

# Message from the Chairperson



Chairperson Robert Needham

This year public sector integrity has taken centre stage in the media and the general community. We have found ourselves in an environment where the words 'transparency', 'accountability' and 'integrity' have become increasingly commonplace.

It is probably not surprising that the notion of integrity in public life should be given such prominence in the year marking the twentieth anniversary of the Fitzgerald Inquiry. In that inquiry, Tony Fitzgerald QC exposed systemic corruption in the state government and the police service. While recent speculation suggests that Queensland has not changed in the intervening years, I would argue to the contrary. Events in the past year show that there have been significant changes.

This year the *Right to Information Act 2009* replaced the *Freedom of Information Act 1992*. The new Act requires that all public sector agencies and statutory authorities, including the CMC, must regularly release information online rather than wait for requests from the public. Recently, lobbyists were banned from serving on government-appointed boards and questions have been publicly raised about businesses paying for access to government ministers.

Earlier this year the state government implemented some significant recommendations arising from the CMC's public report on an investigation into former director-general Scott Flavell. A Lobbyists Register has now been established and new post-separation employment quarantine periods apply to former ministers, parliamentary secretaries, ministerial staff and senior public servants.

Attitudinal changes within the public sector are also evident. Public servants and police are now more aware of the community's demand for higher standards of integrity and accountability. Agencies recognise that if they are to meet these community demands then they must equip themselves with the knowledge and skills to prevent and combat corruption in their own organisations.

It is within this new environment that the Australian Public Sector Anti-Corruption Conference has emerged. The conference, to be held every two years and jointly hosted by the CMC, the Independent Commission Against Corruption (NSW) and the Corruption and Crime Commission (WA), is indicative of an increasing appetite for knowledge on integrity-related issues. This year we hosted the second conference in Brisbane which attracted more than 500 delegates from around Australia and overseas. The Corruption and Crime Commission will host the next conference in Perth in October 2011.

Working in partnership with other agencies is an integral part of our corruption prevention work. This year, the CMC, the Queensland Ombudsman and the Public Service Commission jointly developed a series of guides to help managers and individuals deal with public interest disclosures. We also worked closely with the Queensland Police Service (QPS) to review Taser training and operational policy following a death in custody.

Despite the CMC's prevention work, fostering an ethical climate remains an ongoing effort. This year, in Operation Capri, we exposed a number of police officers who were implicated in relatively serious levels of police misconduct. Another CMC investigation led to the jailing of former minister Gordon Nuttall. His conviction on 36 charges of receiving secret commissions from two prominent businessmen showed that no-one is above the law.

Serious incidents of misconduct, like these, may cause the community to question the level of integrity within the state's public agencies. However, I believe that Queensland now has a strong ethical framework which is capable of preventing and detecting most official misconduct. This has given the CMC

the confidence to move further this year down the path of 'devolution' — a process whereby agencies require their local managers to take responsibility for dealing with complaints of official misconduct rather than see it as a senior management problem. If supervisors are made responsible for the behaviour of those working directly for them, then they are less likely to turn a blind eye to misconduct and more likely to ensure systems are in place to foster integrity. Only then can a culture of integrity successfully be embedded in an organisation. Of course, the CMC will continue to closely monitor the handling of all complaints and will investigate the more serious or systemic cases.

The CMC has begun redirecting resources to significantly increase our monitoring. During 2008–09 the CMC carried out audits of five public agencies (including the QPS), three quality assurance reviews of three further agencies and reviewed 264 individual complaint matters. Our monitoring revealed significant improvements in how they deal with complaints.

Importantly, many public sector organisations are demonstrating that they are not only capable of taking control of their complaints and disciplinary processes, but are eager to do so. Over the next 12 months, we will work closely with five of these agencies to trial various models of agency-managed complaints. However, we recognise that not all organisations are ready for this leap. Over the next few years, the CMC will also work with agencies to help them strengthen their capacity to be able to manage more incidents of official misconduct in the long term.

While public interest often focuses on the CMC's misconduct role, our crime function attracted interest in March this year following a Supreme Court decision which questioned the validity of a crime investigation. That decision ruled that the *Crime and Misconduct Act 2001* did not empower our crime oversight group, the Crime Reference Committee, to refer 'categories' of crime to the CMC for investigation (as opposed to a specific incident of criminal activity). Consequently, our crime division ceased investigating any matter where there was doubt about the CMC's jurisdiction. Paedophilia and organised crime investigations were affected. However, our Act was amended in May 2009 confirming the CMC's jurisdiction and validating past investigations.

Despite the setback in the crime area, the CMC still held a record 157 crime investigative hearing days. We also carried out 17 organised crime and paedophilia investigations leading to the arrest of 120 offenders and the laying of

544 charges. Our proceeds of crime team also obtained 78 restraining orders over property valued at \$24.374 million, more than doubling the annual target.

These statistics show that pressure on services within the crime area has continued strongly this year. As a result, we have devoted increased resources to keep up with the demand, particularly for our coercive hearings power and our proceeds of crime recovery services. The CMC will have to seek further funding for these areas to continue to cope with this increased demand.

This year the CMC gained the additional investigative power of telecommunications interception after the Commonwealth and Queensland governments took steps earlier in the year to authorise the use of those powers in the state. This is a very significant gain as until this year, Queensland was the only jurisdiction in Australia not to have these special powers. We expect to commence using this new investigative tool by the end of the year.

By the time this annual report is tabled in state parliament, I will have only a few months left in my role as CMC Chairperson. At the time of writing, my successor had not been announced. However, I know I am leaving the organisation in very capable hands. Over the past five years I have received enormous support from my fellow Commissioners and my Assistant Commissioners and Directors, for which I thank them. Their knowledge and depth of experience has been invaluable to me and the organisation. I have no doubt that my successor will enjoy that same support.

I would also like to thank the CMC's hardworking staff. It has been a privilege to spend the past five years working with such supportive and highly competent officers. Without their dedication it would not be possible to achieve all that we do. I wish the organisation every success as it continues to move forward to meet the challenges of combating crime and promoting high standards of public sector integrity in Queensland.

  
Robert Needham  
October 2009