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Our Reference: AD-24-0310 | 24/044653

12 March 2024

The Honourable Catherine Holmes AC SC  
Reviewer  
Independent CCC Publication Review

By email: [CCCReportingReview@justice.qld.gov.au](mailto:CCCReportingReview@justice.qld.gov.au)

Dear Ms Holmes

**RE: Independent Review into the Crime and Corruption Commission's  
reporting on the performance of its corruption functions**

Thank you for the opportunity to provide this submission to the Independent Review into the Crime and Corruption Commission's (CCC) reporting on the performance of its corruption functions (the Review).

This submission details what the CCC considers the extent and form of its reporting powers should be in corruption matters, and why.<sup>1</sup>

## 1. Introduction

The CCC must be vested with statutory authority to report in performance of its corruption function.

Public reporting provides important transparency in relation to the performance of the CCC's functions, and serves to support the CCC's statutory objectives – particularly as they relate to improving the integrity of the public sector. Public reporting allows for a transparent accounting of those matters the CCC has assessed or investigated.

Noting the CCC's statutory mandate to focus on more serious and systemic matters of corrupt conduct,<sup>2</sup> there are circumstances in which there will be substantial public

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<sup>1</sup> As requested in your letter dated 27 February 2024.

<sup>2</sup> *Crime and Corruption Act 2001* (Qld) s 5(3)(a) ('CC Act').

interest in matters which the CCC investigates. A primary reason for providing a public report is to assist in promoting public confidence in the integrity of the public sector by demonstrating that, regardless of outcome, such matters will be fully investigated and accounted for in an independent and impartial manner. This is particularly the case for matters of controversy or where there are lessons for the public sector and the public more broadly in relation to corruption risks within public sector entities.

The *Crime and Corruption Act 2001* (the Act) states that one of its main purposes is to continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector.<sup>3</sup> This is primarily achieved through the establishment of the CCC, which performs its corruption functions and exercises its powers in accordance with the principles set out in section 33 of the Act. The CCC's ability to fulfil one of its main statutory purposes is significantly diminished if it has no power to publicly report in relation to those investigations.

There is a clear public interest in the CCC reporting about corruption matters to ensure public confidence in the public sector, whether by providing a basis for legislative action, identifying systemic or cultural corruption risks endemic to the public sector, allowing for dissemination of reports for the education of the Parliament, elected representatives, the public sector and the public generally, or by dispelling an allegation of corrupt conduct where it is not established on the evidence.

The proposition that integrity bodies ought be empowered to publicly report is supported by the United Nations Convention Against Corruption which provides at Article 10 that state parties (of which Australia is one) are to take such measures as may be necessary to enhance transparency in its public administration, and that such measures may include publishing information, such as periodic reports on the risks of corruption in its public administration.<sup>4</sup> Moreover, the Best Practice Principles for Australian Anti-Corruption Commissions,<sup>5</sup> to which the CCC subscribes, provides that one of the key ways anti-corruption commissions can give insight into their operations is through the ability to report on investigations and make public statements.

The CCC acknowledges that striking the right balance between the public interest factors which underpin its corruption functions<sup>6</sup> and providing fairness to those investigated is a difficult exercise. The CCC has previously noted the complexity of this balancing exercising in relation to both public reports and public statements made in respect of corruption matters.<sup>7</sup>

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<sup>3</sup> CC Act s 4(1)(b).

<sup>4</sup> United Nations Convention Against Corruption Article 10.

<sup>5</sup> Best Practice Principles for Australian Anti-Corruption Commissions. Available at <<https://www.ibac.vic.gov.au/media/1090/download>>.

<sup>6</sup> CC Act s 34(d).

<sup>7</sup> Submission 027 to Report No 106 57th Parliament, *Review of the Crime and Corruption Commission's activities* <<https://documents.parliament.qld.gov.au/com/PCCC-8AD2/RCCC-21CB/submissions/00000027.pdf>>; and, Submission 008 to Inquiry into CCC's performance of its functions to assess and report on complaints about corrupt conduct <<https://documents.parliament.qld.gov.au/com/PCCC-8AD2/ICCCRCCC-AA17/submissions/00000008.pdf>>.

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Prior to the High Court's decision in *Crime and Corruption Commission v Carne*<sup>8</sup> (*Carne*), the CCC and its predecessors (the commission) understood that there was a broad power to report in the performance of its corruption function. As the background to the Terms of Reference for this review notes, the CCC's authority to prepare such reports had not been challenged until recently, which could be understood to reflect a common understanding that such a power was available.

The High Court in *Carne* found the CCC does not have a power to report in performing its corruption function other than the limited reporting to identified authorities under section 49 of the Act. The majority said at paragraph 68 of its judgment "...it might be said that the scheme of the CC Act, and what is to be done under each of ss 49 and 64, point strongly to s 64 having no part to play with respect to reports on investigations as to corrupt conduct." The majority went on at paragraph 69 to state that the report was one about "...the investigation of the complaint about the Respondent outside of the exclusive power to do so in s 49."

There is an imperative to amending the Act to provide that the CCC has clear public reporting powers in relation to corruption investigations.

## **2. Legislative history of CCC reporting**

The CCC and its predecessors have historically undertaken their corruption functions on the understanding that there was a general power to report publicly in performance of functions pursuant to section 64(1) of the Act and the tabling provisions in section 69 of the Act (and their predecessor provisions).

There is a distinct process in section 49 of the Act that applies specifically to the preparation of reports during and following investigations for provision to appropriate entities for action to be taken in respect of matters identified in investigations.<sup>9</sup>

The CCC and its predecessors treated investigation reports and public reports as distinct documents prepared for different purposes. This position is consistent with the legislative history of CCC reporting powers in relation to its corruption function, which is summarised below and detailed in the Legislative Development Table in **Annexure 1** of this submission.

### **2.1 Criminal Justice Act 1989**

Sections 64 and 69 of the Act have their origins in sections 2.18 and 3.21, respectively, of the *Criminal Justice Act 1989* (CJ Act) as passed on 18 October 1989.

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<sup>8</sup> [2023] HCA 28.

<sup>9</sup> Historical versions of the Act also included preparation of reports at a divisional level for consideration in particular circumstances by senior officers including the chairperson.

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Section 2.18 'Commission Reports' provided that a report of the commission, signed by its chairman, shall be furnished to (a) the chairman of the Parliamentary Committee; (b) the Speaker of the Legislative Assembly; and (c) to the Minister. Subsection (3) provided that the report be tabled and granted all the immunities and privileges of a report so tabled and printed.

Section 2.13 'Functions' provided that, subject to section 2.18, the commission shall report to the parliamentary committee –

- (a) on a regular basis, in relation to the commission's activities;
- (b) when instructed by the parliamentary committee to do so with respect to that matter, in relation to any matter that concerns the administration of criminal justice; and
- (c) when the commission thinks it appropriate to do so with respect to that matter, in relation to any matter that concerns the administration of criminal justice.

Separate to these commission report provisions, under section 2.24 'Reports of Division', the Director of the Official Misconduct Division was required to report internally to the Chairman on every investigation carried out by the Division and every matter of complaint submitted to the Complaints Section. A Report of Division was made to the Chairman with a view to such action by the Commission as considered desirable and, with the Chairman's authority, to such one or more of the list of entities as the Chairman considered appropriate including the Director of Prosecutions or other appropriate prosecuting authority with a view to such prosecution proceedings as considered warranted and the appropriate principal officer in a unit of public administration with a view to disciplinary action being taken in respect of the matter to which the report relates.

In 1991, the Parliamentary Criminal Justice Committee (PCJC) considered the need for a definition of 'report' in section 2.18 of the CJ Act, to address a submission made by the Criminal Justice Commission (CJC):<sup>10</sup>

*...The Commission has also recommended amendment to section 2.18 which deals with Commission reports (the section provides for reports of the Commission to be furnished to the Chairman of the Parliamentary Committee, the Speaker of the Legislative Assembly and the Minister). One difficulty raised in relation to a "report" is that it is not defined. It is clearly not appropriate for all reports prepared by the CJC to be dealt with in the way envisaged by s2.18. The CJC has recommended that s.2.18 be amended to define "a report of the Commission" for the purposes of the section.*

*The Commission states that the Act gives no indication as to what documents are included as reports for the purposes of this section. However, no suggestion is made as to the actual*

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<sup>10</sup> Parliamentary Criminal Justice Committee, *Review of the operations of the Parliamentary Criminal Justice Committee and the Criminal Justice Commission: Part B – Analysis and Recommendations*, Report No. 13, 3 December 1991, p65. Available at <<https://documents.parliament.qld.gov.au/com/PCCC-8AD2/R-9ED4/rpt-13-031291.pdf>>.

*formulation of the new subsection because the Commission considered that this is a matter which should be discussed with Parliamentary Counsel before such a recommendation is made. However, the Committee suggests that in determining what is a "report of the Commission", a number of factors should be considered. It should not be determined simply by reference to the identity of the signatories, but by reference to the subject matter of the report (Keane, 1991:11). The reports of the various divisions should be analysed to assist in the formulation of a definition. A list of all reports prepared by the CJC, some of which are reports within the meaning of section 2.18, is appended to this report (Appendix D).*

*It could be argued that all documents (except internal memoranda and preparatory materials) prepared by the Research Division should be publishable in some form, as reports, discussion papers or briefing documents. Whether these documents should become tabled reports would be determined by the importance of the subject matter. Reports of the OMD into completed general investigations (that is major investigations in the nature of the Corrective Services Commission and Local Government Reports) should be reports for the purposes of 2.18, however, some major investigations may not appropriately be released. The Committee is of the view that the definition needs to be flexible, while maintaining the principle that the Commission should operate as publicly as possible.*

**RECOMMENDATION 10:**

*In order to clarify the Criminal Justice Commission's obligation to furnish reports under s2.18 of the Criminal Justice Act 1989-1991 the Committee endorses the recommendation of the Criminal Justice Commission to amend s2.18 to include a definition of "a report of the Commission" for the purposes of s2.18...*

The Committee's recommendation for amendment in 1991 was not taken up at that stage.

In 1994, the general report tabling provision in section 2.18 was renumbered as section 26 and the divisional reporting provision in 2.24 was recast as section 33 of the CJ Act.

In 1997, in response to a PCJC report on outstanding committee recommendations,<sup>11</sup> the Minister stated that *"the current situation under which the Commission is able to determine what reports it tables is unsatisfactory. In the Criminal Justice Amendment Bill, I propose to amend the section to define "reports of the commission" for the purposes of section 26 to include all reports which result from a hearing (other than certain specified reports) and research and other reports, which the PCJC directs should be tabled"*.<sup>12</sup>

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<sup>11</sup> Parliamentary Criminal Justice Committee, Parliament of Queensland, *Outstanding Parliamentary Criminal Justice Committee Recommendations*, Report No. 34, 23 July 1996. Available at <<https://documents.parliament.qld.gov.au/tp/1996/4896T989.pdf>>.

<sup>12</sup> 'Ministerial Response to the Parliamentary Criminal Justice Committee Reports numbered 34, 38 and 39' tabled 8 October 1997, p36. Available at <[4897T3731.pdf \(parliament.qld.gov.au\)](https://documents.parliament.qld.gov.au/tp/1997/4897T3731.pdf)>.

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The *Criminal Justice Legislation Amendment Act 1997* then introduced a definition of ‘report of the commission’ to section 26(9):

*report of the commission” means-*

- (a) a report on a hearing conducted by the commission under section 25, other than a report under section 33; or*
- (b) a research or other report prepared by the commission that the parliamentary committee directs the commission to give to the legislative assembly...*

The CJ Act reporting provisions then remained in substantively the same terms until the CJ Act was repealed in 2001.

## **2.2 Crime and Misconduct Act 2001**

The *Crime and Misconduct Act 2001* (CM Act) repealed the *Criminal Justice Act 1989* and the *Crime Commission Act 1997* and introduced new legislation to merge the CJC and the Queensland Crime Commission.

The commission reporting powers in section 26 CJ Act were recast as section 64(2) by the CM Act, and amended to include an explicit power that the commission may report under subsection (1).

The tabling provisions in section 69 of the CM Act introduced the requirement that reports be provided to the Parliamentary Committee before being tabled. The intent of this provision was to avoid situations where the CMC could choose to not report on a matter. The Minister was not satisfied that the CJC could opt out of its obligation<sup>13</sup> to report, and sought to rectify that by providing that the PCJC could require reports from the CCC. A consequence of that requirement was that the commission’s reports could not be tabled without the permission of the Parliamentary Committee.

Shortly prior to the introduction of the CM Act in 2001, the meaning of ‘report’ had been considered in the Three Yearly Review of the commission by the Parliamentary Criminal Justice Committee (PCJC)<sup>14</sup>:

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<sup>13</sup> The explanatory notes to the *Crime and Misconduct Bill 2001* provided that section 63 of the CC Act “...provides that the obligation on the commission to report does not apply to the commission’s crime functions.”

<sup>14</sup> Parliamentary Criminal Justice Committee, *Three Yearly Review of the Criminal Justice Commission: A report of a review of the activities of the Criminal Justice Commission pursuant to section 118(1)(f) of the Criminal Justice Act 1989*, Report No. 55, 19 March 2001 (PCJC Report No. 55), pages 321 and 322. Available at <<https://documents.parliament.qld.gov.au/com/PCCC-8AD2/TYRCJC2001-460A/Report55-3yrReview.pdf>>.

### 15.6.3 Analysis and comment – definition of ‘report of the Commission’

*The CJC has previously expressed concern about the definition of ‘report of the Commission’ under section 26(9) Of the Act. The CJC, in a letter dated 23 November 1999, has submitted that section 26(9), as it is presently drafted, ‘arguably limits the Commission to tabling reports only where there has been an investigative hearing. Or where the PCJC has directed that a report be tabled’. The CJC has further submitted that it is inappropriate that it cannot table a report in Parliament (Other than a report relating to a matter where investigative hearings were held) without a direction from the Committee.*

*The CJC has further submitted that:*

*It is not difficult to envisage that the Commission might wish to table a report in circumstances where both sides of politics might have some interest in declining to give such a direction.*

*The CJC has suggested the following amendments to subsections (9)(a) and (9)(b) of section 26 to define ‘report of the Commission’ as:*

- (a) a report authorised by the Commission to be furnished in accordance with subsection (1) other than a report under section 33;*
- (b) a report prepared by the Commission that the Parliamentary Committee directs the Commission to furnish in accordance with subsection (1).*

*The CJC had submitted that its suggested amendment:*

- to section 26(9)(a) would allow the Commission to table any report which it considered should be made public, including reports on matters where investigative hearings had been held (except reports under section 33);*
- to section 26(9)(b) would allow the Committee to direct that a report prepared by the Commission should be tabled, where it considered it appropriate and where the Commission had not already determined to table the report under subsection (a). Section 27 would still allow the Commission to report separately on confidential matters in the case of such a direction.*

*The Committee gave the CJC's submission careful consideration. The Committee was prepared, in principle, to support the CJC's suggestion, but on one proviso only. The Committee considered that prior to tabling of a report (falling under the redefined section 26(9)(a)), the Committee should be provided, on an embargoed basis, with an advance copy of a CJC report intended for tabling (other than a report on a hearing conducted by the CJC under section 25). This option is consistent with the current practice in respect of research and other reports publicly released by the CJC. The Committee was of the view that if the CJC maintained its position that the definition be*



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*clarified, that an embargoed CJC report intended for tabling, should be provided to the Committee, for example five days in advance of tabling (or such lesser period as agreed), and that the Committee simply have a right to make comments to the CJC in respect of any such report, prior to tabling.*

*The Committee is not seeking a right to veto or otherwise prevent the CJC from tabling a report in the Parliament. The Committee firmly believes that any such action by a Parliamentary Committee would be highly inappropriate.*

*The CJC, during the Committee's recent public hearings in respect of this review, has clarified its position in respect of the issue of an appropriate definition of a 'report of the Commission'. The CJC Chairperson, Mr Butler SC stated:*

*The Commission has considered this from time to time. I think our view has changed, because it is a very difficult section. Because of the way in which it is structured, any change to it can give you quite unexpected results in terms of the ability to produce reports. After a great deal of deliberation on it, we determined that it is probably better to leave it the way it is rather than create some further anomaly in attempting to improve it. It seems to have worked in practice in recent times, certainly in the relationship between the CJC and this Committee. I do not see any reason why it could not work in practice in the future. It might be a little inconvenient for the Committee to find that it has to consider some reports before they can be provided to the Speaker, but that might be better than a situation which creates other problems.*

*The Committee considers that, rather than seek an amendment to the Act, a more appropriate course may be to consult with the CJC with a view to issuing an appropriate guideline to the CJC pursuant to section 118A of the Act, to require the CJC, prior to tabling a report pursuant to section 26, to provide the Committee on an embargoed basis with an advance copy of its report intended for tabling (other than a report on a hearing conducted by the CJC under section 25).*

#### **15.6.4 Recommendations**

##### **Recommendation 80**

***The Committee recommends that section 26(9) NOT be amended...***

The 'Report of Division' provision in section 33 of the CJ Act was recast in the CM Act as the reporting requirement under section 49 of the CM Act.

One of the primary objectives of the legislative scheme introduced by the CM Act had been to emphasise devolution and capacity building, and to increase the responsibility of agencies to deal with and prevent misconduct within their own agency.<sup>15</sup> In the PCJC Three Yearly Review of the Criminal

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<sup>15</sup> See *Crime and Misconduct Bill 2001*, Explanatory Notes. Available at <<https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2001-762>>.



Justice Commission in 2000,<sup>16</sup> the CJC had submitted that there are occasions where the CJC does not consider any action is warranted on a matter, and the report being made under section 33 consists of a report recommending that no action be taken. The CM Act removed subsections (1) and (2) of section 33 which required the Director of the Official Misconduct Division to report to the commission or the chairperson on every investigation carried out by the division. The CJC had previously submitted that the sheer volume of complaints being assessed and investigations being conducted by the Division made this provision entirely unworkable. Subsection (2) was carried over to continue to allow the commission to report to agencies, as appropriate, for action to be taken and introduced a new subsection (1) that section 49 would only apply where the commission had investigated or assumed responsibility for an investigation and decided that prosecution proceedings or disciplinary action should be considered.

It appears that the intent of this provision was to rectify the impracticability of reporting to the Commission or the Chairperson in relation to every investigation in circumstances where the volume of matters being considered by the Commission was far beyond what had originally been envisioned when the CJ Act was introduced, and in light of the commission now focusing on the principle of devolution. It also addressed the concern that reports had to be made to agencies in circumstances where no action was recommended to be taken, by introducing the provision that the report only be made where prosecution proceedings or disciplinary action should be considered.

### **2.3 Crime and Corruption Act 2001**

When the CM Act was renamed the *Crime and Corruption Act 2001* in 2014, section 64(1) was unchanged. The CCC has proceeded since then on the basis that it continued to have a general reporting power under section 64(1) and was authorised to table public reports in accordance with the mechanism set out in section 69 of the Act. Section 49 of the Act remained unchanged.

The CCC submits that the history of reporting powers in the Act and preceding legislation (as summarised in this submission and set out in Annexure 1) indicates an understanding that the CCC had the power to make public reports on its investigations for tabling in parliament.

