3. Official Misconduct Division

The Official Misconduct Division (OMD) is the investigative unit within the Commission. It operates on its own initiative as well as in response to complaints or information received concerning misconduct (s. 220(1) of the Act). The OMD's four major areas of activity are complaints processing and investigation; the investigation of organised and major crime; the confiscation of criminal assets; and corruption prevention.

During the 1991/92 financial year, the Complaints Section was restructured to take account of proposed amendments to the Act which enabled the Section to more efficiently deal with the ever increasing flow of complaints. The success of the restructuring is reflected in the following statistics:

- 3,123 complaints were registered during the year under review, a 63 percent increase over the previous year.
- 3,416 complaints were finalised, an increase of almost 100 percent over the finalisation rates for the previous year. This led to a net reduction of 293 in the accumulated backlog.
- 30 criminal charges were recommended.
- 203 disciplinary charges were recommended.

With the cooperation of the Attorney-General's Department and the QPS, the Complaints Section initiated a system for referring complaints of a minor nature to the Community Justice Program for mediation.

The Division's Multi-disciplinary Teams, which investigate the more complex complaints matters and organised and major crime, undertook 315 investigations, as a result of which:

- 325 criminal charges were recommended;
- 9 disciplinary charges were recommended; and
- drugs, with an estimated street value of $2.2 million, were seized.

The Multi-disciplinary Teams significantly increased their endeavours in investigating organised and major crime targets pro-actively identified in conjunction with the Commission's Intelligence Division.

The efforts of the Division's Proceeds of Crime Team have resulted in the restraining of $7.5 million in assets.

The Division's corruption prevention initiatives concentrated on training seminars and workshops for chief executives, senior staff and middle managers in the public sector, culminating in conferences in Brisbane and regional areas focusing on corruption prevention and fraud risk assessment in the public sector.

Functions

The principal functions of the Division are to:

- investigate the incidence of official misconduct generally in Queensland;
- further the investigative work commenced by the Fitzgerald Commission of Inquiry;
- investigate all cases of alleged or suspected misconduct by police officers or official misconduct by other persons holding appointments in units of public administration in Queensland; and
- provide assistance, by way of education or liaison, to law enforcement agencies, units of public administration and others concerning the detection and prevention of official misconduct (see s. 220(2) of the Act).

Furthermore, as the Commission's investigative unit, the Division discharges the Commission's responsibility under s. 215(f)(iv) to investigate organised or major crime. However, this responsibility of the Commission is limited to functions which, in its opinion, are not appropriate to be discharged, or cannot be effectively discharged, by the QPS or other agencies of the State.
The Commission does not have a prosecuting function. When an investigation reveals evidence of the commission of a criminal offence, the Director of the OMD reports on the matter to the Chairperson, who may authorise the forwarding of the reports to the Director of Prosecutions, the Commissioner of the Police Service, or another appropriate prosecuting authority for such prosecution proceedings as that authority considers warranted.

**Powers**

**Hearings**

For the purpose of discharging the functions or responsibilities of the OMD, the Commission may conduct a hearing at which evidence may be received orally or in writing, on oath or affirmation, or by way of statutory declaration (s 217 of the Act).

During the 1991/92 financial year, the Commission held 54 hearings.

Although s 217(4) provides that hearings of the Commission shall as a general rule be open to the public, most hearings were conducted in private, as the persons constituting the Commission for the purpose of the hearings believed that, having regard to the subject matter of the investigation or the nature of the evidence expected to be given, it was preferable in the public interest to conduct a closed hearing. The matters which particularly weighed on the Commission in making these determinations were:

- its duty to act fairly to persons who may later be the subject of criminal prosecutions;
- the need to avoid prejudice to the reputation of persons against whom an allegation is made; and
- the need to avoid prejudice to investigations by premature disclosure.

However, the Commission also held four public hearings during the 1991/92 financial year, as shown in Table 1.
Other Investigative Powers

The Commission has also made frequent use of its powers to:

- require persons to furnish to the Commission statements of information relevant to an investigation of the Commission;
- compel the production of records and things relevant to an investigation of the Commission; and
- authorise its officers to enter public premises to search records.

The Powers of Police Officers

Officers of the Commission who are serving police officers seconded to the Commission remain members of the QPS and retain all powers and authorities which they possess as such members (s. 256(3)). These officers may exercise their powers when carrying out investigations on behalf of the Commission.

Structure of the Division

The OMD consists of the following organisational units:

- the Directorate, consisting of the Director of the Division and support personnel. The position of Deputy Director of the Division was approved during the year to assist the Director in discharging his functions.
- the Complaints Section, consisting of the Chief Officer, the Assessment Unit, three Complaints Teams, the Review Unit, a senior Financial Analyst and support personnel.
- four Multi-disciplinary Teams, which investigate the more complex complaints and undertake investigations of a pro-active nature into major or organised crime. One of these teams is devoted exclusively to the continuing investigation of organised crime groups.
- the Financial Analysis Group.
- the Proceeds of Crime Team.
- the Corruption Prevention Section.
- the Surveillance Section.
- the Technical Unit.

The Police Establishment

The police contingent within the Division constitutes more than half of its personnel. Sixty-nine of the 92 police attached to the Commission are deployed within the OMD. They form the investigative core of the Division, whether attached to the Complaints Section, Multi-disciplinary Teams, the Surveillance Section or the Technical Unit.

In its last report, the Commission drew attention to the difficulties it was experiencing in maintaining its full investigative complement because of such factors as:

- the necessity to allow officers to attend training courses run by the QPS and other institutions to enhance their expertise and promotional prospects; and
- the decision of the Commissioner of the Police Service that all outstanding leave must be taken before the end of 1992.

These factors have continued to have a substantial impact on the Commission’s operations during the year. The Commission estimates that these same factors will result in one quarter of the OMD’s police establishment being unavailable during the second half of 1992.

Operational Ratio

The Division has achieved a high operational-to-support staff ratio in the order of 3:1. This compares more than favourably with agencies similar to the Commission.
The Commission has endeavoured to maintain its investigative complement by engaging former police officers as civilian investigators. These officers comprise approximately 25 percent of the Commission’s investigative personnel. Furthermore, during the year the Commission engaged former experienced police officers to fill casual vacancies, particularly during the protracted process for the selection and secondment of serving police officers. These temporary investigators were deployed in areas of the Commission with the greatest workload and their contribution has significantly reduced the backlog of matters to be investigated by the OMD.

**Complaints Section**

**History**

The Fitzgerald Report recognised independence as being fundamental to a body charged with responsibility for investigating misconduct by public officials.

The background against which the Complaints Section was established was the absence of such independence in the disciplinary processes across the Queensland public sector, in particular within the Queensland Police Force, as highlighted by the Fitzgerald Report, which was scathing in its criticism of the then-Internal Investigations Section.

**Legislation, Role and Functions**

Section 2.27 of the Act provides for the establishment of the Complaints Section. All complaints or information concerning misconduct brought to the notice of the Commission must be communicated to the Complaints Section.

While any person may furnish a complaint or information concerning alleged or suspected official misconduct, each principal officer, other than the Commissioner of the Police Service, in each unit of public administration is required by s. 2.28 of the Act to refer to the Complaints Section all cases of suspected official misconduct brought to his or her attention. The Commissioner of the Police Service, on the other hand, must refer to the Complaints Section all matters involving suspected misconduct, including official misconduct, by members of the QPS.

Insofar as it relates to the investigation of misconduct by public officials, the jurisdiction of the Commission is limited to matters which reasonably raise a suspicion of "official misconduct", as defined in the Act. Essentially, that limits the investigative jurisdiction of the Commission to instances in which the conduct complained of:

- is not honest or impartial;
- involves a breach of the trust placed in a person by reason of their holding a position in a unit of public administration; or
- involves the misuse by any persons of information or material acquired in, or in connection with, the discharge of their functions or exercise of their powers of authority.

Furthermore, the conduct will not amount to official misconduct unless it constitutes a criminal offence or a disciplinary breach that provides reasonable grounds for termination of that person’s services (see Appendix A).

This duty cast upon the Commissioner of the Police Service has been modified by guidelines and directions issued by the Commission on 20 July 1990 pursuant to s. 2.28(5) of the Act (see Appendix C).

These guidelines and directions enable complaints involving misconduct of a minor nature or a breach of discipline by members of the QPS to be investigated by the Commissioner of the Police Service on behalf of the Commission. The Commissioner may investigate more serious matters:

- where the alleged misconduct occurred in a remote part of the State and the Commission is unable to deploy investigators to deal with the matter; or
• if immediate investigation is necessary in order to preserve evidence or obtain evidence which the Commission would not otherwise be able to obtain or would not readily be able to obtain (e.g., where a complainant alleges assault, a medical examination needs to be organised and photographs need to be taken).

Assessment of Complaints

Prior to 13 May 1992, the OMD was required to investigate all complaints other than those dismissed by the Chief Officer of the Complaints Section as frivolous or vexatious.

The Commission had continuously drawn to the PCJC's attention the fact that the rate of receipt of complaints had increased by approximately 60 percent per annum since the establishment of the Complaints Section. The Commission had also advised the PCJC that it could not cope indefinitely with the ever-increasing workload without a substantial increase in staff (which the Commission was not seeking) and that the only alternative was to amend the Act to empower the Complaints Section to determine whether, and to what extent, a matter should be investigated.

Amendments

Those amendments were eventually passed by the Parliament and came into effect on 13 May 1992. They authorise the Section to refer complaints not involving official misconduct directly to the Commissioner of the Police Service and other principal officers of units of public administration.

Restructuring of the Complaints Section

Although the amendments allow the Complaints Section to be more selective and reduce the number of complaints investigated, all complaints still require assessment and processing.

