



Reducing misconduct and improving public sector integrity

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

The Project Verity team, working with the police to strengthen integrity. (Left to right) Inspector Geoffrey Kreutzer; Senior Legal Officer Hilary Fisher; Assistant Director, Complaints Services, Robert Walker; and Director, Complaints Services, Helen Couper.

‘We strive to make sure that people can have confidence in their public agencies’

Stephen Lambrides
Assistant Commissioner, Misconduct



The CMC's Misconduct functions under the Act are to raise standards of integrity and conduct in the Queensland public sector, and ensure that any complaint which involves, or may involve, misconduct is dealt with appropriately.

At a strategic level we work closely with public sector agencies, including the QPS, to strengthen the culture of integrity, and we take a lead role in building their capacity to prevent and deal with misconduct. We also work with integrity agencies such as the Queensland Ombudsman and the Queensland Audit Office to achieve our aims.

We receive and assess complaints about misconduct and monitor how agencies deal with them. In the most serious cases, we conduct independent investigations ourselves. In handling complaints and investigations, we identify systemic or procedural weaknesses and advise agencies how to address them.

We also undertake specialised research into both the police and the public sector as part of the continuous improvement process.

Our jurisdiction covers misconduct within the Queensland public sector including the QPS, departments, statutory authorities, universities, local governments, courts and prisons. 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.

Overall performance 2006–07

Indicator	Performance
Matters assessed	3565
Matters referred to relevant agency	2891
Matters investigated	107
Research, prevention and intelligence projects completed	10
Capacity-building and monitoring projects undertaken	23
Disciplinary/criminal charges recommended	87
Number of reports tabled in parliament	1
Number of regional visits	4
Number of liaison officer meetings	2
Cost for output	\$20.052m

Our plan in 2006–07

In our Strategic Plan 2006–10, we adopted 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.
- Undertake effective monitoring of misconduct management in public sector agencies.
- 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.
- Incorporate planned communication strategies in all misconduct operations and projects.
- Determine and implement supporting technology solutions.

In fulfilling these responsibilities in 2006–07, we focused particularly on:

- investigating serious misconduct
- receiving and assessing complaints about misconduct
- monitoring how public sector agencies handle misconduct
- helping public sector agencies build their capacity to prevent and deal with misconduct
- researching police methods and practices.

Following a review over the last two reporting years, the CMC restructured its Complaints Services area into one integrated team with two programs: a police program and a public sector program.

Reporting in this chapter focuses first on the CMC's Misconduct functions and overall performance, and then on performance relating to continuous improvement of the police service and the public sector respectively.

Case studies of significant police and public sector misconduct investigations are presented at the end of the chapter.

Table 8 outlines our overall performance in 2006–07 against the outlook in last year's annual report.

Table 8. Performance 2006–07 against outlook in last year's annual report

Last year we said we would:	In 2006–07 we:
Assess an estimated 4100 matters.	Assessed 3565 matters. There was a decrease of 8 per cent in the number of complaints received by the CMC compared with 2005–06.
Finalise an estimated 110 misconduct investigations.	Finalised 107 misconduct investigations.
Undertake 10 research, prevention and intelligence projects.	Completed 10 research, prevention and intelligence projects.
Conduct audits of complaints dealt with by six agencies, and/or conduct quality assurance reviews.	Developed a compliance review and audit evaluation system/CMC compliance model. Conducted five public sector audits and one QPS audit. Commenced quality assurance reviews of three agencies.
Review individual complaints dealt with by the QPS and by other public sector agencies.	Reviewed 206 complaints identified as warranting specific monitoring at the time of assessment. As part of the audits conducted, reviewed 357 other complaints.
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.
Implement 'section 40' directions for local government councils.	Commenced work on the development of the 'section 40' directions in consultation with councils and the Local Government Association of Queensland (LGAQ). The project is temporarily in abeyance pending the outcome of local government reform.
Undertake 16 capacity-building and monitoring projects.	Completed 23 capacity-building and monitoring projects.
Examine the QPS misconduct complaints management system.	Developed, in conjunction with the QPS Ethical Standards Command, a model for dealing with complaints that devolves enhanced managerial responsibility to the appropriate local level (Project Verity). This is supported by a framework incorporating the monitoring roles of the QPS and the CMC, and a consensual short-form disciplinary hearing process for a six-month trial in a QPS region, commencing July 2007.
Undertake major prevention system reviews as needed to address specific or generic misconduct risks that are identified in public sector agencies.	Reviewed the implementation of the 110 recommendations made in the CMC's January 2004 report, <i>Protecting children: an inquiry into abuse of children in foster care</i> (see page 50).
Review the CMC's Indigenous Engagement strategy.	Continued a review of CMC strategies 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.	Collaborated with five universities and 13 other industry partners to national develop the research methodology, distribute multiple questionnaires and collect data during the second year of this three-year project.
Continue to provide misconduct-prevention advice and assistance to public sector agencies on issues of concern identified by them.	In response to agency requests, provided misconduct-prevention advice or resources to state and local government agencies on 73 occasions. Delivered 21 presentations (conference lectures, seminar presentations, workshops and training sessions) on misconduct-prevention topics.
Develop more capacity-building advisory papers on such topics as sponsorship and outside employment.	Released advisory papers on outside employment for public officials, public-private partnerships, sponsorship management, public records management, and ethics, probity and accountability in procurement.
<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>Continued to maintain and update the misconduct-prevention section of the website.</p> <p>Made reports available on website and in hard-copy form.</p> <p>Participated in NAIDOC Week activities in four regional centres.</p> <p>Made a number of public presentations on misconduct prevention.</p>

Overall misconduct functions

Complaints received and assessed

Complaints about possible misconduct come to the CMC primarily from CEOs within the public sector, the Police Commissioner and the general public.

The number of complaints we received this year, compared with last year, decreased by 8 per cent. This followed a sharp increase between 2001–02 and 2004–05 and a decrease last year (see Figure 2). Historically, this pattern of increasing and decreasing complaint levels is quite common. Given the increasing Queensland population, and greater awareness about misconduct 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.

