

Message from the Chairperson

It is over six years since the Crime and Misconduct Commission came into existence and in that time we have seen an increasing maturity in our relationships with law enforcement and public sector agencies.

In the public arena, the CMC continues to be most noted for its misconduct investigations. Understandably, the charging of a minister or senior public servant for official misconduct will usually generate news headlines and attract public attention. But some of our most important work goes on behind and beyond our investigations.

During the past year, the CMC worked with hundreds of public sector employees to ensure they understood what was expected of them as public servants when reporting or dealing with official misconduct. We liaised with and provided advice and training to a large cross-section of the public sector, particularly local government and regional offices of state departments. Through regional visits, corruption prevention seminars, workshops and printed materials, the CMC provided public agencies with tools and information to fight and prevent official misconduct.

It's heartening to see that agencies are increasingly aware of the need to equip themselves with the latest information on trends in corruption and strategies to reduce it. More than 500 delegates from around Australia and overseas attended the inaugural Australian Public Sector Anti-Corruption Conference (APSACC) held in Sydney late last year, co-hosted by the CMC along with the Independent Commission Against Corruption (NSW) and the Corruption and Crime Commission (WA). Queensland will host the next conference in July 2009.

Given the level of maturity I believe the Queensland public sector has now reached, the CMC is devolving more responsibility for complaints management back to agencies. It's not possible for a single organisation like the CMC to defeat misconduct on every front. Unless public sector staff take responsibility for misconduct that is occurring in their own area, a culture of integrity will never flourish. Equipping agencies to take on greater responsibility is the only way forward.

That doesn't mean that the CMC is washing its hands of misconduct complaints. This year the CMC strengthened its monitoring of how agencies dealt with complaints. We reviewed 251 individual complaint matters and audited the complaints processes of three large public sector agencies and the Queensland Police Service.



Chairperson Robert Needham.

We also carried out quality assurance reviews of the complaints management systems and integrity frameworks of five large agencies. Overall, the CMC was very pleased with the results. The majority of the reviews raised no significant concerns and the audits led to a number of recommendations that were well received by the agencies involved.

Of course, the CMC will always continue to investigate those matters that are more serious or systemic. In the past twelve months we completed 93 investigations, a figure which fell just below our intended target, and in the next twelve months we expect to undertake fewer. That's not to say we aren't continuing to combat corruption. Rather, we are concentrating our resources on the more complex matters, taking on those investigations that require our coercive powers and the skills of our multidisciplinary teams.

We also want to ensure that our investigations have far-reaching effects on the integrity of the public sector and thereby benefit all Queenslanders. For example, in May last year, we announced a public hearing into possible official misconduct by the former Director-General of the Department of Employment and Training, Scott Flavell.

The CMC examined Mr Flavell's role and possible conflicts of interest in establishing and developing a private skills training company while he was Director-General. The investigation evolved into a public hearing as the CMC saw that the matter of pre- and post-separation employment had broader implications for the Queensland public sector.

Our performance in the crime area has remained very strong. This year we well exceeded our estimated target for commencing tactical operations. In fact, comparing performance over five years reveals record levels of achievement in 2007–08 across many indicators including the number of crime operations, the percentage of finalised investigations resulting in charges, restraints or forfeitures, and the proceeds of crime restraining orders issued.

We have also seen a dramatic increase in the use of our coercive hearings power for helping police solve serious crime, such as murder, arson, extortion and rape. The Queensland Police Service has recognised how effective the CMC's hearings power can be when ordinary police powers and methodologies are not enough to gather vital information to solve crimes and to enable prosecutions.

During the year the CMC also made a significant contribution to state government public policy through its review of Queensland's new public nuisance offence. Our report recommended several changes to legislation to improve that law. Another research project was our review of the effectiveness of police powers introduced to deal with excessively noisy off-road motorbikes. Based on the number of public submissions we received, this is clearly an issue of considerable community concern. The CMC will consider all public opinion on the matter and report its findings to parliament.

Our inquiry into policing in remote Aboriginal and Torres Strait Islander communities continues to remain of great public interest, particularly for the state government and Indigenous communities. While we have not met the original timeframe for the release of the report, we are aware of its importance and are working to finalise our recommendations and table our report in parliament as soon as possible.

In last year's annual report I made the point that the CMC's mandate and capability must keep pace with changes in society if we are to remain effective. Since then, the CMC's misconduct hearings power has been challenged in the Supreme Court. While the judge's decision falls outside this reporting period, its implications for the CMC are too important to ignore in this year's message. Essentially, a witness successfully argued that he could refuse to answer questions during a CMC misconduct hearing where a claim of privilege about self-incrimination is made. This effectively rendered the CMC's misconduct hearings power redundant. The intention of the *Crime and Misconduct Act 2001* has always been that witnesses are compelled to answer questions, but the evidence cannot be used against them in civil or criminal proceedings. The recent court challenge highlighted ambiguities in our legislation and the need for our Act to be clarified. This has since occurred.

I am pleased to hear of the Queensland Government's intention to provide the CMC with telecommunications interception powers (TI). Generally regarded as one of the most effective investigative tools for law enforcement agencies, TI will significantly increase our capability, particularly in the areas of organised crime and internet paedophilia.

As with any organisation, there is always a need to re-examine the focus of our work. Given my previous comments about the maturity of the Queensland public sector and the devolving of more complaints to agencies, now is an ideal time for the CMC to re-evaluate its direction. This year we have embarked on a strategic review of the organisation to ensure we are investing our budget in the right areas. Constant renewal is essential for any agency to remain dynamic and relevant, and the CMC is not immune from that imperative.

Finally, I would like to thank the staff for all their hard work over the past year. I look forward to the coming twelve months as we settle into our new premises and continue to serve Queenslanders, striving to ensure high standards of public sector integrity and to protect the community from crime.


Robert Needham
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