

# Be an effective, respected and productive organisation serving all Queenslanders

## Our performance in 2008–09

We report first on our priorities and challenges in organisational effectiveness, our key achievements and our results against performance indicators. We then report in more detail on our activities in governance, human resources and communication, and conclude with our outlook for 2009–10.

### Priorities and challenges

As described in our *Strategic Plan 2008–12*, in 2008–09 we placed specific emphasis on:

- attracting and retaining skilled employees
- establishing an optimum working environment.

We addressed these by completing projects contributing towards the six major initiatives identified in our 2007–09 workforce management plan. The following lists examples of the projects completed towards each initiative:

1. **Employee attraction:** streamlining external recruitment processes and introducing an inter-agency mentoring program.
2. **Employee retention:** improving the employee assistance service offering, and introducing payments for professional memberships.
3. **Employee engagement:** introducing new performance management and recognition programs.
4. **Organisational renewal and capability:** identifying high-performing employees and establishing a resource pool of casual staff.
5. **Managing a multi-generational workforce:** reviewing phased retirement options.
6. **Strengthening management and supervisory practice:** developing a leadership development framework.

### Key achievements

- A major review of the CMC's functions and strategic direction, supported by an independent facilitator, was concluded in the latter half of 2008 after wide consultation with the QPS, a selection of public sector agencies in Queensland, partner law enforcement agencies in other jurisdictions, community and civil liberties groups, and CMC staff. While it confirmed the value of our core business as defined in our empowering legislation, it also identified social trends and technology challenges relevant to our strategic direction; for example, changes in the frontline policing environment; rapidly evolving technologies and their implications for crime and corruption detection, prevention and investigation; legislation relating to local government and public interest disclosures (whistleblowing); and attraction and retention of skilled specialist staff. These are detailed in our *Strategic Plan 2009–13* and will be reported on in our next annual report.
- A range of workforce capability strategies was implemented, including introducing internal and external mentoring programs, a revamped performance management system, a recognition and reward program, and improved professional development options for staff.
- Significant effort was devoted to facilitating the CMC's move to new premises in August 2008. The relocation to Green Square North Tower, the first building in Queensland to attract a 6-star Green rating (the highest for environmental sustainability), was completed months ahead of the original schedule with very little interruption to CMC operations.

## Results against performance indicators

The data provided in Table 6 enable our performance for 2008–09 to be reviewed in the context of our major targets and estimates for this year, our results over the previous four years, and our expected performance for 2009–10.

- We exceeded both our target for this year and our result last year in relation to publications produced to support the CMC's public sector initiatives. (This indicator has been discontinued; in future, publications will be included in project finalisation measures.)
- The number of presentations made to external stakeholder groups and members of the public was less than our estimate for this year, and the lowest over the five-year span presented. This may be attributable to the growing knowledge of the CMC within the general community, requiring fewer presentations of general information about the organisation to community groups.
- Partnerships initiated to fulfil objectives within the Crime function are down on our estimate and our result last year. However, those initiated or maintained within our research and prevention area met our estimate for this year. Partnerships in respect of our Crime function will not be measured in future years as partnerships are embedded in Crime activities, rather than engaged in as separate projects.

**Table 6. Performance 2004–05 to 2008–09**

Key performance indicators <sup>a</sup>	2004–05	2005–06	2006–07	2007–08	2008–09		2009–10 (estimate)
					(target or estimate)	(actual)	
Relevant material produced to support public sector initiatives	25	25	17	12	12	16	Discontinued indicator
External presentations by CMC staff	118	92	73	58	60	44	60
Partnerships initiated and fostered to fulfil our objectives – Crime <sup>b</sup>	n/a	n/a	12	26	20	15	Discontinued indicator
Partnerships initiated and fostered to fulfil our objectives – Research and prevention <sup>c</sup>	n/a	n/a	n/a	n/a	11	11	8

a All indicators are Strategic Plan performance indicators as no Service Delivery Statement measures apply to this section.

b This indicator was introduced in 2006–07.

c This indicator was introduced in 2008–09.

# Governance

The CMC's governance framework provides mechanisms to assist us to achieve our strategic goals, operational objectives and deliver on government ambitions. The framework ensures that the CMC effectively adheres to its obligations in the areas of legislation, strategic plans, accountability, corporate performance and risk management.

## Internal governance arrangements

### The Commission

The Commission has primary responsibility for achieving the purposes of the Crime and Misconduct Act. It consists of five Commissioners – a full-time Commissioner who is also the Chairperson and four part-time Commissioners who are community representatives. The CMC's Commissioners during 2008–09 were Mr Robert Needham (Chairperson), Dr David Gow, Ms Ann Gummow, Mrs Judith Bell and Mr Philip Nase. See Appendix A for information about the appointment conditions of the Commissioners.

#### **Robert Needham (Chairperson since January 2005)**

Mr Robert Needham was appointed Chairperson of the CMC in January 2005. Prior to his appointment Mr Needham practised as a barrister for 35 years, his career spanning periods as a Crown Prosecutor and as a barrister in private practice.

In late 1987 Mr Needham was appointed Counsel Assisting the Fitzgerald Commission of Inquiry. He subsequently became involved in the political corruption investigations arising out of the inquiry, forming a team in the Special Prosecutor's Office to finalise briefs and prosecute the political corruption trials.

