

# PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE

## Annual Report 2000/2001

### Report No. 56

#### THE COMMITTEE

The Parliamentary Criminal Justice Committee is an all-party committee of the Queensland Legislative Assembly constituted under the *Criminal Justice Act 1989*.

The principal functions of the Committee are to monitor and review the discharge of the functions of the Criminal Justice Commission (CJC), to report to Parliament on matters pertinent to the CJC, and to participate in the constitution of the CJC.

The Committee both has a continual role in monitoring and reviewing the CJC and also conducts specific inquiries in respect of matters pertaining to the CJC. It is through the Committee that the CJC is accountable to the Parliament and to the people of Queensland.

#### COMMITTEE MEMBERSHIP

Mr Geoff Wilson MP, (Chairman) *Member for Ferny Grove*  
Mr Howard Hobbs MP, (Deputy Chairman) *Member for Warrego*  
Ms Desley Boyle MP, *Member for Cairns*  
Mr Stuart Copeland MP, *Member for Cunningham*  
Dr John Kingston MP, *Member for Maryborough*  
Mr Andrew McNamara MP, *Member for Hervey Bay*  
Mr Kerry Shine MP, *Member for Toowoomba North*

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[www.parliament.qld.gov.au/committees/crimjust.htm](http://www.parliament.qld.gov.au/committees/crimjust.htm)

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## 1. INTRODUCTION

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The Parliamentary Criminal Justice Committee (the Committee or the PCJC) is established by section 115 of the *Criminal Justice Act 1989* (Qld) [the Act].

This report represents a brief summary of the Committee's activities for the 2000/2001 financial year.

Unlike other Committees of the Legislative Assembly, the Committee is not required by statute to present an annual report. However, the Committee considers that it is in the spirit of the Parliamentary committee system that it report on its activities to the Legislative Assembly and to the people of Queensland.

This reporting period covers the final stages of the term of the fourth PCJC and the beginning of the term of the fifth PCJC. It should be noted that, unlike other Queensland Parliamentary Committees, the PCJC continues in existence despite dissolution of the Parliament, until "fresh members" are appointed by the Legislative Assembly.<sup>1</sup> Thus, notwithstanding the dissolution of the Legislative Assembly on 23 January 2001 the fourth PCJC existed until the appointment of the fifth PCJC by the Legislative Assembly on 2 May 2001.

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## 2. THE COMMITTEE'S RESPONSIBILITIES

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The functions and responsibilities of the Committee, as detailed in section 118 of the Act, may be summarised as follows:

- to monitor and review the activities of the Criminal Justice Commission (CJC);
- to report to the Legislative Assembly where appropriate;
- to examine reports of the CJC;
- to participate in the appointment of CJC Commissioners;
- to conduct a review of the CJC at the end of the Committee's term; and
- to issue guidelines and give directions to the CJC, where appropriate.

Under section 118F of the Act, the Committee also has a specific role in relation to complaints made, or other concerns, about the conduct and activities of the CJC and its staff.

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<sup>1</sup> Section 116A of the *Criminal Justice Act 1989*.

Under the *Misconduct Tribunals Act 1997* (Qld) the Committee also participates in the appointment of members of the Misconduct Tribunal<sup>2</sup> and may conduct a review, where appropriate, of the Misconduct Tribunal as part of its three yearly review of the CJC.<sup>3</sup>

### 2.1. MONITORING AND REVIEWING THE CJC

The phrase "monitor and review" is not defined in the Act, but is generally understood to require the Committee to ensure the accountability of the CJC to the Parliament, as was specifically envisaged by the Fitzgerald Report.<sup>4</sup>

In the absence of any definition, the Committee has developed a number of mechanisms which enable it to "monitor and review" the activities of the CJC. These mechanisms have included:

- holding regular Committee meetings to consider issues relevant to the CJC;
- receiving confidential bi-monthly reports from the CJC in relation to its activities and the discharge of its functions;
- receiving confidential minutes of internal meetings held by the CJC, including meetings of the CJC Commissioners and the CJC Executive;
- holding bi-monthly in-camera meetings with the Chairperson of the CJC, CJC Commissioners and senior CJC officers;
- receiving complaints against the CJC and its officers;
- reviewing CJC guidelines and making suggestions for improvement of CJC practices;
- reviewing CJC reports including its annual report and research reports;
- requesting reports from the CJC on matters which have come to the Committee's attention;
- conducting inquiries into:
  - the actions of the CJC and/or its officers;
  - matters involving the CJC;
  - issues arising from reports of the CJC as and when those matters arise;
- conducting audits of various registers maintained by the CJC and relevant files kept by the CJC detailing the use by the CJC of its powers;

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<sup>2</sup> Section 7.

<sup>3</sup> Section 38.

<sup>4</sup> Commission of Inquiry into possible illegal activities and associated police misconduct, 1989, *Report of an Inquiry pursuant to Orders in Council*, (Commissioner GE Fitzgerald QC), Brisbane.

