

Appendix A

Financial performance — budget versus actual

Significant variances

	Budget 2009–10 \$'000	Actual 2009–10 \$'000	Variance 2009–10 \$'000
Statement of Comprehensive Income			
Grants and other contributions	43 147	44 833	1 686
Other revenue	105	938	833
Employee expenses	31 639	31 100	(539)
Other expenses	85	1 228	1 143
Operating Surplus/(Deficit)	–	1 634	1 634
Statement of Financial Position			
Cash assets	6 206	7 545	1 339
Non-current assets	14 282	15 075	793
Payables	974	2 112	1 138

Grants and other contributions

The increase in grants and other contributions was due to additional funding received for telecommunications interception infrastructure and access costs. The Commission also recognised contributions for services received free of charge or below fair value of \$1.081m. An equal amount has been recognised as expenditure.

Other revenue

The increase in other revenue is mainly due to higher than anticipated interest rates and recoveries from the 2009 Australian Public Sector Anti-Corruption Conference (APSACC) hosted by the CMC.

Employee expenses

The decrease in employee expenses is mainly due to timing differences associated with the roll-out of the devolution project.

Other expenses

The increase in other expenses is due to the recognition of services received free of charge or below fair value of \$1.081m.

Operating surplus/(deficit)

The operating surplus mainly occurred as a result of the combined effect of the increase in interest revenue; APSACC recoveries; timing differences associated with the roll-out of the Public Agency Accountability Project; and additional funding received for telecommunications interception infrastructure costs which will only be spent in the 2010–11 financial year.

Cash assets

The increase in cash assets is mainly due to timing of creditor payments, and a build-up of cash reserves as a result of the operating surplus.

Non-current assets

The increase in non-current assets is mainly due to costs associated with the implementation of the TRIM Electronic Document and Records Management system which was rolled out to the Commission during July and August 2010.

Payables

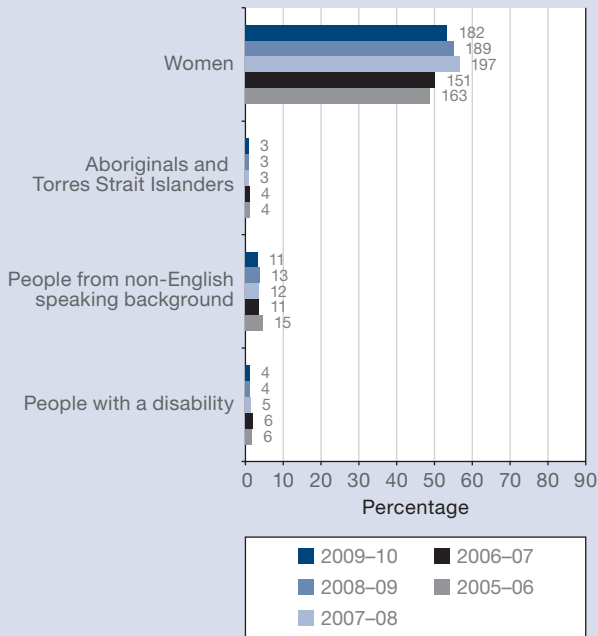
The increase in payables is mainly the result of an improved payment process whereby outstanding invoices are now paid according to agreed payment terms.

These comments do not form part of the audited financial statements of the Commission.