Mr Needham was later involved in various corporation law prosecutions for the Australian Securities and Investment Commission and the Commonwealth Director of Public Prosecutions (including the Christopher Skase prosecution), as well as complex and lengthy cases in the Land Court and the Planning and Environment Court.

Mr Needham, who has a Bachelor of Laws from the University of Queensland, was the Parliamentary Crime and Misconduct Commissioner from 2002 to 2003.



#### **Dr David Gow (from October 2005)**

Dr David Gow is currently a senior lecturer at the University of Queensland Business School. He is an honours graduate from the University of Sydney and received his PhD from the University of Hawaii in 1981.

Dr Gow's main expertise is in public administration and political science, in which he has held various academic appointments

over the past 23 years. He also has considerable experience in research methodology, having worked extensively as a consultant to the Queensland Government, and to the CJC between 1991 and 2000.

In addition to his duties on the Commission, Dr Gow served on the Audit Committee, the Finance Committee and the Information Steering Committee during 2008–09.



**Ann Gummow  
(from August 2006)**

Ms Ann Gummow has a Bachelor of Laws from the University of Queensland (UQ) and a Graduate Diploma in Legal Practice from what is now the Queensland University of Technology (QUT). She was admitted as a solicitor in 1983 and is currently the appointee fulfilling the requirement that one of the CMC Commissioners be a lawyer with a proven commitment to civil liberties.

Since 1990 Ms Gummow has worked part-time at Women's Legal Service, a community legal service specialising in the areas of domestic violence and family law. She works directly

with women, undertakes community legal education and community development, and contributes to legal reform. She was previously a solicitor in private practice, and at various times has taught at the School of Social Work and Social Policy at UQ, Griffith University's Law School and QUT. From 1992 until 2006 she was a member of UQ's Behavioural and Social Sciences Ethics Review Committee.

In addition to her duties on the Commission, Ms Gummow chaired the Equal Employment Opportunity Consultative Committee and served on the Workforce Management Committee in 2008-09.



**Judith Bell  
(from May 2008)**

Mrs Judith Bell has a Bachelor of Education, a Bachelor of Arts (Aboriginal and Torres Strait Islander Studies) and a Diploma of Teaching. She has more than 30 years' experience as a teacher in Queensland and the United Kingdom, extensive experience and knowledge of the public sector and, as a former member of the CMC's Crime Reference Committee, specific experience of the CMC. She is on the Board of Trustees for the Brisbane Grammar School and

is a member of the University of Queensland's Senate. In 2003 she was one of the recipients of the Centenary Medal which commemorated 100 years of Federation and was awarded to people who had made a contribution to Australian society or government.

In addition to her duties on the Commission, Mrs Bell served on the Crime Management and Administration Committee, the Crime Operations Review Committee, the Commission Consultative Committee and the Workplace Health and Safety Committee in 2008-09.



**Philip Nase  
(from November 2008)**

Mr Phillip Nase has a Bachelor of Laws and a Bachelor of Arts from the University of Queensland and a Masters Degree in Law from London University.

His legal experience spans almost four decades, including 17 years as a Crown Prosecutor during which he appeared for the Crown in criminal appeals and special leave applications before the High Court of Australia. For approximately 10 years he was president of the Queensland Crown Prosecutors Association.

After being in private practice between 1989 and 1994, he was appointed to the District Court where he served as a judge for almost 15 years. For the last six or seven years he regularly sat in the remote communities of Mornington Island, Doomadgee and Normanton, taking a special interest in justice issues in those communities.

In addition to his duties on the Commission, Mr Nase serves on the Misconduct Operational and Review Committee, the Misconduct Activities and Projects Committee and the Policing Indigenous Communities Steering Committee.



The Commission meets on a fortnightly basis to guide and maintain the strategic focus of the organisation. This includes considering matters that affect all areas of the CMC, including its finances, staffing, risk management, and projects involving research, prevention, intelligence and other resources.

The CMC's two full-time Assistant Commissioners (the Assistant Commissioner, Crime and the Assistant Commissioner, Misconduct), the Director, Witness Protection and Operations Support, and the Executive Director also participate at Commission meetings, although they have no voting rights.

Each part-time Commissioner also chairs significant internal committees (see pages 45–47), participates in others, and represents the CMC on external bodies.

During 2008–09, the Commission met with the Parliamentary Crime and Misconduct Committee five times and convened 23 Commission meetings and one special meeting. As well as meeting its normal statutory duties, the Commission took significant initiatives to:

- complete the review of its financial, human resources and Crime and Misconduct Act delegations
- undertake the review of the CMC's functions and strategic direction
- oversight the CMC's relocation to new premises.

