.)

Section 60(2) of the Act allows the CMC to give information coming to its attention to a UPA if the CMC considers the UPA has a proper interest in the information for the performance of its functions. For example, if the CMC received information about a UPA which information did not disclose any official misconduct but did reveal deficiencies in the UPA's practices or susceptibility to misconduct, the CMC could provide that information to the UPA. However, pursuant to section 269 (Delegation – Commission) the authority to disseminate that information under section 60(2) can only be delegated to the Chairperson or the Assistant Commissioners.

Under the previous legislation, the Chief Officer Complaints (the equivalent position to the Director Complaints Services – presently held by Ms Helen Couper) could authorise the dissemination of such information. This submission is directed at enabling senior officers such as Ms Couper to authorise such disseminations in future.

Here again an anomalous situation exists whereby, information about official misconduct can be disseminated by complaints services officers. They have been given the delegated authority to do that without having to refer it to the Chairperson or the Assistant Commissioner Misconduct. However, if the information relates to something less than official misconduct - a breach of discipline for example – the dissemination has to be authorised by the Chairperson or an Assistant Commissioner. This is clearly cumbersome and unsatisfactory. The CMC's request is sensible and has my support.

5. **The CMC seeks the Committee's support for an obligation to be placed on the CEO of a GOC that receives public funding, or utilises public infrastructure to carry out public functions, to report serious allegations of misconduct to their shareholding minister. The minister may then choose to refer it to the CMC for investigation.** (Pages 17 to 23 of the submission and pages 7 to 10 of transcript.)

In its previous review of the CMC the Committee recommended that the State Government consider extending the CMC's misconduct jurisdiction to include private entities that exercise public functions and use public monies. The Government responded that, whilst it supported the recommendation in principle, it could not commit to detailed consideration of the recommendation during the then current term.

Since that time, amendments to the *Government Owned Corporations Act 1993* have required that all existing statutory GOCs convert to company GOCs. The Explanatory Notes to the amendment Bill stated that the policy objective was to have all GOCs governed by the same regulatory regime, namely the *Corporations Act 2001.* Since the amendments to the *GOC Act* in March 2007, the CMC ceased to have any jurisdiction for misconduct in the GOCs.

In its submission, the CMC acknowledged the jurisdiction of ASIC in the regulation of corporate conduct of GOCs under the *Corporations Act 2001.* However, the CMC considers that ASIC would generally only be involved in investigating and prosecuting serious misconduct on the part of board members and the most senior executives of GOCs – *"the practical reality is that ASIC would never become involved in the investigation of misconduct on the part of staff of the GOC."*

It is the view of the CMC that it would have jurisdiction to investigate official misconduct within a corporate GOC if a Minister or departmental employee was implicated, but not where the suspected conduct only involved an officer of the GOC. The CMC expressed its well-founded concern *"that it has been given no role to improve integrity and reduce misconduct in GOCs which enter into significant commercial transactions for the benefit of the State of Queensland."*

The CMC proposed imposing an obligation upon CEOs of GOCs to report to their shareholding Ministers suspected official misconduct of a prescribed nature. The Minister would then consider the information to decide whether it should be referred to the CMC to deal with pursuant to its misconduct function. The CMC suggested the following examples of serious official misconduct could be subject to mandatory reporting: senior employees' failure to disclose relevant information or conflicts of interest; secret commissions related to contracts; corruption relating to contracting and tender processes; and misuse of GOC assets or information. It was suggested that the reportable categories of suspected official misconduct could be prescribed by regulation.

During the hearings, Hon. D. Wells MP expressed some concern about giving Ministers discretion as to whether information about suspected official misconduct of a prescribed nature should be referred to the CMC. He questioned whether this amounted to good public policy. Messrs Needham and Lambrides responded that the CMC would have no objection if the Committee were to recommend that CEOs of GOCs be required to report information about suspected official misconduct of the prescribed nature, directly to the CMC, rather than to their shareholding Ministers.

Mr Needham later observed that whereas under the recommendation as originally proposed, the CMC's jurisdiction would be enlivened by the Minister's referral, under the regime proposed by Hon. Wells MP, there would need to be some extension to the CMC's jurisdiction to allow it to deal with suspected official misconduct of the prescribed nature as reported by CEOs or by members of the public or whistleblowers within the GOCs. In my view there is clear merit in the proposal to make the GOC's amenable to the CMC's jurisdiction. The real question is how best to achieve that result without inappropriately overloading the CMC's resources.

