

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

## The big picture for 2009–10

This year we had some significant changes in our senior leadership with the appointment of a new Chairperson, a new Assistant Commissioner, Misconduct and a new Director, Witness Protection and Operations Support following the retirement of longstanding senior managers in those positions.

We focused on improved leadership development and training programs, developed succession planning processes, and established greater flexibility for staff movements between the CMC and other public agencies. Senior managers supported these activities in their own work areas, and we made a small reduction in our staff turnover relative to last year.

We also focused on improving efficiency and productivity through a review of project management methodologies and subsequent training. Another priority was to properly support the newly introduced telecommunications interception capability by providing customised training for the new staff.

The CMC will continue to assess our competitiveness in the labour market against peer agencies around Australia, particularly with respect to recruiting experienced professionals in the accounting, management, legal and investigative ranks. We again identified recruitment and retention issues as a CMC-wide priority for the coming year.

## Reportcard\*

### Performance in 2009–10

#### 1. Staff turnover

The turnover in our civilian staff was around 12.7 per cent.

#### 2. Mix of staff skills

We expanded our range of professional disciplines and skill sets by the addition of telecommunications interception staff and through the technical development of forensic computing staff. The mix has allowed us to put together multidisciplinary teams to pursue investigations more effectively. See Table 9 (page 42).

\* Reported against performance indicators identified in the Strategic Plan.

#### 3. Variety in the forms of staff engagement

We have continued to second staff from other public sector agencies and facilitate secondments of our staff into roles within other agencies, though the overall number was slightly under that of last year. We have amended our policy relating to secondments of police officers to ensure a steady rotation of experienced officers with a defined period of tenure to the CMC.

Rotation of staff and police through the CMC helps promote an integrity culture in agencies to which they return.

### Looking forward

We will pursue our objective to demonstrate organisational excellence using the strategies outlined in our *Strategic Plan 2010–14*. We will give particular emphasis to:

- improving the CMC's attractiveness as an employer
- developing effective internet communication.



## Our people

The CMC believes that its experienced and knowledgeable staff are the driving force behind our achievements, and that providing opportunities for them to develop their skills and expand their experience will contribute to their continuing engagement with the CMC. The organisation 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. This is based on, but not limited to, the standards of the Queensland Public Service.

### Staff profile

During 2009–10 the number of established positions was increased due to the introduction of telecommunications interception capabilities. Confirmation received in early 2010 of funding for several years allowed 11 permanent positions to be recruited for the Electronic Collections Unit and related legal support.

Of those permanent civilian employees working with the CMC at the commencement of the 2009–10 period, 87.3 per cent have been retained while 12.7 per cent have concluded their employment.

To maintain our required staffing levels:

- We filled 40 permanent vacancies and 37 temporary vacancies, compared with 26 permanent vacancies and 35 temporary in the previous year.
- Four staff were seconded out to other public sector agencies and four staff were transferred in to contribute to specific projects, representing a slight decline in secondments against the previous year.
- The range of professional disciplines was increased by the addition of telecommunications interception staff.
- We developed and implemented a new policy limiting the tenure of seconded police officers to the CMC, to ensure a flow of new talent into the CMC and to provide more career opportunities for police officers.
- New employment conditions based on shift rosters were implemented for the staff appointed in the telecommunications interception function.
- A 'transition to retirement' policy was developed to provide more flexibility in employment for older staff and assist in the retention of skills.

Table 8: Staff establishment as at 30 June 2010

	Approved establishment FTE*	Actual staff (including temporary staff) FTE
Corporate Support (including the Executive, Office of the Commission and Corporate Services)	75	76.4
Crime	49	49.4
Misconduct	90	81.3
Witness Protection and Operations Support	55	51.9
Research and Prevention	30	24.1
Intelligence	32	30.4
<b>Total</b>	<b>331</b>	<b>313.5</b>

\* Full-time equivalent.

Table 9. Number of established positions within each discipline as at 30 June 2010

Discipline	Number
Executive management	17
Legal officers	18
Financial investigators	20
Complaints officers	14
Investigators	17
Technical officers	2
Research officers	18
Misconduct prevention officers	5
Indigenous liaison officers	3
Librarians	1
Intelligence analysts	23
Monitors	9
IT officers	15
Operational support officers	23
Registry officers	14
Administrative officers	55
Police officers	77
<b>Total</b>	<b>331</b>

## Managing our workforce

To meet the challenges identified in our overview on page 41, the Workforce Planning Committee focused on:

- consolidating a revitalised performance management system based on personal performance objectives and accountability
- reviewing the CMC's Code of Conduct, with ministerial approval received in June
- developing improved learning and development opportunities, including initiatives focused on study assistance, professional memberships and leadership development (see below)
- improving the range of services accessible under the Employee Assistance Program
- reviewing our project management methodologies and providing training in project management techniques
- reviewing management structures to assist in the prioritising and timely completion of major projects and publications
- completing a review of our leadership and management development program in order to base it on the Queensland Public Service Commission's Capability and Leadership Framework; we will provide systematic in-house workshops on management skills in 2010–11.