**Table 7. Attendance of Commissioners, Assistant Commissioners and Executive Director at Commission meetings 2008–09**

Name	Position	Ordinary meetings (n = 23)	Special meetings (n = 1)	With PCMC (n = 5)
Robert Needham	Chairperson	19	1	4
David Gow	Part-time Commissioner	22	1	5
Judith Bell	Part-time Commissioner	22	1	5
Ann Gummow	Part-time Commissioner	21	1	3
Philip Nase <sup>a</sup>	Part-time Commissioner	15	–	3
John Callanan	Assistant Commissioner Crime	20	–	5
Stephen Lambrides <sup>b</sup>	Assistant Commissioner Misconduct	14	–	4
Peter Scanlan	Executive Director	21	1	4
Assistant Commissioner Felix Grayson	Director, Witness Protection and Operations Support	14	–	1
Russell Pearce	Acting Assistant Commissioner Misconduct from 3 April 2009	6	–	1

a Commenced duties on 6 November 2008.

b Last meeting attended was 17 April 2009. Mr Lambrides commenced leave prior to his retirement after this time.

The Executive Committee – as at 30 June 2009



Chairperson  
Robert Needham



Assistant  
Commissioner, Crime  
John Callanan



Assistant  
Commissioner,  
Misconduct  
Stephen Lambrides



Executive Director  
Peter Scanlan



Director, Complaints  
Services  
Helen Couper



Director, Witness  
Protection and  
Operations Support  
Felix Grayson

Note: Mr Lambrides, Assistant Commissioner, Misconduct, commenced leave in April 2009 prior to his retirement.

## Internal committees

The CMC has a comprehensive internal committee structure to facilitate effective governance and ensure that the Commission is fully informed of all significant matters and enabled to perform its functions.

The internal committees are classified as either governance committees (committees having Commissioner representation and performing functions that affect the CMC as a whole), or operational committees (committees having a focus on specific areas of work). Each committee has a charter and the performance of each is evaluated annually.

## Governance committees

### Executive Committee

**Chair: Robert Needham, Chairperson**

The Executive Committee's membership comprises the organisation's executive management, whose key role is to assist the Commission to advance corporate initiatives, manage strategic issues, overview major business improvements and monitor significant operational initiatives. In addition to its usual corporate responsibilities, the committee in 2008–09 focused on:

- monitoring the CMC's relocation project
- implementing decisions of the Workforce Management Committee
- facilitating the implementation of telecommunications interception powers approved by government and establishing the necessary controls to protect the public interest.

## Audit Committee

**Chair: Phil Procopis (external member)**

**Commissioner member: Dr David Gow**

To ensure its independence, the Audit Committee is structured and operated in accordance with the Queensland Treasury's *Audit Committee Guidelines (2008)* and the various guidance publications from the Institute of Internal Auditors Australia. As shown in Table 8, the committee has a membership of five, including two external members, and is chaired by one of these external members. No remuneration was paid to any person for being a member of the Audit Committee in this year.

**Table 8. Audit Committee membership**

Name	Year first appointed	Internal/external appointee	Current position
Mr Phil Procopis	2003	External	Director, Assurance and Risk Management Services, University of Queensland
Mr Len Scanlan	2005	External	Scanlan Consulting Solutions (former Auditor-General of Queensland)
Dr David Gow	2005	External (Dr Gow's primary employer is the University of Queensland)	Part-time Commissioner
Mr David Goody	2008	Internal	Manager, Proceeds of Crime
Mr David Honeyman	2008	Internal	Principal Adviser, Misconduct Prevention

### The Executive Committee (continued)



Director, Intelligence  
Chris Keen



Director, Research and Prevention  
Dr Margot Legosz



Director, Misconduct Investigations  
Russell Pearce



Director, Crime Operations  
Len Potts



Director, Financial Investigations  
John Richardson



Director, Information Management  
Greg Rigby

Whilst the CMC Chairperson and the Executive Director are not members, they attend meetings to brief the committee on upcoming issues and any potential risks facing the organisation as a result of these issues.

The Audit Committee independently advises the Commission to help it maintain effective financial management, internal control systems, audit processes and compliance with governance requirements. The committee reviews the reports of the internal auditor and acts as a conduit between management and the external and internal auditors. In 2008–09 the committee:

- reviewed and revised its charter for consistency with the Queensland Treasury *Audit Committee Guidelines (2008)*
- reviewed and endorsed the *Strategic Audit Plan 2008–13* and the Annual Audit Program prepared by the Internal Auditor
- ensured that the format and notes of the CMC financial statements conformed with Treasury guidelines and the appropriate accounting standards
- fulfilled the responsibilities specified in its charter.

#### Risk Management Committee

**Chair: Robert Needham, Chairperson**

As part of the CMC'S risk management framework, the Executive Committee also acts as the organisation's Risk Management Committee. It is responsible for ensuring robust and effective risk management strategies and related practices. It does this by monitoring and reviewing all risk-related matters, and working with the Commission to address significant risks. In 2008–09 the committee:

- endorsed a revised risk management policy
- approved its revised Strategic Risk Management Register
- considered work area risk management plans
- advised the Commission on the Corporate Risk Management Plan.

Particular attention was given to adequately updating staff with information regarding the H1N1 virus.

#### Finance Committee

**Chair: Robert Needham, Chairperson**

**Commissioner member: David Gow**

The CMC operates a financial management framework where all senior managers are responsible and accountable for achieving corporate goals and objectives within approved budget allocations.

The Finance Committee assists the Commission to meet its financial management responsibilities by providing independent advice and monitoring. The committee ensures that the CMC's practices are effective and comply with statutory requirements by overseeing the preparation, implementation and analysis of the CMC's budget, financial statements, Service Delivery Statement and submissions to the Parliamentary Estimates Committee hearings, and addressing other significant financial matters.