## **3. Models for public reporting of corruption investigations**

The CCC's view is, as expressed in submissions to the High Court in *Carne*,<sup>17</sup> that the CCC has always had a general reporting power to publicly report in performance of its functions pursuant to section 64(1) of the Act (and its predecessor provisions). This power is entirely independent from the divisions reports provision in section 49 of the Act, as evidenced by the legislative history, of the Commission

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<sup>16</sup> Parliamentary Criminal Justice Committee, *Three Yearly Review of the Criminal Justice Commission: A report of a review of the activities of the Criminal Justice Commission pursuant to section 118(1)(f) of the Criminal Justice Act 1989*, Report No. 55, 19 March 2001 (PCJC Report No. 55), p321-322. Available at <<https://documents.parliament.qld.gov.au/com/PCCC-8AD2/TYRCJC2001-460A/Report55-3yrReview.pdf>>.

<sup>17</sup> Crime and Corruption Commission, 'Appellant's Submissions', Submission in *Crime and Corruption Commission v Carne* [2023] HCA 28, 2 February 2023, [74]-[75].

generating reports during and following investigations for the information of the Chairperson, the Commission, or for provision to appropriate entities for action to be taken in respect of findings.

The CCC submits that it is entirely orthodox for an integrity body with investigative powers to have associated public reporting powers. The CCC's historical understanding of its power to make public reports of investigations for tabling is consistent with the powers of other statutory bodies in Queensland which have investigation powers, including:

- the Auditor-General;<sup>18</sup>
- the Ombudsman;<sup>19</sup> and
- as proposed for the Human Rights Commissioner in the *Anti-Discrimination Bill 2024*,<sup>20</sup> which is currently under consideration.

Notwithstanding this, the CCC welcomes the opportunity of this Review to consider the introduction of revised and modernised reporting and statement making powers in the Act which appropriately reflect the complexity of the many and often competing imperatives which the CCC faces including:

- the public importance of the CCC's statutory function as a corruption investigator and the CCC's associated corruption prevention and education functions;
- the importance of transparency in CCC operations to ensure that there is public confidence in the work we do when exercising the exceptional powers of the Commission;
- the sensitive nature of the information which the commission often receives in the course of its investigations, where there is a public interest in the information but there may also be personal interest of witnesses in the information being kept confidential;
- the imperative that the CCC faces to protect witness welfare and protect the integrity of prosecution or disciplinary proceedings which may follow a CCC investigation; and
- the need to maintain public confidence in the integrity of public administration in Queensland.

### ***3.1 Cross jurisdictional comparison of integrity agency reporting powers***

The CCC has conducted a cross-jurisdictional comparison reviewing the reporting powers which apply to corruption agencies in other Australian jurisdictions. A jurisdictional comparison table is set out in **Annexure 2** of this submission.

Broadly speaking, there are two models which provide for public reporting of investigations by integrity agencies. The first model is a mandatory reporting provision in relation to corruption investigations, which requires an investigating body to prepare a public report at the conclusion of every investigation (other than in exceptional circumstances). The second model is a discretionary reporting power, which vests the investigating agency with the discretion to choose when and in relation to which matters

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<sup>18</sup> *Auditor-General Act 2009* (Qld) s 63.

<sup>19</sup> *Ombudsman Act 2001* (Qld) part 6 div 2.

<sup>20</sup> *Anti-Discrimination Bill 2024* (Qld) s 165.

reports will be prepared and tabled. There are examples of both models in the statutes which empower integrity agencies in the various Australian jurisdictions. The CCC has considered both models, and identifies advantages and disadvantages to each, as discussed below:

### ***3.2 Mandated public reporting of corruption investigations***

The enabling legislation which was introduced for the National Anti-Corruption Commission (NACC) in 2023 is an example of the mandatory reporting model.

The NACC must prepare an investigation report after completing a corruption investigation.<sup>21</sup>

- the investigation report must include findings and opinions about the corruption issues, a summary of the evidence, recommendations and reasons for those findings, opinions and recommendations;<sup>22</sup>
- the report must not include information the Commissioner is satisfied is ‘sensitive information’<sup>23</sup> or ‘certified information’ which is information that the Attorney-General has certified would be contrary to the public interest to disclose;<sup>24</sup>
- if the Commissioner excludes certified and/or sensitive information, another report must be prepared called a ‘protected information report’ which includes all of the excluded information as well as the reasons for excluding the information from the investigation report;<sup>25</sup>
- the Commissioner must give the Minister responsible for administering the Act (the Attorney-General) or the Prime Minister (only where the report concerns the Minister) both the investigation report and the protected information report.<sup>26</sup> The Minister (or Prime Minister, where applicable) is required to table the investigation report in each House of Parliament within 15 sitting days only if public hearings were held in the course of the investigation.<sup>27</sup> Once the Commissioner has given the Minister (or Prime Minister) the reports, the Commissioner may publish the whole or a part of the investigation report if the Commissioner is satisfied it is in the public interest to do so;<sup>28</sup> and
- publication is subject to procedural fairness requirements.<sup>29</sup>

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<sup>21</sup> *National Anti-Corruption Commission Act 2022* (Cth) s 149(1) (‘NACC Act’).

<sup>22</sup> NACC Act s 149(2).

<sup>23</sup> As that term is defined in NACC Act s 227(3).

<sup>24</sup> Based on the grounds set out in NACC Act s 235(3).

<sup>25</sup> NACC Act s 15.

<sup>26</sup> NACC Act s 154(1).

<sup>27</sup> NACC Act s 155.

<sup>28</sup> NACC Act s 156.

<sup>29</sup> NACC Act s 157.

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The public reporting powers of the Integrity Commission (ACT) are another example of the mandatory reporting model. The Integrity Commission (ACT):

- must prepare a report after the completion of an investigation, which may include findings, opinions and recommendations, and reasons for those findings, opinions and recommendations;<sup>30</sup>
- once completed the report must be given to the Speaker, who either must table the report if the Parliament is sitting or otherwise give the report to each member of the Legislative Assembly;<sup>31</sup>
- the Commission must publish the report on its website after providing parliament with a copy of the report, unless it is a confidential report or the Speaker directs otherwise;<sup>32</sup> and
- a confidential report prepared by the Commission must be given to the relevant Assembly Committee.<sup>33</sup>

### ***3.3 Comment on the mandatory reporting model***

#### *A. No discretion about how or when to report*

It generally serves the public interest in transparency of public administration and transparency of decision making within an integrity commission to have a mandatory requirement to report, other than in exceptional cases.

The mandatory model leaves limited opportunity for an integrity agency to determine when or whether it is not appropriate to report on a corruption investigation. The default position that a report will be prepared at the conclusion of every investigation presents a significant impost on the resources of an integrity agency, and would be an issue particularly for the CCC which has historically undertaken many more investigations each year than were reported upon.

The mandatory model may not allow flexibility of reporting in circumstances other than at the conclusion of a corruption investigation. There may be instances, for example, where an integrity agency would consider it necessary and in the public interest to report before an investigation had been concluded, or to report on a decision not to undertake an investigation. The CCC considers that there is advantage to a reporting model that is sufficiently flexible to allow for alternative approaches to reporting in appropriate cases.

The mandatory model does serve to remove the complaint that is sometimes made that integrity agencies should report on all investigations, or have cherry picked a particular investigation for reporting.

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<sup>30</sup> *Integrity Commission Act 2018* (ACT) s 182 ('IC Act').

<sup>31</sup> IC Act s 189.

<sup>32</sup> IC Act s 190.

<sup>33</sup> IC Act s 192(3).

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### *B. Discretion in tabling*

The CCC interprets the *NACC Act* to mean that where public hearings are not held in relation to a corruption investigation, after the investigation and protected information reports are provided to the Minister as required, the Minister has discretion as to whether the investigation report is tabled.

While this ultimately vests in a Member of Parliament the discretion to determine whether a report is tabled, the CCC considers this is preferable to the current approach whereby section 69 of the Act includes a requirement that reports must first be directed by the Parliamentary Committee to be given to the Speaker. The CJC raised its concerns regarding this provision in its submission to the Attorney-General on the *Criminal Justice Legislation Amendment Bill 1997*.<sup>34</sup> The major concern was of the possibility that the CJC would be unable to have a report tabled which it considered should be tabled in circumstances where the PCJC could refuse to give a direction to the CJC to give the report to the Speaker if the PCJC did not agree to the publication of the report.

The CCC considers that the mechanism for tabling of reports should allow it to provide reports directly to the Speaker. While in some jurisdictions reports are provided to the Minister prior to tabling, this appears to arise where there is provision for information to be excised from a report where it is confidential in nature, but there is no Ministerial discretion as to whether a report will be made public and the Minister does not receive a report where the subject matter of the investigation concerns the Minister in any way. In the CCC's view, the appropriate mechanism for reporting is by tabling with the Speaker without reference to the Minister at all.

The *NACC Act* adopts an alternative approach to the issue by providing that the Commissioner may publish the whole or a part of the investigation report if the Commissioner is satisfied it is in the public interest to do so.<sup>35</sup> It is unclear to the CCC whether such a report would attract all of the same privileges and immunities as if the report had been laid before a House of *Parliament*. It is preferable, in the CCC's view, for reports to attract parliamentary privilege and that this be expressly stated in legislation,<sup>36</sup> though any such provision ought be considered in the context of section 335 of the Act.

### *C. Contents of report*

There are examples across Australian jurisdictions where the reporting powers of integrity agencies contain prescriptions for content and proscribed content.

For example, the *NACC Act* sets out a mechanism for determining whether there is 'sensitive information' in a proposed public report, and allows for the delivery of a separate report on

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<sup>34</sup> Criminal Justice Commission, *Submission to the Attorney-General on the Draft Criminal Justice Legislation Amendment Bill 1997 and the Draft Misconduct Tribunals Bill 1991*, tabled 8 October 1997. Available at <<https://documents.parliament.qld.gov.au/tp/1997/4897T3742.pdf>>.

<sup>35</sup> *NACC Act* s 156.

<sup>36</sup> As is the case under the *Independent Commission Against Corruption Act 1988* s 78(3) ('NSW ICAC Act').

‘confidential information’. The term ‘sensitive information’ in the NACC Act includes considerations such as whether the information could endanger a person’s life or physical safety, prejudice the fair trial of any person or the impartial adjudication of a matter, involve unreasonably disclosing a person’s personal affairs or unreasonably disclosing confidential commercial information.<sup>37</sup> While these considerations are broad, the threshold for the information not being included in the report is that the Commissioner is able to consider and must be satisfied the information is of that character. The CCC considers that it is important to maintain this discretion, rather than making a blanket prohibition on information within those categories being included in a report. The CCC notes that to the extent that the proscribed matters in the *NACC Act* related to national security and ‘certified information’, this is specific to the jurisdiction of a national agency and would not be required to be addressed in the Act which governs the CCC.

The CCC observes that there are existing proscriptions in the Act<sup>38</sup> which provide that if the CCC considers that confidentiality should be strictly maintained in relation to information in its possession (*confidential information*), the CCC need not make a report on the matter to which the information is relevant, or if the CCC makes a report on the matter, it need not disclose the confidential information or refer to it in the report.<sup>39</sup> If the CCC decides not to disclose confidential information, it must still disclose the confidential information in a separate document to the parliamentary committee unless a majority of the commissioners considers confidentiality should continue to be strictly maintained in relation to the information and the CCC gives the committee reasons for the decision in as much detail as possible.<sup>40</sup> These provisions are an important, albeit seldom used, safeguard and the CCC considers that any amendments to the Act should be consistent with these requirements.

#### *D. Maintaining general reporting power*

Where legislation contains a mandatory reporting framework in relation to particular investigations, the CCC considers it is an imperative that the legislation also set out a general reporting power in relation to other statutory functions (for example the prevention and research functions under the Act).<sup>41</sup> As has been noted, until the *Carne* decision, the CCC understood itself to have a broad power to report in performing its functions pursuant to section 64(1) of the Act. Given the broad conception of the power, the CCC and its predecessors, as a matter of course, did not necessarily differentiate, or if it did, often did not specifically record, which statutory function the CCC was reporting in performance of. This is the case because a binary determination of a public report either in exercise of the corruption or prevention function was not capable of being made, as, in most cases, such reports involve the exercise of more than one function.

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<sup>37</sup> NACC Act s 227(3).

<sup>38</sup> Criminal Justice Commission, *Submission to the Attorney-General on the Draft Criminal Justice Legislation Amendment Bill 1997 and the Draft Misconduct Tribunals Bill 1991*, tabled 8 October 1997. Available at <<https://documents.parliament.qld.gov.au/tp/1997/4897T3742.pdf>>.

<sup>39</sup> CC Act s 66(1).

<sup>40</sup> CC Act ss 66(2)(b) and (4).

<sup>41</sup> CC Act ss 23 and 52.

A relevant example is the 'Forensic Under the Microscope: Challenges in Providing Forensic Science Services in Queensland' report prepared by the CMC in October 2002.<sup>42</sup> In the Foreword to that report, then Chairperson Brendan Butler SC stated:

*"The CMC has a statutory function to help prevent misconduct. It may perform this function by analysing the results of its investigations and the information it gathers, and by providing information to the general community. Hence, while the catalyst for this report was the Commission's investigation of a wrongful conviction, the major purpose of this report is to identify for wider public scrutiny those systemic concerns not addressed as part of the formal Commission investigation".*

The CCC submits that a reporting power which requires it to categorise whether a report is made pursuant to the corruption or prevention function is likely to be an artificial distinction as frequently, an investigation into particular allegations of corruption is likely to be the catalyst for public reporting with broader application across the public sector. Instead, a reporting power which sits alongside the mandatory investigation reporting will allow the prevention and research functions to support the corruption function, and allow reports with broader learnings and general application across the public sector to still be prepared and published.

### **3.4 Discretionary public reporting of corruption investigations**

The *Independent Commission Against Corruption Act 1988* (NSW) (NSW ICAC Act) and the *Independent Broad-based Anti-Corruption Commission Act 2011* (Vic) (IBAC Act) are each examples of the discretionary reporting model.

The New South Wales Independent Commission Against Corruption (NSW ICAC):

- may prepare reports in relation to any matter that has been or is the subject of an investigation,<sup>43</sup> and shall prepare a report in relation to a matter referred to it by the Houses of Parliament and which a public inquiry was conducted unless otherwise directed by Parliament;<sup>44</sup>
- shall furnish a report made under section 74 to the Presiding Officer of each House of Parliament<sup>45</sup> which shall be laid before that House within 15 sitting days;<sup>46</sup> and

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<sup>42</sup> Available at <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CMC/Forensics-under-the-microscope-Report-2002.pdf>>.

<sup>43</sup> NSW ICAC Act s 74(1).

<sup>44</sup> NSW ICAC Act s 74(2)-(3).

<sup>45</sup> NSW ICAC Act s 74(4).

<sup>46</sup> NSW ICAC Act s 78(1).



- may include in a report a recommendation that the report be made public forthwith,<sup>47</sup> and the Presiding Officer of a House of Parliament may make the report public whether or not the House is in session and whether or not the report has been laid before the House.<sup>48</sup>

The Victorian Independent Broad-based Anti-Corruption Commission (IBAC):

- may, at any time, cause a report to be transmitted to each House of the Parliament on any matter relating to the performance of its duties and functions ('a special report'), including after conducting an investigation;<sup>49</sup>
- if the IBAC decides a report is to be transmitted, it must, at least one business day before, give an advance copy of the report to the Minister and the Secretary of the Department of Premier and Cabinet;<sup>50</sup> and
- the clerk of each House must cause the report to be laid before the House on the day on which it is received or the next sitting day of that House.<sup>51</sup> If neither house is sitting, IBAC can give notice of the intention to give the report to the clerk of each House and then publish the report on the IBAC's website and the report will attract the privileges as if the document were published under the authority of the Parliament.<sup>52</sup>

The Western Australia Corruption and Crime Commission (WA CCC) adopts a similar discretionary reporting power and tabling provisions under the *Corruption, Crime and Misconduct Act 2003* (WA)<sup>53</sup> as does the South Australian Independent Commission Against Corruption (SA ICAC) per the *Independent Commission Against Corruption Act 2012* (SA).<sup>54</sup>

### **3.5 Comment on the discretionary reporting model**

#### *A. Flexibility of approach to reporting in the public interest*

The discretionary model for reporting allows an integrity agency to report on a broad subject matter including investigation reports, but also other public reports with a mixed purpose which include information in relation to particular investigations as well as information with broader application such as corruption risks and corruption prevention strategies identified by reasons of the particular

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<sup>47</sup> NSW ICAC Act s 78(2).

<sup>48</sup> NSW ICAC Act s 78(3).

<sup>49</sup> *Independent Broad-based Anti-Corruption Commission Act 2011* Vic s 162 ('IBAC Act').

<sup>50</sup> IBAC Act s 162(1)-(2).

<sup>51</sup> IBAC Act s 162(10).

<sup>52</sup> IBAC Act s 162(11).

<sup>53</sup> *Corruption, Crime and Misconduct Act 2003* (WA), ss 84, 85, 89 and 93.

<sup>54</sup> *Independent Commission Against Corruption Act 2012* (SA) ('ICAC SA Act') s 42.

investigation. The 'Forensic Under the Microscope: Challenges in Providing Forensic Science Services in Queensland' prepared by the CMC in October 2002 and mentioned previously is an example of this.

### *B. Responsible use of public resources*

The CCC noted in its submission to the PCCC Inquiry into the 'CCC's performance of its functions to assess and report on complaints about corrupt conduct' made in January 2020 that any trend which may have been seen in recent times towards the CCC issuing comprehensive media releases or statements rather than reports in the form that have historically been produced by the CCC reflects an effort to be more transparent, to communicate its work more effectively, and to make the most effective use of its limited resources.<sup>55</sup> The CCC observed that a lengthy public report requires a substantial investment of resources. The mutable nature and volume of corruption matters, coupled with the changing information landscape in which members of the community consume information, requires the CCC to remain agile and examine whether such reports are the most effective option of communication.

For example, in the 2022-23 financial year, the CCC received 3,931 complaints of suspected corruption (involving 8,398 separately distilled allegations) and finalised 39 corruption investigations.<sup>56</sup> While the number of complaints received and allegations distilled remains relatively constant<sup>57</sup> across financial years, the number of corruption investigations commenced and finalised may vary considerably year-to-year. In contrast to the 39 finalised corruption investigations in 2022-23, the CCC finalised 21 investigations in 2021-22 and finalised 65 investigations in 2018-19.<sup>58</sup> The variation in volume and urgency of these investigations may often result in a less resource intensive method of public communication being appropriate, such as by way of public statement.

### *C. Impact on transparency*

The discretionary model for public reporting will inevitably lead to challenges in balancing the public interest in transparent operations of an integrity agency and public education function that reporting serves with the resourcing pressures of reporting on each and every investigation which is undertaken. The model can lead to public criticism and complaints by the subjects of investigation that the integrity agency has cherry picked a particular investigation for reporting or has failed in its statutory responsibilities by not reporting on a particular matter.

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<sup>55</sup> Submission 008 to Inquiry into CCC's performance of its functions to assess and report on complaints about corrupt conduct, p 29. Available at <<https://documents.parliament.qld.gov.au/com/PCCC-8AD2/ICCCRCCC-AA17/submissions/00000008.pdf>>.

