

# **Criminal Justice Commission**

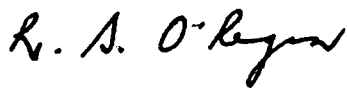
## **Annual Report**

**Year Ended 30 June 1993**

To the Honourable D Wells MLA,  
Minister for Justice and Attorney-General and Minister for the Arts

Sir

In accordance with the provisions of Section 7.10 of the *Criminal Justice Act 1989*, we submit to you, for presentation in Parliament, the 4th Annual Report of the Criminal Justice Commission, which formally embraces the period 1 July 1992 to 30 June 1993.



Mr Robin O'Regan QC  
Chairperson



Mr Lewis Wyvill QC  
Commissioner



Professor John Western  
Acting Commissioner



Mr John Kelly  
Commissioner

September 1993

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## **Purpose of the Report**

The Commission serves and is accountable to the people of Queensland through the Queensland Parliament. This is accomplished through reporting mechanisms that involve the Chairperson, Commissioners and senior Commission officers and the Parliamentary Criminal Justice Committee, which represents the Parliament.

This is the Commission's fourth annual report and the third covering a full year of operations. It presents a summary of the Commission's operations during 1992/93, as well as audited financial statements for the same period. It is designed to give the Parliament and the people of Queensland a consolidated picture of the actions that the Commission has taken on their behalf.

This report has been arranged and written in accordance with the format prescribed for statutory bodies bound by the Public Finance Standards made under the *Financial Administration and Audit Act* 1977. This format is really not suitable for reporting the activities of a body such as the Commission because our programs do not mirror our organisational structure. The format is one more likely to confuse than to enlighten the ordinary reader.

### **Criminal Justice Commission**

557 Coronation Drive

Toowong, Qld 4066

Telephone: (07) 360-6060  
(008) 061 611

Facsimile: (07) 360-6333

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# Chairperson's Introduction

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*I am pleased to present the 1992/93 annual report of the Criminal Justice Commission (CJC). I am confident that this report accurately reflects the year's work of an organisation vital to the interests of all Queenslanders. The Commission remains committed to the task of safeguarding the integrity of public administration, improving the criminal justice system, providing an effective witness protection unit, and fighting organised and major crime.*

*Among the many significant activities of the Commission over the past year, three initiatives are particularly worthy of note. In co-operation with the Queensland Police Service, we established the Joint Organised Crime Task Force, which will be an effective measure in the fight against organised criminal enterprises. Secondly, we have introduced an informal resolution procedure to deal with minor complaints against police officers. This will further streamline our handling of complaints. Finally, we have established a new Division dedicated to the prevention of corruption. The Corruption Prevention Division will assist public sector organisations in establishing systems and procedures which minimise the risk of corrupt activity.*

*The period covered by this report saw the retirement of Sir Max Bingham QC, the Foundation Chairperson of the Commission, and the expiration of the term of appointment of part-time Commissioner, Dr Janet Irwin. Each made a distinguished contribution to the work of the Commission during its formative years. They did much to secure the community support which the Commission now enjoys and without which it could not function effectively.*

*I acknowledge also the significant scholarly contribution made by the Commission's first Director of Research and Co-ordination, Dr Satyanshu Mukherjee, who, upon the completion of his term, returned to the Australian Institute of Criminology.*

*I am very grateful to my colleagues on the Commission for assisting and advising me during an extremely busy period of the Commission's history, and I thank them also for the generous contributions they have made individually to our work.*

*It is pleasing to note that the relationship between the Commission and the Parliamentary Committee charged with the responsibility of monitoring its activities remains cordial and constructive. The Commission acknowledges how important it is to be truly accountable to the Committee and thus to the Parliament and ultimately to the people of Queensland.*

**Robin O'Regan QC**

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# **Mission Statement**

## **Our Mission**

To promote justice and integrity in Queensland

## **Our Goals**

To ensure the integrity of public administration

To promote a fair and effective criminal justice system

To make an effective contribution to combating organised and major crime

To assist the Queensland Police Service in providing the highest quality of service to the community