During the year, along with its other activities, the committee advised the Commission on strategies to address a number of major issues impacting on the budget and the emerging priorities in Crime hearings and proceeds of crime activities.

#### Information Steering Committee

**Chair: Robert Needham, Chairperson**

**Commissioner member: David Gow**

The Information Steering Committee monitors and reviews the information and communication technology (ICT) program of work and provides business advice to support the development of the CMC's four-year Information and Communication Technology Resources Strategic Plan in alignment with the Government Enterprise Architecture. In 2008–09 this included:

- monitoring progress on major information management projects such as the Green Square relocation
- endorsing the Information Management Risk Assessment
- prioritising major information management projects for 2009–10 including eDRMS (electronic document and records management system) and digital migration.

#### **Commission Consultative Committee**

**Chair:** Craig Doran (1 July 2008 to March 2009);

**Jenny Forbes** (from March 2009)

**Commissioner member:** Judith Bell

The Commission Consultative Committee contributes to the quality of work life at the CMC by providing a forum for employees and contributing to management decision-making on important issues. Employees are able to make suggestions and raise issues of concern for discussion through staff representatives so that the committee can consult with staff and make recommendations to management. A wide range of topics of interest to both management and staff were addressed during the 2008–09 year, including the use of building facilities and the internet, staff safety, staff training and the administration of staff-funded corporate wardrobe orders.

#### **Workforce Management Committee**

**Chair:** Robert Needham, Chairperson

**Commissioner member:** Ann Gummow

The Workforce Management Committee assists the Commission to ensure that the CMC's human resources operate at an optimum level of performance, and that appropriate policy and planning frameworks are in place to meet the strategic human resource management needs of the CMC. During 2008–09, the Workforce Management Committee provided direction to a project team that implemented a range of workforce capability strategies, including the introduction of internal and external mentoring programs, a revamped performance management system, a recognition and reward program, and improved professional development options for staff.

#### **Equal Employment Opportunity Consultative Committee**

**Chair:** Ann Gummow, Commissioner

The Equal Employment Opportunity Consultative Committee ensures that equal employment opportunity (EEO) principles underpin all employment decisions, so that merit is the only basis for employment selection. The committee promotes EEO within the organisation, and advocates for a workplace that is more representative of the broader community. The major achievement of the Equal Employment Opportunity Consultative Committee was conducting a workplace harassment survey of CMC employees. The committee prepared a report to the Commission and the Executive Committee detailing a proposed response to the findings of the survey.

The committee also had oversight of the development of a new EEO Management Plan for 2009–11. The plan details the CMC's medium term priorities for its EEO program.

#### **Workplace Health and Safety Committee**

**Chair:** Peter Scanlan, Executive Director

**Commissioner member:** Judith Bell

The Workplace Health and Safety Committee monitors the workplace to ensure that the CMC complies with legislative requirements to safeguard employee safety and provides advice concerning relevant issues such as training and relevant standards. The committee also considers individual incidents and resolves systemic issues. During the year the committee engaged the National Safety Council of Australia to conduct a workplace health and safety compliance audit as well as an audit of light readings of all offices within the core of our premises.

#### **Operational committees**

The operational committees monitor and review the work of their respective functional areas:

- Misconduct Assessment Committee
- Misconduct Activities and Projects Committee
- Misconduct Operations Review Committee
- Crime Intelligence and Research Review Committee
- Crime Operations Review Committee
- Witness Protection Advisory Committee
- Business Continuity Committee.

## Other accountabilities

### Internal audit

Internal audit operates under a formal charter approved by the Commission and its activities are monitored by the Audit Committee. Its fundamental role is to conduct independent audits as a service to management, and to help management achieve sound managerial control.

With due regard to section 4.5 of the Queensland Treasury's *Audit Committee Guidelines (2008)*, the internal audit function is staffed by a permanent, professionally qualified officer. This officer reports directly to the CMC Chairperson.

The Internal Auditor acts independently of, but works cooperatively with, the Audit Committee, and has a standing invitation to attend committee meetings. The Internal Auditor also liaises regularly with the Queensland Audit Office (QAO) to ensure that there is adequate audit coverage across the organisation.

A risk-based approach is adopted when allocating resources and when planning, the internal audit program requiring consideration of the corporate risk profile and our audit environment. Also, through consultation with management, the strategic audit plan is based on the corporate risks in each potential auditable area to ensure greater attention is directed at areas of higher risk. The plan is reviewed, modified and updated annually before it is endorsed by the Audit Committee.

In 2008–09:

- The 2008–09 Audit Program was completed, which included audits of:
  - budget processes
  - assets management
  - operational expenditure
  - staff travel claims
  - bank accounts reconciliations
  - petty cash balances (by spot checks)
  - review of annual financial statements under section 78 of the Financial Management Standard.

- The Internal Auditor:

- attended the QAO client information briefing session, the briefing on the annual financial statements update and met with QAO auditors for discussions on contemporary audit issues
- managed and participated in the workplace health and safety audit and the external intrusion network review performed by external consultants.

