



QUEENSLAND PARLIAMENT  
**COMMITTEES**

# **Annual Report 2022-23**



**Report No. 110, 57th Parliament**  
**Parliamentary Crime and Corruption Committee**  
October 2023



## Parliamentary Crime and Corruption Committee of the 57<sup>th</sup> Parliament

<b>Chair</b>	Mr Jon Krause MP, Member for Scenic Rim
<b>Deputy Chair</b>	Mr Jimmy Sullivan MP, Member for Stafford
<b>Members<sup>1</sup></b>	Mr Don Brown MP, Member for Capalaba
	Ms Jonty Bush MP, Member for Cooper
	Mr Michael Crandon MP, Member for Coomera
	Ms Jess Pugh MP, Member for Mount Ommaney
	Dr Mark Robinson MP, Member for Oodgeroo



**Jon Krause MP**



**Jimmy Sullivan MP**



**Don Brown MP**



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All web address references are current at the time of publishing.

### Acknowledgements

The committee acknowledges the assistance provided by the Committee Secretariat, the Crime and Corruption Commission, the Parliamentary Crime and Corruption Commissioner and their office, and individuals who have contributed to the work of the committee.

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<sup>1</sup> Melissa McMahon MP, Member for Macalister, was a member of the committee until 18 August 2022 when Don Brown MP was appointed to the committee.

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## Chair's foreword

This report details the activities of the Parliamentary Crime and Corruption Committee from 1 July 2022 to 30 June 2023.

In accordance with section 108 of the *Parliament of Queensland Act 2001*, this report includes a summary of issues considered by the committee, a statement of revenue and spending for the year, and a list of committee meetings and members' attendance.

The year ending 30 June 2023 saw the Crime and Corruption Commission (CCC) continue its reform work in response to recommendations of this committee handed down in June 2021 (the '5-year review') and December 2021 (the 'Logan Council Inquiry'), in addition to recommendations made by the Commission of Inquiry into the CCC in August 2022. That reform work is ongoing, and at this time it would appear that process will continue beyond this term of parliament.

In August 2022, the Queensland Court of Appeal delivered its judgment in *Carne v Crime and Corruption Commission* ([2022] QCA 141). The CCC appealed this decision to the High Court of Australia.

The High Court's decision, delivered on 13 September 2023, obliterated the view – based on principles handed down in the Fitzgerald Report - that the CCC may publicly report investigations undertaken in its corruption function. Indeed, the Chairperson of the CCC observed in a recent committee meeting that: *"We have publicly reported on our investigations since the Criminal Justice Commission was established in 1989. We have always done so on the understanding that our legislation empowered us to provide such reports. We believe that such reports serve the public interest and they promote public confidence in the integrity of the public sector."*<sup>2</sup>

As many of the recommendations in inquiries referred to above relate to this corruption function, the High Court's decision has the potential to impact – perhaps even stall - the CCC's reform work. The CCC informed this committee recently that it seeks urgent legislative action to address the High Court's decision. It also indicated its view this legislation should apply both retrospectively (that is, to reports that have been prepared but have not been able to be reported on because of litigation) and prospectively.

On behalf of the committee, I would like to take this opportunity to thank all those who have contributed to the work of the committee during this reporting period.

I thank other committee members for their contribution to the committee's work, and the committee's secretariat and parliamentary staff for their professional support throughout the year.



Jon Krause MP






**Chair**

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<sup>2</sup> Hansard, Public Meeting of the committee with the Crime and Corruption Commission, Brisbane, 15 September 2023

**Report in brief**

The Parliamentary Crime and Corruption Committee (committee) is established under the *Crime and Corruption Act 2001* (CC Act) as the parliamentary committee responsible for overseeing the operations of the Crime and Corruption Commission (CCC).

