

Reducing misconduct and improving public sector integrity

Overall performance 2005-06

Indicator	Performance
Matters assessed	3924
Matters referred to relevant agency	2879
Matters investigated	110
Capacity-building and monitoring projects	19
Disciplinary/criminal charges recommended	57
Number of reports tabled in parliament	2
Number of regional visits	4
Number of liaison officer meetings	2
Cost for output	\$20.204m



Reducing misconduct and improving public sector integrity

The CMC works in partnership with the QPS, state departments, public sector agencies and local government to reduce misconduct and raise integrity in Queensland.

In our Strategic Plan 2005–09, we undertook to adopt the following strategies:

- > Initiate and conduct timely and effective multidisciplinary misconduct investigations and inquiries.
- > Identify investigative opportunities through proactive intelligence and research activities.
- > Ensure an effective and efficient complaints-handling process (including assessment).
- > Undertake effective monitoring functions to oversee the management of misconduct in public sector agencies.

Working to improve public sector integrity

Assistant Commissioner, Misconduct, Stephen Lambrides, heads the Misconduct area of the CMC. He is pictured here with Senior Support Officer Lee-Anne Geissler.

- > Pursue collaborative opportunities to work with other agencies, to maximise capacity-building outcomes.
- > Undertake high-quality research, intelligence and prevention activities to help promote integrity and prevent misconduct.

In fulfilling these responsibilities in 2005–06, we focused particularly on:

- > continuous improvement of the Queensland public sector, through:
 - handling complaints
 - monitoring how public sector agencies handle misconduct
 - helping public sector agencies build their capacity to prevent and deal with misconduct
 - working with Indigenous communities
 - carrying out research on misconduct issues
 - carrying out research on police methods and practices
 - working with the QPS in other ways
- > investigating serious misconduct.

Table 12. Performance 2005–06 against outlook in last year's annual report

Last year we said we would:	In 2005–06 we:
Assess an estimated 4000 matters.	Assessed 3924 matters.
Finalise an estimated 110 misconduct investigations.	Finalised 110 misconduct investigations.
Undertake 10 research, prevention and intelligence projects.	Undertook 12 projects.
Continue to implement recommendations of a review of the CMC's complaints-handling procedures.	Implemented re-engineered business processes, enhanced performance measurement, improved records management, changes to management roles and a new organisational structure to better deliver core functions.
Undertake 16 capacity-building and monitoring projects.	Undertook 19 capacity-building and monitoring projects (see pp. 50–53)
Examine the QPS misconduct complaints management system.	<p>Began the first two of a series of projects:</p> <ul style="list-style-type: none"> > a project to enhance managerial responsibility for dealing with some types of complaints, supported by a framework incorporating the monitoring roles of the QPS and the CMC > a project on the disciplinary hearing process and the appropriateness of the sanctions available within the process. <p>These projects, and others yet to start, are due for completion in the next reporting period.</p>
Undertake major prevention system reviews as needed to address specific or generic misconduct risks that are identified in public sector agencies.	<p>Completed two major prevention system reviews:</p> <ul style="list-style-type: none"> > the contract and tendering processes in a state government department > the adequacy of existing legislation in relation to the conduct of local government elections and local government business, as part of the inquiry into the 2004 Gold Coast City Council election.
Review the CMC's Indigenous liaison program.	Continued a review of the strategies to engage with Indigenous communities, to ensure that they facilitate frank and honest exchanges between the CMC and Indigenous communities throughout Queensland.
Take part in a national research project into the management and protection of internal witnesses, including whistleblowers in the Australian public sector.	Entered into a contract with 5 universities and 15 other industry partners, nationally developed the research methodology and carried out the first phase of this 3-year project.
Continue to provide misconduct prevention advice and assistance to public sector agencies on issues of concern identified by them.	<p>Provided misconduct prevention advice or resources to state and local government agencies as a result of direct external inquiry on 105 occasions.</p> <p>Delivered 40 presentations (conference lectures, seminar presentations, workshops, training sessions) on misconduct prevention topics.</p>
Develop more capacity-building advisory papers on such topics as gifts and benefits, and sponsorships.	Released advisory papers on issues such as minimising the risks associated with offers and receipt of gifts and benefits by public officials, and the misuse of communication and information devices.
<p>Continue to raise community awareness of public sector integrity issues through:</p> <ul style="list-style-type: none"> > providing useful information to stakeholders on the CMC website > increasing public availability of investigative and prevention reports > participating in community activities such as NAIDOC week. 	<p>Developed a misconduct prevention advice portal on the CMC website, to provide misconduct prevention information and resource materials on a range of misconduct issues.</p> <p>Made reports available on website and in hard-copy form.</p> <p>Participated in NAIDOC week activities in Brisbane and at a regional centre.</p>

Overview of the CMC's misconduct functions

Our ultimate goal is to achieve a commitment to integrity that is shared by all public sector agencies.

To this end, we receive and assess complaints of official misconduct, refer most matters to the relevant agency to deal with (subject to our monitoring), and investigate some of the more serious matters ourselves.

'Misconduct', as defined in the CM Act, encompasses official misconduct and police misconduct (see pages 9–10 for definitions of official misconduct and police misconduct).

Our misconduct functions under the Act are to:

- > raise standards of integrity and conduct in the Queensland public sector
- > ensure that any complaint which involves or may involve misconduct is dealt with appropriately.

In fulfilling the second of these functions, we must adhere to the principles set out in section 34 of the CM Act, which are:

- > **Cooperation.** To the greatest extent practicable, the CMC and units of public administration should work cooperatively to prevent and deal with misconduct.
- > **Capacity-building.** The CMC plays a lead role in building the capacity of units of public administration to prevent and deal with cases of misconduct effectively and appropriately.
- > **Devolution.** Subject to the other principles, action to prevent and deal with misconduct in a unit of public administration should generally happen within the unit.
- > **Public interest.** The CMC has an overriding responsibility to promote public confidence in the integrity of units of public administration and, if misconduct does happen within a public sector agency, in the way it is dealt with.

The 'units of public administration' referred to in the Act include state government departments, public sector agencies, statutory authorities, tribunals, universities, local governments and the QPS. Politicians also come within our

jurisdiction, but for the conduct of an elected official to constitute official misconduct it must be capable of amounting to a criminal offence.

Responsibility for continuously improving the integrity of the Queensland public sector, and reducing the incidence of misconduct within it, must not rest solely with monitoring bodies such as the CMC. It must be part of the core business of the public sector agencies themselves. The biggest challenge for the CMC is to embed that notion in the public sector.

A strong culture of integrity requires that public sector managers accept responsibility for integrity within their domain, and are supported in that responsibility. Managers who are secure in the knowledge that they have the support of senior management and the bodies that oversee them are better placed to play this vital role in a way that will survive the normal turnover of management.

The principle of devolution under section 34 of our Act (see above) provides the mechanism for public sector managers to take responsibility for preventing and dealing with misconduct; our capacity-building role (and prevention function) allows us to support agencies in undertaking this role; and our monitoring role establishes an important accountability mechanism, which also yields information about any deficiencies in agencies' capacity.