Before the restructuring of the Complaints Section, the initial processing and preliminary investigation of complaints was carried out by the Section's four Teams, each comprising lawyers, investigators, complaints receipt officers and support staff. With each Team handling concurrently around 150 complaints, it was clear that the Teams had become overburdened.

A large proportion of matters with the Teams required preliminary inquiries only. Compounding the workload was the continuing receipt of an average of 60 new matters each week, most of which were distributed to the Teams for attention. The consistently high volume of new work flowing to the Teams frustrated their ability to deal with the more substantial matters.

A major restructuring of the Complaints Section has now taken place. The emphasis of this restructuring has been the re-allocation of resources to the initial assessment process so that only the substantial matters requiring thorough investigation are now referred to the investigative Teams.

The restructured Complaints Section is comprised of the following functional units:

• the Assessment Committee,
• the Assessment Unit,
• the Review Unit,
• three Complaints Teams, and
• the Registry.

This restructuring facilitated a new assessment process, which commenced on 16 March 1992.

The New Assessment Process

Many complaints are disposed of without full investigation by the Commission because they:

• relate to persons who do not hold a position in a unit of public administration;
• allege conduct which, even if substantiated, would not constitute misconduct or official misconduct;
are minor matters to be referred to the QPS; or

are not capable of being productively investigated.

Often, complaints cannot be so identified until the Commission undertakes some initial inquiries or conducts a legal analysis. The new structure enables this to happen soon after receipt without hindering the continuing investigation of matters of substance. The new process is statutorily underpinned by the recent amendments to s. 229 of the Act, which gives the Commission a discretion at two points in the complaints process, namely:

- an initial discretion not to investigate at all; and
- a subsequent discretion not to investigate further.

The latter is the operative discretion which has facilitated the restructuring of the Complaints function. Because the Act defines "to investigate" as "to examine and consider" matters, the assessment and preliminary inquiry steps may well be construed as "investigation" for the purposes of the Act. In any event, the Commission has long held the view that some investigation of all matters referred to it, even if peremptory, is far preferable to no investigation at all.

**Preliminary Assessment**

There are several ways in which complaints are received at the Complaints Section, namely:

- through the mail,
- by personal interview upon presentation at the Commission,
- by telephone call to a Complaints Officer, and
- after-hours referral through the Commission's 24-hour Communications Room.

The Principal Complaints Officer reviews all complaints upon receipt to see if any require urgent attention (such as serious recent assaults). These are attended to without going through the normal assessment process.

**Registration**

The Principal Complaints Officer prepares a schedule listing new matters. Upon registration each matter is allocated an identification number. The schedule shows the date of receipt and the name of the complainant and includes a precis of the allegations. It provides a useful tracking mechanism until files are made up and details recorded in the database.

**The Assessment Committee**

**Composition**

The Assessment Committee comprises a Deputy Chief Officer, the Superintendent of Police attached to the Complaints Section, the Principal Complaints Officer and, at least once per week, the Chief Officer, Complaints Section, and the Director or Deputy Director of the OMD.

**Role and Function**

The Committee meets every day in the late morning. The Committee applies the criteria which have been agreed upon by the Commission and the PCJC to determine whether a matter
should be investigated (see Schedule 1 of Appendix D). If the Committee considers that a matter clearly requires investigation, it will be referred directly to a Complaints Team. This, however, will occur very infrequently as some preliminary inquiries almost inevitably need to be made. These inquiries are made by the Assessment Unit.

The Assessment Unit

Composition

The Unit comprises a Deputy Chief Officer, who is the senior lawyer in charge of the Unit, four investigators, a legal officer, four complaints officers and two support officers. The Deputy Chief Officer has responsibility for matters referred to the Unit by the Assessment Committee and for the allocation of the work in the Unit.

Role and Function

The primary function of the Assessment Unit is to conduct preliminary inquiries. In many instances, further information is required by the Assessment Committee to enable it to make a proper assessment as to whether a thorough investigation is warranted. The Unit therefore provides a dynamic working mechanism to quickly discover information to enable the Assessment Committee to make determinations. Where necessary, the Committee makes suggestions to the Assessment Unit concerning what preliminary inquiries need to be made.

Approximately 90 percent of all matters assessed by the Committee are referred to the Assessment Unit for attention. This attention includes the making of preliminary inquiries, the assessment of more difficult questions of jurisdiction, the examination of documentation and, if necessary, the request for and examination of further material. The Unit’s inquiries may include accessing QPS files or court transcripts, telephone inquiries, face-to-face interviews or, as a last resort, inquiries by correspondence. The Unit also attends to the administrative referral of matters to other agencies, including the QPS, for investigation. The Unit, therefore, attends to a large quantity of correspondence.

A majority of matters referred to the Unit are finalised within the Unit. If, however, the Unit believes that a more thorough investigation is required, it refers the matter back to the Assessment Committee. If that Committee agrees, the matter is referred to a Complaints Team through the Chief Officer, Complaints Section.

A large number of the matters received are either outside the Commission’s jurisdiction or do not reasonably raise a suspicion of misconduct or official misconduct. These matters are finalised in the Assessment Unit. This disposition is approved by the Deputy Chief Officer under guidelines of the Commission issued under s. 229 of the Act (see Appendix D).

A significant number of matters received alleging misconduct are finalised as not substantiated on the basis of preliminary inquiries. Such matters are presented to the Chief Officer, Complaints Section, for approval, but otherwise are effectively finalised within the Assessment Unit.

A number of matters continue to be identified as matters which can be referred to the QPS for investigation, either as matters of suspected minor misconduct (which, at the conclusion of the investigation, the QPS returns to the Commission for determination) or matters of possible breaches of discipline (which the QPS investigates and determines). These matters are referred to the QPS by officers of the Assessment Unit, thereby by-passing the Complaints Teams.

Assessment Unit investigators and the Deputy Chief Officer heading the Unit report daily, or as necessary, to the Assessment Committee to enable it to further consider how matters should be dealt with, in light of the results of the preliminary inquiries.

When preliminary inquiries indicate large-scale, complex or ongoing misconduct, reports are prepared with a view to having the matter referred
to a Multi-disciplinary Team for investigation. Other matters shown to be of substance are referred to Complaints Teams for investigation. The process of obtaining the information necessary for the Assessment Committee’s determinations has facilitated a quicker resolution of most matters.

**The Review Unit**

When the Assessment Unit assesses a complaint against a police officer as involving alleged misconduct, as defined by s. 14 of the [Police Service Administration Act 1990](https://www.legislation.gov.uk/ukpga/1990/41), it can refer the matter to the QPS for investigation if it is of a minor nature. When these minor matters have been investigated by the QPS, a report is forwarded to the Commission for review and assessment. These reviews are conducted by the Review Unit.

On 7 May 1992, the QPS introduced new procedures concerning complaints involving breaches of discipline only. The Commission is still notified of the nature of the complaint. If the Commission agrees that the matter involves only an allegation of a breach of discipline, it is investigated and determined by officers of the QPS. The Commission also refers such matters received directly by its own officers to the QPS for investigation.

**The Complaints Teams**

Three Complaints Teams now conduct investigations into matters referred to them by the Assessment Committee. Team 1 is the largest Team; it is headed by a Deputy Chief Officer. Like the Deputy Chief Officer in the Assessment Unit, this person also has the authority to refer and finalise minor matters under guidelines issued by the Commission.

In essence, the emphasis of the restructuring has been the re-allocation of resources to the assessment process so that only substantial matters requiring thorough investigation are now passed to the investigative Teams.

The Commission anticipates that this new assessment process will allow the Complaints Teams to reduce their workload and maintain their number of current investigations at around 40 per Team. All matters with the Teams will be matters of substance, requiring thorough investigation. This will minimise the need to prioritise matters for investigation, as the Commission believes that the Teams can effectively manage this number of matters simultaneously.

In the first two months that the new assessment process was operating, the Assessment Committee assessed some 533 complaints. Of these, only 44 were referred to the Complaints Teams for investigation. Previously, most of those assessed would have gone directly to the Complaints Teams. This significant reduction permitted the disbandment of the fourth Complaints Team, with the staff being redeployed in the Assessment Unit and the three remaining Teams. This has
permitted the Complaints Teams to productively pursue the more substantial investigations.

If the rate of receipt of complaints does not rise substantially, the Complaints Section expects to shortly have no actual backlog, with all current matters requiring investigation being actively pursued. The dramatic reduction in the Complaints Section’s backlog in so short a time, as evidenced in Graph 1, reflects great credit to the staff of the Section.

**Final Assessment of Complaints**

Every complaint investigated within the OMD, by investigators within either the Complaints Section or a Multi-disciplinary Team, is made the subject of a report to the relevant Team Leader. Each report, together with the Team Leader’s recommendation, is then referred to the Chief Officer, Complaints Section, for further assessment. The Chief Officer assesses each matter in accordance with s. 229 of the Act and the guidelines issued by the Commission.

Cases assessed as involving official misconduct or criminal conduct are referred to the Director of the OMD, who in turn reports to the Chairperson in respect of each matter. With the Chairperson’s approval, the report may be forwarded to:

- the Director of Prosecutions or other appropriate prosecuting authority, with a view to prosecution proceedings;
- to 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;
- to the Chief Justice or other principal judicial officer of the relevant court; or
- to the principal officer of the unit of public administration concerned with a view to disciplinary action being taken.

Misconduct Tribunals have jurisdiction in relation to official misconduct by police officers. In relation to other public officers, a Misconduct Tribunal has jurisdiction only where the unit of public administration or the position concerned has been prescribed by Order-in-Council for the purposes of the Act. Upon receiving from the OMD a report stating that a matter involves official misconduct, a
principal officer must charge a prescribed person who is the subject of the report with the relevant official misconduct by way of a disciplinary charge. When no such prescription has been made, the report may be referred to the principal officer concerned for the taking of appropriate internal disciplinary action.