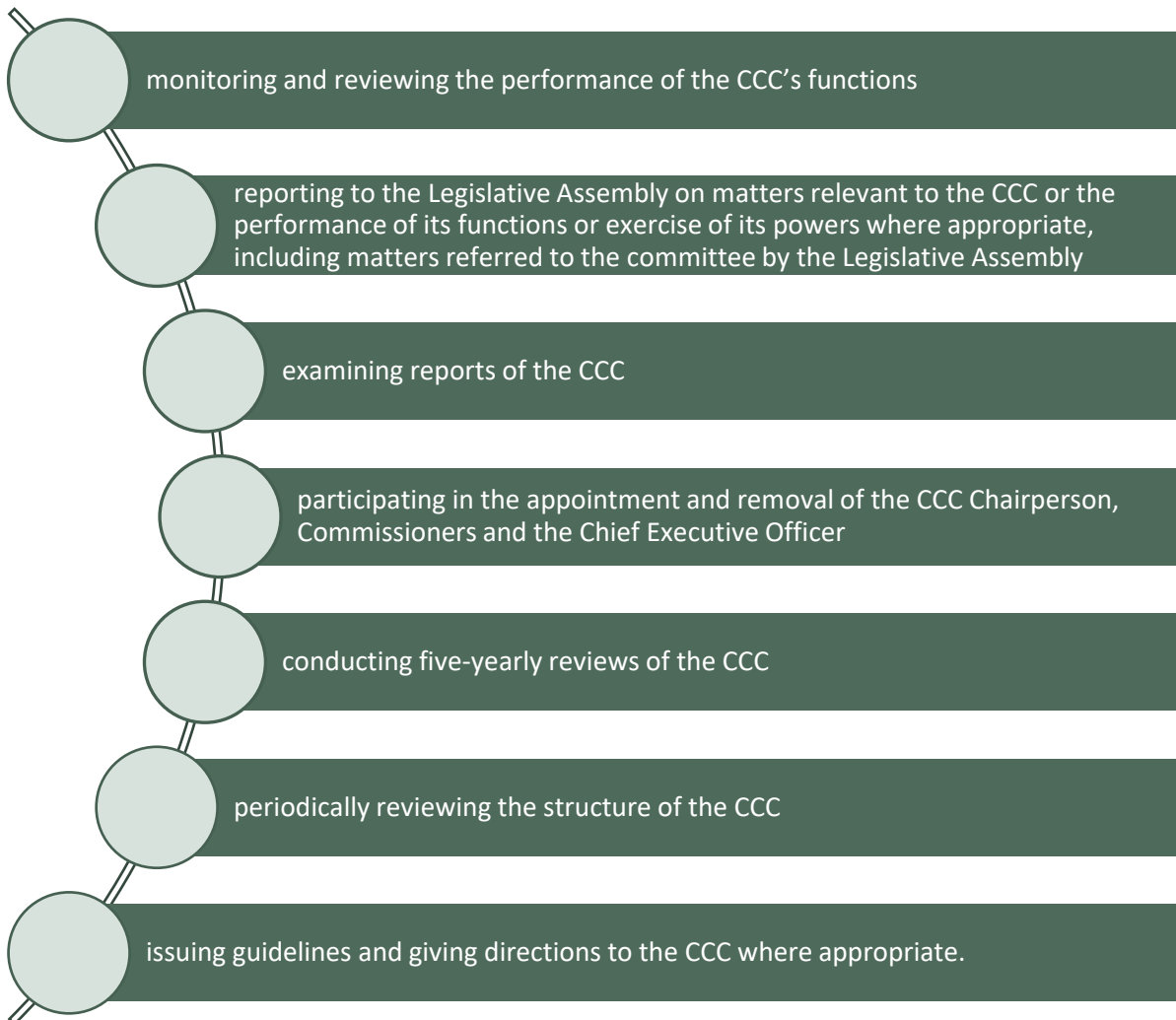
In the 2022-23 financial year, the committee:		
finalised <b>29</b> complaints during the reporting period 	held <b>16</b> oversight joint public and private meetings with the CCC and with the Parliamentary Crime and Corruption Commissioner 	finalised <b>27</b> section 329 notifications during the reporting period 
 tabled its annual report	Considered and provided bipartisan support for <b>3</b> CCC appointments under s.228 of the <i>Crime and Corruption Act 2001</i>	 Continued its oversight of the Crime and Corruption Commission

The committee’s total expenditure for the year was \$402,080.

