

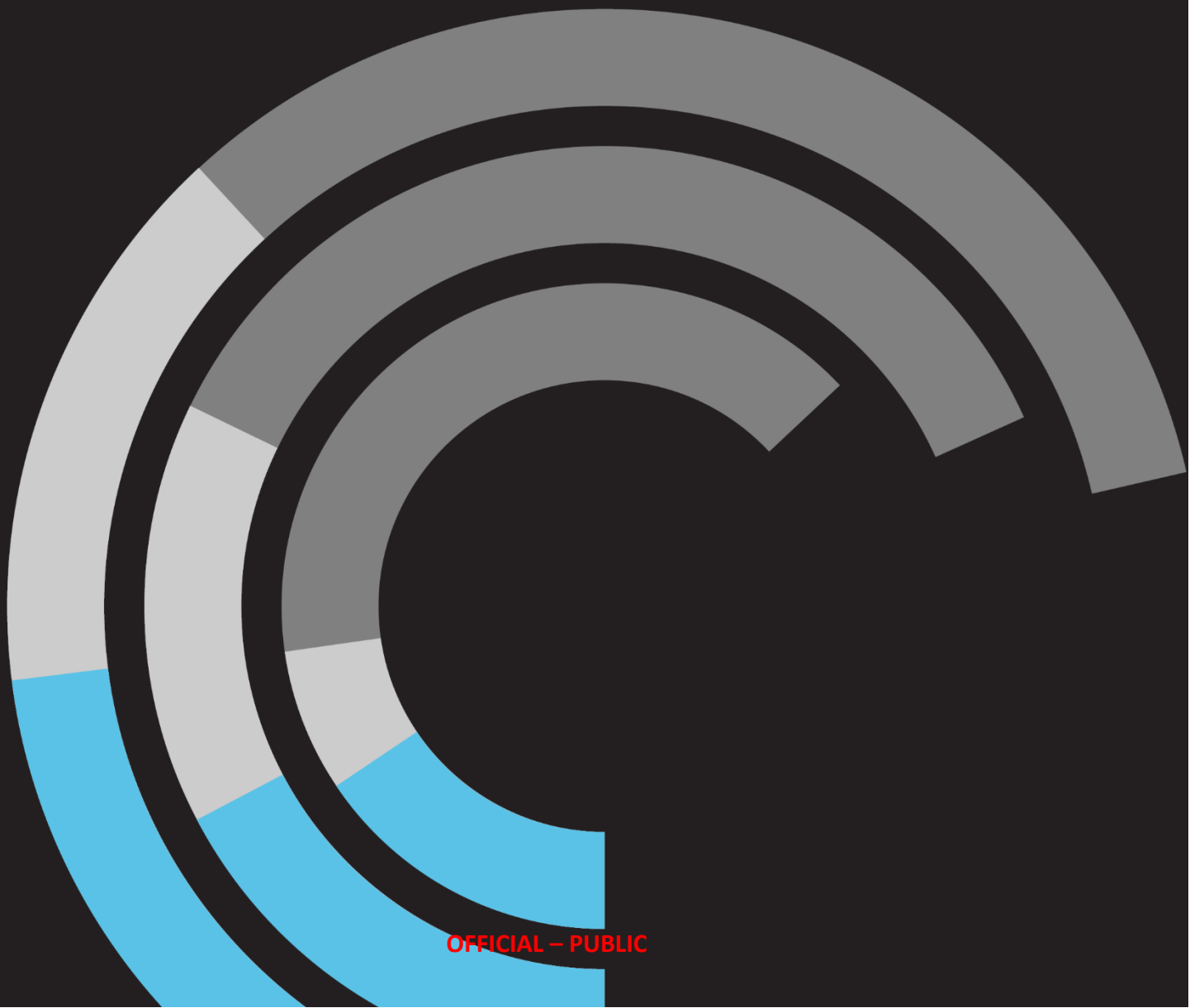


Crime and Corruption Commission
QUEENSLAND

Implementation and delivery of COI recommendations

Quarterly report number 1

11 November 2022



OFFICIAL – PUBLIC

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About this report

On 9 August 2022, in accordance with the *Commissions of Inquiry Order (No.1) 2022*, the Honourable Gerald Edward (Tony) Fitzgerald AC QC and the Honourable Alan Wilson QC provided their report on the *Commission of Inquiry relating to the Crime and Corruption Commission (CCC)* to the Queensland Premier and Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence (the Minister). The report included 32 recommendations.

