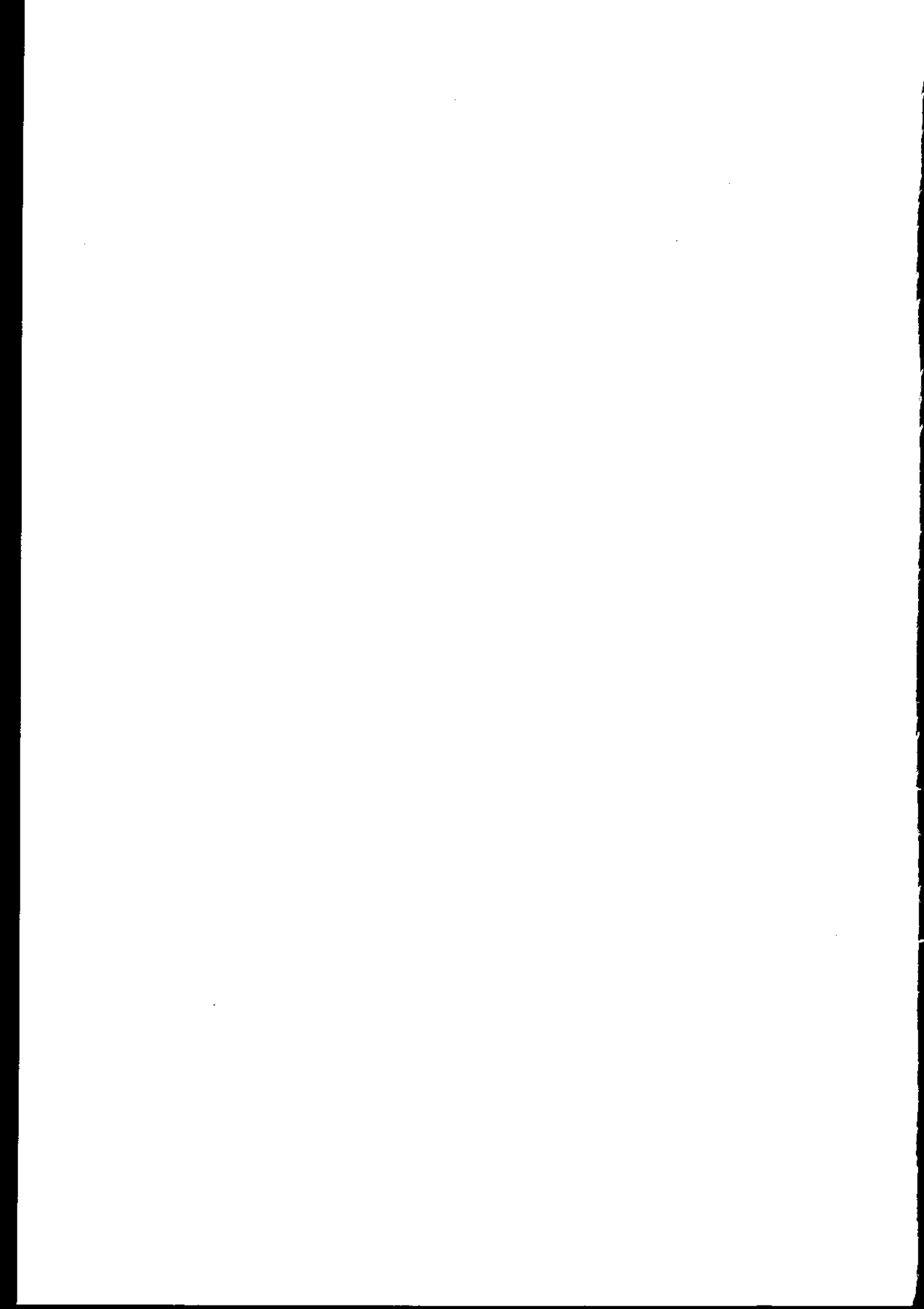


CRIMINAL JUSTICE
COMMISSION

**THE IMPACT OF THE
CONNOLLY-RYAN INQUIRY
ON THE CRIMINAL JUSTICE
COMMISSION**

September 1997



THE IMPACT OF THE CONNOLLY-RYAN INQUIRY
ON THE CRIMINAL JUSTICE COMMISSION

SEPTEMBER 1997

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ISBN 0-7242-7129-5

Printed by GOPRINT, Brisbane.