## 1 Functions of the committee

The Parliamentary Crime and Corruption Committee (committee) is established under the *Crime and Corruption Act 2001* (CC Act) as the parliamentary committee responsible for overseeing the operations of the Crime and Corruption Commission (CCC).<sup>3</sup>

The committee's functions under the CC Act include:



The Chairperson of the committee is also required to table a range of reports provided to it by the CCC and the Parliamentary Commissioner in the House.

It is through the committee that the CCC is accountable to the Parliament and to the people of Queensland.

<sup>3</sup> CC Act, s 291.

## 2 Crime and Corruption Commission

The CCC is established under the CC Act.<sup>4</sup> The CCC has primary responsibility for the achievement of the CC Act's purposes which are to:

- combat and reduce the incidence of major crime (organised crime, criminal paedophilia and other serious crime)
- continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector.<sup>5</sup>

In addition to its crime and corruption functions, the CCC undertakes a number of other functions in the areas of research and prevention, intelligence, witness protection, and the civil confiscation of proceeds of crime.<sup>6</sup>

The CCC has a range of powers under the CC Act, including to:

- conduct hearings at which persons can be compelled to provide evidence,
- compel persons to provide information,
- compel the production of records and things,
- enter and conduct searches of premises (including covert searches),
- seize evidence,
- use surveillance devices, and
- intercept telecommunications.<sup>7</sup>

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<sup>4</sup> CC Act, ss 220, 5.

<sup>5</sup> CC Act, s 4, 7.




<sup>6</sup> CC Act, ch 2.

<sup>7</sup> CC Act, ch 3.



### 3 Oversight of the Crime and Corruption Commission

In the 2022-23 financial year, the committee:

 <p>received <b>8</b> new complaints from the public about the CCC or its officers and finalised <b>29</b> complaints during the reporting period</p>	 <p>held <b>8</b> oversight meetings with the CCC and <b>8</b> oversight meetings with the Parliamentary Crime and Corruption Commissioner</p>	 <p>received <b>24</b> new notifications of suspected improper conduct by CCC officers and finalised <b>27</b> notifications during the reporting period</p>
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#### 3.1 Monitoring and reviewing the CCC

The committee actively monitors and reviews the operations of the CCC by:

- holding regular committee meetings
- conducting inquiries into matters relating to the CCC
- examining the public and private reports provided by the CCC which set out detailed information about the activities of the CCC during the relevant period
- examining the minutes of commission meetings
- holding regular public and private meetings with CCC commissioners and senior officers during which committee members ask questions about the activities of the CCC
- receiving and considering complaints against the CCC and its officers
- reviewing CCC reports including its annual report
- requesting reports from the CCC on matters which arise via complaints, the media or other means
- conducting inquiries into specific or general matters relating to the CCC
- conducting, either itself or through the Parliamentary Crime and Corruption Commissioner (Parliamentary Commissioner), audits of various registers and files kept by the CCC concerning the use of its powers
- meeting regularly with the Parliamentary Commissioner to discuss the Parliamentary Commissioner's activities
- examining the appropriateness of the CCC's performance measures

- examining the CCC's performance against its performance measures, and
- reviewing the CCC's implementation of legislative amendments and of changes recommended in statutory reviews of the CCC.

### **3.2 Review of the activities of the Crime and Corruption Commission**

Section 292(f) of the CC Act provides that the committee must review the activities of the CCC and report to the Parliament every five-year period after 30 June 2016 about any action that should be taken in relation to the CC Act or the functions, powers and operations of the CCC.

The last report was tabled in 2021, and the next review report is due by 30 June 2026.

### **3.3 Complaints about the CCC**

Considering complaints about the CCC and its officers assists the committee in its oversight role by providing an insight into the CCC's operations and activities.

The committee does not have jurisdiction over any organisation other than the CCC and cannot consider original allegations of corruption or police misconduct. Further, the committee is not able to substitute its own decision for that of the CCC in a particular matter.