The Commission of Inquiry recommendations provide a five-year blueprint for the reform of the CCC. This program of reform will ensure the CCC remains independent, fair and impartial. We have committed to implementing the recommendations.

Where we could, we acted quickly. We have implemented some actions where we had sole responsibility. Many recommendations require more detailed planning, coordination with key stakeholders and additional resources. We have commenced this planning and stakeholder consultation and submitted a funding proposal to ensure we have the resources necessary to support the effective management and delivery of a renewal program of this size, scale, and complexity.

We recognise the significant public interest in the implementation and delivery of the Commission of Inquiry's recommendations. This report summarises progress since the release of the Commission of Inquiry report in August 2022. Moving forward, we will publicly release quarterly progress reports.

This public report supplements the reports on the implementation and delivery of recommendations provided each month by the CCC to the Minister, Parliamentary Crime and Corruption Committee, and Parliamentary Crime and Corruption Commissioner (in accordance with Recommendations 31 and 32).



Implementation of Recommendations 1 to 32

Seconded police and their powers

Recommendation	Commentary
<p>Recommendation 1</p> <p>The use of seconded police officers by the Crime and Corruption Commission is appropriate and should continue (subject to recommendations below).</p>	<p>Noted</p> <p>Specific recommendations that address the skills, experience, capability and composition of police officers seconded to the CCC are addressed in the status updates that follow.</p>
<p>Recommendation 2</p> <p>Police officers who are seconded to the Crime and Corruption Commission retain their police powers as per section 174 and 255 of the <i>Crime and Corruption Act 2001</i>.</p>	<p>In progress</p> <p>Consultation between representatives from the CCC, Department of Justice and Attorney General (DJAG), Queensland Police Service (QPS) and Office of the Director of Public Prosecutions (ODPP) have commenced.</p> <p>These consultations have identified the proposed legislative amendment specified in recommendation 25 will raise some complex issues given the retention of powers in accordance with section 174 and 255 of the <i>Crime and Corruption Act 2001</i>. Stakeholder consultations are focusing on identifying the issues that will need to be resolved to give effect to the recommendation.</p>



Improved flexibility of police secondment arrangements

Recommendation	Commentary
<p>Recommendation 3</p> <p>The current secondment arrangements between the Queensland Police Service and the Crime and Corruption Commission be amended to provide the Crime and Corruption Commission with adequate and appropriate flexibility over the mix of job positions, skills and experience within the 'Crime and Corruption Commission Police Group'.</p>	<p><i>In progress</i></p> <p>This work was already underway in the Crime Division of the CCC with 2 x rank of Sergeant being converted to 2 x rank of Senior Constable to better reflect the skills and work undertaken operationally.</p> <p>The secondment policy will be reviewed in response to this recommendation and will be informed by the work being completed in response to Recommendation 5.</p>
<p>Recommendation 4</p> <p>The Crime and Corruption Commission and the Queensland Police Service jointly review the mix of job positions, skills and experience within the Crime and Corruption Commission Police Group at least once every two years with a view to ensuring the composition of the Crime and Corruption Commission Police Group reflects the Crime and Corruption Commission's operational needs and priorities.</p>	<p><i>Noted but not yet commenced</i></p> <p>The implementation of this recommendation will be informed by the work being completed in response to Recommendation 5.</p>
<p>Recommendation 5</p> <p>The Memorandum of Understanding between the Crime and Corruption Commission and the Queensland Police Service be amended to reflect the need for the Crime and Corruption Commission to have adequate and appropriate flexibility over the mix of job positions, skills and experience within the Crime and Corruption Commission Police Group.</p>	<p><i>In progress</i></p> <p>Progress against this recommendation will be informed by responses to capability-related recommendations.</p> <p>A new role—the Human Capital Capability Director—was created to lead the development and implementation of the capability-related recommendations.</p> <p>A Corruption Investigator Capability Framework is in development. This framework will identify, for different roles and levels, the technical expertise, skills, knowledge and experience required to perform the role of corruption investigator at the CCC. This work will also inform the CCC-QPS MOU.</p>



The forthcoming review of the Crime and Corruption Commission’s organisational culture