### Risk management

The responsibility for maintaining the risk management framework and monitoring high-order corporate risk rests with the Commission. The Executive Committee (convening as the Risk Management Committee) develops strategies and monitors risk at the management level. Work areas annually develop risk registers for their units and operations and have all staff obligated to identifying and managing risks as they arise at the operational level.

Significant risk events requiring management attention or oversight are reported to the Risk Management Committee and the Commission as they occur. The CMC's risk management approach is in accordance with the Australian and New Zealand Standard AS/NZS 4360:2004.

Because of the CMC's commitment to maintaining business continuity it continually reviews its strategies and policies to ensure that it is able to carry out its functions in the event of any unplanned business interruptions. The Business Continuity Committee is chaired by the Executive Director with membership consisting of staff from key areas of the Commission. A new framework was developed in 2008–09 as part of the CMC's relocation to our new premises in Fortitude Valley.

### Code of conduct

The CMC's Code of Conduct was reviewed during 2008–2009 to take account of new emphases and to provide staff and managers with improved guidance on acceptable conduct. The updated code will be released during 2009–10. For more detail, see the section on the *Public Sector Ethics Act 1994* on page 62.

## **Policies, procedures, protocols and standards**

The CMC has an extensive range of written policies and procedures available to all staff through the intranet. These documents are subject to regular review and to approval by the Commission and managers as appropriate.

Supporting these policies and procedures are protocols with various external agencies. There are, for example, protocols with the Office of the Director of Public Prosecutions on matters referred for the considering of prosecution proceedings and with the PCMC on the handling of complaints against CMC staff. There are also a number of written directions and arrangements with client agencies to assist them in handling complaints.

Corporately, a Service Level Agreement is negotiated annually between Corporate Support and work areas to define the standards of internal services to be provided to work areas. For external complainants, the Client Service Charter describes how complaints will be managed and the standards of service to be provided by the CMC in managing any complaint.

## **Sustainability reporting**

The CMC places a high priority on improving all aspects of its sustainability and provides the following information on its economic, environmental and social sustainability.

### **Economic sustainability**

The CMC relies on government grants as its primary source of revenue and, as such, is sensitive to potential changes in government policy and funding as they affect the CMC.

Indicators of the CMC's financial sustainability are revealed in its Balance Sheet which shows that the CMC has cash sufficient to cover all employee provisions and creditors. Further, the CMC sets aside monthly sufficient cash to fund the future replacement of its assets, achieved by way of a depreciation charge over its existing assets. This latter procedure results in the ongoing provision of up-to-date assets, which allow the CMC to continue to discharge its functions.

### **Environmental sustainability**

The CMC's environmental sustainability has been improved with its relocation in August 2008 to Green Square North Tower, Fortitude Valley. Its new premises have a world leadership Six Star Green Star – Office Design v2 rating, the first building of this rating to be completed in Queensland. Water and energy efficiency is achieved by all water fittings being AAAA-rated, and onsite co-generation providing efficient air-conditioning and a 71 per cent reduction in carbon dioxide emissions. For more detail, see Appendix D.

### **Social sustainability**

The CMC continues to provide value to the community by meeting its operational and Service Delivery Statement targets that contribute to the government's ambition for a fair Queensland that supports a safe and caring community.

The CMC's value to the community is evidenced by recommendations in the PCMC's *Report no. 79, Three yearly review of the Crime and Misconduct Commission*, April 2009 into the operations of the CMC. The report suggested that the CMC was adequately performing its functions, even suggesting its jurisdiction be increased to further protect the community. For more detail, see page 50.

Further evidence of the ongoing need for the CMC is reflected in government initiatives which have, over time, seen the organisation provided with additional funding to allow it to expand its proceeds of crime function. As well, during 2008–09, the legislative basis and necessary funding were put in place for developing a telecommunications interception capability to assist with our investigations.

## External governance arrangements

### Parliamentary Crime and Misconduct Committee

In performing its functions the Parliamentary Crime and Misconduct Committee (PCMC):

- monitors and reviews the performance of the CMC
- requests reports on matters that have come to the PCMC's attention through the media or by other means
- receives and considers complaints against the CMC and deals with issues concerning the CMC
- consults with the Attorney-General on the appointment of the CMC Chairperson and Commissioners.

In 2008–09, the Commission formally met with the PCMC about every two months to discuss current activities and performance. For PCMC membership during this reporting period, see page 7.

The Crime and Misconduct Act (section 329) requires the Chairperson to report to the PCMC any conduct of a CMC officer that the Chairperson suspects involves, or may involve, improper conduct. The Act also provides for a wider definition of CMC officers by including former officers, and specifically allows the PCMC to request reports in respect of these staff.

### Three-yearly review

In September 2008, the PCMC began its three-yearly public review of the CMC. The committee invited and received submissions from interested organisations (including the CMC) and members of the public and held public hearings on 19 and 20 November 2008.

This review is the third such three-yearly review conducted since the *Crime and Misconduct Act 2001* commenced.

In April 2009, the PCMC published *Report no. 79, Three yearly review of the Crime and Misconduct Commission*, in accordance with its statutory requirements. The report adopted many of the suggestions made in the CMC's submission of October 2008 and made 29 recommendations. Recommendations addressed such matters as the expansion of the CMC's jurisdiction to cover government-owned corporations, the amendment of legislation to address some legal technicalities or improve efficiency, and the CMC operating telecommunications interception facility independent of the QPS.