In many instances, although no disciplinary action is recommended, the matter is referred to the Commissioner of the Police Service for officers who are the subjects of substantiated complaints to be chastised or corrected by way of guidance. This is not regarded as disciplinary action but as training.

**Recommendations for Procedural Changes**

A final assessment, whether resulting in disciplinary action or not, may involve making recommendations to the principal officer of the unit of public administration concerned that administrative changes be implemented or that certain directions be issued in order to obviate the occurrence of future complaints of a similar nature.

In many instances, the Commission regards the making of these recommendations as being a more significant outcome than any individual prosecution or disciplinary action. Some examples of these recommendations follow.

**Recommendations to Directors-General**

**Failure to Declare Pecuniary Interests**

The Commission investigated allegations that certain elected members of a local authority had contravened s. 14(4) of the *Local Government Act 1996* in that they had failed to declare their pecuniary interest in matters coming before Council meetings. At those meetings, the Council approved expenditure in favour of businesses in which the members were concerned. This case highlighted unsatisfactory statutory provisions relating to conflicts of interest. It was quite clear that the Act did not effectually enforce the duty on councillors to act impartially. The case also highlighted the difficulties in prosecuting breaches of the existing provisions of the Local Government Act. The Commission was aware that the Electoral and Administrative Review Commission (EARC) was examining proposals for a code of conduct for public officers. The Commission referred the matter to that body as a case study for its consideration in drafting the code of conduct.

**Alleged Misuse of Credit Cards by Officers of a Local Authority**

The Commission investigated allegations that senior officers of a local authority had misused official credit cards. As a result of its investigation, the Commission recommended that the Council formulate guidelines regulating the use of official credit cards and that it implement more stringent controls in the area of entertainment expenses. The Commission also recommended that the Council maintain an assets register and that the Council dispense with the practice of spending ratepayers' monies on "thank you" lunches, and on lunches and dinners attended only by Council members and officers.

**Tendering Practices**

During an investigation of allegations made against a joint local authority board, the Commission was informed that the board was not calling for tenders for professional services as opposed to works, goods or materials. The board believed that it was not obligated to call for tenders in such cases. Although the Commission found no evidence to substantiate any criminal or disciplinary offence, it drew the matter to EARC's attention for its consideration in formulating recommendations for a code of conduct for public officers.

During another investigation, the Commission found that when officials of a local authority opened tenders, they did not sign or stamp the tender documents. As a result, it was impossible to ascertain if the tender documents on file were, in fact, the same tender documents examined on the day that the tenders were opened. The
Commission recommended that the Department of Housing and Local Government examine this aspect of the tendering process with a view to addressing an issue which was clearly likely to give rise to complaints of corruption in the tendering process.

Magistrates Court Transcripts

The Commission was advised that the Department of Justice had implemented a policy whereby individuals and organisations other than government departments funded from consolidated revenue are charged fees for the supply of transcripts of Magistrates Court proceedings. The Commission was of the view that this policy disadvantaged defendants of limited means. This may be contrasted with the prevailing policy in District and Supreme Courts where, in all but the rarest of instances, transcripts are supplied free of charge to accused persons. The Commission considered that many defendants could be disadvantaged, particularly in view of the increasing number of criminal offences dealt with summarily. The Commission recommended that the cost of transcripts be shared on an equitable basis by the parties requesting a transcript and that, in the interests of justice, an accused person should not be disentitled by genuine inability to pay.

Police Assistance to Civilian Process Servers/Inquiry Agents

The Commission received a number of complaints alleging misconduct on the part of police officers while accompanying civilian process servers/inquiry agents. Allegations were made that police actions had gone beyond simply preserving the peace and the police had failed to act impartially. The complaints seemed to have resulted from a widespread belief held by police officers that, whenever they are requested to do so, it is appropriate for them to accompany repossession agents, inquiry agents or process servers in order to "keep the peace".

While it is recognised that preserving the peace is an important duty of police officers, there appeared to be no specific guidelines available to police when considering requests for or providing assistance to commercial agents. These cases showed that police officers were unaware of the extent to which they should become involved in such cases. The Commission made the following recommendations:

- a police officer should not accompany commercial agents when serving process unless the officer reasonably believes that there is a real danger that a breach of the peace will arise;

- police officers should be made aware of alternatives to personal service, thereby avoiding conflict with an unwilling recipient of process;

- police officers who consider it necessary to accompany commercial agents on to premises should not become involved in the actual service of the relevant document; and

- police officers should leave promptly when requested to do so by the occupier, unless their presence is otherwise authorised by law.

Recommendations to the Commissioner of the Police Service

Failing to Record Refusal of Bail

As a result of an investigation conducted by the Commission, it was discovered that police officers were failing to properly record the reason for refusal of bail and that established procedures were inadequate. The Commission recommended that, in order to comply with the requirements of the Bail Act 1990, officers be instructed that the reasons for refusal of bail should be noted in the appropriate place on the watchhouse charge sheet or other appropriate documentation.
Confiscation of Syringes

The Commission received a complaint from the Queensland Intravenous AIDS Association, expressing concern that QPS officers had confiscated clean, unused needles and syringes from drug users during searches of premises. The Drugs Misuse Act 1986 has been amended so that the possession of needles is no longer an offence. This amendment was made to reduce the likelihood of drug users sharing syringes and using old syringes. The Commission recommended that instructions be given to police, drawing this very important amendment to their attention.

Traffic Offences by Off-Duty Officers

A complainant who had been apprehended for speeding and issued with a Traffic Offence Notice, alleged that a police officer, who had also been apprehended while travelling in a private vehicle at about the same speed, had not been issued with a Traffic Offence Notice. Investigations by the Commission established that the driver of the second vehicle was an off-duty police officer, that he was travelling to a medical appointment and had been exceeding the speed limit. This excuse had been accepted by the apprehending officer, who indicated that he exercised his discretion in favour of the off-duty officer and warned him that he had exceeded the speed limit.

The Commission recommended that the apprehending officer be corrected by way of guidance for not submitting a breach report in respect of the off-duty police officer’s violation, and his reasons for not issuing a Traffic Offence Notice. The Commission recommended that the Commissioner of the Police Service issue a direction to all members of the QPS that, where an off-duty officer is apprehended for a traffic violation and the apprehending officer believes that a reasonable excuse has been furnished by the offending officer for the violation, the apprehending officer must submit a breach report outlining the circumstances to the officer-in-charge so that a proper consideration of the situation can be made before a final determination is reached.

High-Speed Police Pursuits

The Commission investigated an incident in which civilians had been killed in a traffic accident arising from a police pursuit. The Commission examined the existing guidelines governing such situations, which clearly give a discretion to the pursuing police officers as to whether they initiate a pursuit and discontinue a pursuit. The Commission was of the view that the guidelines were very wide and offered little practical assistance. It felt that while such a wide discretion exists, individual police officers could make inappropriate judgments with potentially life threatening consequences. The Commission recommended that the guidelines should include examples of cases not regarded as sufficiently serious to warrant pursuit.

Debriefing of Complainants

Although s.67 of the Act ensures that the confidentiality of investigations is maintained, s.224(4) requires that the complainant be given an account of:

- if no action has been taken on the complaint, the reason for inaction;
- if action has been taken on the complaint, what that action is and the reason why that action is appropriate in the circumstances of the case. The result of that action, if it be known at the time of making the response, will also be conveyed to the complainant. This notification is provided in writing.

In addition, wherever practicable, complainants are debriefed by complaints officers. The debriefing usually takes the form of a telephone call. When that is not possible, the Commission’s letter to the complainant under s.224(4) invites him/her to contact the Commission if further explanation is desired.

Although there is some variation in complainants’ reactions to the Commission’s debriefing efforts, the majority welcome the opportunity to discuss their complaint and aspects of the investigation with the action officer.
The Commission does not debrief complainants who wish to have no further contact with the Commission after lodging their complaint or where it appears that the debriefing process may inflame prolonged unproductive contact. The decision not to debrief complainants is taken neither lightly nor frequently.

**Analysis of Work**

**Complaints Received**

Since its establishment in April 1990, the Complaints Section has received 5,570 complaints encompassing 11,031 allegations of misconduct. Graph 2 shows the progressive receipt of complaints throughout that period and Graph 3 shows a progressive comparison of 1990/91 and 1991/92 figures.
The significance of those figures is illustrated by Graph 4, which compares the rate of receipt of complaints by month since July 1990. The number of complaints received in 1991/92 exceeded that received in the previous year by 63 percent. Nearly twice as many complaints were received in June 1992 as in the corresponding month the previous year.

Source of Complaints

As indicated by Graph 5, complaints by members of the public have accounted for more than three quarters of all complaints received by the Commission since the establishment of the Complaints Section in April 1990.

Graph 4: Comparison of Monthly Totals of Complaints Received During 1990/91 and 1991/92

Graph 5: Categories of Complaints April 1990 to June 1992

No. of Complaints - 5,570; no. of Complainants - 5,862. A complaint may be brought to the Commission's attention by more than one complainant.
Graph 6 compares the categories of complainants in 1990/91 with 1991/92. One of the most significant features is the increase in the proportion of complaints lodged by police officers in the last financial year. In 1991/92, police officers (excluding the Commissioner) accounted for 58 percent of complaints made to the Commission, whereas in the previous year, the figure was 34 percent.

The Commission interprets this increase as a healthy sign that police officers are accepting their statutory duty to report improper conduct on the part of other officers. These figures are supported by anecdotal evidence received by officers of the Commission. The Commission believes that the figures may indicate that the negative aspects of the police culture condemned by Fitzgerald QC are weakening, and that the reform process is gathering pace. Further support for this view is provided by the significant decrease in the proportion of complaints lodged by prisoners. Most of the prisoners’ complaints relate to the conduct of police officers. In 1991/92, complaints by prisoners accounted for 36 percent of complaints received by the Commission compared with the previous year, in which the figure was 64 percent.

