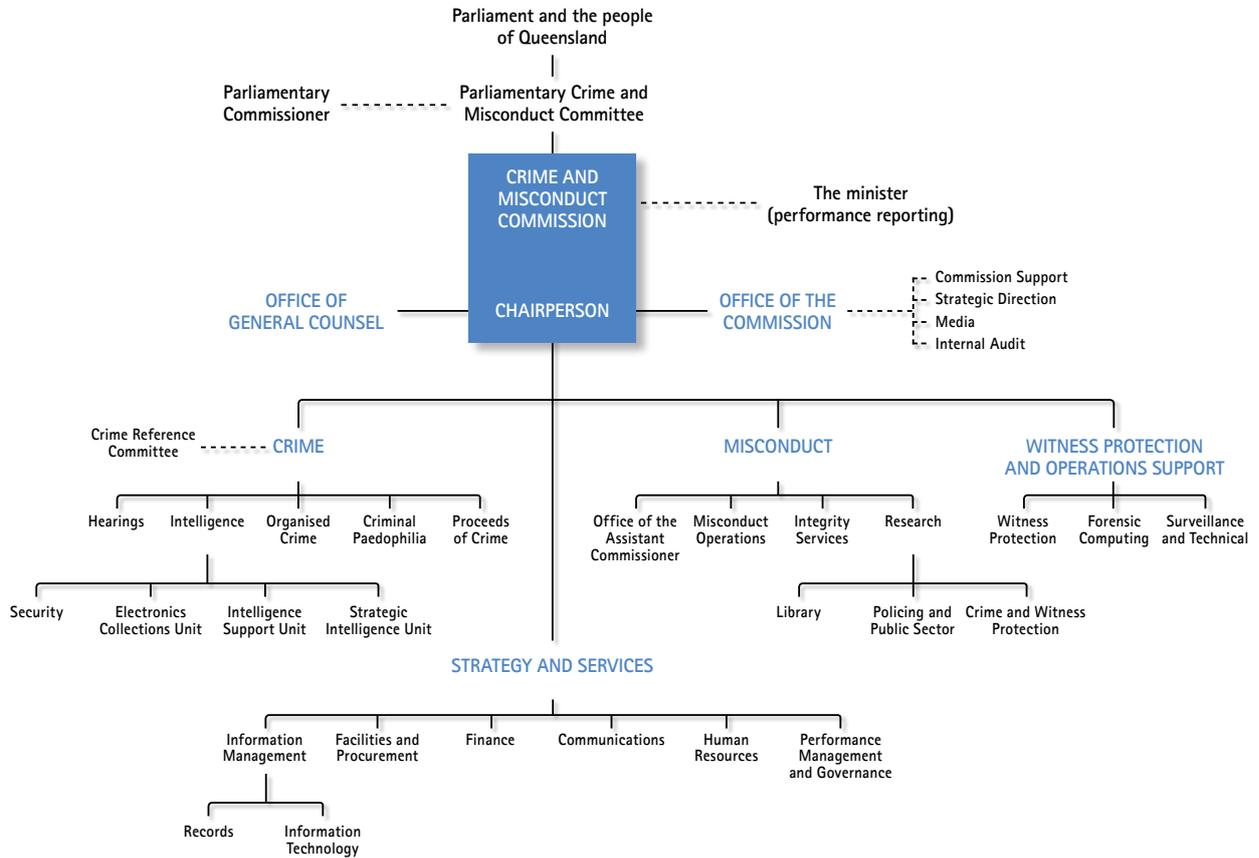


Appendix A

CMC's activity structure and accountability



Appendix B

Output performance as per SDS measures, 2006–07 to 2010–11

Table 18. Crime fighting and prevention services: performance 2006–07 to 2010–11, and estimated 2011–12

