

Powers and specialist functions

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Use of powers

The CCC has powers that enable us to gather evidence, intercept telephone communications and conduct coercive hearings. These search, surveillance and hearings powers are important to our investigative work.

Oversight of our powers

To guard against the misuse of these powers and protect the privacy rights of individuals, our agency operates in a framework of strict legal compliance. For example, the CCC must apply to the Supreme Court of Queensland before exercising some of its powers. The Supreme Court also reviews some CCC decisions and decides contempt of court matters in relation to CCC hearings.

The CCC must also report annually to the Commonwealth Attorney-General on the use of its telecommunications interception powers, and the information supplied is included in the Commonwealth *Attorney-General's Telecommunications (Interception and Access) Act 1979 — Annual Report*, which is tabled in the Commonwealth Parliament. The Public Interest Monitor ensures CCC compliance with the *Crime and Corruption Act 2001*, the *Police Powers and Responsibilities Act 2000* and the *Telecommunications Interception Act 2009* (Qld). The Public Interest Monitor also examines CCC applications for covert search warrants and surveillance warrants.

 For further information on the oversight of our powers, see page 40.

Table 1. Use of powers

Description	Crime	Corruption	Proceeds of crime
Notices to attend hearing	414	8	-
Notices to produce	386	n/a	488
Search warrants	69	34	-
Notices to discover information	n/a	161	-
Number of hearing days	297*	4	-
Number of witnesses attending	324*	5	-

* Includes intelligence hearings.

Coercive hearings

Coercive hearings are held to investigate major crime, gather intelligence and investigate allegations of serious corruption. The CCC also has the capability to respond to incidents of terrorism through providing immediate hearings support.

This year the CCC held a total of 301 hearings days across the state, from Beenleigh to Cairns. These included hearings to assist:

- 22 organised crime investigations involving drug trafficking, fraud, money laundering, weapons trafficking, armed robbery, serious violence and inter-gang (OMCG) conflict
- 12 serious crime investigations involving homicide and attempted murder
- 5 investigations of offences against children involving murder, attempted murder or grievous bodily harm (through our vulnerable victims general referral)
- 1 criminal paedophilia investigation
- 7 specific intelligence operations
- 2 corruption investigations involving police and the personal use of drugs, and unauthorised use of confidential information.

Outcomes from past hearings

This year the CCC achieved a number of outcomes from hearings held in 2014 and earlier. For example, in August 2014 three men were charged with the murder/manslaughter of a man who was fatally stabbed on the Gold Coast in 2013. The CMC had held extensive hearings on the matter throughout 2013 and 2014; 38 witnesses were examined, 5 of whom were subsequently jailed for contempt.

In another hearings investigation, 2 men were charged in October 2014 with the "cold case" murder of a mother and her two daughters (and related offences). In this case, the CMC had held 31 days of hearings in Brisbane and North Queensland.

Specialist functions

Proceeds of crime

Traditional organised crime is essentially a business activity, motivated by the prospect of generating large profits from lucrative criminal enterprises at the expense of the community at large. Serious public sector corruption is often similarly motivated.

To combat major crime and corruption as effectively as possible, the CCC uses an integrated model of financial investigation that encompasses financial intelligence, financial investigation, and proceeds of crime recovery. Our proceeds of crime activity enables the recovery of illegal gains and other property from criminals for the benefit of the people of Queensland.

The CCC works in partnership with the QPS and the Office of the Director of Public Prosecutions (ODPP) to identify and litigate proceeds of crime matters. It also deals extensively with the Public Trustee of Queensland, who is responsible for managing property subject to confiscation action.

In 2014–15, 127 referrals were made to the CCC for proceeds of crime recovery. This is consistent with a trend of increased referrals in recent years. QPS referrals made up 76 per cent of the total number of referrals received. Typically, referrals also come from the ODPP or Commonwealth law enforcement agencies, or arise out of CCC activities.

Currently, the proceeds of crime team is litigating 94 matters involving property valued at \$52.2m.

During this financial year, the CCC:

- obtained 63 restraining orders over property valued at \$18.316m against an annual target of \$18m
- secured the forfeiture of assets to the value of \$8.375m, exceeding the annual target of \$7m
- finalised 36 civil confiscation matters.

We also obtained 9 proceeds assessment orders valued at \$31m. This is the largest number and value of proceeds assessment orders awarded in any financial year since the commencement of the *Criminal Proceeds Confiscation Act 2002* (CPCA). Three unexplained wealth orders totalling \$354,448 were also obtained during the financial year.

This year the CCC obtained its first confiscation order under the serious drug offender scheme, valued at \$139,673. As at 30 June 2015, a total of 11 restraining orders valued at \$2.7m had been granted under this scheme. At the time of writing this report, one application for a serious drug offender confiscation order is before the courts.