The committee examines complaints to assess whether the CCC, or any of its officers, has acted inappropriately and will, where appropriate, make recommendations to the CCC. The analysis of complaints, even where specific allegations against the CCC are not substantiated, assists the committee to identify procedural or systemic deficiencies that the committee may recommend the CCC address.

Complaints about the CCC, or its officers, received by the committee as part of its monitoring and reviewing role usually come to the committee in two ways – directly from members of the public or from the CCC itself as a notification under section 329 of the CC Act.

The committee only accepts complaints about the CCC, or its officers, from members of the public in writing, in order to efficiently identify and consider the concerns raised, and to prevent misunderstanding or misinterpretation of the relevant facts or circumstances.

Under section 329 of the CC Act, the Chairperson, Deputy Chairperson or Chief Executive Officer (CEO) of the CCC must notify the committee of all conduct the relevant notifier suspects involves, or may involve, improper conduct by officers of the CCC. Knowledge of such conduct might come to the attention of the relevant notifier through an external complaint made to the CCC or through referral from officers within the CCC.

The consideration of complaints and notifications about the CCC and its officers forms a significant part of the committee's work.

During the reporting period, the committee received 32 complaints and notifications in relation to the CCC and its officers.

The consideration of these matters involves a thorough assessment of the relevant information.

### 3.3.1 Complaints received from the public

During the reporting period, the committee received 8 new complaints from the public about the CCC, or its officers, that fell within the committee's jurisdiction. The committee finalised 29 complaints during the reporting period.

In considering complaints, the committee takes into account material and submissions provided by the complainant, any reports and other material provided by the CCC and, if the committee referred the matter to the Parliamentary Commissioner, any reports from the Parliamentary Commissioner.

Issues that the committee considers in determining whether or not the CCC has acted inappropriately include (but are not limited to):

- timeliness in the handling of complaints, including responsive and timely communications with complainants
- whether CCC officers have acted professionally in their dealings with complainants
- whether the CCC has provided information about how a dissatisfied complainant may request an internal review of a CCC assessment outcome or decision, and
- whether the CCC acted within its legislative powers.

### 3.3.2 Notifications from the CCC

During the reporting period, the committee received 24 new notifications of suspected improper conduct by CCC officers under section 329 of the CC Act. The committee finalised 27 notifications during the reporting period.

While the CEO of the CCC is the final decision maker in relation to any disciplinary action taken against commission employees, the committee monitors the processes undertaken by the CCC, including the CEO's proposed actions relating to the relevant commission officers.

In considering these matters, the committee often seeks further information and reports from the CCC and, if the committee refers the matter to the Parliamentary Commissioner, any reports from the Parliamentary Commissioner.

## 3.4 Examining reports of the CCC

The committee considered reports of the CCC and held public and private meetings with the CCC.

### Section 69 directions

Section 69 of the CC Act allows the committee to direct that certain reports of the CCC be given to the Speaker and tabled in the Legislative Assembly. In providing such a direction, the committee does not endorse or adopt the CCC's report in any way.

The committee did not issue any directions under section 69 of the CC Act during the reporting period.

## 3.5 Reporting to the Legislative Assembly

On 1 November 2022 the committee tabled in the Legislative Assembly, Report No. 109, 57th Parliament – Annual Report 2021-22.

### **3.6 Participating in the appointment of CCC commissioners**

Section 228 of the CC Act requires the committee's bipartisan support for the nomination of persons as the CCC Chairperson or commissioners and the chief executive officer, and the removal from office of a commissioner or the chief executive officer, as provided under this Act.

During the reporting period, the committee considered, and provided its bipartisan support for the following Commission appointments:

- Mr Peter Dowling AM – Ordinary Commissioner (appointment for a period of three years to 3 November 2025)
- Ms Kathryn McMillan KC – Deputy Chairperson (appointment for a period of five years to 20 December 2027), and
- Ms Helen Darch – Ordinary Commissioner (reappointment for a further term of five years to 14 May 2028).

