



About the CMC

The CMC strives to protect Queenslanders from major crime and promote a trustworthy public sector.

The Commission – the board of the CMC. As at 30 June 2007, the Commissioners were (left to right): Ms Julie Cork, the Honourable Douglas Drummond QC, Chairperson Robert Needham, Dr David Gow and Ms Ann Gummow.

‘Our responsibility to the people of Queensland is to ensure that the CMC acts independently, impartially and in the public interest’

Julie Cork
Commissioner





The Parliamentary Crime and Misconduct Committee as at 30 June 2007. (Clockwise from left) Howard Hobbs MP (Warrego), Deputy Chair; Paul Hoolihan MP (Keppel), Chair; Simon Finn MP (Yeerongpilly); Jack Dempsey MP (Bundaberg); Christine Smith MP (Burleigh); and Liz Cunningham MP (Gladstone). (Absent from photo) Dean Wells MP (Murrumba).

About the CMC

The Crime and Misconduct Commission (CMC) is an independent specialist agency set up to fight major crime and enhance public sector integrity in Queensland.

Established under the *Crime and Misconduct Act 2001* (CM Act), the CMC came into existence on 1 January 2002 with the merger of the Criminal Justice Commission and the Queensland Crime Commission.

The CMC's active presence in our public life is a reassurance to Queenslanders that there is a vigilant independent body striving to ensure our public institutions are ethical and accountable, our police honest and efficient, our children safe, and our communities as free as possible from corruption and organised crime.

Our structure and people

The CMC is headed by a five-member Commission comprising the Chairperson (currently Mr Robert Needham), who is also the chief executive officer (CEO), and four part-

time Commissioners who represent the community. Decisions made by the Commission are put into effect by the Strategic Management Group.

While independent of the government of the day, the CMC is fully accountable to the people of Queensland through the Parliamentary Crime and Misconduct Committee, an all-party committee that monitors and reviews our activities and deals with complaints against us.

The CMC incorporates a breadth of professional expertise and personal experience.

Our Act mandates that the membership of the Commission represent a depth of legal experience, demonstrated interest in civil liberties, and expertise in public sector management and review, criminology, sociology or relevant research, and that at least one member is a woman.

A similar range of expertise is represented in our staff. About 300 people work at the CMC, including lawyers, investigators, police, social scientists, financial investigators, intelligence analysts, IT and surveillance specialists, administrators and support officers.

Figure 1 on page 12 is a representation of the CMC's structure and accountability. More information about our structure and governance can be found in 'Organisational capability', pages 53–63.

Major areas of activity

The CMC focuses on three main areas of activity, defined in our strategic plan for the period 2006–10 as 'outputs'. These are:

- combating major crime
- reducing misconduct and improving public sector integrity
- protecting witnesses.

All three outputs contribute to the Queensland Government's priority 'Protecting our children and enhancing community safety'. In addition, the second output 'Reducing misconduct and improving public sector integrity' contributes to the government priority 'Delivering responsive government'.

Combating major crime

Our Crime staff work in partnership with the Queensland Police Service (QPS) and other law enforcement agencies to combat and prevent major crime, including organised crime, criminal paedophilia, serious crime and terrorism.

However, the CMC is not an alternative police service. We use our special powers, expertise and resources to make a significant contribution to combating and preventing major crime. Our effectiveness is enhanced by our partnerships with other law enforcement agencies, especially the QPS.

Our intelligence work helps us decide what crimes pose the most serious threat to Queensland, and our research and prevention function helps us develop preventive strategies in addition to making arrests. For performance in 2006–07, see pages 13–26.

Reducing misconduct and improving public sector integrity

Our misconduct jurisdiction includes all state government departments, the QPS, local governments, most public sector agencies and statutory bodies, universities, courts, prisons, tribunals and elected officials.

We receive and assess complaints about misconduct, refer most to agencies for handling, and monitor how agencies, including the police service, deal with them. We investigate the most serious cases of misconduct, or those that involve the public interest. In these ways we safeguard public confidence in the integrity of government agencies while encouraging agencies to take individual responsibility.

About major crime

Under the Crime and Misconduct Act, major crime encompasses:

- **organised crime** – criminal activity undertaken with the purpose of gaining profit, power or influence, and involving offences punishable by not less than seven years' jail, two or more people, and planning and organisation or systematic and continuing activity
- **criminal paedophilia** – criminal activity involving sexual offences against children, or child pornography
- **serious crime** – criminal activity involving offences punishable by not less than 14 years' imprisonment (e.g. murder, arson)
- **terrorism** (added by an amendment to our Act in 2004)
- actions taken in preparation for committing, or avoiding detection or prosecution for, organised crime, criminal paedophilia, serious crime or terrorism.

About misconduct

Under our Act, 'misconduct' refers to official misconduct or police misconduct, defined as follows:

- **Official misconduct** (which applies to all public sector officials, including police) is conduct relating to the performance of a public sector officer's duties or exercise of powers that is dishonest or lacks impartiality, or involves a breach of the trust placed in a person by virtue of their position, or is a misuse of officially obtained information.

To amount to official misconduct, the conduct must also be a criminal offence or serious enough to justify dismissal. Official misconduct includes conduct by anyone who seeks to corrupt a public officer.

- **Police misconduct** (which relates only to police officers) is any conduct – other than official misconduct – that is disgraceful, improper or unbecoming a police officer, or demonstrates that person's unfitness to be or continue as an officer, or does not meet the standard of conduct that the community reasonably expects of a police officer.

Our misconduct prevention activities help agencies reduce their risk of corruption by improving their internal controls, accountability and integrity of operation. For performance in 2006–07, see pages 27–42.