- We received almost 3600 complaints, compared with just under 3900 in the previous year (a complaint may consist of more than one allegation).
- Despite the large number of complaints, we assessed 92 per cent within four weeks, exceeding the target of 85 per cent that we had set ourselves.
- Figure 3 gives a general breakdown of allegations received (9146), by the type of agency they related to. The largest proportion (57 per cent) related to police.
- As in 2005–06, 'assault' was the most common allegation made against police (Figure 4).
- Most allegations made against other public sector officials were in the 'official conduct' category (Figure 5).
- '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 6).

- Of the complaints we received: 17 per cent were assessed as not requiring any further action by us or anyone else; 2 per cent were investigated by us; 81 per cent were referred to the relevant agency for handling (Figure 7), with the agency dealing with many of these matters through management action rather than investigation. Of this 81 per cent, we reviewed 8 per cent.
- This means that of the 83 per cent of matters that we considered warranted further action, we were involved in over 10 per cent by way of investigation or review.

Monitoring of agencies

All government agencies, including the QPS, should take responsibility for the conduct of their own officers and for dealing with the deficiencies in workplace standards and/or practices that allow misconduct to occur. However, the manner in which an agency handles a complaint may be the subject of a CMC review at any time. We monitor how public sector agencies, including the QPS, deal with misconduct in a variety of ways:

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

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

Figure 2. Complaints received between 1990–91 and 2006–07

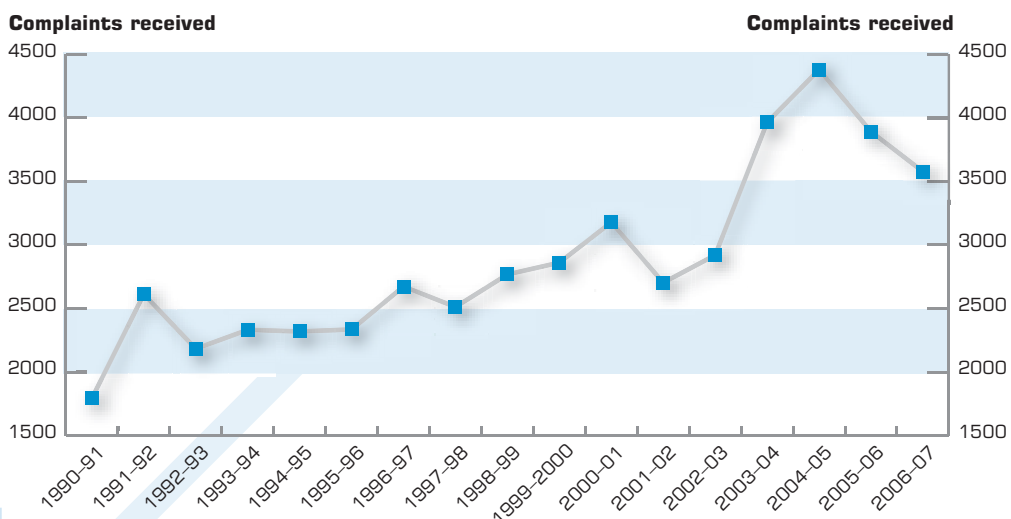


Figure 3. Allegations by agency, 2006-07

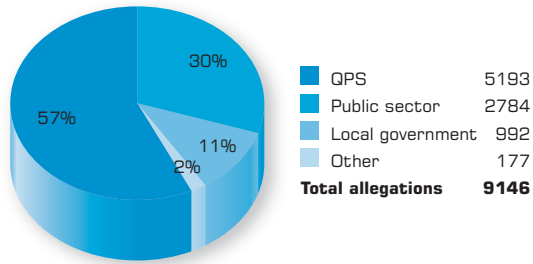


Figure 4. Types of allegations — QPS

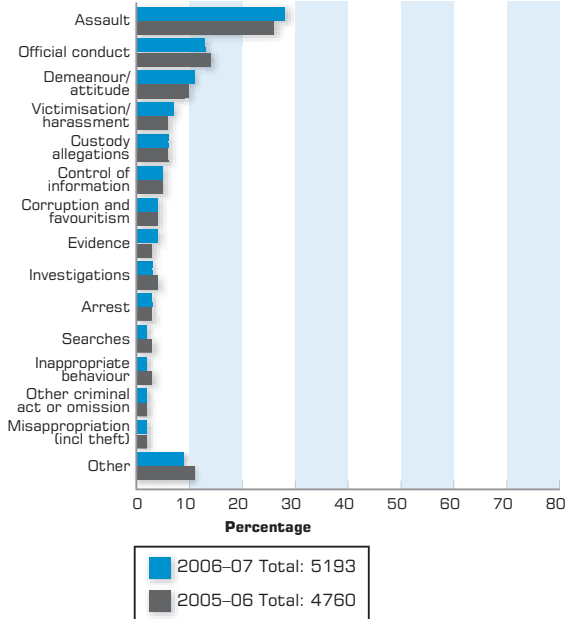


Figure 5. Types of allegations — public sector

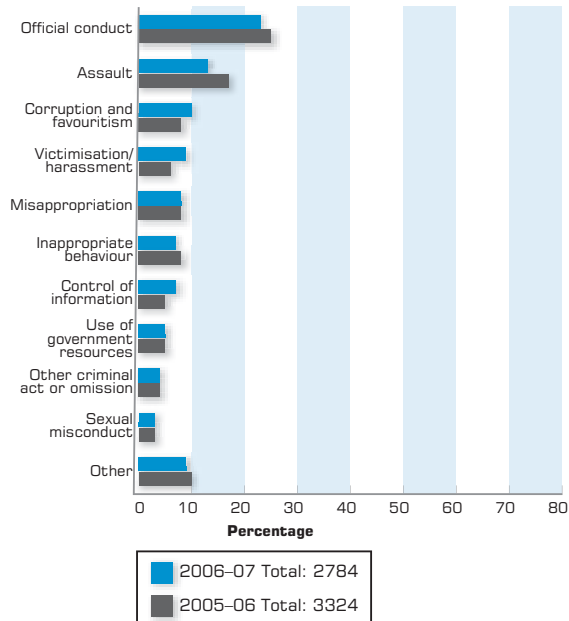


Figure 6. Types of allegations — local govt

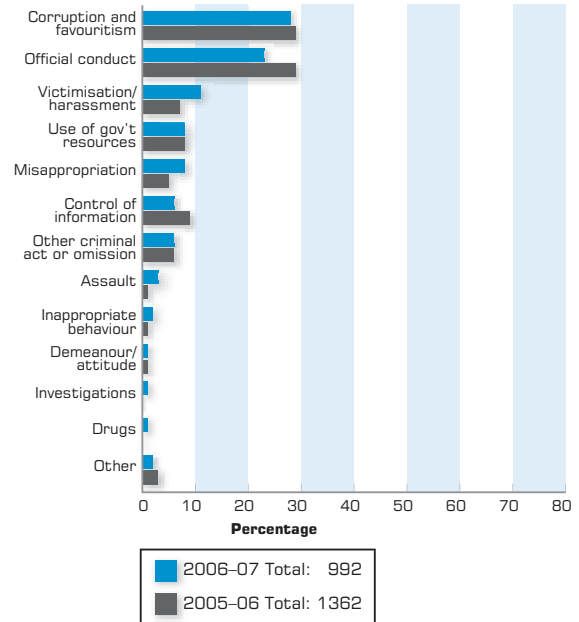
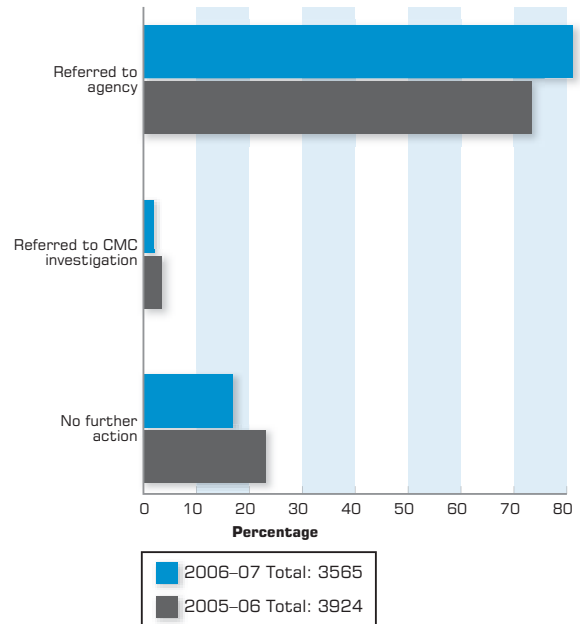


Figure 7. Assessment outcomes



Individual complaints reviewed

- This year we reviewed 206 individual complaints dealt with by agencies including the QPS (i.e. complaints identified as warranting specific monitoring at the time of assessment). We found the vast majority of these matters to have been dealt with appropriately by the relevant agency. We had some concern about the standard of the investigation in only 17 per cent of cases and made recommendations to the agencies concerned to address the shortcomings.

Complaints not reviewed

- In relation to complaints referred to agencies to deal with that have not been subject to individual review by the CMC, we request information about the manner in which they have been handled and their outcomes. This year we collected such information about 2154 complaints.
- Analysis revealed that no further action was taken by the relevant agencies in 15 per cent of the complaints referred to them; in 54 per cent of cases the original complaint was not substantiated, though some action may have been taken to resolve it; and in the remaining 31 per cent of cases some disciplinary or other action was taken in relation to the original complaint/allegation.

Misconduct investigations

We concentrate our efforts on matters such as major fraud within government agencies, police corruption and sensitive political matters. Our investigations benefit from our specialised resources in intelligence, financial analysis and forensic computing.

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 police or a politician.

We use proactive and covert investigative techniques in our pursuit of corruption and other serious misconduct. Covert techniques include the use of physical and electronic surveillance and search warrants. In addition, we can use our special powers, including the power to compel people to attend hearings. In 2006–07, a total of 121 'notices to attend' were issued, a substantial increase when compared with the number of such notices issued in each of the previous five years. The exercise of various special powers over the past two years is shown in Table 9.

Table 9. Exercise of the CMC's special powers for misconduct investigations, 2005–06 and 2006–07

Power exercised	Act and section	No. of times exercised	
		2005–06	2006–07
Power to enter	CM Act, s. 73	15	3
Notice to discover information	CM Act, s. 75	223	198
Notice to attend hearing	CM Act, s. 82	71	121
Search warrant applications	CM Act, s. 86 PPR Act, s. 68	22	24
Surveillance warrant applications	CM Act, s. 121	–	–

- In 2006–07, we finalised 107 misconduct investigations, including a number of large, complex matters. Figure 8 shows the number of finalised investigations by agency type. This compares with the estimate of 110 finalised investigations for the previous reporting period.
- Of these investigations, 76 per cent were completed within 12 months.
- We recommended criminal or disciplinary charges in 10 of these investigations; in a further two cases we recommended management action.
- A total of 85 charges were recommended as a result of CMC investigations (see Figures 9 and 10).
- Out of these activities, we made a number of recommendations for legislative and procedural reform.

Research and prevention activities

Our handling of complaints and investigations is enhanced by our research and prevention activities. CMC researchers design and conduct surveys, and ensure the validity of statistical analysis. Our misconduct prevention area works with complaints staff and investigators to identify agencies' systemic or procedural weaknesses and advise agencies on how to address these. We also provide ad hoc advice to agencies on request.

