4. Research and Co-ordination Division

Among the Division’s significant achievements during the 1991/92 financial year were the publication of the Commission’s report on prostitution, the completion of Queensland’s first crime victims survey, a review of the QPS Information Bureau, the development of a confidential briefing paper on SP bookmaking, and the preparation of a detailed description of the Queensland criminal justice system, *Crime and Justice in Queensland*.

Division reports have addressed a wide range of law reform and criminal justice administration issues, offering both research findings and recommendations for change in policy and practice. The public reports in particular have greatly contributed to public awareness of criminal justice issues, as reflected in numerous public debates.

Although it has been functioning for only a little over two years, the Division has now completed the majority of projects that were given priority when the Commission was established.

**Legislation and History**

The Fitzgerald Report recommended that a separate Division be established within the Commission to undertake research and monitor reforms in specified areas. The formal direction to implement this recommendation was incorporated in s 2.45 of the Act. Neither the Fitzgerald Report nor the Act prescribed specific research activities that the Division should conduct but, rather, issued directives to examine issues of serious concern.

The Fitzgerald Report’s disappointment with the level and nature of research on the Queensland criminal justice system is evident in almost every chapter. While mindful of its primary responsibility to investigate corruption in the then Police Force, Fitzgerald QC was conscious of the fact that the police are part of the State’s criminal justice system and reforming the QPS would necessarily affect procedures and practices of other segments of that system.

The breadth of the Fitzgerald Report’s recommendations, and their incorporation in the Act, offers a mandate for research that is uncommon, if not unprecedented in its scope. While emphasising research and review in the police area, the Act very clearly mandates research on law reform pertinent to criminal justice, on reform of the processes of enforcement of the criminal law, on the administration of justice, and on the development of compatible systems to facilitate co-ordination of research activities among criminal justice agencies. The Act also prescribes review and evaluation of the effectiveness of QPS programs, particularly those programs concerning crime prevention, community policing, and the education and training of the members of QPS.

**Role and Functions**

In broad terms, the Act prescribed the role and functions of the Division as:

- to conduct research into issues confronting the administration of criminal justice in the State;
- to conduct research and make recommendations on law reform pertinent to criminal justice and the reform of processes of enforcement of the criminal law;
- to make known results of the research that the Division conducts;
- to review and monitor the working of various programs and methods of the QPS, including the implementation of recommendations of the Fitzgerald Commission of Inquiry, community policing and crime prevention, and recruitment and training of police officers; and
- to co-ordinate and to develop procedures and systems for co-ordinating the activities of the Commission and other criminal justice agencies in the State.

In discharging its role and functions, whenever practicable the Division consults with individuals and agencies who have expertise relevant to the matters it is studying. It also actively seeks the input of Queenslanders from every walk of life by inviting submissions through advertisements placed
in the print media and appearances by staff on radio and television. In preparing reports and papers, the Division makes every effort to present a balanced and fair view of submissions received.

**Organisation and Staffing**

The Division’s establishment comprises the Director, nine research staff, three support officers and three library staff. Of the nine research staff, four are lawyers and five are social scientists from various disciplines. In a Division of this size it was considered unnecessary to establish sub-structures; rather, the emphasis was on a multi-disciplinary approach.

The Division also uses consultants on specific research projects.

**Major Achievements**

The Division’s role and functions cover an area which does not easily lend itself to measurement. It is difficult to measure the impact of programs. It is even more difficult to assess the impact of a particular research report (though perhaps one measure would be the extent of public debate and discussion generated after publication). Rather than an assessment of the impact its reports and papers have had on criminal justice in Queensland, the achievements listed below are, therefore, more a reflection of what the Division has accomplished during the 1991/92 financial year—the projects it has completed and new tasks it has commenced.

**Crime and Justice in Queensland**

This publication was officially launched by The Hon Wayne Goss, Premier and Minister for Economic and Trade Development and Minister for the Arts, on 29 August 1991.

This document fills a gap in the information on crime and the Queensland criminal justice system. Illustrated with carefully designed graphics and written in a simple, accessible style, it provides Queenslanders with a very readable text on the nature and extent of reported crime in Queensland, how crime comes to the attention of police, and how offenders are processed through the State’s criminal justice system. A second edition of the publication will be prepared in 1993.

**Police Powers**

In September 1991 the Commission released an issues paper, *Police Powers in Queensland*, jointly
prepared by the Office of the Minister for Police and Emergency Services and the Commission. The paper raised issues concerning both the need for and utility of existing and additional police powers.

Constraints on the time and resources of the Division did not permit an exhaustive examination of all police powers, so the issues paper concentrated on a representative sample, e.g., the power to demand name and address, move-on powers, the power of arrest, identification procedures, search warrants and electronic surveillance. The Commission solicited the community’s views on each of the powers discussed in the issues paper, asking interested individuals and organisations to consider questions such as:

- is there a demonstrated need for the use of the power?
- if there is a demonstrated need for the power, how serious must a crime be in order to justify the use of the power?
- at what stage of the investigative process should the power be available?
- who should be able to authorise the use of the power—a senior police officer, judicial officer, etc.?
- what procedures and safeguards should accompany the granting of the power?
- what should be the consequences of a failure to comply with the procedures set down?

Police powers currently derive from numerous pieces of legislation, so the Commission was also keen to examine how they might be consolidated into one piece of legislation.

Over 100 submissions were received from individuals and interest groups. Following the analysis of these submissions, the Commission held a public hearing on 10 and 11 June 1992. A number of individuals and interest groups were invited to appear before the hearing.


**Prostitution**

A final report, *Regulating Morality? An Inquiry into Prostitution in Queensland*, was tabled in Parliament on 2 October 1991. As expected, the report generated extensive debate, with ABC television and radio in the forefront. The report was the subject of an entire *Couchman* program broadcast from Brisbane. The *7.30 Report* and *Lateline* programs allocated a significant amount of time to it. Commercial television and radio networks have covered the report on a number of occasions. Newspaper reporting, both in Queensland and interstate, has also been extensive.

Most of the public discussion and debate concerned the findings of the public opinion survey and the recommendations included in the report. The Commission hopes that the final report and its recommendations will be debated in Parliament in the near future.

The report was the product of several distinct research strategies:

- a review of the literature on prostitution in Australia;
- an examination of current laws and their operation in other jurisdictions in Australia, Canada, the United Kingdom and other countries;
- development and publication of an Information and Issues paper;
- meetings and seminars involving individuals and interested organisations;
- review and analysis of 117 submissions received from individuals and interest groups;
- a survey of public attitudes towards prostitution in Queensland and Melbourne;
- a survey of sex workers in Brisbane, Cairns, the Gold Coast and Townsville; and

- a workshop involving academics, lawyers, health professionals, public servants, police and researchers.

Highlights of these activities are discussed below.

**Issues Paper**

Prostitution poses complex legal and public health problems for society. Many view it as having important implications for the status of women. It raises intense moral and religious concerns. While the Commission thought it important to seek the views of the wider community, at the same time it was also aware of the importance of developing an issues paper that would inform public opinion by presenting a balanced set of facts and points of view.

The issues paper was prepared in consultation with various government departments and scholars. Over 1,000 copies of the paper were distributed. Well over 100 submissions were received from individuals and organisations.

**Review of Prostitution-Related Legislation**

Two well-known Australian scholars were engaged as consultants to provide the Division with a review of prostitution-related laws and their application in New South Wales, Victoria and Western Australia. States which had made significant changes to their legislative or policy approach to prostitution during the 1980s. These analyses served as a good backdrop for analysing Queensland data and formulating the Commission’s policy recommendations.

**Survey of Sex Workers**

The Commission felt that while it was important to canvas the general community’s attitudes towards prostitution-related activities, it was also necessary to seek sex workers’ views. The Division conducted a survey of 73 sex workers (66 female, five male, and two transsexuals) to learn why they entered the profession, how many clients they saw, how much money they earned and how they viewed various aspects of their profession, including the operation and enforcement of the current laws and their relationships with the police.

The sex workers gave various reasons for engaging in prostitution-related acts (see Graph 21). A substantial number entered sex work because they needed money to live; the next most common reason given was few job skills.

The survey showed that a large number of women entered sex work at a relatively early age. More than a quarter were married or in a de facto relationship.

