

# Corporate governance



## **Openness, integrity and accountability in governance**

Our corporate governance structure is based on principles of openness, integrity and accountability. The infrastructure helps us to plan, organise, manage and monitor our operations, performance and internal controls, and achieve best practice.

### **Internal accountability**

Our most important internal accountability mechanism is the five-member Commission, which sets our corporate policy and strategic directions.

### **External accountability**

External accountability structures include:

- > the PCMC
- > the Parliamentary Crime and Misconduct Commissioner
- > the minister (now the Attorney-General)
- > the Crime Reference Committee
- > the Public Interest Monitor
- > the Supreme Court
- > the Controlled Operations Committee
- > various legislative compliance structures
- > financial and performance management systems.



Responsibility for corporate governance is held within the Office of the Commission.

(left to right) Acting Executive Officer Gary Adams, Acting Project Officer Therese Flynn and Executive Director Mark Hummerston



Executive support

Annette Brisbin, Executive Assistant to Mark Hummerston

## Corporate governance

Our corporate governance structure is based on principles of openness, integrity and accountability.

Our corporate governance infrastructure helps us to plan, organise, manage and monitor our operations, performance and internal controls, and achieve best practice.

This section of the report looks at our internal and external reporting and accountability structures, as well as our legislative compliance, and financial and performance management.

Information about our resource-management practices and structures can be found on pages 75–81.

## Internal accountability structures

The most important internal accountability mechanism is the Commission. CMC corporate policy and strategic directions, set by the Commission, are then implemented by a range of internal committees and generally overseen by the Strategic Management Group (SMG). The CMC also has an independent internal audit function, which reports directly to the Chairperson. Where necessary, additional external resources are used to ensure effective audit coverage. The function is an integral part of the CMC's corporate governance framework.

## The Commission

The Commission consists of five Commissioners – a full-time Commissioner who is the Chairperson and four part-time Commissioners who are community representatives. Two full-time Assistant Commissioners (the Assistant Commissioner, Crime, and the Assistant Commissioner, Misconduct) and the Executive Director also participate in Commission meetings, though they have no voting rights.

The Commission has primary responsibility for achieving the purposes of the Crime and Misconduct Act.

The Commissioners during this reporting period were:

- > Mr Robert Needham (Chairperson)
- > Professor Margaret Steinberg AM (whose term expired on 1 October 2005)
- > the Honourable Douglas Drummond QC (appointed 7 July 2005)
- > Ms Julie Cork (appointed November 2004)
- > Ms Suzette Coates (appointed November 2004 and resigned 16 December 2005 to take up an appointment as a Magistrate in Cairns)
- > Dr David Gow (appointed 2 October 2005).

(Ms Ann Gummow's appointment was announced in August 2006.)

See pages 18–19 for background details on the Chairperson and part-time Commissioners who served during this reporting period.

Each fortnight the Commission meets formally with the Assistant Commissioners and the Executive Director to consider issues relating primarily to the strategic direction of the organisation. A typical agenda includes:

- > examination of the work of the various functional areas from a strategic point of view
- > a decision about whether a draft report should be issued or revised
- > consideration of whether a matter should be referred for prosecution or disciplinary action
- > discussion of any corporate governance or managerial issues.

When urgent matters arise, special meetings are convened at short notice either in person or by telephone. The Commission also meets regularly with the CMC's overseeing body, the PCMC.

In guiding and maintaining the focus of the organisation, the Commission discusses matters affecting all areas of the CMC, including financial, staffing and managerial issues,

specific crime and misconduct operations, research and intelligence projects, and capacity development and misconduct prevention activities.

During 2005–06 the Commission met 28 times, of which two were special meetings, and met with the PCMC four times (see Table 1).

In addition, the part-time Commissioners chair significant internal committees, participate in others and represent the CMC on external bodies.

**Table 1. Attendance of Commissioners, Assistant Commissioners and Executive Director at Commission meetings 2005–06**

	Ordinary meetings (n = 26)	Special meetings (n = 2)	With PCMC (n = 4)
R Needham	25	2	4
S Coates	12	2	1
J Cork	26	1	4
D Drummond	24	2	3
D Gow	18	2	3
M Steinberg	7	–	1
J Callanan	19	–	4
S Lambrides	22	2	3
G Brighton	6	–	1
M Hummerston	18	2	3



Former Executive Director Graham Brighton

Graham Brighton was Executive Director until October 2005, and was succeeded in the position by Mark Hummerston.