The 29 recommendations made by the committee are currently being considered by government. Both the CMC submission and the committee's report are available at <[www.parliament.qld.gov.au/view/committees/introduction.asp](http://www.parliament.qld.gov.au/view/committees/introduction.asp)>.

### Parliamentary Crime and Misconduct Commissioner

The current Parliamentary Crime and Misconduct Commissioner (Parliamentary Commissioner) is Mr Alan MacSporran SC. He assists the PCMC in its role of monitoring and reviewing the CMC by conducting audits of the CMC, and is authorised to investigate complaints against the CMC or its officers.

During 2008–09 the Parliamentary Commissioner:

- reviewed the CMC's management of several complaints matters, acting on referrals from the PCMC
- audited the CMC's compliance with legislation governing covert instruments and the use of surveillance devices and assumed identities
- inspected selected registers that the CMC is required to maintain
- audited the CMC's intelligence holdings.

As in 2007–08, no instance was found in which the CMC had acted outside legislation. Suggestions by the Parliamentary Commissioner about possible improvements to process or procedure were either accepted by the CMC or, where the change was not possible, the reasons for existing arrangements were explained.

### The minister

The CMC's minister is the Honourable Cameron Dick MP, Attorney-General and Minister for Industrial Relations.

The minister participates in the selection of the Chairperson, Commissioners and Assistant Commissioners, approves staff remuneration conditions, and approves the CMC's budget. In keeping with our legislation, the minister must ensure that the CMC operates in accordance with best practice standards. To assist the minister in this regard, the CMC provides written reports on the efficiency, effectiveness, economy and timeliness of its operations and processes.

## Specialised monitoring of CMC activities

### Public Interest Monitor

The Public Interest Monitor must ensure that the CMC complies with our Act and the *Police Powers and Responsibilities Act 2000* when making application for, and using, surveillance warrants and covert search warrants. Non-compliance is reported to the Commission and PCMC.

### Supreme Court

Many of the CMC's coercive powers may be exercised only with the approval of a Supreme Court judge. The approval of a Supreme Court judge must also be sought when the CMC wishes to serve compulsory process on interstate residents.

Some decisions of the CMC may be reviewed by a Supreme Court judge under the *Judicial Review Act 1991* or a specific provision in the Crime and Misconduct Act. There were five such applications during the year. The Supreme Court may also be asked by people involved in matters before the court to make declaratory orders about decisions or action taken by the CMC; there are currently two such matters before the courts.

The Supreme Court may also review actions of the CMC in other matters before it. The court did this in the contempt application the CMC brought against Witness C when the court considered the powers of the Crime Reference Committee to make major crime referrals (discussed in more detail on page 10).

### Crime Reference Committee

As discussed on page 10, the Crime Reference Committee, established under section 274 of the Crime and Misconduct Act, has a significant role in referring suspected major crime to the CMC for investigation. It can also place a limitation on the powers exercised by our Crime area in regards to referrals it makes.

### Controlled Operations Committee

The Controlled Operations Committee was established under the *Police Powers and Responsibilities Act 2000* to consider and make recommendations about applications for 'controlled operations' to be undertaken by the QPS or the CMC. (Controlled operations are investigations of serious indictable offences, misconduct or organised crime which may involve authorised police officers and others engaging in activities that may be unlawful – e.g. it may involve undercover officers, in order to maintain their cover, being authorised to buy illicit drugs from an investigation target.)

The committee comprises the Commissioner of Police (or nominee), the Chairperson of the CMC, and a retired District Court judge (the independent member), who is the chair.

In the case of any controlled operation by the CMC that involves investigating a police officer, the Chairperson may approve the application without referring it to the committee, but must first contact the independent member and obtain their agreement.

### External audit

Since its inception, the CMC's annual financial statements have been approved without qualification by the Queensland Audit Office.

### Other reporting obligations

See Appendix B for a brief outline of our other reporting requirements.

## Our people

The CMC is dedicated to providing the best working environment it can for its diverse staff of lawyers, police, accountants, investigators, intelligence analysts, social scientists, computing specialists, support officers and administrators.

We offer working conditions that are comparable to the Queensland public service including enterprise bargaining, and we adhere to government policies on equal employment opportunity and workplace health and safety. In addition, we provide an employee support program, training opportunities, avenues for regular internal communication, and a mechanism for staff to have their concerns heard by senior management.

During 2008–09, the number of established positions remained largely the same at 319 (see Tables 9 and 10). The number of actual staff in June 2009 was 293.5, expressed as full-time equivalents.

Of those permanent civilian and police employees working with the CMC at the commencement of 2008–09 period, 86 per cent have been retained while 14 per cent have concluded their employment. This represents a significant reduction in turnover from last year.

