

Appendix A

Appointment conditions for Commissioners

Appointment of Commissioners

Commissioners (including the Chairperson) are appointed by the Governor-in-Council under the terms of the Crime and Misconduct Act for a period of not more than five years. Their nomination for appointment must have the bipartisan support of the PCMC. They are paid the remuneration and allowances decided by the Governor-in-Council.

Qualifications of the Chairperson

Under the terms of the Crime and Misconduct Act, the Chairperson, who is also the CEO, must be a legal practitioner who has served as, or is qualified for appointment as, a judge of the Supreme Court of any state, the High Court or the Federal Court.

Qualifications of the part-time Commissioners

As representatives of the community, the part-time Commissioners bring a broad range of professional expertise and personal experience to the CMC.

Our Act requires one of the part-time Commissioners to be a practising lawyer with a demonstrated interest in civil liberties. Other Commissioners can qualify through qualifications or expertise in public sector management and review, criminology, sociology, crime research or crime prevention. At least one Commissioner must also be a female.

Resignation and termination of a Commissioner

The Governor-in-Council may terminate the appointment of a Commissioner (including the Chairperson) at any time if the Commissioner becomes incapable of satisfactorily performing the duties of office or is absent from three consecutive meetings of the Commission without prior approval and reasonable excuse. In addition, the Governor-in-Council must terminate the appointment of the Chairperson if the Chairperson engages in paid employment outside the duties of office without the minister's approval.

The Governor may terminate the appointment of a Commissioner on a recommendation to the Legislative Assembly made with the bipartisan support of the PCMC and approved by the Legislative Assembly. A CMC Commissioner (including the Chairperson) may resign at any time by written notice to the minister.

Ethical standards

The CMC must keep a register of each Commissioner's pecuniary interests and personal or political associations.

Assistant Commissioners and senior officers

The Crime and Misconduct Act decrees that Assistant Commissioners and senior officers must not hold office in the CMC for more than 10 years in total (however, under certain circumstances this period may be extended to a maximum of 15 years). A 'senior officer' is an officer whose principal duties relate directly to the performance of the CMC's prevention, crime, misconduct, research or intelligence functions or the giving of legal advice to the Commission. It does not include a senior officer whose duties support the CMC's functions, such as the Executive Director or a human resource, information technology or finance manager.

Appendix B

Compliance reporting

Public interest disclosures

In 2008–09, 162 complaints were received that comprised of 456 allegations. This table details the status of the allegations.

Analysis of public interest disclosures received by the CMC in 2008–09

Section of Whistleblowers Protection Act 1994	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		81	202*	13	96	32	424
16: Public officer complaining of maladministration			2*		2		4
17: Public officer complaining of improper management			2*				2
18: Public officer complaining re health/environment matter							0
19: Any person complaining re public health or safety matter							0
20: Any person complaining re reprisal		5	18*		3		26
Totals		86	224*	13	101	32	456

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

Consultancies

In 2008–09, the CMC spent a total of \$92 852.50 on consultancy services. The following table is a summary of the CMC consultancy register that lists suppliers paid by the CMC for providing consulting services during the period.

Name of consultant	Project	Invoiced 2008–09 \$ (excl GST)
Human Resources		
Mercer Consulting	Work Value Assessments of Finance Manager, Senior Finance Officer and Legal Officer positions	5932.50
Management		
The Consultancy Bureau	CMC Strategic Project Review and Planning	68 100.00
Professional/technical		
Arup Pty Ltd	Fire Emergency Exits Reports for Telephone Interception Area, Level 2	6 160.00
Cox Rayner	Architectural and Interior Designs for Telephone Interception Area	8 240.00
Philip Chun and Associates	Building Certification for Telephone Interception Area	2 080.00
Aecom Australia	Acoustic Walls Consulting Report for Telephone Interception Area	2 340.00
Total expenditure		92 852.50

Overseas travel

In 2008–09, the CMC spent a total of \$6101.56 on overseas travel.