- dealing with ad hoc issues concerning the CJC as they arise;
- seeking independent advice from experienced legal Counsel, academics and persons with particular skills and expertise with respect to various matters concerning the CJC; and
- The Committee's activities during the reporting period in relation to these various functions are discussed in more detail below.

The CJC is financially accountable to the responsible Minister who also performs a number of other functions under the Act.<sup>5</sup>

## **2.2. REPORTING TO THE LEGISLATIVE ASSEMBLY**

The second main function of the Committee is to report to Parliament on the operations and activities of the CJC so that it is accountable to the Parliament and to the people of Queensland.

The Committee's general function is to comment and report, at the Committee's discretion, in respect of any matter concerning the CJC's operations.

During the reporting period the Committee tabled a major report to Parliament concerning the CJC, being Report No. 55 on the Committee's three yearly review of the activities of the CJC.

## **2.3. EXAMINING THE ANNUAL REPORT AND OTHER REPORTS OF THE CJC**

By virtue of section 118(1)(c) of the Act, the Committee is obliged to "examine the annual report and other reports of the commission and report to the Legislative Assembly on any matter appearing in or arising out of any such report".

The fourth PCJC adopted, with approval, the reasoning of its predecessor Committees that it is counterproductive and duplicative for the Committee to engage in a detailed examination and reporting process for every CJC report. The Committee therefore adopted a practice of reporting to Parliament only where it determined that a CJC report was of sufficient public interest or importance to the community, and the Committee was able to add to the process in some way by reporting to Parliament in respect of the CJC's report.

The definition of "report of the Commission" in section 26(9) of the Act also requires any report the CJC wishes to table in the Parliament under section 26, other than a report of a section 25 hearing, to be referred to the Committee, so that the Committee can

consider whether it will direct that the report should be so tabled.

In the relevant period, the CJC produced 14 reports, including investigative reports, research reports, research papers, issues papers, a Criminal Justice Monitor and Prevention Pointers.

### ***2.3.1. Examination of the CJC's Annual Report 1999/2000***

The CJC's 1999/2000 Annual Report was tabled in Parliament on 8 November 2000. In previous years, the Committee has examined the CJC's Annual Reports and has raised certain issues arising from those reports with CJC Commissioners and senior officers at various Joint meetings with the CJC.

This year the Committee initially proposed that as part of its review of the CJC's Annual Report it would hold a public hearing. However, it was acknowledged that the content of the Annual Report would be discussed during the Committee's hearing held as part of its three yearly review of the CJC (see 2.5). This was in fact the case and further dedicated hearings were not required.

### ***2.3.2. Consideration of CJC reports under section 26(9) of the Act***

During the reporting period, the Committee considered and ultimately provided the requisite direction to the CJC to table in the Parliament three CJC reports:

- *Report on an Advice by P.D McMurdo QC* (tabled by the CJC on 6 September 2000);
- *Queensland Prison Industries: A Review of Corruption Risks* (tabled by the CJC on 12 September 2000); and
- *Safeguarding Students: Minimising the risk of sexual misconduct by Education Queensland staff* (tabled by the CJC on 12 December 2000).

The key issue considered by the Committee in each case was whether the subject matter of each report made it suitable for tabling in the Parliament. In providing each direction, the Committee did not consider it appropriate to make any specific comment in respect of any report, other than to note that the Committee should not necessarily be taken as endorsing or adopting the report in any way.

The Committee agreed that it was appropriate to give the direction in each case in which it was sought.

<sup>5</sup> The Premier is the responsible Minister.

## **2.4. PARTICIPATING IN THE APPOINTMENT OF CJC COMMISSIONERS**

The Commission comprises a full-time Chairperson and four Commissioners who are part-time.

Before selecting any person for appointment as Chairperson or part-time Commissioner of the CJC, the responsible Minister, in this case the Premier, is required by section 11 of the Act to consult with the Committee. A person must not be appointed as Chairperson or part-time Commissioner of the CJC unless that appointment is supported by a bi-partisan majority of the Committee.

During the reporting period, the Premier consulted with the Committee in respect of the appointment of one part-time Commissioner of the CJC. The Committee unanimously approved the appointment of Associate Professor Margaret Steinberg (appointed on 20 July 2000).<sup>6</sup>

## **2.5. THREE YEARLY REVIEW OF THE ACTIVITIES OF THE CJC**

Section 118(1)(f) of the Act obliges the Committee to conduct a review of the activities of the CJC every three years.

On 19 March 2001, the fourth PCJC tabled Report No. 55 on its three yearly review of the activities of the CJC.

The following activities were undertaken as part of this review:

- the Committee called for submissions from the CJC, interested agencies and members of the public on 26 May 2000;
- an issues paper on *Dealing with Complaints against Police* was tabled on 24 August 2000;
- 31 submissions were received and considered;
- submissions that were considered appropriate for tabling were tabled on 8 December 2000; and
- public hearings were held on 14 and 15 December 2000, at which 25 witnesses attended and gave evidence.