Figure 8. Number of finalised investigations

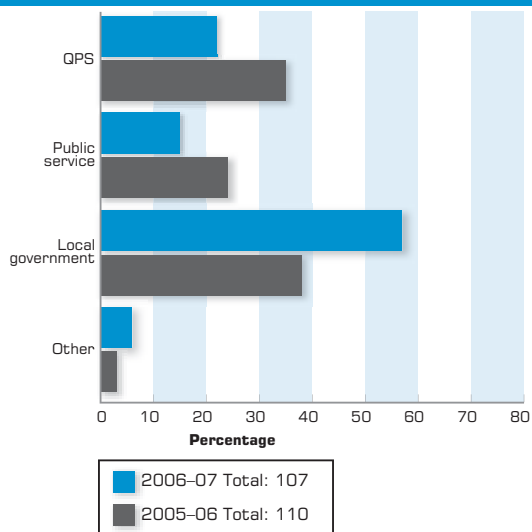


Figure 9. Types of charges

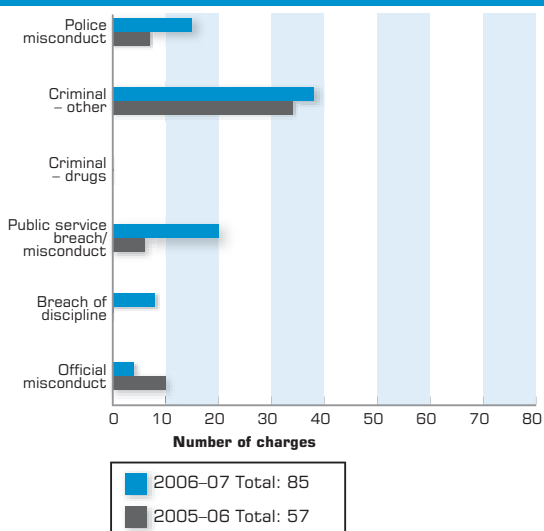
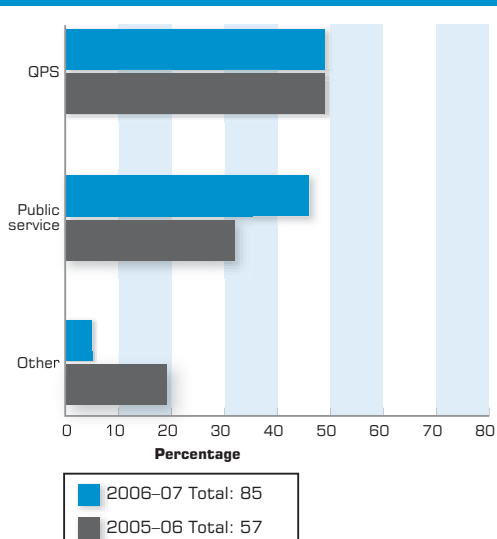


Figure 10. Recommended charges by agency



Continuous improvement of the Queensland Police Service

This section covers complaints against police, monitoring the QPS, capacity building in the QPS, and researching police methods and practice. Case studies of misconduct investigations involving police are presented at the end of the chapter.

Complaints against police

- We received 1887 complaints against the police, a slight increase in comparison with 2005–06 (1780), but a decrease when compared with the number of complaints received in 2004–05 (2101).
- Of the complaints we received: 54 per cent were made directly to the CMC; and 45 per cent were referred by the QPS. Members of the public made 84 per cent of all misconduct complaints against police.
- The number of complaints per 1000 officers was 335. This was a slight decrease on the previous year.
- The major types of allegations were assault/excessive force (28 per cent), official conduct (13 per cent) and demeanour/attitude (11 per cent).

Monitoring the QPS

- In relation to complaints against police, we reviewed 104 individual complaints that we identified as warranting monitoring when we referred them to the QPS. Each review focused on compliance with approved standards and the integrity of the manner in which the complaint was dealt with, giving consideration to the adequacy, impartiality and transparency of any investigative or other resolution processes.
- We also conducted two audits of complaints dealt with by the QPS – one focused on whether the complaints were classified correctly (and reported accordingly to the CMC), and the other on whether particular categories of complaints were dealt with appropriately. The first audit will lead to the development of criteria to ensure a shared understanding of the appropriate classifications. The second audit will result in enhanced assessment and resolution of these types of complaint. In the course of these audits, 262 complaints were reviewed.
- We conducted weekly liaison meetings with officers of the QPS Ethical Standards Command to discuss individual complaints and any emerging trends and issues.
- We produced internal quarterly statistical reports designed to identify any emerging trends and issues at a strategic level.

Capacity building in the QPS

Review of QPS complaints management

This year, we worked closely with the QPS Ethical Standards Command on Project Verity, which recognises the importance of local line managers in promoting positive behaviour and strengthening the culture of integrity.

The first part of Project Verity will see responsibility for dealing with complaints devolved to the appropriate local level. The second part aims to improve the speed and efficiency of the disciplinary process.

Project Verity is to be trialled in a QPS region for six months commencing in July 2007.

We also commenced, in conjunction with the broader CMC Inquiry into Policing in Indigenous Communities (see page 51), a project to develop culturally appropriate, timely and effective ways to deal with Indigenous complaints against police.

Working with Indigenous communities

The CMC engages with Indigenous communities through a range of activities to prevent and deal with police misconduct. These activities include:

- visits to communities by CMC Indigenous liaison officers and Indigenous complaints officers, and ongoing contact
- attendance at a number of significant Indigenous forums, including the Indigenous Police Review and Reference Group, the Community Consultative Committee for Justice Entry Program, and the Brisbane Indigenous Employment Coordinators Network meeting



Assistant Director, Police Program, Complaints Services, Robert Walker keeping up with the demand for CMC materials at NAIDOC celebrations in Cairns.

- informal contacts with the Cultural Advisory Unit of the QPS and Indigenous legal services
- taking part in NAIDOC Week, the national celebration of Indigenous culture, in four regional centres, to make ourselves and our complaint process better known to Indigenous people – in particular, the process for complaints relating to police misconduct.

Researching police methods and practice

The CMC is involved in a wide range of activities relating to police practices, including conducting research into police service methods of operation, police powers and their use, law enforcement by police, and the continuous improvement of the police service.

Some of our activities include:

- monitoring complaints and reporting on issues of concern
- legislative reviews¹
- undertaking inquiries into important issues, such as policing in Indigenous communities²
- program evaluations (either in conjunction with or independent of the QPS) and
- representation on various police-related committees and working parties.

In monitoring complaints, we identify issues of concern which warrant further research or involvement.