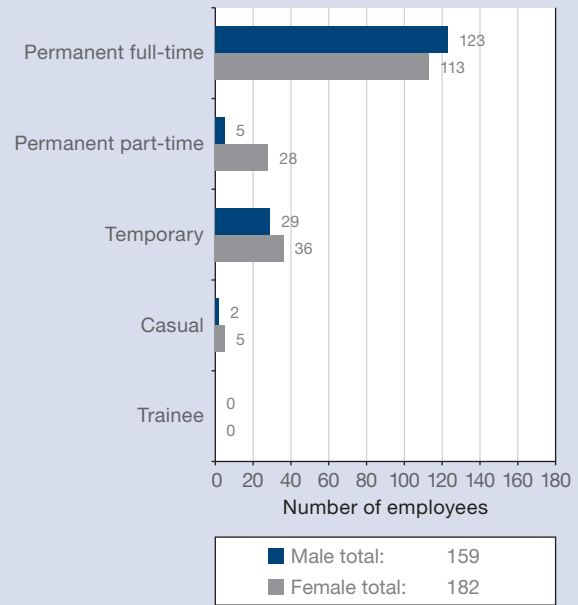
Appendix B

EEO statistics

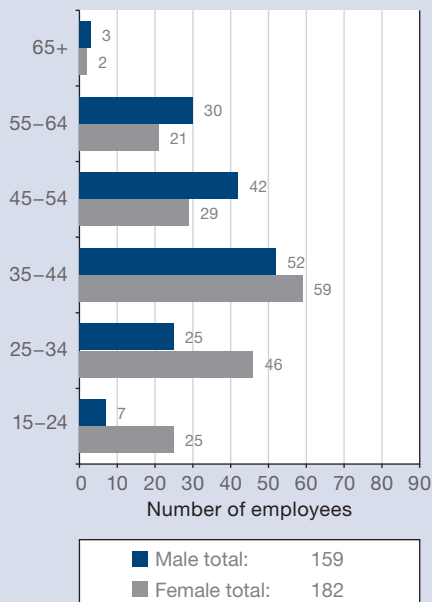
1. Membership of EEO target groups (2005–06 to 2009–10)



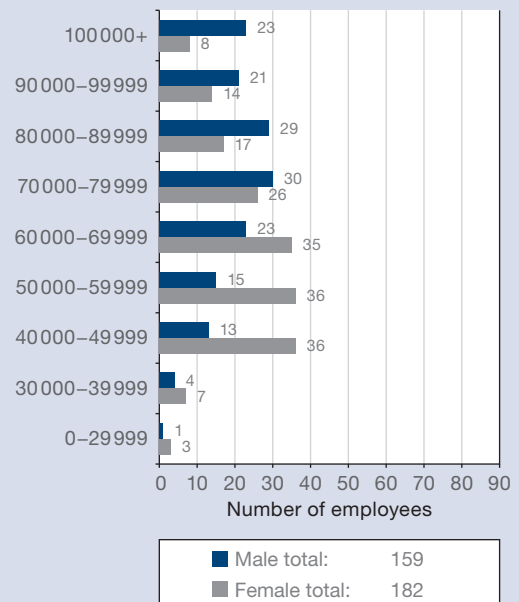
2. Employees by gender and employment status as at 30 June 2010



3. Employees by gender and age as at 30 June 2010



4. Employees by gender and salary level as at 30 June 2010



Appendix C

Publications

Corporate

Strategic Plan 2010–2014, June 2010

Annual Report 2008–09, November 2009

Crime bulletins

Organised fraud in Queensland: a strategic assessment, no. 10, October 2009.

Money laundering and organised crime in Queensland, no. 11, December 2009.

Illicit drug markets in Queensland: a strategic assessment, no. 12, February 2010.

Investigative reports

Dangerous liaisons: a report arising from a CMC investigation into allegations of police misconduct (Operation Capri), July 2009.

Allegation against the Honourable TM Mackenroth in respect of land at Elimbah East: a report from the CMC, September 2009.

Final CMC report into the 2009 South East Queensland Regional Plan, including land at Palmwoods, November 2009.

Misconduct prevention material

Separation risks: undue influence, conflicts of interest and information security when employees move on, Building Capacity Series, no. 14, July 2009.

Managing a public interest disclosure program: a guide for public sector organisations, December 2009.

Misconduct review

QPS–CMC review of Taser policy, training, and monitoring and review practices, July 2009.

CMC review of the Queensland Police Service's Palm Island Review, June 2010.

