



PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER

BI-MONTHLY REPORT TO THE PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

25 AUGUST 2014

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 15 May to 15 August 2014.

1.2 Highlights

Amendments to the Crime and Misconduct Act 2001

On 19 June 2014 the then Governor of Queensland issued the proclamation that the provisions of the *Crime and Misconduct and Other Legislation Amendment Act 2014* that were not in force were to commence on 1 July 2014.

Section 314 of the *Crime and Corruption Act 2001* sets out the functions of the Parliamentary Commissioner. Pursuant to the new subsection 314(4), 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 complaints made against, or concerns expressed about, the conduct or activities of the CCC or a CCC officer and 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) subsections (a) and (b).

Pursuant to the new section 314(5), the Parliamentary Commissioner is permitted to undertake a preliminary assessment of a matter to decide whether the conditions set out in subsections (4)(a) and (b) are satisfied for the matter.

If the Parliamentary Commissioner decides to investigate a matter under section 314(4) or conduct a preliminary assessment under section 314(5), then pursuant to section 314(7), the Parliamentary Commissioner must notify the Parliamentary Committee of the decision

It is activities associated with the assessment of matters and the performance of this “own initiative” investigative function that I anticipate may have the potential to lead to a marked increase in the Office’s workload. At this stage it is difficult to assess the impact the conferral of the “own initiative” investigative function will have on the workload of the office but the situation will be monitored and the Committee kept informed.

Since 1 July 2014 I have been in discussions with staff at the CCC to settle protocols and procedures for notifications pursuant to section 329 of the *Crime and Corruption Act*.

2. ADMINISTRATIVE MATTERS

On 13 June 2014 I wrote to the Speaker and to the Committee to advise that I would be absent from the State for the period 19 June to 12 July 2014. My absence was within the circumstances described in section 308(1)(b) of the *Crime and Misconduct Act 2001* as it was at that time, namely:

The Speaker must appoint a person qualified to be appointed as the parliamentary commissioner to act as the parliamentary commissioner - during any period, or all periods, when the parliamentary commissioner is absent from duty or from the State or, for another reason, can not perform the duties of the office.

The *Crime and Misconduct and Other Legislation Amendment Act 2014* amended section 308(1) of the *Crime and Misconduct Act* by replacing the word “must” with “may” such that the Speaker now has the discretion as to whether it is necessary to appoint a person to act as Parliamentary Commissioner during periods of absence of the Parliamentary Commissioner. However, the commencement date of the relevant provisions of the Act had not been proclaimed as at 13 June 2014 so that it remained the case that the Speaker was required to appoint a person to act as Parliamentary Commissioner during the period I would be absent from the State. Accordingly, the Speaker appointed the office’s Principal Legal Officer, Mr Kunde, to act as Parliamentary Commissioner for the period 19 June to 12 July 2014.

I received correspondence from the Speaker of the Legislative Assembly, Hon Fiona Simpson MP, dated 4 August 2014 advising that, following advice received from the Chair of the Parliamentary Committee, the Speaker had approved my re-appointment as the Parliamentary Crime and Corruption Commissioner for a period of two years from 22 August 2014 to 21 August 2016.

The Parliamentary Commissioner’s offices were painted in the week of 23 June 2014 which caused some minor disruptions to routine. All operational and sensitive files were secured and locked away during this time except when in Mr Kunde’s physical possession.

New letterhead and business cards in the name of the Office of the Parliamentary Crime and Corruption Commissioner have been printed.

Mr Kunde and I have been provided with new proximity access cards for the Crime and Corruption Commission.

2.1 Key Outputs achieved during the period 15 May to 15 August 2014

Measures	Targets	
<u>Quantity</u>		
Number of complaints against the CCC finalised	0	
Number of other functions finalised	5	
Number of complaints against the CCC received	0	
Number of other functions received /arising	5	
Number of complaints against the CCC on hand	0	
Number of other functions on hand	0	
Number of audits of CCC undertaken	2	
Number of other audits undertaken	0	
Number of reports to the PCCC	4	
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	18.8 weeks	
Cumulative average time taken to finalise other functions	6.3 weeks	

2.2 Matters arising from outputs

Review matter

On 14 May 2014 the Committee requested that I consider and provide my views in a report to the Committee on a particular matter.