<sup>56</sup> CCC 2022-23 Annual Report, pages 20 and 21. Available at <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/CCC-Annual-Report-2022-23.PDF>>.

<sup>57</sup> There has been a steady increase per year of received corruption complaints between 2018-19 (3,109) and 2022-23 (3,931) but relatively minor variation in allegations received between 2018-19 (8,329) and 2022-23 (8,398), noting some fluctuations in the intervening years.

<sup>58</sup> CCC 2022-23 Annual Report, page 21. Available at <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/CCC-Annual-Report-2022-23.PDF>>.

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### **3.6 Inclusions and prohibition on particular report content**

In terms of the content of public reports, integrity agencies across Australian jurisdictions generally have a broad discretion as to those matters which should be included and those which must not be included in public reports although in some cases there are mandated requirements in the legislation. Those matters generally include:

- findings (whether of fact; that a person has engaged in ‘corrupt conduct’, criminal conduct or committed a disciplinary breach; or that disciplinary or criminal proceedings should be commenced against a person);
- anonymisation of persons whose conduct is discussed in a report;
- information which is, in some way, prejudicial to public or governmental interests;
- coerced or covertly obtained information; and
- information which may prejudice a person’s right to a fair trial.

#### *A. Findings*

##### *i. Findings of fact*

It is the very nature of a public report that it will set out findings of fact which have been arrived at from the information obtained during an investigation. For example, section 149(2) of the NACC Act provides that a report must contain the Commissioner’s findings or opinions on the Corruption issue and, *inter alia*, a summary of the evidence and other material on which those findings are based.

Section 74A of the NSW ICAC Act similarly authorises NSW ICAC to include in its reports statements as to any of its findings, opinions and recommendations, and statements as to the Commission’s reasons for any of its findings, opinions and recommendations.

The CCC is of the view that any prescription of the contents of a public report should include an express authorisation to include findings of fact.

##### *ii. Findings of corruption*

The NSW ICAC Act provides that the NSW ICAC may include a finding that a person has engaged in corrupt conduct, where the conduct is ‘serious corrupt conduct’. The NSW ICAC may also make a finding about the conduct of a person that may be corrupt conduct (presumably not ‘serious corrupt conduct’) if that finding does not describe the conduct as corrupt conduct. Finding that a person has engaged in corrupt conduct is an issue which has attracted judicial scrutiny since the introduction of the ICAC.<sup>59</sup>

Section 149(3) of the NACC Act provides that, if the Commissioner forms the opinion that a person whose conduct has been investigated has engaged in corrupt conduct of a serious or systemic nature,

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<sup>59</sup> *Greiner v Independent Commission Against Corruption* (1992) 28 NSWLR 25.

the Commissioner must include a statement to that effect in the investigation report. If the Commissioner forms the opinion that a person has not engaged in corrupt conduct the Commissioner must set out that opinion in the report (section 149(4)).

The CCC is of the view that the provisions in s149 of the NACC Act regarding findings of corrupt conduct would be suitable in relation to the CCC's reporting powers, with one caveat. The NACC Act provides for findings that a person has engaged in corrupt conduct of a serious or systemic nature, or a finding that a person has not engaged in corrupt conduct, and makes such findings mandatory (where the Commissioner is satisfied of those matters). The CCC considers that such a provision may leave ambiguity as to whether persons did, or did not, engage in corruption which falls short of 'serious or systemic corruption' or where there was simply not enough evidence to positively exonerate them. The CCC considers that it should be within its discretion to make a positive finding that a person has engaged in corrupt conduct within the meaning of the Act, or to make a positive finding where a person has not engaged in corrupt conduct. Making such a provision discretionary would avoid this ambiguity.

*iii. Opinion that charges or disciplinary proceedings should be brought against a person*

As set out above, where legislation prescribes or proscribes the content of a public report, it generally prevents declarative statements that disciplinary or criminal proceedings should be commenced. However, such legislation generally permits including a recommendation that consideration should be given to such proceedings.

Under the Queensland legislation, as it was understood prior to *Carne*, this distinction was achieved by the differentiation between reports under section 49 (formerly known as 'Reports of Division') and reports under section 64 as it was understood to operate (formerly known as 'Commission Reports'). A report under section 49 was provided to the relevant official for consideration of criminal or disciplinary action. A public report, under section 64, was for a different purpose, and as such, did not make such recommendations.

*B. Anonymisation/identification of persons*

An issue in relation to public reporting on matters arising from investigations is whether, and to what extent, persons may or should be identified in those reports.

As a general proposition, the CCC has publicly reported on its investigations where it considers there is some overarching public benefit in exposing matters identified through its investigations for reducing corruption in the public sector. It is inevitable that such public reports will involve a degree of criticism of the unit of public administration (UPA), or officers, the subject of investigation, including elected representatives. In turn, it is inevitable that this may have some adverse impact on public confidence in the UPA, or damage to individual reputations. However, this is always balanced against the overarching objective of raising standards of integrity in the public sector. It is to be hoped that identifying failings in public administration – including those considered sufficiently important to report publicly – will also provide the UPA an opportunity to review its practices and improve them.

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Public confidence in public administration can be promoted by demonstrating that conduct which falls below acceptable standards is readily identified and promptly corrected.

A related complaint which has been made in relation to public reporting of this kind is that the use of a pseudonym (for example, describing an unnamed person as 'POI-2') is insufficient to anonymise a person, and may lead to reputational damage within their workplace, or more broadly in their profession.

The CCC is acutely aware of the potential for harm which may be caused by adverse comment in its public reporting. As the High Court of Australia noted in *Ainsworth's* case,<sup>60</sup> while a report by a body such as the CCC may not affect a person's legal rights, it may impact on a person's reputation in such a way as to require procedural fairness to be observed.

Consistent with this, section 71A of the Act requires the CCC, if it proposes to make an adverse comment about a person in a report to be tabled or published under the Act, to provide the person with an opportunity to make submissions about the proposed comment, and ensure the person's submissions are fairly stated in the report.

Of course, an obligation to afford a person procedural fairness does not require the decision-maker to uncritically accept the submissions made by the person.

In some previous matters, persons have not taken issue during the procedural fairness process with anonymisation, only to later complain when others have ascertained their identity. That said, the CCC also accepts that this does not absolve itself of responsibility to consider the potential impact of a report on a person's reputation.

Under section 57 of the Act the CCC "must, at all times, act independently, impartially and fairly having regard to the purposes of this Act and the importance of protecting the public interest." The importance of protecting the public interest will always require the balancing of competing public interest considerations.

In deciding whether, and to what extent, a person should be identified in a public report, the CCC is mindful not to unnecessarily interfere with a person's privacy, nor to improperly harm a person's reputation. This is consistent with the protection of those rights under section 25 of the *Human Rights Act 2019*.

An illustration of the approach taken to anonymisation of persons may be found in the CCC's report 'Investigation Workshop: An investigation into allegations of disclosure of confidential information at the Office of the Integrity Commissioner'.<sup>61</sup> The report outlined the general approach to this issue:

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<sup>60</sup> *Ainsworth v Criminal Justice Commission* [1992] HCA 10 ('Ainsworth').

<sup>61</sup> Available at <<https://www.ccc.qld.gov.au/publications/investigation-workshop-investigation-allegations-disclosure-confidential-information>>.

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“revealing the identity of relevant persons only when it is necessary to understand and/or give context to the report”. The CCC also recognises that, notwithstanding anonymisation, those people may nevertheless be able to be identified.

The approach taken in that report sought to balance the need to, so far as possible, protect an individual’s right to privacy and reputation, with the need to provide sufficient detail to enable a reader to understand the roles of persons said to have engaged in relevant conduct.

In that investigation, there was a significant amount of information related to the circumstances under investigation already in the public domain, in part as the public official had disclosed aspects of that complaint in various contexts.<sup>62</sup> Media reports on the matter included the identities of persons connected to the complaint. Despite the fact that media reports had publicly identified people in connection with that complaint, the CCC did not name persons relevant to its investigation, recognising the competing considerations of privacy and reputational harm against the public interest in reporting on the matter. The Integrity Commissioner, was of course, identifiable by reference to her position.

The Act requires the CCC to particularly focus on more serious cases of corrupt conduct. The seniority of staff involved in the conduct is a relevant feature in this regard, as more is to be expected of senior public servants.

It is also true that the more senior a person’s position, the greater the likelihood that they will be identified. There are likely to be fewer people at a particular level, or at that level within a particular department or division, the more senior the officer’s role. However, those are also more likely to be the types of matters which are investigated by the CCC,<sup>63</sup> and which may be susceptible to public reporting.

It is true that this approach of referring to a person by a pseudonym may not provide them with complete anonymity. Personal and professional associates may be able to infer the identity of a person provided they have sufficient detail. The closer an associate is to an investigation subject, the higher the likelihood is. It may be expected that it is those persons who are close to the subject of the investigation about whose opinion those subjects are likely to care the most.

However, it is a practical reality that, in publicly reporting on its investigations, there is a balance that will always need to be struck. The alternatives would be to either not report publicly, or to provide information at such a level of abstraction that the particular conduct of individuals may not be meaningfully understood.

Other jurisdictions provide a demarcation in who may be identified in public reporting by reference to whether those persons are to be the subject of adverse comment. Section 167(7) of the IBAC Act requires that the IBAC must not include information which would identify a person who is not the

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<sup>62</sup> No criticism is made of the Integrity Commissioner for that conduct.

<sup>63</sup> Noting the statutory imperative to focus on more serious and systemic cases of corrupt conduct.

subject of adverse comment or opinion unless it is satisfied that it is necessary or desirable to do so in the public interest, is satisfied it will not cause unreasonable damage to the person's reputation, safety or wellbeing, and states in the report that the person is not the subject of any adverse comment or opinion.<sup>64</sup>

*C. Information which is prejudicial to the public, or governmental interests*

There is no express provision in the Act which prohibits publication of information which may be damaging to particular matters, such as the functioning of law enforcement, Government or national security.

The NACC Act has specific provisions for matters which may not be included in a public report (sensitive information). Such information must be excised from the public report and provided to a restricted class of persons as a protected information report (section 152). 'Sensitive information' is defined in section 227 of the NACC Act, and includes categories of information which are, in many respects, reflective of categories of information recognised as covered by public interest immunity. Those include: information prejudicial to the security, defence, or international relations of Australia; information that could prejudice inter-governmental relations within Australia; intelligence information; confidential source information; and cabinet information. However, it also extends to include information which would involve unreasonably disclosing a person's personal affairs, and information which would involve unreasonably disclosing confidential commercial information.

In general terms, there are no equivalent provisions in the NSW ICAC or IBAC legislation. These matters are generally left to the relevant commission's discretion.

As noted above, section 57 of the Act obliges the CCC and its officers to, at all times, act independently, impartially and fairly, having regard to the purposes of the Act, and the importance of protecting the public interest. 'The public interest', of course, is not a monolith. There are a range of often countervailing considerations which must be weighed. The CCC's work at times intersects with matters which may, on their face, be covered by one or more of these factors.

For example, the CCC's investigation of former Minister Gordon Nuttall's corruption required an examination of his actions within Cabinet. While no public report was made in relation to that matter, any such report would inevitably have had to include information about Cabinet business, which arguably could not be included under NACC's governing legislation.

Similarly, Operation Capri<sup>65</sup> involved substantial conduct issues in relation to how Queensland police officers engaged with a confidential informant. That report was inextricably linked to the fact of,

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<sup>64</sup> There are similar, although less clear, provisions in the NACC Act (see, for example, s 153(5)).

<sup>65</sup> *Crime and Misconduct Commission, Dangerous Liaisons: A report arising from a CMC investigation into allegations of police misconduct (Operation Capri)*, July 2009. Available at <[Dangerous liaisons: a report arising from a CMC investigation into allegations of police misconduct \(parliament.qld.gov.au\)](http://dangerousliaisons.parliament.qld.gov.au)>.



circumstances of engagement with, and identity of, the informant. That report could not have been made under the provisions which govern NACC.<sup>66</sup>

*D. Coerced or covertly obtained information*

The Northern Territory's *Independent Commissioner Against Corruption Act 2017* (NT) prohibits the inclusion in public reports and public statements of material which would otherwise be inadmissible against a witness in other proceedings.

Commissions such as the CCC have the power to abrogate the privilege against self-incrimination and compel persons to answer questions, even where those answers may incriminate them. This is a common feature of integrity commissions, but also of similar entities which have an inquisitorial/investigative function such as royal commissions or boards of inquiry. The 'trade-off' for such an intrusive power is that the answers given in such circumstances may not be used as evidence against a person. This ordinarily encompasses civil, criminal or administrative proceedings (although this varies depending on the jurisdiction and function).<sup>67</sup>

An absolute prohibition on the inclusion of such information in a public report would pose some difficulties.

If it is accepted that there is value in publicly reporting on what is learned through a corruption investigation, then it follows that such a report is best served by setting out an accurate account, arrived at from the information obtained through the investigation. That would ordinarily include some amount of information obtained through compelled testimony.

A key feature of most corruption is that it involves some type of agreement, often by sophisticated actors, to engage in conduct which elevates private interests over the public interest. Obtaining information under compulsion is one of the ways in which key evidence is uncovered in relation to such arrangements. The fact that the information cannot be used in any civil, criminal or administrative proceeding does not detract from the value of the information, nor its centrality in understanding matters of interest to the investigation.

It would be especially curious if a public hearing could elicit evidence which could not be referred to in a public report because it was obtained under compulsion.<sup>68</sup>

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<sup>66</sup> This is not to be taken as a criticism of NACC's legislation. There are good reasons – not the least of which is NACC's involvement in national security and intelligence matters – why there would be different considerations for what information may be publicly reported on by it.

<sup>67</sup> See, for example, taxation legislation as examined in *R v Kinghorn* (2021) 106 NSWLR 322 and *R v Leach* [2019] 1 Qd R 459.

<sup>68</sup> Of course, this may be the exception referred to in the NT ICAC legislation which does not extend this prohibition to information in the public domain. However, it also seems perverse that the commissioner could defeat a prohibition which would otherwise operate under the Act by itself deciding to make information public by other means.

It is common for other types of investigative bodies to be able to rely on information obtained in similar circumstances. There is no restriction on a coroner's findings including such information,<sup>69</sup> parliamentary inquiries engage in fact finding, and may report regardless of whether information has been obtained in circumstances in which the information provided would be strictly inadmissible in any other forum, and a Royal Commission may report on its investigation, notwithstanding that evidence may have been given under compulsion.

It may be that such provisions are intended to prevent reference to *particular evidence* given by a person – that is, that a report could include information obtained in such a way, but could not attribute that information to a person having given the evidence in a hearing over an objection on the grounds of self-incrimination privilege.

There is also a question about whether a report could or should include information obtained by other covert means, such as through the use of telecommunications interception. A report on a corruption investigation is a 'permitted purpose' for which lawfully intercepted telecommunications information may be used under section 67 of the *Telecommunications (Interception and Access) Act 1974 (Cth)*. As such, absent a statutory restriction, such information could be included in a report.

#### *E. Information which may prejudice criminal or disciplinary proceedings*

The CCC accepts that caution must always be exercised in public reporting to minimise the risk of prejudice to criminal or disciplinary proceedings. What is required to achieve this will vary in any given case.

The CCC is not aware of any case in which a report by an integrity agency has formed the basis for a successful stay of a prosecution on the grounds of adverse pre-trial publicity. Of course, that is not the standard against which such agencies' conduct should be measured, and a greater degree of circumspection is necessary, recognising that adverse pre-trial publicity may have a detrimental impact on a person's fair trial rights, and the public interest in ensuring that those who commit criminal offences are brought to justice.

### **3.7 CCC preferred approach**

The CCC submits that the most appropriate approach to public reporting powers is the discretionary reporting model, since this best allows for a balanced approach to reporting which reflects the wide circumstances and variance of interests which may arise in the course of a corruption investigation and which must be considered in reaching a decision about how and when to report (or not report) on an investigation.

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<sup>69</sup> *Coroners Act 2003* (Qld) ss 39, 45 and 46.

Where integrity agencies have the capacity to report and make statements in relation corruption complaints and investigations at any time in the life of a complaint, this is a powerful education tool and deterrent to corruption. In the CCC's experience, there are instances where early intervention and public comment on an issue under consideration can mitigate the impact of the matter under investigation. Public reporting serves this function, but the formality of messaging and the time that it takes to prepare and table a public report does not allow for short and contemporaneous intervention in appropriate cases.

Reporting powers should ideally allow for the CCC's discretion to determine the appropriate content of reports on a case by case basis, by balanced consideration of principles of natural justice and procedural fairness, human rights compatibility, the need to refrain from publishing sensitive information against the public interest and the public interest in transparent reporting of the CCC's investigations. This includes consideration of:

- the seriousness of the matters under investigation, and the extent to which there is a public interest in reporting on these matters and/or public reporting may provide an education and corruption prevention tool;
- the sensitivity of the matters under investigation, and the extent to which it is appropriate to report publicly about confidential personal information of the subject/s of the investigation and other parties. This may depend also on whether the subject matter of the investigation is in the public domain and whether a complainant or someone with knowledge of the complaint has revealed that a complaint has been made to the CCC which is being investigated;
- whether the investigation relates to more than one person, and whether the investigation concludes that there has been corrupt conduct by one or all of the subjects of the investigation. The CCC observes, on this point, that there is a differential threshold for the CCC's corruption investigations of public officers (who may be subject to disciplinary action on the one hand) and private persons who have engaged corruptly with a public officer or elected representatives on the other hand (who would not be subject to disciplinary action and therefore whose conduct must reach the threshold of criminality). It would be an artificially high bar to limit the CCC's power to publicly report on a corruption investigation of several subjects, where one of the subjects was in the latter category and their conduct did not reach the threshold for criminal prosecution. This higher bar for public reporting of investigations involving elected representatives is not considered to be in the public interest and is an undesirable restriction on transparency of CCC investigations;
- where an investigation concludes that there has been no corrupt conduct and the fact of a complaint or assessment or investigation is in the public domain, there is in many cases a significant public interest in explaining the basis for the CCC's conclusions. The CCC's

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'Investigation Workshop: An investigation into allegations of disclosure of confidential information at the Office of the Integrity Commissioner'<sup>70</sup> is one example of this.

The CCC observes that the decision in *Carne* would also appear to impact on its ability to report on investigations conducted with public hearings. While section 69(1)(a) of the Act makes specific reference to "a report on a public hearing", noting the High Court's conclusion that section 64 proffers no authority to report on a corruption investigation beyond the reports to agencies set out in section 49, legislative amendment may be required to clarify the power to report on a public hearing in order to avoid the perverse outcome where a corruption investigation hearing could be conducted in public but the report of that investigation could not then be made publicly.

#### **4. Legislative safeguards for the making of a public report**

Adoption of the discretionary approach to public reporting does not, of course, result in an unfettered discretion. The CCC acknowledges that the responsibility to the public and the public interest must be balanced against the interests of individuals, particularly those who may be adversely affected by publication.

