



# **PARLIAMENTARY CRIME AND CORRUPTION COMMISSIONER**

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

**24 NOVEMBER 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 16 August to 19 November 2014.

#### **1.2 Highlights**

On 18 November 2014, I received correspondence from the Parliamentary Inspector of the Corruption and Crime Commission of Western Australia, Hon. Michael Murray AM QC, proposing that he and I and our counterparts in other jurisdictions in Australia, meet informally some time in 2015 to discuss common and unique issues in our jurisdictions. I have not yet provided a response to this proposal.

### **2. ADMINISTRATIVE MATTERS**

On 8 October 2014 I wrote to the Speaker to advise that I would be absent from the State for short periods in October and November 2014. The purpose of my letter was merely to advise the Speaker of my absence, not to suggest that it would be necessary that any acting appointment be made. A copy of that correspondence was provided to the Committee Secretariat on the same date.

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## 2.1 Key Outputs achieved during the period 16 August to 19 November 2014

Measures	Targets	
<u>Quantity</u>		
Number of complaints against the CCC finalised	1	
Number of other functions finalised	1	
Number of complaints against the CCC received	4	
Number of other functions received /arising	3	
Number of complaints against the CCC on hand	3	
Number of other functions on hand	2	
Number of audits of CCC undertaken	1	
Number of other audits undertaken	1	
Number of reports to the PCCC	2	
Number of meetings with the PCCC	1	
Number of other meetings (CCC)	2	
Number/time of hearings (in hours)	0	
<u>Timeliness</u>		
Cumulative average time taken to finalise complaints against the CCC	18.2 weeks	
Cumulative average time taken to finalise other functions	6.27 weeks	

## 2.2 Matters arising from outputs

### Investigation of Complaints

During the reporting period, the Committee referred four matters for my investigation or supervision and report. I completed and provided my report to the Committee in respect of one such matter during the reporting period. My investigation and/or supervision of the remaining matters is progressing.

### Annual Intelligence Data Review

Section 320(1) of the *Crime and Corruption Act* (the Act) requires the Parliamentary Commissioner to conduct an annual review of the intelligence data in the possession of the Crime and Corruption Commission and the Queensland Police Service.

The 2013-2014 review of intelligence data commenced with an inspection of the intelligence data held within the Queensland Police Service's State Intelligence Group on 21 and 22 October 2014. An inspection of the intelligence data held within the QPS Security Operations Unit was conducted on 24 October 2014.

I conducted an inspection of the CCC's intelligence holdings on 23 October 2014. On that date I also conducted an inspection of the CCC's Covert Human Intelligence Source records and data. The CCC's dissemination registers were inspected on 30 October 2014.

The review of intelligence data is now complete.

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Section 320(3) of the Act requires that the Parliamentary Commissioner prepare written advice on the review containing the Parliamentary Commissioner's findings and recommendations and that the advice be provided to the CCC Chairman, the Commissioner of Police and the Parliamentary Committee. I have commenced preparation of that report and expect to provide the report to the relevant parties within two weeks.

### **Section 329 Notifications**

Section 314 of the *Crime and Corruption Act* sets out the functions of the Parliamentary Commissioner. Pursuant to the section 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)(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 assessments of the 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.

As stated in my previous report, 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.

Discussions as to the format for section 329 notifications to the Parliamentary Commissioner continued with the CCC during the reporting period. I have formally advised the CCC that I am satisfied to receive a copy of notifications given to the Committee under a separate covering letter.

On 28 August 2014 I provided some input into the wording of the draft protocol concerning section 329 notifications. On 5 September 2014 I was provided with a copy of the revised version of the protocol. On 11 September 2014 I was provided a copy of the final approved protocol for section 329 notifications.

### **Issues Relating to Telecommunications Interception**

In my role as inspecting entity of the CCC under the TI Act, the Commission referred two matters for my consideration during the reporting period. The Commission sought my view concerning an issue of best practice in certain circumstances. This is a matter I shall consider in more detail at the time of my next inspection of the CCC's telecommunications interception records.

More recently, on the afternoon of 13 November 2014 the CCC sought my advice in relation to another matter which is still under consideration.

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### 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 19 November 2014**

**Meeting date: 24 November 2014**

## Appendix 1

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
Investigation of complaints and supervision of CCC investigations.	<p>Pursuant to section 295(2)(d) of the <i>Crime and Corruption Act</i> investigate and give a report on the matter to the Committee.</p> <p>Pursuant to section 295(2)(f) of the <i>Crime and Corruption Act</i> supervise Commission investigation and give a report on the matter to the Committee.</p>	Various	<ul style="list-style-type: none"> <li>• Finalised one investigation and provided report to the Committee.</li> <li>• Continued investigation and supervision of three matters.</li> </ul>	<ul style="list-style-type: none"> <li>• Finalise investigations and supervision of matters and provide report to the Committee</li> </ul>	<p>Parliamentary Commissioner</p> <p>Legal Officer</p>
Intelligence Data Review	Pursuant to section 320(1) of the <i>Crime and Corruption Act</i> conduct an annual review of intelligence data in the possession of the CCC and the QPS.	31 October 2014	<ul style="list-style-type: none"> <li>• Inspected CCC Intelligence holdings on IRAS.</li> <li>• Inspected CHIS register at CCC.</li> <li>• Inspected intelligence data at QPS Security Operations Unit and State Intelligence Group</li> <li>• Inspected dissemination registers at CCC.</li> </ul>	<ul style="list-style-type: none"> <li>• Review finalised 30 October 2014</li> </ul>	<p>Parliamentary Commissioner</p> <p>Legal Officer</p>
Intelligence Data Review Report	Pursuant to section 320(3) of the <i>Crime and Corruption Act</i> prepare written advice on the annual review of intelligence data in the possession of the CCC and the QPS	30 November 2014	<ul style="list-style-type: none"> <li>• Commenced drafting report.</li> </ul>	<ul style="list-style-type: none"> <li>• Update details of QPS intelligence network</li> <li>• Check details of CCC/QPS liaison.</li> <li>• Finalise report.</li> <li>• Provide report to QPS, CCC and Committee.</li> </ul>	<p>Parliamentary Commissioner</p> <p>Legal Officer</p>

## *Appendix 1*

Inquiry or Function	Description	Anticipated or agreed completion date	Progress last reporting period	Anticipated progress next reporting period	Resources
Receive and assess notifications of suspected improper conduct.	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.	Ongoing	<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>	<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>	Parliamentary Commissioner  Legal Officer