**Survey of Public Attitudes**

Finally, the Commission’s report on prostitution was also influenced by the responses of a survey of a representative sample of 1,500 Queenslanders 18 years and older. Approximately two out of three respondents were in favour of prostitution in brothels being decriminalised (see Table 3).
Table 3: Queenslanders’ Attitudes Towards Prostitution-Related Activities

<table>
<thead>
<tr>
<th>Should It be Against the Law</th>
<th>Yes %</th>
<th>No %</th>
<th>Don’t Know %</th>
</tr>
</thead>
<tbody>
<tr>
<td>to sell sex from home</td>
<td>53</td>
<td>44</td>
<td>3</td>
</tr>
<tr>
<td>for a person to sell sex from a brothel</td>
<td>34</td>
<td>63</td>
<td>3</td>
</tr>
<tr>
<td>for a person to attract clients in a public place</td>
<td>83</td>
<td>14</td>
<td>3</td>
</tr>
</tbody>
</table>

Development of Recommendations

In developing the recommendations included in the report, the Commission had regard to important policy goals toward which changes in law should aim. In particular, the Commission believed that any attempt to reform law relating to prostitution-related activities should bear in mind the following policy goals:

- the protection of children from exploitation and coercion;
- the prevention of criminal involvement in prostitution;
- the protection of sex workers and their clients (and thereby the community) against health risks;
- the prevention of exploitation of sex workers; and
- the use of cost-effective measures for dealing with prostitution.

The Commission’s review identified four options, some overlapping, which could address the above policy goals. These were:

- strict enforcement of the criminal law;
- no application of the criminal law;
• partial application of the criminal law; and
• regulation of prostitution-related activities by means other than the criminal law.

The Commission considered the estimated costs of the strict enforcement option prohibitive and its likely consequences undesirable. Similarly, the Commission discarded the option of putting prostitution and related activities completely outside the reach of the criminal law.

The Commission’s preferred option was partial decriminalisation and the establishment of a system of regulation. It recommended the retention of a number of criminal sanctions for activities associated with the industry, proposing, for example, that there be heavy penalties for prostitution activities that involve children under the age of 18 and certain disadvantaged groups, and similarly, heavy penalties where prostitution involved coercion, intimidation or fraud.

**SP Bookmaking**

Research on SP bookmaking was one of the first projects undertaken by the Division. It involved a review of the history of SP bookmaking in Queensland, an examination of race-fixing, and an assessment of the utilisation of Telecom facilities by SP bookmakers and punters. The Division hoped to be able to publish a report identifying options for reform in the laws regulating SP bookmaking.

However, because of certain legal issues, the Commission’s report could not be publicly released. The Commission therefore made the findings of this research available to the Premier in the form of a confidential briefing paper. The Commission hopes that the legal obstacles will be removed in the near future and the results of the research will be made public.

**Review of the QPS Information Bureau**

The Fitzgerald Report recommended that the Commission conduct a comprehensive review of QPS information systems. The recommendations also emphasised that such a review was to take place in cooperation with specialist external consultants and QPS officers. The Commission constituted such a committee in February 1991.

The main purpose of this review was to assist the QPS in improving the quality of their statistical information on crime and offenders. The Review Committee’s Terms of Reference required it to examine the following issues:

• legislation affecting the functioning of the Information Bureau;
• the use and integration of information systems within the QPS;
• the development and operation of statistical systems within the QPS;
• the levels of staff and resources required for the Information Bureau;
• the dissemination policy of the Information Bureau;
• the introduction of a more realistic fees-for-service policy; and
• a system to ensure confidentiality and security of data.

The Committee’s review identified four major deficiencies in the operation of the Information Bureau’s functions:

• inadequate computer resources;
• lack of integration of computing resources;
• poor co-ordination between the needs of operational police and information systems; and
• limited dissemination of data held by the Information Bureau.

The Committee submitted its report in January 1992. The report contained 29 specific recommendations, all of which were accepted by the Minister for Police and Emergency Services and the Commissioner of the Police Service. The Committee recommended the formation of an advisory group that would oversee implementation of the recommendations over a two-year transition period. It also proposed that the recommendations be revisited at the end of that period in order to assess how they had been implemented.

**Crime Victims Survey**

A crime victims survey, jointly funded by the Commission and the Government Statistician’s Office, was conducted in 1991. The main objective of the survey was to extend the range of data on the characteristics of crime and crime victims in Queensland.

Crime victims surveys have become a widely used tool in estimating the true nature and extent of crime. The results of such surveys serve to complement official statistics on crime produced by police services. They assist decision makers in formulating policy, planning law enforcement strategies, and designing victim assistance support and compensation schemes. They also inform the community of the risk of victimisation for particular parts of the population, e.g., women, children, youth, and the elderly.

Crime victims surveys are most effective in obtaining valuable information on crimes that occur with great frequency—assault, robbery, personal and household theft, break and enter, motor vehicle theft, and vandalism. Such surveys are not as effective in measuring the true trend of offences like rape, kidnapping and terrorism, and they have not, generally, been directed towards white collar crime victimisation, which is a serious concern in many societies.

The Queensland Crime Victims Survey included questions on both household and personal victimisation. Unlike surveys in other jurisdictions, it also asked respondents questions concerning their attitudes towards various aspects of criminal justice administration, e.g., the punishment of offenders, the installation of security devices, and reporting or non-reporting of crimes.

**Graph 22: Frequency of Household Victimisation in Queensland**

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>72%</td>
</tr>
<tr>
<td>Once</td>
<td>17%</td>
</tr>
<tr>
<td>Twice</td>
<td>8%</td>
</tr>
<tr>
<td>Thrice or More</td>
<td>6%</td>
</tr>
</tbody>
</table>
The survey showed that of the estimated 1,008,800 households in Queensland more than one in four—or 279,000—households experienced at least one property offence during the 12 months prior to the survey (see Graph 22). Over 20 percent of the victimised households had been victimised more than once.

The survey also showed an estimated 360,200 people aged 15 years or older were victims of at least one personal offence other than verbal abuse. The majority of household as well as personal crimes were never reported to the QPS (see Graphs 23 and 24).

**Youth Crime**

Youth crime is a matter of serious public concern requiring urgent attention. As the first step in a comprehensive review of youth crime in Queensland, the Division prepared *Youth Crime and Justice in Queensland: An Information and Issues Paper*, which was released in March 1992. The paper canvassed issues such as the structure and operation of the State’s juvenile justice system; correlates of youthful offending; the treatment of juvenile offenders by the police and courts; juvenile sentencing and detention; the cost of juvenile crime; and frameworks of responsibility.

There is currently little reliable information on the extent and nature of juvenile crime, and it is difficult to say what proportion of crime is committed by youngsters. However, data available from the QPS, the Children’s Court and the Department of Family Services and Aboriginal and Islander Affairs (DFS/IA) indicates that juveniles are involved by and large in crimes such as break and enter, shop stealing and stealing in general (see Graph 25).

Available data shows that among juveniles who came into contact with the police, boys outnumbered girls four to one. Among girls under the age of 17 who came into contact with police, two-thirds were involved in shop stealing.
Relatively few girls were placed under detention. The majority of boys and girls who were incarcerated came from the age group 15 to 16 years.

The Commission advertised widely the availability of the issues paper and called for public submissions. By the end of June 1992 more than 2,000 copies of the paper had been distributed and more than 100 submissions had been received from individuals and interest groups.

The Division is currently considering options for longitudinal research in this area.

**Police Education and Training**

In July 1990, the Commission, in consultation with the Commissioner of the QPS, constituted the Police Education Advisory Council (PEAC), which included the Chairperson of the Commission and the Director of the Research and Co-ordination Division.

In late 1990, PEAC provided the QPS with a detailed set of recommendations for a new education and training program for recruits, and in January 1991 the first new QPS recruits entered the new program. Under the new scheme, recruits spend the first semester at either the QUT or Griffith University. The second semester is taught at the Queensland Police Academy.

The courses in the first semester fall into four major areas:
- the legal system,
- issues in Australian society,
- ethics and accountability, and
- communication.

The second semester at the Academy includes courses in:
- personal and inter-personal relationships in policing,
- foundations of crime and policing,
- organisational theory and management in policing, and
- police professional studies.