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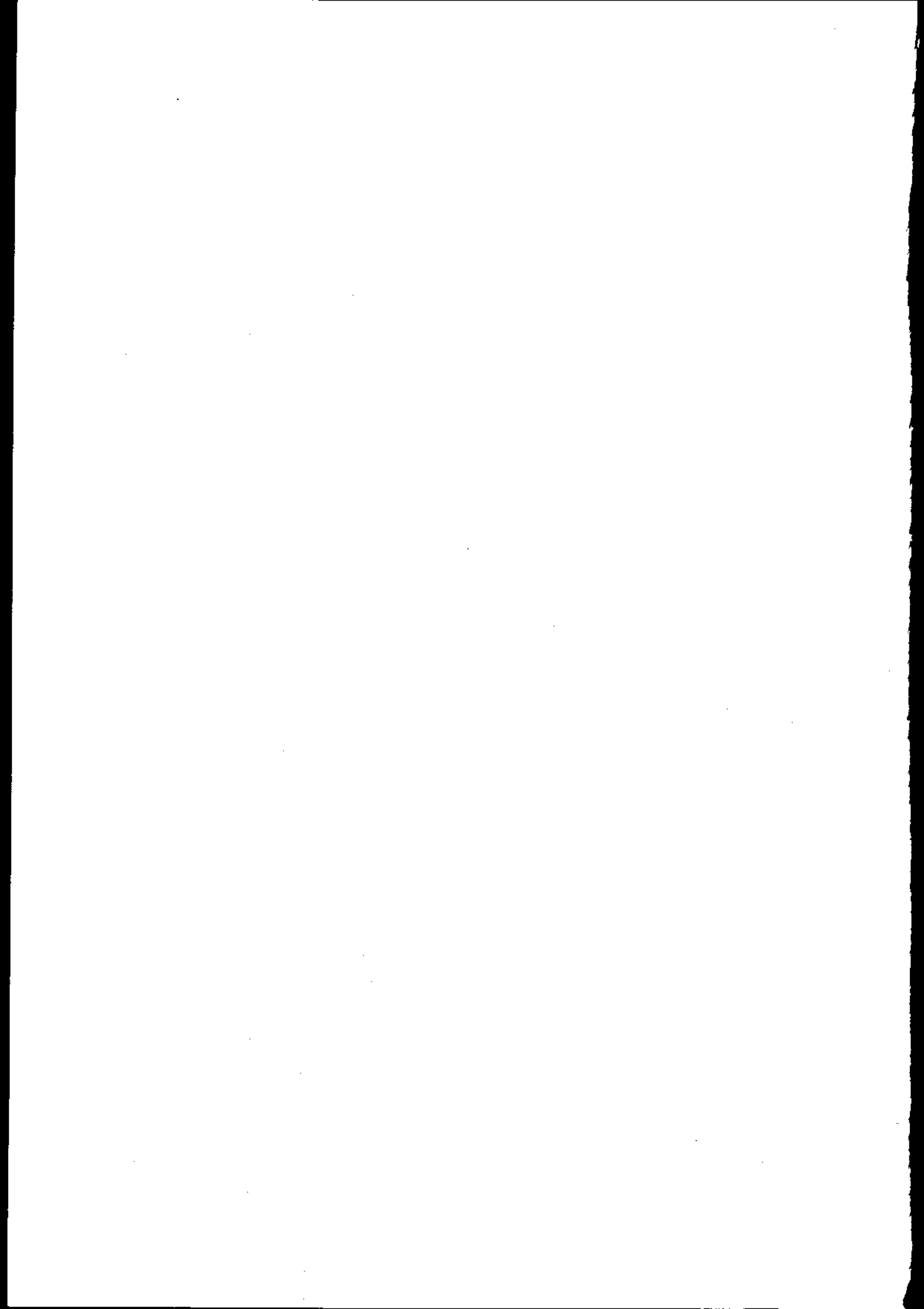
The Honourable Vince Lester MLA
Chairman
Parliamentary Criminal Justice Committee
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George Street
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Dear Sirs

In accordance with section 26 of the *Criminal Justice Act 1989*, the Commission hereby furnishes to each of you its report on 'The Impact of the Connolly-Ryan Inquiry on the Criminal Justice Commission'.

Yours faithfully

F J CLAIR
Chairperson



FOREWORD

On 7 October 1996, the Government established the Inquiry into the Future Role, Structure, Powers and Operations of the Criminal Justice Commission (Connolly-Ryan Inquiry). Under one of its terms of reference, the Inquiry was commissioned to examine specific allegations made in Parliament against a senior officer of the CJC. The remaining terms of reference were largely directed towards general matters.

In reality, the majority of the work of the Inquiry was directed to examining past investigations carried out by the CJC. In most cases these investigations had some political flavour, either because of the identity of the parties involved or the political nature of the complaint.