6. The CMC seeks the committee's support for appropriate amendments to the Act to:

> **-clarify that a witness cannot refuse to answer questions at a CMC hearing on the ground of spousal privilege;**
>
> **-expressly nominate those grounds of privilege which a witness may rely upon to refuse to answer questions at CMC hearings; and**
>
> **-expressly abrogate the right of a witness to rely on all other common law grounds of privilege to refuse to answer questions.** (Pages 23 to 26 of the submission and pages 10 to 12 of transcript.)

The CMC notes the Committee's support in the previous three-year review to a proposed amendment to the Act precluding witnesses appearing before CMC investigative hearings refusing to answer questions on the grounds of spousal privilege. Unfortunately, the Government's response did not support the proposed amendments as being necessary. (Although, according to recent discussions between the CMC and the Department of Justice and Attorney-General, the Government's previous position is being reviewed.)

Since the decision in *Callanan* v *B* (2005)1 Qd R 348, the CMC's practice in most cases has been to simply avoid calling spouses to appear before investigative hearings. Obviously that approach is less than ideal, especially in relation to crime investigations which might relate to the disappearance of the witness's and spouse's children, paedophilic conduct of a spouse, or the whereabouts of a spouse at particular times (eg alibi evidence). The CMC notes that spousal privilege is not available in investigative hearings before the ACC, NSW Crime Commission, ICAC or the WA CCC. Further, the Court of Appeal in *Callanan* v *B* had stated the obvious fact that *"it seems improbable that this was the legislative intention"* to permit spousal privilege to remain available to witnesses in CMC investigative hearings.

As I advised at the time of the Committee's previous three-yearly review, I appeared as counsel for the CMC in the matter of *Callanan v B*. I strongly endorse the comments in the CMC's submission. It is clearly anomalous that spousal privilege, which cannot now be claimed in a criminal trial, can still be relied upon to frustrate an investigative hearing. Investigative hearings play an important part in allowing the CMC to properly exercise its function of combating and reducing incidence of major crime and it is important that such functions are not unnecessarily frustrated.

The decision in *Callanan* v *B* also highlighted a further defect in sections 190 and 192 of the Act in that there may be other common law privileges upon which a witness may rely to refuse to answer questions at an investigative hearing. The second and third parts of this submission are aimed at expressly extinguishing such claims.

7. The CMC acknowledges the support from the current and previous committees with regard to telecommunications interception powers, and seeks the committee's continued support in recommending that:

> **-funding be made available for the CMC to establish its interception facility;**
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> **-the CMC's TI facility be controlled separately from that of the Queensland Police Service.** (Pages 26 to 28 of the submission and pages 12 and 13 of the transcript.)

During the hearings the Committee raised with the CMC the submission made by Ms Rosa Lee Long MP that there be one shared TI facility for the CMC and QPS. Although not fully costed at this stage, Mr Needham indicated that there may not be that much difference in the cost of having two separate facilities as opposed to one combined facility. He stated that the larger part of the costs of TI is in the physical monitoring of the product and that would be the same whether the monitoring equipment was controlled by one entity or each had its own.

If there were to be one shared facility, the Committee acknowledged that it should be under the control of the CMC - not the QPS. Mr Needham stated that if the CMC had to share a TI facility with another agency, he thought it might be more prudent to share the hardware with another integrity agency and simply run the intercepted product down a line to a CMC monitoring facility. He was however, optimistic that there would be sufficient funding available to ensure the CMC had control of its own TI facility.

The ideal situation would indeed be for the CMC to have control of its own TI facility, therefore this request has my support.

8. **The CMC seeks the committee's support for a review of Chapter 3 & 4 powers in the Act, to develop uniform provisions for the exercise of the CMC's powers.** (Pages 28 and 29 of the submission and page 13 of the transcript.)

The CMC states that when the CJC and the QCC were merged, the drafter of the *Crime and Misconduct Act* adopted the approach of, wherever possible, preserving the existing provisions related to the QCC's crime functions and the CJC's misconduct functions. One result of this approach was that Chapters 3 and 4 contain separate provisions for similar compulsory powers, hearing powers and privilege claims. The CMC submits that there is unnecessary duplication in the Act which makes interpretation more difficult. Different provisions apply under the Act in respect of the following of the CMC's powers:

- Notices to Produce and Notices to Discover: Sections 74, 74A and 75;
- Procedures on Claims of Privilege for Documents Produced: Division 3, Subdivisions 1, 1A and 2;
- General Power to Seize Evidence: Sections 110, 110A and 111;
- Refusal to Answer Questions at a Hearing: Sections 190 and 192;
- Deciding Claims of Privilege at a Hearing: Division 4, Subdivisions 1, 1A and 2.
- Legal Costs of Appeal to Court on Privilege Claim at Hearing: Sections 205 and 196(7).