Service standards (SDS)	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12 (estimate)
Tactical operations undertaken	25	35	29	43	28	25
Research, prevention and intelligence projects undertaken	5	5	13	14	15	15
Number of criminal proceeds restraining orders obtained	50	78	78	97	44	75
Number of civil confiscation matters finalised	26	27	23	42	48	40
Percentage of tactical operations resulting in charges, restraints or seizures	94	100	100	95	96	95
Net value of criminal proceeds restrained (\$'000)	11 743	18 561	24 374	19 543	14 116	18 000
Net value of assets forfeited (\$'000)	4 245	4 675	3 304	5 568	9 325	6 000
Expenses to achieve strategic objective to 'prevent and combat major crime'	\$11.3m	\$12.2m	\$14.0m	\$14.5m	\$16.4m	\$16.6m

Table 19. Public sector and integrity services: performance 2006–07 to 2010–11, and estimated 2011–12

Service standards (SDS)	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12 (estimate)
Percentage of significant agency-managed complaints matters reviewed	n/a	n/a	n/a	n/a	15	15
Research, intelligence, capacity building, prevention and monitoring projects undertaken	33	41	42	31	27	26
Number of serious matters retained for CMC investigation	n/a	n/a	n/a	n/a	77	50
Percentage of recommendations to agencies not accepted	n/a	n/a	n/a	n/a	12	Amended measure
Percentage of reviewed matters finalised within 4 weeks	n/a	n/a	n/a	n/a	65	Amended measure
Percentage of investigated matters finalised within 12 months	76	76	71	90	60	80
Percentage of monitored matters dealt with satisfactorily or better by agencies*	83	84	87	91	87	n/a
Number of agencies endorsed to self-determine appropriate complaints management methods under the updated integrity system*	n/a	n/a	n/a	n/a	4	n/a
Expenses to achieve strategic objective to 'promote a trustworthy public sector'	\$20.0m	\$20.5m	\$23.5m	\$24.4m	\$27.6m	\$28.0m

* Internal measure only. This measure will be discontinued as a strategic plan performance indicator in 2011–12.

Table 20. Witness protection services: performance 2006–07 to 2010–11, and estimated 2011–12

Service standards (SDS)	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12 (estimate)
Number of admissions to witness protection program	78	42	51	46	51	70
Applications for witness protection assessed (persons)	130	96	104	135	114	100
Percentage of protected persons whose safety is not compromised	n/a	n/a	100	100	100	100
Percentage of eligible persons offered interim protection within two days	81	92	100	95	100	95
Number of threat assessments undertaken*	74	62	60	92	52	n/a
Expenses to achieve strategic objective to 'provide an effective witness protection service'	\$4.3m	\$4.4m	\$5.0m	\$5.2m	\$5.9m	\$6.0m

* Internal measure only. This measure will be discontinued as a strategic plan performance indicator in 2011–12.

Appendix C

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-in-Council 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 criteria for appointing Assistant Commissioners are the same as for the Chairperson. 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 General Manager or a human resource, information technology or finance manager.

Appendix D

Executive Leadership Group – current members and their responsibilities on other internal and external committees

Executive member	Committee membership	Responsibility
Mr Martin Moynihan, AO, QC Chairperson	Commission	Chair
	Audit Committee	ex officio
	Budget Management Committee	Chair
	Crime Reference Committee	member
	Crime Operational Review Committee	member
	Misconduct Operations Review Committee	member
	Research and Major Publications Committee	Chair
	Integrity Committee	member
	Police Education Advisory Council	member
	Justice Statutory Authority Group	member
Mr John Callanan, BA, LLB (Hons) Assistant Commissioner, Crime	Commission	ex officio
	Budget Management Committee	member
	Crime Reference Committee	Chair
	Crime Intelligence Review Committee	Chair
	Crime Operations Review Committee	Chair
	Research and Major Publications Committee	member
	Prostitution Licensing Authority	Statutory member
	Queensland Joint Management Group	member
	Operational committees related to QPS and Commonwealth agencies dealing with crime	member as required
Mr Warren Strange, LLM, LLB, BSc Assistant Commissioner, Misconduct	Commission	ex officio
	Budget Management Committee	member
	Misconduct Assessment Committee	member
	Misconduct Operations Review Committee	Chair
	Research and Major Publications Committee	member
	Queensland Law Society Criminal Law Specialist Accreditation Committee	member
Ms Edith Mendelle, BA (Hons), MBA Executive General Manager	Commission	ex officio
	Risk Management Committee	member
	Audit Committee	ex officio
	Budget Management Committee	member
	Business Continuity Committee	member
	Workplace Health & Safety Committee	Chair
	Research and Major Publications Committee	member
	Crime Intelligence and Review Committee	ex officio
	Crime Operations Review Committee	ex officio
	Misconduct Assessment Committee	ex officio
	Misconduct Operations Review Committee	ex officio
	Witness Protection Advisory Committee	ex officio