In any event, this detailed examination by the Inquiry of past activities resulted in extraordinary demands on the CJC in the following ways:

- it led to the Inquiry requiring production of many, and sometimes very comprehensive, records held by the CJC — a very labour intensive task
- senior officers were obliged to devote much time to reviewing past investigations and giving evidence about them, sometimes at great length
- lengthy responses had to be prepared by CJC officers to meet assertions, often ill-informed, foreshadowed by Counsel Assisting in reports on past investigations as submissions which were to be placed before the Inquiry.

In addition to responding to these demands, the CJC put considerable effort into addressing what it saw to be the important issues before the Inquiry. A lengthy statement was prepared setting out the manner in which the CJC presently puts into effect the provisions of the *Criminal Justice Act 1989*. Then, a very comprehensive submission was prepared setting out the CJC's view on contentious issues relating to its role, structure and powers.

These efforts were designed to assist the Inquiry in its task and to focus attention on achieving a constructive result.

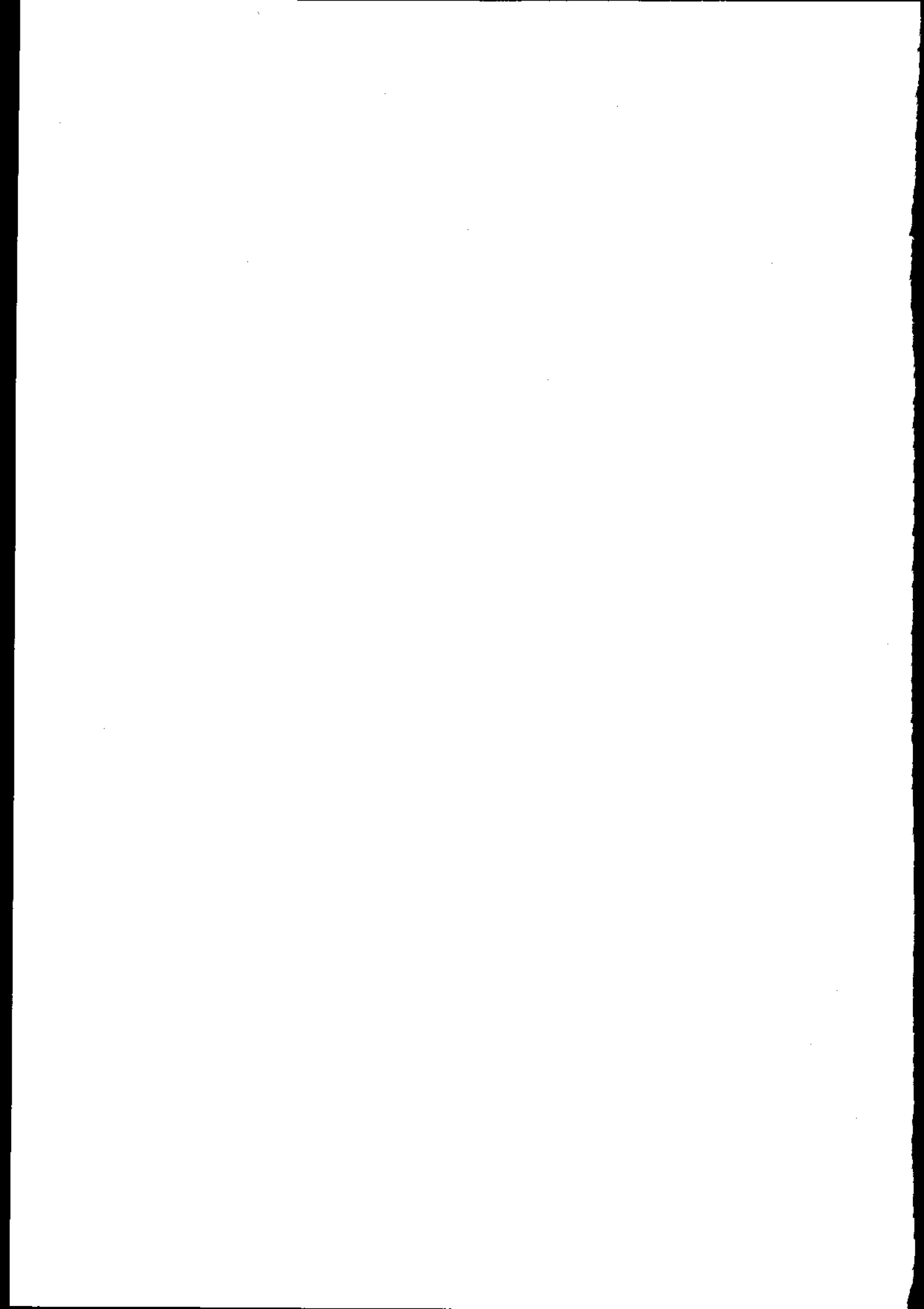
The sometimes aggressive and unnecessarily adversarial approach taken by those associated with the Inquiry, particularly in relation to the examination of past operations, made it absolutely essential for the CJC to be legally represented before the Inquiry by independent solicitors and counsel. This was a massive drain on the CJC's finances. The Attorney-General refused to consider any indemnity from Government to cover the CJC's costs. These costs were incurred on a far more modest basis than those associated with counsel assisting the Inquiry itself.