Unfortunately, despite best efforts, some misconduct will continue to occur within organisations. Accordingly, we continue to investigate serious misconduct and matters where the public interest requires an independent investigation, or the agency involved lacks the capacity to investigate.

Experience here and in other jurisdictions indicates that there will always be an overriding need for the independent overseeing body not only to investigate serious cases of official misconduct but also to be able to monitor and review any matter dealt with by an agency in order to reduce the risk of any re-emergence of systemic corruption. We strive to ensure there is an appropriate balance to promote public confidence.

Continuous improvement of the Queensland public sector

Handling complaints

CEOs within the public sector must notify the CMC of any complaint that they suspect may involve official misconduct. The Police Commissioner has a statutory obligation to notify us of any complaint that he suspects may involve official misconduct or police misconduct.

Our publication *Facing the facts: a CMC guide for dealing with suspected official misconduct in Queensland public sector agencies* provides detailed advice for CEOs about their obligation to report to the CMC, with many real-life examples.

Members of the public may also make a complaint directly to the CMC about a situation that they consider raises a suspicion of misconduct. Sometimes the complainant's perception of misconduct turns out to be incorrect, but the complaint may expose a system deficiency that needs to be resolved.

To help members of the public understand the CMC's complaints-handling role, and how to lodge a complaint, we post the information on our website and regularly produce informative materials. Some of this information is also available, on request, in various community languages. Some of our brochures specifically target Indigenous communities.

The Chairperson participates in an inter-agency communications committee comprising Multicultural Affairs Queensland, the Queensland Ombudsman's Office, the Commission for Children and Young People and Child Guardian, the Anti-Discrimination Commission Queensland,

and the Health Rights Commission. The group was initiated in 2003 by Multicultural Affairs Queensland to help make the complaints system of each of these agencies more accessible to people from culturally and linguistically diverse backgrounds.

Between 2001–02 and 2004–05 there was a sharp increase in the number of the complaints we received, but this appears to have levelled off for the time being (see Figure 2). Historically, there has been a pattern of increasing numbers that level off and then increase again. Given the increasing size of the Queensland population, and more awareness among the public and within the broader public sector, it is likely that there will be a further increase in complaints received over the coming years.

Most complaints can be dealt with appropriately by the agencies themselves. Many of the complaints received turn out not to involve misconduct. If an agency reaches a stage in an investigation where it can make no further progress, it has the option of asking us either to work in cooperation with the agency or to take over the investigation. Through our monitoring function, we may also decide to take back a referred investigation.

Section 40 of the CM Act allows us to 'issue directions about how and when a public official must notify the commission of complaints'. During the year we used this power to complete a project that allows government departments and other key agencies to deal more quickly and efficiently with the less serious complaints of misconduct. They are able to start dealing with the complaints immediately and notify us by regular schedule.

Figure 2. Complaints received between 1990–91 and 2005–06

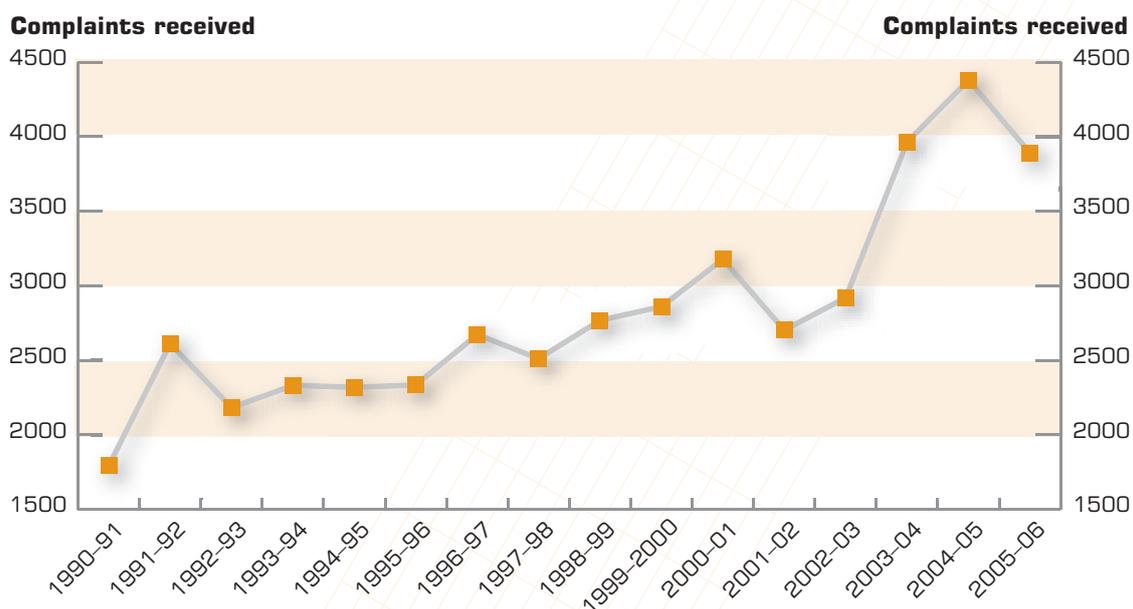
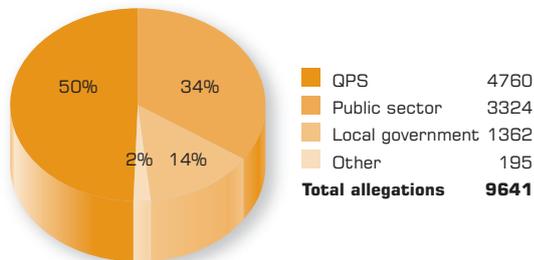




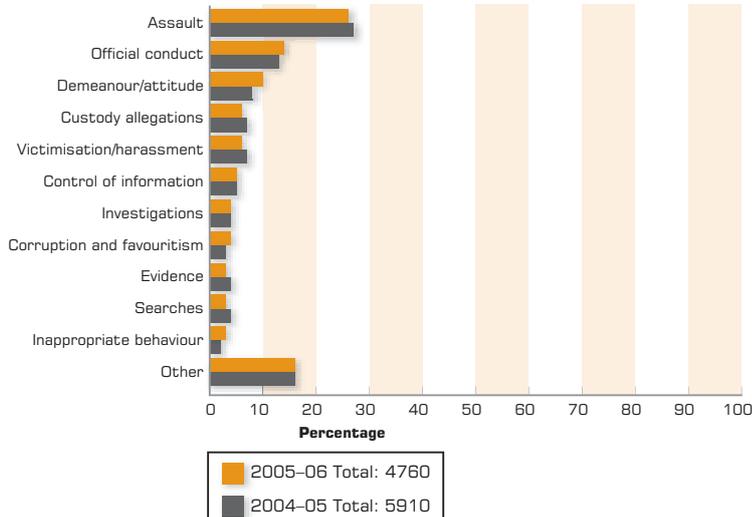
Figure 3. Allegations by agency, 2005–06



Complaints Services

Assessment and Monitoring Officer Barry Campbell (*left*) and Complaints Services Officer Conor McGarrity.

