

Annual Report

2019-20

Report No. 105, 56th Parliament

Parliamentary Crime and Corruption Committee

September 2020

Parliamentary Crime and Corruption Committee

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1 Parliamentary Crime and Corruption Committee

The Parliamentary Crime and Corruption Committee (Committee) is established under section 291 of the *Crime and Corruption Act 2001* (Act) as the parliamentary committee responsible for overseeing the operations of the Crime and Corruption Commission (Commission or CCC).

The Committee's functions under the Act include:

- monitoring and reviewing the performance of the CCC's functions
- reporting to the Legislative Assembly on matters relevant to the CCC or the performance of its functions or exercise of its powers where appropriate, including matters referred to the Committee by the Legislative Assembly
- examining reports of the CCC
- participating in the appointment of the CCC Chairperson, Commissioners and the Chief Executive Officer
- conducting five-yearly reviews of the CCC
- periodically reviewing the structure of the CCC, and
- issuing guidelines and giving directions to the CCC where appropriate.

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

2 Crime and Corruption Commission

The CCC is established under the Act. The key responsibilities of the CCC under the Act are to:

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

The CCC also undertakes a number of other functions in the areas of research and prevention, intelligence, witness protection, and the civil confiscation of proceeds of crime.

The CCC has a range of coercive powers under the 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.

3 Annual report

In accordance with section 108 of the *Parliament of Queensland Act 2001*, the Committee is required to table an annual report within 4 months and 14 days after the end of each financial year. The report must include:

- a list of meetings of the Committee and the names of members attending or absent from each meeting
- a summary of issues considered by the Committee, including a description of the more significant issues arising from the considerations
- a statement of the Committee's revenue and spending for the year
- a brief description of responses by Ministers to recommendations of the Committee.

This report provides a summary of the activities of the Committee from 1 July 2019 to 30 June 2020.

3.1 Impact of the COVID-19 global pandemic

The Committee's work during the reporting period was impacted by the COVID-19 global pandemic, in particular the Committee's ability to hold public and private meetings with the CCC and Parliamentary Crime and Corruption Commissioner (Parliamentary Commissioner) and hold public hearings in relation to inquiries from March to May 2020.

However, the Committee met regularly during the pandemic, including via teleconference, and was able to continue to perform its statutory function of monitoring and reviewing the operations of the CCC.

4 Oversight of the CCC

4.1 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 confidential minutes of meetings of the commission
- 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 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 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.

4.2 Inquiries

4.2.1 Review of the operation of section 329 of the *Crime and Corruption Act 2001*

On 21 August 2017, the Committee resolved to commence a review of the operation of section 329 of the Act, relating to the CCC's duty to notify the Committee and the Parliamentary Commissioner of the suspected improper conduct of CCC officers (Section 329 Review).

The focus of the Section 329 Review was on the definition of *improper conduct* under section 329 of the Act, the operation of the provision with respect to notifications received by the Committee and the Parliamentary Commissioner, and any other matter the Committee considered appropriate.

The Section 329 Review was finalised during the reporting period, with the Committee reporting to Parliament on 17 December 2019.

The Committee's [report](#)¹ contained three recommendations, including that:

- section 329 of the Act not be amended (recommendation 2), and
- the House notes the Committee will work with the CCC and Parliamentary Commissioner to review the protocols governing notifications made under section 329 of the Act (Protocols) and to make the amendments outlined in the Committee's report (recommendation 3).

4.2.2 Review of the protocols governing notifications made under section 329 of the *Crime and Corruption Act 2001*

During the reporting period, the Committee worked with the CCC and Parliamentary Commissioner to review the Protocols, in accordance with recommendation 2 of the Committee's report on the Section 329 Review.

The Committee anticipates that the consultation process will conclude and the amended Protocols will be agreed and finalised, in the next reporting period.

4.2.3 Inquiry into the CCC's performance of its functions to assess and report on complaints about corrupt conduct

During the reporting period, the Committee considered concerns raised by the Speaker of the Legislative Assembly and the Ethics Committee about the CCC's consideration of allegations of corrupt conduct made against the Premier and Minister for Trade and the former Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships.

On 16 December 2019, the Committee resolved to inquire into and report on the CCC's performance of its functions to assess and report on complaints about corrupt conduct pursuant to sections 33 to 51 and 64 of the Act. In undertaking its Inquiry, the Committee resolved to examine:

- the statutory framework for assessing complaints and reporting under the Act
- the CCC's procedures for assessing complaints, including the timeliness of assessments, evidence gathering and the scope of assessments
- the distinction between the CCC's assessment and investigation of a complaint
- how the CCC may deal with a complaint following an assessment, including referring the matter to another body and the use of prosecutorial discretion

¹ Parliamentary Crime and Corruption Committee, Report No. 104, 56th Parliament - *Review of the Operation of section 329 of the Crime and Corruption Act 2001*

- the provision of evidence and supporting information when the CCC refers a complaint to another body
- the CCC's public reporting of its assessment determinations, in particular those matters which attract significant public interest
- the CCC's development and announcement of recommendations for legislative amendments arising from its assessment of complaints, and
- any other relevant matters.