Date of travel	Name/position of officer	Destination	Reason for travel	Invoiced 2008–09 \$ (excl GST)
8–19 August 2008	Angela Carr Principal Adviser (Research Methods)	Bangkok, Thailand	Guest speaker at Thematic meeting on Combating Child Sexual Exploitation	Nil*
22–26 September 2008	John Boyd Principal Project Officer (Prevention)	Port Moresby, Papua New Guinea	Guest speaker at Papua New Guinea Annual Public Sector Internal Audit Conference	Nil*
24–27 November 2008	Robbie Crease Intelligence Analyst	Wellington, New Zealand	Attend 12th National Chemical Diversion Congress	2108.34
24–27 November 2008	Detective Senior Sergeant Charlie Kohn	Wellington, New Zealand	As above	2332.64
5–8 April 2009	Angela Carr Principal Adviser (Research Methods)	North Carolina, USA	Guest speaker at Global Symposium to Develop a research agenda for Preventing the online Sexual Exploitation of Children	Nil*
12–16 May 2009	Detective Sergeant Gary Pan	San Jose California, USA	Attend 5th Annual Silicon Valley Internet Crimes Against Children National Conference	1660.58†
13–15 May 2009	Detective Sergeant Craig Doran	San Jose California, USA	As above	Nil‡
13–15 May 2009	Daniel Bartlett Senior Legal Officer	San Jose California, USA	As above	Nil‡
19–20 May 2009	Helene Wells Research Officer	Singapore	Guest speaker at 3rd Annual Future CCTV Forum	Nil*
Total expenditure				6101.56

* Costs paid by external agency.

† Due to a delay in invoicing of this travel, the balance of \$1929.47 will be paid in the 2009–10 financial year.

‡ These officers travelled to the USA at their own costs and were recalled to duty for the duration of the conference.

Recordkeeping

Consistent with the compliance requirements under the *Public Records Act 2002*, significant improvements in recordkeeping continued throughout 2008–09.

Major achievements included:

- development of the 2009–11 Strategic Recordkeeping Implementation Plan and the 2009–10 Operational Recordkeeping Implementation Plan
- annual review of compliance with Information Standards IS40: *Recordkeeping*, IS31: *Retention and disposal of public records*, and IS42: *Information privacy*
- ongoing review and revision of all records management policies, procedures and associated documents
- refinement of the archival services program which ensures the timely disposal of CMC records and improve the transfer of inactive records to secondary storage

- determination of electronic document and records management system (eDRMS) software direction and approval for the required 2009–10 implementation project
- review of the increasing recordkeeping implications associated with digital product.

Information systems

The CMC has a range of highly specialised and secure electronic information systems and databases it uses to conduct its business. However, some financial and human resources functions require the CMC to lodge data on systems maintained by external agencies including the Queensland Treasury. These various systems were interrogated to access the performance information provided in this report.

Privacy

Under Information Standard 42 – *Information privacy* (IS42), agencies are required to review the way they handle 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.

There were no complaints of breaches of privacy in the reporting period. IS42 is to be replaced by the *Information Privacy Act 2009* on 1 July 2009.

Freedom of information

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

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 *Right to Information Act 2009*, which repeals the FOI Act and is due to commence on 1 July 2009, retains 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 substantially more than in the previous year.

FOI applications and reviews 2008–09	
On hand at 1 July 2008	1
Applications for access	
Personal applications received	39
Non-personal applications received	19
Total applications	59
Access	
Full access granted (personal)	25
Full access granted (non-personal)	2
Partial access granted (personal)	6
Partial access (non-personal)	3
Access refused (all matter exempt)	6
No documents located	6
Withdrawn/lapsed (fee not paid)	7
Transferred to another agency	2
Outstanding at 30 June 2009	2
Reviews	
Internal	3
External (to Information Commissioner)	1

Other reporting obligations

Information Standard 38 – Use of ICT facilities and devices (IS38)

This standard requires all government agencies to annually report any significant breaches of policy governing the use of internet and email facilities to the Public Service Commission. The report is to advise on the nature of the breach and the disciplinary action taken. No matters were reported by the CMC during the 2008–09 year.

Crime and Misconduct Act 2001

Section 260 of this Act requires the CMC to report to the minister on the efficiency, effectiveness, economy and timeliness of its activities. In compliance with this provision, the CMC reported to the minister on three occasions during the year – for the periods 1 April to 30 September 2008, 1 October 2008 to 30 March 2009, and 1 April 2009 to 30 June 2009.