Since the CPCA came into effect in 2003, the proceeds of crime team has restrained assets to the value of \$195m and secured the forfeiture of \$71.5m.

See <www.ccc.qld.gov.au/proceeds-of-crime> for proceeds of crime legislation.

Figure 2. Value of restraints (million)

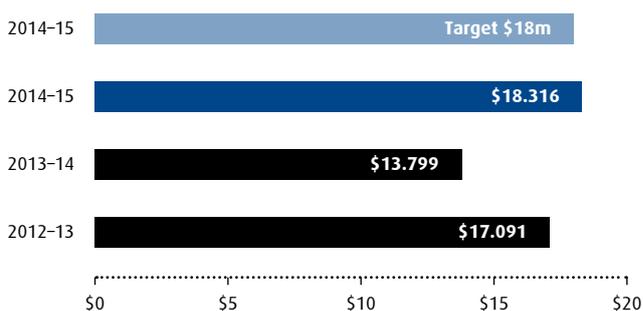
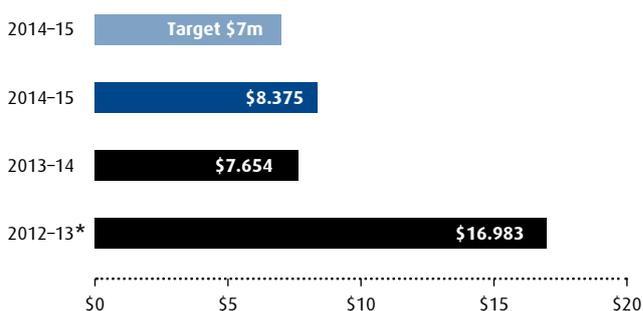


Figure 3. Value of forfeitures (million)



* This includes a forfeiture of \$11.880m in confiscation proceedings against Mr Morehu-Barlow.



Intelligence

The CCC's intelligence work includes strategic assessment and reporting, target development, intelligence-related operational support, and human source management.

We disseminate intelligence information through confidential reports for law enforcement agencies and policy makers. Where appropriate and

in the public interest to do so, public versions of our reports are published on the CCC website. For example, this year the CCC published an intelligence paper, *New synthetic drugs — deceptive and dangerous*.

In 2014–15 the CCC disseminated 254 classified intelligence reports on major crime in Queensland to a range of state, Commonwealth and international agencies. We also disseminated 7 strategic intelligence reports on emerging issues and trends to both law enforcement and government audiences.

 See <www.ccc.qld.gov.au/publications> for CCC publications.

Prevention

Due to changes to the Crime and Corruption Act which took effect from 1 July 2014, the CCC no longer has a prevention function with respect to corruption. However, in assessing and investigating complaints of corruption, the CCC can provide advice and recommendations to public agencies for the ongoing management of their processes and integrity control systems.

The CCC does have a specific function to prevent major crime. In preventing major crime, the CCC benefits from the services provided by its specialist functions. For example, our proceeds of crime capability attacks the profit motive behind illegal activity and prevents those funds from being reinvested in crime. Our strategic intelligence identifies high-threat networks and markets, while our research capability provides insight into key areas of crime and high-risk corruption areas. Information produced from this latter work allows us to focus on areas of particular concern.

CCC hearings have also contributed to crime prevention outcomes (see the following case study).



Use of hearings intelligence for crime prevention outcomes

As well as gaining evidence in support of specific investigations, CCC hearings obtain information and intelligence that is significant to law enforcement generally in combating and preventing crime.

This year the CCC held hearings in support of a QPS investigation of a syndicate allegedly using the internet to import synthetic drug analogues from China and Russia for distribution as "synthetic speed".

Witnesses directly engaged in online importing of the commodities gave detailed evidence of the methodologies used, the websites that were most useful to their activities, how financial transactions were undertaken, and comparative prices from different countries.

Other witnesses included the syndicate's customers. Apart from lines of questioning of evidential significance to the investigation, they were questioned about matters such as the comparative pricing of the new synthetic product as opposed to methamphetamine; their experience of the pharmacological effects of the synthetic product compared with methamphetamine; and the relative availability of the synthetic product compared with traditional commodities.

The intelligence information derived from the hearings was shared with the QPS and the Australian Customs and Border Protection Service.

In previous years the CCC has similarly harnessed its hearings power to gather intelligence concerning new and emerging psychoactive substances. For example, hearings for a murder investigation yielded substantial intelligence about the local prevalence, pricing and pharmacological effects of the powerful psychoactive stimulant 3,4-methylenedioxypropylamphetamine, known as MDPV. This contributed to several intelligence products, including a classified report for law enforcement, *New and emerging psychoactive substances market in Queensland*. A public report on the dangers and criminality associated with synthetic drugs was also published.

