

Appendix A

Compliance information

Privacy

Under Information Standard 42 (IS42), agencies are required to review the way they handle personal information to ensure that they comply with the requirements of the 11 Information Privacy Principles (IPPs) contained in IS42.

The CMC is exempt from IPPs 2, 3, 9, 10 and 11 for all functions except administrative ones. In addition, personal information about a witness who is included in a witness protection program under the *Witness Protection Act 2000*, and personal information about a person arising out of an investigation of misconduct or official misconduct under our Act are exempt. As a result, most of the CMC's core activities are excluded from the privacy scheme.

In accordance with the requirements of IS42, the CMC has nominated a privacy contact officer, developed a privacy plan to give effect to the IPPs, and published the plan on our website. There were no complaints of breaches of privacy in the reporting period.

Freedom of information

The CMC is subject to the *Freedom of Information Act 1992* (FOI Act) which means members of the public are entitled to apply for access to our documents under that Act (see Table 15).

However, section 42(3A) of the *Freedom of Information and Other Legislation Amendment Act 2005* exempts information obtained, used or prepared for an investigation by the CMC or another agency where the investigation is carried out as part of the CMC's crime and misconduct functions. The exemption also applies to such information obtained, used or prepared by its predecessors, the CJC and the QCC, in performing the equivalent functions. The exemption does not apply if a person is seeking information about themselves and the investigation has been finalised.

The exemption provision is considered necessary to ensure that the CMC can protect from disclosure information it receives from public sector employees who voluntarily assist

it in the course of an investigation. It ensures that the CMC remains effective and that confidence in it is maintained so that such employees continue to cooperate with its investigations, rather than obliging the CMC to invoke its coercive powers in every investigation. The FOI Independent Review Panel chaired by Dr David Solomon AM recommended in its report handed down in June 2008 that there be no change to this provision.

Most FOI applications to the CMC are requests by misconduct complainants for access to documents concerning their own complaint. The number of applications received was fewer than in previous years.

Table 15. FOI applications and reviews 2007–08

On hand at 1 July 2007	3
Applications for access	
Personal applications received	20
Non-personal applications received	16
Total applications	39
Access	
Full access granted (personal)	14
Full access granted (non-personal)	6
Partial access granted (personal)	2
Partial access (non-personal)	1
Access refused (all matter exempt)	3
No documents located	4
Withdrawn/lapsed (fee not paid)	7
FOI Act not apply	1
Outstanding at 30 June 2008	1
Reviews	
Internal	2
External (to Information Commissioner)	0
Total reviews	2

Recordkeeping

Consistent with the compliance requirements under the *Public Records Act 2002*, significant improvements in recordkeeping continued throughout 2007–08. Major achievements included:

- development of the 2008–10 Strategic Recordkeeping Implementation Plan and the 2008–09 Operational Recordkeeping Implementation Plan
- implementation of an enhanced records management training package including an online course 'Introduction to recordkeeping'
- completion of compliance checklists for Information Standard 40: *Recordkeeping*, IS 31: *Retention and disposal of public records*, and IS 42: *Privacy*
- review and revision of all records management policies, procedures and associated documents
- implementation of an archival services program to ensure the timely disposal of CMC records and improve the transfer of inactive records to secondary storage.

Overseas travel

No official overseas travel was undertaken by CMC officers during 2007–08.

Expenditure on consultancies

In 2007–08, the CMC spent a total of \$120 452.27 on consultancies.

The following is a summary of the CMC's consultancy register detailing suppliers engaged or paid by the CMC for providing consultancy services during the 2007–08 financial year.

Name of consultant	Project	Invoiced 2007–08 \$ (excl GST)
Management		
The Consultancy Bureau	CMC Strategic Review and Planning Project	14 300.00
Information technology		
B-Sec Consulting	External Intrusion Testing of Internet Network	9 427.27
Human resources		
Dialogue Consulting Pty Ltd	Organisational Restructuring in Research and Prevention	8 875.00
Callan Consulting Group Pty Ltd	Organisational Climate Survey	15 400.00
Mercer Human Resource Consulting	Review of CMC's Employment Offering	72 450.00
Total		120 452.27

Appendix B

Functions of the CMC

Extracts from the *Crime and Misconduct Act 2001*, sections 4, 5, 23–26, 33–35, 52, 53 and 56:

4 Act's purposes

- (1) The main purposes of this Act are—
 - (a) to combat and reduce the incidence of major crime; and
 - (b) to continuously improve the integrity of, and to reduce the incidence of misconduct in, the public sector.

