

Crime and Misconduct Commission Annual Report 2005–06

The CMC fights crime
and promotes integrity
in Queensland.

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October 2006

Attorney-General and Minister for Justice
and Women
Parliament House
George Street
Brisbane Qld 4000

Dear Minister

We are pleased to present to parliament the fifth annual report of the Crime and Misconduct Commission, which covers the 2005–06 financial year. The report is in accordance with the provisions of section 46J of the *Financial Administration and Audit Act 1977*.

Yours sincerely

Sighted and signed

Robert Needham, Chairperson

Sighted and signed

Hon. Douglas Drummond QC, Commissioner

Sighted and signed

Julie Cork, Commissioner

Sighted and signed

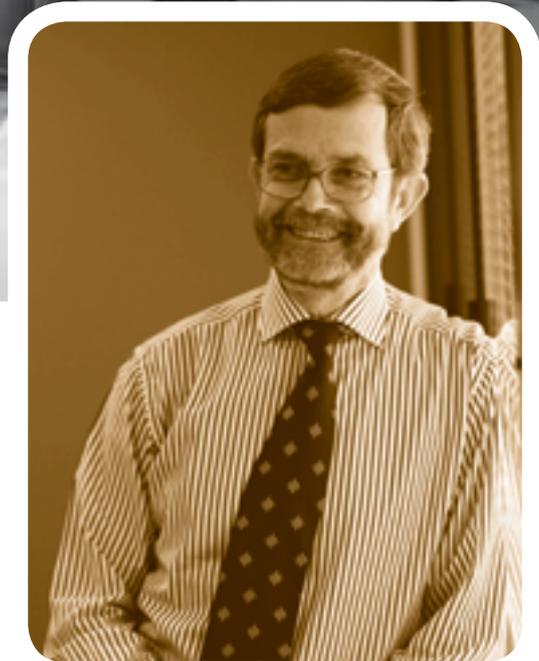
Dr David Gow, Commissioner

Sighted and signed

Ann Gummow, Commissioner



Chairperson Robert Needham with his Executive Assistant, Viki Graham



Message from the Chairperson

Now that I am well into my second year as Chairperson of the CMC I would like to take this opportunity to reflect on what it means to be the CEO of an organisation that, while operating with government funds, must operate without government fear or favour.

I am the sixth chairperson of this organisation and all six of us have at one time or another been accused of lacking independence. While this has never been found to be the case, it is not hard to understand why the perception crops up periodically. It stems in part from people seeing us make findings of misconduct against public servants while politicians seem to escape unscathed for apparently similar or worse offences. It also arises from the fact that many people tend to view our findings through the lens of their own political persuasion. Often the politicians in question are government ministers – when they are cleared it can look as though the CMC is indeed a 'clearing house' for the government of the day.

It is up to us in the CMC to constantly remind people of two things. Firstly, the CMC can only make findings against a politician if the behaviour under investigation could amount to a criminal offence – anything less than a criminal offence must be accounted for at the ballot box. (For public servants official misconduct can be either a criminal offence or any serious offence that might result in dismissal.) This is not something the CMC itself has determined – it is enshrined in our legislation.

Secondly, the CMC, as did the CJC before it, takes the view that it should carefully consider – and, if necessary, investigate and report on – matters referred to it by and about politicians, even if the referral of the allegations may be politically motivated. The public interest and public confidence in our democratic system

demand that we do so, as does the need to re-establish the reputation of those who have been wrongly accused.

Nonetheless, while there are legal limitations to the power of the CMC to investigate the conduct of politicians, our reports can and do challenge our political leaders. This year, for example, we conducted public hearings into electoral corruption on the Gold Coast. Our comprehensive report *Independence, influence and integrity in local government*, published in May 2006, disclosed that the electoral process had indeed been corrupted. We made recommendations for prosecution proceedings against six people, and 19 recommendations for reform of the local government electoral process. Regrettably, many of the reform recommendations have not been accepted by State Government.

The CMC understands, and shares in, the frustrations felt at times by the general public towards exposing and dealing with wrongdoing. We will continue to play our part by undertaking rigorous investigations that can withstand public scrutiny, conducting public hearings when necessary, and reporting fearlessly on contentious matters.

Apart from the Gold Coast hearings, which took up a considerable part of my time this year, I was also closely involved in our examination of whether Queensland should legalise escort prostitution services. At the start of this examination, I had a tentative view leaning towards legalisation. But the hearings and a review of the research literature and legislation turned me to the view expressed in our report (released October 2006) that we should not recommend changes to legislation that could lead to serious adverse effects – not when we are unable to be confident that those adverse effects can be avoided.

But, as this report demonstrates, there is more to the CMC than conducting public hearings and investigations. There is no similar organisation in Australia with our broad sweep of responsibilities and functions, encompassing everything from preventing crime and misconduct to offering protection to witnesses in criminal proceedings and to recovering the proceeds of crime.

Criminal paedophilia continues to be an area of specific focus. We contribute to the fight by targeting networked and recidivist child-sex offenders and those who use the internet as a tool for finding and grooming victims. In this reporting period, the strategy resulted in the arrest of 16 people and the laying of 85 charges. These sorts of investigations do not have geographic boundaries – one of our operations this year, for example, resulted in the conviction of a young man in the United States.

A landmark development in the complaints area during the year was the completion of a project that allows

government departments and other key agencies to deal more quickly with less serious complaints of misconduct. As a result, CEOs can now get started straightaway on dealing with certain matters, rather than having to wait for a directive from the CMC – provided, of course, that we are notified of these matters by way of regular schedule. This development reflects the CMC's commitment to encouraging CEOs to take greater responsibility for dealing with misconduct in their own areas.

Of course, there will always be the need for an independent body such as ourselves to monitor how agencies have dealt with matters and to investigate serious cases. This year we reviewed 158 individual complaints dealt with by agencies and found that only a few fell short of the standard expected.

People sometimes ask whether it is appropriate for government agencies, especially the QPS, to investigate themselves. The answer is that all government agencies, including the QPS, should take responsibility for the conduct of their own officers. Our role is to ensure that they do so to the required standard. Our *Facing the facts* series is one way we seek to help public servants deal with misconduct. This year we launched a new module designed to cater for the specific needs of local government.

In last year's annual report I noted the pressures placed on the CMC by limited resources – particularly limited accommodation. Work has begun in cooperation with the Department of Public Works to identify suitable long-term options for the CMC, to meet both current and future accommodation needs. Our present inability to place teams together does have an impact on efficiency. I am, however, confident that this problem can be resolved.

The year saw the loss of two CMC stalwarts who dated back to the early days of the CJC – Forbes Smith and Graham Brighton. I thank them both for their contribution to the Commission and extend a welcome to our new Commissioner, Anne Gummow, who was appointed in August 2006. Ms Gummow comes to us with a background in family law.

Finally, and most importantly, I thank the staff of the CMC, especially the support staff, for another year of dedicated hard work. Space does not permit me to give each of you the accolades you deserve.

Sighted and signed

Robert Needham
October 2006