Figure 4. Types of allegations — QPS



Overview of performance

Complaints received

- > We received almost 3900 complaints, compared with just under 4400 in the previous year. Note that a complaint may consist of more than one allegation.
- > Figure 3 gives a general breakdown of allegations received (9641), by the type of agency they related to. The largest proportion (50%) related to police.
- > Despite the large number of complaints, we assessed 93 per cent within four weeks, exceeding the target we had set ourselves.
- > As in 2004–05, 'assault' was the most common allegation made against police (Figure 4).

- > 'Official conduct' (including failing to carry out statutory duties and not complying with policies and procedures) and 'corruption and favouritism' (including conflict of interest) were the most common allegations made against local government officers (Figure 5).
- > Most allegations made against other public sector officials were in the 'official conduct' category (Figure 6).
- > Almost three-quarters (73.5%) of complaints received were referred to the relevant agency for handling (Figure 7). Some of these matters were dealt with by processes such as mediation, because not all required investigation by the agency; 3.5 per cent of complaints were investigated by the CMC and 23 per cent were assessed by us as not requiring any further action by the CMC or anyone else.

Review of Complaints Services

- > Our project to refine our complaints-handling processes ('review of complaints services' or 'ROCS') began in 2004-05 and continued during 2005-06. Many of the business processes have been streamlined, and this has been reflected in improved timeliness.
- > There has been a dramatic fall in the number of complaints to the PCMC about the lack of timeliness on the part of the CMC in the assessment of complaints of misconduct.
- > A restructure of the areas of the CMC that deliver the complaints-handling function was put into effect in July 2006.

Figure 5. Types of allegations — local government

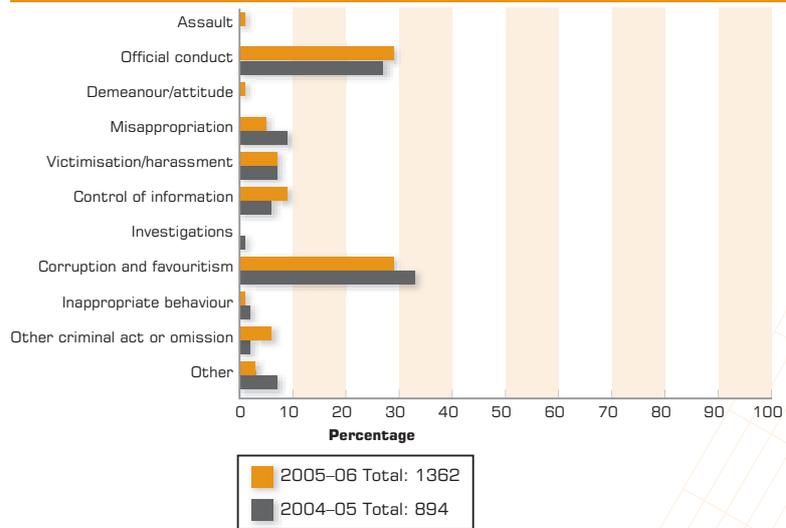


Figure 6. Types of allegations — public sector

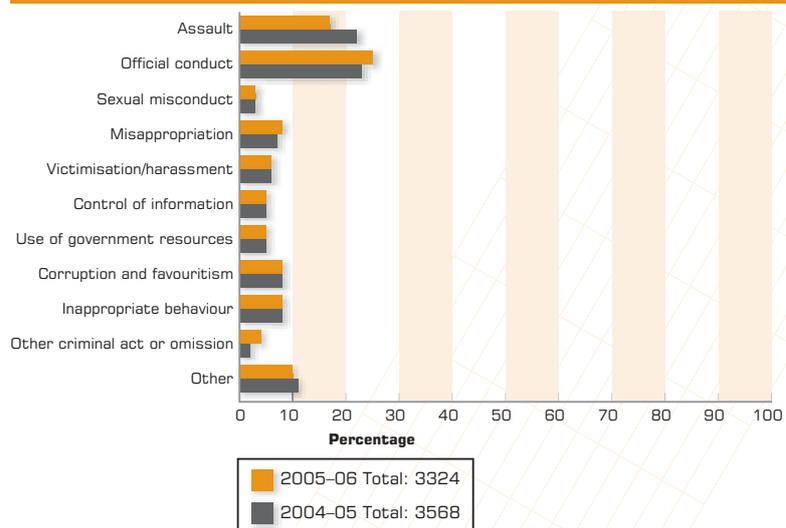
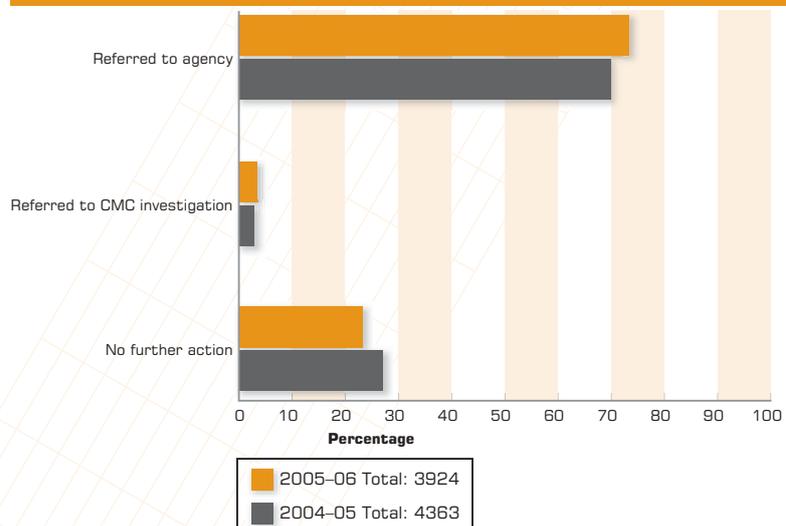


Figure 7. Assessment outcomes



Monitoring how public sector agencies deal with misconduct

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. However, the manner in which an agency handles any complaint may be the subject of a CMC review at any time, whether or not we have informed the agency at the outset. Agencies, including the QPS, can never assume that a complaint that they are dealing with will not be the subject of our scrutiny. As stated previously, we may also take over responsibility for an investigation that has been referred to an agency, either because the agency has asked us to or because we feel that it is necessary. During 2005–06, for example, CMC investigators took over 10 agency investigations.

We have the following ways of monitoring how public sector agencies deal with misconduct:

- > overseeing the agency's investigation while it is taking place
- > reviewing the finalised investigation report before any disciplinary or other managerial action is taken
- > reviewing how the agency dealt with the matter after it is finalised
- > auditing the way agencies, including the QPS, have dealt with complaints referred to them by us.

We can also advise agencies about how to deal with individual matters.

Overview of performance

Individual complaints reviewed

- > This year we reviewed 158 individual complaints dealt with by agencies (including the QPS). We found the vast majority of these matters to have been dealt with appropriately by the relevant agency. In a small minority of cases we had some concern about the standard of the investigation and made recommendations to the agency to address the shortcomings.

Complaints not reviewed

- > In relation to those complaints not the subject of individual review, we collect data about the manner in which the complaint was handled and the outcome. This year such data were collected in relation to 2592 complaints referred to agencies to deal with.
- > The data revealed that in 13 per cent of complaints referred to agencies no further action was taken by the

relevant agency; in 57 per cent of cases the original complaint was not substantiated, though some action may have been taken to resolve the complaint; and in the remaining 30 per cent of cases some disciplinary or other action was taken in relation to the original complaint/allegation.