The Act as it currently stands provides for a statutory regime which promotes the protection of privacy and guards against reputational risk, thereby providing a framework of safeguards to appropriately balance those competing interests. For example:

- section 57 of the Act imposes an overarching obligation for the CCC and its officers to, at all times, act independently, impartially and fairly having regard to the purposes of the Act and the importance of protecting the public interest;
- section 66 of the Act allows for information from an investigation to be kept confidential, either by not making a report on a matter or by not referring to confidential information in a report. In either case, the Act provides that the information may be disclosed in a separate document to the Speaker, the Minister or the parliamentary committee;
- section 177(1) of the Act provides for a presumption against the holding of public hearings. The Commission may only open hearings in relation to a corruption investigation to the public if it considers closing the hearing to the public would be unfair to a person or contrary to the public interest;
- section 332 of the Act provides for an express right to seek judicial review of the Commission's activities in relation to corrupt conduct investigations where an applicant contends that an

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<sup>70</sup> Available at <<https://www.ccc.qld.gov.au/publications/investigation-workshop-investigation-allegations-disclosure-confidential-information>>.

investigation is being conducted unfairly or a matter does not warrant investigation by the CCC<sup>71</sup>. An application may be made to the Supreme Court for an order to injunct the CCC in these circumstances. This important and powerful safeguard provision is not replicated in the legislation of any other anti-corruption agency in Australia; and

- section 71A specifically provides for procedural fairness requirements. It requires that, if the CCC proposes to make an adverse comment about a person in a report to be tabled in the Legislative Assembly, or published to the public, it must first give the person an opportunity to make submissions about the proposed adverse comment.<sup>72</sup> If the CCC still proposes to make the adverse comment, the person's submission must be fairly stated in the report.<sup>73</sup> This provides an important procedural fairness protection for affected persons.

The CCC is also bound by the protections afforded by common law authority and other statutes including:

- the common law duty of procedural fairness, as described in *Ainsworth v Criminal Justice Commission*<sup>74</sup>, which applies to the CCC for investigations that may “destroy, defeat or prejudice a person's rights, interest or legitimate expectations”<sup>75</sup> which includes the interest in reputation;<sup>76</sup> and
- the *Human Rights Act 2019* (Qld) which protects Queenslanders' rights to privacy, rights to a fair hearing and rights in criminal proceedings among others. Queensland is one of only three Australian jurisdictions where integrity agencies are bound to comply with human rights legislation.

The collective operation of the safeguards in the Act and the other protections afforded by the common law and Queensland statute represents the high benchmark for integrity agencies in Australia. Many other Australian integrity agencies have some of these safeguards in place, but none other than the CCC in Queensland is bound by all of these protections.

The CCC considers it is appropriate for section 71A, or a similar provision, to be maintained to ensure the procedural fairness process provided by CCC legislation is clear to affected persons. This provision, in addition to the other safeguards outlined above, establishes sufficient guidance and requirements to ensure the CCC balances the public interest and being accountable to the public with the interests of those individuals who may be affected, adversely or otherwise, by the publication of a report.

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<sup>71</sup> Noting that section 332 and the exercise of the powers in section 334 are dependent on an ongoing corruption investigation. For an example, see *PRS v Crime and Corruption Commission* [2019] QCA 255.

<sup>72</sup> CC Act s 71A(1)-(2).

<sup>73</sup> CC Act s 71A(3).

<sup>74</sup> [1992] HCA 10.

<sup>75</sup> *Ainsworth* 24.

<sup>76</sup> *Ainsworth* 27.

## **5. Power to make statements**

The High Court's decision in *Carne* has cast some doubt on whether the CCC may make public statements or comment on matters arising from complaints of corruption. The Court considered that the only reporting power available in respect of a complaint of corruption is found in s49 of the Act. It is arguable that 'reporting' extends to any public statement or comment in relation to a matter. If that is the case, then the CCC has no power to make public comment in relation to complaints of corruption it receives.

While the CCC does not generally make public comment on matters, there are circumstances in which such comment is appropriate. In those circumstances, to remove any doubt, the CCC's view is that it should be made clear that the CCC has the power to make public statements or comment on matters with which it deals.

The CCC must be accountable and transparent in its communication to stakeholders, most particularly members of the public.

### ***5.1 Historical approach***

Prior to the *Carne* decision, the CCC frequently made media releases available on its website, and less frequently, held press conferences in relation to particular investigations.<sup>77</sup>

In regard to the CCC's practice for making public statements prior to the *Carne* litigation, the CCC would issue detailed media releases regarding corruption matters as the occasion and the public interest required. Some of the CCC media releases made before 2022 that may be considered 'public statements' have included the assessments of allegations of official misconduct by the Hon Campbell Newman while he was Mayor of Brisbane, complaints regarding Gold Coast Police and the conclusion of the investigation of the use of a personal email account by the Hon Mark Bailey MP.

The issuing of media releases did not mean that the CCC stopped or reduced the publication of detailed reports but would sometimes occur in addition to a public report at the conclusion of a corruption matter. A review of media releases also showed that the CCC has not commented on any investigations or assessments prior to their completion except where the matters have already been in the public domain.

### ***5.2 Legislative position and jurisdictional comparison***

In some Australian jurisdictions, integrity agencies have express statutory authority to make statements. As detailed further below, the NACC, SA ICAC and NT ICAC all have provisions within their respective legislation regarding the making of public statements.

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<sup>77</sup> The CCC has identified 256 such media releases between January 2006 and October 2022.

The NACC Act provides the Commissioner may make a public statement about a corruption issue at any time, whether or not the Commissioner deals with the issue.<sup>78</sup> A corruption issue is an issue of whether a person has engaged in, is engaging in or will engage in corrupt conduct.<sup>79</sup>

The SA ICAC is prohibited from making a public statement that discloses or may imply that a matter is being or is proposed to be investigated.<sup>80</sup> After an investigation has concluded, where a matter has not been referred to a law enforcement agency, inquiry agency or public authority, the SA ICAC is authorised to make a public statement if the Commissioner is satisfied that no criminal proceedings, proceedings for the imposition of a penalty or disciplinary action will be commenced as a result of the investigation.<sup>81</sup> The Commission must consider the matters set out in section 25(4) ICAC SA Act before making a public statement.

The NT ICAC is authorised to make a public statement in relation to a particular matter that the ICAC is dealing with or has dealt with, including a matter the ICAC has referred to a referral entity.<sup>82</sup> Reasons why the NT ICAC may make a public statement are articulated in section 55(2), with limitations on this power set out in section 55(4).

Other integrity agencies in Australia have general statutory authority which might be relied upon to make public statements, such as the ACT Integrity Commission to publish information about investigations conducted by the Commission including lessons learnt,<sup>83</sup> and NSW ICAC has authority to educate and disseminate information to the public.<sup>84</sup> The CCC considered itself, prior to *Carne*, to also have a similar authority.

### **5.3 CCC preferred approach**

The CCC submits that the Act should allow for it to make public statements in relation to both its crime and corruption functions in appropriate circumstances and at an appropriate time. Statutory authority for the CCC to make statements would be consistent with its authority to perform its prevention function,<sup>85</sup> and its broad authority to perform its corruption functions,<sup>86</sup> and with similar powers available to other integrity bodies in other jurisdictions.<sup>87</sup>

There is a significant public interest in the CCC being able to make statements about complaints that it has received, its assessment decisions and its corruption investigations by media release, and, in

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<sup>78</sup> NACC Act s 48(1).

<sup>79</sup> NACC Act s 9.

<sup>80</sup> ICAC SA Act s 25(2).

<sup>81</sup> ICAC SA Act s 25(3)(b).

<sup>82</sup> *Independent Commissioner Against Corruption Act 2017* (NT) s 55.

<sup>83</sup> IC Act s 23.

<sup>84</sup> NSW ICAC Act s 18(e)-(f).

<sup>85</sup> As set out in ss 23 and 24 of the CC Act.

<sup>86</sup> As set out in ss 33 to 35B and 46 and 48 of the CC Act.

<sup>87</sup> We also note that other law enforcement agencies, such as the Queensland Police Service, make public comment on a range of matters without an express statutory authority to do so.



particular circumstances, to engage with media to keep the public informed of work being undertaken by the CCC. This allows the CCC to act quickly to correct inaccuracies in the public reporting of corruption complaints and investigations and to dispel allegations where they are determined to be unfounded, and to enhance transparency in the public sector. While statements lack the formality of public reports<sup>88</sup>, it is appropriate that they be made when there is a public interest in the CCC providing information to correct the public record and to mitigate a corruption risk.

The CCC would support the introduction to the Act of an express power to make a statement, consistent with those of the NACC and NT ICAC, for the making of public statements in relation to particular matters the CCC is dealing with. While the CCC considers an interpretation of the *Carne* decision may not necessarily prevent the CCC making public statements, an express authorisation would remove uncertainty and provide the CCC discretion to adopt such an approach in appropriate circumstances.

The CCC submits that any express power to make statements in relation to corruption investigations to be a non-exhaustive provision which makes allowance for the CCC to refer to the subject matter of an investigation when fulfilling other aspects of its statutory responsibilities, including making comment in corruption prevention publications or a training and education setting, preparing research publications, providing information to the CCC's oversight committee in public meetings, and making submissions on legislative reforms and periodic reviews of the CCC's operations.

## **6. Retrospective operation of legislative amendment**

The CCC considers curative legislation is required following the decision in *Carne* to validate public reports previously prepared by the commission and tabled in the Legislative Assembly.

As detailed previously in this submission, the CCC and its predecessors have historically reported on significant matters relating to corruption matters on the understanding that it had the power to do so pursuant to the Act. Those reports highlight corruption risks, demonstrate important integrity lessons and in many cases were the impetus for improved processes and procedures in public agencies.

Express provisions for retrospectivity which confirm the authority for the preparation and/or tabling of previous reports will be an important aspect of any amendment to the reporting powers in the Act.

It is not uncommon in Queensland for retrospective laws to be passed to validate past actions (validating legislation), correct previously unknown defects in legislation or confer benefits retrospectively. However, when introducing retrospective legislation, Parliament must balance the risk of harm to society with the need for retrospective legislation. This balance may be achieved where the proposed amendments restore an intent that was already perceived to exist or where adverse impacts are mitigated by a narrow application of the retrospective change.

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<sup>88</sup> CCC decisions to make statements are nonetheless subject to considerations of natural justice and compatibility with human rights.

The CCC considers that, where retrospective legislation would operate to validate reports already published under the previous understanding of how the law operated, an appropriate balance would be struck.

The list of publications which have been tabled by the CCC and its predecessors is set out in **Annexure 3** to this submission.

The CCC has identified the following categories of report which the CCC and its predecessors have created pursuant to its broad reporting power, which may need to be contemplated in any provision to retrospectively validate past reports:

- A public report made by the CCC pursuant to section 64 in relation to a particular corruption investigation in circumstances where the CCC had decided that no prosecution proceedings or disciplinary action should be considered. The CCC has identified an example of this situation – ‘Investigation Workshop: An Investigation into Allegations of Disclosure of Confidential Information at the Office of the Integrity Commission’.
- A public report made by the CCC pursuant to section 64 in relation to a particular corruption investigation in circumstances where the CCC had decided that disciplinary action may have been considered, however a section 49 report was not made to the relevant entity because the subject officer had resigned from their position so such a referral would have been futile. The CCC has identified an example for this situation – ‘Investigation Keller: An Investigation Report into Allegations Relating to the Former Chief of Staff to the Honourable Annastacia Palaszczuk MP, Premier of Queensland and Minister for Trade’.
- A public report made by the CCC pursuant to section 64 in relation to a particular corruption investigation where public hearings were held. Two examples of this have been identified – the first is ‘Operation Belcarra: A Blueprint for Integrity and Addressing Corruption Risk in Local Government’ where public hearings were held and there was a referral of matters to the Electoral Commission of Queensland to deal with pursuant to section 49. The second example is ‘Taskforce Flaxton: An Examination of Corruption Risks and Corruption in Queensland Prisons’ where public hearings were held and there was no referral of matters for criminal or disciplinary action under section 49.
- A public report made by the CCC pursuant to section 64 that is categorised as a research report per section 69(1)(b), though makes some reference to a particular corruption investigation either as a case study or as a basis for why the research report is then being generated. An identified example is ‘Seeking Justice: An Inquiry into how Sexual Offences Are Handled by the Queensland Criminal Justice System’, a report which was tabled as a research report pursuant to section 69, though which includes a section from the public report into a particular corruption investigation ‘Volkers Case: Examining the Conduct of the Police and Prosecution’.

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- A public report made by the CCC pursuant to section 64 that is categorised as an 'assessment report' in which the CCC reports that a complaint has been assessed and it has been determined that the matter will not proceed to an investigation. An identified example is 'Conduct of Senior Medical Officers in treating and billing private patients in public hospitals – Report of assessment of allegations referred to the Crime and Corruption Commission'.

## 7. Conclusion

Thank you for the opportunity to engage with this Review. The CCC has provided this initial response to the questions posed in your correspondence dated 27 February 2024, to assist the Review within the time requested.

I would be happy to discuss these matters with you or to provide any further written submission that you require.

Should the CCC identify any further issues or information which may assist the Review, we will provide a further response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B A Barbour'.

**Bruce Barbour**

Chairperson

**This correspondence is suitable for publication.**



## Annexure 1

### Part 1 – Legislative development of sections 64 and 69 of the *Crime and Corruption Act 2001*

| <a href="#">Criminal Justice Act 1989 (31 October 1989)</a>   | <a href="#">Criminal Justice Act 1989 (28 January 1994)</a>   | <a href="#">Criminal Justice Act 1989 (1 April 1998)</a>  | <a href="#">Crime and Misconduct Act 2001 (08 November 2001)</a>   |
|---|---|---|--|
| <p><b>2.18 Commission's reports.</b> (1) Except as is prescribed or permitted by section 2.19, a report of the Commission, signed by its Chairman, shall be furnished—</p> <ul style="list-style-type: none"> <li>(a) to the chairman of the Parliamentary Committee;</li> <li>(b) to the Speaker of the Legislative Assembly;</li> <li>and</li> <li>(c) to the Minister.</li> </ul> <p>(2) The Commission may furnish a copy of its report to the principal officer in a unit of public administration who, in its opinion, is concerned with the subject-matter of the report.</p> <p>(3) If a report is received by the Speaker when the Legislative Assembly is not sitting, he shall deliver the report and any accompanying document to The Clerk of the Parliament and order that it be printed.</p> <p>(4) A report printed in accordance with subsection (3) shall be deemed for all purposes to have been tabled in and printed by order of the Legislative Assembly and shall be granted all the immunities and privileges of a report so tabled and printed.</p> <p>(5) A report received by the Speaker, including one printed in accordance with subsection (2), shall be tabled in the Legislative Assembly on the next sitting day of the Assembly after it is received by him and be ordered by the Legislative Assembly to be printed.</p> <p>(6) No person shall publish, furnish or deliver a report of the Commission, otherwise than is prescribed by this section, unless the report has been printed by order of the Legislative Assembly or is deemed to have been so printed.</p> <p>(7) This section does not apply to an annual report of the Commission referred to in section 7.10.</p> <p><b>3.21 Commission not bound by rules or practice.</b> (1) The Commission is not bound by rules or the practice of any court or tribunal as to evidence or procedure in the discharge of its functions and responsibilities, or the exercise of its powers or authorities, but may inform itself on any matter and conduct its proceedings as it thinks proper.</p> <p>(2) The Commission shall, at all times—</p> <ul style="list-style-type: none"> <li>(a) act independently, impartially, fairly, and in the public interest;</li> <li>(b) act openly, except where to do so would be unfair to any person or contrary to the public interest;</li> <li>(c) include in its reports— <ul style="list-style-type: none"> <li>(i) its recommendations with respect to the relevant subject-matter;</li> <li>(ii) an objective summary and comment with respect to all considerations of which it is aware that support or oppose or are otherwise pertinent to its recommendations.</li> </ul> </li> </ul> <p>(3) Without limiting the operation of subsection (1), the Commission, other than a Misconduct Tribunal exercising its jurisdiction, may refer any matter on which it seeks expert evidence to a person of relevant competence, and may admit as evidence before it and act upon that person's report.</p> | <p><b>Commission's reports</b></p> <p><b>26.(1)</b> Subject to section 27, a report of the Commission, signed by its chairperson, shall be furnished—</p> <ul style="list-style-type: none"> <li>(a) to the chairperson of the Parliamentary Committee; and</li> <li>(b) to the Speaker of the Legislative Assembly; and</li> <li>(c) to the Minister.</li> </ul> <p>(2) The Commission may furnish a copy of its report to the principal officer in a unit of public administration who, in its opinion, is concerned with the subject matter of the report.</p> <p>(3) If a report is received by the Speaker when the Legislative Assembly is not sitting, the Speaker shall deliver the report and any accompanying document to the Clerk of the Parliament and order that it be printed.</p> <p>(4) A report printed in accordance with subsection (3) shall be deemed for all purposes to have been tabled in and printed by order of the Legislative Assembly and shall be granted all the immunities and privileges of a report so tabled and printed.</p> <p>(5) A report received by the Speaker, including one printed in accordance with subsection (3), shall be tabled in the Legislative Assembly on the next sitting day of the Assembly after it is received by the Speaker and be ordered by the Legislative Assembly to be printed.</p> <p>(6) No person shall publish, furnish or deliver a report of the Commission, otherwise than is prescribed by this section, unless the report has been printed by order of the Legislative Assembly or is deemed to have been so printed.</p> <p>(7) This section does not apply to an annual report of the Commission referred to in section 7.10.</p> <p>(8) Notwithstanding subsection (6) the Commission, prior to furnishing a report in accordance with subsection (1), may—</p> <ul style="list-style-type: none"> <li>(a) publish, furnish or deliver a copy of a report of the Commission to the Government Printer; and</li> <li>(b) make arrangements for the preprinting by the Government Printer of copies of such report for the purposes of this section.</li> </ul> <p><b>Commission's reports</b></p> <p><b>93.(1)</b> The Commission must include in each of its reports—</p> <ul style="list-style-type: none"> <li>(a) its recommendations; and</li> <li>(b) an objective summary of all matters of which it is aware that support, oppose or are otherwise relevant to its recommendations.</li> </ul> <p>(2) The Commission may also include in a report any comments it may have on the matters mentioned in subsection (1)(b).</p> | <p><b>Commission's reports</b></p> <p><b>26.(1)</b> Subject to section 27, a report of the commission, signed by its chairperson, shall be furnished—</p> <ul style="list-style-type: none"> <li>(a) to the chairperson of the parliamentary committee; and</li> <li>(b) to the Speaker of the Legislative Assembly; and</li> <li>(c) to the Minister.</li> </ul> <p>(2) The commission may furnish a copy of its report to the principal officer in a unit of public administration who, in its opinion, is concerned with the subject matter of the report.</p> <p>(3) If a report is received by the speaker when the Legislative Assembly is not sitting, the speaker shall deliver the report and any accompanying document to the Clerk of the Parliament and order that it be printed.</p> <p>(4) A report printed in accordance with subsection (3) shall be deemed for all purposes to have been tabled in and printed by order of the Legislative Assembly and shall be granted all the immunities and privileges of a report so tabled and printed.</p> <p>(5) A report received by the speaker, including one printed in accordance with subsection (3), shall be tabled in the Legislative Assembly on the next sitting day of the Assembly after it is received by the speaker and be ordered by the Legislative Assembly to be printed.</p> <p>(6) No person shall publish, furnish or deliver a report of the commission, otherwise than is prescribed by this section, unless the report has been printed by order of the Legislative Assembly or is deemed to have been so printed.</p> <p>(7) This section does not apply to an annual report of the commission.</p> <p>(8) Notwithstanding subsection (6) the commission, prior to furnishing a report in accordance with subsection (1), may—</p> <ul style="list-style-type: none"> <li>(a) publish, furnish or deliver a copy of a report of the commission to the government printer; and</li> <li>(b) make arrangements for the preprinting by the government printer of copies of such report for the purposes of this section.</li> </ul> <p>(9) In this section—</p> <p><b>“report of the commission”</b> means—</p> <ul style="list-style-type: none"> <li>(a) a report on a hearing conducted by the commission under section 25, other than a report under section 33; or</li> <li>(b) a research or other report prepared by the commission that the parliamentary committee directs the commission to give to the Speaker of the Legislative Assembly.</li> </ul> <p><b>Commission's reports</b></p> <p><b>93.(1)</b> The Commission must include in each of its reports—</p> <ul style="list-style-type: none"> <li>(a) its recommendations; and</li> <li>(b) an objective summary of all matters of which it is aware that support, oppose or are otherwise relevant to its recommendations.</li> </ul> <p>(2) The Commission may also include in a report any comments it may have on the matters mentioned in subsection (1)(b).</p> | <p><b>64 Commission's reports—general</b></p> <p>(1) The commission may report in performing its functions.</p> <p>(2) The commission must include in each of the reports—</p> <ul style="list-style-type: none"> <li>(a) any recommendations, including, if appropriate and after consulting with the commissioner of police, a recommendation that the Police Minister give a direction to the commissioner of police under the Police Service Administration Act, section 4.6; and</li> <li>(b) an objective summary of all matters of which it is aware that support, oppose or are otherwise relevant to its recommendations.</li> </ul> <p>(3) If the Police Minister decides not to give a direction under the Police Service Administration Act, section 4.6 following a recommendation made under subsection (2)(a), the Police Minister must table in the Legislative Assembly, after giving the reasons—</p> <ul style="list-style-type: none"> <li>(a) a copy of the recommendation; and</li> <li>(b) the Minister's reasons for not giving the direction.</li> </ul> <p>(4) The commission may also include in a report any comments it may have on the matters mentioned in subsection (2)(b).</p> <p>(5) In this section—</p> <p><b>“Police Service Administration Act”</b> means the <i>Police Service Administration Act 1990</i>.</p> <p><b>“Police Minister”</b> means the Minister administering the Police Service Administration Act.</p> <p><b>69 Commission reports to be tabled</b></p> <p>(1) This section applies to the following commission reports—</p> <ul style="list-style-type: none"> <li>(a) a report on a public hearing;</li> <li>(b) a research report or other report that the parliamentary committee directs be given to the Speaker.</li> </ul> <p>(2) However, this section does not apply to the commission's annual report, or a report under section 49 or 65,<sup>17</sup> or a report to which section 66 applies.<sup>18</sup></p> <p>(3) A commission report, signed by the chairperson, must be given to—</p> <ul style="list-style-type: none"> <li>(a) the chairperson of the parliamentary committee; and</li> <li>(b) the Speaker; and</li> <li>(c) the Minister.</li> </ul> <p>(4) The Speaker must table the report in the Legislative Assembly on the next sitting day after the Speaker receives the report.</p> <p>(5) If the Speaker receives the report when the Legislative Assembly is not sitting, the Speaker must deliver the report and any accompanying document to the clerk of the Parliament.</p> <p>(6) The clerk must authorise the report and any accompanying document to be printed.</p> <p>(7) A report printed under subsection (6) is to be taken, for all purposes, to have been tabled in and printed by order of the Legislative Assembly and is to be granted all the immunities and privileges of a report so tabled and printed.</p> <p>(8) The commission, before giving a report under subsection (1), may—</p> <ul style="list-style-type: none"> <li>(a) publish or give a copy of the report to the printer authorised to print the report; and</li> <li>(b) arrange for the preprinting by the printer of copies of the report for this section.</li> </ul> |