I provided my views on the matter in a report to the Committee dated 17 June 2014.

Inspection of the CMC's Telecommunications Interception Records – July 2014

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.

After providing formal notice to the Acting Chairman of the CCC, I conducted the first inspection of the CCC's telecommunications interception records for the 2014-2015 financial year on 16 and 17 July 2014.

On 24 July 2014 I wrote to the CCC providing a schedule setting out the details of the outcome of my inspection. The CCC has complied with its obligations pursuant to sections 14 to 16 and 18 of the Act.

Report to Attorney-General on Results of Telecommunications Interception Inspections

Pursuant to section 24(1) of the *TI Act*, the Parliamentary Commissioner is required to report to the Attorney-General about the results of the inspections conducted during the financial year as soon as practicable after the end of the financial year, and in any event before 30 September.

I provided my report pursuant to section 24(1) of the *TI Act* about the results of the telecommunications interception inspections conducted during the financial year, to the Attorney-General on 6 August 2014.

Pursuant to section 24(4) of the *TI Act*, I am required to give the information contained in the report to the Attorney-General, other than information mentioned in section 63 of the Commonwealth *Telecommunications (Interception and Access) Act*, to the Parliamentary Committee and to the CCC Chairman. (The information mentioned in section 63 of the Commonwealth Act is “lawfully intercepted information” and “interception warrant information” and those terms are defined in sections 6E and 6EA of the Commonwealth Act respectively.)

I provided the information contained in my report to the Attorney-General, to the Parliamentary Committee and the Acting CCC Chairman on 8 August 2014 pursuant to section 24(4) of the *TI Act*.

Inspection of the CCC’s Controlled Operations Records

Pursuant to section 272 of the *Police Powers and Responsibilities Act 2000 (PPRA)* I am required to conduct an annual inspection of the CCC’s records to find out the extent of the CCC’s compliance with Chapter 11 (Controlled Operations) and Chapter 21 part 2 (Registers) of the Act.

I conducted the annual inspection of the CCC’s controlled operations records on 21 July 2014.

There is no statutory requirement that a report be prepared in relation to my inspection of the CCC’s controlled operations records and the details of the inspection are not included in my report on the work and activities of the CCC under chapter 11 (prepared pursuant to section 269 of the *PPRA*).

However, on 23 July 2014 I wrote to the Acting CCC Chairman to advise that the results of the inspection were satisfactory in all respects. The CCC has complied with its obligations pursuant to Chapter 11 of the *PPRA* in the manner in which the registers are maintained. All relevant documents prescribed by section 270 of the *PPRA* were located on the registers for each authorised operation. The registers contained all the information prescribed by section 670 of the *PPRA* for each controlled operation effective during the inspection period.

Report on Controlled Operations Activities

Pursuant to section 269 of the *PPRA*, as soon as practicable after 30 June in each year, I am required to prepare a report of the work and activities of the CCC under Chapter 11 (Controlled Operations) for the preceding 12 months.

My report pursuant to section 269 of the *PPRA* was completed during this reporting period. Section 269(2) of the *PPRA* requires that I provide a copy of the report to the Chairman of the CCC and the Chairperson of the Committee. My report was provided to the Acting CCC Chairman and to the Chairperson of the Committee under a covering letter dated 12 August 2014. The Chairperson of the Committee is required to table the report in the Legislative Assembly within 14 sitting days after receiving the report.

2.3 Other matters

Protocols for Section 329 Notifications

The CCC provided a copy of its Draft Protocol for the Referral of Improper Conduct Complaints against Commission Staff to me by letter dated 29 July 2014. I have also been provided with a copy of the Committee’s response to the Draft Protocols dated 4 August 2014.

Discussions are ongoing with Mr Gary Adams as to the format for section 329 Notifications to the Parliamentary Commissioner. The present procedure is that the CCC provides a copy of the notification given to the Committee under a separate covering letter to me.