Monitoring the QPS

- > In relation to police complaints, we reviewed 78 individual police complaints that we identified as warranting monitoring when we referred them to the QPS. Each review focused on the integrity of the investigation, giving consideration to the adequacy, impartiality and transparency of any investigative or other resolution processes, as well as the appropriateness of:
 - the conclusions and recommendations made as a result of any investigation or other action taken
 - any decision not to lay disciplinary charges
 - any other action taken where charges were laid
 - the charges, and the tribunal of fact to hear the charges
 - any finding and/or sanction
 - any systemic, procedural or preventive recommendations.

Review of QPS complaints management

We are undertaking a series of projects to review QPS management of complaints. These include:

- > a project to develop a framework to provide greater support for the management of some types of misconduct complaints within the QPS, subject to monitoring by both the QPS and the CMC
- > a project to improve the speed and efficiency of the disciplinary process
- > surveys of the degree of satisfaction of (a) complainants and (b) police officers with the current complaints system and processes
- > a review of the QPS Complaints Management Policy and Procedures
- > a post-implementation evaluation of any changes to the complaint management and disciplinary systems.

The first two of these projects have already begun, and involve consulting with a wide range of stakeholders and examining models in other jurisdictions.

Capacity building

An important way in which we fulfil our responsibility to raise integrity in the public sector is through helping

agencies build their capacity to prevent and deal with misconduct.

We do this in a range of ways, including resource development, outreach and coordination.

Whistleblower policy and practices

The CMC is involved in an important research project on best practice in public sector whistleblower policy, practices and management, in conjunction with Griffith University's Key Centre for Law, Integrity, Ethics and Governance. Its working title is 'Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations'.

The project includes 14 integrity-related organisations throughout Australia and has been granted Australian Research Council supplementary funding for three years. The current status of the project is:

- > survey of agency practices and procedures completed early 2006; analysis of data under way
- > employee survey distributed to the 34 participating agencies in Queensland, as part of national distribution; data entry proceeding
- > draft survey of whistleblowers, case managers and case handlers being developed and refined
- > case study agencies selected and initial discussions held
- > draft survey of integrity agencies being developed
- > preliminary analysis and findings to be presented at National Steering Committee meeting in Brisbane in September 2006 and at National Investigations Symposium in Sydney in November 2006.

Developing resources

We work with public sector agencies to determine the areas of greatest need, and then produce resources such as research papers, guides, toolkits, training materials, manuals, guidelines, articles and advisory pamphlets on preventing and dealing with misconduct.

These materials are developed either independently or in collaboration with other Queensland or interstate organisations. We also adapt material that has been produced elsewhere by bodies with similar aims to our own.

Resources published in 2005–06 include the following:

- > Prevention Pointer no. 13, *Preventing misuse of communication technology: a guide for everyone working in the public sector*, January 2006
- > another paper in our Building Capacity series, *Receiving gifts and benefits: managing the risks*, no. 8, June 2006.



A new module for *Facing the facts*

Director, Complaints Services, Helen Couper (*right*) discusses the new module with Communications Manager Monica Chaplain (*centre*) and senior manager Dianne McFarlane (*left*).

- > a new module – 'Local government and the CMC' (module 12), issued June 2006 – to add to our successful set of guidelines *Facing the facts: a CMC guide for dealing with suspected official misconduct in Queensland public sector agencies*
- > updated information brochures and fact sheets about the work of the CMC, its powers and responsibilities.

We provide information on our website about misconduct prevention and capacity building, with links to a wide range of publications and to external sources of information. We also issue an electronic newsletter, the 'e-newsletter', which is sent to all CMC Liaison Officers and many other stakeholders both within and outside the public sector; the e-newsletter is also available on our website.

Workshops and presentations

We delivered numerous presentations on specific issues pertinent to the group or agency concerned. For example:

- > presentations to public sector agencies and local governments on identifying and managing conflicts of interest
- > a workshop for over 80 participants on how to apply the best-practice fraud and corruption control guidelines developed by the CMC (see 2004–05 annual report)
- > presentations to professional groups such as the Interdepartmental Accountants Group and the Queensland Internal Audit Network Group on topics including fraud control, corporate governance and ethical conduct.

System reviews

We carried out organisational system reviews, in particular:

- > **Contract and tendering processes in a state government department.** The review arose out of a CMC investigation into allegations of dishonest conduct by departmental employees and contractors who had colluded to bill the department for work not performed and then share the proceeds. We found deficiencies in certain systems used by the department that had the potential to facilitate fraudulent conduct. We made nine recommendations for improvements to the department's processes.
- > **Adequacy of existing legislation in relation to conduct of local government elections and local government business.** This was part of our inquiry into the 2004 Gold Coast City Council election (see page 60), and formed part of our public report. We made 19 recommendations for changes to the *Local Government Act 1993*.

Ad hoc advice and information

Throughout the year we provided frequent ad hoc advice to agencies about how to deal with individual complaints, and on a broad range of policy and operational issues. From a survey of clients, it was evident that the CMC's officers were held in high regard, as were our training and development resources. Typical comments were:

'We were very happy with the professional service we received from the CMC. It was over and above expectations and very much appreciated.'

'My agency utilised the training and capacity-building materials to assist in spreading the "good oil" to staff and stakeholders. The publications have been of a high standard and always well received.'

'I have found the tools and resources that the CMC produce to be extremely beneficial. I have included a number of these items in a "Toolbox" to accompany the Department's Code of Conduct training. Specifically I am using *The public scrapbook*, *Turf it out* and the *Managing conflicts of interest* Toolkit. I can honestly say that on all occasions the staff in the unit have been enthusiastic, proactive and extremely helpful.'

Misconduct prevention website portal

We have developed a portal to best-practice advice on misconduct prevention on the CMC website, providing information and resource materials on a range of misconduct issues. This advisory centre incorporates our own information and downloadable material as well as material from a range of other reputable sources, plus internet links to the externally sourced information.



Working to improve public sector integrity

Misconduct Prevention Officer Narelle George with Principal Project Officer, Prevention, John Boyd

Outreach activities

Agencies in regional and rural areas, including local councils, face particular difficulties in dealing with and preventing misconduct. Their difficulties are due to factors such as the size of the community in which they operate, and their distance from other communities and major metropolitan areas.

To address these problems, we conduct regional visits to rural and regional centres throughout Queensland. Places we visited in 2005–06 included Cairns, Karumba, Inglewood and Caloundra. Some regional visits are for a day or so, while others may be for up to a week.

The major visits this year were to Cairns and the Sunshine Coast. Both visits were for four days, and included:

- > a full-day seminar for local government, focusing on the obligations under the CM Act, complaints management and prevention, and specific issues of concern
- > a full-day seminar for the public sector, generally about complaints management, based on *Facing the facts* and focusing on significant prevention issues such as managing conflicts of interest
- > meetings with regional agency officers, the local police and other stakeholders such as Indigenous bodies, local legal aid agencies and law associations
- > strategic seminars, workshops and presentations for agency staff at all levels.