To promote informed public debate on criminal justice issues

## **Our Values**

Justice      Integrity      Accountability

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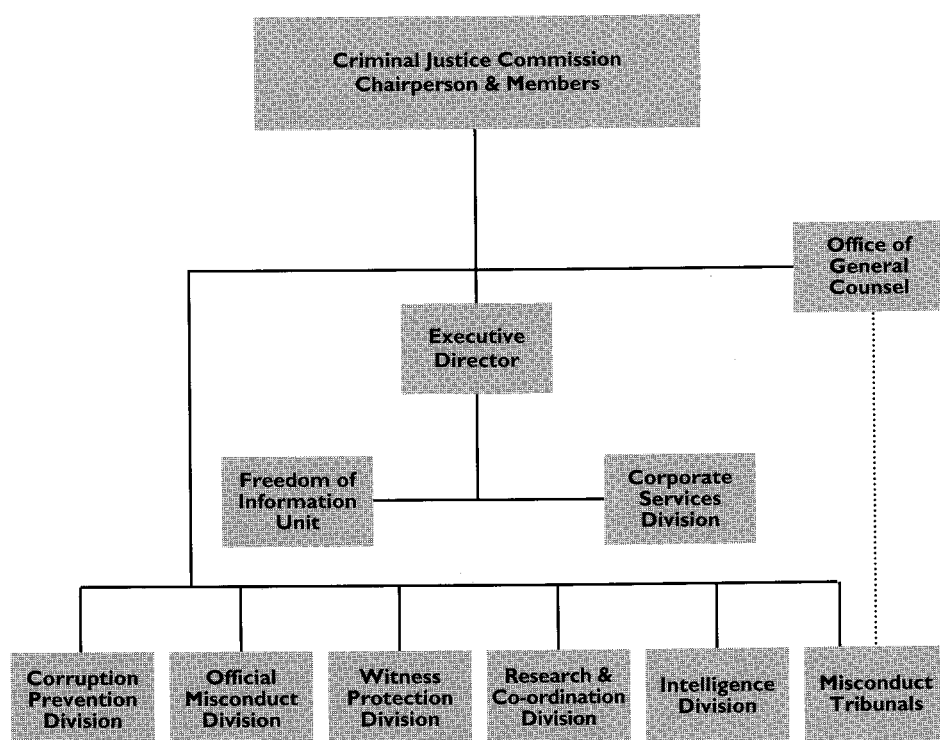
ADIA	Australian Drug Intelligence Assessment
AFP	Australian Federal Police
ATSI	Aboriginal and Torres Strait Islander
AUSTRAC	Australian Transaction Reports and Analysis Centre
BCIQ	Bureau of Criminal Intelligence Queensland
CID	Criminal Intelligence Database
CJC	Criminal Justice Commission
CJP	Community Justice Program
CTS	Counter Terrorist Section
DILGEA	Department of Immigration, Local Government and Ethnic Affairs
JOCTF	Joint Organised Crime Task Force
MDT	Multi-disciplinary Team
NCA	National Crime Authority
OMD	Official Misconduct Division
PCJC	Parliamentary Criminal Justice Committee
PSU	Professional Standards Unit
QPS	Queensland Police Service
QUID	Queensland Police Intelligence Database
QUT	Queensland University of Technology

# Overview

This is our fourth annual report. Since it will be read by a wide audience, including justice studies students in high schools and tertiary institutions, we have decided to present it in a less formal style.

We hope that this report will demonstrate that the CJC is providing a valuable service to the people of Queensland. We do far more than receive and process complaints or monitor the Police Service. Our staff investigate organised and major crime, as well as police and officials in units of public administration who have been accused of misconduct. In our fight against organised and major crime, we work with agencies throughout the State and Australia. But we work to *prevent* criminal activities, as well as to bring offenders to justice. We have the challenge of educating people about the costs of corruption and what they can do to make Queensland a safer and more just State in which to live. With time, and the support of the citizens of Queensland, we can achieve that goal.

## Organisational Structure of The Criminal Justice Commission





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## The year at a glance

The past year presented the CJC with a number of challenges in carrying out our charter to promote justice and integrity in Queensland.