## Commissioners who served during this reporting period



**Robert Needham**  
(Chairperson since January 2005)

Mr Robert Needham was appointed Chairperson of the CMC in January 2005. Before that he practised as a barrister for 35 years, his career spanning periods as a Crown Prosecutor and as a barrister in private practice.

In late 1987 Mr Needham was appointed Counsel Assisting the Fitzgerald Commission of Inquiry. He subsequently became involved in the political corruption investigations arising out of the inquiry, forming a team

in the Special Prosecutor's Office to finalise briefs and prosecute the political corruption trials.

Afterwards, Mr Needham was involved in various corporation law prosecutions for the Australian Securities and Investment Commission and the Commonwealth Director of Public Prosecutions, including the Christopher Skase prosecution. He was also involved in complex and lengthy cases in the Land Court and the Planning and Environment Court.

Mr Needham, who has a Bachelor of Laws from The University of Queensland, was the Parliamentary Crime and Misconduct Commissioner from 2002 to 2003.



**The Honourable Douglas Drummond QC**  
(from July 2005)

The Honourable Douglas Drummond QC was a judge of the Federal Court of Australia for more than 11 years before retiring in April 2003.

Mr Drummond's legal experience spans 38 years, and includes a three-year appointment in 1988 as Special Prosecutor with responsibility for the investigation and prosecution of offences arising out of the Fitzgerald Commission of Inquiry. He has also practised as a barrister at the private Bar, specialising in general commercial litigation and arbitration.



**Julie Cork**  
(from November 2004)

Ms Julie Cork has a Diploma in Teaching and a Bachelor of Education Studies, and more than 25 years' experience in organisational management policy and practice. In addition, she has extensive knowledge in the more sensitive areas of human resource management, including the recruitment of Indigenous Australians and people with disabilities.

Ms Cork has undertaken organisational change work in association with the establishment of employment equity programs, in both the Australian and the Queensland public sectors. In August 1991 she was appointed Manager, Employment Equity, at the Public Sector Management Commission, with responsibility for the Queensland public sector.

Since 1996, Ms Cork has worked as a consultant in the private, public and community sectors.



**Dr David Gow**  
(from October 2005)

Dr David Gow is currently a senior lecturer at The University of Queensland Business School. He is an honours graduate from the University of Sydney and received his PhD from the University of Hawaii in 1981. Dr Gow's main expertise is in

public administration and political science, in which he has held various academic appointments over the past 23 years. He also has considerable experience in research methodology, having worked extensively as a consultant to the Queensland Government, and to the CJC between 1991 and 2000.

## Suzette Coates

(from November 2004 to December 2005)

Ms Suzette Coates holds a Bachelor of Arts and a Bachelor of Laws from The University of Queensland, and her appointment to the CMC fulfilled the

requirement that one of the CMC Commissioners be a lawyer with an interest in civil liberties. She has worked extensively for Indigenous families and in poverty law. Ms Coates resigned her position as a Commissioner in December 2005 to take up an appointment as Magistrate in Cairns.



## Professor Margaret Steinberg AM (from October 2000 to October 2005)

At the time of her appointment to the CJC, Professor Margaret Steinberg, who has a PhD in Child Health and Education from The University of Queensland, was Deputy President of the Guardianship and Administration Tribunal and Foundation Director of

the Healthy Ageing Unit, School of Population Health, The University of Queensland. Her awards include a Churchill Fellowship (disability), an NHMRC Public Health Travelling Fellowship (telecommunications/telemedicine), and a WHO-supported study in HIV/AIDS. An interest in decision-making, ethics, governance and prevention is reflected in her policy and research work and various committee memberships.



### Appointment of Commissioners

The Commissioners (including the Chairperson) are appointed by the Governor-in-Council under the terms of the Crime and Misconduct Act for a period of not more than five years. Their nomination for appointment must have the bipartisan support of the PCMC. They are paid the remuneration and allowances decided by the Governor-in-Council.