At the hearings Mr Needham stated that he thought a review of the chapters would have to be done independently of the three-yearly review. With the Committee's support, he hoped to have one or two officers from the Department of Justice and Attorney-General's policy area working on a review with CMC officers.

The CMC is not seeking any extension of its powers, only, as Mr Needham explained, *"rationalising them and putting them in the same form instead of the way it was, as I said, of just cobbling the two Acts together...It is not a matter of urgency; it is just a matter of rationalising it over a period of time. It might take 12 months or so to do it, but that is okay. At the end of it we would have a clearer and more easily understood Act."*

This uncontentious and practical request on the part of the CMC has my support.

9. **The CMC seeks the Committee's support for the introduction into the Criminal Code, of a criminal offence of misconduct in public office.** (Pages 29 to 32 of the submission and pages 13 to 15 of the transcript.)

The CMC submission states that in jurisdictions retaining common law criminal offences, the offence of "misconduct in public office" can be prosecuted. There have been recent successful prosecutions in NSW, Victoria, Hong Kong and UK. The CMC suggests that consideration be given to the enactment of such an offence as part of Chapter 13 of the *Criminal Code.* This, it submits, would more comprehensively reflect the common law relating to corruption and abuse of public office.

The CMC submitted that the scope of the offences in sections 87 to 97 of the *Criminal Code* is somewhat limited since most involve an element of a benefit gained or given or a detriment corruptly caused. The CMC suggests a broader offence of "misconduct in public office" would cover any serious misconduct by a public officer that is unlawful and in breach of duty but without the element of a benefit given or received or a detriment being caused. The CMC's submission provides examples of conduct prosecuted as "misconduct in public office" in common law jurisdictions which may not be covered by the existing offences in the *Criminal Code.*

In my view this is a sensible suggestion which would bring Queensland into line with other jurisdictions having such an offence available to prosecuting authorities.

10. **The CMC seeks the Committee's support for additional funding to enable the CMC to continue to meet the increasing demand for the use of its investigative hearings power.** (Pages 55 and 56 of the submission and pages 16 and 17 of the transcript.)

The CMC's submission refers to the sustained increase in demand by the QPS for the use of the CMC's hearings power to progress QPS investigations, particularly during 2007/8. The QPS submission also strongly supported an increase in the CMC's capacity to conduct such hearings.

The increasing QPS demand for use of the CMC's investigative hearings is reportedly placing the CMC's budget under pressure to meet the costs of witnesses, travel and transcription services. The CMC's 2008-2012 Strategic Plan includes as a priority, the raising of its capacity to investigate major crime by the use of these hearings. Mr Needham indicated that the CMC had discussed during its strategic review, whether they should simply tell the QPS that they could not hold so many hearings. However, the CMC took the view that Parliament had given the CMC these powers to be used in appropriate cases and the CMC should make every effort to utilise the power where appropriate.

Presently the hearings are presided over by Mr Callanan (Assistant Commissioner Crime) and Mr Michael Scott (Executive Legal Officer). Each of these persons has other important duties within the CMC so the CMC is seeking funding for a further Executive Legal Officer with sufficient experience to be able to preside at hearings so as to allow the present presiding officers sufficient time to attend to their other responsibilities.

Noting the strong support of the QPS, I am also supportive of the CMC's request.

11. **Experience locally and in other jurisdictions indicates that increased resources applied to proceeds of crime recovery yield positive net results. The CMC requests the committee's support for increased funding for the CMC's proceeds of crime recovery function.** (Pages 69 to 80 of the submission and pages 17 and 18 of the transcript.)

The CMC's submission highlights the exponential growth in the value of property restrained in the 2007/8 financial year. The main reason for this growth was the steep increase in the number of referrals received from the QPS as proceeds of crime recovery becomes better integrated into the investigative process. Also contributing to the growth has been an increased staffing capacity of the CMC's Proceeds of Crime team.