5 How the Act's purposes are to be achieved

- (1) The Act's purposes are to be achieved primarily by establishing a permanent commission to be called the Crime and Misconduct Commission.
- (2) The commission is to have investigative powers, not ordinarily available to the police service, that will enable the commission to effectively investigate particular cases of major crime.
- (3) Also, the commission is to help units of public administration to deal effectively, and appropriately, with misconduct by increasing their capacity to do so while retaining power to itself investigate cases of misconduct, particularly more serious cases of misconduct.

23 Commission's prevention function

The commission has a function (its 'prevention function') of helping to prevent major crime and misconduct.

24 How commission performs its prevention function

Without limiting the ways the commission may perform its prevention function, the commission performs the function by—

- (a) analysing the intelligence it gathers in support of its investigations into major crime and misconduct; and
- (b) analysing the results of its investigations and the information it gathers in performing its functions; and
- (c) analysing systems used within units of public administration to prevent misconduct; and
- (d) using information it gathers from any source in support of its prevention function; and
- (e) providing information to, consulting with, and making recommendations to, units of public administration; and
- (f) providing information relevant to its prevention function to the general community; and
- (g) ensuring that in performing all of its functions it has regard to its prevention function; and
- (h) generally increasing the capacity of units of public administration to prevent misconduct by providing advice and training to the units and, if asked, to other entities; and
- (i) reporting on ways to prevent major crime and misconduct.

25 Commission's major crime function

The commission has a function (its 'crime function') to investigate major crime referred to it by the reference committee.

26 How commission performs its crime function

Without limiting the ways the commission may perform its crime function, the commission performs its crime function by—

- (a) investigating major crime referred to it by the reference committee; and
- (b) when conducting investigations under paragraph (a) gathering evidence for—
 - (i) the prosecution of persons for offences; and
 - (ii) the recovery of the proceeds of major crime; and
- (c) liaising with, providing information to, and receiving information from, other law enforcement agencies and prosecuting authorities, including agencies and authorities outside the State or Australia, about major crime.

33 Commission's misconduct functions

The commission has the following functions for misconduct (its 'misconduct functions')—

- (a) to raise standards of integrity and conduct in units of public administration;
- (b) to ensure a complaint about, or information or matter involving, misconduct is dealt with in an appropriate way, having regard to the principles set out in section 34.

34 Principles for performing misconduct functions

It is the Parliament's intention that the commission apply the following principles when performing its misconduct functions—

- (a) Cooperation
 - to the greatest extent practicable, the commission and units of public administration should work cooperatively to prevent misconduct
 - the commission and units of public administration should work cooperatively to deal with misconduct
- (b) Capacity building
 - the commission has a lead role in building the capacity of units of public administration to prevent and deal with cases of misconduct effectively and appropriately
- (c) Devolution
 - subject to the cooperation and public interest principles and the capacity of the unit of public administration, action to prevent and deal with misconduct in a unit of public administration should generally happen within the unit

(d) Public interest

- the commission has an overriding responsibility to promote public confidence—
 - in the integrity of units of public administration; and
 - if misconduct does happen within a unit of public administration, in the way it is dealt with
- the commission should exercise its power to deal with particular cases of misconduct when it is appropriate having primary regard to the following—
 - the capacity of, and the resources available to, a unit of public administration to effectively deal with the misconduct
 - the nature and seriousness of the misconduct, particularly if there is reason to believe that misconduct is prevalent or systemic within a unit of public administration
 - any likely increase in public confidence in having the misconduct dealt with by the commission directly.

35 How commission performs its misconduct functions

- (1) Without limiting how the commission may perform its misconduct functions, it performs its misconduct functions by doing 1 or more of the following—
- (a) expeditiously assessing complaints about, or information or matters (also 'complaints') involving, misconduct made or notified to it;
 - (b) referring complaints about misconduct within a unit of public administration to a relevant public official to be dealt with by the public official;
 - (c) performing its monitoring role for police misconduct as provided for under section 47(1);
 - (d) performing its monitoring role for official misconduct as provided for under section 48(1);
 - (e) dealing with complaints about official misconduct, by itself or in cooperation with a unit of public administration;
 - (f) investigating and otherwise dealing with, on its own initiative, the incidence, or particular cases, of misconduct throughout the State;
 - (g) assuming responsibility for, and completing, an investigation, by itself or in cooperation with a unit of public administration, if the commission considers that action to be appropriate having regard to the principles set out in section 34;
 - (h) when conducting or monitoring investigations, gathering evidence for or ensuring evidence is gathered for—
 - (i) the prosecution of persons for offences; or
 - (ii) disciplinary proceedings against persons.