### Qualifications of the Chairperson

Under the terms of the Crime and Misconduct Act, the Chairperson, who is also the CEO, must be a legal practitioner who has served as, or is qualified for appointment as, a judge of the Supreme Court of any state, the High Court or the Federal Court.

### Qualifications of the part-time Commissioners

As representatives of the community, the part-time Commissioners bring a broad range of professional expertise and personal experience to the CMC.

Our Act requires one of the part-time Commissioners to be a practising lawyer with a demonstrated interest in civil liberties. It also requires that one or more have qualifications or expertise in public sector management and review, criminology, sociology or research related to crime or crime prevention, and that at least one is a woman.

### Resignation and termination of a Commissioner

The Governor-in-Council may terminate the appointment of a Commissioner (including the Chairperson) at any time if the Commissioner becomes incapable of performing the duties of office or is absent from three consecutive meetings of the Commission without prior approval and reasonable excuse.

In addition, the Governor-in-Council may terminate the appointment of the Chairperson if the Chairperson engages in paid employment outside the duties of office without the minister's approval and the recommendation of the PCMC or the Legislative Assembly.

A CMC Commissioner (including the Chairperson) may resign at any time by written notice to the minister.

### Ethical standards

The CMC must keep a register of each Commissioner's pecuniary interests and personal or political associations.

### Assistant Commissioners and senior officers

The Crime and Misconduct Act decrees that Assistant Commissioners and senior officers must not hold office in the CMC for more than eight years in total (although the precise period is currently under review and may be

extended). A 'senior officer' is an officer whose principal duties relate directly to the performance of the CMC's prevention, crime, misconduct, research or intelligence functions or the giving of legal advice to the Commission, but does not include a senior officer whose duties support the CMC's functions, such as the Executive Director or a human resource, information technology or finance manager.

### The Strategic Management Group (SMG)

The CMC has a comprehensive committee structure to comply with corporate governance principles of effective management. The most significant of these is the Strategic Management Group (SMG), comprising Assistant Commissioners and Directors and chaired by the Chairperson as CEO. The role of the SMG is to manage the organisation within the delegation structure and strategic directions established by the Commission. In addition, the SMG selects and oversees the major operational and administrative projects undertaken by the organisation, in line with corporate priorities, objectives and statutory responsibilities.

The SMG, led by the Chairperson, comprises 11 members, representing the main areas of the organisation.

The charter of the SMG outlines its role and responsibilities. Minutes of the meetings are produced to record decisions and actions and to ensure the charter is adhered to.

As at June 2006 the members of the SMG were:

- > Robert Needham, Chairperson and Chief Executive Officer
- > Mark Hummerston, Executive Director (encompassing Office of the Commission and Corporate Services)
- > Stephen Lambrides, Assistant Commissioner, Misconduct
- > John Callanan, Assistant Commissioner, Crime
- > Assistant Commissioner Ron Vincent, Director, Witness Protection and Operations Support
- > Detective Chief Superintendent Felix Grayson, Director, Crime Operations
- > Chris Keen, Director, Intelligence
- > Russell Pearce, Director, Misconduct Investigations
- > Helen Couper, Director, Complaints Services
- > Susan Johnson, Director, Research and Prevention
- > Greg Rigby, Director, Information Management.



Members of the Strategic Management Group

(Clockwise from top left) SMG members Mark Hummerston, Russell Pearce, Ron Vincent, Felix Grayson, Helen Couper, Chris Keen, Greg Rigby and Susan Johnson. Absent from the photo are John Callanan, Stephen Lambrides and Robert Needham.

## Other internal management committees

The CMC's management committees ensure that it plans, organises, manages and monitors its operations, performance and internal controls, and strives to achieve best practice.

These committees fall into one of two categories: a Commission committee, which means it is chaired by a member of the Commission or an independent external person, or an SMG committee, which means it may be chaired by a CMC staff member.

To ensure that these committees maintain a strategic focus, charters have been developed to define the roles and responsibilities of the committees and their members. Copies of the charters, which are endorsed by the Commission, are available to all staff through the CMC intranet. At the end of each financial year the performance of each committee is evaluated.

## Commission committees

### Audit Committee

Chair: Philip Procopis (external member)

Provides independent advice to the Commission on identifying areas of potential risk to the CMC and where the main thrust of the audit functions should be directed.