## Human resources data management

In 2009–10 we completed the implementation of a new human resource information system for the CMC, Preceda On Demand. This cost-effective integrated solution offers superior payroll, human resources data management and reporting functionality for the CMC. The system completed its first full year of functioning with the distribution of end-of-year payment summaries in late June. It coped seamlessly with the payment of the enterprise bargaining salary increase in March 2010 and of back pay.

## Staff development

Applications for funding development opportunities exceeded the generous corporate budget for these activities in 2009–10. However, an increased number of staff were supported with fee payments for formal studies.

A number of senior staff attended international events such as conferences on crime prevention, fraud detection and child sex abuse and the FBI training program. Within Australia staff were present at the Australian and New Zealand Society of Criminology (ANZSOC) conference, the Australasian Witness Protection Forum (AWPF) and the Australian Public Sector Anti-Corruption Conference (APSACC) which was hosted by the CMC in Brisbane.

CMC managers contributed to the curriculum design of the new Graduate Certificate in Integrity Studies which will be conducted by the University of Wollongong, and three staff members in the Misconduct area have been enrolled in the inaugural modules, which commence in October.

The first Leadership Forum for CMC managers in the year was an instructive presentation from a QPS regional Assistant Commissioner on the practical issues of managing a diverse workforce in an extended region. A second forum focusing on best practice trends in project management was presented by a senior executive of consulting firm Kepner–Tregoe, and was followed by two related workshops.

“ *Experienced and knowledgeable staff are the driving force behind our achievements* ”

## Enterprise bargaining

During 2009–10 the Crime and Misconduct Commission Certified Agreement 2009 was concluded. In line with the broader public sector, this provided for salary increases of 4.5 per cent in 2009 and 4 per cent in 2010 and 2011. Senior Officers and Senior Executive Service Officers had independently received offers of 2.5 per cent for 2009, 2010 and 2011 — in line with the government-wide agreement.

## Staff welfare and work–life balance

The CMC continued to offer flexible working arrangements aimed at supporting employees in balancing their work and family and other responsibilities. Staff were consulted about current working hours arrangements as well as proposals regarding phased retirement options.

In support of corporate initiatives, individual managers took steps relevant to their work area. In Crime, attention was paid to fully complying with programs aimed at assisting those engaged in activities known to have high psychological risks. For example, staff engaged in paedophilia investigations had regular monitoring by their supervisors, welfare checks and schedules that reduced their exposure to disturbing images.

Misconduct managers developed a staff induction program and continued with in-house programs to foster staff development and performance.

In Witness Protection, management concentrated on improving its staff selection processes to ensure people appointed to its specialist positions possessed the skills and personal characteristics needed to undertake the required tasks.

The CMC's workplace health and safety program is based on comprehensive policies and procedures. This year we extended our Employee Assistance Program to provide group workshops for staff to deal with workplace stressors, in addition to standing opportunities for confidential personal assistance.

## Equity and diversity program

The EEO Consultative Committee met regularly throughout the year, discussing issues such as how to increase the number of Indigenous applicants for mainstream positions at the CMC. The committee organised a seminar on respecting personality differences at work, presented by Dr Barbara Reynolds-Hutchison, and an information session on depression was presented by Beyond Blue in June 2010. Both sessions were well received by staff.

A transition to retirement policy was approved following consultation with relevant staff and completion of a questionnaire. The EEO and the Work, Family and Life Balance homepages on the intranet were updated to provide more accessible and relevant information to staff.

Several measures were adopted to improve the monitoring of organisational climate issues — for example, expanding and consolidating data gathered from peer support officers, our employee assistance provider (Assure Programs) and exit interviews.

The CMC continued to promote equity principles through:

- refresher training and quarterly professional development sessions organised for the peer support officer network
- a brochure on resolving problems in the workplace, which was developed and distributed to staff.

Appendix B presents EEO statistics for CMC staff for 2009–10.

## Early retirement, redundancy and retrenchment

Due to some internal restructuring, two staff members were made redundant during the year at a cost of \$63 352.

Apart from these payments no employees left the CMC this year as a result of voluntary early retirement, redundancy or retrenchment.