## Annexure 1

### Part 2 – Legislative development of section 49 of the *Crime and Corruption Act 2001*

| <u><i>Criminal Justice Act 1989</i> (31 October 1989)</u>  | <u><i>Criminal Justice Act 1989</i> (28 January 1994)</u>   | <u><i>Criminal Justice Act 1989</i> (13 December 1994)</u>   | <u><i>Criminal Justice Act 1989</i> (1 April 1998)</u>  |
|--|---|--|---|
| <p><b>2.24 Reports of Division.</b> (1) The Director of the Official Misconduct Division shall report on—</p> <p>(a) every investigation carried out by the Division;</p> <p>(b) every matter of complaint, or information, submitted to him by the Complaints Section of the Division.</p> <p>(2) A report shall be made to the Chairman with a view to such action by the Commission as he considers desirable and, with the authority of the Chairman, to such one or more of the following as the Chairman considers appropriate—</p> <p>(a) the Director of Prosecutions, or other appropriate prosecuting authority, with a view to such prosecution proceedings as the Director of Prosecutions or other authority considers warranted;</p> <p>(b) the Executive Director of the Commission with a view to a Misconduct Tribunal exercising jurisdiction in respect of the matter to which the report relates;</p> <p>(c) the Chief Justice of the State, if the report relates to conduct of a judge of, or other person holding judicial office in, the Supreme Court;</p> <p>(d) the Chairman of District Courts, if the report relates to conduct of a judge of District Courts;</p> <p>(e) the Chief Stipendiary Magistrate, if the report relates to conduct of a person holding judicial office in the system of Magistrates Courts or Children's Courts;</p> <p>(f) in a case to which paragraphs (c), (d) and (e) do not apply, the appropriate principal officer in a unit of public administration, with a view to disciplinary action being taken in respect of the matter to which the report relates.</p> <p>(3) A report made to the Director of Prosecutions or the Executive Director of the Commission must contain, or be accompanied by, all relevant information known to the Official Misconduct Division, whether the information—</p> <p>(a) supports a charge that may be brought against any person in consequence of the report;</p> <p>or</p> <p>(b) supports a defence that may be available to any person liable to be charged in consequence of the report.</p> <p>(4) Where a complaint of official misconduct or of misconduct has been furnished to the Complaints Section of the Division, the Director shall cause a response to be given to the complainant (if his identity and whereabouts are known to the Commission) that states—</p> <p>(a) if no action has been taken on the complaint, the reason for inaction;</p> <p>(b) if action has been taken on the complaint, what that action is, the reason that action is appropriate in the circumstances of the case and the result of that action, if it be known at the time of making the response.</p> | <p><b>Reports of division</b></p> <p><b>33.(1)</b> The director of the Official Misconduct Division shall report on—</p> <p>(a) every investigation carried out by the division (other than by or on behalf of the Complaints Section);</p> <p>(b) every matter of complaint, or information, submitted to the director by the Complaints Section of the division.</p> <p>(2) A report shall be made to the chairperson with a view to such action by the Commission as the chairperson considers desirable and, with the authority of the chairperson, to such 1 or more of the following as the chairperson considers appropriate—</p> <p>(a) the Director of Prosecutions, or other appropriate prosecuting authority, with a view to such prosecution proceedings as the Director of Prosecutions or other authority considers warranted; and</p> <p>(b) the executive director of the Commission with a view to a Misconduct Tribunal exercising jurisdiction in respect of the matter to which the report relates; and</p> <p>(c) the Chief Justice of the State, if the report relates to conduct of a Judge of, or other person holding judicial office in, the Supreme Court; and</p> <p>(d) the Chief Judge of District Courts, if the report relates to conduct of a Judge of District Courts; and</p> <p>(e) the President of the Childrens Court, if the report relates to a person holding judicial office in the Childrens Court; and</p> <p>(f) the Chief Stipendiary Magistrate, if the report relates to conduct of a person holding judicial office in the system of Magistrates Courts; and</p> <p>(g) in a case to which paragraphs (c), (d) and (f) do not apply—the appropriate principal officer in a unit of public administration, with a view to disciplinary action being taken in respect of the matter to which the report relates.</p> <p>(3) A report made to the Director of Prosecutions or the executive director of the Commission must contain, or be accompanied by, all relevant information known to the Official Misconduct Division, whether the information—</p> <p>(a) supports a charge that may be brought against any person in consequence of the report; or</p> <p>(b) supports a defence that may be available to any person liable to be charged in consequence of the report.</p> <p>(4) If a person makes a complaint of misconduct or official misconduct to the Complaints Section, the director must give to the person a response stating—</p> <p>(a) if no action is taken on the complaint—the reason for the inaction; or</p> <p>(b) if action is taken on the complaint—</p> <p>(i) the action taken; and</p> <p>(ii) the reason the director considers the action to be appropriate in the circumstances; and</p> <p>(iii) any results of the action that are known at the time of the response.</p> <p>(5) However, the director is not required to give a response to the person if—</p> <p>(a) the person has not given his or her name and address to the Commission; or</p> <p>(b) the Complaints Section, acting under section 38(2), does not investigate the complaint.</p> <p>(6) The director must not disclose, in a response under subsection (4), information the director considers should remain confidential.</p> | <p><b>33.(1)</b> The director of the Official Misconduct Division shall report on—</p> <p>(a) every investigation carried out by the division (other than by or on behalf of the Complaints Section);</p> <p>(b) every matter of complaint, or information, submitted to the director by the Complaints Section of the division.</p> <p>(2) A report shall be made to the chairperson with a view to such action by the Commission as the chairperson considers desirable and, with the authority of the chairperson, to such 1 or more of the following as the chairperson considers appropriate—</p> <p>(a) the Director of Prosecutions, or other appropriate prosecuting authority, with a view to such prosecution proceedings as the Director of Prosecutions or other authority considers warranted;</p> <p>(b) the executive director of the Commission with a view to a Misconduct Tribunal exercising jurisdiction in respect of the matter to which the report relates;</p> <p>(c) the Chief Justice of the State, if the report relates to conduct of a Judge of, or other person holding judicial office in, the Supreme Court;</p> <p>(d) the Chief Judge of District Courts, if the report relates to conduct of a Judge of District Courts;</p> <p>(e) the President of the Childrens Court, if the report relates to a person holding judicial office in the Childrens Court;</p> <p>(f) the Chief Stipendiary Magistrate, if the report relates to conduct of a person holding judicial office in the system of Magistrates Courts;</p> <p>(g) in a case to which paragraphs (c), (d), (e) and (f) do not apply—the appropriate principal officer in a unit of public administration, with a view to disciplinary action being taken in respect of the matter to which the report relates.</p> <p>(3) A report made to the Director of Prosecutions or the executive director of the Commission must contain, or be accompanied by, all relevant information known to the Official Misconduct Division, whether the information—</p> <p>(a) supports a charge that may be brought against any person in consequence of the report; or</p> <p>(b) supports a defence that may be available to any person liable to be charged in consequence of the report.</p> <p>(4) If a person makes a complaint of misconduct or official misconduct to the Complaints Section, the director must give to the person a response stating—</p> <p>(a) if no action is taken on the complaint—the reason for the inaction; or</p> <p>(b) if action is taken on the complaint—</p> <p>(i) the action taken; and</p> <p>(ii) the reason the director considers the action to be appropriate in the circumstances; and</p> <p>(iii) any results of the action that are known at the time of the response.</p> <p>(5) However, the director is not required to give a response to the person if—</p> <p>(a) the person has not given his or her name and address to the Commission; or</p> <p>(b) the Complaints Section, acting under section 38(2), does not investigate the complaint.</p> <p>(6) The director must not disclose, in a response under subsection (4), information the director considers should remain confidential.</p> | <p><b>Reports of division</b></p> <p><b>33.(1)</b> The director of the official misconduct division shall report on—</p> <p>(a) every investigation carried out by the division (other than by or on behalf of the complaints section);</p> <p>(b) every matter of complaint, or information, submitted to the director by the complaints section of the division.</p> <p>(2) A report shall be made to the commission or, at the commission's direction, the chairperson.</p> <p>(2A) With the authority of the commission, the report must also be made to 1 or more of the following—</p> <p>(a) the director of public prosecutions, or other appropriate prosecuting authority, with a view to such prosecution proceedings as the director of public prosecutions or other authority considers warranted;</p> <p>(c) the chief justice of the State, if the report relates to conduct of a judge of, or other person holding judicial office in, the Supreme Court;</p> <p>(d) the chief judge of District Courts, if the report relates to conduct of a judge of District Courts;</p> <p>(e) the president of the Childrens Court, if the report relates to a person holding judicial office in the Childrens Court;</p> <p>(f) the chief stipendiary magistrate, if the report relates to conduct of a person holding judicial office in the system of Magistrates Courts;</p> <p>(g) in a case to which paragraphs (c), (d), (e) and (f) do not apply—the appropriate principal officer in a unit of public administration, with a view to disciplinary action being taken in respect of the matter to which the report relates.</p> <p>(3) A report made under subsection (2) must contain, or be accompanied by, all relevant information known to the official misconduct division, whether the information—</p> <p>(a) supports a charge that may be brought against any person in consequence of the report; or</p> <p>(b) supports a defence that may be available to any person liable to be charged in consequence of the report.</p> <p>(4) If a person makes a complaint of misconduct or official misconduct to the complaints section, the director must give to the person a response stating—</p> <p>(a) if no action is taken on the complaint—the reason for the inaction; or</p> <p>(b) if action is taken on the complaint—</p> <p>(i) the action taken; and</p> <p>(ii) the reason the director considers the action to be appropriate in the circumstances; and</p> <p>(iii) any results of the action that are known at the time of the response.</p> <p>(5) However, the director is not required to give a response to the person if—</p> <p>(a) the person has not given his or her name and address to the commission; or</p> <p>(b) the complaints section, acting under section 38(2), does not investigate the complaint.</p> <p>(6) The director must not disclose, in a response under subsection (4), information if disclosure would be contrary to the public interest.</p> <p>(7) If the director of public prosecutions requires the commission to make further investigation or supply further information relevant to a prosecution, whether started or not, to which the content of a report made to the director under subsection (2)(a) relates, the director of the official misconduct division must take all reasonable steps to further investigate the matter or provide the further information.</p> <p>(8) The commission may give directions to the director of the official misconduct division about the exercise of the director's powers under subsections (4), (5) or (6), including a direction that certain types of matter are to be responded to by the commission.</p> |



## Annexure 1

### Part 2 continued – Legislative development of section 49 the *Crime and Corruption Act 2001*

| <i>Crime and Misconduct Act 2001 (8 November 2001)</i>  | <i>Crime and Misconduct Act 2001 (1 December 2009)</i>  | <i>Crime and Misconduct Act 2001 (14 August 2012)</i>  |
|---|---|--|
| <p><b>49 Reports about complaints dealt with by the commission</b></p> <p>(1) This section applies if the commission investigates (either by itself or in cooperation with a public official), or assumes responsibility for the investigation of, a complaint about, or information or matter involving, misconduct and decides that prosecution proceedings or disciplinary action should be considered.</p> <p>(2) The commission may report on the investigation to any of the following as appropriate—</p> <ul style="list-style-type: none"> <li>(a) the director of public prosecutions, or other appropriate prosecuting authority, for the purposes of any prosecution proceedings the director or other authority considers warranted;</li> <li>(b) the Chief Justice, if the report relates to conduct of a judge of, or other person holding judicial office in, the Supreme Court;</li> <li>(c) the Chief Judge of the District Court, if the report relates to conduct of a District Court judge;</li> <li>(d) the President of the Childrens Court, if the report relates to conduct of a person holding judicial office in the Childrens Court;</li> <li>(e) the Chief Magistrate, if the report relates to conduct of a magistrate;</li> <li>(f) the chief executive officer of a relevant unit of public administration, for the purpose of taking disciplinary action, if the report does not relate to the conduct of a judge, magistrate or other holder of judicial office.</li> </ul> <p>(3) A report made under subsection (2) must contain, or be accompanied by, all relevant information known to the commission that—</p> <ul style="list-style-type: none"> <li>(a) supports a charge that may be brought against any person as a result of the report; and</li> <li>(b) supports a defence that may be available to any person liable to be charged as a result of the report.</li> </ul> <p>(4) If the director of public prosecutions requires the commission to make further investigation or supply further information relevant to a prosecution, whether started or not, the commission must take all reasonable steps to further investigate the matter or provide the further information.</p> | <p><b>49 Reports about complaints dealt with by the commission</b></p> <p>(1) This section applies if the commission investigates (either by itself or in cooperation with a public official), or assumes responsibility for the investigation of, a complaint about, or information or matter involving, misconduct and decides that prosecution proceedings or disciplinary action should be considered.</p> <p>(2) The commission may report on the investigation to any of the following as appropriate—</p> <ul style="list-style-type: none"> <li>(a) the director of public prosecutions, or other appropriate prosecuting authority, for the purposes of any prosecution proceedings the director or other authority considers warranted;</li> <li>(b) the Chief Justice, if the report relates to conduct of a judge of, or other person holding judicial office in, the Supreme Court;</li> <li>(c) the Chief Judge of the District Court, if the report relates to conduct of a District Court judge;</li> <li>(d) the President of the Childrens Court, if the report relates to conduct of a person holding judicial office in the Childrens Court;</li> <li>(e) the Chief Magistrate, if the report relates to conduct of a magistrate;</li> <li>(f) the chief executive officer of a relevant unit of public administration, for the purpose of taking disciplinary action, if the report does not relate to the conduct of a judge, magistrate or other holder of judicial office.</li> </ul> <p>(3) A report made under subsection (2) must contain, or be accompanied by, all relevant information known to the commission that—</p> <ul style="list-style-type: none"> <li>(a) supports a charge that may be brought against any person as a result of the report; or</li> <li>(b) supports a defence that may be available to any person liable to be charged as a result of the report; or</li> <li>(c) supports the start of a proceeding under section 219F or 219G against any person as a result of the report; or</li> <li>(d) supports a defence that may be available to any person subject to a proceeding under section 219F or 219G as a result of the report.</li> </ul> <p>(4) If the director of public prosecutions requires the commission to make further investigation or supply further information relevant to a prosecution, whether started or not, the commission must take all reasonable steps to further investigate the matter or provide the further information.</p> | <p><b>49 Reports about complaints dealt with by the commission</b></p> <p>(1) This section applies if the commission investigates (either by itself or in cooperation with a public official), or assumes responsibility for the investigation of, a complaint about, or information or matter involving, misconduct and decides that prosecution proceedings or disciplinary action should be considered.</p> <p>(2) The commission may report on the investigation to any of the following as appropriate—</p> <ul style="list-style-type: none"> <li>(a) the director of public prosecutions, or other appropriate prosecuting authority, for the purposes of any prosecution proceedings the director or other authority considers warranted;</li> <li>(b) the Chief Justice, if the report relates to conduct of a judge of, or other person holding judicial office in, the Supreme Court;</li> <li>(c) the Chief Judge of the District Court, if the report relates to conduct of a District Court judge;</li> <li>(d) the President of the Childrens Court, if the report relates to conduct of a person holding judicial office in the Childrens Court;</li> <li>(e) the Chief Magistrate, if the report relates to conduct of a magistrate;</li> <li>(f) the chief executive officer of a relevant unit of public administration, for the purpose of taking disciplinary action, if the report does not relate to the conduct of a judge, magistrate or other holder of judicial office.</li> </ul> <p>(3) If the commission decides that prosecution proceedings for an offence under the Criminal Code, section 57 should be considered, the commission must report on the investigation to the Attorney-General.</p> <p>(4) A report made under subsection (2) or (3) must contain, or be accompanied by, all relevant information known to the commission that—</p> <ul style="list-style-type: none"> <li>(a) supports a charge that may be brought against any person as a result of the report; or</li> <li>(b) supports a defence that may be available to any person liable to be charged as a result of the report; or</li> <li>(c) supports the start of a proceeding under section 219F or 219G against any person as a result of the report; or</li> <li>(d) supports a defence that may be available to any person subject to a proceeding under section 219F or 219G as a result of the report.</li> </ul> <p>(5) If the director of public prosecutions requires the commission to make further investigation or supply further information relevant to a prosecution, whether started or not, the commission must take all reasonable steps to further investigate the matter or provide the further information.</p> |