- Our Complaints Section, which handles complaints of misconduct by police and allegations of official misconduct by other officers in the public sector, received 2,183 complaints comprising 4,378 allegations.
- We have improved our methods for assessing these allegations. Approximately 50% were dealt with within 14 days. 2,277 complaints were finalised this year, and 63.4% of them were resolved within four weeks.
- We recommended that 364 criminal charges and 305 disciplinary charges be laid and in 38 cases made recommendations for changes to the procedures of the Queensland Police Service (QPS) or other government agencies.
- With the QPS, we invited former Superintendent Dennis Meadus from the UK to establish a system to resolve minor complaints through informal resolution. On 1 July 1993 police officers who have completed this training program will begin using informal resolution techniques to deal with minor complaints.
- An Organised Crime Task Force (JOCTF) was established under the joint management of the CJC and the QPS by combining our existing Organised Crime Team and additional officers made available by the QPS. The JOCTF investigates four specific areas of organised crime operating in Queensland.
- A six month pilot project for mediating some minor complaints against police, undertaken by the Community Justice Program (CJP) with the CJC and the QPS, ended in August 1992 and led to an agreement that mediation be an option for dealing with some complaints on a "user pays" basis.
- Our Multi-disciplinary Teams (MDTs), which investigate organised and major crime and the more complex allegations of official misconduct, carried out 302 investigations. They were supported by our Financial Analysts Group, who have gained a reputation as leading Australia in forensic financial analysis.
- Two public inquiries were held – the Lorrelle Anne Saunders inquiry and the inquiry into the jury selection process in the trial

of Sir Johannes Bjelke-Petersen. Both generated wide community interest.

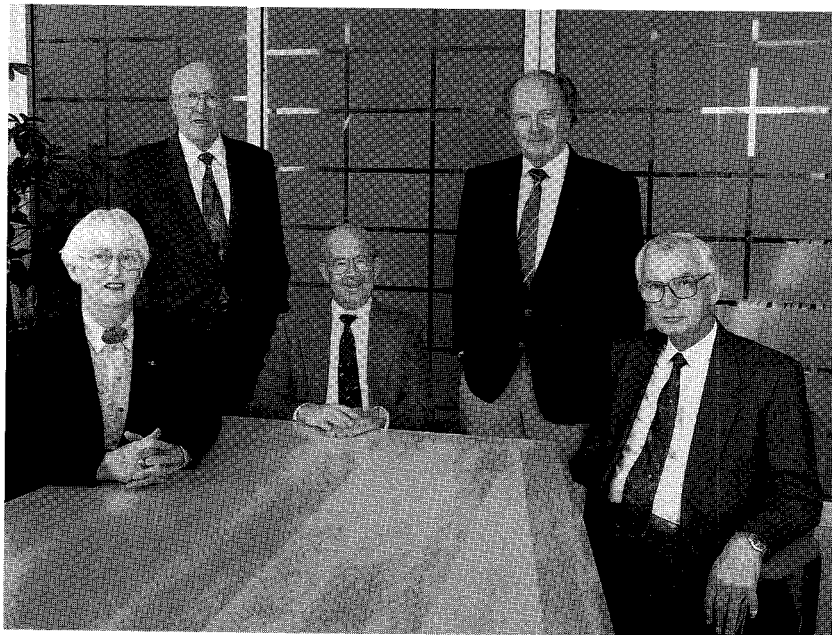
- The Proceeds of Crime Team worked closely with the Director of Prosecutions Office to obtain pecuniary penalty orders and forfeiture orders to the amount of \$577,500. As of 30 June a further \$355,000 had been restrained.
- The Witness Protection Division was involved in 74 operations and provided support and protection, directly and indirectly, for 181 persons who assisted law enforcement agencies in Queensland over the past year.
- The Intelligence Division provided tactical intelligence support to MDT and JOCTF investigations, completed several strategic intelligence assessments, and completed the backcapture of intelligence data from the Commission of Inquiry and earlier Commission investigations.
- The Corruption Prevention Division was established this year to proactively reduce corruption by means of management systems analysis, workshops, seminars and consultations. Staff met with principal officers and boards of management of 20 government agencies and local government authorities in Brisbane and other major regional centres. Since educators have a key role to play in the fight against corruption, workshops were held for 870 school principals over the year.
- In July we appointed an Aboriginal and Torres Strait Islander Liaison Officer in our Corruption Prevention Division. He is establishing close links between the CJC and Aboriginal and Torres Strait Islander (ATSI) communities throughout the State to develop programs and strategies specific to their needs.
- The Research and Co-ordination Division established the Toowoomba Beat Area Patrol pilot project, which is an alternative to traditional policing methods, as well as publishing the first two volumes of a major report on police powers.
- The Misconduct Tribunals sat on 21 days and heard 8 matters.
- The Commissioners for Police Service Reviews sat on 113 days and dealt with 397 applications by police officers for review of promotion, transfer, suspension, dismissal and other QPS decisions.