**Graph 25: Juvenile Offences 1990/91**

```
<table>
<thead>
<tr>
<th>Offence</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other offences</td>
<td>9.0%</td>
</tr>
<tr>
<td>Against Person</td>
<td>6.9%</td>
</tr>
<tr>
<td>Other stealing</td>
<td>18.4%</td>
</tr>
<tr>
<td>Break &amp; enter</td>
<td>20.9%</td>
</tr>
<tr>
<td>Property damage</td>
<td>8.0%</td>
</tr>
<tr>
<td>Shop stealing</td>
<td>30.6%</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>6.1%</td>
</tr>
</tbody>
</table>
```
The first groups of recruits were sent directly to the universities without the benefit of any orientation or induction program. When some recruits expressed disillusionment with the university course, principally because they thought it unrelated to actual policing, PEAC recommended that the QPS introduce a formal orientation program. Before actually beginning the training course all recruits are now required to attend a one-week orientation program at the Academy, followed by an orientation week at the university.

At the end of their first year, QPS recruits receive a Certificate in Policing or an Advanced Certificate in Policing and are inducted as constables. Thereafter, recruits are sent to various police districts and divisions, where they undertake the Field Training Program. That program consists of:

- a mentor component (eight weeks), which provides for supervised operational training for the constables immediately upon their arrival at the station;

- a general training component (approximately 42 weeks); and

- an evaluation and reflection component (two weeks), which is held at the Queensland Police Academy towards the end of the field training.

At the end of their second year, the recruits are regarded as fully-fledged police officers with all the responsibilities, duties and powers that are attached to the office of constable. Those constables wishing to continue their education can obtain credit towards a Bachelor's Degree in Justice Studies from the QUT or a Bachelor's Degree in Justice Administration from Griffith University. Completion of these degrees will require a further two years full-time or four years part-time study.

Table 3 presents a summary of the new training and education program's recruit intake.

The Queensland Police Academy received final approval of its new structure from the Minister for Police and Emergency Services in December 1991.

The Academy is organised under the Director of Personnel of the QPS and is headed by the Dean, who is also a Chief Superintendent of the QPS. The Dean is advised by the Academy Council, which comprises representatives from the QPS, the tertiary education providers, the Commission, the community and the staff of the Queensland Police Academy.

As of 30 June 1992, not all Academy appointments had been filled. However, efforts continue to recruit persons for those positions and otherwise equip the Academy with appropriate resources. A significant number of the senior positions have been filled by civilians.

The Research and Co-ordination Division continues its association with the new recruitment and training program. The Division published the results of a Queensland Police Recruit Study in February 1992. With the help of experts from the University of Southern Queensland, the Division also assisted in evaluating the status and functions of the position of tutor at the Academy.

**Monitoring Police Reform**

Upon assuming responsibility for monitoring and reviewing the implementation of the Fitzgerald Commission of Inquiry's recommendations for police reform, the Commission formed a sub-committee comprising the QPS Deputy Commissioner, Support Services, the QPS Director of Policy Research and Evaluation, the Director of the Commission's Research and Co-ordination Division and a Principal Research Officer of the Division. Charged with monitoring the implementation of the reforms, the sub-committee has already prepared several status reports.

Most of the Fitzgerald Commission of Inquiry's recommendations were expected to be implemented within a three-year transitional period ending in December 1992, when the Commission would present a major report to the Parliament on the status of these reforms.
The Commission has already begun work on this assessment. In early 1992, the Division identified eight principal areas of reform that would constitute the focus for the Division's efforts in the preparation of the report. These areas are:

- regionalisation,
- the QPS Task Force,
- recruitment and training,
- QPS transfer and promotion systems,
- community policing and crime prevention,
- civilianisation within the QPS,
- communication and computerisation, and
- structure of QPS and allocation of staff.

The vast majority of Fitzgerald's recommendations are encompassed in these areas. It is important to highlight that this project will not necessarily measure the effectiveness of the reforms. The Commission considers it too soon to determine whether the reforms have been effective (although the report will include suggestions for how this might be accomplished). At this stage, the Commission considers it more useful to examine how the reforms have been implemented, i.e., whether they have been implemented the way they were intended or with modifications.

The Division has allocated a substantial amount of resources to this task and anticipates completing the report during the first half of 1993.

The Commission's responsibilities for monitoring police reform are discussed in more detail in Chapter 12.

**Domestic Violence**

The Division has submitted to the QPS Working Party on Domestic Violence a detailed research proposal to evaluate court orders issued under the Domestic Violence (Family Protection) Act. Division staff have already held preliminary
discussions with the QPS, DFSAIA, and the courts, and work will begin on the project as soon as decisions are made about access to files. In the interim, the Division has begun a study of family-related homicide. This project uses data from the QPS Information Bureau.

If time and resources permit, the Commission may plan other research activities in this area.

**Construction of a Criminal Justice Database**

This matter is currently being examined by the Information Policy Board of the Department of the Premier, Economic and Trade Development. The Board has surveyed Queensland criminal justice agencies to ascertain those agencies’ interest in contributing to and/or co-ordinating a criminal justice database and the expertise they would be able to make available to such an undertaking. A consultant to the Board has met with representatives of Queensland criminal justice agencies, including the Commission. Further development is expected in the coming financial year.

In its December 1991 review of the Commission’s operations, the PCJC recommended that an independent bureau should be established to maintain the criminal justice database. The Committee further recommended that the bureau should be located within the Research and Co-ordination Division, with additional resources made available to the Division.

**Community Policing and Crime Prevention**

The Division has made substantial progress towards developing and implementing a pilot community policing project. After selecting the city of Toowoomba as the project site, Division staff collected and examined daily worksheets and call-for-service records held by the Toowoomba police division and conducted negotiations with the Toowoomba City Council. The project is presently under consideration by the Commission.

As a backdrop to the pilot project, Division staff plan to use Toowoomba police division data to prepare a paper examining the types of tasks that police officers undertake, the time required to complete those tasks, and the methods they use to solve the problems that routinely confront them in performing those tasks.

**Profiling Police Divisions and Districts**

The main objective of this project, a joint enterprise between the Commission, the QPS and the University of Queensland, is to develop detailed profiles of police districts and divisions. For a number of reasons, among them the Commission’s interest in the Inala district as a result of recent investigations of allegations of police misconduct, Inala is the first district that the project team examines.

An offshoot of the program, a police shop-front, began operating in the Inala shopping centre in early May 1992. Designed to be a focal point for community police liaison, it has already received strong public support. The Division has contributed both staff and equipment to the project and is currently assisting in the evaluation of the shop-front.

**Register of Forensic Science Service Providers**

The Division is currently preparing a forensic science services register, designed to provide the Government with information on the nature of forensic science services offered by various bodies in the State and to assist the legal fraternity in the conduct of criminal cases. The register will be available very early in the new financial year. Discussions with relevant individuals and agencies in the State already indicate a great deal of interest. The Commission understands that there is some interest in preparing a similar document for the whole country and hopes that the Division’s efforts can be combined with those of other jurisdictions toward the preparation of a comprehensive national register.
Setting Research Priorities

The Division’s priorities and work program are reviewed and approved by both the Commission and the PCJC. Although the Division would like to undertake research in a number of other areas, those potential projects compete with existing projects for the Division’s resources. The Division is aware of the fact that research is required in important areas like corrections and sentencing, but cannot entertain commencing those projects until it completes those currently in hand or has access to additional staff.

In order to decide on priority areas, the Division conducted a quick survey of concerned people, e.g., politicians, representatives of State government departments and academics. The purpose of the survey was to seek their views on the utility of research into selected areas. The survey instrument consisted of 25 questions asking respondents to rank on a three-point scale the utility of research on a range of criminal justice topics. One hundred and eleven responses were received. Respondents identified research into the following four issues as most useful:

- methods of crime prevention and their impact;
- how to best match treatment or punishment with types of offenders;
- the progress of delinquency into adult criminality; and
- the extent and nature of crimes committed by youths, particularly those under the age of 18 years.

Finally, the Division has had to choose between basic/fundamental research and applied research. While recognising the importance of basic research and the different emphases of the two types of research, it has decided to concentrate on applied research. Almost all of the research conducted by this Division has been practical in nature.

The Library

The Commission’s library, which is managed within the Research and Co-ordination Division, continues to grow. It provides a range of services for Commission staff and is available for use by members of the public. During the year, library staff inaugurated a bi-monthly Current Awareness Service which indexes journal articles, lists subject bibliographies and includes comments on the use of library resources.

The library has an on-line catalogue and conducts on-line subject searches on external databases including CINCH, the database of the Australian Institute of Criminology.