Appendix E

Compliance reporting

Public interest disclosures

In 2010–11, the CMC received 376 public interest disclosures (PIDs), or complaints, which comprised 1107 allegations.

The table below details the status of the allegations.

Note that the PIDs are only for the period 1 July to 31 December 2010.

Table 21. Status of public interest disclosures received by the CMC between 1 July and 31 December 2010

Section of <i>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	Total
15: Public officer complaining of official misconduct	0	110	385*	4	317	231	1047
16: Public officer complaining of maladministration	0	1	2*	11	0	0	14
17: Public officer complaining of improper management	0	0	0	0	0	0	0
18: Public officer complaining re health/environment matter	0	0	0	0	2	0	2
19: Any person complaining re public health or safety matter	0	6	7	0	1	0	14
20: Any person complaining re reprisal	0	1	25*	0	4	0	30
Total	0	118	419*	15	324	231	1107

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

Whistleblowers Protection Act 1994

Section 30(1) of the *Whistleblowers Protection Act 1994* requires agencies to include statistical information about the number of public interest disclosures it received. In the period from 1 July to 31 December 2010, no public interest disclosures were made by CMC staff.

With the repeal of the Act and the introduction of the *Public Interest Disclosure Act 2010* (PID Act) on 1 January 2011, the way in which public interest disclosures are to be publicly reported has changed. From 1 January 2011, agencies are no longer required to report public interest disclosures in annual reports.

Under section 61 of the PID Act, the Public Service Commission (PSC) is now responsible for overseeing public interest disclosures and preparing an annual report on the operation of the PID Act. From 1 January 2011, agencies are required to report information about public interest disclosures to the PSC. The PSC will prepare an annual report on the operations of the PID Act and the information provided by agencies. The annual report will be made publicly available after the end of each financial year.

Overseas travel

In 2010–11 the CMC spent a total of \$17 131 on overseas travel, as detailed in the following table.

Table 22.

Date of travel	Name/position of officer	Destination	Reason for travel	Agency costs* Invoiced 2010–11 \$ (excl GST)
23–26 November 2010	Warren Strange, Assistant Commissioner	Wellington, New Zealand	Participate in Australian and New Zealand Police Integrity Leadership Forum	1 500
6–17 August 2010	Lance Vercoe, Operations Leader	Dallas, Texas, USA	Attend Crimes Against Children Conference	4 924
6–17 August 2010	Anthony Morgan, Operations Leader	Dallas, Texas, USA	Attend Crimes Against Children Conference	4 924
29 April – 13 May 2011	Ben deWaard, Senior Analyst	Orlando, Florida, USA	Attend Basic Computer Forensics Training Conference	5 783
Total expenditure				17 131

* No contributions were received from other agencies or sources.

Consultancies

In 2010–11 the CMC spent a total of \$419 359 on consultancies including \$229 075 for specialist legal opinions. The remainder of \$190 284 was spent on various consultancies including the CMC's governance and organisational reviews to strengthen organisational decision making and performance. The following table is a summary of the CMC Consultancy Register that lists the suppliers paid by the CMC for providing consultancy services.