**Anonymous Complaints**

The proportion of anonymous complaints received has increased marginally during the last financial year (58 percent of complaints received in 1990/91 were anonymous compared with 71 percent in 1991/92). The rate of substantiation of anonymous complaints is very low. The Commission is mindful that a genuine complainant may not wish to be identified for fear of retribution. At the same time, the Commission has always treated anonymous complaints with a high degree of circumspection, because they could be motivated by malice or vengeance. The Commission’s concerns in this regard were recognised by the Parliament in the Criminal Justice Amendment Act 1992, which came into effect on 13 May 1992 and provides in a new s. 229 that the Complaints Section must not investigate a complaint from an anonymous source which lacks substance or credibility.

**Subjects of Complaints**

Police officers were the subject of over three quarters of the allegations contained in complaints received by the Complaints Section. This year
there was a slight reduction in the percentage of allegations against police officers (although the actual number of allegations against officers increased substantially in line with the 63 percent increase in complaints received) and a corresponding increase in the proportion of complaints against persons holding positions in other public bodies. Graph 7 examines the subjects of allegations contained in complaints received since April 1990. Graph 8 compares the subjects of allegations contained in complaints received during the 1990/91 and 1991/92 financial years.
Types of Allegations

The allegation made most frequently is that police officers or other public officers have failed to properly perform their duties. Such complaints, alleging for example, a failure of police officers to properly investigate offences or a failure of local authorities to take action against persons breaching by-laws, accounted for 17 percent of all allegations contained in complaints (see “duty failure”, Graph 9). Twelve percent of complaints related to perceived incivility or other inappropriate behaviour of police or other public officers (see “behaviour”, Graph 9). The fourth most common allegation was assault.

A comprehensive breakdown of the allegation details is contained in Graph 9. A full explanation of the types of allegations is annexed to this report as Appendix E.

Graphs 10 and 11 compare the type of allegations received this year with the preceding year. While it is apparent from Graph 10 that the number of complaints alleging assaults increased during the last year, Graph 11 shows that the proportion of complaints alleging assault decreased significantly during the same period. However, it is difficult to draw the conclusion that there has been any significant change in police behaviour.
Graph 11: Comparison of Types of Allegations Received During 1990/91 and 1991/92

Graph 12: Time Taken to Finalise Complaints April 1990 to June 1992

Finalisation of Complaints

Despite receiving over 5,500 complaints since the establishment of the Complaints Section, fewer than 500 had not been finalised as at 30 June 1992. Since April 1990 almost 40 percent of complaints have been finalised within a month of receipt and 66 percent have been finalised within three months (see Graph 12).

Almost half of the complaints finalised during 1991/92 had been lodged within the previous four weeks and 70 percent were finalised within 12 weeks (see Graph 13).

Since the restructuring of the Complaints Section in early 1992, the average finalisation time has decreased further. Obviously, it is in the interests of all concerned that allegations are resolved as speedily as possible. The Commission continues to deal with complaints as expeditiously as personnel and resources permit.
Different allegations require different investigation strategies. Inevitably, some types of complaints take longer to investigate. Graph 14 shows that organised crime complaints and complaints of assault take, on average, the longest time to investigate (193 and 161 days, respectively). The former category reflects the complexity of the investigation. The latter reflects a continuing refusal by many police members to cooperate with Commission investigations and the necessity for the Commission to exercise its compulsory powers of summons and examination.

**Outcomes**

The Commission referred 80 charges to the Director of Prosecutions or another prosecuting authority with a view to such prosecuting proceedings as they considered warranted. In 155 cases recommendations for disciplinary action and in 66 cases recommendations for counselling were made to the QPS; and in 28 cases disciplinary action was recommended in relation to other public officers.
In 2,098 cases (or 41 percent), after investigation, the Complaints Section concluded that the allegation had not been substantiated. Approximately 25 percent of all complaints received were referred to the QPS for investigation, as they had been assessed by the Complaints Section as raising allegations of minor misconduct or a breach of discipline only. Graph 15 provides details of the outcome of the matters that have been finalised since the Complaints Section was established. Graph 16 provides details of outcomes for this year.

**Initiatives of Complaints Section**

**Police Action Involving Serious Injury to Civilians**

During the 1991/92 financial year, the Complaints Section investigated, or supervised the investigation of, a number of cases in which civilians had been killed or injured as a result of police action. In one case, a police officer shot dead a person who attacked him with a machete. In other cases,
civilians were killed when they lost control of their vehicles while being pursued by police officers.

In all of these cases, the Commission found that the officers concerned were not guilty of any misconduct. However, in view of the serious nature of the incidents and the prospect of real public concern if the investigation of such incidents was conducted internally by the QPS, the Commission determined that procedures for the Commission's involvement in those investigations should be standardised.

The Commission, therefore, proposed to the QPS that in such cases, or in any case in which a prisoner dies while in police custody, the Commission should be advised immediately. In every case, upon being notified, the Commission itself would either investigate the matter or oversee the conduct of the investigation by the QPS. In appropriate cases, s 228(6) of the Act empowers the Commission to take over responsibility for investigations.

**Mediation**

The Commission and the Community Justice Program in the Attorney-General's Department jointly considered the possibility of mediating complaints against police. In February 1992 a six-month pilot program was initiated with the co-operation of the Commission, the Community Justice Program and the QPS. It involved the active consideration of the alternative of mediation by both the QPS and the Complaints Section when determining what action should be taken concerning a complaint against a member of the QPS. As of 30 June 1992, 20 complaints had been referred for mediation. Only 8 did not proceed, because of unwillingness on the part of the complainant or the officer complained against to participate in mediation. Of the remaining matters, eight have been successfully mediated with no further disciplinary action being taken; only one matter was not resolved. The remaining five matters are awaiting mediation.

The Commission anticipates that the number of matters being submitted for mediation will increase during the remaining months of the pilot program.

**Informal Resolution**

The Commission is examining the feasibility of a system of informal resolution of minor complaints along similar lines to the system currently operating in the United Kingdom. In England and Wales some 25 percent of complaints received are resolved in this way. Basically, the system devolves responsibility for dealing with minor complaints to the local police supervisor. The system's success relies heavily upon training and the inculcation of a responsible and mature attitude among supervisors.

**Education**

Apart from its investigative role, the OMD has a vital educative and liaison role, generally performed by officers of the Complaints Section.

Most complaints are against more junior officers. Among these ranks, considerable hostility and animosity towards the Commission continues. The Commission has sought to counter this by frequently sending senior legal officers and commissioned police officers from the Complaints Section to meetings with junior QPS officers. At those meetings Commission staff explain the functions of the Commission and try to negate the malicious rumours that from time to time circulate about the way the Commission operates.

Additionally, staff of the Complaints Section have given lectures to, and conducted seminars for, students in the two undergraduate university courses designed for police recruits: Bachelor of Arts (Justice Studies) at the Queensland University of Technology (QUT) and Bachelor of Arts (Administration of Justice) at Griffith University. Staff also address on a regular basis meetings of Commissioned officers and other ranks. Appendix F presents a listing of those and other addresses given by Commission officers during the year.
Audit of Complaints

As the amendments to the Act which took effect from 13 May 1992 allow the Complaints Section to be more selective in the matters to be investigated and the extent of investigations, the Commission has introduced safeguards to ensure that all complaints are assessed objectively and fairly. The procedures incorporating these safeguards are as follows:

1. The Chief Officer, Complaints Section, and the Director of the OMD are briefed daily by way of a schedule summarising all matters that have been registered and the results of the Assessment Committee’s assessments.

2. The Chief Officer and the Director or Deputy Director of the OMD attend the Assessment Committee’s meetings once per week.

3. The Director of the OMD or the Deputy Director attends weekly meetings of the Complaints Teams and Multi-disciplinary Teams and reviews all files held by each Team. As a result of this review priority matters as determined by the Director or Deputy Director are given particular scrutiny.

4. The Chief Officer, Complaints Section, raises matters of sensitivity with the Director and Chairperson as a matter of course. These matters include:
   - very serious matters,
   - politically sensitive matters,
   - matters referred by Directors-General or other principal officers of units of public administration,
   - matters the subject of substantial media or public interest, and
   - matters referred by the PCJC.

5. The OMD reports through the Director of the OMD to the Commissioners on a fortnightly basis.

6. Matters can be finalised only with the approval of the Chief Officer or, in the case of minor complaints, a Deputy Chief Officer.

Multi-disciplinary Teams

Background

The OMD has embraced the concept of multi-disciplinary investigative teams. During the 1991/92 financial year, the Commission has continued to develop and modify the concept. There are currently four OMD Multi-disciplinary Teams, one of which is devoted to the continuing investigation of organised crime groups.

Team Structure

The Commission remains committed to the team structure, which maximises cohesiveness and co-operation among the various disciplines. The basic structure of the Team has not altered, with each Team being headed by a Team leader who is either an experienced criminal lawyer or an Inspector of Police. Investigative personnel are assisted by financial analysts and support personnel.

Functions of the Multi-disciplinary Teams

As a general rule, the Multi-disciplinary Teams undertake:

- investigations of the more complex complaints matters; and
- investigations of organised and major crime.

Under s. 215(f(xiv) of the Act, the Commission’s responsibility to investigate organised or major crime is limited to cases which, in the Commission’s opinion, are not appropriate to be investigated, or cannot be effectively investigated, by the QPS or other agencies of the State. Furthermore, s. 13 of the Act stipulates that the Commission’s role in combating organised and major crime is an interim one only. The OMD has
endeavoured to discharge the Commission’s responsibility in this area by:

- acting as a catalyst to the undertaking of more sophisticated investigations directed towards identifying and targeting the principals engaged in organised crime activity; and

- working with other law enforcement agencies by way of joint operations.