## **The Commission**

The CJC was established by the *Criminal Justice Act 1989* (the Act) on the recommendation of the Commission of Inquiry chaired by Mr G E Fitzgerald QC. The CJC is charged with monitoring, reviewing, co-ordinating and initiating reform of the administration of criminal justice and fulfilling those criminal justice functions not appropriately or effectively carried out by the QPS or other agencies.

The Commission is composed of a Chairperson and four part-time Commissioners. They are appointed by the Governor-in-Council on the recommendation of the Minister.

The Commissioners bring a broad range of professional and practical experience to the Commission. Each plays an active role in advising and assisting the Commission's Chairperson and staff, especially within his or her primary areas of expertise.



*The Chairperson and Commissioners (l to r):  
Dr Janet Irwin AM,  
Mr Lewis Wyvill QC,  
Mr Robin O'Regan QC,  
Professor John Western,  
Mr John Kelly*

## **Commission's Membership**

Chairperson:

Sir Max Bingham QC – term ended 30 November 1992

Mr Robin O'Regan QC – commenced duties on 1 December 1992

Commissioners:

Dr Janet Irwin AM, MB, ChB – term ended on 7 March 1993

Mr Lewis Wyvill QC – commenced duties on 27 August 1992

Professor John Western PhD

Mr John Kelly BSc (For)

## **Accountability**

Consistent with the Fitzgerald Report, the Act provides the CJC with freedom from Executive Government interference in the performance of its statutory functions; however the Commission is accountable to Parliament, the courts and the community. The Commission reports, on a regular basis, to the Parliamentary Criminal Justice Committee (PCJC).

## **Parliamentary Criminal Justice Committee**

Established under the Act, the PCJC is a seven-member all-party committee of the Queensland Legislative Assembly. It monitors and reviews the activities of the CJC and reports to the Legislative Assembly.

The PCJC may refer matters to the Commission for investigation and can require the Commission to report to it on any matter. The Committee may also receive complaints from persons who feel aggrieved by the activities or investigations of the CJC.

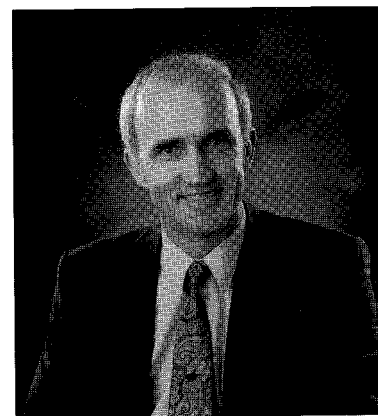
During the year the PCJC formally met with the CJC's Commissioners and Directors seven times. Generally these meetings were held in camera, although several open meetings were held to enable members of the public to be informed about the CJC's activities.

## **The Divisions**

### **Official Misconduct**

The Official Misconduct Division (OMD) is the largest division of the Commission. Even so, its officers represent less than 2% of law enforcement personnel operating in Queensland. The OMD investigates allegations of misconduct against members of the QPS and of official misconduct against officers of other units of public administration. It not only investigates complaints made to the CJC but also investigates matters on its own initiative. Some of its other responsibilities include

- investigating the incidence of official misconduct generally in Queensland
- investigating major and organised crime, often in co-operation with other law enforcement agencies in Queensland and across Australia
- continuing the investigative work begun by the Fitzgerald Commission of Inquiry.