Evidence Act 1977

Section 21KG(1) of the *Evidence Act 1977* requires the CMC to include in its annual report information about witness identity protection certificates given by the Chairperson of the CMC and the Commissioner of the Police Service.

No witness identity protection certificates were given by the Chairperson.

The Commissioner of Police issued one certificate. In issuing the certificate, the delegated deputy commissioner was satisfied that disclosure of the operative's identity was likely to endanger the law enforcement officer's safety while performing covert duties. The certificate was issued to ensure the welfare of the officer and his family.

No leave was given to disclose or potentially disclose the operative's identity. The witness identity protection certificate was not cancelled and no permission was given to supply information, otherwise than in the court proceedings, to disclose the operative's identity.

Public Sector Ethics Act 1994

Section 23 requires public sector agencies to ensure that each annual report includes details of the action taken during the reporting period to comply with various requirements regarding its code of conduct.

The CMC reviewed its Code of Conduct during the 2008–09 year and proposes to release a revised Code of Conduct during 2009–10. Training will be provided for all staff on the revised code and included as part of the induction package for new staff.

The Code of Conduct is available to all staff in electronic and hard copy form and is available for inspection by any person on the internet or in hard copy. Policies and procedures in support of our Code of Conduct are similarly available to staff on the intranet and to the public via the internet.

Whistleblowers Protection Act 1994

Section 30(1) requires agencies to include statistical information about the number of public interest disclosures it received and the number of disclosures substantially verified. In the 2008–09 year no public interest disclosures were made by CMC staff.

Telecommunications (Interception and Access) Act 1979 (Cth)

The CMC is required to report annually to the Commonwealth Attorney-General under the above Act for the following:

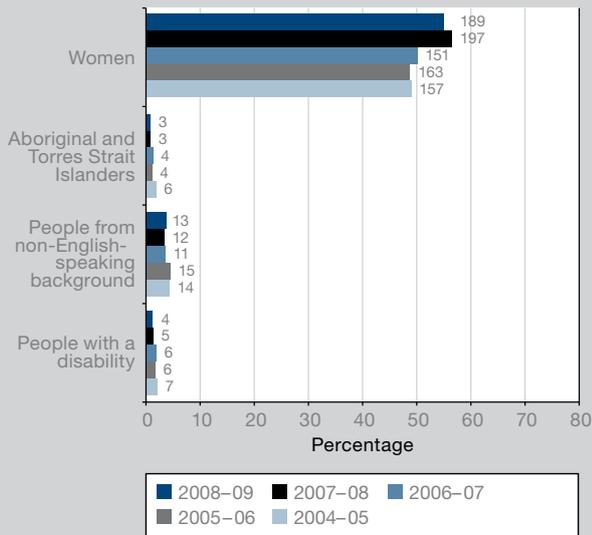
- access to stored telecommunications for investigation purposes made under stored communications warrants, the effectiveness of those warrants and the ultimate destruction of records of stored communications after no longer required for a CMC purpose (ss. 162, 163 and 150)
- access to telecommunications data for investigation purposes (ss. 178–180).

This information is included in the Commonwealth Attorney-General's *Telecommunications (Interception and Access) Act 1979 – Annual Report*. The report is tabled in the Commonwealth Parliament and is available at <www.ag.gov.au/www/agd/agd.nsf/Page/Telecommunicationsinterceptionandsurveillance_Annualreports>.