Some of the issues covered in the review were:

- the CJC's jurisdiction, functions and responsibilities;
- the CJC's handling of complaints of corruption and other misconduct in the public sector and in the police force;
- the use and effectiveness of the CJC's investigative powers;
- the CJC's role in overseeing the police force;

- the CJC's role in relation to the criminal justice system;
- corporate governance issues;
- the statutory framework in which the CJC, the Committee and the Parliamentary Criminal Justice Commissioner (the Parliamentary Commissioner) operate;
- the accountability of the CJC; and
- the role and functions of the Office of the Parliamentary Commissioner.

The review took up a considerable amount of the fourth PCJC's time in the reporting period.

Report No. 55 made 131 recommendations. The fifth PCJC has considered such of those recommendations as bear upon its own future activities.

## **2.6. ISSUING GUIDELINES AND GIVING DIRECTIONS TO THE CJC**

Under section 118A of the Act, the Committee has the power to issue to the CJC guidelines relating to its conduct and activities. Section 118A(4) requires the CJC to comply with such guidelines.

Section 118E(1) of the Act also empowers the Committee to direct the CJC, in writing, to investigate the matters stated in the direction. The CJC is required to investigate such matters diligently and in a way reasonably expected of a law enforcement agency, and to report the results of its investigation to the Committee.

Any guideline pursuant to section 118A, and any direction pursuant to section 118E, can only be issued with the agreement of a multi-party majority of the Committee.

During the relevant period the Committee did not issue any guideline to the CJC under section 118A, nor did it direct the CJC to pursue or undertake the investigation of any matter under section 118E.

## **2.7. COMPLAINTS AGAINST OFFICERS OF THE CJC**

### **2.7.1. Introduction**

Given the nature of the CJC and its functions and responsibilities, it is inevitable that from time to time, complaints will be made regarding actions of officers of the CJC.

The establishment of an appropriate mechanism for the assessment and investigation of complaints against officers of the CJC is critical to ensure public confidence in, and the effective accountability of, the CJC.

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<sup>6</sup> The appointment of Mrs Kathryn Biggs expired on 26 June 2000.

In a large majority of these complaints, the Committee considered that the CJC had not acted inappropriately. However, the consideration of such complaints can provide the Committee with a valuable window into the operations and activities of the CJC. Even where a complaint is not substantiated, procedural and administrative deficiencies might be identified which make revision or clarification of CJC policies and procedures appropriate. Further, the very issues raised by a complaint can often provide useful indicators of areas where additional communication and feedback by the CJC might assist in alleviating misunderstandings.

The procedures governing the handling of complaints differ depending on whether the complaint is received directly from the public or is notified to the Committee from the CJC.

### ***2.7.2. Complaints against the CJC received by the Committee directly from members of the public***

Most complaints against the CJC or its officers considered by the Committee are provided directly to the Committee by members of the public.

The types of complaints vary, but more common examples have included complaints alleging:

- delay occasioned by the CJC in investigating a matter;
- the CJC's failure to investigate or adequately investigate a complaint;
- the CJC's failure to consider all relevant facts and material in making a determination;
- improper or inappropriate investigation methods used by the CJC; and
- bias in the CJC's final determination.

In rare instances, complaints of misconduct (as distinct from complaints regarding administrative actions, the lawfulness of which might be able to be examined through the avenue of judicial review) are made against CJC officers.

The Committee has no power to act on complaints that do not concern the actions of or inaction by the CJC, including complaints of general dissatisfaction with the criminal justice system.

Complaints to the Committee alleging official misconduct by officers in units of public administration or official misconduct or misconduct by police officers which have not first been considered by the CJC, are ordinarily forwarded on to the CJC. Complainants are then notified that the CJC will report to them directly about their complaints.

However, in such cases the Committee retains an interest in the matter and the CJC provides the Committee with a copy of its final letter of response to the complainant.

The fourth and fifth PCJCs adopted the policy of predecessor Committees of considering only complaints which are made in writing. In considering complaints, the Committee relies on research and briefings from the Committee secretariat, which comprises three lawyers and an executive assistant. As a general rule, again adopting the policy of previous Committees, neither the Committee, individual Committee members, nor staff of the Committee secretariat will meet personally with a complainant or anyone acting on that person's behalf.<sup>7</sup>

### ***2.7.3. Protocols for dealing with misconduct complaints against CJC officers when made directly to the CJC***

The *Criminal Justice Legislation Amendment Act 1997* amended the structure for handling complaints against the CJC and its officers, but left unresolved some issues relating to the manner in which complaints received directly by the CJC are to be handled.

In 1999, the fourth PCJC, in consultation with the CJC, developed a set of protocols with a view to addressing these unresolved issues.