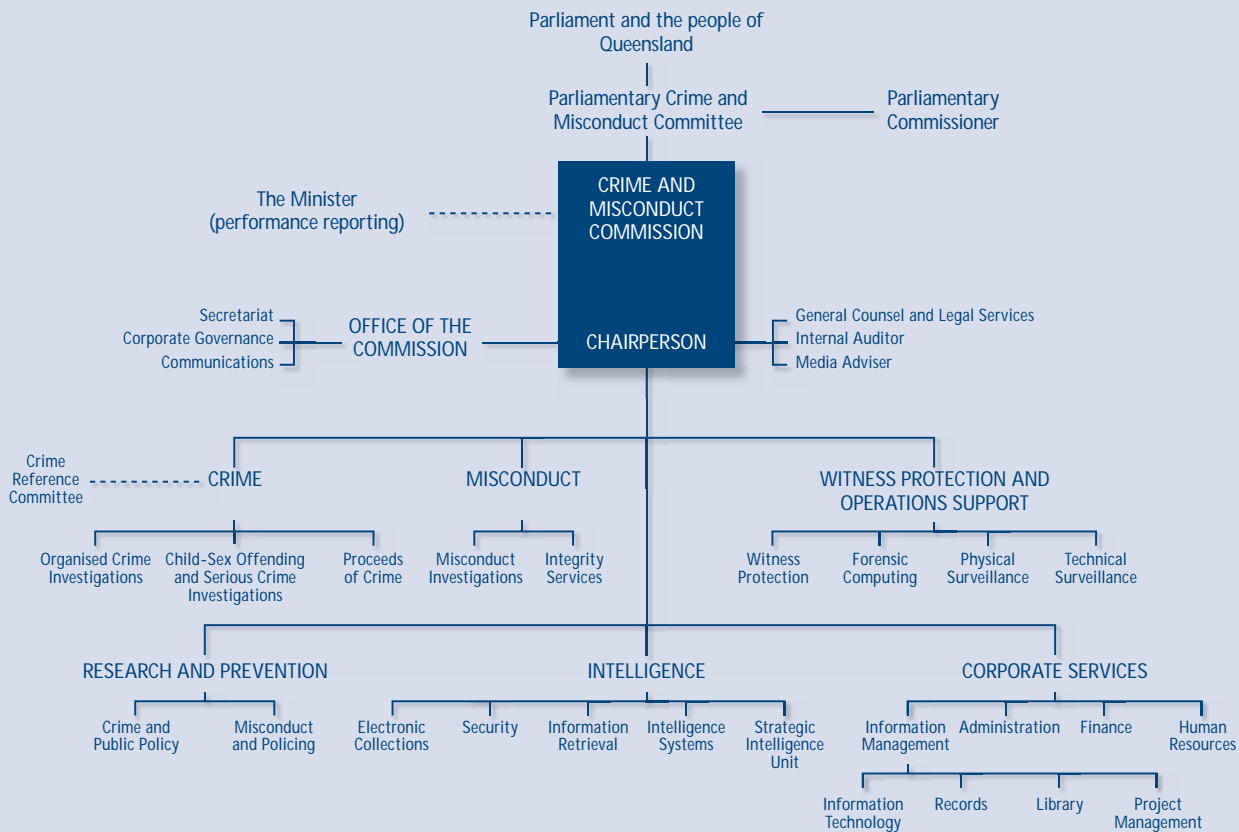
Public policy reports

Restoring order: crime prevention, policing and local justice in Queensland's Indigenous communities, November 2009.

Sound advice: a review of the effectiveness of police powers in reducing excessive noise from off-road motorbikes, April 2010.

Appendix D

CMC's structure and accountability



Appendix E

Appointment criteria for Commissioners, Assistant Commissioners and senior officers

Commissioners

Appointment of Commissioners

Commissioners (including the Chairperson) are appointed by the Governor-in-Council under the terms of the *Crime and Misconduct Act 2001* (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 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 Parliamentary Crime and Misconduct Committee 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 F

Executive Committee members and their responsibilities on other internal and external committees

Executive member	Committee membership
Mr Martin Moynihan, AO, QC Chairperson	<p>Audit Committee (ex officio) Commission (Chair) Commission Consultative Committee (member) Crime Reference Committee (member) Crime Operational Review Committee (member) Executive Committee (Chair) Finance Committee (Chair) Misconduct Operations Review Committee (member) Research and Major Projects Committee (Chair) Workforce Management Committee (Chair)</p> <p>Integrity Committee (member) Police Education Advisory Council (member) Justice Statutory Authority Group (member)</p>
Mr John Callanan, BA, LLB (Hons) Assistant Commissioner, Crime	<p>Commission (ex officio) Crime Reference Committee (Chair) Crime Intelligence Review Committee (Chair) Crime Operational Review Committee (Chair) Executive Committee (member) Finance Committee (member) Information Steering Committee (member) Joint Executive Team (member) Research and Major Projects Committee (member)</p> <p>Prostitution Licensing Authority (Statutory member) Queensland Joint Management Group (member) Operational committees related to QPS and Commonwealth agencies dealing with crime (member)</p>
Mr Warren Strange, LLM, LLB, BSc Assistant Commissioner, Misconduct	<p>Commission (ex officio) Executive Committee (member) Finance Committee (member) Information Steering Committee (member) Misconduct Assessment Committee (member) Misconduct Operations Review Committee (Chair) Research and Major Projects Committee (member) Workforce Management Committee (member)</p> <p>Queensland Law Society Criminal Law Specialist Accreditation Committee (member)</p>