## Departures and appointments

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

### Departures

July 2009	John Boyd, a long-serving Misconduct Prevention Officer who joined the CJC in 1993. John was responsible for managing the CMC's corruption prevention strategy and operational activities.
September 2009	Felix Grayson, after 35 years in the QPS and the CMC and – from 2007 – Assistant Commissioner and Director, Witness Protection and Operational Support.
October 2009	Geoffrey Kennedy, Acting Director, Integrity Services.
December 2009	Robert Needham, after five years of distinguished service leading the CMC as Chairperson.
December 2009	Stephen Lambrides, Assistant Commissioner, Misconduct, who joined the CJC in 1989 and was Assistant Commissioner, Misconduct from 2001.
March 2010	Ian Thomas, a long-serving Executive Manager, Crime who came to the CMC from the Queensland Crime Commission.
April 2010	Helen Bennett after two periods of employment with the CMC in Finance, Misconduct and Corporate Governance.
April 2010	Robert Walker, Assistant Director, Integrity Services.

### Appointments

October 2009	Assistant Commissioner Peter Barron to Director, Witness Protection and Operational Support.
January 2010	Radhika Munien, Finance Manager.
January 2010	Denis Feeney, Human Resources Manager.
February 2010	Martin Moynihan, retired Judge of the Supreme Court, to the role of Chairperson.
June 2010	Warren Strange, Assistant Commissioner, Misconduct.

### Staff recognition

In December 2009, seven staff members were presented with work achievement awards related to:

- completing an investigation of over two years into police misconduct in connection with using and managing prison informants
- hosting the 2009 Australian Public Sector Anti-Corruption Conference, with its significant contribution to public agency skills and accountability in dealing with misconduct
- managing the finalising of key CMC reports in 2008–09: *Public duty, private interests* and *Dangerous liaisons*.

Meritorious service awards were presented to the following groups of staff who had reached a length-of-service milestone with the organisation:

- 5 years – 21 officers
- 10 years – 18 officers
- 15 years – 6 officers
- 20 years – 1 officer.

## 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. Review Commissioners are independent of the CMC and the Queensland Police Service (QPS) 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.

During the reporting period, the Review Commissioners were former CMC Commissioner Ms Dina Browne and practising solicitor Mr Pat Mullins. Review Commissioners are supported in the management of day-to-day activities by a secretariat provided by the CMC.

In addition to their primary role to arbitrate on grievances, Review Commissioners also monitor any changes to the QPS merit-based policy. In recent years there has been a substantial decrease in the number of reviews. It is unclear if the reduction is due to best practice being achieved, reluctance to seek a review of management decisions, or other factors.

During 2009–10 Review Commissioners worked with the QPS in relation to implementing the Service Delivery and Performance Commission (SDPC) recommendation no. 36, which was prepared following an extensive SDPC examination of the police force. The aim of this recommendation is to develop a police merit-based review process that has levels of justification and procedure similar to those in the Public Service Commission appeals process. The new process is currently being trialled before release statewide.

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 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.

**Table 10. Types of applications lodged, 2008–09 and 2009–10**

Type	2008–09	2009–10
Promotion	44	31
Transfer	5	2
Lateral transfer	3	5
Unapplied transfer	–	1
Stand-down	1	1
Suspension	5	–
Disciplinary	–	–
Dismissal	–	–
Other (matter of jurisdiction)	–	1
<b>Total</b>	<b>58</b>	<b>41</b>

**Table 11. Status of applications lodged, 2008–09 and 2009–10**

Status	2008–09	2009–10
Matters lodged	58	41
Matters withdrawn before hearing	37	14
Matters out of jurisdiction	3	5
Matters awaiting hearing at 30 June	7	7
Matters heard	11	13

**Table 12. Results of matters heard by Review Commissioners, 2009–10**

Type	Awaiting outcome	Affirmed	Varied	Set aside	Total
Promotion	2	5	–	1	8
Transfer	–	–	–	–	0
Lateral transfer	–	2	–	–	2
Unapplied transfer	–	1	–	–	1
Stand-down	–	1	–	–	1
Other (matter of jurisdiction)	1	–	–	–	1

## Communicating with our stakeholders

### External communications

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

Our communication materials are available as hard copy and electronic publications and include 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, parliamentary and intelligence reports, misconduct prevention advice, research into the criminal justice system and information brochures for the public. Some key 2009–10 publications are:

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

*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.

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

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

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

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

See Appendix C for a full list of our publications.

### Media contact

During the reporting period, we received 1199 media queries. We published 40 media releases and gave 52 media interviews, and the Chairperson held three media conferences.