At the close of the financial year, holdings in the library were:
Monographs (including books, reports and legal opinions) 4,020

Loose Acts, Bills and Reprinted Acts 700

Subscriptions/Periodicals 218

Loose-leaf Services 25

Pamphlets and ABS Booklets 370

Annual Reports 200

Co-ordination with Other Agencies

Under the Criminal Justice Act, the Research and Co-ordination Division is given responsibility of co-ordinating the activities of the Commission and the activities of all other agencies in the State concerned with the administration of criminal justice in Queensland.

Mr Fitzgerald QC, in his report, said that the administration of criminal justice involves complex problems that cannot be addressed by ad hoc, fragmented responses by individual agencies. He indicated that the Commission's role should be to supplement and complement the research activities of other agencies and thereby avoid duplication of effort.

The Division understands co-ordination to mean setting up a mechanism whereby departments and agencies concerned with the operation of the criminal justice system can interact with each other and share information without interfering with each other's operations. The difficulty that the Division faces in attempting to fulfil this role is that other departments and agencies have their own legislation, priorities and responsibilities and the Commission has no power to compel their co-operation.

The Division has tried to avoid duplication and to ensure effective liaison with other departments and agencies involved in the areas with which it has been concerned. While the Division has attempted to fulfil its responsibilities in this regard, the larger goals have not necessarily been shared by other departments or agencies in the State and may not be shared until legislation mandates them to do so.

On the other hand, the Commission recognises that co-ordination will be a long-term exercise requiring long-term commitment. The past three years have been a period of reform for the entire public service. Numerous changes have occurred in legislation and departmental structures. The Division is aware that these changes must be allowed to settle before introducing efforts to co-ordinate activities.

Problems Encountered

Upon the Commission becoming fully operational in April 1990, the Division's efforts were largely directed towards the urgent projects named in the Fitzgerald Report. As these were completed, the Division has been able to move on to other projects, using Parliamentary debate, media reports, expert opinion and surveys conducted by the Division to identify and prioritise new areas of concern. However, maintaining a specific long-term priority focus has proved difficult when new, sometimes more important, issues continually emerge. The depth and scope of the present research agenda points to the previous lack of criminal justice research in Queensland.

The Division's ability to undertake additional projects is limited by the unavailability of personnel with qualifications and experience appropriate to undertake research in relevant areas.

During the last two-and-one-half years, the Division has had difficulty recruiting staff with sufficient knowledge and experience of the criminal justice field. So far as staff resources are concerned, the Division is still in its infancy. Providing the present staff remain with the Division, another two years will be required to build the requisite base of knowledge and expertise.
**Future Directions**

The Commission is in a unique position in that it is independent of any government instrumentality. The research agenda of the Commission is not subject to any political influences or interference by vested interests. In prioritising areas of research and selecting methods to conduct that research, the Division considered that its work should reflect a balanced and objective approach and rely on rigorous scientific methodology. Regardless of whether or not the Commission's recommendations accord with government policy, the process by which its reports are tabled in the Parliament guarantees that the public of Queensland is afforded access to its research findings.

The Division still has to complete research on some areas and address some other areas that were identified in the Fitzgerald Report and fall within the Commission's legislative responsibility. In particular, the Division has not been able to investigate issues such as:

- law reform in the area of drugs;
- law enforcement resources;
  - effective use of resources across the system,
  - self-funding of activities,
  - sufficiency of funding to law enforcement agencies,
- appropriateness of various activities that are carried out by criminal justice agencies;
- sentencing;
  - alternatives to imprisonment, community service orders, etc.,
  - establishment of a sentencing information system,
- prison management and reform; and
- the evaluation of the legal aid system.

These are issues which the Division hopes to address over the next three years.
5. Intelligence Division

During the 1991/92 financial year, the Intelligence Division moved more firmly into the interactive analytic and strategic role anticipated in the Fitzgerald Report. During this period, the Division:

- developed several confidential intelligence assessments at the request of the Commission;
- developed and presented to the Government two major strategic intelligence assessments relating to organised crime activities;
- provided ongoing analytic intelligence support to major OMD operations;
- trialled, installed, and brought on-line a secure electronic criminal intelligence database; and
- trialled and purchased computer hardware and developed software applications that would serve as "front-end" analytic tools.

Role and Functions

The Intelligence Division is a professional and specialist criminal intelligence unit providing an effective criminal intelligence service about which may be structured an integrated approach to major crime, in particular, organised crime and criminal activity transcending the normal boundaries of criminal activity that is the subject of local police action. Under s. 247 of the Act, the Intelligence Division is required to:

- create a database of intelligence concerning criminal activities and persons concerned therein, from all lawful sources;
- secure the database and records in its possession and control so that only persons who satisfy the Chairperson or Director of the Intelligence Division that they have a legitimate need of access to information are able to do so;
- oversee the performance of the role of the Bureau of Criminal Intelligence, Queensland (BCIQ);
- assume possession and control of all data and records continued in being by the Commission of Inquiry Continuation Act 1989; and
- subject to the Commission's approval, report to the Minister and the Minister of the Crown responsible for the QPS on matters of criminal intelligence pertinent to the deliberations, policies and projects of the Government.

Legislation and History

In 1989 the Fitzgerald Report recommended the establishment of a suitably equipped, professional and specialist criminal intelligence unit, independent of the Police Force. Later that year, s. 247 of the Act set forth the role and functions of such an entity within the organisational structure of the Commission.

The Intelligence Division became operational in June 1990 with an initial establishment of 16. During its formative months, the Division operated a manual filing system and, in general terms, worked independently from the rest of the Commission. However, in early 1991 the Division began to operate in a more interactive role within the Commission and to emphasise a more strategic approach to intelligence operations. Over several months, major changes were made to the composition of the staffing complement and the sophistication of its electronic equipment.

Using its secure electronic database, the Division now provides both tactical intelligence support to Commission operations and strategic intelligence support to the Commission and the Government.

Organisation and Staffing

During the 1991/92 financial year, the Division re-organised and increased its establishment to 24. The Division currently consists of:

- a directorate;
- two tactical intelligence sections;
- a strategic intelligence section; and
- a database management section.
Changes in organisation and establishment were due largely to an operational audit of the Division, completed in July 1991. The audit report concluded that the Intelligence Division had evolved into an effective and efficient “full service” intelligence function. Moreover, it noted that the Division has a broader range of responsibilities than most law enforcement intelligence units. In addition to providing the full range of tactical, operational, and strategic intelligence analysis, it has the role of overseeing the QPS intelligence function and the QPS’s liaison with other law enforcement agencies.

Most notably, the report confirmed the Division’s new emphasis on strategic intelligence and the priority the Division had given to acquiring an electronic database. It recommended that the recruitment and training of staff to maintain the database should also be a priority for the Division during the 1991/92 financial year.

**Intelligence Database**

The Act requires the Division to establish a database of information on criminal activity and to apply that information as appropriate to law enforcement operations. Because the Act also requires the Division to examine and report on organised and major crime, which by their nature involve complex groupings and sophisticated criminal methods, an electronic database was considered the only feasible method of storing and manipulating the amount of data that such a task would involve. The procurement of a database was listed as a priority task in last year’s annual report.

An Intelligence database working party examined a number of databases utilised by other law enforcement agencies both locally and interstate. It concluded that, in terms of functionality, security and compatibility, a modified version of the system used by the Australian Bureau of Criminal Intelligence (ABCI) would best meet the Commission’s and the Division’s needs.

The Commission was fortunate to receive the assistance and guidance of ABCI staff in the design of its database. With the ABCI’s assistance, Commission staff modified the ABCI’s software application and used ABCI hardware on a temporary basis until the Commission acquired its own equipment. By January 1992, the new database was operational in the ABCI’s “bureau” environment and staff user-training was completed. The collation of information began.

Criminal intelligence information is now analysed and entered into the database as it is received. In addition, Division staff have made great progress in back-capturing important related material from sources such as the Fitzgerald Commission of Inquiry, the Complaints Section, and past OMD operations—a project that should be completed during the second half of 1992.

To provide greater security for information held on its electronic database, in June 1992 the Commission purchased its own mainframe computer. By late July 1992 the entire system will
be transferred from ABCI and up-loaded on the Commission’s hardware. It will operate in a stand-alone environment on Commission premises.