- (2) In performing its misconduct functions in a way mentioned in subsection (1), the commission should, whenever possible, liaise with a relevant public official.

52 Research functions

- (1) The commission has the following functions—
- (a) to undertake research to support the proper performance of its functions;
 - (b) to undertake research into the incidence and prevention of criminal activity;
 - (c) to undertake research into any other matter relating to the administration of criminal justice or relating to misconduct referred to the commission by the Minister;
 - (d) to undertake research into any other matter relevant to any of its functions.
- (2) Without limiting subsection (1)(a), the commission may undertake research into—
- (a) police service methods of operations; and
 - (b) police powers and the use of police powers; and
 - (c) law enforcement by police; and
 - (d) the continuous improvement of the police service.

53 Intelligence functions

The commission has the following functions—

- (a) to undertake intelligence activities to support the proper performance of its functions;
- (b) to analyse the intelligence data collected to support its functions;
- (c) to minimise unnecessary duplication of intelligence data;
- (d) to ensure that intelligence data collected and held to support its functions is appropriate for the proper performance of its functions.

56 Commission's other functions

The commission also has the following functions—

- (a) a function of undertaking witness protection;
- (b) a civil confiscation function;
- (c) a function conferred under another Act.

Appendix C

External presentations 2007–08

Date	Presenter	Audience	Topic
31.7.07	Carey Stent, Egret Team	Australian National Joint Reference Group Meeting: Victim Image Library	The role of the CMC: infrastructure/organisational ability to commit to ANVIL Project
1.8.07	Carey Stent, Egret Team	Second National Online Practitioners Workshop, Brisbane	CMC jurisdictional and operational update on current capabilities: overview of online investigations.
1.8.07	Jeffrey Farrah and Laurie Paul, Complaints Services	City Tabernacle Seniors	The role of the CMC
6.8.07	Jeffrey Farrah, Complaints Services	Moorooka 2 Neighbourhood Watch AGM	The role of the CMC
17.8.07	Margot Legosz, Research and Prevention	QUT Faculty of Law and Justice	CMC prostitution and escort reports
21.8.07	Sue Dawson, Egret Team	Burleigh Heads CIB Detective Training Conference	The CMC's role and success in targeting online child-sex offenders
23.8.07	David Goody and Damien Wilson, Proceeds of Crime	Phase 3 Detective Training, QPS Academy	Recovering the proceeds of crime
6.9.07	Carey Stent, Egret Team	Loreto College Senior School (Grades 10–12)	Internet safety and cyber bullying
10.9.07	Carey Stent, Egret Team	Matt Stanley Foundation in conjunction with the Redlands Reformed Christian Church	Internet safety and cyber bullying (parents' presentation)
10.9.07	Tony Morgan, Egret Team	Matt Stanley Foundation in conjunction with the Redlands Reformed Christian Church	Internet safety and cyber bullying (children's presentation)
18.9.07	Tony Morgan	Mt St Michael's College (Grade 10)	Internet safety and cyber bullying
20.9.07	Carey Stent	Lourdes Hill School (Grades 8–12)	Internet safety and cyber bullying
24.9.07	Margot Legosz, Research and Prevention	Australia and New Zealand Society of Criminology conference	Outcall prostitution in Queensland: regulatory considerations and social consequences
26.9.07	Sue Dawson and Carey Stent, Egret Team	PACT (Protect All Children Today) AGM	Egret child protection work; online chat demonstration
26.9.07	Margot Legosz, Research and Prevention	Australia and New Zealand Society of Criminology conference	Sexual victimisation across the life course: the personal experiences of a sample of offenders serving non-custodial sentences in Queensland
27–28.9.07	Laurie Paul, Complaints Services	New recruits, QPS Academy	Functions and roles of the CMC
27.9.2007	Tony Morgan, Egret Team	Phase 2 Detective Training, QPS Academy	Online investigations
27.9.07	David Goody and Angela Pyke, Proceeds of Crime	Phase 3 Detective Training, QPS Academy	Recovering the proceeds of crime
27–28.9.07	Laurie Paul, Complaints Services	New recruits, QPS Academy	Functions and roles of the CMC