As at 30 September 2008, property valued at $14.244 million had been forfeited to the State and restrained property valued at $49.78 million was held under the civil confiscation scheme. The CMC reports that its Proceeds of Crime Team is at full capacity and struggling to meet the demands of the current workload. Continued increase in demand for proceeds of crime recovery action will be beyond the capacity of the CMC's current resources and will require supplemental resources or the self imposition of limits to growth.

At the hearings Mr Needham stated that the CMC is fairly confident that it might get some funding in this area since it is an area where additional funding will reap additional proceeds – more than any additional funding – into the state coffers. The QPS in its submission was also supportive of the request from the CMC for additional resources in the area of Criminal Proceeds Confiscation. This request also has my support.

12. **The CMC seeks the committee's support for agencies to be required to obtain advice from Crown Law in relation to issues arising under the regime of the CM Act.** (Pages 98 and 99 of the submission and pages 18 and 19 of the transcript.)

The CMC's partnership with Crown law and the Public Service Commission has attempted to ensure consistency of approach and advice provided to the public sector so that the regime under the *CM Act* can be given full effect. The CMC submits that there have been concerning instances when advice given by internal agency legal officers, human resource managers and private law firms has led to situations that have potential to undermine that regime. It submits that the different sources of advice have resulted in striking inconsistencies and inequities in the way in which agencies have dealt with matters. The CMC states that the involvement of Crown Law would be a safeguard in these situations.

I'm not sure that the various departments would appreciate being dictated to on the issue of where they may seek advice with respect to the operations of the *CM Act.* It seems very restrictive not to allow departments to at least seek such advice from their own legal sections. I can appreciate the CMC's concern to ensure consistency of interpretation of the Act within the public sector but I would not be surprised if the departments were resistant to this submission.

Whilst I agree that agencies should be encouraged to obtain advice from Crown Law in relation to issues pertaining to the *CM Act*, I do not accept that it should be mandatory.

Other general matters.

One issue discussed during the Committee's hearings concerned the length of time the CMC takes to conduct investigations against QPS officers. This issue was raised in the submission of the Queensland Police Commissioned Officers Union on behalf of [redacted] referred to the negative impact of the lengthy investigation [redacted] Whilst the Committee was sympathetic to [redacted] plight, in my view Mr Needham satisfactorily explained the CMC's position.

As in the previous three-yearly review, one recurring theme of a number of the written submissions related to the principle of devolution:

3. Mr Tim Nicholls MP, Member for Clayfield: Mr Nicholls MP reports constituents' concerns that the CMC does not investigate complaints properly or independently rather, hands the complaints back to the agency about which they complained.

13. [redacted] **private citizen:** [redacted] submitted that the CMC should investigate all complaints to any public sector agency or department and the government should give the CMC more resources if there is an increase in the workload. [redacted] view is that the government must delete the devolution principle from the Act.

16. Dr Tamara Walsh, University of Queensland: Dr Walsh touched upon this issue stating that the general perception among respondents to a homelessness research survey was that the CMC was not independent of the QPS.

18. Ms Betty Kiernan MP, Member for Mt Isa: In the submission of Ms Kiernan MP she essentially disagreed with the principal of devolution. She stated that *"The CMC is critical in maintaining public confidence in our institutions; it should never be seen to be outsourcing its role to third parties particularly in the area of investigations. If the CMC requires additional resources to maintain its investigation role then I ask the committee to consider this."*

19. [redacted] **private citizen:** [redacted] made wide-ranging complaints including against the CJC for its handling of [redacted] complaints against the [redacted] and other persons and entities. [redacted] believes that CMC investigations should be undertaken by independent accountants and professionals rather than *"the present situation where mates investigate mates."*

20. [redacted] **private citizen:** By reference to [redacted] own dealings with the CMC when [redacted] made disclosures as a whistleblower whilst working with [redacted] complained about the CMC referring the complaint back to [redacted] to investigate. [redacted] disagrees with the principle of devolution. [redacted] says it is not consistent with the principles of natural justice. [redacted] feels that if the CMC devolves an investigation, the CMC still needs to take final responsibility for the investigation and the integrity of the process.