Papers were also presented at larger conferences on public sector misconduct.

Coordination and collaboration with other agencies

- > Key agency partnerships are essential to the CMC's capacity-building function. Regular liaison meetings are held with a number of those key agencies. We consult, liaise and work cooperatively with many agencies and key stakeholders such as the Integrity Commissioner, the Office of Public Sector Merit and Equity (OPSME), Crown Law, the Queensland Audit Office and the Queensland Ombudsman.
- > We facilitated the development of the Corruption Prevention Network Queensland (CPNQ), a network of officers drawn mainly from the public sector with an interest or involvement in misconduct and corruption prevention. The CMC contributes to the CPNQ's basic running costs, to ensure it remains viable without needing to seek corporate memberships, and is available at no cost to anyone interested and eligible to join. We also provided a one-off grant of \$4950 to enable the redevelopment of the CPNQ website, which was launched in March 2006. Misconduct prevention officers ensure a continued CMC presence on the CPNQ organising committee, and at any events the CPNQ conducts.
- > During 2005–06, in conjunction with the New South Wales Independent Commission Against Corruption (ICAC) and the Western Australia Corruption and Crime Commission (CCC), we began planning for a national conference on public sector anti-corruption, scheduled to take place in Sydney in October 2007.
- > During 2005 we were approached by the WA CCC to help give conflict of interest issues a high profile within the WA public sector and to provide advice on developing resources to complement the existing guide, developed jointly by the CMC and NSW ICAC in 2004. A prevention officer conducted workshops and gave presentations to integrity bodies in WA at the invitation of the CCC.
- > We provided assistance to the Department of Local Government, Planning, Sport and Recreation (DLGPSR) in the development and implementation of a code of conduct for councillors which, under the revised Local Government Act, became a mandatory requirement for all local governments in Queensland on 1 March 2006.
- > After a CMC presentation at the Heads of Procurement Forum in May 2005, Queensland Purchasing asked for our assistance with their Purchasing Certification Program, and requested approval to use our training video *Turf it out*. We agreed to collaborate with Queensland Purchasing in reviewing curriculum and course content for a range of training modules.

Working with Indigenous communities

Aboriginal and Torres Strait Islander Liaison and Education Program

The purpose of the CMC's Aboriginal and Torres Strait Islander Liaison Program is to address crime and misconduct issues specifically relating to Aboriginal and Torres Strait Islander peoples. The CMC's Indigenous Liaison Program is particularly active in:

- > offering advice to Indigenous people and creating awareness about the role and functions of the CMC
- > providing advice and information about misconduct prevention strategies to community councils and other organisations
- > providing advice to the CMC on matters within its jurisdiction that affect Indigenous Queenslanders.

This is achieved through providing cultural advice and assistance to the Commission in the areas of Complaint Services, Research and Prevention, and Misconduct. Indigenous Liaison Officers regularly visit Indigenous communities and give presentations to raise the awareness of the role of the CMC. The Liaison Officers also develop education plans to help Indigenous councils build their capacity to prevent and deal with misconduct.

The CMC's Strategic Plan 2006–10 recognises the importance of developing and maintaining ongoing genuine relationships and partnerships with the Indigenous community. The priority areas identified are:

- > liaising with Indigenous groups and communities and undertaking involvement in public policy issues
- > ensuring an integrated approach to Indigenous issues across the organisation (This is a complex area of activity, but one to which we have always committed personnel and resources. We are currently exploring better ways to handle particularly difficult Indigenous-related issues.)
- > continuing to consult with external agencies and community groups to provide advice and training on good corporate governance, and develop effective advice and guidance to address unique problems in Indigenous communities.

Indigenous Engagement Strategy

Effective engagement with the Indigenous community is a priority for the CMC, and so in 2005 we decided to review our engagement strategy. In December 2005, the CMC Indigenous Community Consultative Committee was

disbanded so that its work could be replaced by the following more comprehensive range of strategies:

- > regional visits (four times a year)
- > community liaison by Indigenous Liaison Officers
- > CMC representation at NAIDOC (see next page)
- > CMC Liaison Officer meetings
- > Across Government Indigenous Governance Committee
- > attendance at the Indigenous Police Review and Reference Group
- > attendance at the Community Consultative Committee for Justice Entry Program
- > attendance at the Brisbane Indigenous Employment Coordinators Network meeting
- > informal contacts with the Cultural Advisory Unit of the QPS
- > maintenance of informal contacts with key members of the Indigenous community by Indigenous Liaison Officers and Indigenous Complaints Officers.

The CMC's strategy for Indigenous matters also includes the following internal activities:

- > Indigenous Complaints Assessment Meetings (ICAM)
- > regular monitoring of Indigenous complaints

- > Research and Prevention/Complaints Services meeting
- > Indigenous Liaison Officers' attendance at Research and Prevention team meetings
- > Indigenous issues highlighted in research proposals and research plans
- > procedures for ensuring that information from regional visits and community visits is passed on to relevant areas within the CMC
- > Indigenous Liaison Officer involvement in induction training for CMC staff
- > informal liaison between Indigenous Liaison Officers and Indigenous Complaints Officers.

Misconduct prevention

Capacity building within Indigenous councils

The CMC recognises that Indigenous councils in rural and remote areas face particular difficulties in dealing with and preventing misconduct. Some of the contributory factors include cultural appropriateness, the size of the community in which these councils operate, limited resources, and isolation. To help overcome any disadvantages brought on by these factors, and meet the needs of such communities, the CMC provides advice and information about governance and misconduct prevention strategies to Indigenous organisations.

In line with our strategic priority of providing an inter-agency approach to assisting Indigenous councils in the areas of misconduct, as part of the Community Governance Improvement Strategy administered by the Department of Local Government and Planning, Sport and Recreation (DLGPSR), our Indigenous Liaison Officers facilitated numerous workshops around the state on the CMC's On the Right Track Councillor Information Kit – *How to develop a code of conduct and Reporting and disciplinary procedures*.

To date, the Liaison Officers have completed workshops with all 15 Aboriginal Shire Councils and 15 of the 18 Torres Strait Island Councils (with the exception of Stephen, Mabuig and Dauan Island Councils). The remaining workshops will be conducted by the end of 2006.

The workshops have been well received by the councils, with positive feedback about the relevance, timeliness and usefulness of the material that was shared with them.

The CMC is committed to maintaining partnerships with external agencies and will continue to attend regular liaison meetings regarding Indigenous community governance with other key agencies. Attendance at these meetings includes



Code of conduct training and liaison

During the year Indigenous Liaison Officers Bonnie Eggmolesse and Daniel Abednego facilitated numerous code of conduct workshops for Indigenous councils throughout the state.

NAIDOC week

Once again, the CMC continued the tradition of past years by participating in NAIDOC in the regional centres, with CMC Liaison Officer Daniel Abednego travelling to Stapleton Park in Rockhampton in July 2005. The CMC also had a presence in Brisbane – both in King George Square and at the Family Fun Day at Musgrave Park.

At each venue there was an Indigenous Information Expo publicising the work of government agencies, community groups and organisations who provide services to the Indigenous community. This was a great opportunity for us to improve our profile and promote the CMC's complaints process to Indigenous people.