In 2005–06 the Audit Committee:

- > endorsed 2006–10 Internal Audit Strategic Plan
- > endorsed 2006–07 Internal Audit Annual Plan
- > reviewed the CMC's financial statements for 2004–05
- > reviewed the 2005–06 Client Service Plan provided by the Queensland Audit Office
- > reviewed all internal audit reports and report of actions taken by management on recommendations reported and accepted by the Chairperson.

### Finance Committee

Chair: Chairperson Robert Needham

Assists the Commission with managing the budget process and ensures that there are appropriate and effective financial management practices. The Commission accepted all the committee's recommendations.

In 2005–06 the Finance Committee:

- > monitored expenses during the year and, where necessary, made recommendations to vary financial strategies to ensure that expenses remained within budget

- > prepared budget estimates and other financial information for the Ministerial Portfolio Statements, the Parliamentary Estimates Committee and the minister
- > conducted a mid-year review of the revenue and expense budgets for the CMC and ensured that approved budgets were aligned with the CMC's priorities
- > determined current and future resourcing options for the CMC, having regard to the outcomes to be delivered
- > considered Commission proposals that had a significant financial effect.

## Information Steering Committee

Chair: Chairperson Robert Needham

Provides advice concerning the development of the CMC's strategic plan for its information systems and information infrastructure.

In 2005–06 the Information Steering Committee:

- > approved required alterations to the 2005–06 Information Management Operational Plan
- > monitored progress with major information management projects.

## Legislation Committee

Chair: Chairperson Robert Needham

Monitors state and federal changes to legislation and activities that are likely to affect the work of the CMC

In 2005–06 the Legislation Committee:

- > ensured that the legislation governing the CMC's activities was conducive to the meeting of the organisation's stated objectives
- > ensured that the CMC complied with all legislation relevant to its operations.

## SMG committees

### Commission Consultative Committee

Elected chair: Research Officer Kate Foote

Vice chair: Inspector John Lewis

Provides a forum for employees and senior management to exchange ideas, concerns and points of view. Met eight times.

In 2005–06 the Commission Consultative Committee:

- > considered representations from staff on such matters as career planning and progression through higher duties/relieving opportunities and sound succession planning,

air conditioning, energy conservation measures, lift problems, corporate uniforms and car pool arrangements

- > reviewed several policies relating to the CMC's Work, Family and Life Balance program.

### Equal Employment Opportunity Consultative Committee

Chair: Commissioner Julie Cork

Provides advice to management in relation to discrimination and EEO matters, and provides a forum where staff can raise matters of interest and concern.

In 2005–06 the EEO Consultative Committee:

- > assisted in the production of the 2006–08 Equal Employment Opportunity Management Plan
- > supported the conduct of training sessions on Indigenous Cultural Awareness
- > supported the conduct of focus group sessions with members of the EEO target groups
- > continued to promote staff awareness of significant EEO events during the year, such as International Women's Day, International Day of Families and International Day of Indigenous People
- > supported the integration of EEO principles into Certificate IV of Government and Diploma of Management (Government) accredited training.

See also Appendix B for EEO statistics relating to all CMC staff, except seconded police officers from the QPS.

### Risk Management Committee

Chair: Director, Witness Protection and Operations Support, Assistant Commissioner Ron Vincent

Provides advice about effective strategies to ensure that the Commission minimises the potential for fraud and identifies potential risks.

In 2005–06 the Risk Management Committee:

- > participated in the Government Agency Preparedness (GAP) Project, which aims to improve the preparedness of government agencies in relation to the threat of terrorism
- > reviewed and updated the corporate risk register.

### Workplace Health and Safety Committee

Chair: Executive Director Mark Hummerston

Monitors the CMC's performance in providing a safe and healthy environment for its employees.

In 2005–06 the Workplace Health and Safety Committee:

- > implemented quarterly physical inspection processes
- > formally adopted the AS:4801 (the Australian Standard for OH&S Management Programs) as the audit protocol for the Commission
- > facilitated the first management systems audit
- > established the corporate Flu Vaccination Program
- > developed and introduced procedures for the reporting and investigation of incidents and hazards.