*Mark Le Grand: Director,  
Official Misconduct Division*

Complaints requiring detailed investigation are referred to teams in the Complaints Section or, in the case of complex or prolonged investigations, to four larger MDTs that combine the skills of investigators with those of lawyers, financial analysts, intelligence analysts, proceeds of crime specialists and surveillance and technical support personnel.

After completing these investigations, whenever practicable, we respond to those who have complained to us. If we decide to take no further action, we tell them why. If we have taken action, we tell them

- what action we have taken
- why the action was appropriate, given the circumstances of the case
- the result of the action, if we know it at the time we respond.

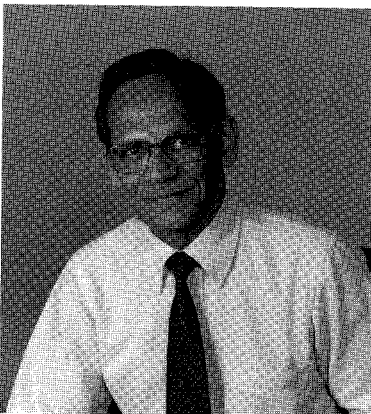
Where appropriate we refer matters to the Director of Prosecutions or another prosecuting authority to determine whether criminal charges are warranted; or to a Misconduct Tribunal or to the appropriate public sector body for disciplinary action.

The four MDTs also investigate organised and major crime. In addition, the Joint Organised Crime Task Force (JOCTF) investigates four areas of organised criminal activity. The CJC's jurisdiction to investigate organised or major crime is limited to cases that cannot appropriately or effectively be investigated by other agencies in Queensland.

### **Research and Co-ordination**

This Division

- conducts research into matters affecting the administration of criminal justice and the enforcement of criminal law in Queensland
- makes recommendations on reforms to laws pertinent to criminal justice and the means by which those laws are enforced
- makes the public aware of its findings
- reviews and monitors the programs and methods of the QPS, including
  - ❖ the implementation of recommendations of the Fitzgerald Commission of Inquiry
  - ❖ community policing and crime prevention
  - ❖ the recruitment and training of police
- co-ordinates, and develops strategies for co-ordinating, the activities of the CJC and other criminal justice agencies in the State.



*Dr Satyanshu Mukherjee:  
Director, Research and  
Co-ordination Division*

## **Intelligence**

This Division provides a specialist criminal intelligence service through an integrated approach to organised and major crime and other criminal activities that exceed the bounds of normal police investigations. It supports the Commission's investigations by

- creating and maintaining a database of intelligence, from lawful sources, on criminal activities and those who participate in them
- ensuring the security and confidentiality of its database and records, restricting access to those persons who can satisfy the Chairperson or the Director of the Division of their legitimate need to gain access.

The Division also

- oversees the performance of the Bureau of Criminal Intelligence Queensland (BCIQ)
- reports to the Minister and the Minister of the Crown responsible for the QPS on matters of criminal intelligence pertinent to the deliberations, policies and projects of the Government.

## **Witness Protection**

People who are assisting the criminal justice system are brought under protection. In the past, crime figures were able to intimidate witnesses and were often beyond the reach of the law. Participants may be

- offered close personal protection
- offered "on call" protection
- relocated or provided with new identities.

## **Corruption Prevention**

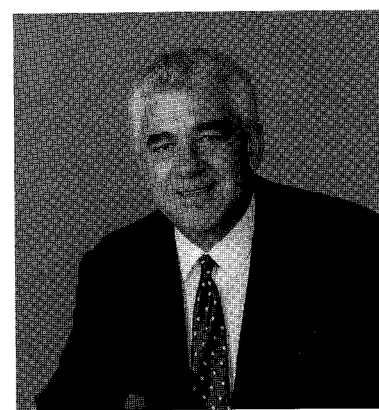
This new Division proactively helps public sector organisations detect and prevent corruption. The Division has been staffed by positions deployed from elsewhere in the CJC, so there has been no increase in overall staff.

The Division

- helps administrators develop risk assessment programs to detect and prevent corruption
- widely promotes the benefits of proactive corruption prevention strategies
- encourages the community to help reduce official corruption and fight organised crime



*Paul Roger: Director,  
Intelligence Division*



*Assistant Commissioner  
Carl Mengler: Director,  
Operations and Witness  
Protection Division*



Robert Hallstone:  
Director, Corruption  
Prevention Division

- fosters the teaching of corruption prevention in secondary and tertiary institutions.