Unfortunately, approaches by the Commission to the QPS for participation in joint strategies against organised crime have not always met with a favourable response from the QPS. For example, the Commission invited the participation of the QPS in a strategy whereby major organised crime groups would be identified and targeted by way of a State-wide intelligence and investigative initiative to be conducted by a joint Organised Crime Task Force. The Task Force would use the technique of concentrating on the organisation rather than the individual offenders. The response of the QPS was that it would not participate in such a project until such time as specific targets had been identified. The Commission’s only alternative was to carry on alone. The Commission assigned one of its Multi-disciplinary Teams, supplemented by dedicated Intelligence Division analysts, to the project.

Organised Crime Team

As mentioned in last year’s annual report, the Commission’s proposal to set up a standing Organised Crime Task Force in conjunction with the QPS was born of a need for a progressive response to the challenge of organised crime with the Task Force’s expertise growing with experience. This proposal was also born of a consciousness of the experience of leading overseas crime fighting organisations such as the US Federal Bureau of Investigation (FBI), with its successful attack on the Italian organised crime group, La Cosa Nostra. To the Commission’s knowledge a number of organised crime groups, some based on particular ethnic groups, are active in Queensland but have not previously been the subject of dedicated targeting on any continuing basis.

Indeed, when this proposal was rejected by the QPS the Commission considered it had a statutory obligation to undertake the task using its own resources with a view to demonstrating to the QPS and to Government the need for, and the potential success of, such an initiative.

In undertaking this initiative in 1991, the Commission first sought to develop an appropriate database by amalgamating Intelligence Division and OMD resources into an Organised Crime Team. It set about the task of collating and analysing all relevant information available through the law enforcement agencies. Frankly, the Commission was faced with a virtual desert when it came to exploring what was available by way of collected, collated and analysed material, and the program effectively had to start from scratch. Hundreds of thousands of entries accumulated by the Information Bureau of the QPS over the past five years were manually searched with a view to extracting relevant information on a range of ethnic-based and other criminal groups.

The information was collated and analysed before establishing an active collection plan which sought to capture criminal intelligence with a view to identifying the principals involved in those activities. The Commission has reached a position where it is currently undertaking limited operations designed to identify and apprehend principals, thereby proving the whole hypothesis.

In undertaking this task, the Commission has sought access to the FBI’s years of accumulated expertise in this area. An approach was made to the Director of the FBI, Judge Sessions, with a view to a visit by FBI personnel to advise the Commission on its operations. Subsequently, two undercover experts addressed the Commission and the QPS in January 1992.

The FBI Director later referred the Commission to the former head of the FBI Organised Crime and Drug Programs, Mr Sean McWeeney. Following an approach by the Commission, Mr McWeeney visited the Commission in late June 1992 and reviewed the Commission’s operations in this area. He reported:
My general conclusions are that the Criminal Justice Commission Organised Crime Investigative and Data Collection (Intelligence) Programs are very well directed and thought out. I am particularly impressed with your data collection plans and the awareness by the investigators that to be successful, the battle plans must be pro-active and geared for the long haul... I would encourage the Criminal Justice Commission to stick to the plans and not opt for the quick and easy “score”, unless same is part of the larger plan, to wit, the development of an informant to lead to more important Organised Crime figures.

The Commission was much encouraged by Mr McWeeney’s report, as he is an acknowledged international expert. Because of Mr McWeeney’s experience in undercover operations, the Commission subsequently made him available to the Commission of Inquiry, Operation Trident being conducted by Commissioner Carter QC. Mr McWeeney gave evidence to that inquiry on 4 June 1992.

**Table 2: Value of Drugs Seized by the Commission**

<table>
<thead>
<tr>
<th>Type of Drug</th>
<th>$ Value*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>2,017,300</td>
</tr>
<tr>
<td>Cocaine</td>
<td>64,000</td>
</tr>
<tr>
<td>Amphetamine</td>
<td>28,800</td>
</tr>
<tr>
<td>Cannabis</td>
<td>79,800</td>
</tr>
<tr>
<td>LSD</td>
<td>12,000</td>
</tr>
</tbody>
</table>

* Value is rounded to the nearest hundred

**Source of Investigations**

The Commission maintains a close liaison with the Office of the Special Prosecutor and continues to provide it with support and assistance in respect of its investigation and prosecution functions. As its work draws to a close, many matters investigated by that Office have been forwarded to the Commission for consideration as to disciplinary charges of official misconduct.

The main sources of investigative work undertaken by the Multi-disciplinary Teams are:

- **the Complaints Section**: the criteria for referral of matters from the Complaints Section to the Multi-disciplinary Teams for investigation appear in Appendix G. The Complaints Section remains the source of most of the work flowing to the Multi-disciplinary Teams.

- **the Intelligence Division**: as the targeting aspect of the work of the Intelligence Division has developed and significant criminal activity has been identified, the investigative teams have moved into more pro-active investigations rather than reacting to complaints or information received by the Commission.
- referrals from other agencies: the
  Commission has continued to work closely with
  other investigative agencies such as the QPS,
  the Australian Federal Police (AFP), the NSW
  State Crime Commission (SCC), the National
  Crime Authority (NCA), the NSW Independent
  Commission against Corruption (ICAC) and the
  Victoria Police Service.

Resources

The Commission is profoundly aware of the impact
that organised criminal activity can have on the
well-being of the community and has increased its
resources throughout the year in respect of
undertaking investigations into both major and
organised criminal activity.

Examples of Major or Organised Crime Investigations

The following are examples of the Commission’s
investigations of organised and major crime. They
reflect the operating principles of the Commission,
which are:

- to undertake investigations as far as possible in
  co-operation with the QPS or other investigative
  agencies so as to enhance the capacity of law
  enforcement to deal with the challenge of
  organised or major crime; and

- to act as a catalyst to the undertaking of more
  sophisticated investigations, using surveillance,
  undercover agents, co-operating witnesses and
  the long-term commitment of resources in an
  attempt to ascend the ladder of organised
  criminal endeavour.

Because a number of persons arrested during the
investigations are awaiting trial, and in other cases,
investigations are continuing, the examples
provided here do not contain any references to
specific persons or things.

Operation A

This operation targeted a major criminal group
headed by a person who came to prominence
during the Fitzgerald Commission of Inquiry. In
recent years this person and his associates had
been unsuccessfully investigated by various law
enforcement agencies on several occasions.

The operation was based upon an intelligence
profile compiled by the Intelligence Division. The
opportunity for pro-active investigation of the group
arose after the Commission received information
concerning the existence of a drug distribution
network centred in a Brisbane nightclub.

The investigation quickly confirmed the accuracy of
the information and, accordingly, an undercover
operative was introduced to the principal of the
drug distribution ring. The agent was then able to
obtain quantities of amphetamines and other
unlawful drugs from the target. In addition, the
Commission obtained considerable evidence
through the use of authorised listening devices and
surveillance, both static and electronic.

After five months the operation concluded with the
arrest of five individuals on a total of 41 charges
including trafficking in dangerous drugs laid under
the Drugs Misuse Act.

Operation B

This operation was also based upon an Intelligence
Division report. The Intelligence Division had
carefully built up a comprehensive picture of
substantial drug trafficking by a group operating in
south-east Queensland over a period of 12 months.

The Commission invited other interested agencies,
in particular the QPS and the AFP, to a meeting
during which it presented the results of its
intelligence probe and invited their participation in
a joint operation to target the activities of the group.
As a result of this initiative, a joint operation was
established between the Commission and the AFP.
The operation at first relied upon evidence of trafficking obtained using a covert police agent to penetrate the group. Subsequently, the agent was withdrawn. However, the investigation continued through the use of visual surveillance and authorised listening devices.

Of the seven people charged at the conclusion of the operation, five were charged with trafficking in a dangerous drug. A total of 119 charges under the Drugs Misuse Act were preferred, including 102 charges of supplying a dangerous drug.

At the date of this report, the operation has entered a second phase, which is also being conducted jointly with the AFP. The aim of the second phase is to identify the source of drug supply outside the State. Substantial quantities of heroin have been seized.

**Operation C**

This operation was conducted jointly with the QPS. It centred on allegations of large-scale drug production and distribution by a particular group. The Commission successfully introduced two undercover operatives at two different locations. However, one of those operatives was withdrawn from the operation because of concerns for his safety.

The remaining agent made significant purchases of dangerous drugs and, by surveilling the agent’s supplier, the Commission was able to establish links to the targeted group.

Following the execution of nine search warrants by the QPS and Commission personnel, eight people were arrested on a total of 27 offences, including 15 charges of supplying a dangerous drug.

The operation was only partially successful, with the targeted group proving very difficult to penetrate. The members of the group demonstrated an acute awareness of investigation techniques and engaged in extensive counter-surveillance.

**Operation D**

This operation commenced after the Commission was approached by a man who alleged that several people purporting to be police officers were attempting to extort $30,000 from him. The informant, who confessed to prior involvement in the drug trade in Sydney, had been told that if he did not provide the money demanded he would be injured or falsely charged.

After the matter was brought to the Commission’s attention, telephone calls to the complainant were monitored and arrangements were made with the extortionists to collect the sum of money demanded from the informant. Subsequently, when the extortionists attempted to collect the money, they were arrested by Commission officers. Neither man was, nor had been, a police officer and both had extensive criminal histories. They were later convicted and sentenced to lengthy terms of imprisonment.

**Operation E**

Operation E began after the Commission was approached by NSW police seeking assistance in pursuing investigations into Queensland. In conjunction with the NSW police, the Commission undertook investigations and under the authority of search warrants raided premises on the north side of Brisbane, where officers discovered 12 kilograms of processed cannabis. The occupants was subsequently charged with a number of offences, including trafficking in a dangerous drug under the Drugs Misuse Act.

Investigations continued in an effort to establish the financial position of the defendant and to discover the benefit derived by him from his involvement in drug trafficking over time.