Executive member	Committee membership
Mr Peter Barron, BBus, MPPA, APM Assistant Commissioner, Witness Protection and Operations Support	Commission (ex officio) Crime Intelligence Review Committee (member) Crime Operational Review Committee (member) Executive Committee (member) Finance Committee (member) Information Steering Committee (member) Misconduct Operations Review Committee (member) Witness Protection Advisory Committee (Chair) Workforce Management Committee (member) Prostitution Licensing Authority (member) Verity Steering Committee (member)
Ms Jan Speirs, LLB, GradDipEd, MBA General Counsel	Executive Committee (member)
Mr Peter Scanlan, BComm, LLB (Hons), CA Executive Director	Audit Committee (ex officio) Business Continuity Committee (Chair) Commission (ex officio) Commission Consultative Committee (member) Equal Employment Opportunity Consultative Committee (member) Executive Committee (member) Finance Committee (member) Information Steering Committee (member) Research and Major Projects Committee (member) Witness Protection Advisory Committee (member) Workplace Health and Safety Committee (member) Workplace Management Committee (member)
Ms Helen Couper, CertLaw Director, Integrity Services	Executive Committee (member) Misconduct Assessment Committee (member) Misconduct Activities and Projects (member) Service Delivery and Performance Commission Review (member) OPSEN – Old Public Sector Ethics Network (member) Devolution Steering Committee – involving various state departments (member)
Mr Greg Rigby, BSc Director, Information Management	Business Continuity Committee (member) Executive Committee (member)
Mr Peter Duell, MInfoTech, BA(CompSc), GradDipEd A/Director, Information Management	Information Steering Committee (coordinator/member)

Executive member	Committee membership
<p>Mr Chris Keen, BA Director, Intelligence</p>	<p>Crime Intelligence Review Committee (member) Crime Operations Review Committee (member) Executive Committee (member) Information Steering Committee (member) Misconduct Activities and Projects Committee (member) Misconduct Operations Review Committee (member) Telecommunications Security Enforcement Round Table (member) Interception Consultative Committee (member) Special Networks Committee (member) Interception Agencies Technical Group (member)</p> <p>Queensland Joint Intelligence and Operations Coordination Group (member) Police Ethnic Advisory Group (member) Operational committees related to QPS and Commonwealth agencies (member)</p>
<p>Ms Margot Legosz, PhD, MPH Director, Research and Prevention</p>	<p>Research and Major Projects Committee (member) Crime Reference Committee (member) Executive Committee (member) Information Steering Committee (member)</p> <p>Australian Public Sector Anti-Corruption Conference (APSACC) Committee – CMC Delegate for organising the 2011 APSACC Police Education Advisory Council (member) Justice Modelling @ Griffith Steering Committee (member) National Crime Statistics Unit Advisory Group (member)</p>
<p>Mr Russell Pearce, LLB Director, Misconduct Investigations</p> <p>Ms Sharon Loder, LLB, BBus (HRM), LLM A/Director, Misconduct Investigations</p>	<p>Executive Committee (member) Misconduct Assessment Committee (member) Misconduct Operations Review Committee (member) Misconduct Activities and Projects Committee (member)</p>
<p>Chief Supt Len Potts, BA, GradDipMgt Director, Crime Operations</p>	<p>Crime Intelligence Review Committee (member) Crime Management and Administrative Group (Chair) Crime Operations Review Committee (member) Crime Reference Committee (member) Executive Committee (member)</p> <p>QPS/CMC Working Group (Chair) Joint Executive Taskforce (with QPS) (Chair) Queensland Joint Intelligence and Operations Coordination Group (member) Operations Management Board, QPS (member)</p>

Executive member	Committee membership
<p>Mr John Richardson, BBus, CPA Director, Financial Investigations</p>	<p>Crime Intelligence Review Committee (member) Crime Management and Administrative Group (Chair) Crime Operations Review Committee (member) Executive Committee (member)</p> <p>Operations Management Board, QPS (attendee) Joint Agency Meeting – involving state and Commonwealth agencies dealing with proceeds of crime (member)</p>

Appendix G

Compliance reporting

Public interest disclosures

In 2009–10, the CMC received 515 complaints that comprised 1467 allegations. This table details the status of the allegations.