The Inquiry was originally to last for three months —it lasted ten months. The dual effect of massive legal costs and additional demands on staff resources has taken a considerable toll. This was exacerbated by the unrelated and unjustified budget cuts leading to a forced redundancy program which saw some twenty usefully employed staff made redundant at a cost of almost \$1m.

Needless to say, the combination of all these things has had a negative effect on staff morale. It is a great tribute to the staff of the CJC that, throughout this difficult period, they put in an extraordinary effort to ensure that the core work of the organisation continued, and did so with admirable results.



F J Clair
Chairperson



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ABBREVIATIONS

BCIQ	Bureau of Criminal Intelligence
CJC	Criminal Justice Commission
Connolly–Ryan Inquiry	Inquiry into the Future Role, Structure, Powers and Operations of the Criminal Justice Commission
JOCTF	Joint Organised Crime Task Force
OMD	Official Misconduct Division
PCJC	Parliamentary Criminal Justice Committee

INTRODUCTION

The purpose of this report is to inform Parliament and the Parliamentary Criminal Justice Committee (PCJC) of the impact which the Inquiry into the Future Role, Structure, Powers and Operations of the Criminal Justice Commission (Connolly–Ryan Inquiry) had on the operations of the Criminal Justice Commission (CJC) and the extent to which the CJC's ability to discharge its statutory responsibilities was hampered by the Inquiry.

The report is organised in two sections. The first section provides details of the resource demands which the Inquiry placed on the CJC as a whole. The second section documents the adverse effects which these demands had on the various Divisions of the CJC.

1. IMPACT ON THE CJC AS A WHOLE

NATURE OF THE DEMANDS PLACED ON THE CJC

The Connolly-Ryan Inquiry had a marked impact on the operation of the CJC from its establishment on 7 October 1996 until the Supreme Court granted an injunction restraining the Inquiry Commissioners from proceeding on 5 August 1997.

During this time, there were 126 hearing days, both public and private, which required the attendance of CJC officers and legal representation.

In addition, the Inquiry made 277 requests for information including *Summonses to Produce*, *Requirements to Produce Written Information*, *Requests for Responses*, and a *Summons to Enter Upon, Inspect and Copy*.

Some of the requests for information were particularly onerous. For example, *Summons to Produce #1* required names and addresses of all past and present employees and consultants engaged by the CJC during its seven year history. This request took 116 hours to fulfil. Another pertinent example was *Summons to Produce #100*, which required the production of all material relating to the Carruthers Inquiry. This task consumed 401 hours of CJC staff time, as it involved examining 55 boxes of material for legal professional privilege and then photocopying those documents which were required to be produced.

TIME EXPENDED BY CJC OFFICERS ON INQUIRY MATTERS

The following tables outline the time expended by CJC Officers on Connolly-Ryan Inquiry matters from receipt of the first summons to produce on 29 October 1996 until the decision of the Supreme Court. The tables indicate that a total of 17,233.75 hours were expended by 3 August 1997. This is the equivalent of 2377 standard working days or 12.64 persons working full-time for that period.

These figures do not include the time devoted to the Inquiry by the Chairperson, his Executive Assistant, or the Part-time Commissioners, which is detailed later in this report.

TABLE 1 — TIME SPENT BY OFFICERS OF THE CJC RESPONDING TO INFORMATION REQUIREMENTS OF THE CONNOLLY-RYAN INQUIRY, AS AT 3 AUGUST 1997

Requirement	Time spent (hours)
Summonses to produce	3,010
Requirements to produce written information	637
Requests for response	598
Summons to enter upon, inspect and copy	164
TOTAL	4,409

TABLE 2 — TIME SPENT BY OFFICERS OF THE CJC IN RELATION TO OTHER MATTERS ARISING FROM THE CONNOLLY-RYAN INQUIRY AS AT 3 AUGUST 1997