The fourth PCJC had considered it appropriate to undertake a review of these Protocols, and had determined that this would be done as part of the fourth PCJC's three yearly review of the CJC. Unfortunately, the truncated timetable within which

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<sup>7</sup> This policy exists for several important reasons:

- The Committee comprises seven members of Parliament, all of whom play an equal role in decisions on matters coming before the Committee. Considering matters in written form ensures that no one member is asked to speak to representations that are intended for the attention of the Committee as a whole. Instead, the whole of the Committee is in a position to consider the relevant facts and arguments.
- Due to the nature and membership of the Committee, issues can be considered far more efficiently and efficaciously where material is provided in written form.
- The volume of matters dealt with by the Committee does not allow oral representations to be considered.
- Receiving complaints in written form avoids the potential for a misunderstanding or a misinterpretation as to the relevant facts, which might occur if a complaint or further relevant information were provided orally.

that Committee had to report meant that this was not possible.

#### **2.7.4. Complaints made in 2000/2001**

During the reporting period, the Committee formally received 70 complaints against the CJC and/or its officers.

61 of those complaints were received directly from members of the public. The remainder were referred to the Committee by the CJC.

After careful consideration of any investigation report provided by the CJC and/or the Parliamentary Commissioner<sup>8</sup>, together with the material provided by the complainant, the Committee considered that in the vast majority of cases, on the information supplied to the Committee, the complaints were unsubstantiated or the action taken by the CJC was not inappropriate.

In most cases the Committee ultimately agreed with the actions and decisions of the CJC and its officers. However, in some cases the Committee requested the CJC to provide further information, to reconsider its decision, to review its practices and procedures or to comment upon a particular aspect of a matter.

As a result of complaints made to and considered by the Committee, the CJC has reviewed and/or revised its policies and procedures including:

- processes for acknowledging the receipt of correspondence;
- recording of reasons for decisions;
- tape recording telephone conversations with complainants; and
- developing grievance procedures for CJC complainants who are dissatisfied with the CJC's decision in relation to their complaint but whose matter does not fall within the jurisdiction of the Committee.

#### **2.8. PARTICIPATING IN THE APPOINTMENT OF MISCONDUCT TRIBUNAL PANEL MEMBERS**

The Committee plays a role in determining the appointment of Misconduct Tribunal panel members.

The Minister may not nominate a person for appointment as a tribunal member unless that nomination is supported by a bi-partisan majority of the Committee.<sup>9</sup>

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<sup>8</sup> The Parliamentary Commissioner's functions are discussed further at paragraph 3.2 below.

<sup>9</sup> *Misconduct Tribunal Act 1997*, section 7.

The Committee was not required to take any action in relation to this responsibility during the reporting period.<sup>10</sup>

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### **3. MECHANISMS AVAILABLE TO THE COMMITTEE**

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#### **3.1. POWERS OF THE COMMITTEE**

The Act confers certain powers upon the Committee to enable it to fulfil the statutory functions and responsibilities imposed upon it, including the power to:

- call for persons, documents and other things;
- administer oaths to witnesses; and
- examine witnesses on oath.

#### **3.2. PARLIAMENTARY CRIMINAL JUSTICE COMMISSIONER**

The Committee has the power to request the assistance of the Parliamentary Commissioner. This mechanism enhances the Committee's capacity to effectively monitor and review the CJC.

The current Acting Parliamentary Commissioner is Mr Richard Perry, a senior criminal lawyer who was, prior to his appointment, Public Interest Monitor.<sup>11</sup> Mr Perry took up part-time duties on 1 February 2001, following the resignation of the inaugural and full-time Parliamentary Commissioner, Ms Julie Dick SC, who left the position to take up an appointment to the District Court Bench.

##### **3.2.1. Role and functions of the Parliamentary Commissioner**

The Parliamentary Commissioner may only undertake a function at the request of the Committee if a bi-partisan majority of the Committee agrees.

The Committee may request the Parliamentary Commissioner to:

- investigate complaints against the CJC or its officers;
- investigate allegations of possible unauthorised disclosure of confidential information or material;
- conduct audits of the CJC's records and operational files;

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<sup>10</sup> Since the end of the reporting period the Chairman of the fifth PCJC has sat on the selection panel for Misconduct Tribunal Members and the Committee has considered nominees put forward by the Minister.

<sup>11</sup> See section 84A-D of the *Criminal Justice Act*.



- verify the CJC’s reasons for withholding information from the Committee;
- verify the accuracy and completeness of reports given to the Committee by the CJC;
- assist the Committee with the preparation of its three year review; and
- otherwise assist the Committee (section 118R(2)).

In order to carry out these functions, the Parliamentary Commissioner is equipped with a wide range of powers, set out in section 118T of the Act. In addition to these powers, for the purposes of conducting an investigation, the Parliamentary Commissioner has and may exercise all the powers, rights and privileges of a Royal Commission under the *Commissions of Inquiry Act 1950* [section 118W(a)].