Analysis of public interest disclosures received by the CMC in 2009–10

<i>Section of 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	0	168	713*	55	252	125	1313
16: Public officer complaining of maladministration	0	14	33*	5	15	0	67
17: Public officer complaining of improper management	0	0	18*	1	5	2	26
18: Public officer complaining re health/environment matter	0	1	5*	0	2	0	8
19: Any person complaining re public health or safety matter	0	0	8*	0	5	3	16
20: Any person complaining re reprisal	0	8	17*	1	11	0	37
Totals	0	191	794*	62	290	130	1467

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

Consultancies

In 2009–10 the CMC spent a total of \$119 703.64 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 2009–10 \$ (excl GST)
Human resources		
ASSURE Programs	Provision of conflict management services	1 550.00
Australian Institute of Management	Coaching services for integrity services	800.00
Marketing & Management	Discussion regarding discipline policy	225.00
Latemore & Associates	Coaching for staff	3 952.50
Cameron Craig Group	Psychological assessments and psychometric tests	1 880.00
Management		
Kepner-Tregoe Australasia Pty Ltd	Project management training	2 520.55
The Consultancy Bureau	Enhanced devolution of misconduct matter	3 300.00
Board Matters AG	Initial instalment review of governance arrangements	7 500.00
Professional/technical		
Queensland Police Service	50/50 split costs for Charles Muller regarding telecommunications interception project	8 776.11
Colmar Brunton	2010 public attitudes survey	89 199.48
Total expenditure		119 703.64

Overseas travel

In 2009–10 the CMC spent a total of \$6602 on overseas travel, as detailed in the following table.

Date of travel	Name/position of officer	Destination	Reason for travel	Invoiced 2009–10 \$ (excl GST)
26 April – 7 May 2010	Shane Einam, Sergeant, Forensic Computing Unit	Orlando, Florida, USA	20th Annual Basic Computer Forensics Training Conference	3450
26 April – 7 May 2010	Heather Baylay, Forensic Computing Investigator, Forensic Computing Unit	Orlando, Florida, and Nevada, USA	20th Annual Basic Computer Forensics Training Conference	3152
24–27 May 2010			10th Annual Computer & Enterprise Investigations Conference	
Total expenditure				6602

Note: No other agency or source contributed to the cost of attendance at these conferences.

Recordkeeping

Consistent with the compliance requirements under the *Public Records Act 2002*, the CMC has continued to work towards full compliance with *Information Standards IS31: Retention and disposal of public records* and *IS40: Recordkeeping*.

The major focus for 2009–10 was on implementing HP TRIM as the CMC's electronic document and records management system. Following the analysis and design phases, a pilot of the system was conducted in February and March 2010, and full roll-out of the system will be completed in the first quarter of 2010–11.

Information systems

The CMC has highly specialised and secure electronic information systems and databases that 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

On 1 July 2009, the *Information Privacy Act 2009* (IP Act) commenced operation in Queensland. The primary objectives of the Act are to provide for the fair collection and handling of personal information in the public sector, and to provide a right for persons to access and amend personal information held by public sector entities. It provides a mechanism by which persons can access and amend their own personal information, and sets out the privacy principles to which public sector entities must adhere, unless exempted by the Act.

The privacy principles have limited application to the core activities of the CMC. The following documents of the CMC to which the privacy principles do not apply are those:

- arising out of, or in connection with, a controlled operation or controlled activity under the *Police Powers and Responsibilities Act 2000* or the *Crime and Misconduct Act 2001*, or
- arising out of, or in connection with, the covert undertaking of an operation, investigation or function of a law enforcement agency, or
- obtained under a warrant issued under the *Telecommunications (Interception and Access) Act 1979* (Cwlth), or
- about a person who is included in a witness protection program under the *Witness Protection Act 2000* or who is subject to other witness protection arrangements made under an Act, or
- relating to a complaint, or an investigation of misconduct, under the *Crime and Misconduct Act*.

Further, the CMC is not subject to Information Privacy Principles (IPP) 2, 3, 9, 10 or 11, but only if it is satisfied on reasonable grounds that non-compliance with the IPP is necessary for performing its activities related to the enforcement of laws and its intelligence functions.

Most applications to the CMC are requests by misconduct complainants for access to documents concerning their own complaint.