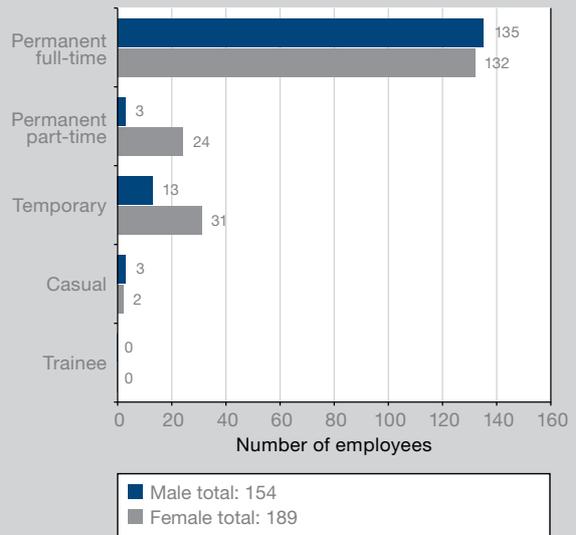
Appendix C

EEO statistics

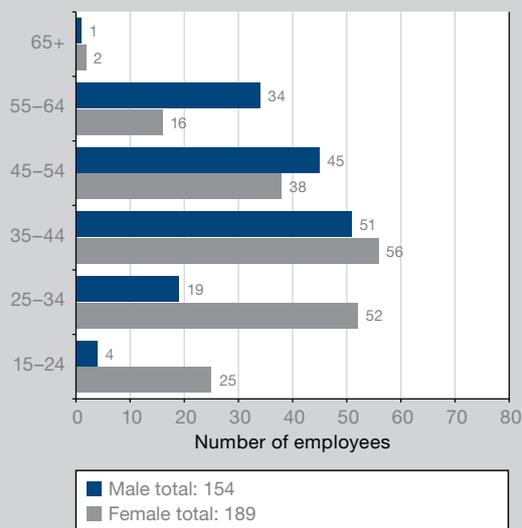
Membership of EEO target groups 2004–05 to 2008–09



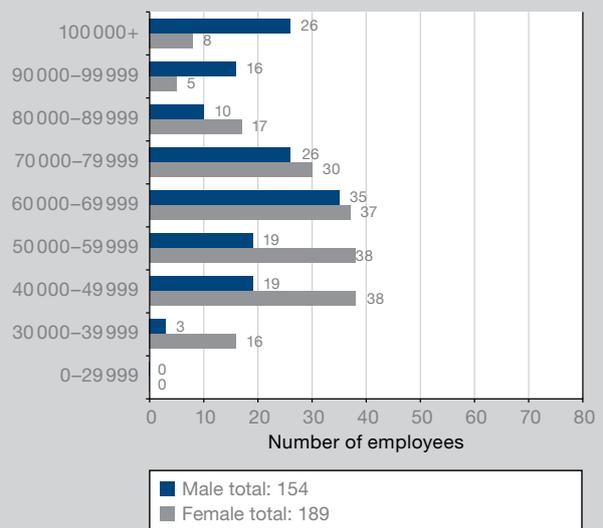
Employees by gender and employment status as at 30 June 2009



Employees by gender and age as at 30 June 2009



Employees by gender and annual salary as at 30 June 2009



Appendix D

Sustainability and waste management

Green Square North Tower

In August 2008 the CMC relocated to Green Square North Tower Complex, Fortitude Valley, the first office development in Queensland to achieve a 6-star Greenstar Office Design rating from the Green Building Council of Australia (GBCA).

In October 2008 it won the Queensland Environmental Protection Agency's Award for Sustainability in the Built Environment.

Green Square North Tower was built using recycled steel and plantation timber, and its overall environmental impact has been reduced through its optimised building orientation and energy-saving technology.

- It has its own gas-driven co-generator system that produces the majority of the building's power requirements and, in conjunction with other sustainability measures, is targeted to reduce its greenhouse emissions by 71 per cent in comparison to existing buildings.
- It has a high-performance double-glazed façade system and shallow floor plates which provide good daylight penetration and significantly reduce energy consumption within the building.
- Its airconditioning system was designed to respond to the environmental performance of the faces of the building in order to maximise thermal comfort, reduce energy costs and provide high indoor air quality.
- Lights are installed on a 300 x 2400 grid, rather than the traditional 2400 x 2400 grid, and provide illumination and glare control above the Australian Standard requirements. A C-bus lighting management system allows only areas in use to be illuminated. After-hours carpark lighting is operated by movement sensors.
- Two water tanks (50 000 and 30 000 litres) under the building harvest rainwater and help reduce our water use. A dual plumbing system allows rainwater to be reused for toilet flushing and landscape irrigation. It is estimated that it will save 1.7 million litres of water a year. All water fittings have a rating of AAAA.
- Most office developments emit more than 100 kilograms of carbon dioxide annually per square metre; it is estimated that North Tower will produce around 29.