The Parliamentary Commissioner has an additional function under the Act – to acquire possession, custody and control of all the records of the former Connolly/Ryan Inquiry [section 118U(1)]. The Parliamentary Commissioner is required to review that material to determine if those records disclose any matter that should be investigated by an “appropriate agency”, as defined by the Act [section 118U(3)]. In performing this additional function, the Parliamentary Commissioner acts without the need for a reference from the Committee.

The review of that material was completed in 1999.

### **3.2.2. Assistance provided by the Parliamentary Commissioner**

During the reporting period the Committee sought the assistance of the Parliamentary Commissioner in respect of numerous matters. These matters included:

- an audit of the records, operational files and accompanying documentary material held by the CJC, including material relating to any current or sensitive operations conducted by the CJC<sup>12</sup>;
- reviewing CJC investigations of complaints against Queensland Police Service officers;
- the investigation of certain complaints of alleged misconduct against CJC officers; and
- the supervision of the CJC’s investigation of certain complaints against CJC officers.

During 2000/2001, the fourth PCJC referred six matters to the Parliamentary Commissioner. The fifth PCJC referred one matter to the Parliamentary Commissioner in the reporting period. Since the creation of the office of the Parliamentary

Commissioner, the Committee has received assistance from the Parliamentary Commissioner in 29 matters.

## **4. PARTICULAR ISSUES CONSIDERED BY THE COMMITTEE**

Many of the Committee’s activities for this year were directly related to the three yearly review of the CJC. However, the Committee considered some other particular issues:

### **4.1. CJC v. DICK**

Allegations were made that at an official function on 28 September 1998, Mr Jack Paff MP, then a member of the Committee, had made serious allegations of criminal conduct by serving and retired police officers. Those allegations were subsequently investigated by the CJC.

On 30 October 1998, an article appeared in *The Courier-Mail* newspaper entitled “One Nation MP ‘quizzed over police comments’”.

The Committee subsequently requested the Parliamentary Commissioner to investigate and report to the Committee in relation to whether there had been an unauthorised disclosure of information or other material from the CJC concerning the CJC’s investigation of the matter.

The Committee tabled the report, entitled *A report on an investigation by the Parliamentary Criminal Justice Commissioner into the alleged unauthorised disclosure of confidential information concerning an investigation of allegations made by Mr Jack Paff MLA*, on 13 December 1999.

On 23 December 1999, the CJC commenced legal proceedings against the Parliamentary Commissioner seeking, amongst other orders, a declaration that the report of the Parliamentary Commissioner to the Committee was outside the Commissioner’s powers. This matter was heard on 17 and 18 July 2000 and a decision by Helman J was handed down on 25 July 2000. Helman J declined to make the orders sought by the CJC.

An appeal by the CJC was heard on 14 May 2001 and was dismissed by the Court of Appeal.

The fifth PCJC has raised several broad issues which arose out of the litigation with both the CJC and the Parliamentary Commissioner.

<sup>12</sup> See 4.4.2 below.

## **4.2. A REVIEW OF THE CRIMINAL JUSTICE ACT 1989 (AND CRIME COMMISSION ACT 1997)**

Following an announcement by the Premier on 18 September 1998 foreshadowing a review of the *Criminal Justice Act 1989*, the Committee has continued to spend some time considering various options for reform of the *Criminal Justice Act 1989* (and to a lesser extent the *Crime Commission Act 1997*).<sup>13</sup>

Many recommendations for legislative reform were made in the fourth PCJC's three yearly review of the activities of the CJC.

## **4.3. REQUEST FOR DOCUMENTS UNDER A FREEDOM OF INFORMATION APPLICATION**

The fourth PCJC was called on to consider matters pertaining to an FOI application to the CJC which concerned documents which were direct correspondence between the CJC and the second PCJC. The issue arose on external review of the application by the Information Commissioner.

The Committee made extensive written submissions and met with the Information Commissioner to discuss matters of parliamentary privilege and the authority of the Committee to authorise the release of documents of a predecessor Committee.

## **4.4. AUDIT OF THE RECORDS, OPERATIONAL FILES AND ACCOMPANYING DOCUMENTARY MATERIAL HELD BY THE CJC**

### **4.4.1. Introduction**

The CJC has significant coercive investigative powers. They include the power to:

- conduct an investigative hearing (section 25);
- issue a notice to discover information or to produce a record or thing (section 69);
- enter and search public premises and inspect, seize or copy any record or thing (section 70);
- summon a person to attend before the CJC and give evidence or produce a record or thing (section 74);
- apply to a judge of the Supreme Court for a warrant to enter, search and seize (sections 71 and 73) or to permit the apprehension of a witness (section 79), or for an order approving the use of a listening device (section 82); and
- undertake visual surveillance (section 84(1)).

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<sup>13</sup> The Committee's review of the *Crime Commission Act 1997* concerned only those provisions which might affect the Committee.