### Operational committees

The following committees deal specifically with operational matters, so the details of their work cannot be published:

- > Misconduct Operations Review Committee
- > Misconduct Assessment Committee
- > Crime Operational Review Committee
- > Crime Intelligence Review Committee (now Crime Intelligence Research and Review Committee)
- > Witness Protection Advisory Committee
- > Capacity Development Review Committee.

### Internal audit

Internal audit operates under a formal charter approved by the Commission and its activities are monitored by the Audit Committee. Its fundamental role is to conduct independent audits as a service to management, and to help management achieve sound managerial control. The Internal Auditor acts independently of, but works cooperatively with, the Audit Committee and has a standing invitation to attend committee meetings. The function also liaises regularly with the Queensland Audit Office (QAO) to ensure that there is adequate audit coverage across the organisation.

The Internal Auditor:

- > undertakes regular appraisals within the CMC to ensure the reliability of accounting and financial management information, the adequacy of the internal control structure and the protection of assets and resources
- > offers independent and confidential advice on action to improve organisational effectiveness, efficiency and economy
- > checks actions taken by line management on recommendations reported and accepted by the Chairperson
- > contributes to the integrity of the annual financial statements.

The Internal Auditor also provides advice to management on governance, management and accounting issues.

In 2005–06 the Internal Auditor:

- > completed the 2005-06 Audit Program
- > conducted audits of the following procedures and processes:
  - corporate governance structure with emphasis on internal management committees
  - communication review
  - assets management
  - covert operations expenditure
  - proceeds of crime
  - spot cash checks
  - review of annual financial statements under section 78 of the Financial Management Standard
- > attended the QAO client information briefing session and the briefing on the annual financial statements update
- > met with QAO auditors for discussions on contemporary audit issues.

## External accountability structures

Although the CMC is an independent statutory body separate from the government of the day, it is accountable for its actions through a variety of mechanisms, the principal one being the PCMC.

### The PCMC

The PCMC is a seven-member, all-party committee of the Queensland Legislative Assembly established to:

- > monitor and review the performance of the CMC
- > review CMC reports, including the annual report and research reports
- > request reports on matters that have come to the PCMC's attention through the media or by other means
- > receive and consider complaints against the CMC and deal with issues concerning the CMC as they arise.

The appointment of the CMC Chairperson and Commissioners may occur only with the support of a bipartisan majority of the PCMC.

The Commission formally meets with the PCMC on a regular basis (usually every two months) to discuss current activities and performance. A report detailing the CMC's activities during the period is prepared for the PCMC in advance of these meetings.

For membership of the PCMC throughout this reporting period, see the photograph on this page.

### PCMC's three-yearly review of the CMC

In addition to its normal monitoring duties, the PCMC is required to comprehensively review the performance of the CMC every three years. In May 2006, the CMC made a submission to the PCMC's next review, which drew the PCMC's attention to a range of matters, mostly relating to our powers under the *Criminal Proceeds Confiscation Act 2002*.

### Other mechanisms

#### Parliamentary Crime and Misconduct Commissioner

The Parliamentary Crime and Misconduct Commissioner (Parliamentary Commissioner) assists the PCMC in its role of monitoring and reviewing the CMC. The current Parliamentary Commissioner is Mr Alan MacSporran SC.

The Parliamentary Commissioner, at the PCMC's direction, investigates complaints against the CMC or its officers, and conducts audits and reviews of the CMC's activities. The Parliamentary Commissioner's powers include the ability to require CMC officers to give evidence at a hearing, and to require the production of records, files and other documents.

The PCMC may also direct the Parliamentary Commissioner to audit and review the CMC's activities. Each year the Parliamentary Commissioner carries out an audit of the CMC and reports on the audit to the CMC and the PCMC.



The Parliamentary Crime and Misconduct Committee as at 30 June 2006

Clockwise from top left: John English MP (Redlands); Stuart Copeland MP (Cunningham); Michael Choi MP (Capalaba); Liz Cunningham MP (Gladstone); Geoff Wilson MP (Ferny Grove), Chair; Howard Hobbs MP (Warrego), Deputy Chair. (Absent from photo: Cate Molloy MP (Noosa))

## The minister

The Honourable Peter Beattie MP, Premier and Minister for Trade, was the minister responsible for the CMC until August 2005, when the Attorney-General and Minister for Justice, the Honourable Linda Lavarch MP, became the CMC's minister.