Ultimately, a number of assets including the premises raided, two motor vehicles, a luxury catamaran and a $13,000 cheque were restrained under the Crimes (Confiscation of Profits) Act 1989.
Subsequently, the defendant was convicted of trafficking and other serious drug-related offences, and sentenced to a lengthy term of imprisonment. To a great extent the conviction in relation to the charge of trafficking was secured on the basis of evidence of expenditure by the defendant which could not be supported by lawful income.

In October 1991 after a Brisbane Supreme Court hearing, the defendant was ordered to pay a pecuniary penalty order in the sum of $865,000. Furthermore, a ruling was made that the residential property, the motor vehicles, the cheque and the boat could be used to satisfy that order.

**Operation F**

This operation was undertaken with the QPS. It centred upon an alleged large-scale SP bookmaking enterprise which encompassed several States. The principals of the enterprise had been the subject of unsuccessful previous attempts to investigate their activities.

Several investigative techniques were pioneered during this operation, including the use of the Commission’s powers to compulsorily examine associates to obtain evidence against the principals, and the use of advanced information technology to manage the large number of financial transactions traced by the Commission.

At the completion of the investigation, charges against the principal targets were preferred, including charges of money laundering under the Crimes (Confiscation of Profits) Act and the Racing and Betting Act 1980.

As it is alleged that the defendant derived a substantial benefit from his unlawful activities, restraining orders under the Crimes (Confiscation of Profits) Act were also obtained over the defendant’s substantial property holdings.

All those who were charged have been committed for trial.

**Examples of Investigations into Allegations Against Public Officials**

In the 1991/92 financial year, approximately 21 percent of complaints received by the Commission concerned allegations against persons holding positions in units of public administration, e.g., State and local government departments, the Queensland Legislative Assembly, shire councils, and corporate and non-corporate government entities. Because in the main they involve complex, lengthy investigations and financial analysis, a significant number of these complaints are referred to the Multi-disciplinary Teams. During the 1991/92 financial year, more than two thirds of the Multi-disciplinary Team investigations focused on allegations against public officials.

The nature of allegations varied, but generally fell into the following categories:

- favouritism in awarding contracts;
- conflict of interest;
- favouritism in dealing with applications for local authority approvals.

The Commission regularly uses its facilities to record interviews with suspects and witnesses on audio or video tape. During the 1991/92 financial year, the Multi-disciplinary Teams undertook 315 investigations.
misuse of funds, including false claims for remuneration;

- misuse of confidential information; and/or

- theft or misappropriation of property.

On occasions suspicions were rightly aroused because of the manner in which decisions were made by public officials. Upon close scrutiny, however, it was found that officials were acting honestly but inappropriately, due to their outdated systems and attitudes. In these cases, the Commission was able to make recommendations which, if implemented, would reduce the likelihood of such conduct in the future, whilst at the same time resolving the dispute between the complainant and the public authority.

Although the Complaints Section investigated most of these allegations, those of a complex nature were investigated by the Multi-disciplinary Teams. These investigations are inevitably resource intensive and generally require detailed financial analysis. Some examples follow.

**Investigation A**

This investigation concerned an allegation that a senior council official had misappropriated in excess of $25,000 of council funds by misuse of his official credit card. There were other allegations of fraudulent conduct by the officer to obtain other benefits in excess of $35,000.

The investigation involved a lengthy analysis of financial records held by the council and on behalf of the Council by other financial institutions and also the financial position of the officer. Interviews were necessary with more than 50 witnesses. The investigation was complex and made more difficult by the absence of appropriately enforced internal controls and guidelines regulating the council's practices and procedures.

The investigation has been completed, and a report concerning some of the alleged misconduct is being compiled for the Chairperson's consideration for referral to the Director of Prosecutions.

**Investigation B**

This investigation concerned an allegation that a joint local authority board had improperly favoured one of its members by granting the member's firm a portion of a major works program valued at $40 million. It was alleged that the board had engaged the firm without calling for tenders or seeking competitive quotes. These allegations were not substantiated, however the investigation disclosed that more than $220,000 was paid to the firm in question.

Although the Commission's investigation did not substantiate the allegation of favouritism, in the view of the Commission the board failed to carry out proper and reasonable inquiries in relation to the qualifications and fees of firms expressing an interest in the work. In this regard, the Commission's investigations established that:

- the time taken by the board to consider the allocation of work was extremely limited;

- no opinions on the qualifications of those submitting an expression of interest in the work were sought from any expert; and

- no interviews were conducted with any representatives of the firms expressing an interest in the work.

This matter was also referred to the EARC for consideration in connection with its work on a draft Code of Conduct for public sector officers.

**Investigation C**

This investigation concerned allegations by two women that a driver’s licence examiner suggested that he would issue them with licences in return for sexual favours.

The matter has previously been the subject of investigation by a government department and no action had been taken against the officer.

The Commission conducted an investigation and the officer was subsequently charged with official
misconduct after his position was declared by Order-in-Council to be subject to the jurisdiction of a Misconduct Tribunal. The hearing of the matter has not been determined.

**Investigation D**

A brief was sent to the Director of Prosecutions last year recommending charges of false pretences against a Clerk of the Court, a police officer and another person. They were charged in relation to false entries made to assist with an insurance claim.

The Clerk of the Court was tried in the District Court and found guilty of the offence and ordered to perform 240 hours of community service. The police officer has since left the QPS and has been committed for trial on this offence.

**Statistical Analysis of Work of Multi-disciplinary Teams**

Graph 17 shows the source of matters investigated by the Multi-disciplinary Teams. The graph shows that:

- elected representatives in State and local government account for 92 percent of investigations; and
- investigations referred from the Fitzgerald Commission of Inquiry account for only 1 percent of investigations. During 1990/91, the corresponding figure was 8.8 percent.

Graph 18 categorises the subjects of Multi-disciplinary Team investigations. The most significant features of this graph are that:

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**Graph 17: Source of Multi-disciplinary Team Investigations July 1991 to June 1992**

<table>
<thead>
<tr>
<th>Source</th>
<th>Investigations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other - 20</td>
<td>(2.9%)</td>
</tr>
<tr>
<td>Politician (State, Local Govt) - 19</td>
<td>(9.2%)</td>
</tr>
<tr>
<td>Commissioner QPS - 11</td>
<td>(3.5%)</td>
</tr>
<tr>
<td>Police (excl Commissioner) - 9</td>
<td>(2.9%)</td>
</tr>
<tr>
<td>Prisoner/Detainee - 4</td>
<td>(1.3%)</td>
</tr>
<tr>
<td>Principal Officer (excl Comm QPS) - 18</td>
<td>(8.7%)</td>
</tr>
<tr>
<td>Public Admin Employee - 8</td>
<td>(3.2%)</td>
</tr>
<tr>
<td>Fitzgerald Commission of Inquiry - 3</td>
<td>(1.0%)</td>
</tr>
<tr>
<td>CJC Intelligence Division - 12</td>
<td>(3.8%)</td>
</tr>
<tr>
<td>Public/Public Source - 211</td>
<td>(66.7%)</td>
</tr>
</tbody>
</table>

**Graph 18: Subjects of Multi-disciplinary Team Investigations July 1991 to June 1992**

<table>
<thead>
<tr>
<th>Subject</th>
<th>Investigations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other - 8</td>
<td>(2.5%)</td>
</tr>
<tr>
<td>Organised/Major Crime - 18</td>
<td>(5.7%)</td>
</tr>
<tr>
<td>Qld Police Service - 76</td>
<td>(24.1%)</td>
</tr>
<tr>
<td>Politicians (Local Govt) - 81</td>
<td>(25.7%)</td>
</tr>
<tr>
<td>Public Service Dpts - 22</td>
<td>(7.0%)</td>
</tr>
<tr>
<td>Local Authorities - 40</td>
<td>(12.7%)</td>
</tr>
<tr>
<td>Aboriginal Councils - 4</td>
<td>(1.3%)</td>
</tr>
<tr>
<td>Politicians (State) - 66</td>
<td>(21.0%)</td>
</tr>
</tbody>
</table>
Graph 19: Types of Allegations Investigated by Multi-disciplinary Teams July 1991 to June 1992

- Total Investigations - 315
- Misuse of Powers - 26 (8.3%)
- Prostitution - 8 (2.5%)
- Goods/Property - 17 (5.4%)
- Corruption/Favouritism - 132 (41.9%)
- Drugs - 20 (6.3%)
- Behaviour - 22 (7.0%)
- Assault - 10 (3.2%)
- Misappropriation - 60 (19.0%)

Graph 20: Outcomes of Multi-disciplinary Team Investigations July 1991 to June 1992

- Total Investigations - 315
- Continuing (not finalised) - 100 (31.7%)
- Other - 7 (2.2%)
- Procedural Changes Recommended - 68 (21.6%)
- Disciplinary Action Recommended - 9 (2.9%)
- Criminal Charges Recommended - 7 (2.2%)
- Referred to Other Agency for Action - 9 (2.9%)
- Insufficient Evidence to Investigate - 7 (2.2%)
- Not Substantiated - 108 (34.3%)

- elected representatives at the local government level were the subjects of investigations in 25.7 percent of cases; and
- complaints against officers and employees of local authorities accounted for another 12.7 percent of investigations.

Graph 19 analyses the major allegations associated with the 315 Multi-disciplinary Teams investigations. The graph shows that allegations of corruption or favouritism constituted the largest category.

Graph 20 analyses the most significant outcomes from each of the 315 Multi-disciplinary Teams investigations. The percentage of investigations resulting in a recommendation for disciplinary action or for criminal charges corresponds with the results of similar bodies in other jurisdictions.