## 4 Mechanisms available to the committee

Under the CC Act and the POQA, the committee has a range of powers that enable it to carry out its functions, including to:

- direct the commission to investigate a matter falling within the commission’s corruption functions
- take action on a complaint, concern or notification by:
  - asking the commission to give a report on the matter to the committee
  - asking the commission to investigate and give a report on the matter to the committee
  - asking the police service or another law enforcement agency to investigate and give a report on the matter to the committee
  - asking the Parliamentary Commissioner to investigate and give a report on the matter to the committee
  - referring the matter to the Director of Public Prosecutions, or
  - taking other action the committee considers appropriate.

The committee’s powers also include:

- calling for persons, documents or other things
- examining witnesses under oath
- appointing persons with special knowledge or skill to help the committee perform its functions.

### 4.1 Parliamentary Crime and Corruption Commissioner

The committee is assisted in its role of monitoring and reviewing the CCC by the Parliamentary Crime and Corruption Commissioner (the Parliamentary Commissioner). The Parliamentary Commissioner undertakes a range of functions on the committee’s behalf.

The Parliamentary Commissioner is an experienced lawyer, appointed on a part-time basis, for a period between two and five years, by the Speaker of the Legislative Assembly with the bipartisan support of the committee.

The current Parliamentary Commissioner, Mr Michael Woodford, was appointed on 22 August 2021 for a three-year term.

#### 4.1.1 Functions of the Parliamentary Commissioner

Under section 314 of the CC Act, the committee may require the Parliamentary Commissioner to:

- audit records and operational files of the CCC
- investigate complaints against the CCC and its officers
- investigate allegations of a possible unauthorised disclosure of confidential information
- verify the CCC’s reasons for withholding information from the committee
- verify the accuracy and completeness of CCC reports to the committee
- perform other functions that the committee considers necessary or desirable.

The Parliamentary Commissioner may investigate a matter on their own initiative if certain criteria are met, and conduct hearings in certain circumstances, but must notify the committee of their decision to do so.<sup>8</sup>

The Parliamentary Commissioner also conducts annual reviews of the intelligence data held by the CCC and the QPS.

The Parliamentary Commissioner has a number of other statutory roles under the *Police Powers and Responsibilities Act 2001*. These include:

- inspecting the records of the CCC to decide the extent of the CCC's compliance with the legislative requirements relating to surveillance device warrants, retrieval warrants and emergency authorisations
- reporting in writing to the committee at six monthly intervals on the results of such inspections
- inspecting the records of the CCC at least once every 12 months to determine the extent of the CCC's compliance with the legislative requirements relating to controlled operations
- as soon as practicable after 30 June each year, preparing a report of the activities of the CCC relating to controlled operations for the preceding 12 months and providing a copy of the report to the CCC Chairperson and the Chair of the committee
- auditing the CCC's records relating to assumed identities at least once every six months.

The Parliamentary Commissioner has further statutory roles under the *Telecommunications Interception Act 2009* that include:

- regularly carrying out inspections of the records of the CCC to determine the extent of the CCC's compliance with the legislative requirements relating to telecommunications interception
- providing reports on inspections to the responsible Minister and the committee.

The Chair of the committee tabled reports of the Parliamentary Commissioner as required.

#### **4.1.2 Assistance provided by the Parliamentary Commissioner during the reporting period**

The Parliamentary Commissioner provided the committee with advice relating to the performance by the CCC of its functions under the CC Act and other matters.

These activities are in addition to the separate statutory responsibilities of the Parliamentary Commissioner outlined above.

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<sup>8</sup> See section 314A of the CC Act.

## 5 Committee expenditure

Committees are funded from the appropriation made to the Legislative Assembly and rarely generate revenue. After funding is allocated for the committee office as a whole, expenditure by individual committees is determined by their specific requirements and volume of work. Travel expenditure is subject to an additional approval process.

In 2022-23, the committee's total expenditure was \$402,080. The committee did not receive any revenue.

Employee expenses for the secretariat staff that support the committee comprised the vast majority (just over 92 per cent) of the committee's expenditure. The committee's secretariat is a three-person team, supplemented with additional resources from across the Committee Office as needed throughout the year.