Table 23.

Categories	Consultants	Projects	Invoiced 2010–11 \$ (excl GST)
Management	Board Matters	CMC governance review	53 761
	Julie Cork	Organisational review of Misconduct Unit	15 000
	Quantum Management	Organisation climate survey	22 630
Communications	Big Splash	Training in media presentation	1 800
	Peak Usability	CMC online communication enhancement	45 235
Audit	Deloitte	CMC network intrusion test	13 000
Legal	Counsel	Legal opinions	181 075
	Counsel	Legal opinions	48 000
Research	Queensland University of Technology	Evaluation of police pursuit report	15 000
Proceeds of crime	University of Wollongong	Proceeds of crime review	23 858
Total expenditure			419 359

Privacy

On 1 July 2009, the *Information Privacy Act 2009* (IP Act) began operation in Queensland. The primary objectives of the IP Act are to provide for the fair collection and handling of personal information in the public sector, and to provide a right of 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 Information Privacy Principles (IPP) to which public sector entities must adhere, unless exempted by the IP Act.

The IPP have limited application to the core activities of the CMC. The following documents of the CMC to which the IPP 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 2001*.

Further, the CMC is not subject to 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.

Table 24. *Information Privacy Act 2009* — Applications and reviews 2010–11

Applications and reviews	Number
Applications for access	
On hand at 1 July 2010	1
Received	38
Applications for amendment	
Received (1 granted; 1 lapsed)	2
Access	
Full access granted	18
Partial access granted	6
Health care information (to be decided by healthcare professional)	1
Access refused (all matter exempt)	4
No documents located	5
Withdrawn/lapsed	3
Outstanding at 30 June 2010	2
Reviews	
Internal	0
External (to Information Commissioner)	3

Right to information

The *Freedom of Information Act 1992* was repealed on 1 July 2009 when the *Right to Information Act 2009* began operation. Although 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 2001* 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 a provision that 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 QCC, 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 employees will continue to cooperate with its investigations, rather than obliging the CMC to invoke its coercive powers in every investigation.

Table 25. *Right to Information Act 2009* — Applications and reviews 2010–11

Applications and reviews	Number
Applications for access	
On hand at 1 July 2010	1
Received	16
Access	
Full access granted	3
Partial access granted	4
Access refused (all matter exempt)	5
No documents located	0
Withdrawn/lapsed (fee not paid)	5
Outstanding at 30 June 2010	0
Reviews	
Internal	0
External (to Information Commissioner)	4

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 (PSC). 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 2010–11 year.

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 Queensland Police Service.

One certificate was given by the Commissioner on the basis that he was satisfied that disclosure of the operative's identity was likely to endanger the safety of the operative. No leave was given or order made in terms of section 21K of the *Evidence Act 1977*. The certificate was cancelled prior to lodgement in court as the proceedings ceased.

No certificates were given by the Chairperson.

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 2010–11 year – for the periods 1 July 2010 to 31 December 2010, and 1 January 2010 to 30 June 2011.

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 telecommunications interception data for investigation purposes made under telecommunications interception warrants, the effectiveness of those warrants, and the ultimate destruction of telecommunications interception warrants after they are no longer required for a CMC purpose (sections 100, 101 and 102)
- 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 (sections 162, 163 and 150)
- access to telecommunications data for investigation purposes (sections 178–180 and 186).

This information is included in the Commonwealth Attorney-General's *Telecommunications (Interception and Access) Act 1979 – Annual Report* which is tabled in the Commonwealth Parliament.

» Read the [Telecommunications \(Interception and Access\) Act 1979 annual report](#) here.

Appendix F

Sustainability and waste management

The CMC is located in the North Tower, Green Square 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. It was also the first commercial building in Australia to be awarded a 5-star NABERS (National Australian Built Environment Rating System) whole building energy rating. Green Square was built using recycled steel and plantation timber, and its overall environmental impact has been reduced through its optimised building orientation and its energy-saving technology.