Matter	Time spent (hours)
Chairman's Statement	290.25
Attendances at hearings (including follow-up of matters raised at hearings)	1,881.50
Allegations by Mr Grice MLA	3,420.25
Complaints against CJC staff	43.00
Miscellaneous complaints matters	194.00
Preparation of submissions and presentations	2,325.50
Appearance of Mr K Davies	497.50
Carruthers Inquiry hearings	406.75
Bias application to Supreme Court	843.00
Corporate Services matters (issues relating to salaries and contracts)	499.50
Other matters	2,423.50
TOTAL	12,824.75

DIRECT FINANCIAL COSTS

Direct financial outlays relating to the Inquiry so far amount to \$1,696,838.52. This figure can be broken down under the following headings:

- legal representation
- external consultants
- stationery and photocopying

LEGAL REPRESENTATION

The funds expended by the CJC on legal fees for the Connolly-Ryan Inquiry as at 31 August 1997 totalled \$1,611,338.52. The final figure could be higher as some bills were outstanding at the time of this report's preparation. Table 3 shows how these funds were expended.

TABLE 3 — FUNDS EXPENDED BY THE CJC ON LEGAL REPRESENTATION BEFORE THE CONNOLLY-RYAN INQUIRY AS AT 31 AUGUST 1997

Type of fee	Expenditure (\$)
Solicitors' fees	791,716.02
Counsel's fees – appearance at Connolly-Ryan	787,822.50
Counsel's fees – miscellaneous applications and advice	31,800.00
TOTAL	1,611,338.52

There was no provision in the CJC's budget for these additional outlays and repeated requests to the Attorney-General for budget supplementation have been denied.

EXTERNAL CONSULTANTS

The sum of \$79,500 was spent on employing consultants to work on Inquiry-related matters.

FUNDS EXPENDED ON STATIONERY/PHOTOCOPYING SERVICES

In the 1996-97 financial year the CJC generated 200,000 photocopies more than in previous financial years. Most of this additional copying can be directly attributed to the impact of the Connolly-Ryan Inquiry. Taking a conservative estimate of the cost at 3 cents per copy, the extra expense amounted to approximately \$6,000.

The Inquiry reimbursed the CJC \$2,108.68 for a total of 79 hours of overtime worked by support officers involved in photocopying material requested by the Inquiry.

INDIRECT COSTS

COMPOUNDING EFFECT OF BUDGET REDUCTION

The impact of the very substantial resource demands of the Inquiry was compounded by a 8.9 per cent budget cut in 1996-97. This resulted in 20 staff being made redundant. Additional funding was subsequently provided for the Joint Organised Crime Task Force (JOCTF) and the Inquiry into Police and Drugs being conducted by the Hon. Mr W Carter QC on behalf of the CJC ('Project Shield'). However, this funding was only made available after staff reductions and transfers had begun. In addition, the supplementary funding allocations were tied to those specific areas.

EFFECT ON STAFF MORALE

The Inquiry had a debilitating effect on staff morale throughout the CJC. The following factors contributed to the negative effect on morale:

- the perceived lack of fairness of the Inquiry
- the heavy imposition which the Inquiry placed on the CJC and the consequent increased workload for staff
- the frustration associated with the lengthy duration of the Inquiry
- the uncertainty which the Inquiry created about the future of the CJC
- the general lack of direction within the CJC due to the commitment required by senior management in responding to the Inquiry.

2. IMPACT ON SPECIFIC DIVISIONS

OFFICIAL MISCONDUCT DIVISION (OMD)

COMPLAINTS — FINALISATION TIMES

Statistics from the Complaints Database show an increase in the finalisation times for older matters, despite efforts to quarantine the Complaints Section from the impact of the Inquiry. From January to July 1997 the number of matters more than one year old increased from 46 to 77. The number of matters between 26 and 52 months old increased from 91 to 97.

The more complex investigations can take a considerable time to be reviewed by legal officers. When their time is diverted elsewhere the review of these complex matters is the first area to suffer. The majority of *Requests for Response* from the Inquiry required a substantial commitment of time from OMD legal officers.

The reduction of resources available to investigate complex matters led to a reduction in the number of completed official misconduct investigations being referred to the Misconduct Tribunals. No matters were referred to the Tribunals between November 1996 and August 1997, compared with an average of 6.6 referrals per year in the five years from 1992 to 1996, including eight between January and October 1996.

COMPLAINTS — INCOMPLETE FILES

Statistics from the Complaints database also indicate an increase in the number of incomplete complaints. The number of incomplete complaints had been kept at around 420 until March 1997. However, the figure increased in the following months to a level which had not been reached since 1992. From March to June 1997 the number of incomplete files peaked at more than 490 and settled at the end of the 1996-97 financial year at 465. Although some of this increase can be attributed to a rise in the overall number of complaints, a significant proportion was attributable to demands placed on legal officers by the Inquiry.