In support of the new database, the Division trialled and selected new analytic software for use as “front-end” analytical tools. Together with new workstations, this software allows the Division’s analysts a great degree of flexibility when analysing and integrating data.

In addition to maintaining the Intelligence database, staff in the Database Management Section provide a specialised information retrieval service, using various internal and external databases. The use of this service is fully auditable to ensure that only those persons with a documented “right” and “need” to know are authorised to access information.

**Major Projects**

It is not possible in a report of this nature to give specific details of the Division’s projects. However, with that proviso, the Division can report in general on a number of major projects that were undertaken or completed during the 1991/92 financial year. In addition to its aforementioned work on the criminal intelligence database the Division:

- analysed data concerning criminal activity and personalities involved to prepare a number of reports in support of the Commission’s operations, including several target proposals and two major strategic assessments of specific areas of organised crime activity that were provided to the Government in accordance with s.247(2)(c) of the Act.

- provided ongoing tactical intelligence support to OMD Multi-disciplinary Team operations, with Intelligence staff routinely included as members of specialist operation groups investigating organised and major crime activities.

- completed implementation of the recommendations from the Division’s earlier assessment of the BCIQ, with changes occurring in its structure and procedures and its relations with other sections of QPS.

- co-ordinated two audits of the QPS Counter Terrorist/VIP Protection Section. Recommendations made by the Division have led to some fine tuning of the Section’s Charter and procedures.

- conducted an on-going program for vetting new staff prior to their joining the Commission, as well as regular reviews of staff in respect of change of personal particulars. The Division has also been instrumental in the development and introduction of a new security and classification system for all Commission documents.

- facilitated the merger of the Commission’s Analyst Training Course with that of the BCIQ. Analyst training is now conducted jointly with BCIQ every six months; members of other agencies also attend.

- developed and implemented guidelines for the management of strategic intelligence projects and the standardisation of the resulting assessments. These guidelines, recognised as a “first” in this area, were used at the recent National Strategic Intelligence course conducted at the Australian Police College.

**Inter-Agency Co-operation**

The Commission continues to promote the importance of information-sharing to meeting law enforcement objectives, particularly those focusing on organised and major crime.

The Division has established effective liaison with other law enforcement agencies and government instrumentalities in support of the Division’s functions and the Commission’s investigations overall. A number of memoranda of understanding
governing the exchange of information are now in place. The Division is represented at the bi-annual Heads of Criminal Intelligence Agencies Conference convened by the ABCI and receives frequent invitations to attend other law enforcement conferences of relevance to criminal intelligence and the investigation of organised crime.

Division analysts have also been involved in supporting Commission operations conducted jointly with other agencies both locally and interstate.

**Problems Encountered and Initiatives Taken**

- **Lack of Information.** Prior to the Fitzgerald Commission of Inquiry, organised crime had received no systematic attention. The little information that was available was neither centrally consolidated nor easily retrieved. The Intelligence Division had to undertake a substantial research and data collection effort before it could make an effective contribution to the Commission’s organised crime assessment activities.

- **Adopting a Pro-active Approach.** Traditional approaches to intelligence operations that stressed the collection of information from reactive investigations proved to be ineffective in dealing with organised crime. The Division therefore developed pro-active data collection strategies that would support a more strategic approach to the study of organised crime activity.

- **Liaison with Operational Staff.** Traditionally, law enforcement agencies often underestimate the value of the intelligence function, which can hinder the flow of information from operations to intelligence and inhibit the application of intelligence information to investigations. The Commission addressed this potential problem by placing intelligence analysts on the Multi-disciplinary Teams involved in organised crime investigations. The analysts provide investigations with valuable analytical support and ensure the smooth flow of information between the two Divisions.

- **Public Perception of Intelligence Division Function.** The Commission remains aware that some members of the public view the Commission’s intelligence function with some fear. To allay these concerns, the Intelligence Division continues to operate under strict guidelines based on principles espoused in Commonwealth freedom of information and privacy legislation. Adherence to these guidelines ensures that only information relating to criminal activity is retained in the Division’s database and that individual rights are protected by security and audit programs.
Future Directions

The Commission’s responsibilities include overseeing criminal intelligence matters and managing criminal intelligence with specific significance to major crime, organised crime and official misconduct. In addition to providing the Commission with a fully integrated and professional intelligence capability, the Division will continue to oversee the QPS intelligence function and its links with other law enforcement agencies on matters pertaining to criminal intelligence.

With the recent installation of the permanent database, the Division will continue back-capturing Commission material relating to criminal intelligence and refine collection and data entry procedures in order to provide a fully integrated data capture and storage system. This process will be completed towards the end of 1992.

The Division will continue to emphasise both its tactical and strategic intelligence roles:

- introduction of the Commission’s new approach to organised crime investigations—including intelligence analysts among the personnel attached to a Multi-disciplinary Team—has already proven to be an important milestone in the development of the Commission’s organised crime function.

- the Division will continue to play a vital role in strategic law enforcement, advising both the Commission and the Government on matters of criminal intelligence pertinent to their deliberations, policies and projects.

The Division will continue to identify areas of concern in respect of organised crime and embark on suitable tactical and strategic projects. The resulting reports and assessments will inform the decision-making process, assist the efficient use of resources, and play a pivotal role in the formulation of policies to counter the organised crime problem.
6. Witness Protection Division

Witness protection programs are now internationally recognised as a vital resource requirement of law enforcement in order to combat organised and major crime. To understand the task of witness protection, the Commission considers it helpful to re-enforce the view as published in the Commission's 1990/91 Annual Report that:

"Witness Protection is a labour and resource intensive activity fraught with potential pitfalls. There will be both real and perceived failures which, however justified, are almost guaranteed adverse publicity. On the other hand, success conversely can be guaranteed nearly total anonymity. This fits any definition of an intrinsically thankless activity.

Many persons protected by the Division are hardened criminals whose reason for entering the program is fear for their own safety rather than a commitment to the social order. To argue, as some have sought to do in recent times, that they do not deserve this assistance is to misunderstand the function of the Division. Protected witnesses are often part of the criminal milieu, not model citizens. They are under protection to assist the criminal justice system in bringing to justice persons who, because of their ability to intimidate witnesses and associates, have previously been beyond the reach of the law. They are protected in the interests of the community, not their own interest.

Confidentiality is the cornerstone of a successful witness protection program and as such, operational procedures must not become public knowledge. Given that restraint, only performance indicators will be considered in this chapter.

Legislation and History

Witness protection came to prominence in Queensland during the Fitzgerald Commission of Inquiry, when it became necessary to protect several significant witnesses who were able to give direct evidence of crime and corruption. However, at that time, Queensland had no formalised witness protection program, nor was there any legislation in place.

The Fitzgerald Report identified the need for a formalised witness protection program to assist in combating organised crime in Queensland. In his blueprint for reform of the criminal justice system, Fitzgerald QC delegated this function to fall within proposed new legislation in Queensland, which became known as the Criminal Justice Act.

Role and Functions

Under the Act, the witness protection role and functions were made a responsibility of the Commission. The role and functions of the Division are set out in sub-sections 250, 251 and 252 of the Act.

Organisation and Staffing

The Chairperson of the Commission, who has ultimate responsibility for the Witness Protection Division, has delegated day-to-day administrative and operational management to the Director of Operations, who is also the Director of the Division. The Division is staffed by 17 male and three female police officers, assisted by two support officers. The Operations directorate has a staff of seven.

To meet the demands of an increasing workload, the Division's case management system has been streamlined to maximise staff effectiveness. The Division has been re-organised into three teams that share responsibility for managing the protection of various witnesses. This has enhanced the Division's protective ability and improved the professionalism of the service provided.

Recognising the stringent discipline required to perform this duty which can at times be mundane, the Commission rotates staff to the OMD in order that they may exercise and enhance their investigative skills, so necessary for their future development as career police officers.

Development of Procedures

The Division has simplified a number of its documents, particularly in relation to the entry and exit of witnesses from the Program.
A “Memorandum of Understanding” is no longer used as the “agreement” between the Commission and witnesses, as this document was found to be deficient. The Commission has now drawn up and adopted new documents in the form of an “Offer of Witness Protection” and an “Offer of Witness Assistance”. These redesigned documents make it much easier for witnesses to understand the terms and conditions of their entry into the Program and their obligations while in the Program.

Review of Operations

As a requirement of the Act, the Commission, through the Witness Protection Division, provides a safe and cost-effective Witness Protection Program to safeguard those persons who are assessed as in need of protection as a direct result of providing assistance to law enforcement in Queensland.

