

Message from the Chairperson

This year has been historically significant for the Crime and Misconduct Commission. Twenty years ago on May 26 Queensland's political and legal landscape changed forever with the start of the Fitzgerald Inquiry, ultimately leading to the creation of the CMC.

That inquiry was not a watershed event for Queensland alone — its rippling effects have been felt around Australia. The public and political acceptance of the need for accountability in public office that prevails today is a direct result of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, presided over by Tony Fitzgerald QC. Today, bodies similar to the CMC exist in most jurisdictions in Australia.

The Fitzgerald legacy has led to much-needed reforms in policing. The Queensland Police Service today is a vastly different, and better, organisation than the Queensland Police Force of pre-Fitzgerald days. The CMC continues to be an important driver of that ongoing reform as we work with the police and the public sector to set higher standards. Today these public agencies are far more accountable, transparent and ethical than a decade ago.

Despite this success, the CMC remains a much-needed organisation. Though I do not believe systemic corruption exists in Queensland, I have seen during my three years as CMC Chairperson some 'slippage' in our public sector and police service. This is an ever-present risk, requiring constant vigilance both on our part and on the part of every public agency. Systemic corruption does not happen overnight; it builds up over a period of years. Even misconduct which may seem apparently insignificant can, if left unchecked, lead to a major decline in the level of public sector integrity.

This is why, in addition to our ongoing work with public agencies this year, we have embarked on a new national initiative to prevent misconduct. Later this year the CMC is co-hosting the inaugural Australian Public Sector Anti-Corruption Conference in Sydney with two interstate agencies — the Independent Commission Against Corruption (NSW) and the Corruption and Crime Commission (WA). This conference is to be a national biennial event, with the next one held in Queensland in July 2009.

This year we carried out 107 misconduct investigations, involving the most serious cases of misconduct, or those that involve the public interest. These included the jailing of a Far North Queensland police officer for three and a half



Chairperson Robert Needham.

years for extorting money from a member of the Mareeba community; a former Minister of the Crown charged with corruptly receiving payments totalling close to \$300 000 from a Queensland businessman; and another former minister jailed for 18 months, to be suspended after three months, for demanding a benefit with threats.

Increasingly, we rely on our partnerships with Queensland, interstate and national crime agencies to dismantle criminal networks and protect Queenslanders from harmful drugs. Earlier this year the CMC, in partnership with other law enforcement agencies, disrupted the flow of amphetamines and cocaine into Queensland. Three separate organised crime operations targeted and dismantled an outlaw motorcycle gang and a European drug-trafficking syndicate.

In the past twelve months, the CMC has restrained about \$11.74 million and confiscated about \$4 million in property from crime figures in Queensland — representing a significant increase from last year. Under the *Criminal*

Proceeds Confiscation Act 2002, the CMC can restrain property even without a conviction, undermining the financial incentive of crime. Recently, the CMC was provided with extra funding in this area to cope with the current and future demands for its services.

We are pleased with these outcomes. Nonetheless, we are conscious that, if we are to remain effective in our independent watchdog role over the longer term, the mandate and capability of the CMC must keep pace with continuing change in our society.

A significant example is what appears to be a growing government trend to convert some public agencies to government-owned corporations (GOCs). More worryingly still, recent amendments to the *Government Owned Corporations Act 1993* disclose the government's intention that all statutory GOCs – currently under the CMC's jurisdiction – will convert to being corporate GOCs. This means that the CMC will not have the power to investigate these agencies. Neither will the *Whistleblowers Protection Act 1994* apply to them.

I acknowledge that it may make commercial sense for some public agencies to become corporate GOCs. However, I am strongly of the view that private entities that carry out public functions should be subject to scrutiny by the CMC, especially where public funding is involved. Without any corresponding changes to our powers there is considerable potential for public accountability to be eroded.

Similarly, the CMC has always strongly argued for telecommunications interception (TI) powers, generally regarded as one of the most effective investigative tools for law enforcement agencies. I am pleased to see that there is now positive, albeit slow-moving, progress towards the CMC and the Queensland Police Service gaining TI powers. According to an announcement by the former Premier in April, proposed legislation would include the need for our agencies to consult with the Public Interest Monitor when applying for a TI warrant. The CMC has always supported this provision, and I welcome this move forward in access to strong investigative tools. TI will greatly improve how the CMC operates, particularly in the areas of organised crime and internet paedophilia.

We also face the challenges of change and renewal within the organisation.

One is the attraction and retention of specialised staff, particularly in the area of financial investigators, investigative lawyers and intelligence officers. Nationally, there has been an increased need for these specialised skills, and over the last 12 months a number of our staff have been attracted to Commonwealth agencies. This has placed

additional pressure on the CMC to carry out its work with limited staff. While we have nevertheless outperformed in the area of civil confiscation and conducted significant misconduct and crime investigations, we recognise it is unfair to expect staff to continue to work under such pressure.

Accordingly, this year we explored ways to expand our competitiveness with other workplace environments. We increased our commitment to training and development by introducing a nationally recognised management qualification that has been made available to many of our professional staff. We are continuing to develop family-friendly arrangements that will offer staff more flexible ways to balance their family responsibilities with their work commitments.

We have also made decisions with respect to our long-term accommodation and infrastructure requirements, and will be moving to a corporate office park, Green Square in Fortitude Valley, late next year. Green Square will not only provide a highly functional work environment but enable greater organisational capabilities for the CMC. Nevertheless, re-locating will be a significant challenge facing the entire organisation over the next twelve months.

Finally, I would like to thank all staff for their hard work this year. Due to the very nature of what we do, at times this organisation can attract criticism. That can be difficult for CMC staff, but they take it in their stride, knowing that controversy comes with the territory. I thank them for their professionalism and dedication.

Sighted and signed

Robert Needham
October 2007