The Division promotes proactive ways to address corruption by

- assisting principal officers to develop strategies to meet their legal obligation to report to us any official misconduct they discover in their organisations
- assisting public sector organisations to improve their management systems' ability to detect and deal with corruption
- helping managers identify which areas under their control are most at risk of being corrupted and then develop ways of reducing these risks
- informing the community about official misconduct and corruption through publications, workshops, seminars, speeches and the media
- establishing liaison programs for ATSI and ethnic communities
- providing whistleblowing advice and counselling.

### **Corporate Services**

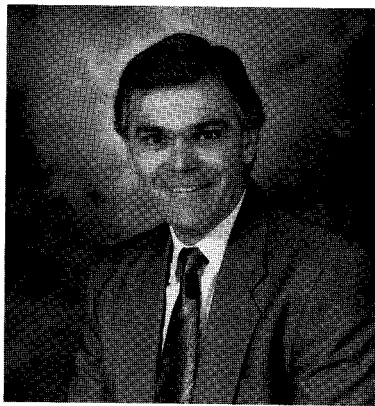
This Division

- develops and implements policies and procedures for providing administrative and logistical support to the CJC's operations
- makes recommendations to meet organisational, staffing and overall budgetary needs.

To ensure that the CJC remains a model organisation in fulfilling its roles, the Division has established procedures for internal accountability to ensure compliance with the *Financial and Administrative Audit Act* and the Public Finance Standards.

### **Misconduct Tribunals**

The Misconduct Tribunals were established by the Act to investigate and determine disciplinary charges of official misconduct and to review decisions (other than a decision of a Court or Misconduct Tribunal) on disciplinary charges of misconduct in respect of police officers, and other persons holding appointments in units of public administration who are made subject to its jurisdiction on a case by case basis by Order-in-Council. The Tribunals work independently from the CJC, with only management oversight from the Office of General Counsel.



Graham Brighton:  
Executive Director

### **Office of General Counsel**

The Office provides legal advice to the CJC on a wide range of issues.

In addition, the Office has, with the Research and Co-Ordination Division, advised on, prepared and co-ordinated CJC submissions on criminal justice and legislative issues.

### **Commissioner for Police Service Reviews**

The Commissioner for Police Service Reviews (the Review Commissioner) hears applications under the *Police Service Administration Act* (the PSA Act) and the *Police Service (Review of Decisions) Regulations* 1990 from police wishing to review decisions on

- promotion
- transfer
- stand down or suspension
- dismissal (other than those arising from a finding of misconduct or official misconduct)
- disciplinary action (other than those arising from a finding of misconduct)
- appointment of an officer as a staff member.

Reviews are kept informal and non-adversarial, and legal representation is not permitted.

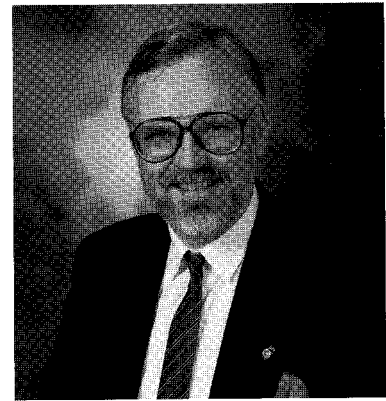
The Review Commissioner can only recommend to the Commissioner of the QPS. If the latter does not accept the recommendation, he or she must provide reasons to the Review Commissioner and the parties involved.

### **The year in more detail**

#### *Streamlining complaints procedures*


Since the CJC was formed in April 1990, we have received over 7000 complaints. By March 1992 we had a backlog of over 800 complaints, despite the best efforts of our Complaints Section. Initially, all complaints had to be investigated. However, amendments to the *Criminal Justice Act* in 1992 allowed us to restructure the process so that we now

- filter complaints through an Initial Assessment Committee, which details preliminary investigations to an Initial Assessment Unit



Marshall Irwin  
General Counsel



- 
- refer back to the QPS for attention all complaints against police that involve breaches of discipline as opposed to actual misconduct
  - refer to the CJP in the Department of Justice and Attorney-General minor complaints against police assessed as suitable for mediation
  - have a system, which we developed with the QPS, to informally resolve minor complaints against police; from 1 July 1993 police officers trained in informal resolution will apply this strategy to complaints.