Information Privacy Act 2009 – Applications and reviews 2009–10

Applications for access	
Received	42
Applications for amendment	
Received (both refused)	2
Access	
Full access granted	22
Partial access granted	10
Access refused (all matter exempt)	2
No documents located	5
Withdrawn/lapsed	2
Outstanding at 30 June 2010	1
Reviews	
Internal	2
External (to Information Commissioner)	1

Right to information

The *Freedom of Information Act 1992* was repealed on 1 July 2009 when the *Right to Information Act 2009* commenced operation. While the CMC continues to be subject to the access provisions of the new Act, the Act provides that it does not apply to particular documents under the Crime and Misconduct Act such as those relating to surveillance devices, controlled operations and controlled activities for misconduct offences, assumed identities and covert search warrants.

A further limitation on access to CMC information is provided by a provision which 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, intelligence and misconduct functions. The exemption also applies to such information obtained, used or prepared by its predecessors, the CJC and the OCC, in performing equivalent functions. An exception to this exemption provision is provided if a person is seeking information about themselves and the investigation has been finalised.

The exemption 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 public confidence in it is maintained so that such employees will continue to cooperate with its investigations, rather than obliging the CMC to invoke its coercive powers in every investigation.

Right to Information Act 2009 – Applications and reviews 2009–10

Applications for access	
Received	23
Access	
Full access granted	10
Partial access granted	5
Access refused (all matter exempt)	2
No documents located	1
Withdrawn/lapsed (fee not paid)	4
Outstanding at 30 June 2010	1
Reviews	
Internal	0
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 the 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 2009–10 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 two occasions during the 2009–10 year — for the periods 1 July 2009 to 31 December 2009, and 1 January 2010 to 30 June 2010.

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 or the Commissioner this year.

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.

This year the CMC revised its Code of Conduct and received ministerial approval of the revised code. Refresher training has been scheduled for all staff on the revised code in August 2010, and will also be included in 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 2009–10 year no public interest disclosures were made by CMC staff.

Telecommunications (Interception and Access) Act 1979 (Cwlth)

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 they are no longer required for a CMC purpose (ss. 162, 163 and 150)
- access to telecommunications data for investigation purposes (ss. 178–80).

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/Telecommunications_interceptionandsurveillance_Annualreports>.

Appendix H

Sustainability and waste management

The CMC is located in 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). 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.

Waste management

As part of our involvement in the building's waste management program it is estimated we recycled the following.

Material	tonnes
cardboard/paper	10.84
liquid paperboard	0.03
glass	4.58
aluminium	0.08
steel	0.45
plastics	0.77

Through our recycling we saved an estimated 46.25 square metres of land fill, 279.77 gigajoules of energy and 278.08 kilolitres of water.

CMC energy consumption

Our energy consumption increased over the year as new 24-hour-a-day functions commenced and large air control systems were installed to protect our library and records holdings. The increased number of operations performed by staff also contributed to our greater energy use.

The commissioning of the co-generator, other energy-saving devices and new technology helped to ensure that, despite the increase of energy use, efficiency savings were achieved.

Energy consumption	2008–09 ³	2009–10 ⁴
Total kWh per year	823 915	836 153
Average kWh per month	68 660	69 679

- The yearly figure includes best estimate of energy consumption from our previous location at Terrica Place. The move to Green Square was completed in September 2008, with the office fully functional in late 2008.
- The Green Square tenancy area is 33 per cent larger than Terrica Place with many more accommodation and operational facilities.

Carbon emissions

Our emissions for 2009–10 are noted below.

Source	Carbon emissions (tonnes)	
	2008–09	2009–10
Motor vehicles ^a	307.8	319.0
Electricity ^b	539.0	587.0
Travel ^{bc}		
International travel	4.7	12.0
Domestic travel ^p	63.0	49.4
Motor vehicle rental	3.1	Nil
Total	917.6	967.4

- Carbon emissions are calculated using QFleet guidelines. The car fleet was reduced by four vehicles during 2009–10, reducing our carbon emissions by 8.38 tonnes. Carbon emissions were slightly higher than the previous year as the recording of emissions changed from financial year usage to FBT year usage (April to March). The car fleet also travelled more kilometres during 2009–10.
- Information provided by the Department of Public Works.
- Figures exclude air charters.

CMC commitment to environmental responsibilities

The CMC is committed to managing and continuously improving its environmental performance. To this end we have integrated new considerations into our policies and procedures and developed Corporate Sustainable Procurement Policy and Implementation Guidelines.

In 2009–10, to enhance sustainability and reduce greenhouse gas emissions, we:

- reduced our car fleet by four cars
- washed all vehicles using an environment-friendly, waterless process
- set double-sided printing as the default setting for all printers
- established arrangements to recycle empty printer and copier cartridges.