### 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 2009–10, CMC officers made presentations to crime conferences, state and local government departments, the QPS and training academies, Indigenous justice groups, advocacy forums, 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.

### Increased media and public interest in CMC work

This year has seen a high level of media and public interest in a number of issues across our jurisdiction, particularly in relation to our police oversight role.

Two major reports, *Dangerous liaisons* and the *CMC Review of the Queensland Police Service's Palm Island Review*, attracted a high level of media and community interest, with both reports heavily accessed from our website in their first two weeks of release. Our report on policing in Indigenous communities, *Restoring order*, also drew considerable attention.

Overall, during 2009–10, we received twice the number of media inquiries that we received last year, and gave almost twice the number of media interviews.

A wide variety of people accessed our website, where all of our publications are available. This includes the 1989 Fitzgerald report, which continues to be accessed on average over 300 times a month.

Recognising that our website is a prime channel for communicating with the community, we have commenced a project to redevelop the site to make it more useful and accessible for our users. This will be completed in the next reporting period.

## Our governance

The CMC is a unique organisation with a range of functions and special powers to protect the public interest. It has governance arrangements to assist it in meeting its statutory obligations to act independently, impartially and fairly when performing its functions. An organisational chart is provided in Appendix D.

### The Commission

The CMC is headed by a five-member Commission comprising the Chairperson, who is also the chief executive officer (CEO), and four part-time Commissioners who represent the community. Decisions made by the Commission are put into effect by its executive staff.

In 2009–10 Mr Robert Needham completed his five-year term as Chairperson, with the Honourable Martin Moynihan taking up the role from 8 February. The other Commissioners were Dr David Gow, Ms Ann Gummow, Mrs Judith Bell and Mr Philip Nase. See Appendix E for information about the appointment conditions of the Commissioners.



Chairperson  
Martin Moynihan



Former Chairperson  
Robert Needham

*In 2009–10 Mr Robert Needham completed his five-year term as Chairperson, with the Honourable Martin Moynihan taking up the role from 8 February*

### Chairperson

#### Martin Moynihan AO QC

*Commenced 8 February 2010*

The Honourable Martin Moynihan has a Bachelor of Laws from the University of Queensland and was admitted as a barrister in 1965. He worked in private practice for almost 20 years, during which time he became a Queen's Counsel (1980) before being appointed as a Judge of the Supreme Court of Queensland in 1984.

With a strong legal background and a keen interest in public integrity and anti-corruption initiatives, Mr Moynihan has worked on numerous Royal Commissions, including as Counsel assisting at the Australian Royal Commission of Inquiry into Drugs (1978–79). From 1986 to 1989 he conducted a Reference from the High Court of Australia, to determine factual issues in a claim by Eddie Mabo and others regarding a land title claim for Murray Island (Mabo case).

Mr Moynihan received the Centenary of Federation Medal for services to the law in 2001, and in 2003 was appointed as an Officer of the Order of Australia for services to the law and to the Mater Hospital.

#### Robert Needham

*Appointed January 2005 and completed a five-year term on 31 December 2009.*

Prior to his five-year term as CMC Chairperson, Mr Needham practised as a barrister for 35 years with his career spanning periods as a Crown Prosecutor and a barrister in private practice.

In late 1987 Mr Needham was appointed Counsel Assisting the Fitzgerald Commission of Inquiry and subsequently became involved in the political corruption investigations arising out of the inquiry.

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 was the Parliamentary Crime and Misconduct Commissioner from 2002 to 2003.



Ann Gummow



David Gow



Judith Bell



Philip Nase

## Part-time Commissioners

### Ann Gummow

*Appointed August 2006, Acting Chairperson 1 January 2010 – 7 February 2010*

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 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 that specialises in the areas of domestic violence and family law, working directly with women, undertaking community legal education and community development, and contributing to legal reform. She was previously a solicitor in private practice. She has also 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 served on the Equal Employment Opportunity Consultative Committee and the Workforce Management Committee.

### Dr David Gow

*Appointed 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 24 years. He also has considerable experience in research methodology, having worked extensively as a consultant to the Queensland Government, and to the Criminal Justice Commission between 1991 and 2000.

In addition to his duties on the Commission, Dr Gow served on the Audit Committee, the Finance Committee and the Police Education Advisory Council.

### Judith Bell

*Appointed 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 as well as extensive experience and knowledge of the public sector. She is a former member of the CMC's Crime Reference Committee.

Mrs Bell is on the Board of Trustees for the Brisbane Grammar School and is a member of the University of Queensland's Senate. In 2001 she was a recipient 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, Ms Bell served on the Commission Consultative Committee, the Crime Management and Administration Group and the Crime Operations Review Committee.