Both informal resolution and mediation should lead to greater satisfaction of complainants and officers complained about and be far more cost effective than formal investigation.

Initiatives like these will make it easier for us to focus on serious complaints. The new system is also proving to be more efficient. In 1991/92, 45.6% of complaints received were resolved within four weeks but by the end of March this year the figure had improved to 63.4%.

#### *Better ways to fight organised crime*

In December, working with the QPS, we set up the JOCTF, which subsumed our Organised Crime Team. The JOCTF seeks to expose entire criminal enterprises rather than simply pursue individuals. It does this through intelligence gathering and investigations. The JOCTF meets regularly with other crime-fighting agencies to share information and coordinate operations. For example, the JOCTF is participating in a national investigation co-ordinated by the National Crime Authority (NCA). This has already led to the arrest of one of Australia's most wanted men, who allegedly masterminded a massive cannabis cultivation operation, worth tens of millions of dollars, on outback properties.

A new MDT investigates allegations of police involvement in the trafficking, distribution or use of illegal drugs and associated criminal activities.

Our MDTs had many successes this year, some of which are detailed later. For example, we investigated a criminal group that was bringing large quantities of high grade heroin into South-East Queensland. The Commission worked with the Australian Federal Police (AFP) to uncover and arrest the principal targets, who were charged with offences under the *Drugs Misuse Act*. About three quarters of a pound of high grade heroin with a street value of \$1 million was seized.

Financial and Intelligence Analysts are now linked to the new database of the Australian Transaction Reports and Analysis Centre (AUSTRAC), which gives us vital access to reports on transfers of money in and out of the country through the banking system. This will make it easier for us to detect organised criminal activity and make it harder for such enterprises to exploit the economy.

In December, our Intelligence Division completed the backcapture of intelligence data onto our Criminal Intelligence Database (CID). We now have over 12,000 entities on CID.

Charts prepared by Intelligence staff now depict the flow of events during the more complicated investigations. Other charts were developed to show crucial links between crime suspects in particularly complex cases, enabling us to follow their movements during investigation, and providing invaluable evidence if charges are laid.

#### *Confiscating the proceeds of crime*

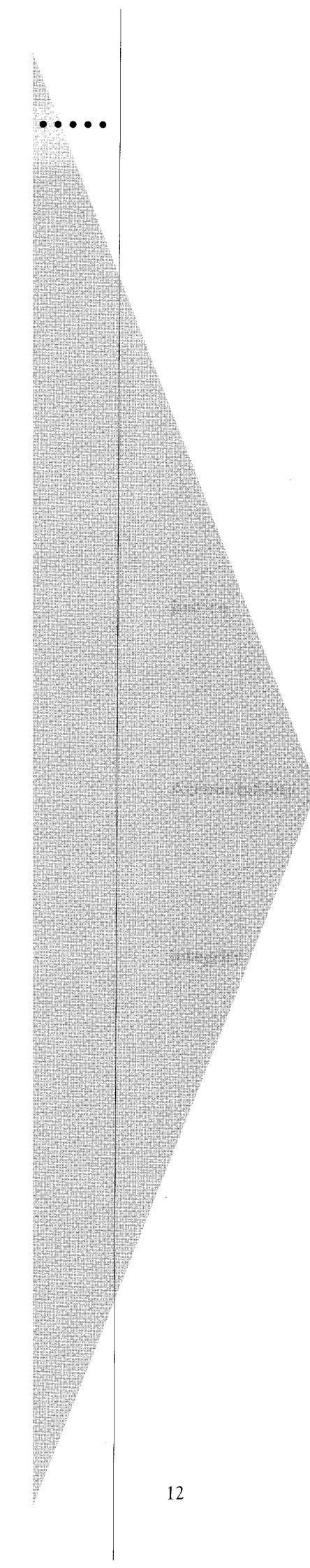
The Proceeds of Crime Team has worked closely with the MDTs and with the Office of the Director of Prosecutions in assets forfeiture cases. In two well publicised matters, the team not only took action to confiscate assets derived from criminal activity investigated by the MDTs, but also obtained financial evidence to support charges resulting from those investigations by using money tracing and other investigative techniques. These cases show the value of the MDT approach.