29. [redacted] private citizen: [redacted] referred at length to a complaint [redacted] had previously made to the CMC concerning an allegation that a QPS officer had [redacted] The CMC had referred that matter to the QPS to investigate. The complaint was unsubstantiated. The thrust of [redacted] submission is that all complaints of official misconduct against police officers should be investigated by a statutory authority operating independently of the police. [redacted] states that there is a "police code" and it is unrealistic to expect that an investigating QPS officer would make a fair and even-handed assessment of a complaint against a fellow officer. *"Yet this process of internal investigations is sanctioned by the Crime and Misconduct Act. Hence that part of the Act covering complaints procedures tacitly encourages criminal behaviour by the police instead of curbing it – an example of poor legislation, and the demise of the reforms envisaged by the Fitzgerald Commission."* In short, he totally disagrees with the notion of devolution.

To some extent, the submissions of [redacted] and Dr Walsh echo those made during the Committee's previous three-yearly review by Mr Terry Sullivan MP (as he was then) and the Youth Advocacy Centre. Mr Sullivan's view was that devolution was not the appropriate principle for a state police service because the "police culture" dictates that members shield each other from outside criticism. He alleged that there is a substantial bias involved in internal police investigations. The Youth Advocacy Centre reported young people's concerns that devolution will result in police officers being cleared on the basis of legal technicalities (presumably due to police culture bias).

Mr Needham and other CMC officers spoke at length about the principle of devolution at the hearings for the Committee's current review (at pages 20 to 25 of the transcript of the first day's hearing). I must say that, having noted these various concerns about the principle of devolution, I found their views very enlightening.

The vast majority of complaints to the CMC about the QPS relate to complaints of assault, or as Mr Needham put it, *"police using excessive force"*. In most cases an investigation of such allegations, whether conducted by the CMC or the QPS, *"will get to a stage where citizen A is saying this and the police officer is saying that. It is one word against the other. You might not be able to resolve it."*

From my perspective, the incident involving [redacted] and the subsequent complaint [redacted] is but one obvious example. It would have made little difference to the prospects of securing a conviction against the subject officer had the CMC conducted an investigation rather than devolving the matter to the QPS.

Mr Lambrides referred to the era when the CJC would investigate allegations of assaults by police and stated that they were *"notoriously difficult to investigate"*. The CJC was therefore criticised for how ineffective its investigations were. Mr Lambrides stated that *"client satisfaction is not going to follow merely because we investigate it...It will certainly cure the issue of Caesar judging Caesar, but then there were questions about our competence in investigating it. So you are supplanting one set of criticisms for another largely."*

Abandoning the principle of devolution will not satisfy complainants. Ms Couper stated (at page 22) that if the CMC investigated such a complaint and the complaint was unsubstantiated *"There is no outcome for them* [the complainants] *then. There is no indication that the Police Service has had any acknowledgement of what has been a concern."*

Ms Couper believed that devolution and the approach endorsed by the CMC would provide a greater sense of contact with the police and a greater sense of engagement... *"you might expect people would feel some satisfaction with if they were able to engage with the police and were able to engage with the officer in charge of the station who dealt with their boy who was in the watch-house last night, or dealt with the situation that they confronted themselves, far better than hearing from the CMC that we investigated it and it was unsubstantiated."*

I do not suppose that this approach would satisfy those complainants determined to see retribution being visited upon a subject officer, but such persons would be disappointed with an unsubstantiated outcome of an investigation whether it be conducted by the CMC or the QPS. And the large majority investigations will not be able to substantiate the allegations to the requisite standard.

Devolution is a fundamental principle of the *CM Act* and, if it is to remain so, strategies must be adopted to ensure that it operates effectively and to establish and/or maintain public confidence in its operation. Public confidence in the devolution process will always be difficult to maintain wherever, as is often the case, there is a lingering perception that an investigation has not been carried out impartially.

One such strategy to deal with the problem might involve more extensive monitoring of complaints referred back to UPA's. Rather than simply seeking mere outcome advice on the large proportion of devolved complaints, the CMC should request, (and most importantly) obtain and read, more detailed finalisation reports on these devolved complaints. These reports need not be overly lengthy (perhaps only a few pages) but complainants and the public could be satisfied that the devolved complaints were better monitored. Complaints are entitled, in my view, to have the report of an investigator checked by the CMC for the integrity, thoroughness and adequacy of its processes. It is a simple question of transparent accountability.

I trust that these comments will be of some assistance to the Committee in the conduct of its review. If there are other matters upon which the Committee seeks my input I would be pleased to assist further.

Yours faithfully

ALAN J MacSPORRAN SC
Parliamentary Commissioner