The protection this Program offers may involve close personal protection, relocation, an “on call” form of protection and/or the provision of a new identity. These may be offered on a short-term or long-term basis. Under Division policy, relocation is the preferred option because it is internationally regarded as a highly effective form of protection, provided anonymity is preserved.

It is notable that throughout the year no significant close personal protection operations were conducted other than during urgent assessment of applications. However, close personal protection was afforded to a number of witnesses during court appearances.

The Division carried over 64 witness protection operations into the 1991/92 financial year. Thirty-three were major initiatives and 31 were awaiting administrative finalisation. It received and assessed 39 new applications and accepted 25 persons into the Program. It arranged 34 relocations and co-ordinated 15 identity changes. At the close of the financial year, 45 matters had been finalised and 44 matters were carried over into 1992/93.

During the 1991/92 financial year, the Division provided court security for witnesses on an average of 16 staff days per month.

The Division is pleased to report that no person receiving protection came to harm.

Training

The Division places significant emphasis on the training of staff. Instruction in general witness protection theory and practice is provided by both Commission staff and external sources on a regular basis.

Every six months, members of staff must pass gruelling physical tests. Additionally, they must achieve high levels of competence with Commission-approved firearms, in specialised driving techniques, and in basic first-aid knowledge and practice.

To further enhance the training program the Division has

- appointed a training officer and a specialist firearms instructor; and

- published an Instructor’s and Students’ Manual for the use of the Division’s specialised firearms.

These manuals have been adopted by the QPS and Tasmania Police Service for firearms training and have attracted interest and inquiries from other States.

The Commission was pleased to participate with the QPS in a joint VIP/Witness Protection Course focusing on the cross-training of personnel in the field of specialist protection measures. Two representatives of the Queensland Corrective Services Commission attended the course on invitation. This course proved to be a highly successful venture for the agencies involved and has enhanced law enforcement and inter-agency co-operation in this State.
During the 1991/92 financial year, the Division devoted an average of 41 staff days per month to training, an increase of 58 percent on the previous year.

24-Hour Communications Room

The Division continued to maintain its 24-hour communications room. This is a point of contact for witnesses and other persons wishing to contact the Commission out of business hours. It is an essential safeguard for both staff and witnesses.

Achievement of 1990/91 Goals

The 1990/91 Annual Report identified the following four major goals for the Witness Protection Division:

- the completion of a draft Witness Protection Manual;
- the holding of a Witness Protection Course for staff;
- the provision of regular staff training and
- the review and acquisition of operational equipment.

Each of these goals has been achieved.

Research and Intelligence

Any organisation which strives for excellence must continually review its policy and procedures in line with the changing environment. The Division monitors and reviews all facets of its administration, operations and training on a regular basis in pursuit of professional excellence. In addition, the Division keeps abreast of initiatives implemented in other jurisdictions.

To assist in these endeavours a senior staff member has been appointed as the Division's Intelligence and Research Officer. This officer's duties include:

- identifying and developing initiatives which will ensure that the Division remains a leader in this field;
- conducting on-going research into all aspects of witness protection; and
- monitoring witness protection matters in other jurisdictions.

Inter-Agency Co-operation

The success of a witness protection program relies on the assistance and co-operation of various Commonwealth and State government agencies as well as some private sector organisations. The Division has now established effective liaison with a national network of organisations. The establishment of this "network" is vital to the on-going effectiveness and success of the Program, particularly in relation to identity change and relocation activities. Further, the Division continues to maintain its reciprocal arrangements with other witness protection agencies.
Problems Encountered and Initiatives Taken

Witness protection is an area of law enforcement that is plagued with on-going problems, particularly with respect to the day-to-day lives of witnesses and/or their families. Although some problems may be unique to a particular witness, many witnesses share similar problems, e.g., conflict with spouses and family members, financial problems, and general health and psychological problems such as stress. Some witnesses, in particular those who have changed their identity, often have great difficulty in obtaining suitable employment.

The Witness Protection Division is continually endeavouring to overcome these problems by refining its procedures and successfully utilising outside organisations. The Division works to ensure that witnesses and members of their families receive appropriate medical, psychological or psychiatric examination and/or treatment as the circumstances require.

In consideration of the welfare of Division staff, a Welfare Officer has been appointed to attend to staff welfare problems. In addition to requisite physical standards, each member of the Division must also undergo regular psychological examination to ensure that they are fit to perform their tasks.

Future Directions

The Division believes its emphasis on staff training, state-of-the-art equipment and procedural effectiveness places it as a national leader in the provision of a safe, secure and cost effective witness protection program which is well advanced by international standards and in which the citizens of Queensland can have every confidence.

Staff in the Division have attended joint national meetings on witness protection and made submissions to the Queensland Government toward a National Witness Protection Program. The Commission will continue to support this initiative.
7. Corporate Services Division

The Corporate Services Division develops policies and procedures necessary for the provision of administrative and logistical support and the control and co-ordination of the Commission’s operational functions.

Legislation and History

The Corporate Services Division was created pursuant to s. 2122(a) of the Act. The Director of the Corporate Services Division is the Executive Director, who is also Secretary to the Commission.

The Commission is attentive to mechanisms of internal and external accountability and recognises that the Commission must itself be a model organisation exhibiting optimum accountability in the provision of all divisional services. This is achieved through compliance with the Public Finance Standards, the Financial Administration and Audit Act 1977 and Public Sector Management Standards applicable to the Queensland public sector generally. Procedures for internal accountability include an independent mechanism to deal expeditiously with complaints against Commission staff, the development of a code of conduct for employees and internal audit mechanisms.

Role and Functions

The Corporate Services Division provides human resource, administration, information and financial management support for all operational functions within the Commission. It also has responsibility for selecting and maintaining the Commission’s computer systems and other office and electronic business systems.

Role of the Executive Director

The Executive Director has four main areas of responsibility:

- to develop recommendations regarding organisation, staffing and overall budget requirements;
- to assist the Chairperson and Directors in co-ordinating the activities of the various Divisions, thus ensuring a unified approach to the tasks undertaken by the Commission; and
- to assist the Chairperson and part-time Commissioners with the conduct of Commission business.

Divisional Organisation

The Division comprises a directorate and five sections, whose work during the 1991/92 financial year is highlighted below.

Financial Services

The Financial Services Section continues to establish and develop the functions necessary to support the Commission, whilst ensuring full accountability and compliance with the Public Finance Standards and the Financial Administration and Audit Act.

During the 1991/92 financial year this Section:

- converted the Commission’s payroll system to the new Government Human Resource Management System.
- developed a comprehensive computerised asset management program which enables recording of assets, calculation of depreciation and documentation of asset condition and disposal information. This program is complemented by a stock-taking program in the Administrative Services Section.
- extended the range of financial services available to support the unique needs of covert operations.
- developed a management information system that is operation and investigation specific. This detailed costing program enables regular
assessment of resource allocation and provides an indication of the nature of operations which are resource intensive.

- developed automated salary and budget forecasting models that have enhanced the Commission’s budget review and resource allocation process and ensured their conformity with Commission plans and goals.

- introduced new staff policies to promote fair and just work practices, e.g., adopted Public Sector Management Commission guidelines on matters such as sexual harassment and equal opportunity;

- conducted regular induction courses for new employees to familiarise them with the Commission’s role and functions;

- designed and implemented in-house courses on word-processing, which were presented by a member of the Section who is an accredited trainer; and

- sponsored training courses on report-writing and written communication.

Administrative Services

The Commission’s changing operational environment continues to provide daily challenges for the Administrative Services Section. During the 1991/92 financial year, this Section:

- co-ordinated a steady flow of internal office relocations to meet the changing needs of operational staff;

- co-ordinated the publication of 12 Commission reports/issues papers;

- managed the relocation of the Office of the Commissioner for Police Service Reviews and the Misconduct Tribunals; and

- completed an asset reconciliation for the entire Commission, including a stock-take of plant and equipment inherited from the Fitzgerald Commission of Inquiry.

Information Management

Records Management

The Commission now holds in excess of 15,000 files; 13,000 pages of transcripts from public and private investigative hearings; 3,778 interview
transcripts, statements and statutory declarations; 10,000 audio cassette tapes; 650 video tapes and 1,400 archive boxes of material consisting of over 100,000 documents (acquired by both the Fitzgerald Commission of Inquiry and the Commission).