Waste management

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

Material	Tonnes	
	2009–10	2010–11
Cardboard*	10.84	9.3
Paper		4.15
Commingled waste**	5.88	4.42

These figures are based on the CMC's proportion of the total for the North Tower, Green Square.

* In 2009–10, cardboard and paper were a single category.

** Commingled waste comprises glass, aluminium, steel and plastic.

Through recycling of materials we saved an estimated:

- 49.26 cubic metres of landfill space
- 8.91 tonnes of carbon dioxide (CO₂) emissions, equivalent to 2.01 cars permanently removed from our roads
- 297.94 gigajoules of energy, equivalent to the annual electricity requirements of 13.66 households
- 296.14 kilolitres of water.

CMC energy consumption

Our energy consumption increased during 2010–11, mainly because of the number of investigative operations conducted, which involved staff working overtime and on the weekends, and thus using air conditioning and lighting outside normal work hours.

Energy consumption	2009–10	2010–11
Total kWh per year	836 153	960 264
Average kWh per month	69 679	80 022

Carbon emissions

Carbon emissions increased because of the domestic travel required for field investigations and our increased electricity consumption.

Source	Carbon emissions (tonnes)	
	2009–10	2010–11*
Motor vehicles**	319.0	213.9
Electricity***	587.0	845.0
Travel***		
International travel	12.0	10.8
Domestic travel	49.4	80.6
Total	967.4	1150.3

* The data in this column is for the year 1 April 2010 to 31 March 2011.

** Carbon emissions for the vehicles are calculated by QFleet. Emissions have been reduced because of the improved emission ratings of the vehicles purchased and a decrease in the kilometres travelled by the fleet.

*** Information provided by the Department of Public Works (Queensland Government Chief Procurement Office).

Copy paper usage

Usage details	2009	2010
No. of full-time equivalent (FTE) employees	292.5	277.8
No. of reams ordered	4161	4484
Average no. of reams per FTE per year	14.2	16.1
Average no. of pages per FTE per year	7100	8050

Notes: Paper use data sourced from Corporate Express.
 All data, including FTE staff numbers, calculated at, or near, the end of the calendar year, 31 December 2010.

The table above refers only to the last two calendar years. Looking further back, our records show that, to 2008, the number of reams of paper per full-time equivalent (FTE) employee being used by the CMC had been steadily decreasing. This mainly resulted from changing our printers to default to double-sided printing and the more efficient use of our Electronic Document and Records Management System.

Over the last calendar year, however, the table reveals a substantial change. The number of FTE staff at the end of the calendar year was 5.0 per cent less than at the same time the previous year, but the reams of paper ordered had increased 7.8 per cent and the average number of reams used per full-time employee had increased by 1.9.

The situation shown in the table may be partly attributable to the recordings being based on 31 December figures rather than end of financial year figures. Calendar year figures for FTEs tend to vary considerably from year to year and may influence results. Over the coming year we will explore the possibility of obtaining from our external paper supplier figures to 30 June, which would produce results consistent with other annual report data.

CMC commitment to environmental responsibilities

The CMC is committed to managing and continuously improving its environmental performance. We continue to foster practices to minimise the environmental impact of our activities.

In 2010–11, to enhance sustainability and reduced greenhouse gas emissions, we undertook the following:

- We reduced our car fleet by one. In the last three years we have reduced our fleet by nine vehicles.
- We have improved the environmental profile of our fleet by choosing cars with the highest possible government-determined greenhouse ratings, without detriment to our operational requirements.
- Motor vehicles are cleaned using an environmentally friendly and waterless process.
- Double-sided printing is used as the default setting on all printers.
- We encourage turning off computers and other peripherals at the end of the day. The CMC has around 470 computers, 70 printers, 40 scanners and 16 photocopiers.
- Internal paper and commingled recycling systems have been successfully operating within the premises.