Recommendation	Commentary
<p>Recommendation 6</p> <p>The adequacy of the Crime and Corruption Commission’s current organisational culture in safeguarding against the risk of institutional capture form part of the external review planned by the Crime and Corruption Commission in response to Recommendation 4 of Report No. 108 of the Parliamentary Crime and Corruption Committee.</p>	<p><i>In progress</i></p> <p>Numerous actions are being implemented to achieve the intent of this recommendation.</p> <p>Earlier in 2022, we engaged an external consultant to review current practices in relation to the assessment of corrupt conduct complaints. This review identified eight opportunities to improve the efficiency and effectiveness of corruption assessment and review functions:</p> <ol style="list-style-type: none"> a. Two of those opportunities relate to the need for a clearer corruption strategy and improved performance measurement (a corruption strategy is in development). b. Four of those opportunities relate to the intake and assessment process (phase two of the GSA engagement). c. Two of those opportunities relate to technology systems and use of information assets. <p>This work has begun.</p> <p>A major review of the Corruption Strategy has commenced. This review will ensure the strategy is aligned with the CCC's purpose, modern, and responsive to the contemporary environment and outcomes of formal reviews. This strategy renewal process will include all CCC corruption functions (Intake and Assessment, Investigations and Prevention) and canvas the views of stakeholders.</p> <p>We have also commenced a project to redesign the complaints intake and assessment process. This project will involve the development of new policies and processes, operating models, organisational structures and roles, training and capability development, systems and technology, and performance measures. This work will involve reviewing good practice and engaging with interstate integrity agencies to identify the core elements of an intake and assessment process that is:</p> <ul style="list-style-type: none"> • customer-centric • insights driven • consistent, fair and transparent • aligned to the CCC's strategic intent. <p>In addition to this strategic work, new committees have been established to ensure diverse inputs into governance and operational decision-making in Corruption Division. See recommendations 19 and 20.</p>



Greater civilianisation of the Corruption Division

Recommendation	Commentary
<p>Recommendation 7</p> <p>The Crime and Corruption Commission transition to a predominantly civilianised model for its Corruption Division and only retain the number of seconded police officers required at and below director-level to ensure there are effective and efficient corruption investigations.</p>	<p><i>Noted but not yet commenced</i></p> <p>Progress against this recommendation will be informed by responses to capability-related recommendations.</p> <p>The Corruption Investigator Capability Framework and role analysis will inform consideration of this issue. This work will identify those roles and work activities that can only be performed by sworn police officers.</p>
<p>Recommendation 8</p> <p>The Executive Director Corruption Operations be transitioned to a civilian position as soon as possible.</p>	<p><i>Completed</i></p> <p>Following a review of the role description, the role (which was formally a role filled by a seconded police officer) was converted to a civilian role. That role was advertised in the open market on 11 August 2022 but a meritorious candidate was not identified.</p> <p>A recruitment agency has been engaged to assist to identify a stronger pool of candidates.</p>
<p>Recommendation 9</p> <p>With a view to implementing recommendation 7 over the next five years, the Crime and Corruption Commission and the Queensland Police Service jointly review each seconded police officer position within the Corruption Division at or before the conclusion of the secondment period for each of these positions.</p>	<p><i>In progress</i></p> <p>A review of seconded police officer secondment periods revealed no imminent departures, allowing adequate time to develop a robust approach to the joint review processes articulated in recommendations 9 and 10.</p>
<p>Recommendation 10</p> <p>The joint review process be documented in the existing Memorandum of Understanding between the Crime and Corruption Commission and the Queensland Police Service and include principles to guide the review process, including:</p> <ol style="list-style-type: none"> a. the need for the Crime and Corruption Commission to increase its civilian investigator capability, and b. the benefits of retaining a proportion of seconded police officers in the division for the purpose of exercising policing powers and contributing to investigations where criminal investigation expertise is required. 	<p><i>Noted</i></p> <p>Progress against this recommendation will be informed by responses to capability-related recommendations, the implications of the legislatively amendment proposed in recommendation 25 and the proposed CCC-DPP MOU (recommendation 26).</p>