**Table 9. Staff establishment as at 30 June 2009**

	Approved establishment	Actual staff (including temporary staff)
Executive and Office of the Commission	21	18
Crime	49	50
Misconduct	90	74
Witness Protection and Operations Support	55	50
Research and Prevention	30	29.8
Intelligence	24	21.1
Corporate Services	50	50.6
<b>Total</b>	<b>319</b>	<b>293.5</b>

**Table 10. Number of established positions within each discipline as at 30 June 2009**

Discipline	Number
Executive management	14
Legal officers	21
Financial investigators	21
Complaints officers	12
Investigators	10
Technical officers	2
Research officers	16
Misconduct prevention officers	6
Indigenous liaison officers	2
Librarians	2
Intelligence analysts	22
Computer systems officers	13
Operational support officers	25
Registry officers	16
Administrative officers	55
Police officers	82
<b>Total</b>	<b>319</b>

## Workforce management planning

Workforce management planning remained a key focus for the CMC in 2008–09 as a means to achieve our priorities of attracting and retaining skilled employees, and establishing an optimum working environment. Under the direction of the Workforce Management Committee, a project team was established to assess, and execute against, the initiatives outlined in our workforce management plan. In 2008–09, key achievements included:

- rolling out a revamped performance management system based on personal performance objectives and accountability
- reviewing the CMC's Code of Conduct
- completing a pilot internal mentoring program, and participating in an interagency mentoring program
- introducing improved learning and development opportunities, including initiatives focused on study assistance, professional memberships and leadership development

- establishing an improved range of services accessible under the employee assistance program
- introducing a recognition and rewards program
- undertaking a comprehensive assessment of workplace harassment
- systematically reviewing human resource policies.

Strategies targeting succession planning, staff rotations, innovation, and knowledge management will be implemented in 2009–10.

## Human resources data management

Procuring and implementing a new human resource information system (HRIS) for the CMC has been a significant achievement this year. This cost-effective integrated solution offers superior payroll, human resources data management and reporting functionality for the CMC, and will provide us with a far more accurate and comprehensive picture of our workforce capability across a range of people-related metrics. Payroll functionality will be rolled out early in the new financial year, with the remainder of the product being implemented in a phased approach throughout 2009–10.

## Work, family and life balance program

The CMC continues to offer flexible working arrangements aimed at supporting employees in balancing their work and family and other responsibilities. In addition to staff consultation around current working hours arrangements, proposals regarding phased retirement options and a corporate health and well-being program will translate into initiatives to be implemented under the workforce management plan in 2009–10.

## Employee relations

### Enterprise bargaining

During 2008–09 staff received a wage increase in accordance with the Crime and Misconduct Commission Certified Agreement 2006. This expires on 31 July 2009 and negotiations are underway for a replacement agreement to cover the next three-year period.

### Staff development

The Crime and Misconduct Commission Certified Agreement 2006 provides an opportunity for staff at the A02, A03 and A04 levels to study towards accredited qualifications at the

Certificate IV (A02), Diploma (A03) or Advanced Diploma (A04) level at no cost to the employee.

This year ten staff members at these levels completed a series of competency-based and assessment workshops during normal working hours on CMC premises. This program provides participants with an opportunity to attain a Certificate IV in Government, and it is expected that all participants will have received their certificate by the end of 2009.

Other significant staff development initiatives included the April 2009 launch of the Certificate IV in Government (Investigations), aimed primarily at financial investigators and designed to improve the skillsets in investigation for our financial analysis.

### Equal employment opportunity program

The EEO program, including measures to eliminate sexual harassment and workplace harassment, will have a continuing impact on retention rates of EEO target group members, particularly women, who comprise about half of the CMC workforce. The continuing use of exit interviews highlights any systemic issues that require attention from a staff retention perspective.

Following a workplace harassment survey early in 2008–09, a comprehensive action plan, including staff training initiatives and enhancements to the existing Peer Support Officer network, was approved. Implementation of this action plan will be a focus for 2009–10.

See Appendix C for EEO statistics for CMC staff this year.

### Workplace health and safety program

The CMC's workplace health and safety program is based on comprehensive policies and procedures, and our Workplace Health and Safety Committee met regularly to assess the implementation of annual action plans. An independent audit of our occupational health and safety systems, conducted by the National Safety Council of Australia, was completed in 2008–09 and action is underway to implement necessary action arising from the audit.

### Voluntary retirements and retrenchments

No employees of the CMC were retrenched or requested to take voluntary early retirement during this period.

## Departures and appointments

In this reporting period, several significant departures and appointments occurred.

### Departures

- July 2008: Ann Hayward (Information Retrieval Officer) had been with the organisation since August 1990.
- Lisa Watson (Indigenous Complaints Services Officer) had been with the organisation since July 2002. Lisa retired on medical grounds.
- October 2008: Brooke Seymour (Senior Human Resources Officer) had been with the organisation since September 2002. Brooke retired on medical grounds.
- Don Jeppesen (Administration Manager) had been with the organisation since January 1994.
- November 2008: Margaret Bourne (Switchboard Operator) had been with the organisation since July 1990.
- January 2009: Danny Boyle (Deputy Director, Misconduct) had been with the organisation since December 2001.
- Peter Jones (Senior Investigator) had been with the organisation since July 1990.

### Appointments

- September 2008: Narelle Dawson (Deputy Director, Research and Prevention)
- November 2008: Philip Nase (part-time Commissioner)

## Staff recognition

In December 2008, two groups of staff were presented with work achievement awards:

- the Green Square Project Team (10 officers) for its contribution to the relocation of the organisation to its new premises in August 2008
- the e-brief development team (six officers) for its case management system (see case study on page 17).