The CJC keeps various internal registers that constitute a record of the CJC's use of such powers. These registers refer to, and must be read with, accompanying documentary material (such as the relevant notice or warrant, the statement in support of its issue and the oath of service) and relevant CJC operational files.

The CJC has also established detailed policy and procedural guidelines which regulate the use of these coercive powers and which require that specified documents relating to the exercise of those powers be filed with the CJC's Records Supervisor.

### **4.4.2. Current audit of the CJC's records, operational files and relevant documentary material**

The fourth PCJC unanimously resolved, in accordance with section 118R(3) of the Act, to request the Parliamentary Commissioner to conduct, other priorities permitting<sup>14</sup>, an audit of the records kept by the CJC and to report to the Committee on the results. At the time of her resignation, the former Parliamentary Commissioner had not completed this audit. The audit has been continued by the Acting Parliamentary Commissioner.

## **4.5. CJC'S STRATEGIC PLAN 2001-2005**

One of the first tasks of the fifth PCJC was to consider the CJC's draft Strategic Plan 2001-2005. The Committee provided feedback to the CJC about this Plan. The Committee is appreciative of the effort made by the CJC to incorporate the Committee's suggestions into the final document.

## **4.6. OTHER CONFIDENTIAL ISSUES**

The Committee also considered a number of further matters, the confidential nature of which, at this stage, precludes public disclosure.

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<sup>14</sup> The Committee made no specific request of the former Parliamentary Commissioner in respect of the timing of this audit. The Committee advised the Parliamentary Commissioner that it expected that ongoing investigations would continue to be given priority status over the proposed audit. The Committee asked the Parliamentary Commissioner to liaise with the Chairperson of the CJC, Mr Butler SC, so that the audit could be conducted at a time of mutual convenience, particularly given the CJC had then foreshadowed a move to new premises in the city.

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## **5. MEETINGS**

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### **5.1. MEETINGS OF THE COMMITTEE**

The Committee meets on a regular basis. When Parliament is sitting the Committee meets at least once a week. In addition, the Committee meets before every bi-monthly Joint meeting between the Committee and the CJC to discuss matters that have arisen in the previous two month period. The Committee also generally meets before its bi-monthly meetings with the Parliamentary Commissioner.

The Committee also meets at other times when particular matters arise and for the purposes of considering draft reports.

### **5.2. JOINT MEETINGS BETWEEN THE COMMITTEE AND THE CJC**

In addition to Committee meetings, the Committee meets, usually at least every two months, with the CJC Commissioners, directors of each Division of the CJC, the chief officer of complaints, and, when required, other officers of the CJC, in order to discuss the CJC's activities.

These bi-monthly meetings with the CJC are conducted in private, so that the Committee has the opportunity to closely scrutinise the CJC's confidential and highly sensitive activities.

Prior to each bi-monthly meeting, the CJC provides the Committee with a strictly confidential detailed report in which the CJC summarises its significant activities in the previous two month period. To this end, the report contains a summary of each Division's activities and information including statistics, updates as to the status of operational matters and complaints, and information relating to current and potential legal proceedings. The bi-monthly reports are also structured in such a way as to allow ready reference back to previous reports. This allows the Committee to continually monitor the progress of investigations, projects or initiatives of the CJC.

The information in these bi-monthly reports is supplemented by the provision to the Committee of the minutes of various CJC internal meetings, including meetings of the Commissioners and of the CJC Executive Group (which consists of the Directors of each Division and other senior staff).

The meetings between the Committee and the CJC and the provision to the Committee of bi-monthly reports and minutes of internal CJC meetings are vital to the accountability process. These mechanisms aim

at ensuring the regular flow of information between the bodies and keeping Committee members informed about the CJC's activities. The meetings also enable Committee members to ask questions and scrutinise the actions of CJC officers who are responsible for particular matters, and promote the frank interchange of opinions between the Committee and the CJC.

The Committee is appreciative of the efforts made by the CJC to facilitate the free flow of information to the Committee.

### **5.3. JOINT MEETINGS BETWEEN THE COMMITTEE AND THE ACTING PARLIAMENTARY COMMISSIONER**

In addition to Committee meetings and Joint meetings with the CJC, the Committee meets on a bi-monthly basis with the Acting Parliamentary Commissioner.

Prior to the meeting, the Acting Parliamentary Commissioner provides the Committee with a strictly confidential report which summarises the significant activities of his office during the previous period.

### **5.4. MEETING STATISTICS**

During the reporting period, the Committee met a total of 55 times.

These meetings included:

- five bi-monthly Joint meetings with the CJC attended by the Chairperson, Commissioners and Senior Officers of the CJC; and
- four Joint meetings with the Parliamentary Criminal Justice Commissioner.

A schedule of meeting dates and the attendance record of Members is appended to this report.