The Manager of the Initial Assessment Unit was off-line attending to Inquiry-related matters for 31 working days. This meant that he was often unavailable for communication with the Chief Officer, Complaints, leading to a delay in finalising complaints.

COMPLAINTS — REVIEW UNIT

The functions of the Deputy Chief Officer of the Review Unit includes the review of investigations of the Queensland Police Service (QPS) in relation to:

- matters of minor misconduct
- certain breaches of discipline
- matters which may be technically official misconduct, yet are considered to be more appropriately investigated by the QPS or other departments.

For a five week period beginning in mid-June 1997, the Deputy Chief Officer of the Review Unit was almost totally devoted to responding to Connolly-Ryan Inquiry submissions and did not review any files. This contributed to substantial time delays in the review of QPS investigations.

OMD — ADMINISTRATION

OMD supervisors were restricted in their ability to attend to basic administration matters, such as performance appraisals and staff welfare matters, which are essential for the smooth running of the Division. Projects, such as a re-design of the Complaints Database and a review of the Division's Policy and Procedures Manual, could not be undertaken because of time constraints.

The Deputy Director's workload increased dramatically due to the Director's heavy involvement with Inquiry matters. The Deputy Director was solely responsible for the day-to-day management of the Division which, in turn, resulted in a marked reduction in time available for strategic and operational planning.

The Deputy Director also provided legal advice to the Witness Protection Division which, in the ordinary course of the CJC's operation, would have been provided by General Counsel.

In addition, the Assistant Director was unable to devote time to ensuring that administrative systems such as the Charges Register were operating correctly, and had little time to spend on strategic planning and budget control issues.

OMD — ORGANISED CRIME INVESTIGATION

The operations of the JOCTF were severely curtailed by continuing uncertainty over its future pending the outcome of the Connolly-Ryan Inquiry. This uncertainty had the following deleterious effects:

- when vacancies arose in the JOCTF police were reluctant to apply for these positions, significantly reducing the operational strength of the taskforce
- the task force was unable to pursue its successful long term approach based on intelligence driven collection plans and proactive target identification
- the reduction in staff and the need to finalise complex briefs on existing investigations meant that there were insufficient investigators to undertake investigations on targets already identified through the collection plan strategy.

During the course of the Inquiry, the JOCTF's endeavours in the areas of Japanese Organised Crime and Italian Organised Crime were greatly reduced: operations were focused only on Chinese Organised Crime and the organised criminal activities of Outlaw Motor Cycle Gangs.

RESEARCH AND COORDINATION DIVISION

Staff from this Division were primarily responsible for the preparation, coordination, presentation and editing of the CJC's major submission, as well as the Chairperson's Statement to the Inquiry.

Legal staff from the Division were extensively involved with matters arising out of the Inquiry, with one officer utilised almost exclusively on such matters. These staff undertook work which would normally have been carried out by the Office of General Counsel, such as provision of advice to other areas of the CJC and preparation of submissions on behalf of the CJC.

The involvement of senior staff with Inquiry matters and other matters normally the responsibility of General Counsel:

- delayed the completion of several projects, including a major report on the implementation and impact of the Fitzgerald Inquiry recommendations for the reform of the police complaints and disciplinary process
- prevented the Division from commencing work on a report requested by the Parliamentary Committee on the Transfer of Prosecution Functions from Police to the Director of Public Prosecutions
- reduced the resources that could be devoted to monitoring significant developments in the QPS and the criminal justice system and following-up prior recommendations in these areas
- prevented the Division from contributing resources to the development of strategies for reducing the incidence of favouritism allegations in the public sector – a project which the CJC had identified as a priority.

INTELLIGENCE DIVISION

The uncertainty created by the Inquiry had a substantial impact on the operations of the Intelligence Division. The Director spent a considerable amount of time reacting to the demands of the Inquiry. This restricted the amount of time available to conduct strategic and pro-active planning within the Division and in conjunction with the Official Misconduct Division.

Capable staff were lost during this period, due to the CJC's inability to offer permanent employment. The uncertainty generated by the Inquiry also restricted the implementation of the recommendations of a sub-program evaluation which had been conducted by an external consultant, as several of these recommendations would have required the creation of extra positions and the re-deployment of existing staff.

The disruption caused by the Inquiry delayed completion of a review of the JOCTF and of the ability of the QPS to investigate organised crime. Commitment of Intelligence Division staff to Inquiry matters also delayed projects such as a major strategic examination of organised crime and development of benchmarks for the Bureau of Criminal Intelligence (BCIQ).