- A review of complaints about police-dog bites has been finalised and the resulting report, *QPS dog squad: review of bite incidents and management*, will be released early in 2007–08. The review found a marked decrease in complaints between 1999 and 2006, especially those involving juveniles and multiple bites.
- We received complaints alleging that people in custody were being hooded, and inquiries revealed that the use of spit hoods was being trialled in a watch-house. While we acknowledge the need to ensure the safety of police officers, we expressed some concern about the process initially adopted by the QPS to select and trial particular designs of spit hoods. We raised the issue with the QPS and worked with them to develop and implement a more formal trial and evaluation process. (The spit hood being trialled has opaque close-weave material covering the nose and mouth area, which prevents oral transmission of mucus or saliva.)

1 See our discussion about legislative reviews (e.g. the *Summary Offences Act 2005*) in 'Engaging in public policy', page 52.
2 See our discussion about the public inquiry into policing and Indigenous communities in 'Engaging in public policy', page 51.

- The CMC is working with the University of Queensland (UQ) and Queensland University of Technology (QUT) on a study of interactions between police and young people (15–24 years old) in Queensland, to develop possible strategies for enhancing police–youth relations. The CMC's contribution to the project includes an analysis of complaints to identify the types of interactions that lead to friction between police and young people.
- On 1 July 2007 the QPS commenced a 12-month trial of the use of electro-muscular disruption devices (EMD), better known as Tasers®, in Brisbane and the Gold Coast. This trial is largely a response to the increasing frequency of situations that cannot be effectively managed by the current 'use of force' options available to first-response police officers. In many other jurisdictions, Tasers have been found to provide a safer and more effective alternative to the traditional types of force used by police. The CMC assisted the QPS develop the methodology for the trial of Tasers and is participating in the review.
- A 12-month trial of a revised QPS safe-driving policy incorporating a more restrictive pursuits policy commenced in October 2006. At the invitation of the QPS, the CMC is providing expert advice on a broad array of issues relating to the conduct of the trial. The policy was developed in response to a major CMC study into police pursuits in Queensland in 2003, recommendations from the Queensland Coroner, and an ongoing review of police pursuits by the QPS itself. The evaluation is under way and will be reported on in 2008.

The CMC has worked to develop, implement and evaluate innovative policing practices, such as operational reviews and beat policing.

- At the invitation of the QPS, we assisted in its evaluation of its Operational Performance Review (OPR), a process which aims to improve operational performance and the overall effectiveness of the service. We collected relevant data, consulted widely with the QPS about the progress of OPRs since their inception, and in December 2006 provided a report to the Commissioner of Police entitled *The Operational Performance Review: how senior police perceive the OPR*.
- Since the initial inception in 1993 of two police beats in Toowoomba, beats have been established in over 100 locations statewide. Most recently we evaluated the effectiveness of a police beat established at the Princess Alexandra Hospital. We concluded that the project has achieved a great deal in a short period of time. The report, *The Princess Alexandra Hospital Police Beat: an evaluation by the Crime and Misconduct Commission*, was released in February 2007.

Continuous improvement of the Queensland public sector

This section provides information about complaints against public sector officials, monitoring the public sector, capacity building, and research into the public sector.

Case studies of public service misconduct investigations are presented at the end of the chapter.

Complaints against public sector officials

Complaints against public sector officials, other than local government

- We received 1146 complaints against the public sector, a decrease of 24 per cent since 2005–06 (1517).
- Of the complaints we received: 25 per cent were made directly to the CMC; and 75 per cent were referred by the relevant agency. Members of the public made 49 per cent of all complaints.
- The number of complaints per 1000 officers was 9. This rate varies considerably between the various departments and agencies.
- The major types of allegations involved official conduct (23 per cent), assault/excessive force (13 per cent), and corruption and favouritism (10 per cent).

Complaints against local government officials

- We received 453 local government complaints, a decrease in comparison with 2005–06.
- Of the complaints we received: 46 per cent were made directly to the CMC; and 54 per cent were referred by the relevant agency. Members of the public made 59 per cent of all complaints.
- The major types of allegations about local government officials were corruption and favouritism (28 per cent), and official conduct (23 per cent).

Monitoring the public sector

- In relation to public sector complaints, in 2006–07 we reviewed 102 individual complaints that we identified as warranting monitoring when we referred them to the agency concerned. Each review focused on the same issues as those referred to for police complaints.
- We developed a comprehensive compliance review and audit evaluation system/CMC compliance model which allows us to audit compliance by agencies with the standards for dealing with complaints outlined in our

Facing the facts guide. We can also assess the integrity of the manner in which a complaint is resolved, and the level of capacity of the agency to deal with matters (on a scale from Very Limited to Advanced).

- In the course of these audits, we reviewed 95 complaints.
- The agencies audited demonstrated a high to very high level of compliance with all legislative obligations and standards. Only a small amount of relatively minor noncompliance was detected for some agencies.
- We also commenced the development of a quality assurance model which focuses on an agency's frameworks for compliance with their obligations under the Crime and Misconduct Act, including its policies, procedures and processes, and resources, including staffing and case management systems. We have commenced three quality assurance reviews of significant agencies which have recently completed, or are in the process of, restructuring their framework.
- Any deficiencies in capacity identified in our audits (which were minor) were addressed with the relevant agency.
- We conducted monthly or quarterly liaison meetings with officers of a number of departments, agencies and councils to discuss individual complaints and emerging trends and issues.
- We produced internal quarterly statistical reports designed to identify emerging trends and issues at a strategic level.
- The Chairperson and the Director, Complaints Services visited the CEOs of seven public sector agencies to discuss matters of shared interest, and to provide briefing sheets about complaints and other information gathered through our monitoring processes.

Capacity building in the public sector

Workshops and presentations

Each year in its capacity-building role the CMC delivers presentations throughout Queensland on specific issues pertinent to the groups or agencies concerned.

In 2006–07 these included:

- presentations to management groups of public sector agencies and local governments
- seminars for state and local government agencies
- presentations to local government councillors and staff
- meetings with regional agency officers, local police and other stakeholders such as Indigenous bodies, local legal aid agencies, regional managers' networks and law associations.

Topics included:

- agency obligations under the Crime and Misconduct Act
- practical management of misconduct, based on our *Facing the facts* guide
- identifying and managing conflicts of interest
- managing confidential information.



Facing the facts: a CMC guide for dealing with suspected official misconduct in Queensland public sector agencies provides CEOs with scenarios and real-life advice about their obligation to report and manage suspected misconduct.