### Philip Nase

*Appointed November 2008*

Mr Nase has bachelor degrees in arts and law from the University of Queensland, and a master's degree in law from London University.

His legal experience spans almost four decades, including 17 years as a Crown Prosecutor, during which time 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.

Mr Nase was appointed to the District Court in 1994, and served as a judge of the court for almost 15 years. For the last seven or eight years he regularly sat in the remote communities of Mornington Island, Doomadgee and Normanton, taking a special interest in justice issues in these communities.

In addition to his duties with the Commission, Mr Nase served on the Misconduct Activities and Projects Committee and the Misconduct Operations Review Committee.

## Commission meetings

The Commission meets on a fortnightly basis to progress the strategic direction of the organisation, perform statutory duties and consider matters that may affect all areas of the CMC including its policies, performance, finances, risk management, staffing and major projects.

The CMC's two Assistant Commissioners (the Assistant Commissioner, Crime and the Assistant Commissioner, Misconduct), the Director, Witness Protection and Operations Support, and the Executive Director also participate in meetings but do not have voting rights.

As already noted, as part of their responsibilities each part-time Commissioner may participate in significant internal committees.

In addition to fulfilling its normal statutory duties in 2009–10, the Commission undertook the following:

- actively supported the successful APSAC Conference
- supported the implementation of the CMC's telecommunications interception power
- actively participated in implementing the *Strategic Plan 2009–13*
- modified the reporting process to improve accountability against the strategic plan
- prepared the *Strategic Plan 2010–14* by revisiting the previous plan and identifying new priorities for 2010–11.

During 2009–10, the Commission met with the Parliamentary Crime and Misconduct Committee six times and convened 24 Commission meetings, as follows.

**Table 13. Attendance of Commissioners, Assistant Commissioners and Executive Director at Commission meetings**

Name	Ordinary meetings (n = 24)	Special meetings (n = 3)	With PCMC (n = 6)
Robert Needham <sup>1</sup>	11	2	3
Martin Moynihan <sup>2</sup>	10	–	3
David Gow	21	3	5
Ann Gummow <sup>3</sup>	23	3	6
Judith Bell	22	2	5
Philip Nase	22	3	6
John Callanan	20	1	6
Warren Strange <sup>4</sup>	1	–	–
Russell Pearce <sup>5</sup>	11	–	3
Helen Couper <sup>5</sup>	10	2	3
Felix Grayson <sup>6</sup>	6	–	2
Peter Barron <sup>7</sup>	12	1	–
Peter Scanlan	21	2	5
Greg Rigby <sup>8</sup>	3	–	1

1 Term completed on 24 December 2009; attended last meeting 'Special' on 18 December 2009.

2 Appointed as Chairman on 17 December 2009; commenced duties on 8 February 2010.

3 Appointed as Acting Chair for the period 1 January to 7 February 2010.

4 Appointed Assistant Commissioner, Misconduct on 14 June 2010.

5 Both Russell Pearce and Helen Couper have separately acted in the role of Assistant Commissioner, Misconduct during the period 20 April 2009 to 28 May 2010.

6 Attended last meeting on 18 September 2009 (retirement).

7 Appointed as Director, Witness Protection and Operations Support; attended first Commission Meeting on 2 October 2010.

8 Acting Executive Director during the period 28 August to 9 October 2009.

## The Executive Committee (at 30 June 2010)



Chairperson



Assistant Commissioner, Crime



Assistant Commissioner, Misconduct



Assistant Commissioner, Witness Protection and Operations Support



General Counsel



Executive Director

Martin Moynihan

John Callanan

Warren Strange

Peter Barron

Jan Speirs

Peter Scanlan

## Executive Committee

The Executive Committee comprises the organisation's Chairperson and the executive management team, which operates within the parameters of delegations from the Commission.

The Executive Committee (EC) met fortnightly during 2009–10. It acts as a forum in which senior managers consider the operational challenges and opportunities facing the Commission and the advice the EC will forward to the Commission on strategic matters. Minutes are made available to all staff through the Commission's intranet.

Significant achievements and outcomes in 2009–10 included:

- advancing the corporate and strategic directions set by the Commission
- considering the challenges and opportunities facing the CMC at an operational level
- implementing recommendations of the Workforce Management Committee, including a new staff performance and development scheme
- facilitating the implementation of the CMC's new telecommunications interception power, which has had implications for most areas of the CMC.