In addition, the Division was restricted in the amount of time it could devote to pro-active auditing of its own procedures and those of the BCIQ. Finally, the quality (not the security) of information in its database was placed at risk due to the demands of the Inquiry and the reduction in resources available for quality control.

WITNESS PROTECTION DIVISION

The day to day operational activities of the Witness Protection Division were sheltered from the impact of Connolly-Ryan Inquiry. However, there was a large amount of disruption to the Division and reduced capacity to provide strategic direction as a result of the substantial number of hours senior officers in the Division had to spend preparing material for the Inquiry. The time spent was particularly significant in view of the limited support and administrative staff available for the preparation of the material.

CORRUPTION PREVENTION DIVISION

The Corruption Prevention Division was affected less severely than most of the other Divisions with only a total of 85 hours spent on Connolly-Ryan matters.

CORPORATE SERVICES DIVISION

The Information Manager, who is responsible for Information Technology and Records Management within the CJC, was seconded full-time from late October 1996 to Connolly-Ryan Inquiry duties. Consequently, the usual information technology strategic planning and budgeting processes were virtually suspended for the duration of the Inquiry.

The Information Manager's secondment, combined with the significant commitment of resources to Inquiry tasks from the Information Technology and Records Management Sections, resulted in a severe reduction in planned projects in both areas. The impact of delayed and suspended projects has been, and will continue to be, felt across the CJC as both sections attempt to recover from what is effectively a setback of close to one year. Projects delayed during this period include:

- the Records Management Section's project on the upgrading of the CJC's records management software
- the re-design of the Complaints Data Base.

The Information Technology Section's work was increased by having to provide electronic transcripts of the Inquiry.

The Records Management Section was overloaded with priority requests for information from the Inquiry. The extra demands meant that Exhibit Control Officers were able to respond only to the most urgent requests for return of material. This eroded the advances made in this area in the previous financial year. In 1995-96, outstanding items for return were reduced from 4,579 to 3,677. By 30 June 1997, they had risen to 4,869. The increase in outstanding items was also affected by an additional 699 new items compared with the previous financial year. However, the remaining increase of 493 items can be directly attributable to the impact of the Inquiry.

The Personnel Manager was required to spend almost six weeks preparing a submission to the Inquiry in relation to employment matters. The diversion of the Personnel Manager to this task led to a significant delay in the development of the CJC's 'Enterprise Agreement'.

OFFICE OF GENERAL COUNSEL

The Office of General Counsel consists of General Counsel and the Official Solicitor of the CJC. For the duration of the Connolly-Ryan Inquiry, General Counsel was dedicated almost exclusively to attending to matters arising out of the Connolly-Ryan Inquiry. This resulted in the Official Solicitor having to undertake tasks which in the ordinary course of events would have been dealt with by General Counsel. That, in turn, resulted in delays in attending to legal matters not related to the Inquiry.

Further, because of the reduced availability of staff, the Office of General Counsel was entirely reactive during the course of the Inquiry. Preparation of a proposed Policy and Procedures Manual for the Office has been delayed, as was consideration of the establishment of a database of cases and opinions to facilitate the Office's operations.