Agencies in regional and rural areas, including local councils, face particular difficulties in dealing with and preventing misconduct, 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 assist with these problems, in 2006–07 we conducted regional visits to Charleville, Longreach, Rockhampton and Townsville.

Throughout the year we frequently advised individual agencies on dealing with particular complaints as well as broad-ranging policy and operational issues. A client survey indicated that 75 per cent of agencies surveyed rated our misconduct-prevention services as valuable.

Collaboration with other agencies

- Partnerships with key agencies are essential to the CMC's capacity-building function. We consult, liaise and work cooperatively with many agencies and key stakeholders such as the Integrity Commissioner, the Office of the

Public Service Commissioner (OPSC), Crown Law, the Queensland Audit Office and the Queensland Ombudsman.

- The CMC Chairperson participates in an inter-agency communications committee which strives to help make the complaints systems of key agencies, including Multicultural Affairs Queensland, the Queensland Ombudsman and the Health Rights Commission, more accessible to people from culturally and linguistically diverse backgrounds.
- Our misconduct-prevention officers participated in the Corruption Prevention Network Queensland (CPNQ), including representation on its organising committee. The CPNQ is a network of officers drawn mainly from the public sector with an interest or involvement in misconduct prevention.
- To improve efficiency and optimise available information and resources, the CMC is entering into a number of protocols with various groupings of key public sector agencies with overlapping jurisdictions, such as in the health and child safety sectors.

Resource development

Resources completed or published in 2006–07 include the following:

- a new edition of our *Facing the facts* guide, incorporating further detailed advice on a wide range of issues, based on suggestions from agencies and the CMC's continual review process
- a collaborative publication with Queensland State Archives to assist agencies in managing public records responsibly
- papers in our Building Capacity series, on topics such as sponsorship management, public–private partnerships and outside employment
- the publication (with Queensland Purchasing) of *Ethics, probity and accountability in procurement*, which provides guidance on how to lessen some of the misconduct risks associated with purchasing goods and services
- an electronic newsletter, which is sent to all CMC liaison officers and many other stakeholders within and outside the public sector, as well as being available on our website
- further development of our website information on misconduct prevention.

For a full list of CMC publications produced in 2006–07, see Appendix F.



The APSACC Team. (Left to right) Acting Deputy Director, Research and Prevention, Margot Legosz; Director, Research and Prevention, Susan Johnson; Chairperson Robert Needham; Misconduct Prevention Officer Narelle George; and Principal Project Officer (Prevention) John Boyd.

First Australian conference on corruption prevention in the public sector

In March 2006, the three Australian anti-corruption commissions (the Independent Commission Against Corruption in NSW, Queensland's Crime and Misconduct Commission, and Western Australia's Corruption and Crime Commission) agreed to work together to host the first Australian Public Sector Anti-Corruption Conference (APSACC) on 23–26 October 2007 in Sydney. Conference attendance is anticipated to be 400–600.

This conference will serve the stakeholder populations in each jurisdiction, as well as being open to corruption-prevention management, policy and operational staff nationally and internationally.

It is proposed to conduct the conference every two years thereafter, rotating the conference location between Sydney, Brisbane and Perth.

The program will cover key issues such as regulatory/licensing, conflicts of interest, public/private interface and whistleblowing.

There will also be streams addressing key jurisdictional areas such as the public sector, local government, police and universities, and incorporates workshops on conducting investigations, implementing corruption-prevention strategies, policies and procedures, managing conflicts of interest and managing protected disclosures.

Working with Indigenous communities

As with police misconduct, we have undertaken a range of activities to prevent and deal with public sector misconduct that has the potential to impact on Indigenous individuals or communities. These include:

- visits to Indigenous communities by CMC Indigenous liaison officers and Indigenous complaints officers, as well as ongoing contact
- participation on the Across Government Indigenous Governance Committee
- capacity-building and education activities (see examples below).

The CMC recognises that Indigenous councils face particular difficulties in dealing with and preventing misconduct. Contributory factors include the size of the communities in which these councils operate, limited resources, and isolation. To help overcome possible disadvantage, the CMC provides Indigenous organisations with advice and information about governance and misconduct-prevention strategies.

We are also committed to 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, Planning, Sport and Recreation (DLGPSR), our Indigenous liaison officers provided training on the CMC's *On the Right Track: Councillor Information Kit (How to develop a code of conduct and Reporting and disciplinary procedures)* to most of the Aboriginal and Torres Strait Island councils in 2005–06. This year, we completed training with Yorke, Mabuig, Duane and Stephen islands, although logistical problems meant that alternative training methods were required for some of the more remote islands.

The CMC will continue to attend regular liaison meetings regarding Indigenous community governance with other key agencies including the DLGPSR, the Queensland Audit Office (QAO), the Queensland 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 appropriate and coordinated training and capacity-building initiatives.

The CMC, DLGPSR and QAO trialed a consultative assessment process whereby the three agencies meet regularly and reach consensus about the most appropriate action to deal with complaints related to Indigenous local government councils.

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. Throughout this year, Indigenous liaison officers regularly visited Indigenous communities to promote awareness of the CMC's role and to educate Indigenous councils in preventing and dealing with misconduct. They also provided cultural advice and assistance to the CMC, particularly in the areas of complaints, research and prevention, and misconduct.

Researching the public sector

Whistleblower policy and practices

In conjunction with Griffith University, four other universities and 13 other industry partners, the CMC is involved in an important research project on best practice in public sector whistleblower policy, practices and management. The project, 'Whistling while they work: enhancing the theory and practice of internal witness management in public sector organisations', involves a number of surveys of public sector and integrity agencies and their employees across four jurisdictions (Queensland, New South Wales, Western Australia and the Commonwealth). Most of these surveys were distributed in 2006–07 and data entry and some analysis have commenced.

Preliminary findings of the research were presented to the National Steering Committee in September 2006, the National Investigations Symposium in Sydney in November 2006, and a forum in Brisbane, Enhancing Internal Witness Management in Queensland's Public Sector Agencies, in November 2006. The forum included a presentation by Mr Guy Dehn, Director, Public Concern at Work (UK), a London-based lawyer and one of Europe's most respected authorities on public interest whistleblowing. We also co-hosted a roundtable forum for key staff interested in the review of whistleblower legislation with the Queensland Ombudsman.