Two brochures were produced in time for NAIDOC 2005:

- > *Why do police investigate police? It's about police taking responsibility*
- > *reissue of Making a complaint against a police officer (for Indigenous people).*

Towards the end of June 2006, the CMC's Indigenous staff hosted an inaugural NAIDOC morning tea. It celebrated the theme for the upcoming NAIDOC 2006, 'Respect the Past – Believe in the Future', and aimed to improve the level of knowledge and understanding of Aboriginal and Torres Strait Islander culture among CMC Brisbane staff. Special guest elders were invited to speak about the importance of NAIDOC week and what it means for Indigenous people around Australia. Delicious bush foods and drinks were provided, a local Indigenous dance troupe gave a lively performance, and there was a display of Indigenous artefacts and artworks. The function proved very successful, with an enthusiastic response from staff.



NAIDOC morning tea, June 2006

Indigenous elder Flo Watson, accompanied by Indigenous Liaison Officer Bonnie Eggmolesse, addresses staff. Afterwards, staff and guests examine the artefacts and enjoy the bush tucker.

representatives from the DLGPSR, the Queensland Audit Office, the Office of the Ombudsman, the Department of the Premier and Cabinet, and the Department of Aboriginal and Torres Strait Islander Policy.

The aim of these meetings is to share information about current projects, identify opportunities for collaboration, and ensure that communities are provided with a coordinated range of appropriate training and capacity-building initiatives.

Complaints Services

The Liaison Officers regularly attend Indigenous Complaints Assessments Meetings to provide cultural advice on the matters that are assessed. They work jointly with Complaints Services to help develop policies and procedures related to assessment, monitoring and investigation of complaints from members of the Indigenous community. The Liaison Officers help to facilitate regular liaison between Indigenous groups and the CMC on matters relating to complaints.

Police methods and practices

The CMC is involved in a range of additional activities relating to the continuous improvement of the QPS. These include:

- > representation on various police-related committees and working parties
- > surveys about policing
- > other policing research initiatives and public inquiries.

We are well recognised throughout Australia for our work to develop, implement and evaluate various policing methods and strategies

Public perceptions of the police

As part of our ongoing commitment to monitoring attitudes over time, we have conducted surveys designed to measure the public's attitude to the QPS since 1991. In June 2006, we released the findings of our most recent survey, *Public perceptions of the Queensland Police Service: findings from the 2005 Public Attitudes Survey*.

Overall, the study showed that public perceptions of police behaviour remain positive. For example, more than 80 per cent of respondents held the belief that police are honest and behave well. In addition, dissatisfaction with police has generally shown a steady decline over the years. Despite the generally positive view of the QPS, the research highlights some opportunities for improvement, such as improving relations between police and young people and enhancing the complaints process.

Best-practice review of police integrity programs

In June 2006, the CMC concluded a review of proactive integrity-based activities (e.g. recruit selection, ethics training, policy compliance auditing) which are designed to enhance police integrity.

This review is the start of a process of documenting various procedures and policies that may assist the CMC and the QPS in their police integrity roles. Over the next two years, it is envisaged that we will work with staff from the Ethical Standards Command to determine whether there are any gaps that could be filled by using some of the strategies identified during the course of our review.

Review of police dog bites

In 2000, in response to a marked increase in complaints over a two-year period about bites by police dogs, the CJC (predating the CMC) conducted a review of all complaints during 1999 and 2000. The purpose of the analysis was to provide information for the Commission's commentary on a draft of the QPS Dog Squad handbook, which was being developed at the time.

In 2005, the CMC conducted a follow-up review to assess the extent to which the recommendations from the earlier review were implemented, and to assess the effect of any changes in policy on the rate of bite incidents and complaints.

We will release our report, *QPS dog squad: review of bite incidents and management*, in the next reporting period. The report was delayed to allow incorporation of some additional data.



Beat policing

Beat policing is a community policing strategy designed to make individual police officers responsible for the community's policing needs in a defined geographical area. Officers are encouraged to take 'ownership' of their area and employ proactive strategies to address the underlying causes of crime and community problems within their beat. Beat policing constitutes an important shift in the nature of operational policing.

Since the introduction of the first Neighbourhood Police Beats in Toowoomba in 1993, the CMC has been instrumental in the ongoing development of this highly successful program.

In 2005, the CMC began a six-month evaluation designed to assess the effectiveness of establishing a police beat in a major hospital – the Princess Alexandra (PA) Hospital in Brisbane. Our evaluation of the PA Hospital Police Beat is nearing completion, and will be published during the next reporting period.

Police and young people

Research tends to show that police are more likely to interact directly with young people than with any other group in society. Typically, these interactions are non-conflictual. However, each year a small number spiral out of control to the point where police take action.

Since 2005, the CMC has been working in partnership with The University of Queensland and the Queensland University of Technology (QUT) to carry out research on the relationship between young people (15–24 years old) and police in Queensland. Specifically, the research will investigate the nature of, and the factors shaping, interactions between police and young people. The study will also look for some possible strategies for enhancing police–youth relations.

This project is partly funded by the Australian Research Council (ARC) and is scheduled for completion in 2007.

OC spray

Oleoresin capsicum (OC) spray is a relatively new use-of-force option used by the QPS to help them deal with volatile situations and aggressive people. As noted in our 2004–05 annual report, we undertook a major examination of the use of OC spray by police, and our report, *OC spray: oleoresin capsicum (OC) spray use by Queensland police*, was released in October 2005. Although its conclusion was that OC spray was an effective and relatively safe use-of-force option for police, it made five recommendations to enhance current QPS policies and procedures in the areas of recording and monitoring, oversight, training and aftercare.

UPDATE

The QPS has recently advised us that it is working to implement or consider the recommendations in our report *OC spray: oleoresin capsicum (OC) spray use by Queensland police*.



Photo courtesy PA Hospital

Princess Alexandra (PA) Hospital

Our assessment of the police beat at PA Hospital will be published in 2006–07.



UPDATE on implementation of CMC recommendations

Police pursuits

In 2003, we released the findings of a major study into police pursuits in Queensland. The research focused on determining the nature, frequency and consequences of pursuits, as well as any implications for the QPS in terms of policy and training.

The report concluded that the QPS had taken some constructive steps to address the risks associated with police pursuits. However, we drew attention to an opportunity for the QPS to further enhance its policy and practices, primarily by tightening and clarifying its official pursuit policy. In particular, we recommended that the policy be more restrictive.

In response to our report and recommendations made by the Queensland Coroner, and as part of an ongoing review of police pursuits by the QPS itself, a revised Safe Driving Policy, incorporating a more restrictive pursuits policy, has been developed. A 12-month trial of the policy is scheduled to begin in October 2006.

Policing domestic violence

We also undertook a major study into the problem of domestic violence. In particular, we looked at the 'policing response' to domestic violence and set out to find ways in which the current response to domestic violence could be improved.

Our report *Policing domestic violence in Queensland: meeting the challenges*, was released in April 2005. The report highlighted the need for police to conduct thorough investigations of domestic violence incidents, consider the merits of police-issued protection orders, use a case-management approach in response to chronic repeat calls for service, review the role, function and rank of the State Domestic Violence Coordinator, and review the role and function of Regional Domestic Violence Coordinators.