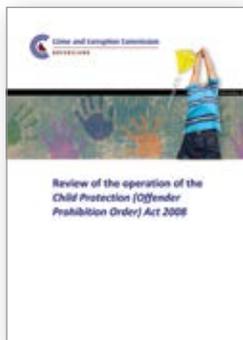
Specialist functions

Research

Under its statutory research function, the CCC conducts research to support the proper performance of its functions in areas such as crime, criminal justice, policing and public sector corruption.

The CCC is required to submit a three-year research plan to the Minister for approval. The Minister may approve research into an emergent issue as it arises, as long as the issue is relevant to one of the Commission's functions. The CCC may also conduct research into other matters referred by the Minister or as required under another Act.

As at 30 June 2015, no ministerial approval for the research plan had been received. As a consequence, the CCC has not been able to substantively progress the research projects detailed in that plan. Other significant programs of work undertaken this year are detailed below.

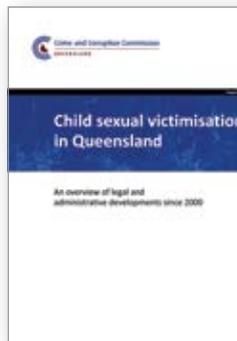


Review of child protection legislation

The CCC reviewed how the *Child Protection (Offender Prohibition Order) Act 2008* had been used by the police and the courts in its first five years of operation. The CCC review commenced in June 2013, as specified by this Act, and a report on the review was tabled in Parliament on 19 December 2014.

The report made 17 recommendations aimed at improving the way offender prohibition orders are used to protect children from people who have been convicted of sexual or other serious crimes against children and are living in the community. A key recommendation was to combine this Act with another key piece of legislation — the *Child Protection (Offender Reporting) Act 2004* — to simplify the system for managing relevant offenders. Other recommendations aim to improve the training, resources and powers available to police to monitor offenders and secure offender prohibition orders where deemed appropriate.

See <www.ccc.qld.gov.au/publications> for CCC publications.



Child sexual victimisation in Queensland

This year the CCC updated a paper on the legal and administrative developments in the area of child sexual victimisation in Queensland since 2000 to include developments from 2012 to mid-2014.

See <www.ccc.qld.gov.au/publications> for CCC publications.

Review of the G20 Act

In November 2013, the *G20 (Safety and Security) Act 2013* (G20 Act) came into effect, remaining in force during the duration of the G20 event in November 2014. Given that the G20 Act had introduced a number of new and enhanced police powers, a joint QPS/CCC steering committee was established to review the Act's operation and effectiveness.

The Steering Committee agreed that the CCC would conduct relevant research and provide a report to the Commissioner of Police by late August 2015. As part of this research, in March 2015 the CCC published a consultation paper to give stakeholders and members of the public an opportunity to contribute to the review. Submissions were received from four stakeholder groups.

Research focused on improving the performance of the CCC corruption function

Projects to improve the performance of the CCC corruption function were also conducted. For example, a major review of how the CCC records corruption allegations means that, from 1 July 2015, all corrupt conduct and police misconduct allegations received will be coded according to a new framework that has greater capacity to identify corruption trends, issues and risks. Other projects identified options for upgrading CCC audit processes and systems.

Witness protection

The CCC protects witnesses who are under threat as a result of assisting a law enforcement agency. Witnesses include victims of crime, innocent bystanders to crime, and people who have inside information about criminal or corrupt activity, generally because they are themselves associated with crime or corruption. Witness protection enables people to assist investigations and safely provide evidence in court. By legislation, entry into the witness protection program is voluntary, so individuals accepted by the program decide whether or not to accept an offer of protection.

The CCC is the only independent commission in Australasia with the responsibility for protecting witnesses. Elsewhere in Australia and New Zealand, witness protection programs are managed by state and Territory police forces.

The CCC commits to providing interim protection within 48 hours to any eligible applicant wherever their location within Australia, ensuring a rapid and effective response to providing protection to witnesses at risk and assisting investigators.

This year, 129 applications for protection were received. All interim applications were assessed within 23 hours (exceeding our target of 48 hours) and appropriate assistance offered. Of the individuals offered protection, 72 people accepted the offer and entered the program.

All protected persons were kept safe and were able to give their evidence at court, helping to secure convictions in cases including murder, drug trafficking and other serious offences. Since its inception in 1987, more than 1760 individuals who were under threat have been kept safe, representing a 100 per cent success rate for the program.