During the 1991/92 financial year the Records Management Section:

- decentralised the Commission’s automated records management system to allow more effective material control;

- processed over 150 requests for transfer or return of acquired material/exhibits;

- progressively refined procedures in relation to the monitoring of holdings and the processing and return of material; and

- made significant progress towards establishing procedures for the introduction of FOI legislation.

**Information Technology**

During the 1991/92 financial year, the Information Technology Section registered 250 projects addressing subjects such as software acquisition, database applications, network upgrading and re-organisation, and the implementation of the Commission’s intelligence database. As at 30 June 1992, 135 of the projects had been completed, 38 were actively progressing and 77 either were yet to commence or had been suspended.

During the 1991/92 financial year, the Section:

- selected and developed an advanced intelligence database application to be used by the Intelligence Division;

- selected and implemented workstations and analytical software to be used by the Intelligence Division;

- updated and refined Complaints Section statistical and management reporting;

- developed software applications to support OMD operations management, and

- reviewed and re-organised the Commission’s internal networks to achieve maximum availability and reliability.

**Operational Audit**

Since the Commission’s establishment, several audits have been conducted by Commission staff, external consultants, and officers from the Internal Audit Unit of the Department of the Premier, Economic and Trade Development.

The Records Management Section is responsible for a vast array of materials acquired by both the Commission and the Fitzgerald Commission of Inquiry.
Corporate Services Division

Individual programs/Divisions within the Commission have also been evaluated, including, for example, a major review of the OMD focusing on efficient assessment and processing of complaints, internal structure and information management procedures.

Following an assessment of the Commission's operational audit requirements and its ability to service this need with existing internal resources, the Commission decided to utilise the services of the Internal Audit Unit of the Department of the Premier, Economic and Trade Development on a consultancy basis to undertake this role. To this end, work is well advanced on the development of an audit program for the 1992/93 financial year and beyond.

Overseas Travel

During the 1991/92 financial year, a small number of the Commission staff travelled overseas, where they attended conferences on crime-related issues or met representatives of organisations involved in the detection and prevention of organised criminal activities. In addition, some officers visited law enforcement agencies while overseas on private business. These visits included:

- an FBI conference on organised crime held in Miami, USA;
- a conference held in Canada by the International Association for the Civilian Oversight of Law Enforcement;
- the Fifth International Anti-Corruption Conference held in Amsterdam, the Netherlands;
- a visit to the United Kingdom to study programs focusing on the resolution of complaints by mediation; and

Additionally, at the invitation of the United Nations, the Director of the Research and Co-ordination Division gave a series of lectures to senior criminal justice administrators from various countries at the UN Asia and Far East Institute in Tokyo during May-June 1992.

Future Directions

The coming year will be one of consolidation and enhancement for the Division. Staff will continue reviewing systems, policies and procedures to ensure that the Division's services are appropriate to the dynamic, changing operational environment of the Commission. The Division will continue to take the lead in developing policies and procedures that heighten awareness of the Commission's role as a model public organisation, its obligations with respect to public sector reform and new legislation, and its commitment to professional staff practices. Several areas of emphasis have been identified:

- The Commission will continue its focus on the well-being of staff, both individually and as team members. Concern with occupational health and safety is reflected in the retention of expert health professionals to advise the Commission.
- The Performance Planning and Review Scheme, to commence in August 1992, will enhance the Commission's ability to provide timely and appropriate training and development on an individual and team basis.
- The Division will continue to play a vital role in assisting the intelligence and investigation functions of the Commission by identifying and developing on-line analytical and management software applications. Following completion of the Intelligence Division projects in 1992/93, the Division will give more emphasis to developing advanced facilities for supporting investigations which, when combined with the intelligence database, will move towards an integrated law enforcement computer environment.
8. Office of General Counsel

During the 1991/92 financial year, the Office of General Counsel (the Office) managed a wide range of functions relating to legal aspects of the Commission's operations and served as the focal point for the Commission's liaison to the legal community at large. Despite its striking increase in workload—for example, the number of advices prepared during 1991/92 was 100 percent more than the previous year—the Office initiated some major projects relating to new legislation and was able to provide a significant degree of legal assistance directly to the QPS.

Role and Functions

The Office of General Counsel derives not from any provision of the Act, but from the ongoing need of the Commission for immediate access to legal advice on a wide range of issues. The Office has an independent role within the Commission; it is not part of any of the Commission's Divisions.

The Office provides timely and independent legal advice to the Commission on a wide range of legal and policy issues. It is the focal point of liaison with other agencies and the legal profession in respect of legal issues. It co-ordinates Commission submissions on legal issues with respect to issues papers and proposed legislative change.

General Counsel himself personally advises the Chairperson, the Commission and, where appropriate, other agencies on more complex legal and policy issues. Additionally, he oversees the administration of the Misconduct Tribunals and constitutes the Commission as required for the purpose of investigative hearings conducted by the OMD.

During the 1991/92 financial year, the Office:

- prepared or co-ordinated numerous submissions relating to either issues papers published by other agencies or legislation pertinent to the administration of criminal justice;
- advised on the necessity for amendment to the Act and other legislation relevant to the exercise of the Commission's functions and responsibilities;
- advised on legal issues arising in respect of Commission reports and issues papers;
- represented the Commission on working parties and committees concerned with criminal justice issues;
- provided the focal point of liaison with other agencies (including the Office of the Special Prosecutor) and the legal profession in respect of legal matters;
- provided counsel to assist in the original jurisdiction of Misconduct Tribunal hearings;
- assisted the Commission as counsel in the conduct of its investigative hearings;
- represented the Commission before the courts, with particular reference to chamber applications and subpoenas requiring it to produce material in proceedings to which it is not a party;
- advised and settled briefs of evidence to be furnished to prosecution authorities and reports for the purpose of disciplinary proceedings;
- prepared the legal foundation for the operation of the Commission's FOI unit;
- advised on the dissemination of information from the Commission;
- advised on the transfer or return of materials acquired by the Commission; and
- delivered public addresses.

Organisation and Staffing

Because of the extent of these functions, the Office engaged the services of an additional lawyer during this period. It also increased its administrative support by sharing a support officer with the Misconduct Tribunals.
Consequently, the Office now consists of seven full-time personnel. In addition to General Counsel there are four lawyers, three of whom have joined the Commission from private practice.

During July and August 1991, the Office found it necessary to engage the services of a lawyer on a part-time basis.

In addition, the responsibilities of the Policy and Projects Officer, who was employed by the Commission in November 1991, include assisting the Office in the preparation of public responses to issues papers.

**Secondment of Barrister to Assist Police Service**

The last annual report referred to an Office lawyer being assigned to work with the QPS for six months from February 1991, to assist in the implementation of the new disciplinary procedures required by the Police Service Administration Act. Since his return to the Office in August 1991, his efforts have continued to be substantially directed to QPS issues.

This Commission initiative highlighted the need for a permanent independent legal adviser to the QPS. The Commission supported representations by the QPS for the establishment of such a position which would be attached to the Attorney-General’s Department. Such a position was created and filled during the period covered by this report.

In thanking the Commission for this assistance, the Commissioner of the Police Service observed that it was another example of the tangible support given by the Commission.

**Review of Workload**

A review of the Office’s workload reinforces the need to increase the Office’s staff. During the reporting period, the Office gave advice on in excess of 500 separate matters, involving criminal, administrative, contractual, industrial, statutory interpretation and policy issues. This represents a 100 percent increase on the number of matters handled during the previous financial year.

The Office’s workload included responsibility for drafting official Commission documentation such as contracts, forms, procedures and undertakings as to confidentiality. The Office gave particular emphasis to the confidentiality aspects of consultancy, purchase and supply agreements. The precedents for all of these documents are continually re-assessed and refined in light of experience, particularly with the view of ensuring the accountability of the Commission and its staff.

Some specific issues on which the Office has given advice are referred to below.

**Court Appearances—Responses to Subpoenas and Summonses**

Other than chamber applications, court appearances by lawyers of the Office on behalf of the Commission involved responses to subpoenas, summonses and applications for third party discovery directed to the production of documents in the Commission’s possession. The Commission was not a party to the proceedings in respect of which these processes were issued. Where necessary, it has resisted production on the ground of public interest privilege, in particular to protect the confidentiality of sources of information. The concern is that people will not assist the Commission if confidentiality cannot be assured. On each occasion the Commission’s argument that the privilege applies has been upheld, although on occasions the court has exercised its discretion to order the production of some documents.