## Annexure 2 - Jurisdictional comparison of Australian integrity agencies' public reporting powers

| Jurisdiction & agency   | Governing legislation  | Power to report   | Publishing/tabling of report   | Power to make public comments or statements  |
|---|--|---|--|--|
| <b>Commonwealth</b><br><br><b>National Anti-Corruption Commission (NACC)</b>                  | <a href="#">National Anti-Corruption Commission Act 2022 (Cth)</a><br><a href="#">('NACC Act')</a> | <p><b>Investigation reports</b></p> <p><a href="#">Section 149(1)</a> - a report ('<i>investigation report</i>') must be prepared after completing a corruption investigation.</p> <p><a href="#">Section 149(2)</a> – the investigation report must include findings and opinions about the corruption issues, a summary of the evidence, recommendations and reasons for those findings, opinions and recommendations.</p> <p><a href="#">Section 153</a> – a reasonable opportunity to respond must be given to those of whom a critical opinion, finding or recommendation is intended to be made about in the investigation report.</p> <p><a href="#">Section 151(1)</a> – an investigation report must not include:</p> <ul style="list-style-type: none"> <li>- <a href="#">section 235</a> 'certified information' (information the Attorney-General has certified would be contrary to the public interest to disclose per the grounds set out in <a href="#">section 235(3)</a>)</li> <li>- information the Commissioner is satisfied is sensitive information, as that term is defined by <a href="#">section 227(3)</a>.</li> </ul> <p><b>Protected information report</b></p> <p><a href="#">Section 152</a> – if the Commissioner excludes certified and/or sensitive information under section 151, another report must be prepared (a <i>protected information report</i>). It must include all of the excluded information and the reason for excluding it from the investigation report.</p> | <p><a href="#">Section 154(1)</a> – the Commissioner must give the Minister (or the Prime Minister where the report concerns the Minister) both the investigation report and the protected information report.</p> <p><a href="#">Section 155</a> – the Minister (or Prime Minister) must table the investigation report in each House of Parliament within 15 sitting days if public hearings were held in the course of the investigation.</p> <p><a href="#">Section 156</a> – Once the Commissioner has given the Minister (or Prime Minister) the reports, the Commissioner may publish the whole or a part of the investigation report if the Commissioner is satisfied it is in the public interest to do so. Publication is subject to procedural fairness requirements including providing persons an opportunity to respond under <a href="#">section 157</a>.</p> | <p><b>Public statements</b></p> <p><a href="#">Section 48(1)</a> – the Commissioner may make a public statement about a corruption issue at any time (whether or not the Commissioner deals with the issue).</p> <p><a href="#">Section 9</a> – a corruption issue is an issue of whether a person has engaged in, is engaging in or will engage in corrupt conduct.</p> <p><b>Disclosure of information to the public or a section of the public</b></p> <p><a href="#">Section 230(1)</a> – if the Commissioner is satisfied that it is in the public interest to do so, the Commissioner may disclose information to the public, or a section of the public about:</p> <ul style="list-style-type: none"> <li>(a) the performance of the Commissioner's functions; or</li> <li>(b) the exercise of the Commissioner's powers; or</li> <li>(c) a corruption investigation conducted by the Commissioner;</li> <li>(d) a public inquiry conducted by the Commissioner.</li> </ul> <p><a href="#">Section 230(4)</a> – information must not be disclosed that includes an opinion or finding about whether a particular person has engaged in corrupt conduct unless the information is contained in a report prepared under Part 8 (reporting on corruption investigations).</p> <p>Section 230 is subject to <a href="#">section 231</a> which provides that before an opinion, finding or recommendation is made that is critical of an agency, entity or person, they must first be given the statement and a reasonable opportunity to respond.</p> |
| <b>New South Wales</b><br><br><b>NSW Independent Commission Against Corruption (NSW ICAC)</b> | <a href="#">Independent Commission Against Corruption Act 1988 (NSW)</a> ('ICAC NSW Act')          | <p><a href="#">Section 74(1)</a> – the Commission may prepare reports in relation to any matter that has been or is the subject of an investigation.</p> <p><a href="#">Section 74(2) and (3)</a> – the Commission shall prepare a report in relation to a matter:</p> <ul style="list-style-type: none"> <li>• referred to it by the Houses of Parliament; and</li> </ul>  | <p><a href="#">Section 74(4)</a> – The Commission shall furnish a report made under s 74 to the Presiding Officer of each House of Parliament. Where the report is required under s 74, it shall be furnished as soon as possible after the Commission has concluded its involvement in the matter (s 74(7)).</p>  | <p>There are no express legislative provisions in relation to public comments or statements.</p> <p>The Commission has authority in <a href="#">section 13</a>:</p> <ul style="list-style-type: none"> <li>(e) to educate and disseminate information to the public on the detrimental effects of corrupt</li> </ul>   |



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| Jurisdiction & agency   | Governing legislation  | Power to report  | Publishing/tabling of report  | Power to make public comments or statements   |
|---|--|--|---|---|
|   |  | <ul style="list-style-type: none"> <li>in which a public inquiry was conducted, unless otherwise directed by Parliament.</li> </ul> <p><a href="#">Section 74A(1)</a> – the Commission is authorised to include in the report statements as to any of its findings, opinions and recommendations.</p> <p><a href="#">Section 74A(2)</a> – the Commission must include a statement in respect of each affected person whether or not the Commission is of the opinion consideration should be given to obtaining advice from the Director of Public Prosecutions with respect to prosecution of a criminal offence, action for disciplinary offences, or other action against a public official.</p> <p>The Commission is not authorised to include an adverse finding against a person in a section 74 report unless the person has been given a reasonable opportunity to respond to the proposed adverse finding and the persons response is included in the report.</p>   | <p><a href="#">Section 78(1)</a> – A copy of the report furnished to the Presiding officer of a House of Parliament shall be laid before that House within 15 sitting days.</p> <p><a href="#">Section 78(2)</a> – the Commission may include in a report a recommendation that the report be made public forthwith.</p> <p><a href="#">Section 78(3)</a> – the Presiding Officer of a House of Parliament may make the report public whether or not the House is in session and whether or not the report has been laid before the House. If that occurs, the report will attract the same privileges and immunities as if it had been laid before the House (<a href="#">section 78(4)</a>).</p> <p>The Presiding Officer is the President of the Legislative Council or the Speaker of the Legislative Assembly (<a href="#">section 79(1)</a>).</p>   | <p>conduct and on the importance of maintaining the integrity and good repute of public administration;</p> <p>(h) to educate and advise public authorities, public officials and the community on strategies to combat corrupt conduct and to promote the integrity and good repute of public administration.</p>  |
| <b>Victoria</b><br><br><b>Independent Broad-based Anti-Corruption Commission (IBAC)</b> | <a href="#">Independent Broad-based Anti-Corruption Commission Act 2011 (Vic) ('IBAC Act')</a> | <p><a href="#">Section 15(7)(b)</a> – For the purpose of achieving the objects of the Act, the IBAC has, amongst other functions, the following function – to report on, and make recommendations as a result of, the performances of its duties and functions.</p> <p><a href="#">Section 162</a> - IBAC may, at any time, cause a report to be transmitted to each House of the Parliament on any matter relating to the performance of its duties and functions ('a special report'), including after conducting an investigation (<a href="#">s164(1)(c)</a>).</p> <p><a href="#">Section 162(1)-(2)</a> – if IBAC proposes to transmit a report to the Parliament under section 162, it must, unless in the circumstances it is inappropriate to do so (section 162(3)), given an advance copy of the report to the Minister and the Secretary to the Department of Premier and Cabinet at least one business day before the report is due to be transmitted to the Parliament.</p> <p><a href="#">Section 165(1)</a> – Note the IBAC must also include in its annual report a description of its activities in relation to the performance of its duties and functions, subject to procedural fairness requirements under that section which appears to imply the annual report may include information about specific investigations.</p> | <p><a href="#">Section 162(10)</a> – the clerk of each House of the Parliament must cause the report to be laid before the House on the day on which it is received or on the next sitting day of that House.</p> <p><a href="#">Section 162(11)</a> – if the report is transmitted to Parliament on a day neither house is sitting, the IBAC must give notice of the intention to give the report to the clerk of each House, and publish the report on the IBAC's website as soon as practicable after giving the report to the clerks. A report published by IBAC to their website under section 162(11)(c) is absolutely privileged, and all laws relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a document published under the authority of the Parliament (section 162(14)).</p> <p><a href="#">Section 162(12))</a> – the clerk is to give a copy of the report to each member of the House as soon as practicable and cause it to be laid before the House on the next sitting day. Where the report is given to the clerk under s 162(11), it is taken to have been published by order, or under the authority, of the Houses of the Parliament.</p> | <p>The IBAC Act provides:</p> <ul style="list-style-type: none"> <li><a href="#">Section 15(6)</a> – functions under s 15(5) (education and prevention functions) include functions: <ul style="list-style-type: none"> <li>(d) to provide information and education services to the community about the detrimental effects of corruption on public administration and ways in which to assist in preventing corrupt conduct;</li> <li>(e) to provide information and education services to members of police personnel and the community about police personnel conduct, including the detrimental effects of police personnel misconduct and ways in which to assist in preventing police personnel misconduct;</li> <li>(f) to publish information on ways to prevent corrupt conduct and police personnel misconduct.</li> </ul> </li> <li><a href="#">Section 16</a> –the IBAC has power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the objects of the Act and the performance of its duties and functions.</li> </ul> |

## Annexure 2 - Jurisdictional comparison of Australian integrity agencies' public reporting powers

| Jurisdiction & agency  | Governing legislation   | Power to report   | Publishing/tabling of report  | Power to make public comments or statements  |
|--|---|---|---|--|
|  |   |   |   | <ul style="list-style-type: none"> <li><a href="#">Section 38</a> prohibits IBAC staff and consultants from publicly commenting on the administration of the IBAC Act or the performance of duties and functions or the exercise of powers by IBAC.</li> <li><a href="#">Section 164</a> – sets out what the IBAC may do after conducting an investigation, with subsection (2) providing that without limiting subsection (1), after conducting an investigation, the IBAC may also take any other action that the IBAC is permitted to take under the IBAC Act or any other Act.</li> </ul>  |
| <b>Western Australia</b><br><br><b>Corruption and Crime Commission (WA CCC)</b>          | <a href="#">Corruption, Crime and Misconduct Act 2003 (WA) ('CCM Act')</a>              | <p><a href="#">Section 84(1)</a> – The Commission may, at any time, prepare a report on any matter that has been the subject of an investigation or other action in respect of serious misconduct.</p> <p><a href="#">Section 84(2)</a> – The Commission may, at any time, prepare a report on any received matter, irrespective of whether the matter has been the subject of an investigation or other action under the Act or any other law.</p> <p><a href="#">Section 84(3)</a> – The Commission may include in a report statements about its assessments, opinions and recommendations, and its reasons for those.</p> <p><a href="#">Section 85(1)-(2)</a>– The Commission may prepare a report during or after the carrying out of action by an appropriate authority in respect of an allegation referred to the authority if the Commission considers that the action is not being, or has not been properly, efficiently or expeditiously carried out.</p> <p><a href="#">Section 86</a> – Before reporting any matters adverse to a person or body in a report under section 84 or 85, the Commission must give the person a reasonable opportunity to make representations to the Commission concerning those matters.</p> | <p><a href="#">Section 84(4)</a> - The Commission may cause a report prepared under section 84 to be laid before each House of Parliament.</p> <p><a href="#">Section 85</a> – The Commission may cause a report prepared under section 85 to be laid before each House of Parliament.</p> <p><a href="#">Section 89</a> – A section 84 or 85 report may be made by the Commission to the Minister, or another Minister or the Standing Parliamentary Committee instead of being laid before each House of Parliament if the Commission considers, for any reason, it appropriate to do so.</p> <p><a href="#">Section 93</a> – If a copy of a section 84 or 85 report may be laid before each House of Parliament and the House is not sitting, the Commission may transmit a copy of the report to the Clerk of that House. A copy of a report transmitted to the Clerk of a House is to be regarded as having been laid before that House, and is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy of the report.</p> | <p>There are no express legislative provisions in relation to public comments or statements.</p> <p>The WA CCC has a prevention and education function in respect of police misconduct. <a href="#">Section 21AA</a> states:</p> <p>(1) It is a function of the Commission (the <i>prevention and education function</i>) to help to prevent police misconduct.</p> <p>(2) Without limiting the ways the Commission may perform the prevention and education function, the Commission performs that function by doing the following —</p> <p>(c) using information it gathers from any source in support of the prevention and education function;</p> <p>(e) providing information relevant to the prevention and education function to members of the police service and to the general community;</p> |
| <b>South Australia</b><br><br><b>Independent Commission Against Corruption (SA ICAC)</b> | <a href="#">Independent Commission Against Corruption Act 2012 (SA) ('ICAC SA Act')</a> | <p><a href="#">Section 41(2)</a> – the Commission must prepare a report containing any recommendations made to an inquiry agency or public authority under s 41(1). Section 41(1) provides the Commission can make these recommendations in response to issues observed by the</p>  | <p><a href="#">Section 41(2)</a> – the report must be provided to the President of the Legislative Council and the Speaker of the House of Assembly.</p>  | <p><a href="#">Section 25</a> – provides for when the SA ICAC may make a public statement.</p>   |

## Annexure 2 - Jurisdictional comparison of Australian integrity agencies' public reporting powers

| Jurisdiction & agency | Governing legislation | Power to report   | Publishing/tabling of report   | Power to make public comments or statements   |
|-----------------------|-----------------------|---|--|---|
|                       |                       | <p>Commission in the course of an investigation or in the handling of a matter referred to an inquiry agency or public authority.</p> <p>There are no express limitations or prohibitions in the Act on what can be included in a s 41 report.</p> <p><a href="#">Section 42(1)</a>– the Commission may prepare a report setting out:</p> <ul style="list-style-type: none"> <li>(a) recommendations, formulated in the course of the performance of the Commission’s functions, for the amendment or repeal of a law; or</li> <li>(b) findings or recommendations resulting from completed investigations by the Commission in respect of matters raising potential issues of corruption in public administration; or</li> <li>(c) other matters arising in the course of the performance of the Commission’s functions that the Commission considers to be in the public interest to disclose.</li> </ul> <p>Section 42(1a) – the Commission must not prepare a report under section 42 setting out findings or recommendations resulting from a completed investigation into a potential issue of corruption in public administration unless all criminal proceedings arising from that investigation are completed or the Commission is satisfied that no criminal proceedings will be commenced as a result of the investigation, in which case the report must not identify any person involved in the investigation.</p> | <p><a href="#">Section 41(3)</a> – provides that once the report is supplied the President and Speaker must lay it before their respective houses on the first sitting day after receiving the report.</p> <p><a href="#">Section 42(2)</a> - The report must be provided to:</p> <ul style="list-style-type: none"> <li>• for an investigation report, the relevant public authority and Minister of the public authority; and</li> <li>• in any case, the Attorney-General, the President of the Legislative Council and the Speaker of the House of Assembly.</li> </ul> <p><a href="#">Section 42(3)</a> - the President of the Legislative Council and the Speaker of the House of Assembly must, on the first sitting day after 28 days (or such shorter number of days as the Attorney-General approves) have passed after receiving a report, lay it before their respective houses.</p> | <p>Section 25(2) – prohibits making a public statement that discloses or may infer that a matter is being or is proposed to be investigated.</p> <p>After an investigation has concluded, section 25(3)(b) authorises that, where a matter has not been referred to any law enforcement agency, inquiry agency or public authority, a public statement may be made “if the Commissioner is satisfied that no criminal proceedings, proceedings for the imposition of a penalty or disciplinary action will be commenced as a result of the investigation.”</p> <p><a href="#">Section 25(4)</a> – The Commission must, before making a public statement under 3(b), have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) the benefits that might be derived from making the statement;</li> <li>(b) whether the statement is necessary in order to allay public concern or to prevent or minimise the risk of prejudice to the reputation of a person;</li> <li>(c) the risk of prejudicing the reputation of a person by making the statement;</li> <li>(d) if an allegation against a person has been made public and, in the opinion of the Commissioner following an investigation, the person is not implicated in corruption in public administration— whether the statement would redress prejudice caused to the reputation of the person as a result of the allegation having been made public;</li> <li>(e) whether any person has requested that the Commission make the statement.</li> </ul> <p>Section 25(5) – reiterates that a public statement must not include any findings or suggestions of criminal or civil liability and must not include any findings that, if provided to the requisite standard by a court, would constitute a criminal offence or a civil wrong.</p> |

