



# **PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

## **BI-MONTHLY REPORT TO THE PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE (PUBLIC)**

**14 SEPTEMBER 2015**

### **1. OPERATIONAL REPORT**

#### **1.1 Progressive work program**

Attached, as Appendix 1, is the progressive work program of the Office of the Parliamentary Crime and Corruption Commissioner for the period 28 May to 7 September 2015.

#### **1.2 Highlights**

After having first received the approval of the Committee, on 19 June 2015 I advised the Acting Chief Executive Officer of the Crime and Corruption Commission (CCC) that I was now in a position to accept her invitation to deliver an address to Commission staff. I have requested some details or examples of the issues that the CEO might wish me to cover in my address; the expected duration of the address; and dates that may be suitable to the Commission. I have prepared a draft address which covers issues that have been encountered in the course of the various audits and inspections conducted by Parliamentary Commissioners but the arrangements with regard to my address to Commission staff remain ongoing. As I stated in my last report I can see some real benefit in speaking to Commission officers about these issues in terms of possibly limiting the incidents of non-compliance that I encounter in my inspections of the CCC's records.

Mr Kunde and I have received approval from the Deputy Clerk of Parliament to attend the 2015 Australian Public Sector Anti-Corruption Conference to be held at the Brisbane Convention and Exhibition Centre on 17 – 19 November 2015.

### **2. ADMINISTRATIVE MATTERS**

As previously advised, I was absent from the state for the period 9 to 23 July 2015.

Also, as previously advised, I will be absent from the State for the period 17 September to 12 October 2015. On 17 June 2015 I wrote to the Speaker, the Honourable Mr Peter Wellington MP, to formally notify him of my absence from the State for that period. On 25 June 2015 the

Speaker wrote to advise that, pursuant to section 308 of the *Crime and Corruption Act 2001*, he has appointed Mr Kunde to act as the Parliamentary Crime and Corruption Commissioner during the period of my absence.

## 2.1 Key Outputs achieved during the period 28 May to 7 September 2015

Measures	Targets
<u>Quantity</u>	
Number of complaints against the CCC finalised	1
Number of other functions finalised	2
Number of complaints against the CCC received	1
Number of other functions received /arising	3
Number of complaints against the CCC on hand	0
Number of other functions on hand	1
Number of audits of CCC undertaken	1
Number of other audits undertaken	0
Number of reports to the PCCC	3
Number of meetings with the PCCC	1
Number of other meetings (CCC)	1
Number/time of hearings (in hours)	0
<u>Timeliness</u>	
Cumulative average time taken to finalise complaints against the CCC	17.6 weeks
Cumulative average time taken to finalise other functions	6.36 weeks

## 2.2 Matters arising from outputs

### Inspection of Surveillance Device Warrants records - May 2014

Section 362(1) of the *PPRA* requires that the Parliamentary Commissioner must inspect the CCC's surveillance device warrant records to decide the extent of compliance with chapter 13 of the *PPRA* by the CCC and law enforcement officers of the CCC. Pursuant to section 363(1) of the *PPRA*, the Parliamentary Commissioner is required to make written reports at six-monthly intervals on the results of each inspection under section 362.

By letter dated 10 April 2015, I provided the then Acting Chairman of the CCC, Dr Ken Levy RFD, with written notice pursuant to section 362(2)(a) of the *PPRA* that I intended to commence an inspection of the CCC's surveillance device warrants records on 4 May 2015.

A schedule listing all surveillance device warrants operational in the period 3 December 2014 to 4 May 2015 was obtained from the CCC's Property Control Section and the inspection of the surveillance device warrants records was conducted on 4 May 2015. Further information was gathered on 6 and 19 May 2015.

On 8 July 2015 I provided my written report on the results of the inspection to the Committee in accordance with section 363 of the *PPRA*.

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## **Inspection of the CCC's Telecommunications Interception Records – July/August 2015**

The Parliamentary Commissioner has a number of responsibilities under the *Telecommunications Interception Act 2009* (the *TI Act*). Pursuant to section 23(2) of the *TI Act*, the Parliamentary Commissioner must inspect the CCC's telecommunications interception records at least twice during each financial year to find out the extent to which CCC officers have complied with sections 14 to 16 and 18 to 20 of the Act.

On 21 July 2015 I provided formal notice to the Acting CCC Chair, Ms Ann Gummow, that I intended to commence the first inspection of the CCC's telecommunications interception records for the 2015-2016 financial year inspection on 28 July 2015. The inspection was finalised on 30 July 2015. The inspection established that CCC officers had fully complied with sections 14, 15 and 16 of the *TI Act*.

### **Investigation of Complaints**

During the reporting period, the Committee referred a matter for my investigation and report. In accordance with the Committee's request I concluded my investigation of this matter and provided my report for the consideration of the Committee on 31 August 2015.

### **Other matters**

#### **Committee's Statutory Review of the Crime and Corruption Commission**

On 26 June 2015 I provided a brief submission to the Committee's review of the Crime and Corruption Commission conducted pursuant to section 292(f) of the *Crime and Corruption Act*. Since the last statutory review conducted by the Parliamentary Crime and Misconduct Committee in 2011, I have made a number of submissions concerning provisions of the *Crime and Misconduct Act 2001* (as it was then). My submission was therefore limited to the issue of a proposed amendment to section 14 of the *Telecommunications Interception Act 2009* which I mentioned in my last bi-monthly report.