CHAIRPERSON AND PART-TIME COMMISSIONERS

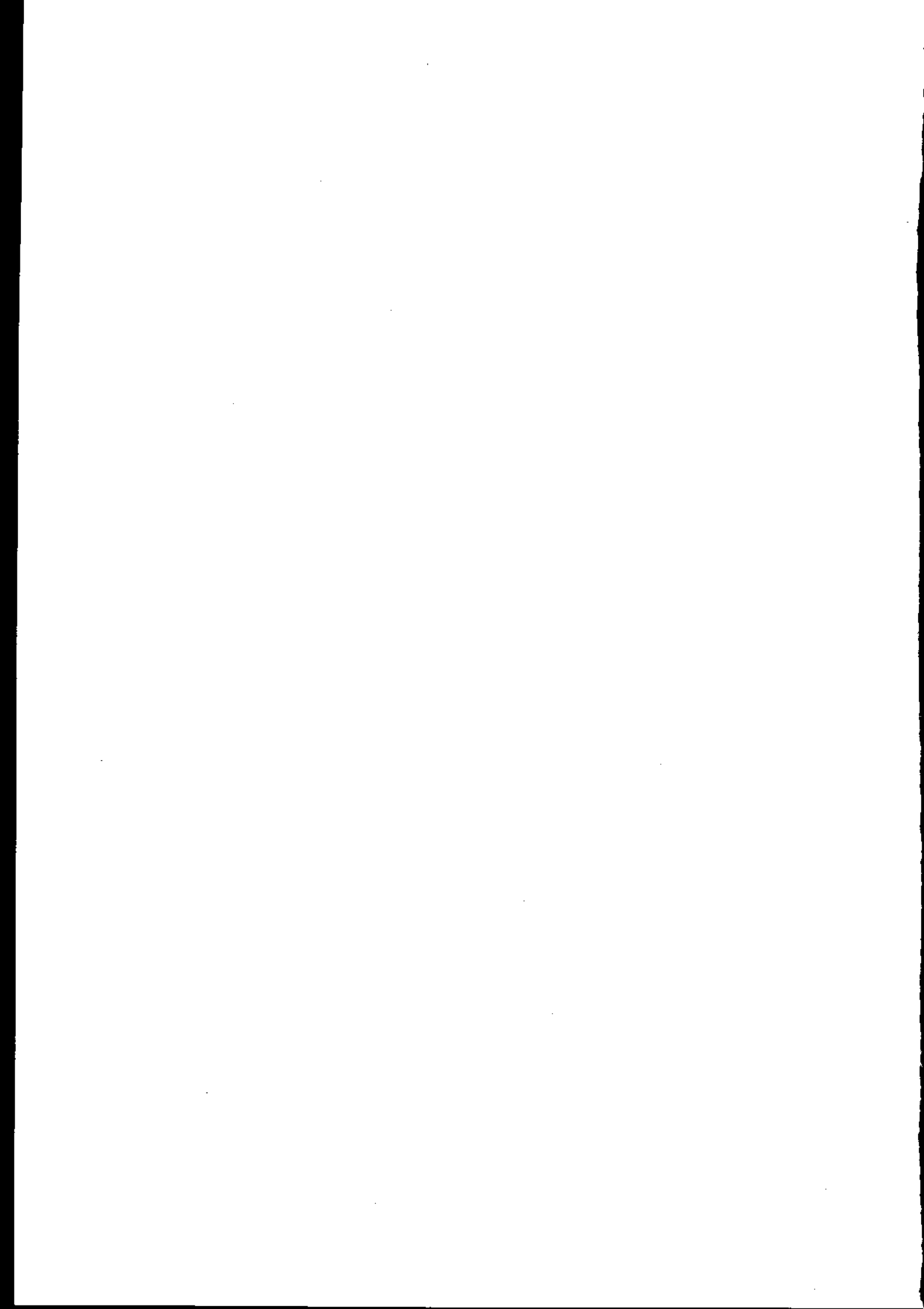
During the period it sat, the Inquiry absorbed, on average, three days per week of the Chairperson's time and more than half the time of his Executive Assistant.

The part-time Commissioners were also required from time to time to involve themselves directly in the activities and hearings in connection with the Inquiry. The Commissioners also devoted considerable energy to maintaining the stability of the organisation and determining the strategic direction of the CJC while it was operating under considerable pressure created by the existence of the Inquiry.

SUMMARY

In summary, the Connolly-Ryan Inquiry had a significant impact on the operations of the CJC for the 10 months that it sat. The effects of the Inquiry will be felt for some time to come in some areas of the CJC. Specifically, the Inquiry:

- had a considerable impact on the operation of the CJC as a whole in respect of terms of time spent by CJC officers, particularly senior management, in responding to requests for information and attending hearings
- was a major drain on financial resources with significant outlays made for legal representation, external consultants and general administrative expenses
- compounded the effects of budget cuts and resultant staff reductions
- had a marked negative impact on staff morale
- significantly hampered the performance of the normal functions of most of the Divisions of the CJC.



**PUBLISHED REPORTS AND PAPERS OF THE
CRIMINAL JUSTICE COMMISSION AS AT 20 AUGUST 1997**

<u>Date of Issue</u>	<u>Title</u>	<u>Availability</u>
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May 1990	Report on Gaming Machine Concerns and Regulations	Out of print
September 1990	Criminal Justice Commission Queensland Annual Report 1989-1990	Out of print
November 1990	SP Bookmaking and Other Aspects of Criminal Activity in the Racing Industry – An Issue Paper	Out of print
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March 1991	Review of Prostitution – Related Laws in Queensland – An Information and Issue Paper	Out of print
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March 1991	Report of an Investigative Hearing into Alleged Jury Interference	Out of print
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<u>Date of Issue</u>	<u>Title</u>	<u>Availability</u>
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October 1994	Report on a Review of Police Powers in Queensland Volume V: Electronic Surveillance and Other Investigative Procedures	In stock
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October 1995	Crime Victims Surveys in Australia – Conference Proceedings	In stock
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November 1995	Criminal Justice Commission Annual Report Summary 1994–95	Out of print
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