## Annexure 2 - Jurisdictional comparison of Australian integrity agencies' public reporting powers

| Jurisdiction & agency   | Governing legislation   | Power to report  | Publishing/tabling of report  | Power to make public comments or statements   |
|---|---|--|---|---|
| <b>Australian Capital Territory</b><br><br><b>Integrity Commission (ACT)</b>                | <a href="#">Integrity Commission Act 2018 (ACT)</a>                                       | <p><a href="#">Section 182</a> - the commission must prepare a report after the completion of an investigation.</p> <p>The report may include:</p> <ul style="list-style-type: none"> <li>(a) findings, opinions and recommendations; and</li> <li>(b) reasons for those findings, opinions and recommendations.</li> </ul>  | <p><a href="#">Section 189</a> – Once completed, the report must be given to the Speaker. If Parliament is sitting, the report must be tabled on the next sitting day. If Parliament is not sitting, the Speaker must give the report to each member of the Legislative Assembly.</p> <p><a href="#">Section 190</a> – The Commission must publish the report on its website after providing parliament with a copy of the report, unless it is a confidential report or the Speaker directs otherwise.</p> <p><a href="#">Section 192(3)</a> – If the Commission prepares a confidential report, it must be given to the relevant Assembly Committee.</p>  | <p>There are no express legislative provisions in relation to public comments or statements.</p> <p>Section 23 provides for the functions of the Commission and includes the following:</p> <ul style="list-style-type: none"> <li>• to publish information about investigations conducted by the Commission, including lessons learned;</li> <li>• to foster public confidence in the Legislative Assembly and public sector.</li> </ul>   |
| <b>Northern Territory</b><br><br><b>Independent Commission Against Corruption (NT ICAC)</b> | <a href="#">Independent Commissioner Against Corruption Act 2017 (NT) ('ICAC NT Act')</a> | <p><b>General reports</b></p> <p><a href="#">Section 48</a> – The NT ICAC may, at any time, make a general report, including in relation to:</p> <ul style="list-style-type: none"> <li>• systemic issues the ICAC has identified in one or more public bodies in relation to improper conduct;</li> <li>• matters the ICAC believes may be affecting the incidence of improper conduct in one or more public bodies;</li> <li>• a review of the practices, policies or procedures of a public body or person.</li> </ul> <p><a href="#">Section 48(2)</a> –</p> <p>The ICAC is not required to include details about specific investigations, unless the ICAC considers it is in the public interest to do so.</p> <p><b>Investigation report</b></p> <p><a href="#">Section 50</a> – the NT ICAC may make a report on an investigation to the responsible authority for a public body or public officer whose conduct is the subject of an investigation.</p> <p>There are restrictions that the report must not name a person in relation to a matter that amount to no more than misconduct or unsatisfactory conduct.</p> | <p><b>General reports</b></p> <p><a href="#">Section 48(3)</a> – the NT ICAC may make a general report directly to the Speaker which the Speaker must table within 6 sitting days under section 49(2).</p> <p><b>Investigation report</b></p> <p><a href="#">Section 50(6)</a> – An investigation report that is provided to the Speaker or deputy speaker must be tabled in the legislative assembly on the next sitting day after receiving the report.</p> <p>An NT ICAC investigation report must only be given to the Speaker where the investigation relates to a Minister. In that case, the report must be tabled.</p> <p><a href="#">Section 50A</a> – The NT ICAC may decide to publish an investigation report if it is of the opinion it is appropriate to do so.</p> | <p><a href="#">Section 18(1)(c)(v)</a> provides one of the functions of the ICAC is to prevent, detect and respond to improper conduct by making public comment.</p> <p><a href="#">Section 55</a> authorises the NT ICAC to make a public statement in relation to a particular matter that the ICAC is dealing with or has dealt with, including a matter the ICAC has referred to a referral entity.</p> <p><a href="#">Section 55(2)</a> – provides a number of reasons for which the NT ICAC may make a public statement. These include:</p> <ul style="list-style-type: none"> <li>(a) to provide information about action taken or that may be taken by the ICAC in relation to the matter;</li> <li>(b) to indicate that it would be inappropriate for the ICAC to comment on the matter;</li> <li>(c) to refuse to confirm or deny anything in relation to the matter;</li> <li>(d) to seek evidence in relation to the matter in the course of preliminary inquiries into, or an investigation of, the matter;</li> <li>(e) to provide information about a referral, including the outcome of the referral;</li> <li>(f) to address public misconception about a person or issue of which the ICAC has particular knowledge;</li> <li>(g) to request the Legislative Assembly to authorise the publication, or disclosure to the ICAC, of information or an item that is or may be the subject of parliamentary privilege.</li> </ul> <p><a href="#">Section 55(4)</a> limits the nature of public statements, for example, a public statement cannot include an opinion as to whether a person has committed, is committing or is about to commit, an offence or a breach of discipline;</p> |



## Annexure 2 - Jurisdictional comparison of Australian integrity agencies' public reporting powers

| Jurisdiction & agency                              | Governing legislation                               | Power to report  | Publishing/tabling of report  | Power to make public comments or statements  |
|--|---|--|---|--|
|  |   | There is a legislative requirement for procedural fairness and limits of content depending on the circumstances of the report.   |   | or a comment as to the prospects of success of any current or future prosecution or disciplinary action.   |
| <b>Tasmania</b><br><br><b>Integrity Commission</b> | <a href="#">Integrity Commission Act 2009 (Tas)</a> | <p><b>General reporting powers</b><br/> <a href="#">Section 11</a> provides that the Commission may report on any matter arising in connection with the performance of its functions or exercise of its powers, and may report on the performance of its functions or exercise of its powers relating to an investigation on inquiry.</p> <p><b>Investigator's report</b><br/> <a href="#">Section 55</a> – On completion of an investigation into a complaint of misconduct, the investigator must prepare a report of their findings and provide to the CEO.</p> <p><a href="#">Section 56</a> – The CEO may, if appropriate, give a draft copy of the report to principal officer of the relevant public authority, the public officer who is the subject of the investigations and <i>any other person</i> who may have a special interest in the report for comment.</p> <p><b>Report by the CEO</b><br/> <a href="#">Section 57</a> – The CEO must provide a report to the Board regarding an investigation which must also include a copy of the Investigator's report.</p> | <p><a href="#">Section 11(3)</a> – The Integrity Commission may, at any time, lay before each House of Parliament a report on any matter arising in connection with the performance of its functions or exercise of its powers.</p> <p><a href="#">Section 11(4)</a> –<br/> The Integrity Commission may, at any time, provide a report to the Joint Committee on the performance of its functions or exercise of its powers relating to an investigation or inquiry.</p> | <p>There are no express legislative provisions in relation to public comments or statements.</p> <p>The Act provides –</p> <ul style="list-style-type: none"> <li>• <a href="#">Section 8(2)</a> – In addition to any other powers that are conferred on the Integrity Commission under this or any other Act, the Integrity Commission has the power to do all things reasonably necessary or convenient to be done in connection with the performance of its function.</li> <li>• <a href="#">Section 8(1)</a> – the functions of the Integrity Commission are to, relevantly: <ul style="list-style-type: none"> <li>○ educate public officers and the public about integrity in public administration.</li> </ul> </li> <li>• <a href="#">Section 9</a> provides for the principles of operation of the Integrity Commission and s9(1)(a) provides that the Integrity Commission must “raise standards of conduct, propriety and ethics in public authorities.”</li> </ul> |

### Annexure 3 - Publications of the CCC and its predecessors which have been tabled

| #   | Date of tabling  | Agency | Report Name  | Parliament's Tabled Papers<br>Website URL  |
|-----|------------------|--------|--|--|
| 1.  | 5 June 1990      | CJC    | Report on Gaming Machine Concerns and Regulations  | <a href="https://documents.parliament.qld.gov.au/tp/1990/4690T882.pdf">https://documents.parliament.qld.gov.au/tp/1990/4690T882.pdf</a>  |
| 2.  | 5 June 1990      | CJC    | Reforms in Laws Relating to Homosexuality  | <a href="https://documents.parliament.qld.gov.au/tp/1990/4690T883.pdf">https://documents.parliament.qld.gov.au/tp/1990/4690T883.pdf</a>  |
| 3.  | 18 July 1991     | CJC    | Complaints against Local Government Authorities in Queensland – Six Case Studies   | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T197.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T197.pdf</a>  |
| 4.  | 18 July 1991     | CJC    | Report on Investigation into the Complaint of Mr T R Cooper  | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T254.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T254.pdf</a>  |
| 5.  | 02 October 1991  | CJC    | Regulating Morality? An Inquiry into Prostitution in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T560.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T560.pdf</a>  |
| 6.  | 05 December 1991 | CJC    | Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements by Members of the 1986–1989 Queensland Legislative Assembly | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T1188.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T1188.pdf</a>  |
| 7.  | 18 April 1991    | CJC    | Report on an Investigative Hearing into Alleged Jury Interference  | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T3109.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T3109.pdf</a>  |
| 8.  | 18 April 1991    | CJC    | The Jury System in Criminal Trials in Queensland: An Issues Paper  | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T3110.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T3110.pdf</a>  |
| 9.  | 31 May 1991      | CJC    | Report on the Investigation into the Complaints of James Gerard Soorley against the Brisbane City Council  | <a href="https://documents.parliament.qld.gov.au/tp/1991/4691T3350.pdf">https://documents.parliament.qld.gov.au/tp/1991/4691T3350.pdf</a>  |
| 10. | 24 November 1992 | CJC    | Report on S.P. Bookmaking and Related Criminal Activities in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1992/4792T415.pdf">https://documents.parliament.qld.gov.au/tp/1992/4792T415.pdf</a>  |
| 11. | 03 December 1992 | CJC    | Report on the Investigation into the Complaints of Kelvin Ronald Condren and Others  | <a href="https://documents.parliament.qld.gov.au/tp/1992/4792T568.pdf">https://documents.parliament.qld.gov.au/tp/1992/4792T568.pdf</a>  |
| 12. | 04 June 1993     | CJC    | Report on a Review of Police Powers in Queensland – Volume I: An Overview  | <a href="https://documents.parliament.qld.gov.au/tp/1993/4793T2354A.pdf">https://documents.parliament.qld.gov.au/tp/1993/4793T2354A.pdf</a>  |
| 13. | 04 June 1993     | CJC    | Report on a Review of Police Powers in Queensland – Volume II: Entry, Search and Seizure   | <a href="https://documents.parliament.qld.gov.au/tp/1993/4793T2354B.pdf">https://documents.parliament.qld.gov.au/tp/1993/4793T2354B.pdf</a>  |
| 14. | 26 August 1993   | CJC    | Report of the Inquiry into the Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen   | <a href="https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CJC/The-inquiry-into-the-selection-of-the-jury-for-the-trial-of-Sir-Joh-Bjelke-Petersen-Report-1993_0.pdf">https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CJC/The-inquiry-into-the-selection-of-the-jury-for-the-trial-of-Sir-Joh-Bjelke-Petersen-Report-1993_0.pdf</a> (CCC link - no link on Parliament website) |

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| #   | Date of tabling   | Agency | Report Name   | Parliament's Tabled Papers<br>Website URL   |
|-----|-------------------|--------|---|---|
| 15. | 10 November 1993  | CJC    | Report on a Review of Police Powers in Queensland – Volume III: Arrest Without Warrant, Demand Name and Address and Move-on Powers  | <a href="https://documents.parliament.qld.gov.au/tp/1993/4793T3416.pdf">https://documents.parliament.qld.gov.au/tp/1993/4793T3416.pdf</a> |
| 16. | 09 December 1993  | CJC    | Recruitment and Education in the Queensland Police Force: A Review  | <a href="https://documents.parliament.qld.gov.au/tp/1993/4793T3698.pdf">https://documents.parliament.qld.gov.au/tp/1993/4793T3698.pdf</a> |
| 17. | 05 April 1994     | CJC    | A Report of an Investigation into the Arrest and Death of Daniel Alfred Yock  | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T4036.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T4036.pdf</a> |
| 18. | 05 May 1994       | CJC    | Report by the Honourable R H Matthews QC on his Investigation into the Allegations of Lorrelle Anne Saunders Concerning the Circumstances Surrounding her Being Charged with Criminal Offences in 1982, and Related Matters (Volume I)  | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T4328.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T4328.pdf</a> |
| 19. | 05 May 1994       | CJC    | Report by the Honourable R H Matthews QC on his Investigation into the Allegations of Lorrelle Anne Saunders Concerning the Circumstances Surrounding her Being Charged with Criminal Offences in 1982, and Related Matters (Volume II) | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T4329.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T4329.pdf</a> |
| 20. | 07 June 1994      | CJC    | Report on a Review of Police Powers in Queensland – Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention  | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T4429.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T4429.pdf</a> |
| 21. | 08 July 1994      | CJC    | Report on an Investigation into Complaints against Six Aboriginal and Island Councils   | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T4630.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T4630.pdf</a> |
| 22. | 13 July 1994      | CJC    | Report on Cannabis and the Law in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T4634.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T4634.pdf</a> |
| 23. | 08 September 1994 | CJC    | A Report of an Investigation into the Cape Melville Incident  | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T5066.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T5066.pdf</a> |
| 24. | 28 October 1994   | CJC    | Report on a Review of Police Powers in Queensland – Volume V: Electronic Surveillance and Other Investigative Procedures  | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T5296.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T5296.pdf</a> |
| 25. | 14 November 1994  | CJC    | Report on an Investigation Conducted by the Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-east Queensland – Volume II: Transportation and Disposal   | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T5370.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T5370.pdf</a> |
| 26. | 16 November 1994  | CJC    | Report on an Investigation into the Tow Truck and Smash Repair Industries   | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T5472.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T5472.pdf</a> |

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| #   | Date of tabling   | Agency | Report Name  | Parliament's Tabled Papers  |
|-----|-------------------|--------|--|---|
|     |                   |        |  | Website URL   |
| 27. | 22 December 1994  | CJC    | A Report into Allegations that the Private Telephone of Lorrelle Anne Saunders was “Bugged” in 1982 by Persons Unknown, and Related Matters                            | <a href="https://documents.parliament.qld.gov.au/tp/1994/4794T5667.pdf">https://documents.parliament.qld.gov.au/tp/1994/4794T5667.pdf</a> |
| 28. | 15 February 1995  | CJC    | Telecommunications Interception and Criminal Investigation in Queensland: A Report   | <a href="https://documents.parliament.qld.gov.au/tp/1995/4795T5687.pdf">https://documents.parliament.qld.gov.au/tp/1995/4795T5687.pdf</a> |
| 29. | 11 April 1995     | CJC    | Report of an Inquiry Conducted by the Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre                                      | <a href="https://documents.parliament.qld.gov.au/tp/1995/4795T6078.pdf">https://documents.parliament.qld.gov.au/tp/1995/4795T6078.pdf</a> |
| 30. | 26 April 1995     | CJC    | Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions Queensland                        | <a href="https://documents.parliament.qld.gov.au/tp/1995/4795T6080.pdf">https://documents.parliament.qld.gov.au/tp/1995/4795T6080.pdf</a> |
| 31. | 21 December 1995  | CJC    | Report on an Inquiry Conducted by Mr R V Hanson QC into the Alleged Unauthorised Dissemination of Information Concerning Operation Wallah                              | <a href="https://documents.parliament.qld.gov.au/tp/1995/4895T642.pdf">https://documents.parliament.qld.gov.au/tp/1995/4895T642.pdf</a>   |
| 32. | 09 July 1996      | CJC    | Report on Aboriginal Witnesses in Queensland Criminal Courts   | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T790.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T790.pdf</a>   |
| 33. | 03 September 1996 | CJC    | Evaluation of Brisbane Central Committals Project  | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T1284.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T1284.pdf</a> |
| 34. | 05 September 1996 | CJC    | Report on Police Watchhouses in Queensland   | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T1329.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T1329.pdf</a> |
| 35. | 14 November 1996  | CJC    | Gender and Ethics in Policing  | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T1988.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T1988.pdf</a> |
| 36. | 27 November 1996  | CJC    | Exposing Corruption – a CJC Guide to Whistleblowing in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T2127.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T2127.pdf</a> |
| 37. | 27 November 1996  | CJC    | Defendants’ Perception of the Investigation and Arrest Process   | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T2128.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T2128.pdf</a> |
| 38. | 20 December 1996  | CJC    | Report on an Investigation into a Memorandum of Understanding Between the Coalition and the QPUE and an Investigation into an Alleged Deal Between the ALP and the SSA | <a href="https://documents.parliament.qld.gov.au/tp/1996/4896T2312.pdf">https://documents.parliament.qld.gov.au/tp/1996/4896T2312.pdf</a> |
| 39. | 18 March 1997     | CJC    | Gold Coast District Negotiated Response Trial: Survey Findings   | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T2580.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T2580.pdf</a> |
| 40. | 26 March 1997     | CJC    | Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police   | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T2701.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T2701.pdf</a> |



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| 41. | 29 April 1997     | CJC    | Assault in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T2788.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T2788.pdf</a> |
| 42. | 09 July 1997      | CJC    | Criminal Justice System Monitor Series Volume 2  | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T3274.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T3274.pdf</a> |
| 43. | 09 July 1997      | CJC    | Hot Spots and Repeat Break and Enter Crimes: An Analysis of Police Calls for Service Data  | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T3275.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T3275.pdf</a> |
| 44. | 08 October 1997   | CJC    | Community Consultative Committees and the Queensland Police Service: An Evaluation   | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T3741.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T3741.pdf</a> |
| 45. | 22 October 1997   | CJC    | Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers   | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T3783.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T3783.pdf</a> |
| 46. | 30 October 1997   | CJC    | The Investigation of Paedophilia by the Criminal Justice Commission  | <a href="https://documents.parliament.qld.gov.au/tp/1997/4897T3983.pdf">https://documents.parliament.qld.gov.au/tp/1997/4897T3983.pdf</a> |
| 47. | 04 March 1998     | CJC    | The Coast of First Response Policing   | <a href="https://documents.parliament.qld.gov.au/tp/1998/4898T4638.pdf">https://documents.parliament.qld.gov.au/tp/1998/4898T4638.pdf</a> |
| 48. | 04 March 1998     | CJC    | The Physical Requirements of General Duties Policing   | <a href="https://documents.parliament.qld.gov.au/tp/1998/4898T4639.pdf">https://documents.parliament.qld.gov.au/tp/1998/4898T4639.pdf</a> |
| 49. | 04 March 1998     | CJC    | Beenleigh Calls for Service Project: Evaluation Report   | <a href="https://documents.parliament.qld.gov.au/tp/1998/4898T4640.pdf">https://documents.parliament.qld.gov.au/tp/1998/4898T4640.pdf</a> |
| 50. | 21 April 1998     | CJC    | Police Pursuits in Queensland Resulting in Death or Injury   | <a href="https://documents.parliament.qld.gov.au/tp/1998/4898T4901.pdf">https://documents.parliament.qld.gov.au/tp/1998/4898T4901.pdf</a> |
| 51. | 09 September 1998 | CJC    | Inquiry into Allegations of Misconduct in the Investigation of Paedophilia in Queensland:<br>Kimmins Report                            | <a href="https://documents.parliament.qld.gov.au/tp/1998/4998T299.pdf">https://documents.parliament.qld.gov.au/tp/1998/4998T299.pdf</a>   |
| 52. | 16 September 1998 | CJC    | Policing and the Community in Brisbane   | <a href="https://documents.parliament.qld.gov.au/tp/1998/4998T387.pdf">https://documents.parliament.qld.gov.au/tp/1998/4998T387.pdf</a>   |
| 53. | 03 March 1999     | CJC    | A Snapshot of Crime in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T1114.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T1114.pdf</a> |
| 54. | 17 March 1999     | CJC    | Report on a Hearing into Complaints against the Children's Commissioner and Another  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T1235.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T1235.pdf</a> |
| 55. | 25 March 1999     | CJC    | Inquiry into Allegations of Misconduct in the Investigation of Paedophilia in Queensland:<br>Kimmins Report – Terms of Reference No. 5 | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T1324.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T1324.pdf</a> |
| 56. | 25 May 1999       | CJC    | Crime Prevention Partnerships in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T1676.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T1676.pdf</a> |