During 2007–08 we expect to focus on finalising the data entry and analysis and preparing reports for the partner agencies and the public.

Profiling the Queensland public sector

This year, we surveyed public sector agencies within our jurisdiction about their misconduct risks and their capacity to respond to – and prevent – future misconduct. We are interested in determining whether there have been any changes since we conducted a similar survey and published

the results in 2004 (see our report *Profiling the Queensland public sector*). In collaboration with the Independent Commission Against Corruption (NSW), this year we also surveyed staff from numerous Queensland public sector agencies. Both surveys will enable some interesting cross-jurisdictional comparisons.

Official misconduct in correctional institutions

In conjunction with the Key Centre for Ethics, Law, Justice and Governance at Griffith University, this year we conducted a survey of prison staff to assess their perceptions of the occurrence of misconduct in correctional facilities. This study will build on a similar survey undertaken several years ago by the CMC and Griffith University which was funded by an Australian Research Council Collaborative Research Grant. Comparing the previous and current survey results will enable us to determine whether there have been any changes over time.



Methods of collecting data for our research projects include questionnaires, face-to-face interviews and telephone surveys.

Misconduct investigation case studies 2006–07

A significant number of high-profile and complex investigations were completed in 2006–07, as follows.

Misconduct in the police service

Allegations of police corruption

The CMC has commenced a series of proactive inquiries, codenamed Operation Capri, into allegations involving possible misconduct in the police service. In part, the investigations extend to issues involving the propriety of certain relationships between police officers and convicted criminals. The allegations are wide-ranging and complex, and investigations are ongoing at the time of this report.

Allegations of police assault

On 7 February 2007 the CMC published a report on its investigation of the alleged assault of an Aurukun man, Warren Bell, while in police custody in January 2007. The only direct evidence of the alleged assault was the evidence of Mr Bell himself. However, there were significant inconsistencies in the accounts given by Mr Bell of his treatment while in police custody, which suggest that it would have been unsafe to rely on his evidence without supporting information from other sources. The CMC concluded that there was no ground for referring the matter to the Director of Public Prosecutions for possible criminal charges.

While the CMC made no adverse findings against any police officer in relation to an assault, it did refer its report to the QPS for consideration of disciplinary action in relation to the failure of police to videotape the complainant in his cell at Aurukun police station on the morning of the arrest. CMC Assistant Commissioner, Misconduct, Stephen Lambrides travelled to Aurukun to meet with senior members of the Indigenous community to discuss the outcome of the report.

Police officer jailed on perjury and assault charges

A former police constable, Justin Anthony Burkett, was jailed on 6 August 2007 for attempting to cover up an assault on a woman in a watch-house cell. He was sentenced to three years' imprisonment after pleading guilty to four perjury charges, two charges of attempting to pervert the course of justice, and one count of assault causing bodily harm. Judge Ian Dearden ordered that the sentence be suspended after Burkett had served nine months.

The CMC investigated the actions of Burkett and other police officers when they arrested a woman in April 2004 for shoplifting and a traffic offence. Burkett hit the woman several times while she was in a holding cell at Loganholme police station. Burkett charged the woman with assault, claiming that she had initially kicked him. Burkett later gave false testimony during the summary trial of the woman for assault. He asked two other police officers, via email, to supply false statements, for the purposes of the summary trial.

The CMC held closed investigative hearings as part of its investigation. Burkett also provided false information on oath at those hearings. It is considered a very serious offence for a police officer to provide false testimony on oath, whether to a court or to an investigative hearing. Arising from the incident, another police officer was charged with attempting to pervert the course of justice and perjury. The officer has pleaded not guilty and has been committed to stand trial.

Cifuentes conviction

Last year's annual report included an account of the sentencing of a policeman in North Queensland for extortion. Detective Senior Constable Michael Cifuentes appealed against his sentence but the appeal was dismissed.

Misconduct in the public sector

Jailing of former minister

The CMC investigated allegations that, on 30 October 2006, former minister Merri Rose threatened to smear the reputation of a nominated individual unless the Queensland Premier provided her with a highly paid position in the public sector. The investigation resulted in her being sentenced in the District Court on 31 May 2007 to a term of imprisonment of 18 months, to be suspended after three months.

The CMC's Chairperson publicly commented that the jailing of former minister Merri Rose, for the offence of demanding a benefit with threats, served as a strong warning that people who seek to corrupt public servants do so at their peril. He also emphasised the value of early reporting of extortion threats.

Former minister and Queensland businessman face charges relating to secret commission

The CMC investigated allegations of suspected misconduct on the part of a former minister for allegedly receiving secret commissions from a prominent business identity. On 25 January 2007, the former Minister for Health, Gordon Nuttall, appeared in the Brisbane Magistrates Court in relation to 35 counts of corruptly receiving payments totalling approximately \$300 000 from businessman Kenneth Talbot, who later appeared in court on 5 February 2007 in relation to the alleged payments. The committal hearing in relation to the charges against Mr Nuttall and Mr Talbot has been listed for hearing for three weeks, commencing 28 January 2008.

On 20 January 2007, as a result of civil proceedings under the *Criminal Proceeds Confiscation Act 2002* instituted against Mr Nuttall, Justice Moynihan ordered that Mr Nuttall be restrained from dealing with his principal place of residence, pending further order of the court.

Prince Charles Hospital investigation

In May 2006 the Director-General of Queensland Health requested the CMC's assistance in investigating allegations of misconduct related to the appointment, in late 2003, of Virginia Hancil as Nursing Director at the Prince Charles Hospital in Brisbane.

The investigation found that, when Ms Hancil applied for the position of Nursing Director, her résumé included a reference to a Master of Public Administration from the University of Tasmania which she did not have. The CMC recommended that Queensland Health consider taking disciplinary action against Ms Hancil on the basis that she ought to have known that an objective reader of her résumé could have been misled by her statement in relation to the degree, and that Ms Hancil did nothing to correct any wrong impression. However, the evidence showed that the university degree was not a determining factor in her successfully obtaining the position of Nursing Director.