Prior to this year, awards were presented to staff who had been with the organisation for 10 years. As part of our review of our reward and recognition program, the program was expanded to recognise length of service at each five-year milestone. In December 2008 meritorious service awards were presented to the following groups of staff who had reached a length-of-service milestone with the organisation:

- 5 years: 65 officers
- 10 years: 17 officers
- 15 years: 22 officers
- 20 years: 8 officers.

## CMC contribution to the Commissioners for Police Service Reviews

Commissioners for Police Service Reviews arbitrate on any grievances police officers may have about promotions, transfers or disciplinary action.

Commissioners are independent of the CMC and the Queensland Police Service but are nominated by the CMC Chairperson under the *Police Service Administration Act 1990*.

To be eligible for appointment, a Review Commissioner must be:

- a CMC Commissioner, past or present
- a Commissioner of the former CJC
- a person qualified for appointment as Chairperson of the CMC, or
- a person who has demonstrated an interest and ability in community affairs.

Secretariat support is provided to the Commissioners to manage the day to day activities of the office.

During the reporting period, the Review Commissioners were former CMC Commissioner Ms Dina Browne and practising solicitor Mr Pat Mullins.

In addition to their primary role to arbitrate on grievances, Review Commissioners also monitor the progress of any changes to the Queensland Police Service merit-based policy. Monitoring occurs as issues are identified during reviews and addressed through recommendations. Further monitoring occurs when the CMC's Police Service Reviews Unit liaises with the QPS Central Convenors Unit and the QPS Human Resource Management Branch on matters as they arise.

The transparency and independence of the review process are enhanced by the standing invitation to the Queensland Police Union of Employees to attend promotion, transfer and disciplinary review hearings as observers.

Through representation at the annual national Public Sector Appeals Conference, the Office of the Commissioner for Police Service Reviews stays informed of best practice and emerging trends in other jurisdictions.

Tables 11–13 provide detailed statistics on the matters handled in 2008–09.

**Table 11. Types of applications lodged, 2007–08 and 2008–09**

Type	2007–08	2008–09
Promotion	133	44
Transfer	1	5
Lateral transfer	4	3
Stand-down	-	1
Suspension	1	5
Disciplinary	-	-
Dismissal	-	-
<b>Total</b>	<b>139</b>	<b>58</b>

**Table 12. Status of applications lodged, 2007–08 and 2008–09**

Status	2007–08	2008–09
Matters lodged	139	58
Matters withdrawn before hearing	13	37
Matters out of jurisdiction	8	3
Matters awaiting hearing at 30 June	99	7
Matters heard	19	11

**Table 13. Results of matters heard by Review Commissioners, 2008–09**

Type	Affirmed	Varied	Set aside	Total
Promotion	20	-	-	20
Transfer	1	-	-	1
Lateral transfer	3	-	-	3
Suspension	1	-	-	1
<b>Total</b>	<b>25</b>			<b>25*</b>

\* The total of 25 matters heard includes applications lodged in 2008–09 (11) and in previous years.

# Communicating with our stakeholders

## External communications

The work of the CMC attracts considerable interest from government and other stakeholders, the media and the public. We provide information in a range of different formats to meet the needs of these groups.

Information is made available as hard copy and electronic publications and includes reports, advisory bulletins, brochures and media releases. Information is also provided in interviews, conferences and public presentations. Our publicly available documents can be accessed on our website at <[www.cmc.qld.gov.au](http://www.cmc.qld.gov.au)>.

## Key publications

We produce a range of publications including investigation reports, intelligence and parliamentary reports, misconduct prevention advice, research into the criminal justice system and information brochures for the public. Key publications of 2008–09 include:

- *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*
- *Organised property crime markets in Queensland: a strategic assessment* (crime bulletin)
- *Blowing the whistle in Queensland* (flyer outlining key elements of public interest disclosure)
- *Public perceptions of the Queensland Police Service: findings from the 2008 public attitudes survey.*

See Appendix E for a full list of our publications.

## Media contact

During the reporting period, we received 542 media queries. We published 37 media releases, gave 34 media interviews and the Chairperson held one media conference.

## Stakeholder contact and community engagement

To raise awareness of the role of the CMC, our officers take part in a range of presentations to government agencies and other stakeholders. In 2008–09, CMC officers made presentations to crime conferences, state and local government departments, the QPS and training academies, Indigenous justice groups, members of parliament and communications specialists in integrity fields.

We have been involved in informative community activities, delivering presentations to universities and community groups, and participated in NAIDOC week events held in Brisbane and Cherbourg.

## Organisational capability: outlook 2009–10

In 2009–10, we will:

- broaden recruitment and management strategies to ensure the ongoing renewal our human resources
- enter into more partnership, secondment and joint project work with agencies within the public sector, including the police service
- introduce more flexibility in our education, training and leadership development programs to ensure personnel have opportunities for experience in different parts of the organisation
- establish appropriate recruitment, retention, tenure and separation policies to allow public servants and police officers to serve at the CMC for appropriate periods and to readily relocate at the conclusion of their tenure.