Equipping corruption investigators

Recommendation	Commentary
<p>Recommendation 11</p> <p>The Crime and Corruption Commission ensure investigators assigned to corruption matters are adequately and appropriately inducted on commencement at the Crime and Corruption Commission and are provided with ongoing training to equip them to investigate corruption effectively.</p>	<p><i>In progress</i></p> <p>The development of the Corruption Investigator Capability Framework will inform the response to this recommendation.</p> <p>The CCC's central and business unit inductions, and the ongoing mandatory and professional development training will be amended to ensure police investigators have the technical expertise, skills and knowledge required to perform effectively at the CCC, and that they acquire this knowledge at an appropriate time.</p>
<p>Recommendation 12</p> <p>A dedicated position — a Training and Development Officer — be created by the Crime and Corruption Commission to coordinate enhanced induction and ongoing training activities.</p>	<p><i>Completed</i></p> <p>Following an open market recruitment process, the Human Capital Capability Director commenced in October 2022.</p> <p>The role is developing a program of work to address capability-related recommendations, including developing the Training Strategy and Plan (recommendation 14), Corruption Investigator Capability Framework and gap analysis, implementing capability uplift initiatives for the existing workforce and reviewing the induction and ongoing training provided to corruption investigators (recommendation 12).</p>
<p>Recommendation 13</p> <p>The Crime and Corruption Commission devise and implement a Training Strategy and Plan to enhance the skills of all investigators assigned to corruption investigations which includes, where necessary, external training.</p>	<p><i>In progress</i></p> <p>See recommendation 12 update.</p>
<p>Recommendation 14</p> <p>The Queensland Government adequately resource the Crime and Corruption Commission to implement the Training Strategy and Plan and to employ a Training and Development Officer on a.</p>	<p><i>In progress</i></p> <p>See recommendation 12 update.</p>



Building the corruption prevention and policy capability

Recommendation	Commentary
<p>Recommendation 15</p> <p>The current Corruption Strategy, Prevention and Legal unit of the Corruption Division be split into two separate units — Corruption Legal; and Corruption Strategy and Prevention — and each unit be led by an executive director.</p>	<p>Completed</p> <p>A new role— the Executive Director Corruption Legal—was created and advertised in the open market on 11 August 2022. The recruitment process was unsuccessful, so a recruitment agency has been engaged to assist to identify a stronger pool of candidates.</p> <p>The Corruption Legal business unit was separated from the Strategy and Prevention business unit on 5 August 2022. To help achieve the intent of this separation, on 31 August 2022 over 25% of the CCC workforce physically relocated in our Green Square premises. This physical relocation will help to facilitate two significant outcomes. First, the physical co-location of Corruption Investigations, Integrity Services (corruption intake and assessment) and Corruption Strategy and Prevention will help achieve greater connection between corruption business units and facilitate, via co-location, greater capacity for a corruption prevention and policy perspective to inform all corruption investigations (recommendation 16). Second, Corruption Legal is now physically separated from the rest of the corruption division, which will help ensure the independence of the legal advice provided to corruption investigators and complaints assessors.</p>
<p>Recommendation 16</p> <p>The new Corruption Strategy and Prevention unit is to ensure a corruption prevention and policy perspective informs all corruption investigations.</p>	<p>In progress</p> <p>Numerous actions will help to achieve the intent of this recommendation.</p> <p>The two new committees—Corruption Investigations Governance Committee (CIGC) and Corruption Investigations and Prevention Group (CIPG)—established to ensure non-law enforcement avenues and outcomes are considered throughout the corruption investigation are operational (see recommendations 19 and 20).</p> <p>The CCC Operations Manual will also be reviewed to ensure a corruption prevention and policy perspective informs corruption investigations. This work will commence when an appointment is made to the newly created Director Policy, Risk and Compliance role.</p>
<p>Recommendation 17</p> <p>The executive director of the Corruption Strategy and Prevention unit have the appropriate skills and experience to deliver the functions of the new unit including proven experience or expertise in the public sector, particularly in public administration and integrity.</p>	<p>Completed</p> <p>The Executive Director Corruption Strategy and Prevention role description was reviewed in August 2022. Responsibility for Corruption Legal was removed from the role and additional emphasis on public sector experience was included.</p>



Recommendation	Commentary
<p>Recommendation 18</p> <p>The Queensland Government adequately resource the Crime and Corruption Commission to establish the new Corruption Strategy and Prevention unit.</p>	<p><i>Noted</i></p> <p>A comprehensive plan to support the efficient and effective implementation of the recommendations will be developed. A proposal for additional funding will be submitted to government as part of the 2023-24 budget process.</p>