Feedback that we have received since the publication of the report, especially from victims of domestic violence and victim support groups, has been very encouraging. In addition, in June 2006, the Commissioner of Police wrote to the CMC Chairperson advising that the QPS was intending to review, implement, or report on the most effective means of implementing the CMC's recommendations.

Investigating serious misconduct

We are uniquely positioned to investigate serious and complex matters, when required. We concentrate our efforts on matters such as major fraud within government agencies, drug-related police corruption and sensitive political matters. A successful conclusion to a CMC investigation may be the bringing of criminal charges, or, just as importantly, the clearing of a person's name or the restoring of public confidence in a public sector agency. The independence of the CMC means that no partisanship, political or otherwise, will influence any investigation or its outcome.

Investigation strategies

We use proactive and covert investigative techniques in our ongoing pursuit of corruption and other serious misconduct. Covert techniques include the use of physical and electronic surveillance and search warrants. In addition, under the CM Act and the *Police Powers and Responsibilities Act 2000*, we have special coercive powers not available to police, including the power to compel people to attend hearings. The exercise of these special powers over the past two years is shown in Table 13.

Our investigations also benefit from our specialised resources in research, prevention, intelligence, financial analysis and forensic computing.

Table 13. Exercise of the CMC's special powers for misconduct investigations, 2004-05 and 2005-06

Power exercised	Act and section	No. of times exercised	
		2004-05	2005-06
Power to enter	CM Act, s. 73	6	15
Notice to discover information	CM Act, s. 75	158	223
Notice to attend hearing	CM Act, s. 82	39	71
Search warrant applications	CM Act, s. 86 PPR Act, s. 68	17	22
Surveillance warrant applications	CM Act, s. 121	-	-

Figure 8. Number of finalised investigations

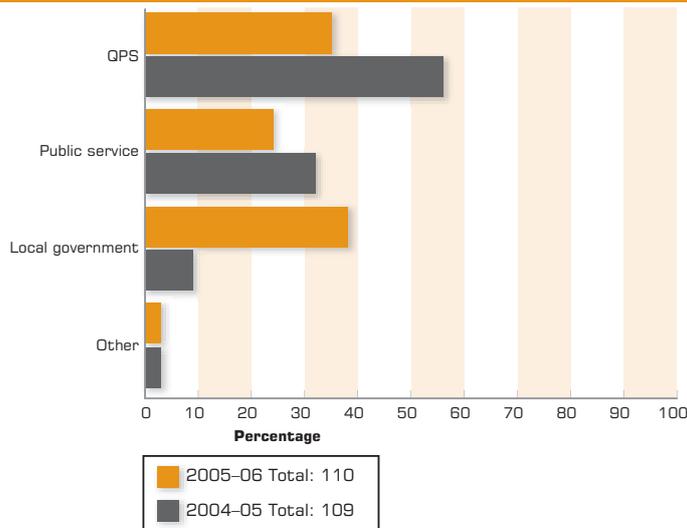


Figure 9. Types of charges

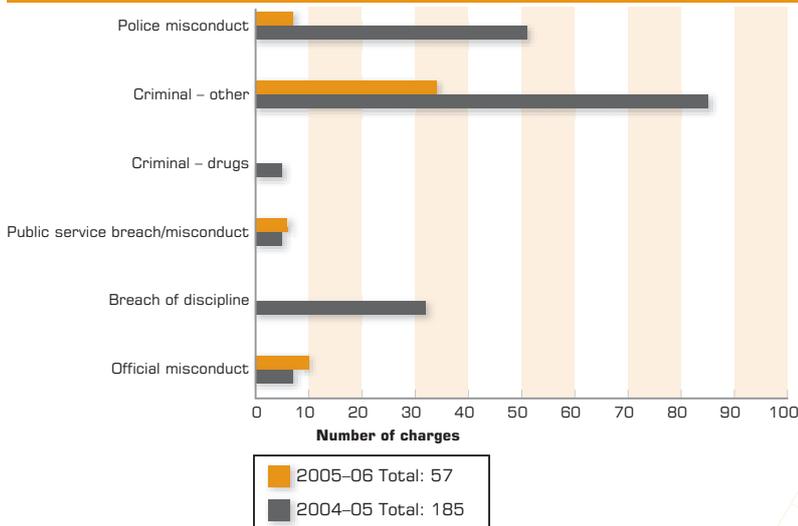
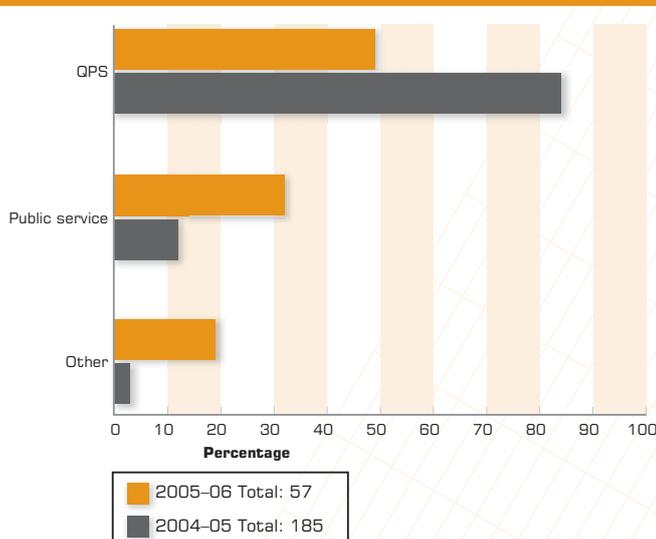


Figure 10. Recommended charges by agency



We are uniquely positioned to investigate serious misconduct.

We concentrate our efforts on matters such as major fraud in government agencies, drug-related police misconduct and sensitive political matters.

Overview of performance

- > We finalised 110 misconduct investigations, including a number of large, complex matters (see Figure 8).
- > Of these investigations, 68 per cent were completed within 12 months.
- > We recommended criminal or disciplinary charges in 22 of these investigations; in a further three cases we recommended management action.
- > A total of 57 charges were recommended as a result of CMC investigations (see Figures 9 and 10).



Members of the Gold Coast City Council 2004 election investigation team

Team members (left to right) Ken Bemis, Theresa Hamilton, Daniel Boyle, Kristie Algate, Karel Weimar, Anne Lazenby, Lincoln Hansen, Anna McDonald and John Melit

Case studies 2005–06

Allegations in relation to local councils

Gold Coast City Council

Between October and December 2005, the CMC held public hearings into allegations about the relationship between certain candidates in the Gold Coast City Council election of 2004 and a number of Gold Coast developers. Over 50 witnesses were called and more than 300 exhibits were tendered. The witnesses called included developers, councillors, council officers, unsuccessful candidates, members of various campaign committees and others involved in the administration of election campaign funds. A further public sitting was held in February 2006.

Our report *Independence, influence and integrity in local government*, published in May 2006, found that the electoral process had indeed been corrupted, and made recommendations for prosecution proceedings against six people. (Lawyer Tony Hickey was subsequently fined \$6000 plus court costs of \$3500 for providing documents to the CMC containing information he knew to be false or misleading.)