As part of its inquiry, the Committee undertook to consider whether any legislative clarification was required to improve the CCC's complaints handling process.

The Committee wrote to stakeholders and called for written submissions. The Committee received and published 14 written submissions. The Committee's first public hearing in relation to the inquiry, scheduled to be held on 20 March 2020, was postponed due to the COVID-19 global pandemic.

On 19 May 2020, the Committee resolved to incorporate the inquiry into its Review of the activities of the CCC, pursuant to section 292(f) of the Act (the Review). The Committee intends to address the issues raised in the inquiry, and make any recommendations, in its report to Parliament on the Review, in the next reporting period.

4.2.4 Review of the activities of the CCC

Section 292(f) of the Act provides that the Committee must review the activities of the CCC and report to the Parliament by 30 June 2021 about any action that should be taken in relation to the Act or the functions, powers and operations of the CCC (the Review).

The Committee commenced the Review on 1 June 2020, and wrote to stakeholders and called for written submissions, with the submission closing date being in the next reporting period.

In undertaking the Review, the Committee will examine the CCC's overall performance over the last five years and consider its jurisdiction, responsibilities, functions and powers. In particular, the Committee will examine the CCC's:

- corporate governance and organisational structure
- major crime function, including the investigation and prevention of major crime
- investigative powers and hearings
- corruption function, including:
 - the application of the principles for performing its corruption functions, including the devolution principle
 - the CCC's handling of, and reporting on, complaints of corruption, and
 - the CCC's corruption prevention function
- civil confiscation function
- telecommunication interception powers
- research and intelligence functions
- witness protection function
- broader role in the criminal justice system
- role in overseeing the police service including the management of police discipline and misconduct matters, and

- oversight arrangements, including the role of the responsible Minister, Committee, Parliamentary Crime and Corruption Commissioner and Public Interest Monitor.

The Committee is required to report to the Parliament by 30 June 2021.

4.3 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, may assist 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 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 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 over 50 complaints and notifications in relation to the CCC and its officers.

The consideration of these matters involves a thorough assessment of the relevant information, which is often very complex, detailed and voluminous.

4.3.1 Complaints received from the public

During the reporting period, the Committee received 24 new complaints about the CCC or its officers from the public within the Committee's jurisdiction. The Committee finalised 28 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 and investigations
- whether the CCC made appropriate inquiries before determining not to pursue a matter
- whether the CCC considered all relevant facts and material

- whether a determination by the CCC to refer a matter back to the relevant public sector agency to deal with was appropriate
- whether the CCC acted without bias in making its determinations
- whether the CCC was responsive and timely in its communications with complainants and with subject officers
- whether the CCC's conclusions and determinations are appropriate, and
- whether the CCC acted within its legislative powers.

4.3.2 Notifications from the CCC

During the reporting period, the Committee received 29 new notifications of suspected improper conduct by CCC officers under section 329 of the Act. The Committee finalised 31 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 referred the matter to the Parliamentary Commissioner, any reports from the Parliamentary Commissioner.

During the reporting period, one matter in relation to a notification under section 329 of the Act was investigated by the Queensland Police Service (QPS) and the CCC was requested to monitor the investigation and report back to the Committee.

4.3.3 Formalising complaints guidelines

During the reporting period, the Committee considered the way it deals with complaints that it receives about the CCC, as part of its function to monitor and review the performance of the CCC.

In this regard, the Committee produced a document titled 'Complaints to the Parliamentary Crime and Corruption Committee - A guide to making a complaint about the Crime and Corruption Commission to the Parliamentary Crime and Corruption Committee' (Guidelines).

The Guidelines provide information on who can make a complaint to the Committee, what can be the subject matter of a complaint, issues the Committee can and cannot consider, how a complaint will be dealt with, possible outcomes and the Committee's confidentiality requirements.

It is expected that the Guidelines will be published on the Committee's [webpage](#) on the Queensland Parliament website, in the next reporting period.

4.4 Examining reports of the CCC

The Committee considered the CCC's *Annual Report 2018-19*, the CCC's report on *Operation Impala – A report on misuse of confidential information in the Queensland public sector* and held public and private meetings with the CCC.