Date	Presenter	Audience	Topic
16.10.07	Robert Walker, Helen Couper, Trudie Broderick and Lisa Watson, Complaints Services	Indigenous community members, Cairns	Indigenous complaints against police
23.10.07	Tony Morgan, Egret Team	Redlands College Middle School	Internet safety and cyber bullying
23.10.07	Tony Morgan, Egret Team	Redlands College Senior School	Internet safety and cyber bullying
23.10.07	Brandon Coleman, Misconduct Investigations	International Financial Crime Investigators Association	Facing the facts: assessment, monitoring and investigations
23.10.07	Dianne McFarlane, Complaints Services	APSACC	Workshop facilitator: fact finding and inquiry
23–24.10.07	John Boyd, Misconduct and Policing Program	APSACC	Workshop facilitator: Corruption prevention for managers
23–24.10.07	John Boyd, Misconduct and Policing Program	APSACC	Workshop facilitator: Corruption prevention for managers
23–24.10.07	Narelle George, Misconduct and Policing Program	APSACC	Workshop facilitator: Good decision-making (included conflict of interest issues)
24.10.07	Dominic O'Connell, Egret Team	Detective Training Program, QPS	Witness protection
24.10.07	Commissioner David Gow	APSACC	Session chair – Organisational integrity
24.10.07	John Boyd, Misconduct and Policing Program	APSACC	Regulatory capture: managing the risk
24.10.07	Helen Couper, Complaints Services	APSACC	Panel discussion: Whistleblowing – the challenge of implementation
24.10.07	Robert Needham	APSACC	Workshop facilitator: International delegates workshop
24.10.07	Helen Couper, Complaints Services	APSACC	Workshop facilitator: Fact finding and inquiry
25.10.07	Robert Needham	APSACC	Panel discussion: The role of oversight bodies – help or hindrance?
25.10.07	Susan Johnson, Research and Prevention	APSACC	Panel discussion: Corruption prevention in the public sector – what are the key issues and does it really work?
25.10.07	Susan Johnson, Research and Prevention	APSACC	Corruption risks and prevention practices in NSW and Qld public sectors
25.10.07	Margot Legosz, Research and Prevention	APSACC	Cameo of recent research about police ethics
25.10.07	Robert Needham	APSACC	Panel discussion: Preventing and managing police misconduct – opportunities and challenges
30.10.07	Tony Morgan, Egret Team	Redlands College parents	Internet safety and cyber bullying
1.11.07	Tim Geraghty and Angela Pyke, Proceeds of Crime	Phase 3 Detective Training, QPS Academy	Recovering the proceeds of crime

Date	Presenter	Audience	Topic
7.11.07	Cheryal Kyle and Dan Abednego, Misconduct and Policing Program	Indigenous justice studies students, South Bank College of TAFE	Role and function of the CMC
8.11.07	Andrew Stapleton, Intelligence	QPS Phase 2 Intelligence Course, QPS Academy	Human source operations
8.11.07	Robert Walker, Helen Couper, Trudie Broderick and Lisa Watson, Complaints Services	Indigenous community members, Townsville	Indigenous complaints against police
19.11.07	Tony Morgan and Mitch Castles, Egret Team	Stuartholme School	Internet safety and cyber bullying
29.11.07	Dominic O'Connell	Australian Quality Training Framework 2007	The role of the CMC
4.12.07	Lee-Anne Geissler, Complaints Services	Queensland Health	Compass
6.12.07	Helen Couper, Complaints Services	Emergency Services	Facing the facts (focusing on the CMC's requirements for referral)
11–13.12.07	Laurie Paul and Carla Naumann, Complaints Services	QPS recruits	The role and function of the CMC
13.12.07	Helen Couper, Complaints Services	Department of Primary Industries and Fisheries	Facing the facts
18.12.07	Lee Shepherd, Misconduct Investigations	Department of Justice and Attorney-General graduates	The role of covert policing within Misconduct Investigations at the CMC
8.1.08	Helen Couper, Complaints Services	Queensland Health	Facing the facts
14.1.08	Craig Doran, Felix Grayson and Len Potts	Chief Magistrates Office	A presentation of the electronic brief (e-brief)
25.1.08	Dominic O'Connell, Egret Team	Detective training	Witness protection information for investigators
1.2.08	Laurie Paul, Complaints Services	QPS recruits	The role and functions of the CMC
12.2.08	Jeffrey Farrah, Complaints Services Public Sector Program Complaints Services	Queensland Transport inspectors	The role of the CMC, particularly its misconduct functions
22.2.08	David Goody and Tim Geraghty, Proceeds of Crime	Phase 3 Detective Training, QPS Academy	Recovering the proceeds of crime
7.3.08	John Callanan, Assistant Commissioner, Crime	Queensland Law Society annual symposium	Coercive hearings conducted by investigative agencies; representing clients called to give evidence at hearings
12.3.08	Mark Docwra, Complaints Services	Office of Fair Trading 2008 Investigators Conference	Corruption risks for investigators; reasons for codes of conduct, policy, procedures and ethical behaviour; and the role of the CMC
27.3.08	Stephen Lambrides, Assistant Commissioner, Misconduct	New Era in Local Government Conference	Presentation to mayors about responsibilities to councils and community; the role of the CMC
27.3.08	Mark Docwra, Complaints Services	Department of Primary Industries and Fisheries staff, Rockhampton	Facing the facts