Public Reports

During 1991/92, the Commission published five investigative reports based on investigations by Multi-disciplinary Teams. Three of these concerned the conduct of elected members and officers in local and State government.
investigations into complaints against elected local government officials and employees in a number of local councils. The allegations concerned misuse of position; favouritism in awarding council work; false pretences; and misuse of council funds. [Complaints Against Local Authorities—6 Case Studies (July 1991)].

an investigation into allegations that Gold Coast land developers had made confidential payments of election campaign expenses incurred by candidates in the Gold Coast City Council election and sought or received benefits by the developers in return. [Report on a Public Inquiry into Payments by Land Developers to Aldermen and Candidates for Election to the Council of the City of the Gold Coast (November 1991)].

an investigation into allegations that members of the 1986-1989 Queensland Legislative Assembly had used Parliamentary travel entitlements for private purposes unconnected with Parliamentary business. [Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements by Members of the 1986-1989 Queensland Legislative Assembly (December 1991)].

The other reports related to:

investigations into allegations that employees of the Queensland Prison Service and its successor, the Queensland Corrective Services Commission, were involved in corrupt activity within Queensland prisons and that the organisation covered up this activity. [Report on Public Inquiry into Certain Allegations Against Employees of the Queensland Prison Service and its Successor, the Queensland Corrective Services Commission (July 1991)].

investigations into allegations that a large number of police had used excessive force in dispersing a gathering of Aborigines who attended a function at Inala and that the Police set up this situation and had subsequently assaulted and victimised Aborigines involved in this and a later incident. [Report on an Inquiry into Allegations of Police Misconduct at Inala in (November 1990)].

Each report contained substantial recommendations for change in the areas considered. In a number of cases, briefs of evidence for prosecution were referred for consideration to the Director of Prosecutions.

At the request of the Auditor-General, copies of Complaints Against Local Authorities—Six Case Studies were distributed to appointed auditors throughout the State to assist them in identifying undesirable or improper practices during their audits of local authorities.

The reports exemplify the Commission’s attitude to reform in the public sector, namely, that provided some lessons can be learned from the process, it is not necessary that prosecutions must follow an investigation before an investigation be considered worthwhile.

Financial Analysis Group

Functions

The OMD has concentrated on recruiting financial analysts who are at once suited to the team-based investigative work undertaken by the Division and able to bring expertise in a broad range of specialised skill areas, e.g., internal and external accounting, investigations and prosecution support, management and public accounting, and banking and information technology.

The Group comprises eight financial analysts and a support officer. Six financial analysts work in Multi-disciplinary Teams, while the chief financial analyst, assistant financial analyst and support officer maintain a large-case workroom and central support facility.

The Financial Analysis Group provides a professional resource and management structure that complements that of the Multi-disciplinary Teams. The Group focuses on maintaining professional standards, improving skills, developing new investigative methods and techniques, and
generally serving as a source of expert advice on the many complex matters that its members often handle.

The Group’s strong commitment to professional standards is emphasised by active membership in the major professional bodies and participation in the continuing professional development requirements of the Australian Society of CPAs, the Institute of Chartered Accountants, and the National Institute of Accountants.

**Approach**

The use of information technology and advanced computer-based techniques is an important part of the Division’s investigative work. During the period under review, a bank transaction analysis system developed by the Group was used to examine some 40,000 transactions from over 100 bank accounts, the majority of which were associated with major and organised crime targets. Australian and overseas agencies have expressed a great deal of interest in the analytic techniques developed by the Group.

The Multi-disciplinary Teams often make use of the Group’s strength in the use of computers and information technology. During the year under review, the Group developed and maintained 14 investigation-support databases. These databases were generally used to summarise large numbers of documents including charge sheets, invoices and diaries. On some occasions, the Commission received information in electronic format.

Financial analysts working within the Multi-disciplinary Teams have adopted a non-traditional, “hands-on” approach to their involvement in the investigative work of the Division. In line with the strategy fostered by the OMD, they are involved in most aspects of investigative field work. Their attendance and participation in search and seizure actions have been vital to the successful collection of evidence for major crime prosecutions and proceeds of crime applications. Similarly, their involvement in the interviewing of witnesses and offenders, which runs counter to the traditional law enforcement approach, has significantly enhanced the progress of other investigations.

Acknowledged as one of the best co-ordinated and most innovative groups of investigative accountants in the national law enforcement arena, the Group is frequently asked to contribute to national forums on the development and review of law enforcement functions and investigative techniques. During the 1991/92 financial year, the Group made significant contributions to the ongoing debate on ways to reduce the cost and duration of complex white collar crime investigations and prosecutions. The Group also contributed significantly to the development of law enforcement initiatives in the area of proceeds of crime investigations and prosecutions.

**External Liaison**

The Financial Analysis Group is the focal point for a number of important liaison functions of the Commission. The Commission relies heavily on the co-operation of financial institutions during the course of major and organised crime investigations. Consistent with internationally recognised “best practice”, all OMD contact with these institutions is channelled through the OMD financial analysts.
With fewer and more consistent lines of communication between the Commission and these institutions, the Commission, as the requesting authority, can alleviate some of the difficulties created by the demands it places on financial institutions.

The group also provides a liaison point with Australian Transaction Reports and Analysis Centre (AUSTRAC) (formerly the Cash Transaction Reports Agency (CTRA)). This financial year saw the signing of a Memorandum of Understanding between AUSTRAC and the Commission. Under this Memorandum of Understanding, the Division's financial analysts, along with three intelligence analysts, are authorised to use the on-line inquiry service provided by AUSTRAC.

AUSTRAC maintains a computer database of cash transactions at its Sydney headquarters. Financial analysts make use of this facility in searching for money trails in relation to major and organised crime investigations. Recently, advanced analysis techniques pioneered by AUSTRAC have verified cash transactions associated with a major drug dealer in Brisbane. The Commission is co-operating with AUSTRAC in applying its skill and information to the detection and prosecution of other major crime figures in Queensland. The Commission anticipates that the reporting of international funds transfer instructions to AUSTRAC will greatly aid organised crime investigations in Queensland.

**Proceeds of Crime Team**

**Functions**

The Proceeds of Crime Team was formed as a separate team within the OMD in September 1990. Although part of the Commission’s overall strategy against organised crime, it has the following specific goals:

- to bolster cases against Commission-investigated targets using money-tracing and other powers provided by the Criminal Justice Act and the Crimes (Confiscation of Profits) Act; and
- to assist the QPS in confiscation matters.

The Team operates as an integral part of the Commission’s major or organised crime investigations. The majority of its work arises from referrals by the Division’s Multi-disciplinary Teams. The Team is advised of all major OMD investigations from their commencement, so that submissions for the restraining of assets are prepared in time to be served during the arrest of persons charged with major crimes.

In accordance with the Crimes (Confiscation of Profits) Act, the Team’s role is investigative only. After consultation with members of the investigating Team, the Proceeds of Crime Team prepares briefs, which are forwarded to the Director of Prosecutions. Members of the private bar may be briefed to represent the Director of Prosecutions in asset forfeiture matters, particularly in relation to the civil aspects of prosecutions. The Team has developed a close working relationship with the Director of Prosecutions’ Proceeds of Crime Unit.

Given the robust powers provided by the Criminal Justice Act and the Crimes (Confiscation of Profits) Act (e.g., restraining an accused person’s assets before conviction, obtaining financial records, monitoring bank accounts, examining witnesses before Commission investigative hearings and conducting oral examinations in court), the Team ensures that those powers are exercised fairly.

**Assistance to the Queensland Police Service**

When resources permit, the Team supplements the work of the QPS Proceeds of Crime Unit by responding to the QPS Drug Squad’s requests for assistance in major crime investigations. The Team lent assistance in three investigations during this financial year. A joint operation with QPS involving allegations of large-scale unlawful
bookmaking and money laundering is currently the subject of prosecution in the District and Supreme Courts.

The Commission's support in proceeds of crime actions has contributed to a productive relationship between the Commission and the QPS.

Achievements

Assets totalling $7.5 million from seven investigations into drug trafficking, money laundering, and/or SP bookmaking are currently "frozen" as a result of restraining orders prepared by the Commission.

Operations E and F, cited earlier as examples of the Commission's major or organised crime operations, highlight the Team's success in obtaining admissible evidence vital to prosecution and supporting successful applications for restraint and forfeiture of assets.

The Commission believes that the Crimes (Confiscation of Profits) Act has proved to be as effective as overseas experience predicted it would be. Public satisfaction with the recovery of assets derived from criminal activity has been highlighted by the strong media interest in the progress of cases.

In September 1991 the Attorney-General of Queensland formed the Confiscation Legislation and Education Review Committee to review the Crimes (Confiscation of Profits) Act. The Commission's Proceeds of Crime Team Leader was named a member of the Committee. The Committee's report, handed to the Attorney-General in February 1992, resulted in a draft Bill to amend the Crimes (Confiscation of Profits) Act. The draft Bill contained 12 recommended amendments, including the following:

- a requirement for the Attorney-General's consent before proceeding with money laundering prosecutions;
- expansion of the definition of money laundering;
- improvements to the provisions for following money trails; and
- general fine-tuning of some sections, including those pertaining to "tainted property".

Corruption Prevention Section

Section 230(2)(f) of the Act requires the Commission to:

offer and render advice or assistance, by way of education or liaison, to law enforcement agencies, units of public administration, companies and institutions, auditors and other persons concerned with the detection and prevention of official misconduct.

The Commission's Corruption Prevention Program commenced in August 1991 with the appointment of the corruption prevention officer.

The Corruption Prevention Strategy

The Commission's corruption prevention strategy is founded on three principles:

- corruption prevention is more efficient and more cost effective than reactive measures against corruption;
- corruption prevention is primarily the responsibility of managers; and
- managers must be held accountable for both their own activities and that of the staff under their supervision.

The Commission's corruption prevention strategy has two major components: liaison with
management in public sector agencies; and
education.