### **Section 329 Notifications**

Pursuant to the section 314(4) of the *Crime and Corruption Act* the Parliamentary Commissioner has the function to investigate on his or her own initiative a matter mentioned in section 314(2)(b) or (c) (namely (b) complaints made against, or concerns expressed about, the conduct or activities of the CCC or a CCC officer and (c) allegations of possible unauthorised disclosure of information or other material that is confidential under the *Crime and Corruption Act*) or a matter notified to the Parliamentary Commissioner under section 329, subject to certain conditions set out section 314(4)(a) and (b).

Notifications were provided to me pursuant to section 329 during the reporting period.

Pursuant to the section 314(5) of the Act, the Parliamentary Commissioner is permitted to undertake a preliminary assessment of a matter to decide whether the conditions set out in section 314(4)(a) and (b) are satisfied for the matter. During the reporting period I conducted preliminary assessments of section 329 notifications.

If the Parliamentary Commissioner decides to conduct a preliminary assessment under section 314(5) of the Act, then pursuant to section 314(7), the Parliamentary Commissioner must notify the Parliamentary Committee of the decision. Timely notifications have been provided to the Committee in respect of each assessment conducted during the reporting period.

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As stated in my previous reports to the Committee, the impact that the conferral of the “own initiative” investigative function will have on the workload of the office will be monitored and the Committee kept informed.

### **3. CERTIFICATION**

I submit that the above information demonstrates

- a) satisfactory progress in the efficient, effective and economical achievement of the goals of the Office of the Commissioner;
- b) resources are being allocated to produce best value for money; and
- c) outputs are being provided at the standards stated in the Parliamentary Service Plan.

I also submit that the above information confirms -

1. the appropriateness of the goal, and strategies to achieve the goal, as outlined in the Parliamentary Service Management Plan;
2. the suitability of the performance indicators in measuring the achievement of the goal;
3. options to improve the efficiency, effectiveness and economy of operations are being pursued.



Paul Favell

**Parliamentary Crime and  
Corruption Commissioner**

**Parliamentary Crime and Corruption Commissioner**

**Progressive Work Program (Public)**

**As at 7 September 2015**

**Meeting date: 14 September 2015**

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
Inspection and report on the inspection of the CCC's records of Surveillance Device Warrants	Pursuant to section 362 of the <i>PPRA</i> inspect the CCC's records to decide extent of compliance with chapter 13 of the <i>PPRA</i> and report to the Chair of the PCCC.	June/July 2015	<ul style="list-style-type: none"> <li>• Received and considered reply from Acting CCC Chairman.</li> <li>• Incorporated relevant details from CCC Chairman's reply into final report.</li> <li>• Finalised report to PCCC.</li> </ul>	Finalised. Report provided to Chair of PCCC.	Parliamentary Commissioner  Legal Officer
Inspection of Telecommunications Interception Records	Pursuant to section 23(2) of the <i>Telecommunications Interception Act</i> inspect the CCC's TI records to find out the extent to which CCC officers have complied with sections 14-16 and 18-20	August 2015	<ul style="list-style-type: none"> <li>• Inspected files for each TI warrant obtained since last inspection and for warrants previously obtained to ensure required documents kept.</li> <li>• Inspected RADARS computer records for warrants to ensure required particulars kept.</li> <li>• Inspected Use and Communication register to ensure appropriate level of detail recorded.</li> <li>• Checked copies of evidentiary certificates maintained.</li> <li>• Met with Manager ECU to discuss RADARS system and retention of particulars of "person who carried out each interception" pursuant to section 15(1)(c)(iv) TI Act.</li> <li>• Collated results of inspection.</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare table detailing level of compliance with relevant provisions and provide to Manager ECU.</li> <li>• Prepare and provide report to A-G.</li> <li>• Prepare information from report and provide to Chair PCCC and Chairman CCC.</li> </ul>	Parliamentary Commissioner  Legal Officer

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
<p>Investigation of complaints or concerns about the CCC.</p> <p>Receive and assess notifications of suspected improper conduct.</p>	<p>Pursuant to section 295(2)(d) of the <i>Crime and Corruption Act</i> investigate and give a report on a matter to the Committee.</p> <p>Pursuant to section 314(5) of the <i>Crime and Corruption Act</i> assess notifications received from CCC of suspected improper conduct of Commission officers.</p>	<p>31 August 2015</p> <p>Ongoing</p>	<p>Completed investigation and finalised report.</p> <ul style="list-style-type: none"> <li>• Received and assessed section 329 notifications from Acting CEO of CCC.</li> <li>• Advised Committee and CCC of assessment decisions.</li> </ul>	<p>Finalised. Report provided to PCCC Chair 31 August 2015.</p> <ul style="list-style-type: none"> <li>• Receive and assess section 329 notifications from Acting CEO of CCC.</li> <li>• Advise Committee and CCC of assessment decisions.</li> </ul>	<p>Parliamentary Commissioner</p> <p>Legal Officer</p> <p>Parliamentary Commissioner</p> <p>Legal Officer</p>