The minister participates in the selection of the Chairperson, Commissioners and Assistant Commissioners, approves staff remuneration conditions and approves the CMC's budget. Our legislation also requires the minister to ensure that the CMC operates in accordance with best-practice standards.

To assist the minister in this regard, the CMC reports on the efficiency, effectiveness, economy and timeliness of its operational processes every six months through a written report under section 260 of the CM Act.

## Crime Reference Committee

The Crime Reference Committee, established under section 274 of the CM Act, has responsibility for referring major crime to the CMC for investigation. It also has a coordinating role for investigations into major crime conducted by the CMC in cooperation with any law enforcement agency.

The committee is chaired by the Assistant Commissioner, Crime, and consists of the Chairperson of the CMC, the Commissioner of Police, the Commissioner for Children and Young and People and Child Guardian, and two community representatives.

## Public Interest Monitor

The Public Interest Monitor monitors applications for, and the use of, surveillance warrants and covert search warrants under the CM Act and the *Police Powers and Responsibilities Act 2000* (PPRA).

The Public Interest Monitor has the following functions for surveillance warrants and covert search warrants:

- > to monitor compliance by the CMC in relation to matters concerning applications for surveillance warrants and covert search warrants
- > to appear at any hearing of an application to a Supreme Court judge or magistrate for a surveillance warrant or covert search warrant, or to test the validity of the application
- > to gather statistical information about the use and effectiveness of surveillance warrants and covert search warrants

- > whenever it is considered appropriate, to give to the Commission and the PCMC a report on noncompliance, if any, by the CMC.

## Supreme Court

Many of the CMC's coercive powers may be exercised only with the approval of a Supreme Court judge. These include:

- > a search warrant (where structural damage may occur)
- > a covert search warrant
- > a surveillance warrant
- > a notice requiring immediate attendance at a hearing
- > monitoring and suspension orders on financial institutions
- > an arrest warrant for non-attendance
- > an additional powers warrant.

The CMC is also subject to review in the Supreme Court in the following cases:

- > A person who believes that they are being investigated unfairly by the CMC may apply to the Supreme Court for relief.
- > The Supreme Court may decide issues of privilege raised by a person under investigation either at first instance or by reviewing a decision made by a presiding officer at a CMC hearing.

There have been no successful applications against the CMC during the reporting period.

## Controlled Operations Committee

The Controlled Operations Committee was established under the PPRA to consider and make recommendations about applications for 'controlled operations' to be undertaken by the QPS or the CMC. Controlled operations are investigations of serious indictable offences, misconduct or organised crime that involve police officers and others engaging in activities that may be unlawful.

The committee, chaired by a retired District Court judge (the independent member), comprises the Commissioner of Police (or nominee) and the Chairperson of the CMC.

In the case of any controlled operation by the CMC that involves the investigation of a police officer, the Chairperson may approve the application without referring it to the Committee, but must first contact the independent member and obtain the member's agreement to the proposed operation.

## Legislative compliance structures

The Commission and operational areas of the CMC receive independent legal advice on varied topics, including administrative and criminal law, contracts, personal injuries litigation and statutory interpretation.

### General Counsel

The role of General Counsel involves:

- > providing independent legal advice to the Chairperson, Commissioners and senior officers in the administrative and operational areas in the Commission
- > representing the Commission before courts and tribunals and presiding at in-house investigative hearings
- > representing the Commission on various inter-governmental and interdepartmental committees and working groups, including groups examining new cross-border investigations legislation, whistleblower protection legislation and the legislation governing telecommunications interception
- > liaising with Queensland Government departments in respect of amendments required to the Crime and Misconduct Act and other legislation to ensure the continued effective operation of the CMC.

In 2005–06, General Counsel spent several months acting as counsel assisting at the CMC's public inquiry into the Gold Coast City Council (Operation Grand) and assisted in the report-writing phase of that inquiry. General Counsel was also heavily involved in consultation with state and federal agencies on the development of recent legislation that allows cross-border investigations by law enforcement bodies such as the CMC.