*In June 2010 the Commission embarked on a review of its governance arrangements which included a review of management committees*

As at 30 June 2010, the members of the Executive Committee were:

- Mr Martin Moynihan, AO, QC, Chairperson
- Mr John Callanan, BA, LLB (Hons) Assistant Commissioner, Crime
- Mr Warren Strange, LLM, LLB, BSc Assistant Commissioner, Misconduct
- Mr Peter Scanlan, BComm, LLB (Hons), CA Executive Director
- Dr Margot Legosz, PhD, MPH Director, Research and Prevention
- Mr Chris Keen, BA, Director, Intelligence
- Assistant Commissioner Peter Barron, BBus, MPPA, APM Director, Witness Protection and Operations Support
- Chief Supt Len Potts, BA, GradDipMgt, APM Director, Crime Operations
- Mr John Richardson, BBus, CPA Director, Financial Investigations
- Mr Greg Rigby, BSc Director, Information Management
- Mr Peter Duell, MInfoTech, BA (CompSc), GradDipEd A/Director, Information Management
- Ms Jan Speirs, LLB, GradDipEd, MBA, General Counsel
- Mr Russell Pearce, LLB Director, Misconduct Investigations
- Ms Sharon Loder, LLB, BBus (HRM), LLM A/Director, Misconduct Investigations
- Ms Helen Couper, CertLaw, Director, Integrity Services.

More detailed information about their roles and responsibilities with respect to senior management groups and/or committees is provided in Appendix F.

The Executive Committee (continued)



Director,  
Integrity Services

Director,  
Intelligence

Director,  
Research and  
Prevention

Director,  
Misconduct  
Investigations

Director,  
Crime Operations

Director,  
Financial  
Investigations

Director,  
Information  
Management

Helen Couper

Chris Keen

Dr Margot Legosz

Russell Pearce

Len Potts

John Richardson

Greg Rigby

## Risk management

### Risk Management Committee

The Executive Committee also acts as the organisation's Risk Management Committee and is responsible for overseeing the CMC's risk management framework. The committee ensures proactive and effective risk management strategies and related practices are undertaken in accordance with the AS/NZS 4360:2004. In the coming year the Committee will review the new ISO/NZS ISO 31000:2009 to ensure the CMC continues to follow best practice risk management.

Significant achievements and outcomes in 2009–10 included:

- considered work area risk management plans
- approved the CMC's revised Strategic Risk Management Register and referred the Corporate Risk Management Plan to the Commission for endorsement
- endorsed the Business Continuity Framework
- hosted two Business Continuity Forum (government member) meetings
- conducted the first Business Continuity scenario test since the framework implementation.

### Audit Committee

The Audit Committee assisted the Commission in fulfilling its governance and oversight responsibilities for financial reporting, as prescribed in the *Financial and Performance Management Standard 2009* and the *Financial Accountability Act 2009*.

The Audit Committee also assisted the Commission to oversee the audit process, its process for monitoring compliance with law and regulations, the Code of Conduct and its policies, procedures and guidelines. More information on our compliance requirements can be found in Appendix G.

The Audit Committee operated within and observed the terms of its charter and had due regard to the Queensland Treasury's Audit Committee guidelines during the year.

To ensure its independence, the committee's five-person membership included a part-time CMC Commissioner and two external members. The committee was chaired by an external member in 2009–10.

As shown in the following table, each external member has extensive internal auditing and corporate background.

Although the CMC Chairperson and the Executive Director are not members, they attend all meetings to brief the committee on upcoming issues and any resulting risks for the organisation. In addition, the audit manager from the Queensland Audit Office also has a standing invitation to attend each committee meeting.

Table 14. Audit Committee membership

Name	Year first appointed	Internal/external appointee	Current position	No. of meetings attended/Total held
Mr Phil Procopis (Chair)	2003	External	Director, Assurance and Risk Management Services, University of Queensland	4/4
Mr Len Scanlan*	2005	External	Scanlan Consulting Solutions (former Auditor-General of Queensland)	4/4
Dr David Gow	2005	External	Part-time Commissioner (Dr Gow's primary employer is the University of Queensland)	4/4
Mr David Goody	2008	Internal	Manager, Proceeds of Crime	4/4
Mr David Honeyman	2008	Internal	Principal Adviser, Misconduct Prevention	1/4

\* A retainer of \$5000 per annum was paid to Mr Scanlan for his services. Other members received their normal remunerations.

As part of its responsibilities, the Audit Committee monitors the activities of the CMC's internal audit function.

The Audit Committee:

- reviewed and endorsed the *Strategic Audit Plan 2009–14* 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
- undertook a benchmarking of the CMC internal audit function against the principles published recently in the Institute of Internal Auditors Australia – *Policy agenda*.