Committee travel expenditure for the reporting period relates to the attendance of five committee members at the 2022 Australian Public Sector Anti-Corruption Conference in Sydney in November 2022.

The table below provides a detailed breakdown of the committee's expenditure for the year.

### Expenditure of the committee, 1 July 2022 – 30 June 2023

Item	\$
Employee expenses	370,809
Meeting expenses (broadcast support & catering)	6,095
Technology (software licences, telephones, teleconferencing & videoconferencing)	5,000
Freight	524
Printing, stationery and maintenance	1,704
Committee travel (including business travel)	17,948
<b>Total expenditure</b>	<b>402,080</b>

## Appendix A: Meeting attendance record

During the reporting period, the committee held **29** private meetings, **11** private hearings and **8** public hearings.

In addition to committee meetings, the committee holds meetings with the CCC and Parliamentary Commissioner on a regular basis.

The committee holds public meetings to the greatest extent possible to provide open and transparent oversight of the CCC as required by the CC Act. It also conducts private meetings in order to avoid the disclosure of confidential information contrary to the public interest, information about a complaint about corrupt conduct or investigation or operation being conducted by the CCC.<sup>9</sup>

To assist with the meeting process, the CCC provides confidential briefing papers, public reports, and minutes of commission meetings. The committee asks questions in relation to matters contained in these documents or any other matter that has come to its attention.

The committee also meets regularly with the Parliamentary Commissioner who provides public and private reports to the committee on the status of matters referred to the Parliamentary Commissioner and administrative issues concerning the day-to-day running of the Office of the Parliamentary Commissioner.

The tables below shows the attendance of committee members at private committee meetings (PrM), public briefings (PB), private briefings (PrB) and private hearings (PrH) and public hearings (PH) during the reporting period.

Standing Order 202(1) provides that in the case of a committee members' illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry. The details of these appointments are included in the footnotes.

### 5.1 Meeting attendance record, 1 July 2022 – 30 June 2023

*Legend:* PrM private meeting                      PrB private briefing                      PB public briefing  
PrH private hearing                                      PH public hearing

#### 1 July 2022 to 18 August 2022

Meeting Date	Activity	Jon Krause MP	Jimmy Sullivan MP	Michael Crandon MP	Jonty Bush MP	Jess Pugh MP	Mark Robinson MP	Melissa McMahon MP
12 July 2022	PrM	✓	x <sup>10</sup>	✓	✓	✓	✓	x <sup>11</sup>

<sup>9</sup> See POQA, s 302A.

<sup>10</sup> Jennifer Howard MP replaced Jimmy Sullivan MP as committee member on 12 July 2022.

<sup>11</sup> Don Brown MP replaced Melissa McMahon MP as committee member on 12 July 2022.



Meeting Date	Activity	Jon Krause MP	Jimmy Sullivan MP	Michael Crandon MP	Jonty Bush MP	Jess Pugh MP	Mark Robinson MP	Melissa McMahon MP
22 July 2022	PrM	✓	x <sup>12</sup>	x	✓	✓	✓	x <sup>13</sup>
29 July 2022	PrM	✓	x <sup>14</sup>	x	✓	✓	✓	x
5 August 2022	PrM	✓	x <sup>15</sup>	x	x <sup>16</sup>	✓	✓	x <sup>17</sup>
9 August 2022	PrM	✓	x <sup>18</sup>	x	✓	✓	✓	x <sup>19</sup>

On 18 August 2022, the Legislative Assembly discharged the Member for Macalister, Ms Melissa MacMahon MP, as a member of the committee and appointed the Member for Capalaba, Mr Don Brown.