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## **6. COMMITTEE TRAVEL**

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On 26-28 July 2000, a delegation of the Committee visited Sydney for a study tour, as part of its three yearly review of the CJC.

The tour included meetings with the Inspector of the Police Integrity Commission, the Commonwealth and NSW Ombudsmen, the Police Integrity Commission, the Independent Commission against Corruption and their respective Parliamentary oversight committees.

## 7. MINISTERIAL RESPONSES TO COMMITTEE RECOMMENDATIONS

### 7.1. INTRODUCTION

Section 24 of the *Parliamentary Committees Act 1995* provides that where a report of a committee of the Parliament recommends the Government or a Minister take action, or refrain from acting, in relation to a particular issue:

- the responsible Minister must table a response within three months of the report being tabled; or
- the Minister may table an interim response within three months of the report being tabled (thereby extending the period, within which to formally respond, to six months from the report being tabled).

### 7.2. MINISTERIAL RESPONSE TO REPORT NO. 50 - TELECOMMUNICATIONS INTERCEPTION

On 13 December 1999, the Committee tabled its Report No. 50 entitled *A report on the introduction of the telecommunications interception power in Queensland – balancing investigative powers with safeguards*.

On 17 March 2000, the then Minister for Police and Corrective Services, Hon Tom Barton MP, advised the Committee:

*The report and its recommendations are currently being considered with a view to preparing a suitable response. The response to the report will be tabled in Parliament as soon as possible.*

On 1 June 2000, the Minister advised:

*A response to the report and its recommendations will be considered by Cabinet in the near future. The response to the report will then be tabled in the Parliament.*

The Minister tabled an interim response in the Legislative Assembly on 8 November 2000, which states in part:

*As the Committee rightly points out in its report, the issue of how far State Legislation can depart from the Commonwealth Act before it becomes inconsistent is at best unclear. Options for the possible introduction of telecommunications interception powers in Queensland through a State legislative scheme are still under consideration and no proposal has been put to Cabinet at this time.*

As yet no final response has been tabled.

## 8. BUDGET AND EXPENDITURE

The total budget allocation for the Committee in 2000/2001 was \$291,296.68.<sup>15</sup> The Committee's total actual expenditure for 2000/2001 was \$258,208.31.<sup>16</sup>

The expenses for the Committee are set out in the following table.

Staff salaries and other employee related expenditure <sup>1</sup>	\$204,156.81
Salary related taxes <sup>2</sup>	\$11,684.93
Superannuation	\$22,620.77
Maintenance of equipment	\$178.08
Travel and hearing expenses <sup>3</sup>	\$1,512.89
Telecommunication costs	\$2,851.95
Legal fees	\$0.00
Meeting expenses	\$1,805.82
Stores, stationery, consumables and postage	\$1,436.00
Freight & miscellaneous expenses	\$817.50
Printing of reports and binding	\$10,065.96
Reference books, Serial subscriptions	\$1,077.60
<b>TOTAL</b>	<b>\$258,208.31</b>

1. Includes temporary assistance, contracted staff expenses, overtime, extra remuneration, meal allowances and other allowances.
2. Includes FBT, payroll tax and Workcover premiums
3. Includes travel and other expenses relating to attendance at meetings, hearings and staff travel with, or for, the Committee.

<sup>15</sup> This compares with the Committee's budget allocation for 1999/2000 of \$272,083.02.

<sup>16</sup> This compares with the Committee's actual expenditure for 1999/2000 of \$248,116.20.

## Attendance Record: 2000

### Fourth PCJC

DATE	TIME	PURPOSE	PAUL LUCAS	VINCE LESTER	GEOFF WILSON	JOHN HEGARTY	BOB QUINN	KAREN STRUTHERS
11 July	4.00pm	PCJC	✓	✓	X	✓	X	✓
17 July	8.30am	PCJC	✓	X	X	✓	✓	✓
17 July	4.30pm	Joint Meeting	✓	✓/X	X	✓	X/✓	✓
19 July	8.30pm	Interview – part time Commissioner	✓	✓	✓	✓	✓	✓
20 July	11.30am	PCJC	✓	✓	✓	✓	✓	✓
21 July	3.15pm	PCJC Special	✓	✓	✓	✓	✓	✓
26 - 28 July	3 days	PCJC travel to Sydney	✓	X	✓	✓	✓	X
31 July	3.00pm	PCJC Sub-Committee	✓	✓	✓	-	-	-
03 August	1.30pm	PCJC Special	✓	✓	X	✓	X	✓
17 August	10:30am	CJC opening of new premises	✓	X	X	✓	X	✓
22 August	12.00pm	PCJC	✓	✓	✓	X	✓	✓
23 August	8.30am	Parliamentary Commissioner	✓	✓	✓	✓	✓	✓
24 August	11.30am	PCJC	✓	✓	✓	✓	✓	✓
01 September	3.00pm	PCJC Special	✓	✓	✓	✓	X	X
06 September	1.00pm	PCJC Special	✓	✓	✓	✓	✓	✓
07 September	11.30am	PCJC	✓	✓	✓	✓	✓	✓
08 September	12.30pm	PCJC	X	✓	✓	✓	✓	✓
05 October	11.30am	PCJC	✓	✓	✓	✓	X	✓
05 October	5.00pm	PCJC	✓	✓	✓	✓	X	X
06 October	9.00am	Joint Meeting	✓	X	✓	✓	X	✓
18 October	8.30am	Parliamentary Commissioner	✓	✓	✓	✓	✓	✓
19 October	11.30am	PCJC	✓	✓	✓	✓	✓	✓
19 October	12.50pm	PCJC Sub Ctte	✓	✓	✓	-	-	-
08 November	2.30pm	Parliamentary Commissioner	✓	✓	✓	✓	✓	✓
09 November	11.30am	PCJC	✓	✓	✓	✓	✓	✓
16 November	11.30am	PCJC	✓	✓	✓	✓	✓	✓
17 November	3.30pm	PCJC	✓	✓	X	✓	✓	✓
08 December	9.00am	PCJC	✓	X	✓	X	✓	✓
08 December	9.30am	Joint Meeting	✓	X	✓	✓	✓	✓
14 December	8.30am	PCJC	✓	X	X	✓	X	✓