**Liaison with Public Sector Agencies**

The Corruption Prevention Program has developed a three-phased approach to its public sector liaison activities:

- **Phase 1—Management Training Workshops:** The Program conducts training workshops for chief executives, management boards, regional directors, senior departmental staff and managers of corporate, financial, and personnel departments. The corruption prevention officer explains the role and functions of the Commission and, in particular, the Corruption Prevention Program. He may also discuss specific aspects of corruption prevention, e.g., corruption indicators, employee profiles, organisational strengths and weaknesses.

Since its inauguration, the Program has conducted 32 such seminars, culminating in major conferences for senior public sector managers in Brisbane, Rockhampton, Townsville, Cairns and Roma.

The Program has now developed a network of officers who are appointed by their respective departments to serve as liaison with the Commission. Through ongoing contact with these officers, the Commission has been able to provide advice and recommendations with respect to specific problems that departments have brought to its notice.

- **Phase 2—Teaching Corruption Risk Assessment:** The second phase of the Program’s liaison activities focuses on developing practical corruption risk assessment techniques that will assist managers in approaching corruption prevention in a systematic way.

The Program has developed a *Corruption Prevention Practices Manual*, a powerful resource and reference for managers and administrators interested in introducing corruption prevention measures in their departments. The manual was finalised after review by the Institute of Internal Auditors and the Fraud Liaison Association.

Application of the Manual to specific departments will be the subject of a series of workshops. Four workshops have already been held.

- **Phase 3—Developing Corruption Prevention Strategies:** In the projected third phase of its public liaison activities, the Corruption Prevention Program will seek to assist managers in developing corruption prevention strategies specific to their organisations.

**Education**

The second major component of the Corruption Prevention Program is education. The Commission has developed four public education initiatives:

- **Electronic Media:** The first initiative was to produce a series of 30-second television and radio announcements. Produced in Queensland by the Corruption Prevention Officer, they were televised on Channels Nine, Ten and Two in Brisbane, on the QTV and WIN TV networks in regional Queensland, and broadcast on 15 metropolitan and 21 regional radio stations. The announcements were run by the respective stations free of transmission costs. The Commission gratefully acknowledges those stations’ assistance.

The Corruption Prevention Program also produced a series of television announcements for the NSW ICAC.

- **Posters and Brochures:** The Program’s second initiative saw the development and production of a poster and brochure. To coincide with the broadcast of the first television and radio advertisements, 100,000 brochures and 10,000 posters were distributed.
to schools, libraries, local government offices, government departments and community groups.

- Launch of the media campaign was supported by a wide range of radio and television appearances in Brisbane and the regions by the corruption prevention officer. These interviews highlighted the importance of public support in watching for and reporting corrupt conduct.

- **Lectures and Presentations**: The third initiative has involved lectures and presentations by the corruption prevention officer and other Commission staff to community service organisations, education institutions, and conferences and seminars organised by professional associations (see, for example, Appendix F).

- **Liaison with Educational Institutions**: The Commission considers that corruption prevention should be firmly placed on the formal education agenda of Queensland’s educational institutions. Its fourth public education initiative has focused on the development of material that can be incorporated into school and university curricula.

To assist primary and secondary teachers, teachers’ notes and lesson plans have been developed and made available for comment. They cover issues such as:

- how to define corruption,
- the causes of corruption,
- the effect of corruption on the public sector, and
- the Commission role in the fight against corruption.

The corruption prevention officer has been holding discussions with the QUT, Griffith University, and the University of Southern Queensland concerning the introduction of corruption prevention units into Justice Studies, Accountancy, and Ethics courses. He is frequently asked to serve as guest lecturer for the Justice, Management, and Ethics courses at Griffith University and the QUT.

**Whistleblowers Protection**

The Commission is well aware that people will be reluctant to report corrupt conduct or other misconduct if they believe reporting will lead to possible prejudice to their own careers or other adverse treatment. Therefore, the Commission actively encourages and provides assistance to public sector agencies to implement effective internal reporting systems which must include assurances of confidentiality to persons who report misconduct on the part of fellow officers.

The Commission’s endeavours in this area are backed by the whistleblowers protection provisions of the Criminal Justice Act. However, legislation cannot completely address the fear that subtle adverse pressure will be brought to bear on those reporting misconduct of fellow officers. Following a meeting with public sector human resource managers co-ordinated by the Public Sector Management Commission, the Commission received positive feedback regarding the need for further effort in this area and is presently considering how that can be best accomplished.

**Surveillance Section**

During the 1991/92 financial year, the Surveillance Section conducted 25 operations, some in conjunction with the AFP and the QPS. Nearly all of the operations referred to earlier as examples of the OMD’s organised and major crime investigations involved intensive surveillance support.

The Surveillance Section is presently divided into two teams, whose team leaders also serve as training officers. When operational requirements permit, the Section conducts practical training exercises that incorporate the kinds of situations encountered during operations.

During the reporting period, two Section members lent their experience and expertise as instructors to
the second surveillance course sponsored by the QPS Task Force.

**Technical Unit**

The Technical Unit was established in September 1990 as a unit distinct from the Surveillance Section. During the 1991/92 financial year, the Unit provided technical support to almost every operation in which the Surveillance Section was involved. The Unit also provided support to the Witness Protection Division and participated in the Commission’s joint operations with the AFP and the QPS.

The Unit is skilled in adapting new technology for use in the Commission’s operations, and staff attend training courses and lectures to obtain information on technological developments. The Unit’s activities, particularly in the installation of authorised listening devices, have resulted in several persons being charged with serious offences.

**Future Directions**

There is a degree of artificiality about predicting future directions which, of necessity, are based on certain factual assumptions (which may or may not be valid). Some of those assumptions are that:

- the current workload of the Commission will remain stable (against a background of a 60 percent per annum increase in the receipt of complaints since the establishment of the Commission);

- the funding and resources available to the Commission will be pegged at present levels; and

- the Commission will retain in current form each of the major functions referred to above.

Acting on these assumptions, the Commission suggests the following future directions for the OMD.

**Official Misconduct**

The amendment of s.229 of the Act, which was assented to on 13 May 1992, has had a major impact upon the investigation of complaints of official misconduct. As reviewed above, the Commission now has the discretion either not to investigate a complaint or information at all or to discontinue the investigation. For the first time since its establishment, the Commission has the capacity to bring its workload into balance with the available resources. In one month, the backlog of complaints investigations, which had accumulated over two years of operating against a burgeoning level of receipts, has been significantly reduced. The Commission has every reason to expect that this progress will continue with the virtual elimination of any significant backlog within the next six months. This should enable the freeing up and redeployment of resources to other areas of need within the OMD, in particular to the organised crime and corruption prevention functions.

Further, the elimination of the backlog will enable the Commission to give greater emphasis to the investigation of matters of substance.

As well as increasing the selectivity of investigations, the Commission has taken other initiatives to ease the burden which has fallen upon the QPS. Matters referred to the QPS represent approximately 25 percent of matters received, although many are breaches of discipline which need not have been referred to the Commission in the first place.

The first initiative was a pilot mediation scheme running in south-east Queensland under the auspices of the Community Justice Program of the Attorney-General’s office. Although 30 to 40 complaints are expected to be resolved through mediation by the end of the project, the Commission is aware that some complainants and police officers are reluctant to enter the scheme, possibly because they fear a process they do not understand or they want to avoid confrontation.

The Commission is working on a second initiative. This involves trialing a system of informal resolution which has been practised with success in
the United Kingdom for many years. In essence, this program would devolve responsibility for dealing with minor complaints to properly trained local police supervisors. It will permit the speedy resolution of complaints while enhancing the management role of line supervisors. However, the Commission believes that the program should be introduced only after participating line supervisors have received an appropriate level of training and certification in mediationconciliation skills. Further, the program should be monitored carefully through a random or universal review of cases.

In the United Kingdom an estimated 25 percent of complaints against police are dealt with in this way. Given that 75 percent of complaints received by the Commission are complaints against police, this initiative has the potential to radically alter the profile of the official misconduct function. However, the Commission must stress that although the potential benefits are great, they will be realised only if such a scheme incorporates appropriate training and supervision.

**Organised Crime**

Shortly after its establishment, the Commission identified the need for a more innovative approach to the organised crime problem consistent with the observations that Fitzgerald QC made at page 164 of his report:

Organised crime has never, anywhere in the world, been brought under control by a piecemeal process. An integrated, comprehensive and wide range of corrective measures have to be made available.

Fitzgerald QC clearly saw the need for continuity and co-operation. The Commission has adopted Fitzgerald’s view as its philosophy in discharging its functions in the area of organised crime, in co-operation with other agencies, in particular the QPS. It has never been the philosophy of the Commission to seek exclusive jurisdiction or to act in isolation, save and except where it is enjoined by its legislation to do so.

The Commission’s Organised Crime Team provides a progressive response to the challenge of organised crime, with its expertise growing with its exposure to the task. In this regard the Commission is conscious of the experience of leading overseas crime-fighting organisations such as the FBI, the Organised Crime Division of which has made substantial progress in combating the Italian organised crime group La Cosa Nostra over a period of two decades.

To the Commission’s knowledge, a number of organised crime groups, some based on particular ethnic groups, are active in Queensland but have not previously been the subject of dedicated targeting on any continuing basis.

Overseas experience indicates that there is a long lead time in developing within law enforcement the expertise necessary to tackle such groups.

The Commission has been in a position to commit the full-time resources of only one team to this work: six to eight investigators, four intelligence analysts, one financial analyst, one lawyer and support staff. Surveillance and technical support has been provided. However, the restructuring of the complaints function should free up other resources in time.

The Commission has recently undertaken operations based upon its analysis and profiling work. Its adoption of the FBI model of “Racketeering Enterprise Investigation” is, even at this early stage, providing indications that it could reap significant results. The Commission is attempting to discover the whole structure of a criminal organisation rather than simply targets who represent the tips of the iceberg.