Enhanced operational oversight of corruption investigations

Recommendation	Commentary
<p>Recommendation 19</p> <p>The Crime and Corruption Commission establish an executive director-level governance group within the Corruption Division to oversee corruption investigations. The governance group will report to the Executive Leadership Team, be chaired by the Senior Executive Officer (Corruption) and include (at a minimum) the executive directors of the four business units of the Corruption Division.</p>	<p><i>In progress</i></p> <p>The Corruption Investigations Governance Committee (CIGC) was established on 29 September 2022. The primary objectives of the CIGC Committee are to:</p> <ul style="list-style-type: none"> • Provide an opportunity to bring together diverse views from the executive-director level within the Corruption Division to consider issues and make decisions during the feasibility, delivery, and post-delivery stages of a corruption investigation. • Ensure opportunities for improvement in investigation strategies and processes are informed, considered, and developed collaboratively within the CCC. • Investigation proposals, updates, reports, and recommendations address all relevant considerations, prior to being referred to the Executive Leadership Team or the Commission Chairperson for decision (where required). <p>The CIGC met on 10 October 2022 and 7 November 2022 and will continue to meet monthly.</p>
<p>Recommendation 20</p> <p>The Crime and Corruption Commission enhance the role of the current director-level governance group within the Corruption Division in overseeing corruption investigations and ensure it reports to the executive director-level governance group.</p>	<p><i>In progress</i></p> <p>The Corruption Investigations and Prevention Group (CIPG) was established on 29 September 2022. The primary objectives of the CIPG are to:</p> <ul style="list-style-type: none"> • Provide an opportunity to bring together diverse views at a director-level within the Corruption Division, during the feasibility, delivery, and post-delivery stages of a corruption investigation. • Ensure that opportunities for improvement in investigation operational strategies, policies, procedures, and processes are informed, considered, and implemented appropriately. • Ensure investigations address all relevant considerations, prior to being referred to the Corruption Investigations Governance Committee (CIGC) for decision (where required). <p>The first CIPG meeting was held on 20 October 2022. The CIPG meets weekly.</p>



Improved quality of, and compliance with, policies and procedures

Recommendation	Commentary
<p>Recommendation 21</p> <p>The Crime and Corruption Commission continue to review and improve its operational policies and procedures to ensure they are clear, concise, consistent, and easy to understand.</p>	<p><i>Noted but not yet commenced</i></p> <p>See recommendation 22 update.</p>
<p>Recommendation 22</p> <p>A dedicated position — a Policy and Procedure Officer — be created by the Crime and Corruption Commission to centralise, coordinate, and implement the continued review and improvement of the Crime and Corruption Commission’s operational policies and procedures.</p>	<p><i>Completed</i></p> <p>A new role—Director Policy, Risk and Compliance—was created and advertised in the open market on 11 August 2022. The recruitment process was unsuccessful, so a recruitment agency has been engaged to assist to identify a stronger pool of candidates.</p> <p>The initial priorities of this new role will be reviewing the relevant chapters of the Operations Manual (including forms and templates) to embed the requirement to ensure a corruption prevention and policy perspective informs corruption investigations (recommendation 16) and developing the process that will achieve greater centralised coordination of the Operations Manual. These activities will ensure the Operations Manual drives and enables business process improvement.</p> <p>Prior to the recruitment of the Director Policy, Risk and Compliance, the Operations Manual will continue to be updated in response to legislative or operational changes or according to the established review schedule.</p>
<p>Recommendation 23</p> <p>The Queensland Government adequately resource the Crime and Corruption Commission to employ a Policy and Procedure Officer on a permanent basis.</p>	<p><i>In progress</i></p> <p>See recommendation 22 update.</p>



Ensuring post-prosecution reviews

Recommendation	Commentary
<p>Recommendation 24</p> <p>The Crime and Corruption Commission work with the Director of Public Prosecutions to develop a process for conducting post-prosecution reviews.</p>	<p><i>In progress</i></p> <p>Preliminary work is being undertaken to inform the development of a post-prosecution review process. The project includes:</p> <ul style="list-style-type: none"> • developing a draft post-prosecution review guideline • conducting an internal mock post-prosecution review drawing on a historical CCC investigation • preparing a draft CCC policy and procedures • consulting with external stakeholders. <p>Liaison has also occurred with interstate integrity agencies to understand local arrangements between agencies and prosecuting agencies.</p>