The report also made 19 recommendations for reform of the local government electoral process.

The recommendations included amendments to the Local Government Act to:

- > establish new disclosure provisions
- > require local governments to minute any declaration made by a councillor that they have a conflict of interest
- > require local governments to provide reasons for all decisions made contrary to a council officer's recommendation.

We also recommended that there be a review of the adequacy of the penalties for offences relating to the failure to disclose gifts received. Regrettably, many of the recommendations were not accepted by government.

Bundaberg Hospital complaints

In last year's annual report we mentioned our involvement in the Morris Inquiry into complaints against a medical practitioner at the Bundaberg Hospital, Dr Jayant Patel.

After the closing of the Morris Inquiry on the grounds of bias in September 2005, a former judge, the Honourable Geoff Davies AO, was appointed by the government to take over the inquiry. The CMC supported the Davies Inquiry by interviewing more than 80 patients and staff at Bundaberg Hospital and by providing it with material and collecting evidence as requested.

A CMC multidisciplinary team comprising police, investigators and lawyers worked on the project for more than five months. As well as collecting evidence, the team provided advice about conduct that could constitute official misconduct and outlined avenues of inquiry that needed to be canvassed during the hearings.

Commissioner Davies's report, tabled on 30 November 2005, covered all the issues raised in complaints held by the CMC and recommended that the CMC consider charging Queensland Health's Bundaberg District Manager and Bundaberg Hospital's Director of Medical Services with official misconduct. The CMC decided to institute proceedings for official misconduct against the two officers, but in the meantime both officers resigned, removing the need to conduct further investigations.

Cloncurry Shire Council

We investigated a number of allegations of official misconduct against the mayor, the CEO and a councillor of Cloncurry Shire Council.

We found that the available evidence did not warrant criminal prosecution or disciplinary action against any councillor or council officer. However, the investigation did raise concerns about some procedural irregularities at the council. The evidence suggested a failure to comply with the council's purchasing policy and accounting manual, and so we recommended that the Cloncurry Shire Council take immediate managerial action to ensure proper compliance in the future.

We also recommended that the council develop and put into practice policies and procedures for managing and resolving conflicts of interest. We are monitoring the council's response to these recommendations.

Council officer and associates convicted of fraud

After a lengthy CMC investigation, in November 2005 a former Gold Coast City Council research officer, Torsten Jens Von Der Geest, was sentenced to two-and-a-half years' imprisonment (suspended after 18 months) for deceiving the council into transferring more than \$37 000 to several bank accounts linked to him. At the time of the corrupt activities, the research officer was responsible for processing grant applications from community organisations such as amateur sporting clubs. His co-accused, who operated the bank accounts, was given a two-year suspended sentence in August 2005. Other associates involved in the fraud were also charged, and pleaded guilty in May 2005. They were each fined \$1250.

Lying lands contractor in jail

In our 2004–05 annual report, we reported on an investigation that resulted in a former Gold Coast City Council supervisor being convicted in July 2005 of corruptly authorising payments to private contractors in return for cash and other benefits. In late 2004, a private contractor received a two-year suspended jail sentence. In March 2006, another contractor was convicted of lying during a CMC misconduct hearing in 2004. When giving evidence at the hearing, Dimitru Balan denied employing council workers in his landscaping and equipment hire business, but changed his testimony a week later, after a CMC raid on his home yielded evidence of payments to two council officers. Balan was convicted of committing perjury and jailed for six months.

Allegation of lying to parliament

We investigated a complaint by the Leader of the Opposition concerning the possibility that the Honourable Gordon Nuttall MP, Minister for Health, gave false answers to questions asked of him in July 2005 by a member of an estimates committee of the Legislative Assembly. The matters for consideration were whether the minister knowingly gave a false answer, and whether such an answer was in response to a question that was both 'lawful and relevant'.

After considering the evidence, the Commission decided that prosecution proceedings should be considered. After taking legal advice, we delivered our report on the investigation to our minister (the Attorney-General), who tabled the report in parliament on 7 December 2005.

Parliament held a special sitting to determine its response, and decided that Mr Nuttall's actions should be dealt with by the parliament.

Police officer jailed for extortion

In early 2006, the CMC received a complaint from a solicitor that his client, a Mareeba man, had advised him that Detective Senior Constable Michael Cifuentes was attempting to extort \$8000 from him. We immediately sent investigators to the area and arrangements were made for the victim of the attempted extortion to meet with the police officer to hand over the money demanded. The meeting was covertly monitored and recorded, and the police officer was later detained and charged. The police officer pleaded guilty and was sentenced to three and a half years' imprisonment.

Alleged sexual assault by police officer

The CMC investigated allegations by high school students of rape and sexual assault by a police officer. The officer was stood down pending criminal charges, but advice was received that there was no reasonable prospect of conviction, given the circumstances. However, the officer was dismissed from the police service in November 2005 as a result of the evidence presented by the CMC. He was unsuccessful in an appeal against his dismissal.

Theft of moneys

Following a CMC investigation, a Department of Housing officer, Yvette Busch, pleaded guilty to misappropriating departmental funds. She had received 14 false refunds totalling \$4960. The officer appeared in the Brisbane Magistrates Court in March 2006 and was fined \$2000.

Teacher dismissed

A high school teacher was investigated by the CMC after allegations in October 2005 that he was having an inappropriate relationship with a 16-year-old female student. He was dismissed by Education Queensland in December 2005.

False driver licences

We investigated allegations that a Queensland Transport officer issued several fraudulent driver licences. Two departmental officers were found to be involved in the fraud, and criminal charges are being considered in relation to the officers and various people who received the fraudulent driver licences. Glen David Cannard, one of the people found to have obtained a false licence, pleaded guilty at the Mossman Magistrates Court in March 2006 and received a \$2000 fine with six months to pay.

Outlook 2006-07

Reducing misconduct and improving public sector integrity

- > Assess an estimated 4100 matters.
- > Finalise an estimated 110 misconduct investigations.
- > Undertake 10 research, prevention and intelligence projects.
- > Conduct audits of complaints dealt with by six agencies, and/or conduct quality assurance reviews.
- > Review individual complaints dealt with by the QPS and by other public sector agencies.
- > Continue to implement recommendations of a review of the CMC's complaints-handling procedures.
- > Implement section 40 directions for local government councils.
- > Undertake 16 capacity-building and monitoring projects.
- > Examine the QPS misconduct complaints management system.
- > Undertake major prevention system reviews as needed to address specific or generic misconduct risks that are identified in public sector agencies.
- > Review the CMC's Indigenous liaison program.
- > Take part in a national research project into the management and protection of internal witnesses, including whistleblowers in the Australian public sector.
- > Continue to provide misconduct prevention advice and assistance to public sector agencies on issues of concern identified by them.
- > Develop more capacity-building advisory papers on such topics as sponsorship and secondary employment.
- > Continue to raise community awareness of public sector integrity issues through:
 - providing useful information to stakeholders on the CMC website
 - increasing public availability of investigative and prevention reports
 - participating in community activities such as NAIDOC week.