Section 69 directions

Section 69 of the 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.

During the reporting period, the Committee gave a direction to the CCC to give a report to the Speaker under section 69(1)(b) of the Act. The direction related to the CCC's report, *Operation Yabber - An investigation into allegations relating to the Gold Coast City Council*, which was tabled on 24 January 2020.

4.5 Reporting to the Legislative Assembly

On 2 December 2019, the Committee tabled in the Legislative Assembly, *Report No. 103, 56th Parliament - Committee Travel Report 29 to 31 October 2019*, which reported on the Committee's travel to Melbourne, Victoria to attend the bi-annual Australian Public Sector Anti-Corruption Conference and to meet with the Victorian Inspectorate and the Victorian Parliament's Integrity and Oversight Committee.²

On 17 December 2019, the Committee tabled in the Legislative Assembly, *Report 104, 56th Parliament - Review of the operation of section 329 of the Crime and Corruption Act 2001*, see section 4.2.1 of this report.

4.6 Participating in the appointment of the Chairperson, Commissioners and the Chief Executive Officer

During the reporting period, the Committee considered and provided its bipartisan support for the re-appointment of the Deputy Chairperson of the CCC in accordance with section 228 of the Act.

4.7 Reviewing the structure of the CCC

The statutory functions of the Committee include periodically reviewing the structure of the CCC, including the relationship between the types of commissioners and the roles, functions and powers of the Commission, the Chairperson and the Chief Executive Officer, and, for each review, to table in the Legislative Assembly a report about the review, including any recommendations about changes to the Act.

On 2 April 2019, the Committee was advised of an internal restructure within the CCC. During the reporting period, the Committee conducted public and private meetings with the CCC to question the restructure.

The Committee is actively monitoring the matter and will further consider the structure of the CCC as part of its review of the activities of the CCC, pursuant to section 292(f) of the Act.

4.8 Issuing guidelines to the CCC

Under section 296 of the Act, the Committee may issue guidelines to the CCC about the conduct and activities of the CCC.

The Committee did not issue any guidelines to the CCC in the reporting period.

5 Mechanisms available to the Committee

Under the Act and the *Parliament of Queensland Act 2001*, the Committee has a range of powers that enable it to carry out its functions, including to:

- call for persons, documents or other things
- examine witnesses under oath
- appoint persons with special knowledge or skill to help the Committee perform its functions, and
- refer matters relating to the conduct or activities of the CCC, or its officers, for investigation and reporting, or other action the Committee considers appropriate.

² Parliamentary Crime and Corruption Committee, Report No. 103, 56th Parliament – *Committee Travel Report, 29 to 31 October 2019*.

5.1 Parliamentary Crime and Corruption Commissioner

The Committee is assisted in its role of monitoring and reviewing the CCC by 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.

During the reporting period, the Committee provided its bipartisan support for the reappointment of Ms Karen Carmody as Parliamentary Commissioner for a further two years. On 29 July 2019, the Speaker of the Legislative Assembly appointed Ms Carmody to the position of Parliamentary Commissioner for a two-year period, commencing from 21 August 2019.

On 12 July 2019, the Committee provided its bipartisan support for the reappointment of Mr Mitchell Kunde as Acting Parliamentary Commissioner during any absence from duty of the Parliamentary Commissioner, for the duration of Ms Carmody's term of appointment. On 29 July 2019, Mr Kunde's reappointment was made by the Speaker of the Legislative Assembly.

Under section 314 of the 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, and
- 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.³

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 Commission'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, and
- auditing the CCC's records relating to assumed identities at least once every six months.

³ See section 314A of the *Crime and Corruption Act 2001*.

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, and
- providing reports on inspections to the responsible Minister and the Committee.

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

5.1.1 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 Act and other matters.

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

6 Committee expenditure

The Committee had no revenue during 2019-20. The Committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 1 July 2019 to 30 June 2020 is shown in the table below.

Item	\$*
Employee expenses ⁴	345,088
Business travel	29,282
Printing, postage and supplies	2,030
Legal advice and consultants	0
Advertising	0
Technology	2,216
Meeting expenses	5,324
Expenditure Total	383,939

* As figures have been rounded, discrepancies may occur between the sum of the component items and total

⁴ These figures reflect a three person secretariat supporting the Committee. The Committee's staffing might have been supplemented with additional resources from general Committee Office staff throughout the year.

7 Meetings attendance record

In addition to committee meetings (held at least once every Parliamentary sitting week), the Committee holds meetings with the CCC and Parliamentary Commissioner on a regular basis. During the reporting period, the Committee met on 25 occasions.