Date	Presenter	Audience	Topic
8.4.08	John Callanan, Assistant Commissioner, Crime and Russell Pearce, Misconduct Investigations	Coercive Hearings Forum, Sydney	The unique aspects of the CMC's hearings power
10.4.08	David Goody and Tim Geraghty, Proceeds of Crime	Phase 3 Detective Training, QPS Academy	Recovering the proceeds of crime
18.4.08	John Callanan, Assistant Commissioner, Crime and Craig Doran, Organised Crime Team	Law and Order Conference	The development of the electronic brief in complex criminal investigations
27.5.2008	John Callanan, Assistant Commissioner, Crime and Craig Doran, Organised Crime Team	Annual Queensland Magistrates Conference	The development of the electronic brief in complex criminal investigations
19.6.2008	David Goody and Nicole Corone, Proceeds of Crime	Phase 3 Detective Training, QPS Academy	Recovering the proceeds of crime
25.6.2008	Craig Doran, Organised Crime Team	Environmental Protection Agency	Presentation of e-brief

Appendix D

Public interest disclosures received in 2007–08

Analysis of public interest disclosures received by the CMC in 2007–08

Section of <i>Whistleblowers Protection Act 1994</i>	Verified (by CMC)	Not verified (by CMC)	Referred to other agency	Under consideration (by CMC)	Total referred and not verified	Total referred and verified	Totals
15: Public officer complaining of official misconduct	5	141	411*	3	120	62	742
16: Public officer complaining of maladministration		3	1*		4		8
17: Public officer complaining of improper management		1	8*				9
18: Public officer complaining of health/environment matter			6*		4	3	13
19: Any person complaining of public health or safety matter							
20: Any person complaining of reprisal		15	38*		13	4	70
Totals	5	160	464*	3	141	69	842

Note: There were 251 complaints received that consisted of 842 allegations. This table details the status of the allegations.

* The outcomes of the allegations in this category may not be known at this stage.