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| 57. | 27 May 1999       | CJC    | Police Cautioning of Adults: Drug and Other Offences  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T1728.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T1728.pdf</a> |
| 58. | 27 May 1999       | CJC    | Police Powers in Queensland: Notices to Appear  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T1729.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T1729.pdf</a> |
| 59. | 02 August 1999    | CJC    | Police and Drugs: A follow-up report  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T2085.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T2085.pdf</a> |
| 60. | 26 August 1999    | CJC    | Trial of Capsicum Spray in Queensland: Evaluation Report  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T2283.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T2283.pdf</a> |
| 61. | 30 September 1999 | CJC    | GOCORP Interactive Gambling Licence: Report on an Advice by R W Gotterson QC  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T2462.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T2462.pdf</a> |
| 62. | 10 December 1999  | CJC    | Ethics Surveys of First Year Constables: Summary of Findings 1995-1998  | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T3225.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T3225.pdf</a> |
| 63. | 10 December 1999  | CJC    | Police Powers in Queensland: Strip Searching Issues Paper   | <a href="https://documents.parliament.qld.gov.au/tp/1999/4999T3226.pdf">https://documents.parliament.qld.gov.au/tp/1999/4999T3226.pdf</a> |
| 64. | 15 March 2000     | CJC    | What the Public Thinks about Employee Behaviour in the Queensland Public Service and Local Councils                   | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T3535.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T3535.pdf</a> |
| 65. | 15 March 2000     | CJC    | Public Attitudes Towards the CJC  | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T3536.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T3536.pdf</a> |
| 66. | 15 March 2000     | CJC    | Reported Sexual Offences in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T3537.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T3537.pdf</a> |
| 67. | 13 April 2000     | CJC    | Prisoner Numbers in Queensland: An examination of population trends in Queensland correctional institutions           | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T3693.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T3693.pdf</a> |
| 68. | 13 April 2000     | CJC    | Prisoner Numbers in Queensland: An examination of population trends in Queensland correctional institutions – Summary | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T3694.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T3694.pdf</a> |
| 69. | 21 June 2000      | CJC    | Defendants' Perceptions of Police Treatment   | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T3999.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T3999.pdf</a> |
| 70. | 21 June 2000      | CJC    | Reported Use of Force by Queensland Police  | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T4000.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T4000.pdf</a> |
| 71. | 19 July 2000      | CJC    | Police Powers in Queensland: Findings from the 1999 Defendants Survey   | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T4220.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T4220.pdf</a> |
| 72. | 19 July 2000      | CJC    | Public Attitudes Towards the QPS  | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T4221.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T4221.pdf</a> |

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|-----|-------------------|--------|--|---|
|     |                   |        |  |   |
| 73. | 15 August 2000    | CJC    | Police Strip Searches in Queensland: An Inquiry into the Law and Practice  | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T4268.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T4268.pdf</a> |
| 74. | 06 September 2000 | CJC    | Allegations of Electoral Fraud: Report on an Advice by P.D. McMurdo QC   | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T4496.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T4496.pdf</a> |
| 75. | 12 September 2000 | CJC    | Queensland Prison Industries: A Review of Corruption Risks   | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T4548.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T4548.pdf</a> |
| 76. | 06 December 2000  | CJC    | Protecting Confidential Information: A Report on the Improper Access to, and Release of, Confidential Information from the Police Computer Systems by Members of the Queensland Police Service | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T5127.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T5127.pdf</a> |
| 77. | 12 December 2000  | CJC    | Safeguarding Students: Minimising the Risk of Sexual Misconduct by Education Queensland State  | <a href="https://documents.parliament.qld.gov.au/tp/2000/4900T5140.pdf">https://documents.parliament.qld.gov.au/tp/2000/4900T5140.pdf</a> |
| 78. | 01 May 2001       | CJC    | The Shepherdson Inquiry: An Investigation into Electoral Fraud   | <a href="https://documents.parliament.qld.gov.au/tp/2001/5001T324.pdf">https://documents.parliament.qld.gov.au/tp/2001/5001T324.pdf</a>   |
| 79. | 16 May 2002       | CMC    | The Public Scrapbook: Guidelines for the Correct and Ethical Disposal of Scrap and Low-Value Assets  | <a href="https://documents.parliament.qld.gov.au/tp/2002/5002T2718.pdf">https://documents.parliament.qld.gov.au/tp/2002/5002T2718.pdf</a> |
| 80. | 06 August 2002    | CMC    | Drug Use and Crime: Findings from the DUMA Survey  | <a href="https://documents.parliament.qld.gov.au/tp/2002/5002T3129.pdf">https://documents.parliament.qld.gov.au/tp/2002/5002T3129.pdf</a> |
| 81. | 23 October 2002   | CMC    | Forensics Under the Microscope: Challenges in Providing Forensic Science Services in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/2002/5002T3756.pdf">https://documents.parliament.qld.gov.au/tp/2002/5002T3756.pdf</a> |
| 82. | 08 November 2002  | CMC    | Spending Public Money: An Investigation into How Certain Government Grants and Contracts Were Awarded to a Commercial Company  | <a href="https://documents.parliament.qld.gov.au/tp/2002/5002T4007.pdf">https://documents.parliament.qld.gov.au/tp/2002/5002T4007.pdf</a> |
| 83. | 27 March 2003     | CMC    | Public Perceptions of the Queensland Police Service: Findings from the 2002 Public Attitudes Survey  | <a href="https://documents.parliament.qld.gov.au/tp/2003/5003T4837.pdf">https://documents.parliament.qld.gov.au/tp/2003/5003T4837.pdf</a> |
| 84. | 02 April 2003     | CMC    | The Volkers Case: Examining the Conduct of the Police and Prosecution  | <a href="https://documents.parliament.qld.gov.au/tp/2003/5003T4921.pdf">https://documents.parliament.qld.gov.au/tp/2003/5003T4921.pdf</a> |

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| 85. | 24 June 2003                    | CMC    | Seeking Justice: An Inquiry into how Sexual Offences Are Handled by the Queensland Criminal Justice System   | <a href="https://documents.parliament.qld.gov.au/tp/2003/5003T5581.pdf">https://documents.parliament.qld.gov.au/tp/2003/5003T5581.pdf</a> |
| 86. | 25 November 2003                | CMC    | Public Perceptions of the Queensland Public Service and Local Government: Findings from the 2002 Public Attitudes Survey   | <a href="https://documents.parliament.qld.gov.au/tp/2003/5003T6891.pdf">https://documents.parliament.qld.gov.au/tp/2003/5003T6891.pdf</a> |
| 87. | 27 November 2003                | CMC    | An Investigation of Matters Relating to the Conduct of the Hon. Ken Hayward MP   | <a href="https://documents.parliament.qld.gov.au/tp/2003/5003T6950.pdf">https://documents.parliament.qld.gov.au/tp/2003/5003T6950.pdf</a> |
| 88. | 06 January 2004                 | CMC    | Protecting Children: An Inquiry into Abuse of Children in Foster Care  | <a href="https://documents.parliament.qld.gov.au/tp/2004/5004T7051.pdf">https://documents.parliament.qld.gov.au/tp/2004/5004T7051.pdf</a> |
| 89. | 23 January 2004                 | CMC    | The Prosecution of Pauline Hanson and David Ettridge: A Report on an Inquiry into Issues Raised in a Resolution of Parliament  | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T2.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T2.pdf</a>       |
| 90. | 22 April 2004                   | CMC    | Lockhart River Allegations: A CMC Report on an Investigation into Allegations of Official Misconduct Arising from the Presence of Alcohol on the Queensland Government Aircraft at the Lockhart River Airport                  | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T340.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T340.pdf</a>   |
| 91. | 04 August 2004                  | CMC    | The Tugun Bypass Investigation   | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T930.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T930.pdf</a>   |
| 92. | 02 September 2004               | CMC    | Profiling the Queensland Public Sector: Functions, Risks and Misconduct Resistance Strategies  | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T1338.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T1338.pdf</a> |
| 93. | 09 December 2004                | CMC    | Striking a Balance: An Inquiry into Media Access to Police Radio Communications  | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T2350.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T2350.pdf</a> |
| 94. | 21 December 2004                | CMC    | Regulating Prostitution: An Evaluation of the <i>Prostitution Act 1999</i> (Qld)   | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T2369.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T2369.pdf</a> |
| 95. | 21 December 2004                | CMC    | Regulating Adult Entertainment: A Review of the Live Adult Entertainment Industry in Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/2004/5104T2370.pdf">https://documents.parliament.qld.gov.au/tp/2004/5104T2370.pdf</a> |
| 96. | 08 March 2005 and 23 March 2005 | CMC    | Palm Island Airfare Controversy: A CMC Report on an Investigation into Allegations of Official Misconduct Arising from Certain Travel Arrangements Authorised by the Minister for Aboriginal and Torres Strait Islander Policy | <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T2915.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T2915.pdf</a> |

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| 97.  | 24 March 2005     | CMC    | Report of an Investigation into an Offer Made by the Premier of Queensland to the Palm Island Aboriginal Council   | <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T2929.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T2929.pdf</a>   |
| 98.  | 30 September 2005 | CMC    | Police Powers and VSM: A Review – Responding to Volatile Substance Misuse  | <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T4434.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T4434.pdf</a>   |
| 99.  | 07 December 2005  | CMC    | Allegations Concerning the Honourable Gordon Nuttall MP, Report of a CMC Investigation   | Report: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5386.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5386.pdf</a><br>Appendix 1: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5387.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5387.pdf</a><br>Appendix 2: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5388.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5388.pdf</a><br>Appendix 3: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5389.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5389.pdf</a><br>Appendix 4: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5390.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5390.pdf</a><br>Appendix 5: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5391.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5391.pdf</a><br>Appendix 6: <a href="https://documents.parliament.qld.gov.au/tp/2005/5105T5392.pdf">https://documents.parliament.qld.gov.au/tp/2005/5105T5392.pdf</a> |
| 100. | 11 May 2006       | CMC    | Independence, Influence and Integrity in Local Government: A CMC Inquiry into the 2004 Gold Coast City Council Election  | <a href="https://documents.parliament.qld.gov.au/tp/2006/TP6347-2006.pdf">https://documents.parliament.qld.gov.au/tp/2006/TP6347-2006.pdf</a>   |
| 101. | 05 October 2006   | CMC    | Regulating Outcall Prostitution: Should Legal Outcall Prostitution Services be Extended to Licensed Brothels and Independent Escort Agencies   | <a href="https://documents.parliament.qld.gov.au/tp/2006/5206T4.pdf">https://documents.parliament.qld.gov.au/tp/2006/5206T4.pdf</a>   |
| 102. | 13 March 2008     | CMC    | How the Criminal Justice System Handles Allegations of Sexual Abuse: A Review of the Implementation of the Recommendations of the <i>Seeking Justice</i> Report  | <a href="https://documents.parliament.qld.gov.au/tp/2008/5208T3143.pdf">https://documents.parliament.qld.gov.au/tp/2008/5208T3143.pdf</a>   |
| 103. | 18 December 2008  | CMC    | Public Duty, Private Interests: Issues in Pre-Separation and Post-Separation Employment for the Queensland Public Sector – A Report Arising from the Investigation into the Conduct of Former Director-General Scott Flavell | <a href="https://documents.parliament.qld.gov.au/tp/2008/5208T4940.pdf">https://documents.parliament.qld.gov.au/tp/2008/5208T4940.pdf</a>   |
| 104. | 22 July 2009      | CMC    | Dangerous Liaisons: A Report Arising from a CMC Investigation into Allegations of Police Misconduct (Operation Capri)  | <a href="https://documents.parliament.qld.gov.au/tp/2009/5309T489.pdf">https://documents.parliament.qld.gov.au/tp/2009/5309T489.pdf</a>   |
| 105. | 20 November 2009  | CMC    | Restoring Order: Crime Prevention, Policing and Local Justice in Queensland's Indigenous Communities   | <a href="https://documents.parliament.qld.gov.au/tp/2009/5309T1430.pdf">https://documents.parliament.qld.gov.au/tp/2009/5309T1430.pdf</a>   |
| 106. | 15 April 2010     | CMC    | Sound Advice: A Review of Police Powers in Reducing Excessive Noise From Off-Road Motorbikes   | <a href="https://documents.parliament.qld.gov.au/tp/2010/5310T2071.pdf">https://documents.parliament.qld.gov.au/tp/2010/5310T2071.pdf</a>   |

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| 107. | 17 June 2010      | CMC    | CMC Review of the Queensland Police Service's <i>Palm Island Review</i>  | <a href="https://documents.parliament.qld.gov.au/tp/2010/5310T2451.pdf">https://documents.parliament.qld.gov.au/tp/2010/5310T2451.pdf</a> |
| 108. | 21 December 2010  | CMC    | Setting the Standard: A Review of Current Processes for the Management of Police Discipline and Misconduct Matters   | <a href="https://documents.parliament.qld.gov.au/tp/2010/5310T3791.pdf">https://documents.parliament.qld.gov.au/tp/2010/5310T3791.pdf</a> |
| 109. | 21 December 2010  | CMC    | Police Move-on Powers: A CMC Review of Their Use   | <a href="https://documents.parliament.qld.gov.au/tp/2010/5310T3792.pdf">https://documents.parliament.qld.gov.au/tp/2010/5310T3792.pdf</a> |
| 110. | 21 December 2010  | CMC    | Report on an Investigation into the Alleged Misuse of Public Monies, and a Former Ministerial Adviser  | <a href="https://documents.parliament.qld.gov.au/tp/2010/5310T3793.pdf">https://documents.parliament.qld.gov.au/tp/2010/5310T3793.pdf</a> |
| 111. | 28 April 2011     | CMC    | Evaluating Taser Reforms: A Review of Queensland Police Service Policy and Practice  | <a href="https://documents.parliament.qld.gov.au/tp/2011/5311T4279.pdf">https://documents.parliament.qld.gov.au/tp/2011/5311T4279.pdf</a> |
| 112. | 23 June 2011      | CMC    | Operation Tesco: Report of an Investigation into Allegations of Police Misconduct on the Gold Coast  | <a href="https://documents.parliament.qld.gov.au/tp/2011/5311T4740.pdf">https://documents.parliament.qld.gov.au/tp/2011/5311T4740.pdf</a> |
| 113. | 29 June 2011      | CMC    | Regulating Prostitution: A Follow-up Review of the <i>Prostitution Act 1999</i>  | <a href="https://documents.parliament.qld.gov.au/tp/2011/5311T4753.pdf">https://documents.parliament.qld.gov.au/tp/2011/5311T4753.pdf</a> |
| 114. | 29 June 2011      | CMC    | An Alternative to Pursuit: A Review of the Evade Police Provisions   | <a href="https://documents.parliament.qld.gov.au/tp/2011/5311T4754.pdf">https://documents.parliament.qld.gov.au/tp/2011/5311T4754.pdf</a> |
| 115. | 26 June 2013      | CMC    | Multiple and Prolonged Taser Deployments   | <a href="https://documents.parliament.qld.gov.au/tp/2013/5413T2908.pdf">https://documents.parliament.qld.gov.au/tp/2013/5413T2908.pdf</a> |
| 116. | 13 September 2013 | CMC    | An Examination of Suspected Official Misconduct at the University of Queensland  | <a href="https://documents.parliament.qld.gov.au/tp/2013/5413T3458.pdf">https://documents.parliament.qld.gov.au/tp/2013/5413T3458.pdf</a> |
| 117. | 25 September 2023 | CMC    | Fraud, Financial Management and Accountability in the Queensland Public Sector: An Examination of How a \$16.69 Million Fraud Was Committed on Queensland Health | <a href="https://documents.parliament.qld.gov.au/tp/2013/5413T3493.pdf">https://documents.parliament.qld.gov.au/tp/2013/5413T3493.pdf</a> |
| 118. | 19 December 2014  | CCC    | Review of the Operation of the <i>Child Protection (Offender Prohibition Order) Act 2008</i>   | <a href="https://documents.parliament.qld.gov.au/tp/2014/5414T6730.pdf">https://documents.parliament.qld.gov.au/tp/2014/5414T6730.pdf</a> |
| 119. | 11 December 2015  | CCC    | Transparency and Accountability in Local Government  | <a href="https://documents.parliament.qld.gov.au/tp/2015/5515T1883.pdf">https://documents.parliament.qld.gov.au/tp/2015/5515T1883.pdf</a> |
| 120. | 08 December 2016  | CCC    | Fraud Prevention or Fraud Risk? A Report on an Investigation into the Queensland Police Service's Project Synergy  | <a href="https://documents.parliament.qld.gov.au/tp/2016/5516T2254.pdf">https://documents.parliament.qld.gov.au/tp/2016/5516T2254.pdf</a> |



### Annexure 3 - Publications of the CCC and its predecessors which have been tabled

| #    | Date of tabling   | Agency | Report Name   | Parliament's Tabled Papers<br>Website URL   |
|------|-------------------|--------|---|---|
| 121. | 12 December 2016  | CCC    | Publicising Allegations of Corrupt Conduct: Is It In the Public Interest?   | <a href="https://documents.parliament.qld.gov.au/tp/2016/5516T2256.pdf">https://documents.parliament.qld.gov.au/tp/2016/5516T2256.pdf</a>         |
| 122. | 04 October 2017   | CCC    | Operation Belcarra: A Blueprint for Integrity and Addressing Corruption Risk in Local Government  | <a href="https://documents.parliament.qld.gov.au/tp/2017/5517T1861.pdf">https://documents.parliament.qld.gov.au/tp/2017/5517T1861.pdf</a>         |
| 123. | 14 August 2018    | CCC    | Culture and Corruption Risks in Local Government: Lessons from an Investigation into Ipswich City Council (Operation Windage)   | <a href="https://documents.parliament.qld.gov.au/tp/2018/5618T982.pdf">https://documents.parliament.qld.gov.au/tp/2018/5618T982.pdf</a>           |
| 124. | 14 December 2018  | CCC    | Taskforce Flaxton: An Examination of Corruption Risks and Corruption in Queensland Prisons  | <a href="https://documents.parliament.qld.gov.au/tp/2018/5618T1983.pdf">https://documents.parliament.qld.gov.au/tp/2018/5618T1983.pdf</a>         |
| 125. | 24 January 2020   | CCC    | Operation Yabber: An Investigation into Allegations Relating to the Gold Coast City Council   | <a href="https://documents.parliament.qld.gov.au/tp/2020/5620T41.pdf">https://documents.parliament.qld.gov.au/tp/2020/5620T41.pdf</a>             |
| 126. | 21 February 2020  | CCC    | Operation Impala: Report on Misuse of Confidential Information in the Queensland Public Sector  | <a href="https://documents.parliament.qld.gov.au/tp/2020/5620T326.pdf">https://documents.parliament.qld.gov.au/tp/2020/5620T326.pdf</a>           |
| 127. | 02 July 2020      | CCC    | An Investigation into Allegations Relating to the Appointment of a School Principal   | <a href="https://documents.parliament.qld.gov.au/tp/2020/5620T1003.pdf">https://documents.parliament.qld.gov.au/tp/2020/5620T1003.pdf</a>         |
| 128. | 23 September 2020 | CCC    | Investigation Keller: An Investigation Report into Allegations Relating to the Former Chief of Staff to the Honourable Annastacia Palaszczuk MP, Premier of Queensland and Minister for Trade | <a href="https://documents.parliament.qld.gov.au/tp/2020/5620T1668.pdf">https://documents.parliament.qld.gov.au/tp/2020/5620T1668.pdf</a>         |
| 129. | 12 May 2021       | CCC    | Investigation Arista: A Report Concerning the Investigation into the Queensland Police Service's 50/50 Gender Equity Recruitment Strategy   | <a href="https://documents.parliament.qld.gov.au/tp/2021/5721T621.pdf">https://documents.parliament.qld.gov.au/tp/2021/5721T621.pdf</a>           |
| 130. | 04 July 2022      | CCC    | Investigation Workshop: An Investigation into Allegations of Disclosure of Confidential Information at the Office of the Integrity Commissioner   | <a href="https://documents.parliament.qld.gov.au/tp/2022/5722T965-70C1.PDF">https://documents.parliament.qld.gov.au/tp/2022/5722T965-70C1.PDF</a> |