IBACC Meeting

On 30 July 2014 Mr Kunde and I met with members and staff of the Victorian Parliament's Independent Broad-based Anti-corruption Commission Committee (IBACC). I discussed with the IBACC representatives the functions of Queensland's Parliamentary Crime and Corruption Commissioner under the *Crime and Misconduct Act*, the *Police Powers and Responsibilities Act* and the *Telecommunications Interception Act* and also the new functions under the *Crime and Corruption Act*. I also referred to the new reporting obligations under sections 314A and 314B of the *Crime and Corruption Act*, the new requirements to be notified of improper conduct pursuant to section 329 and the new protections pursuant to amendments to section 336 of the Act.

Attendance at Public Meeting with Crime and Corruption Commission

I attended the Joint Public Meeting between the Committee and the CCC on 5 August 2014.

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**

Appendix 1

Parliamentary Crime and Corruption Commissioner

Progressive Work Program

As at 15 August 2014

Meeting date: 25 August 2014

Appendix 1

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
Review of matter	Pursuant to section 295(2)(f) of the <i>Crime and Misconduct Act</i> consider matter and provide views in a report to Committee.	June 2014	<ul style="list-style-type: none"> • Finalised report and provided to Committee. 	Finalised. Report provided to Committee on 17 June 2014.	Commissioner Principal 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.	July 2014	<ul style="list-style-type: none"> • Formally notified Acting CCC Chairman of inspection. • Inspected files for each TI warrant obtained since last inspection and for warrants previously obtained to ensure required documents kept. • Inspected RADARS records for TI warrants to ensure required particulars kept. • Inspected Use & Communication register to ensure appropriate level of detail recorded. • Checked copies of evidentiary certificates maintained. • Prepared table detailing level of compliance with TI Act. 	Finalised. Letter recommending changes to RADARS and enclosing schedule of CCC's compliance with the relevant sections provided to CCC on 24 July 2014.	Commissioner Principal Legal Officer

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Telecommunications Interception Warrant Report	Pursuant to section 24 of the <i>Telecommunications Interception Act</i> report to Attorney-General about the results of inspections of the CCC's TI records.	30 September 2014	<ul style="list-style-type: none"> • Finalised TI inspection. • Drafted and finalised report to A-G on inspections. • Provided report to A-G. • Provided information from report to A-G, to Committee and CCC. 	Finalised. Report provided to Attorney-General 6 August 2014. Information from report provided to Committee and CCC 8 August 2014.	Commissioner Principal Legal Officer
Annual inspection of CCC's Controlled Operation records	Pursuant to s 272 <i>PPRA</i> inspect the records of the CCC to find out the extent of compliance with chapter 11 <i>PPRA</i> and provisions relating to registers.	Finalised.	<ul style="list-style-type: none"> • Inspected register of Authorities to Conduct Controlled Operations. • Inspected applications for authorities, formal authorities, and principal law enforcement officers' reports. • Inspected information to be included in register. • Wrote to Acting CCC Chairman on results of inspection. 	Finalised. Letter provided to Acting CCC Chairman on 23 July 2014.	Commissioner Principal Legal Officer

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Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
<p>Annual report on Controlled Operations Activities</p> <p>Receive and consider notifications of suspected improper conduct.</p>	<p>Pursuant to s 269 <i>PPRA</i> prepare a report of the work and activities of the CCC under chapter 11 <i>PPRA</i> for the preceding 12 months.</p> <p>Pursuant to section 329 of the <i>Crime and Corruption Act</i> receive and consider advice from CCC of suspected improper conduct of Commission officers.</p>	<p>Finalised.</p> <p>Ongoing</p>	<ul style="list-style-type: none"> • Considered section 268 <i>PPRA</i> reports provided by CCC Chairman in November 2013 and May 2014. • Inspected formal authorities and principal law enforcement officers' reports to verify Chairman's reports and update details of work and activities. • Finalised report and provided to Committee and Acting CCC Chairman pursuant to section 269(2) <i>PPRA</i>. • Receive and consider section 329 notifications from Acting CEO of CCC. • Advise Committee and CCC of consideration and/or assessment decision. 	<p>Finalised. Report provided to Committee and Acting CCC Chairman on 12 August 2014.</p> <ul style="list-style-type: none"> • Receive and consider section 329 notifications from Acting CEO of CCC. • Advise Committee and CCC of consideration and/or assessment decision. 	<p>Commissioner Principal Legal Officer</p> <p>Commissioner Principal Legal Officer</p>