The CMC also found evidence that Ms Hancil nominated her de facto partner as her referee but failed to disclose this potential conflict of interest to the selection panel. The

department was asked to consider disciplining Ms Hancl for a possible breach of the code of conduct.

In addition, the CMC investigated allegations that three senior health officials took disciplinary action against a Queensland Health doctor because, or in the belief that, he made or might make a public interest disclosure under the *Whistleblowers Protection Act 1994* in relation to the allegations against Ms Hancl. The CMC found that there was no evidence of reprisal by the three officials.

Fraudulent road safety certificates

On 4 May 2007, Edward Cornelius Moran, a former Queensland Transport inspector, was sentenced to seven years' imprisonment for fraud and official corruption offences. Mr Moran was convicted following a nine-day trial in the Brisbane District Court. Four accomplices were earlier imprisoned for their involvement in the scheme whereby defective vehicles were issued with road safety certificates. Queensland Transport outlaid \$665 000 to re-examine those vehicles for which false road safety certificates were issued.

The prosecution followed a lengthy joint investigation by the CMC, Queensland Transport and the QPS. Between September 2002 and July 2003, Mr Moran and his accomplices were responsible for the fraudulent issue of approximately 3500 road safety certificates.

The CMC received very favourable feedback from Queensland Transport and the prosecutor involved in this case regarding its part in the joint investigation of this extensive and complex fraud.

False driver licences

In 2005–06, we reported on an investigation into allegations regarding the fraudulent issue of driver licences.

On 27 November 2006, two former Queensland Transport officers appeared in the Brisbane Magistrates Court in relation to the issue and use of false driver licences and 18 Plus identification cards. Ann Marie Corrigan faced 12 charges of fraud for offences allegedly committed while employed as a customer service officer at Greenslopes Customer Service Centre. Rebecca Louise McConnell was charged with three counts of falsifying records and nine of fraud for offences allegedly committed while she was a customer service officer at Wynnum Customer Service Centre. The matters are currently before the court.

The CMC has also identified a number of people who obtained false identity documents, and investigations are continuing with respect to them.

Fraud

A former Queensland Transport employee was sentenced on 5 February 2007 to five years' imprisonment for defrauding the department of more than \$250 000. He pleaded guilty to charges of fraud, fraudulent falsification of records, and making a false declaration.

The CMC's investigation uncovered that between 1 January 2000 and 3 June 2004 David Bell corruptly used his position as a senior adviser at the Zillmere Customer Service Centre to create false credits in various customer accounts. Mr Bell applied those funds to his own use in a variety of ways, using refund cheques and cash paid to Queensland Transport by customers. In addition, Mr Bell created a false 18 Plus identification card and a false Queensland driver licence after he was suspended from driving for three months.

Former public servant found guilty of corruption

On 5 September 2006 a former employee of the Department of Public Works, Don Mervyn Samartunga, was found guilty of corruption and received a nine-month suspended jail sentence following a CMC investigation into matters surrounding the department's tendering processes. He was also ordered to pay restitution of \$7500.

Mr Samartunga encouraged a builder, Jan Thorsen, to supply a false invoice for \$8200 worth of fictitious landscaping and other work. Mr Thorsen pleaded guilty in August 2004 to a charge of supplying a false invoice and was sentenced to three months' imprisonment, totally suspended. In sentencing Mr Samartunga, the judge described his actions as a gross breach of trust.

Allegations of misconduct relating to local councils

Douglas Shire Council

The CMC investigated corruption allegations concerning the Douglas Shire Council, and in October 2006 released a lengthy report on its investigation of numerous allegations against the mayor, the chief executive officer and councillors. It found that the allegations were without substance, or did not amount to misconduct, or could not be proved on the available evidence. The CMC worked closely with the Ombudsman to ensure that the allegations which fell within the respective jurisdictions were effectively and efficiently dealt with.

Burnett Shire Council

In early September 2006, the CMC completed an investigation into allegations of corrupt conduct against the mayor of the Burnett Shire Council and found the claims were not substantiated.

However, during the CMC investigation, other matters came to light which resulted in a report to the DLGPSR to consider prosecuting the mayor and another person for alleged breaches of the *Local Government Act 1993*. The prosecution of the mayor in relation to these other matters is before the Brisbane Magistrates Court but yet to be heard. The misconduct allegations relating to the other person (a councillor) arose from a failure to declare, in his statement of interests, hospitality and travel benefits

received from a developer. The Minister for Local Government determined that this matter be referred for disciplinary action, rather than laying charges under the Local Government Act.

The mayor, Raymond Duffy, was also charged with four counts of providing false and misleading information during the course of the CMC investigation. This is an offence under section 217 of the Crime and Misconduct Act, carrying a maximum punishment of 12 months' imprisonment. The charges were heard in the Brisbane Magistrates Court in May 2007, and Mr Duffy was later fined \$8000 in relation to two of the charges and sentenced to three months' imprisonment, wholly suspended for three years, on the remaining two charges.

Outlook 2007–08

In 2007–08 we will:

- Assess an estimated 3800 matters.
- Finalise 100 investigations and aim to complete 80 per cent of these within 12 months.
- Continue to focus on investigating the more complex and serious allegations of misconduct while assisting agencies to build their capacity to investigate matters not requiring the resources or special powers of the CMC.
- Undertake 26 research, intelligence, capacity-building, prevention and monitoring projects.
- Conduct audits of complaints dealt with by six agencies, and/or conduct three quality assurance reviews.
- Review individual complaints dealt with by the QPS and by other public sector agencies, and identify issues for further research and prevention work.
- Continue to 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.
- Continue 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 materials that advise public sector agencies about the best way to prevent different types of misconduct.
- Continue to raise community awareness of public sector integrity issues through:
 - providing information to stakeholders on the CMC website
 - increasing public availability of investigative and prevention reports
 - participating in community activities such as NAIDOC Week.
- Publish a report on public perceptions of the Queensland public sector and local government.
- Co-host the first Australian Public Sector Anti-Corruption Conference (APSACC) on 23–26 October 2007 in Sydney.
- Continue our research into policing.