19 August 2022 to 30 June 2023

Meeting Date	Activity	Jon Krause MP	Jimmy Sullivan MP	Don Brown MP	Michael Crandon MP	Jonty Bush MP	Jess Pugh MP	Mark Robinson MP
19 August 2022 <sup>20</sup>	PrM	✓	x	✓	✓	✓	✓	✓
	PH	✓	x	✓	✓	✓	✓	✓
	PrH	✓	x	✓	✓	✓	✓	✓
	PH	✓	x	✓	✓	✓	✓	✓
	PrH	✓	x	✓	✓	✓	✓	✓
30 August 2022	PrM	✓	✓	✓	✓	✓	✓	✓

<sup>12</sup> Jennifer Howard MP replaced Jimmy Sullivan MP as committee member on 22 July 2022.

<sup>13</sup> Don Brown MP replaced Melissa McMahon MP as committee member on 22 July 2022.

<sup>14</sup> Jennifer Howard MP replaced Jimmy Sullivan MP as committee member on 29 July 2022.

<sup>15</sup> Jennifer Howard MP replaced Jimmy Sullivan MP as committee member on 5 August 2022.

<sup>16</sup> James Martin MP replaced Jonty Bush MP as committee member on 5 August 2022.

<sup>17</sup> Don Brown MP replaced Melissa McMahon MP as committee member on 5 August 2022.

<sup>18</sup> Jennifer Howard MP replaced Jimmy Sullivan MP as committee member on 9 August 2022.

<sup>19</sup> Don Brown MP replaced Melissa McMahon MP as committee member on 9 August 2022.

<sup>20</sup> Chris Whiting MP replaced Jimmy Sullivan MP as committee member on 19 August 2022.

Meeting Date	Activity	Jon Krause MP	Jimmy Sullivan MP	Don Brown MP	Michael Crandon MP	Jonny Bush MP	Jess Pugh MP	Mark Robinson MP
4 October 2022	PrM	✓	✓	✗	✗	✓	✓	✓
11 October 2022	PrM	✓	✓	✓	✓	✓	✓	✓
25 October 2022	PrM	✓	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓	✓
3 November 2022	PrM	✓	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓	✓
8 November 2022	PrM	✓	✓	✓	✓	✓	✓	✓
10 November 2022	PrM	✓	✓	✗	✓	✓	✓	✗
	PH	✓	✓	✗	✓	✓	✓	✗
	PrH	✓	✓	✗	✓	✓	✓	✗
29 November 2022	PrM	✓	✓	✓	✓	✓	✓	✓
1 December 2022	PrM	✓	✓	✗	✓	✓	✓	✗
	PrH	✓	✓	✗	✓	✓	✓	✗
7 December 2022	PrM	✓	✓	✓	✓	✓	✓	✓
13 December 2022	PrM	✓	✓	✓	✓	✓	✓	✓
3 February 2023	PrM	✓	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓	✓
9 February 2023	PrM	✓	✓	✓	✓	✓	✓	✗
21 February 2023	PrM	✓	✓	✗ <sup>21</sup>	✓	✓	✓	✓
14 March 2023	PrM	✓	✓	✓	✓	✓	✓	✓

<sup>21</sup> Tom Smith MP replaced Don Brown MP as committee member on 21 February 2023.

Meeting Date	Activity	Jon Krause MP	Jimmy Sullivan MP	Don Brown MP	Michael Crandon MP	Jonty Bush MP	Jess Pugh MP	Mark Robinson MP
28 March 2023	PrM	✓	✓	✓	✓	✓	✓	✓
18 April 2023	PrM	✓	✓	✓	✓	✓	✓	✓
2 May 2023	PrM	✓	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓	✓
23 May 2023	PrM	✓	✓	✓	✓	x <sup>22</sup>	✓	✓
8 June 2023	PrM	✓	✓	✓	✓	✓	✓	✓
14 June 2023	PrM	✓	✓	✓	✓	✓	✓	✓
26 June 2023	PrM	✓	✓	✓	✓	✓	✓	x
	PrH	✓	✓	✓	✓	✓	✓	x
30 June 2023	PrM	✓	✓	✓	✓	✓	✓	x

Legend: PrM private meeting

PrB private briefing  
PrH private hearing

PB public briefing  
PH public hearing

<sup>22</sup> James Martin MP replaced Jonty Bush MP as committee member on 23 May 2023.