Appendix E

EEO statistics 2007-08

Figure E1. Membership of EEO target groups 2003-04 to 2007-08

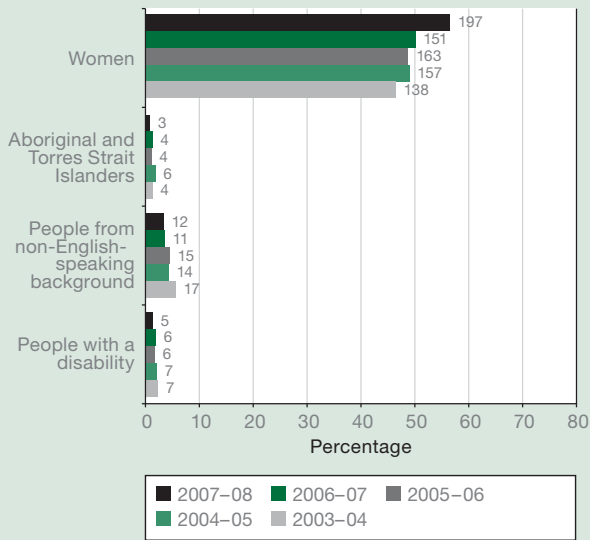


Figure E2. Employees by gender and employment status as at 30 June 2007

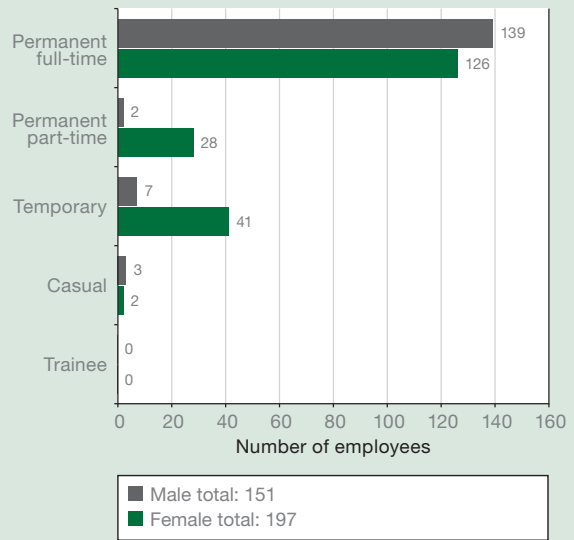


Figure E3. Employees by gender and age as at 30 June 2007

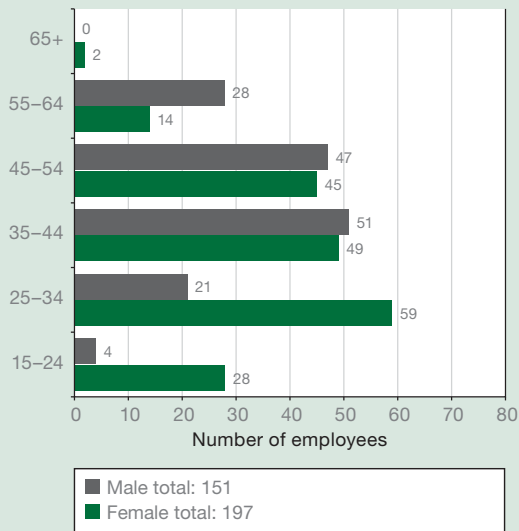
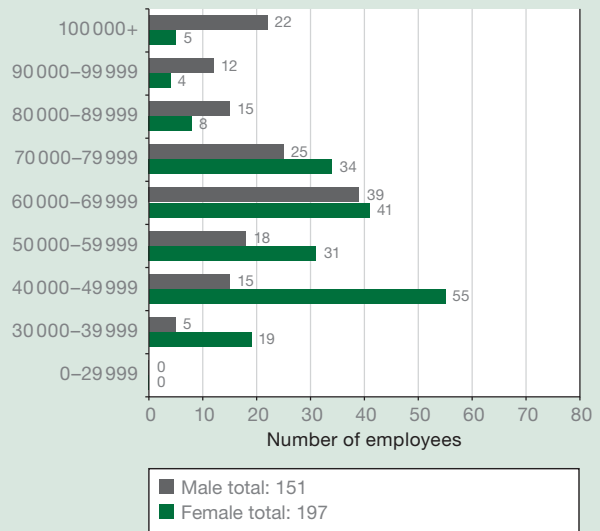


Figure E4. Employees by gender and annual salary as at 30 June 2007



Appendix F

Publications 2007–08

The following lists significant publications published by the CMC during 2007–08.

Corporate

Strategic plan 2008–12, June 2007.

Annual Report 2006–07, October 2007.

Crime Bulletin

The cocaine market in Queensland: a strategic assessment, no. 8, September 2007.

Discussion/interim papers

Review of off-road motorbike noise laws: issues paper and invitation for public comment, June 2008.

Misconduct prevention material

I need to make a complaint but who do I talk to?, July 2007.

Facing the facts: a CMC guide for dealing with suspected official misconduct in Queensland public sector agencies, revised edition, September 2007.

Keeping your code of conduct relevant: a best practice checklist, November 2007.

Don't risk your campaign!, December 2007.

Managing internal witnesses: a good practice checklist for the public sector, May 2008.

Research and Issues series

Childhood physical abuse and adult offending: are they linked, and is there scope for early intervention?, no. 6, July 2007.

Research reports

Breaking the cycle: a study of victimisation and violence in the lives of non-custodial offenders, July 2007.

Public perceptions of the Queensland public service and local government: findings from the 2005 Public Attitudes Survey, September 2007.

The Queensland Police Dog Squad: a CMC review of complaints and bite incidents, November 2007.

Drugs and crime: trends among watch-house detainees, March 2008.

How the criminal justice system handles allegations of sexual abuse: a review of the implementation of the recommendations of the Seeking justice report, March 2008.

Policing public order: a review of the public nuisance offence, May 2008.