### Internal audit

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's primary role was to conduct audits and report to management to assist the CMC in achieving sound financial management.

Operating under *Queensland Treasury's Audit Committee Guidelines* and a formal charter approved by the Commission, the internal auditor reports directly to the Chairperson.

In 2009–10, the internal auditor:

- completed the 2009–10 audit program, which included audits of covert instruments, recruitments, bank account reconciliations, a new payroll processing system, and a review of annual financial statements under section 43 of the *Financial and Performance Management Standard 2009*
- attended the chief-audit-executives session at the annual Institute of Internal Auditors–Australia Conference.

### Other risk controls

#### Policies

Commission policies and procedures are readily available to all staff through the CMC's intranet. In accordance with section 21 of the *Right to Information Act 2009*, most policies are published on our website.

#### Recordkeeping

The CMC is continuing to work towards full compliance with Information Standards 31 and 40, with the major focus for 2009–10 being the TRIM project. This will result in implementation of TRIM as the CMC's electronic document and records management system early in 2010–11.

#### Code of Conduct

The CMC's amended Code of Conduct was approved by the Attorney-General and Minister for Industrial Relations, Cameron Dick, in May 2010. We will use our revised code, following appropriate training for staff, until the proposed single code for all Queensland government agencies is released in 2011.

A copy of the Code of Conduct is provided to all new employees as part of their induction process and is available to staff on the CMC's intranet.

The following committees not only address matters of risk but support the Commission and ensure internal transparency and the development of best management practice within the CMC.

### Finance Committee

The Finance Committee is a sub-committee of the Commission and provides independent advice to the Commission regarding its responsibilities in relation to financial management. Committee membership comprises the Chairperson (as Chair); the Assistant Commissioner, Misconduct; the Assistant Commissioner, Crime; the Executive Director; the Director, Witness Protection; and the Finance Manager as secretary. Meetings are held at least quarterly.

In 2009–10 the committee has overseen and monitored the implementation and analysis of the Commission's budget, financial statements, Service Delivery Statements and submissions to the Parliamentary Estimates Committee hearing. Significant activities included:

- close monitoring of expenditure against budget during the year, recommending corrective action where necessary
- overseeing of successful funding bids to support ongoing operations of our telecommunications interception capability, and to increase recurrent funding to meet the increasing costs of operation of the CMC
- continuing with the revised budget process to ensure that expenditure reflects the priorities established in the CMC's strategic plan.

#### Other committees

- Legislation Committee (this committee has flexible membership and meets as required)
- Information Steering Committee
- Equal Employment Opportunity Consultative Committee
- Workforce Management Committee
- Workplace Health and Safety Committee
- Commission Consultative Committee
- Misconduct Assessment Committee
- Misconduct Activities and Projects Committee
- Misconduct Operations Review Committee
- Research and Major Projects Committee
- Crime Intelligence and Research Review Committee
- Crime Operations Review Committee
- Witness Protection Advisory Committee
- Business Continuity Committee.

Each committee maintains a strategic focus through adherence to its published charter which defines the roles and responsibilities of the committee and its members. A Commissioner may be a member of any of these committees.

In June 2010 the Commission embarked on a review of its governance arrangements which included a review of its management committees. This review will be concluded during the coming reporting year.

## External scrutiny

### Parliamentary Crime and Misconduct Committee

The Parliamentary Crime and Misconduct Committee (PCMC) is a bipartisan committee that has the following principal functions:

- monitor and review the CMC's performance of its functions
- receive and consider complaints against the CMC and deal with issues concerning the CMC
- request reports on matters that have come to the PCMC's attention through the media or by other means
- consult with the Attorney-General on the appointment of the CMC Chairperson and Commissioners.

In 2009–10, the Commission formally met with the PCMC about every two months to discuss current activities and performance. PCMC membership in 2009–10 was:

- Mr Paul Hoolihan MP, Chair, Member for Keppel
- Mr Jack Dempsey MP, Deputy Chair, Member for Bundaberg
- Mr Steve Dickson MP, Member for Buderim
- Mr Scott Emerson MP, Member for Indooroopilly
- Mr Mark Ryan MP, Member for Morayfield
- Ms Lillian Van Litsenburg MP, Member for Redcliffe
- Mr Steve Wettenhall MP, Member for Barron River.

Additionally, as prescribed by the *Crime and Misconduct Act 2001*, the PCMC must review the CMC's activities at a time near the end of three years from the appointment of the committee's members. The PCMC published its most recent review, *Three yearly review of the Crime and Misconduct Commission* (report no. 79), in April 2009. Both the CMC's 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)>.