### Legal Services Unit

The Legal Services Unit is headed by the Official Solicitor and includes the Deputy Official Solicitor and the CMC's FOI Coordinator (and Privacy Officer). The core tasks of this unit are to:

- > represent the CMC in litigation before any court or tribunal and, in appropriate cases, instruct counsel (or external solicitors) to appear
- > provide independent and objective legal advice to the CMC and its officers
- > determine applications for access to documents under the *Freedom of Information Act 1992* (FOI Act)
- > handle matters concerning the 'privacy' regime.



Theresa Hamilton, General Counsel

In addition to the core tasks, and with a view to improving the efficiency of the unit and the monitoring of work performance:

- > a legal advice and precedents database – a searchable database of all internal and external legal opinions provided to the CMC and its officers – has been established
- > a task manager database is approaching completion
- > we are progressing towards compliance with LAW9000, which is a legal practice specific certification to AS/NZS ISO 9001.

### Freedom of information

The CMC is subject to the FOI Act, which means members of the public are entitled to apply for access to our documents under that Act (see Table 2, next page).

However, the *Freedom of Information and Other Legislation Amendment Act 2005*, which received assent on 31 May 2005, introduced a new exemption provision that limits access. Section 42(3A) exempts information obtained, used or prepared for an investigation by the CMC or another agency where the investigation is in performance of the CMC's crime and misconduct functions. It applies also to such information obtained, used or prepared by its predecessors, the CJC and the QCC, in the performance of the equivalent functions.

**Table 2. FOI applications and reviews 2005–06**

Applications	
Personal applications received	25
Non-personal applications received	19
<b>Total applications</b>	<b>44</b>
Access	
Full access granted (personal)	11
Full access granted (non-personal)	1
Partial access granted (personal)	5
Partial access granted (non-personal)	5
Full denial (matter exempt)	5
Application received but no documents found	5
Outstanding as at 30 June 2006	3
Withdrawn/lapsed (fee not paid)	8
FOI Act not applicable	1
Reviews	
Internal	7
External	4
<b>Total reviews</b>	<b>11</b>

The exemption does not apply if a person seeks information about themselves and the investigation has been finalised.

The exemption provision is considered necessary to ensure that the CMC can protect from disclosure information it receives from public sector employees who voluntarily assist it in the course of an investigation. It ensures that the CMC remains effective and confidence in it is maintained so that such employees continue to cooperate with its investigations, rather than obliging the CMC to invoke its coercive powers in every investigation.

Most applications are requests by misconduct complainants for access to documents concerning their complaint.

## Privacy

Since 2001, when Cabinet approved Information Standard 42, agencies have been required to review the way they handle personal information to ensure that they comply with the requirements of 11 Information Privacy Principles (IPPs). The CMC is exempt from IPPs 2, 3, 9, 10 and 11 for all functions except administrative ones. As a result, most of the CMC's core activities are excluded from the privacy scheme. In accordance with the requirements of Information Standard 42, the CMC has nominated a privacy contact officer, developed a privacy plan to give effect to the IPPs and published the plan on its website. There were no complaints of breaches of privacy in the reporting period.

## Charter of Service

The CMC's Charter of Service sets out the standards that we undertake to meet when dealing with complaints about misconduct in the Queensland public sector. The charter also explains the service the complainant can expect from us, and their recourse if this service is not received. In April 2006 the charter was updated to accommodate the evolving role of the CMC and agencies in the management of complaints. It is published in print form and on our website.

## Financial and performance management systems and structures

The CMC operates in an accrual output-based financial management framework where all senior managers are responsible and accountable for the achievement of corporate goals and objectives within approved budget allocations. The Finance Committee assists the Commission in its role of managing the budget process and ensuring that there are appropriate and effective financial management practices.

The organisation reports through:

- > the annual Ministerial Portfolio Statement
- > financial statements for inclusion in the annual report
- > an internal budget reporting regime
- > six-monthly reports under section 260 of the CM Act.

We report on operational performance through narrative reports and statistical information. Narrative reports on the success of investigations and projects are provided through the annual report, publications and website. Statistical information about our activities can be found in the annual report. Operational performance targets are reported to the minister and the Queensland Treasury through the CMC's annual Ministerial Portfolio Statement (part of the State Budget Papers). These include a range of measures relating to aspects of quantity, quality, timeliness and cost. Quarterly performance reports are also provided to Queensland Treasury.