## Attendance Record: 2000 continued

### Fourth PCJC

Date	Time	Purpose	PAUL LUCAS	VINCE LESTER	GEOFF WILSON	JOHN HEGARTY	BOB QUINN	KAREN STRUTHERS
14 December	9.00am – 5.00pm	Public Hearing 3 yr review of CJC	✓	✓	✓	✓	X	✓
15 December	8.45am – 1.15pm	Public Hearing continued	✓	X	✓	✓	✓	✓
19 December	8.30am	PCJC	✓	✓	✓	✓	✓	✓

## Attendance Record: 2001

### Fourth PCJC

DATE	TIME	PURPOSE	PAUL LUCAS	VINCE LESTER	GEOFF WILSON	JOHN HEGARTY	BOB QUINN	KAREN STRUTHERS
08 January	4.00pm	PCJC	X	✓	✓	✓	✓	X
12 January	12.30pm	PCJC	X	✓	✓	✓	✓	X
12 January	2.00pm	Sub Committee	—	✓	✓	—	✓	—
12 January	3.40pm	PCJC	X	✓	✓	✓	✓	X
17 January	4.00pm	PCJC	X	✓	✓	✓	✓	✓
			<sup>17</sup>	VINCE LESTER	GEOFF WILSON	JOHN <sup>18</sup> HEGARTY	BOB QUINN	KAREN STRUTHERS
08 March	9.00am	PCJC		✓	✓	✓	X	✓
08 March	10.00am	Joint Meeting		✓	✓	✓	✓	X
08 March	11.45am	PCJC		✓	✓	✓	✓	X
15 March	10.30am	PCJC		✓	✓	✓	✓	✓
04 April	11.30am	PCJC		✓	✓	X	✓	✓

<sup>17</sup> Mr Paul Lucas MP resigned as a Member of the Committee on 21 February 2001 due to his appointment as Minister for Innovation and Information Economy. Hon Vince Lester became Acting Chairman pursuant to SO 188(c) of the *Standing Rules and Orders of the Legislative Assembly*.

<sup>18</sup> At the 17 February 2001 election, Mr John Hegarty was not returned as the Member for Redlands, however he remained a member of the Committee until the appointment of the new Committee by the Parliament.

## Attendance Record: 2001

### Fifth PCJC

DATE	TIME	PURPOSE	GEOFF WILSON	HOWARD HOBBS	DESLEY BOYLE	STUART COPELAND	JOHN KINGSTON	ANDREW MCNAMARA	KERRY SHINE
03 May	4.30pm	PCJC	✓	✓	✓	✓	✓	✓	✓
16 May	11.30am	PCJC Induction	✓	✓	✓	✓	✓	✓	✓
18 May	8.30am	PCJC	✓	✓	✓	✓	✓	✓	✓
18 May	9.00am	Parliamentary Commissioner	✓	✓	✓	✓	✓	✓	✓
18 May	11.00am	Induction	✓	✓	✓	✓	✓	✓	✓
30 May	11.30am	PCJC	✓	✓	✓	✓	X	✓	✓
30 May	4.30pm	Induction	✓	✓	✓	✓	X	✓	✓
01 June	8.30am	PCJC	✓	✓	✓	✓	✓	✓	✓
01 June	9.00am	Joint Meeting	✓	✓	✓	✓	✓	✓	✓
01 June	1.00pm	PCJC	✓	✓	✓	✓	✓	✓	✓
18 June	10.00am	CJC Induction	✓	✓	✓	✓	X	✓	✓
20 June	11.30am	PCJC	✓	✓	✓	✓	X	✓	✓