Just as CEOs of government agencies are obliged to report potential misconduct to the CMC, the CMC Chairperson is required to report to the PCMC any conduct of a CMC officer that the Chairperson suspects involves, or may involve, improper conduct (section 329 of the *Crime and Misconduct Act*). These matters may be referred back for investigation under the CMC's disciplinary policies.

## The Parliamentary Crime and Misconduct Committee (at 30 June 2010)



*Back row (left to right)* Scott Emerson MP (Indooroopilly); Steve Wettenhall MP (Barron River); Mark Ryan MP (Morayfield); and Steve Dickson MP (Buderim).  
*Front row (left to right)* Deputy Chair, Jack Dempsey MP (Bundaberg); Chair, Paul Hoolihan MP (Keppel); and Lillian Van Litsenburg MP (Redcliffe).

### Parliamentary Crime and Misconduct Commissioner

The Parliamentary Crime and Misconduct Commissioner (Parliamentary Commissioner) assists the PCMC in its role of monitoring and reviewing the CMC by undertaking a range of important activities on the committee's behalf and reporting back to the PCMC. For example, the Commissioner may conduct audits of the CMC's records and operational files and is authorised to investigate complaints against the CMC or its officers. The current Parliamentary Commissioner is Mr Gary Long SC.

During 2009–10 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
- inspected the telecommunications interception records
- inspected the Covert Human Intelligence Sources register.

All issues raised by the audits and inspections undertaken have been recorded. Action was taken when suggestions were made to achieve best practice, remove ambiguity or reduce the potential for error.

### 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.

Our Minister must ensure that the CMC operates in accordance with best practice standards. He is assisted in fulfilling this function by a six-monthly written performance report from the CMC on the efficiency, effectiveness, economy and timeliness of its operations and processes.

### External audit

In 2009–10 the CMC's financial statements were approved without qualification by the Queensland Audit Office. The CMC has never had a qualified audit.

### Specialised monitoring of CMC activities

#### Public Interest Monitor

The Public Interest Monitor must ensure that the CMC complies with our Act, the *Police Powers and Responsibilities Act 2000* and the *Telecommunications Interception Act 2009 (Qld)* when making application for, and using, surveillance warrants, covert search warrants and telecommunications interception warrants. When appropriate the Public Interest Monitor may give any report about non-compliance in regard to surveillance and covert search warrants to the Commission and the PCMC, and any non-compliance with respect to telecommunications interceptions to the Attorney-General, the PCMC and the Parliamentary Commissioner.

## 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.

In addition, some decisions of the CMC may be reviewed by a Supreme Court judge. These include applications for judicial review of decisions of the CMC and the Crime Reference Committee.

The Supreme Court also decides penalties to be imposed on people who refuse to answer questions during CMC hearings.

## Crime Reference Committee

As discussed on page 14, 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 regard to its referrals.

## Controlled Operations Committee

The Controlled Operations Committee was established under the *Police Powers and Responsibilities Act 2000* (PPRA) 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 — for example, buying 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.

## Sustainability reporting

The CMC is committed to contributing to the ambition of *Green — Protecting our lifestyle and environment*, stated in the Queensland Government's *Toward Q2: Tomorrow's Queensland*, which outlines strategies to address current and future challenges for Queensland. These include reducing Queensland's carbon footprint by one third through reduced car and electricity use. See Appendix H for detailed reporting.

### Economic sustainability

The CMC aims to apply prudent financial business practices to our internal operations, to ensure economic and financial sustainability.

Our income is received through government appropriation and our performance is detailed in our financial statements attached.

The CMC holds adequate financial reserves to meet its obligations as they fall due, including accrued leave entitlements for staff.

### Environmental sustainability

The CMC contributes to environmental sustainability by continuing to incorporate sustainable practices such as reducing its vehicle fleet, adopting where possible the use of four-cylinder cars and using recycling processes. See Appendix H for detailed reporting.

### Social sustainability

Our value to the Queensland community is demonstrated this year in the dismantling of criminal networks and through the successes of our proceeds of crime area.

The effectiveness of the proceeds of crime function was noted and endorsed by the PCMC in its three-yearly review of the Crime and Misconduct Commission's operations (report no. 79) and by Parliament on the occasion of the CMC's reaching the milestone of \$100m in restrained assets.

Importantly, the value of the CMC for the community is also seen in its provision of an Integrity Services function to public sector agencies and the community. This allows citizens to raise questions of potential misconduct in public sector agencies with an independent arbiter with powers to investigate. Value for the community is also demonstrated by government's adoption into legislation of many of our recommendations in public policy areas.