Protecting witnesses

The Witness Protection area protects people who are in danger as a result of assisting a law enforcement agency such as the QPS. They include victims of crime, innocent bystanders to a crime, and anyone who has information about criminal or corrupt activity. The CMC provides the witness protection service for the state of Queensland. For performance in 2006–07, see pages 43–47.

Engaging in public policy

In recent years the CMC has been engaged with a fourth area of activity, involving projects with a significant criminal justice and public policy focus. These may originate from investigations, through referral by our minister under our Act, or as a requirement in other legislation. For performance in 2006–07, see pages 49–52.

The CMC's special powers

Our Act has given us special powers to enable us to gather vital evidence and information in the fight against crime and corruption. These include a range of search,

About the CMC's special powers

The CMC has power to:

- require a person to produce records or other things relevant to a CMC investigation
- enter a public sector agency, inspect any record or other thing in those premises, and seize or take copies of any record or thing that is relevant to a CMC investigation
- summons a person to attend a hearing to give evidence and produce such records or things as are referred to in the summons
- apply to a magistrate or judge for a warrant to enter and search premises
- use surveillance devices.

We must apply to the Supreme Court before exercising some of our powers, and the Public Interest Monitor examines our applications for covert search warrants and surveillance warrants.

surveillance and seizure powers as well as the power to conduct coercive hearings.

The search, surveillance and seizure powers form an important aspect of CMC investigative activity, while the power to 'require a person to produce records or other things' is used extensively in misconduct investigations as well as in proactive financial investigations into organised crime and money laundering.

In the context of our crime investigations, we can have people arrested, charged and prosecuted. In the context of our official misconduct functions, we can arrest offenders or refer the matter to the relevant prosecuting authority with a view to criminal prosecution, or to the appropriate CEO to consider disciplinary action. We can also charge public officers with official misconduct in a Misconduct Tribunal.

The CMC is also actively seeking to gain telecommunications interception powers, regarded as a key investigative tool for law enforcement agencies. Currently, these important powers are not available in most CMC investigations of major crime and corruption.

Powers under both the Crime and Misconduct Act and the *Police Powers and Responsibilities Act 2000* are used, depending on operational considerations. For use of these powers in 2006–07, see Table 3, page 17 and Table 9, page 32.

The hearings power

The CMC is the only Queensland law enforcement agency with the power to conduct coercive hearings – that is, to require witnesses to attend closed hearings and answer questions even where the answers would normally tend to incriminate the witness.

The hearings power is a potent investigative tool because it greatly enhances our ability to break through the 'wall of silence' that frequently characterises major crime and corruption. At the same time, we are conscious of the need to use this power in a discerning way, taking into account the public interest on the one hand and the rights of the individual on the other.

Public inquiries

Complaints or issues brought to our attention sometimes involve wide-ranging allegations that have the potential to reduce public confidence in fundamental systems of government. Often, in these cases, there are numerous stakeholders who can provide important evidence on the

conduct of individuals as well as insights into the processes adopted within the particular system.

The holding of public inquiries:

- allows a wider gathering of evidence on which to base findings and recommendations than may be possible during a normal investigation
- allows the public to be involved in the process of reform.

No public inquiries were held during this reporting period.

Limitations of CMC powers

The CMC is not a court. It cannot find people guilty or not guilty, or discipline anyone. It cannot investigate:

- private sector matters, unless they arise out of dealings with the public sector
- issues arising in other states or territories
- federal parliamentarians, departments or agencies
- state parliamentarians and local councillors, unless their conduct could amount to a criminal offence.

Support activities

The following work areas support the CMC's major areas of activity described above.

Operations Support

Operations Support, led by the most senior police officer attached to the CMC, coordinates the activities of police working in the CMC, and provides expertise in surveillance, technical services and forensic computing.

Research and Prevention

The Research and Prevention area performs research into crime, misconduct and other policy and legislative issues. It may also undertake research into police service methods of operation, police powers and their use, and the continuous improvement of the police service. It provides significant services relating to preventing crime and misconduct and building the capacity of agencies to prevent and deal with misconduct.

Intelligence

The Intelligence area collects, collates and analyses information and intelligence relevant to our Crime, Misconduct and Witness Protection responsibilities. It identifies and develops targets for CMC investigative action, provides strategic assessments and trends analysis on relevant matters, maintains an intelligence database, disseminates intelligence to law enforcement and government agencies, acts as a bridge between the Crime and Misconduct areas to facilitate exchange of information, and provides tactical information and intelligence support for investigative teams.



Director, Misconduct Investigations, Russell Pearce speaks at a media conference.



Principal Adviser, Misconduct Prevention, John Melit (*left*) and Research Officer Stuart Weierter.

Corporate support

A range of corporate services assist all areas of the CMC to operate effectively in the interests of achieving the organisation's goals. They include managing our internal and external accountability systems; providing a secretariat service to the Commission; managing corporate governance, human resources and information; and providing legal, financial, administrative and communications services.

Topics that we address include identifying and managing conflicts of interest, best practice in fraud and corruption control, cyber bullying and internet safety, the role of the CMC in criminal investigations, and accountability in procurement.

We liaise with the media and have an active publishing program, producing materials to suit a wide range of audiences. Some of our products, as required, are available in community languages.

Community engagement

We maintain an active outreach and education role within the Queensland community. Our staff present to audiences as diverse as local councillors, transport inspectors, teachers and secondary school students, trainee detectives, and international delegations. We have a particular focus on working with Indigenous communities.

Figure 1. Structure and accountability of the CMC