These applications concern not only documents obtained by the Commission in the exercise of its investigative powers, but also material inherited from the Fitzgerald Commission of Inquiry and the Police Complaints Tribunal.

As anticipated in the 1990/91 Annual Report, there has been an increasing number of these applications, of which there is often little or no notice. Responding to each application involves a
significant diversion of the Commission’s resources from other pressing work—in addition to the direct costs involved, the preparation of affidavits and court appearances takes an average of two working days’ effort. On a number of occasions, applications were not proceeded with after this work had been done. Because the Commission has been required to respond to these processes in courts outside of Brisbane and even Queensland, it is often necessary to brief private barristers to appear. The Commission is seeking to address this matter through an amendment to the Act that would strike an appropriate balance between the essential confidentiality of aspects of the Commission’s functions and the need to make relevant evidence available to parties in legal proceedings.

**Legislative Amendment**

The Office advised on and prepared the Commission’s proposals for amendment to the Act which were submitted to the PCJC in July 1991 and consolidated in a draft Act submitted to the Committee in September 1991. General Counsel was consulted in respect of the amendments that were in fact made to the Act during this period. This is dealt with in more detail in Chapter 13.

In addition, the Commission has responded through the Office to other legislative amendments affecting the Commission and legislative proposals directed to the reform of the criminal justice system. These are also detailed in Chapter 13.

**Issues Papers**

The Commission has continued to receive requests to comment on issues papers and reports concerning the administration of the Queensland criminal justice system and public sector. During the period under review, the Office co-ordinated, advised on and prepared the Commission’s responses to:

- Proposed Whistleblowers Protection Legislation (to EARC and the Parliamentary Electoral Administrative Review Committee (PEARC));
- Review of Parliamentary Committees (to EARC);
- Review of Codes of Conduct for Public Sector Officials (to EARC);
- Proposed Freedom of Information Legislation (to the Premier’s Department);
- Libraries and Archives Act 1988 (to EARC);
- Appeals from Administrative Decisions (to EARC);
- International Covenant on Civil and Political Rights (to the Queensland Attorney-General); and
- Victim Impact Statements (to the Queensland Attorney-General).

The Office also provided this service in relation to issues arising in respect of the Commonwealth and other State governments.

Submissions were made to the Commonwealth Government in relation to:

- cost recovery by Commonwealth agencies for providing information to law enforcement agencies;
- the ABC’s Australian Criminal Intelligence Database (ACID); and
- the Austel Inquiry into the privacy implications of telecommunications services.

A submission was made at the request of the NSW Parliamentary Joint Committee on the ICAC, to its inquiry into certain matters concerning the ICAC. This submission related to the relationship between the Commission and the ICAC and the availability of the facilities of the Witness Protection Division to persons assisting the ICAC with its investigations. The Director of the Witness Protection Division appeared and gave evidence at the Committee’s public hearings.
Because of the wide variety of issues addressed in the many submissions by the Commission on criminal justice issues; the submissions by units of the Commission other than the Office of General Counsel; and the fact that the majority of these submissions are public documents, the Commission has not devoted a separate chapter to them in this report.

It may, however, be of interest that the Commission’s submission in respect of the appeals from administrative decisions was that as a matter of principle it supports a statutory system for reviewing the merits of most administrative decisions.

Forms and Procedures

As has been stated in the Commission’s previous annual reports, the Office has developed forms and procedures to ensure that no process is issued in the exercise of the Commission’s statutory powers unless all the procedures are strictly complied with and, in particular, unless supporting documentation setting out the reasons for doing so are completed and these reasons are accepted by the Chairperson or his delegate.

These procedures have been initiated to ensure accountability in the exercise of these powers, through the existence of a permanent record of any such decision. Often these procedures go further than is required by the Act. For example, when the Commission receives Supreme Court approval for the use of a listening device (ss. 314 & 55 of the Act), the Commission provides a report to the Court on how that listening device was used, even though there is no requirement to do so.

During this period, the Office was involved in the further development of forms and procedures for:

- the dissemination of information by the Intelligence Division (s. 247(2)(a) of the Act);
- the custodian and disposal of material in the Commission’s possession (s. 326);
- the recoupment of Commission witnesses (s. 325);
- the reimbursement for assistance to the Commission (s. 323); and
- identification parades in aid of Commission investigations.

The identification parade procedures have been adopted by the QPS with necessary adaptations.

In addition, at the request of the PCIC, the Commission is working with QPS to develop a policy as to the covert and unilateral recording of conversations by police officers in the course of carrying out their duties.

The Commission has established an internal working party, which includes a lawyer from this Office, to review document/exhibit handling procedures. In doing so regard is being had to the revision of these procedures by the QPS. The procedures will specifically address issues such as storage of dangerous items and drugs, money, and valuables.

Advice of the Office has also been accepted as to the form and content of the Register of Communications between the Commissioner and Minister, as required by s. 47 of the Police Service Administration Act.

An electronic surveillance register has been implemented by the Commission, recording details of the equipment, where it is stored/used and the person responsible for it.

A range of Witness Protection Division precedents have also been refined on the advice of the Office during this period.

The Office continues to update policy and procedures, as required for inclusion in the interim Operational Procedures Manual, which is now maintained by the OMD.
Working Parties/Review Committees

Staff of the Office represented the Commission on the following external review committees and working parties:

- the Criminal Code Review Committee, which delivered its final report to the Attorney-General in June 1992;
- the Police Prosecutions Functions Working Party, which is chaired by the Commission's representative;
- the Illicit Drug Study Project, which is chaired by the Commission's representative;
- the Committee on the execution of Warrants of Commitment in Correctional Centres, which, at the request of the Minister for Justice, the Commission co-ordinated and chaired;
- the Queensland Police Service Manual Review Team;
- the Committee for Review of the Police Service Administration Act; and
- the Committee on the Anti-Discrimination Act 1992, which prepared guidelines that the Commission will follow when it receives a complaint of sexual harassment by one member of QPS against another member of QPS. The policy will be included in the Police Procedures Manual, with particular reference to the associated disciplinary processes.

A detailed listing of external committees and working parties on which the Commission was represented appears in Appendix I.
Preparation for Freedom of Information

As has been referred to above, the Office has co-ordinated the Commission’s response to and preparation for the FOI legislation. This has involved submissions to and consultation with the Office of Cabinet, Premier’s Department, and with Parliamentary Counsel.

A Commission lawyer has prepared an FOI manual and attended meetings convened by the FOI unit of the Attorney-General’s Department to discuss the introduction of the legislation. The Commission understands that some aspects of the Commission’s manual will be adapted for the purpose of the general public sector manual being prepared by the FOI unit.

The Office considers that these efforts have laid a sound legal foundation for the Commission’s handling of FOI requests.

The Commission is proceeding with the establishment of the infrastructure of its FOI unit and has already allocated establishment positions for FOI functions. The Office is to provide advice to the FOI unit on general issues involving matters of legal principle and is currently developing procedures to help it deal with those obligations.

Liaison with Other Agencies

In addition to the matters referred to above, the Office has settled Memoranda of Understanding for mutual co-operation between the Commission and:

- the National Crime Authority,
- the NSW Independent Commission Against Corruption,
- the Australian Transaction Reports and Analysis Centre, and
- the Australian Securities Commission.

Problems Encountered and Initiatives Taken

The Office is a service provider to the Commission, its organisational units and the Chairperson. Its major challenge has been, and is likely to remain, meeting the demand for its services. To help meet the demand for advice and assistance, the Office is implementing several new initiatives, including:

- restructuring procedures for dealing with requests for advice;
- developing a database with full text retrieval detailing current and completed advices and submissions;
- producing internal Commission issues papers; and
- sponsoring internal seminar presentations on specific issues.

The skills of the Office’s staff are being enhanced by attendance at relevant training seminars and professional conferences.

Future Directions

With the assistance of these initiatives, the Office will continue to provide a timely and high standard of independent advice on legal and policy issues to the Commission, its organisational units, the Chairperson and, where necessary, other agencies.

This advice will include the co-ordination of Commission submissions responding to issues papers and proposed legislative change.

It will continue to fulfill its role as the focal point of liaison on legal issues with other agencies, the legal profession, and the community.