Waste management

Since the inception of the Committee, the tenants of Green Square North Tower are estimated to have saved on average:

- 158 trees
- 30 barrels of oil
- 49 405 kW.h of electricity
- 48 m³ of landfill
- 383 949 kL of water.

Recycling out of all waste: 22 per cent.

Waste to landfill: 44.18 tonnes.

Amount recycled: 12.05 tonnes.

CMC energy consumption

The energy consumption for the CMC for the last six months of 2008–09 has been steadily decreasing in line with the commission of the co-generator and other energy-saving devices and technology.

Month	kW.h
January	90 258
February	83 094
March	64 461
April	62 958
May	65 003
June	63 993

Carbon emissions

In 2008–09, the CMC produced a total of 917.6 tonnes of carbon emissions.

Source	Carbon emissions (tonnes)
Motor vehicles ^a	307.8
Electricity ^b	
Terrica Place (1/06/08 – 14/09/08)	137.0
Green Square (4/7/08 – 30/06/09)	402.0
Total electricity	539.0
Travel ^{bc}	
Domestic air travel	63.0
International travel	4.7
Motor vehicle rental	3.1
Total travel	70.8
Total	917.6

a As advised by QFleet, the carbon emissions figure was estimated from actual kilometres driven by CMC's motor vehicles multiplied by grams of CO₂ emitted per kilometre, plus allowance for methane and nitrous oxide emissions in proportion to the emissions factors published by the National Greenhouse Accounts (NGA) for post-2004 vehicles. This is a more accurate figure than applying the NGA's formula for calculating carbon emissions from fuel used, because of the non-availability of fuel data.

b Information provided by the Department of Public Works.

c Figures exclude air charter.

CMC commitment to environmental responsibilities

The CMC is committed to managing and continuously improving our environmental performance; to this end we have integrated new considerations into our policies and procedures.

Draft Corporate Sustainable Procurement Policy and Implementation Guidelines are currently being finalised and will be issued by December 2009.

The CMC will also assess its first waste management and emissions results data and develop action plans to proactively minimise our impact on the environment.

The CMC has already put initiatives into practice to enhance sustainability and reduce greenhouse emissions:

- Our car fleet has been reduced by four vehicles; cars are washed by an environment-friendly, waterless process.
- All printers have their default setting as double-sided printing; an internal paper recycling and commingled recycling system has been operational since our move to Green Square.
- We have arrangements in place to recycle empty printers and copier cartridges.

The CMC will continue to incorporate sustainable practices into its procurement of goods and services and its work practices to reduce wastage and increase recycling. For that reason it is an active member of the Green Square North Tower Environmental Management Committee, whose brief is to manage waste produce in the building; report on energy, waste and water consumption; and implement initiatives to minimise production of waste and improve current outcomes.

Appendix E

Publications

The following lists significant publications published by the CMC during 2008–09.

Corporate

Annual Report 2007–08, October 2008

Strategic Plan 2009–13, June 2009

Crime Bulletin

Organised property crime markets in Queensland: a strategic assessment, no. 9, June 2009

Discussion/interim papers

Review of Queensland's police move-on powers, December 2008

Investigative reports

Public duty, private interests: issues in pre-separation conduct and post-separation employment for the Queensland public sector. A report arising from the investigation into the conduct of former Director-General Scott Flavell, December 2008

Misconduct prevention material

Receiving gifts and benefits: managing the risks, Building Capacity series, no. 8, revised edition, July 2008

Managing public records responsibly, revised edition, March 2009

Blowing the whistle in Queensland, May 2009

Handling a public interest disclosure: a guide for public sector managers and supervisors, May 2009

Making a public interest disclosure: a guide for individuals working in the public sector, May 2009

Research and Issues series

Mandatory treatment and perceptions of treatment effectiveness: a Queensland study of non-custodial offenders with drug and/or alcohol abuse problems, no. 7, October 2008

Tasers: a brief overview of the research literature, no. 8, November 2008

Research reports

Exploring drug use II: drug use by hospital emergency department patients, August 2008

Interactions between police and young people, April 2009

Public perceptions of the Queensland Police Service: findings from the 2008 public attitudes survey, April 2009

Perceptions of misconduct in Queensland correctional institutions: a survey of custodial officers, June 2009