The Committee holds public meetings to the greatest extent possible to provide open and transparent oversight of the CCC as required by the *Parliament of Queensland Act 2001*. 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.⁵

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 table below shows the attendance of committee members at committee meetings and other activities 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.

Meeting Date	Tim Nicholls MP	Michael Crandon MP	Melissa McMahon MP	Corrine McMillan MP	Charis Mullen MP	Kim Richards MP	Mark Robinson MP
11 July 2019	✓	✓	✓ ⁶	✓	✓	✓	✓
29 July 2019	✓	✓	x ⁷	✓	✓	✓	✓
30 July 2019 ⁸	✓	✓	x	x	✓	x	x
2 August 2019	✓	✓	✓ ⁹	x ¹⁰	✓	✓	✓
16 August 2019	✓	✓	✓	✓	✓	✓	x

⁵ See section 302A, *Parliament of Queensland Act 2001*.

⁶ Joe Kelly MP replaced Melissa McMahon MP as committee member for one matter on 11 July 2019

⁷ Joe Kelly MP replaced Melissa McMahon MP as committee member on 29 July 2019

⁸ Subcommittee – Tim Nicholls MP, Michael Crandon MP and Charis Mullen MP

⁹ Joe Kelly MP replaced Melissa McMahon MP as committee member for one matter on 2 August 2019

¹⁰ Bart Mellish MP replaced Corrine McMillan MP as committee member on 2 August 2019

Meeting Date	Tim Nicholls MP	Michael Crandon MP	Melissa McMahon MP	Corrine McMillan MP	Charis Mullen MP	Kim Richards MP	Mark Robinson MP
23 August 2019	✓	✓	✓	✓	✓	✓	✓
26 August 2019 ¹¹	✓	✓	✓	✗	✓	✗	✗
27 August 2019	✓	✗	✓	✓	✓	✗	✓
20 September 2019	✓	✓	✓ ¹²	✓	✓	✓	✓
18 October 2019	✓	✓	✓ ¹³	✓	✓	✗ ¹⁴	✓
22 October 2019	✓	✓	✓	✓	✓	✓	✓
29 November 2019	✓	✓	✓ ¹⁵	✓	✓	✓	✓
16 December 2019	✓	✓	✓	✓	✓	✓	✓
21 January 2020	✓	✗ ¹⁶	✓	✓	✓	✓	✓
7 February 2020	✓	✓	✓	✗ ¹⁷	✓	✓	✓
21 February 2020	✓	✓	✓	✓	✓	✓	✓
17 March 2020	✓	✗ ¹⁸	✓	✓	✓	✓	✗ ¹⁹
3 April 2020	✓	✓	✓	✓	✓	✓	✓
24 April 2020	✓	✓	✓	✓	✓	✓	✓
6 May 2020 ²⁰	✓	✓	✓	✗	✓	✗	✗
19 May 2020	✓	✓	✓	✓	✓	✓	✓

¹¹ Subcommittee – Tim Nicholls MP, Michael Crandon MP, Melissa McMahon MP and Charis Mullen MP

¹² Jess Pugh MP replaced Melissa McMahon MP as committee member for one matter on 20 September 2019

¹³ Jess Pugh MP replaced Melissa McMahon MP as committee member for one matter on 18 October 2019

¹⁴ Don Brown MP replaced Kim Richards MP as committee member on 18 October 2019

¹⁵ Jess Pugh MP replaced Melissa McMahon MP as committee member for one matter on 29 November 2019

¹⁶ Jim McDonald MP replaced Michael Crandon MP as committee member on 21 January 2020

¹⁷ Scott Stewart MP replaced Corrine McMillan MP as committee member on 7 February 2020

¹⁸ Jim McDonald MP replaced Michael Crandon MP as committee member on 17 March 2020

¹⁹ Steve Minnikin MP replaced Mark Robinson MP as committee member on 17 March 2020

²⁰ Subcommittee – Tim Nicholls MP, Michael Crandon MP, Melissa McMahon MP and Charis Mullen MP

Meeting Date	Tim Nicholls MP	Michael Crandon MP	Melissa McMahon MP	Corrine McMillan MP	Charis Mullen MP	Kim Richards MP	Mark Robinson MP
22 May 2020	✓	✓	✓	✓	✓	✓	✓
11 June 2020 ²¹	✓	✓	✓	*	✓	*	*
16 June 2020	✓	✓	✓	✓	✓	✓	✓
19 June 2020	✓	✓	✓	✓	✓	✓	✓



Tim Nicholls MP
Chair

September 2020

²¹ Subcommittee – Tim Nicholls MP, Michael Crandon MP, Melissa McMahon MP and Charis Mullen MP