Advice about potential charges arising from corruption investigations

Recommendation	Commentary
<p>Recommendation 25</p> <p>The <i>Crime and Corruption Act 2001</i> be amended as necessary to give effect to the following changes:</p> <ol style="list-style-type: none"> Other than in exceptional circumstances, before a charge is laid by a seconded police officer during, or following, a corruption investigation, the Crime and Corruption Commission must seek the opinion of the Director of Public Prosecutions concerning whether a charge may properly be brought having regard to the two-tier test in the Director's Guidelines. Notwithstanding any other law or any other provision of the <i>Crime and Corruption Act 2001</i>, if the Director of Public Prosecutions advises that a charge should not be brought, the seconded police officer must not charge contrary to that advice. If the Director of Public Prosecutions advises a charge may properly be brought and a decision is made by the seconded police officer not to charge, the Crime and Corruption Commission must report to the Parliamentary Crime and Corruption Committee and the Parliamentary Crime and Corruption Commissioner about the decision made. If, because of exceptional circumstances, charges are laid without the Director of Public Prosecutions having first provided its opinion on whether charges may properly be brought, the Crime and Corruption Commission must, as soon as reasonably practicable, report to the Director of Public Prosecutions in relation to the charge laid and obtain the Director of Public Prosecutions' opinion about the soundness of the decision to charge. 	<p><i>In progress</i></p> <p>Officers from the CCC, Department of Justice and Attorney General, Queensland Police Services and Office of the Director of Public Prosecutions (ODPP) met to discuss the legislative amendment specified in recommendation 25. Several complex issues were identified, and further consultation will be required to resolve these issues.</p>
<p>Recommendation 26</p> <p>The Crime and Corruption Commission and the Director of Public Prosecutions develop a Memorandum of Understanding outlining the practices and procedures for the referral of matters and the provision of advice, including timeframe.</p>	<p><i>In progress</i></p> <p>The CCC Chairperson, senior staff and the Director of Public Prosecutions (DPP) have had a preliminary discussion about the proposed MOU. Informed by that discussion, the CCC commenced drafting the MOU, which will be provided to the DPP in November for comment.</p>



Recommendation	Commentary
<p>Recommendation 27</p> <p>The Crime and Corruption Commission report to the Minister regarding the arrangement for the provision of advice by the Director of Public Prosecutions to the Crime and Corruption Commission, and about the effectiveness and utility of the Memorandum of Understanding, including timeframes and timeliness of the advice provided by the Director of Public Prosecutions.</p>	<p><i>Noted but not yet commenced</i></p>
<p>Recommendation 28</p> <p>The Crime and Corruption Commission report to the Parliamentary Crime and Corruption Committee and the Parliamentary Crime and Corruption Commissioner on the effectiveness and utility of the Memorandum of Understanding, including timeframes and timeliness of the advice provided by the Director of Public Prosecutions.</p>	<p><i>Noted but not yet commenced</i></p>
<p>Recommendation 29</p> <p>The Parliamentary Crime and Corruption Committee, as part of its next five-yearly review of the activities of the Crime and Corruption Commission under section 292 of the <i>Crime and Corruption Act 2001</i>, review the arrangement for the provision of advice by the Director of Public Prosecutions to the Crime and Corruption Commission, and examine the effectiveness and utility of the Memorandum of Understanding — thereafter, the Parliamentary Crime and Corruption Committee continue to monitor the arrangement as part of its future five-yearly reviews.</p>	<p><i>Noted but not yet commenced</i></p>
<p>Recommendation 30</p> <p>The Queensland Government provide adequate additional resources to the Director of Public Prosecutions to enable it to provide its advice to the Crime and Corruption Commission in a timely manner.</p>	<p><i>Responsibility does not lie with the CCC.</i></p>



Monitoring

Recommendation	Commentary
<p>Recommendation 31</p> <p>The Crime and Corruption Commission must report regularly and progressively to the Minister about the implementation and delivery of the recommendations.</p>	<p><i>In progress</i></p> <p>Monthly reports have been provided to the Minister, commencing in September 2022.</p>
<p>Recommendation 32</p> <p>The Crime and Corruption Commission must report regularly and progressively to the Parliamentary Crime and Corruption Committee and the Parliamentary Crime and Corruption Commissioner about the implementation and delivery of the recommendations.</p>	<p><i>In progress</i></p> <p>Monthly reports have been provided to the Parliamentary Crime and Corruption Committee and the Parliamentary Crime and Corruption Commissioner, commencing in September 2022.</p>





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