The first matter was an operation conducted with the QPS into large scale unlawful bookmaking and money laundering. Four persons were convicted of SP bookmaking, of whom two were also convicted of money laundering. A total of \$355,500 (including fines) has been realised and paid into Consolidated Revenue. The money laundering convictions were the first of their kind in Australia.

The second matter related to an investigation into drug trafficking. The principal target's assets, which included a residential property and a luxury sailing vessel, were auctioned following his conviction. A total of \$288,000 was realised.

#### *Reform of the Queensland Police Service*

In recommending reform of the QPS, Mr Fitzgerald QC suggested that policing must again become a neighbourhood affair, in which residents come to know their police, and police and their families actually live in the communities that they serve. In May, the Minister for Police and Emergency Services, the Honourable Paul Braddy MLA launched the Toowoomba Beat Area Pilot Project, which was



developed by the CJC and actively supported by the QPS. Speaking at the launch, Mr Robin O'Regan QC, Chairman of the CJC, said:

If crime is to be reduced – and the public reassured – then we must, as a community, move away from the notion that the police working alone are an 'organised force' raised in our defence, and instead begin to recognise that the police and the community must work together.

For the two years of the project, two police officers will work from an office attached to their residence in the beat area and patrol on foot or by bicycle. The police will use problem solving strategies to identify and resolve matters that crop up in their beat. They will also work with the community to stem the growth and the fear of crime.

#### *Research into Police Powers*

In his report, Mr Fitzgerald QC recommended a comprehensive review of police powers in Queensland. After two years of research into police powers in Australia and overseas, as well as extensive public hearings, consultations, and interviews, our Research and Co-ordination Division issued the first two volumes of a report. This is the first time all the powers of the QPS have been studied in one document. In the first volume we concluded that it would be too hard to deal with all powers under one piece of legislation and therefore proposed only a partial consolidation of police powers. In the second volume, we recommended changes to and clarification of the laws on entry, search and seizure. We assumed, in any case, that

- police powers should only be increased where the need could be demonstrated
- increased accountability must come with any increase in powers.

#### **Matters of concern**

The work of the CJC is being seriously hampered by some aspects of the *Criminal Justice Act* 1989. Although the Commission has been requesting amendments to the Act since 1990, relatively few changes have been made, most of which have been only technical or mechanical. As a result we are not able to act as effectively as we wish to do.

The PCJC has endorsed and supported most of our requests for amendments and in August last year said: 'experience has made it clear that the [Act] was inadequately drafted' and that delay in effecting the amendments will only 'cause further problems'. The amendments include many non-controversial matters such as

- making it an offence for a person to make a false allegation, causing a Commission investigation
- authorising the legally qualified Commissioner to preside at OMD hearings in his or her own right
- authorising former judges and other eminent members of the legal profession to preside at these hearings without having to make them Officers of the Commission
- making it an offence for former Commission officers and former members of the PCJC to release information which came into their possession in their former capacity
- constituting the Misconduct Tribunals under their own separate legislation and associated procedural amendments.
- clarifying the definition of “unit of public administration” in the Act – a definition which creates quite unnecessary uncertainty about the scope of the Commission’s jurisdiction.

We understand that the Act is being reviewed by an interdepartmental working party established by the Office of the Cabinet. The Commission is not, however, represented on this working party.

The Commission has stressed the urgency of these and other proposed amendments at every opportunity.

### **Continuing activities**


For the next financial year, we have established the following priorities.

#### *Operations*

- Continuing our MDTs’ proactive investigation of organised and major crime
- Developing more sophisticated investigative techniques, particularly computer based techniques
- Continuing the JOCTF’s investigation of the extent of organised criminal activity in Queensland

#### *Complaints*

- Continuing to concentrate our resources on more serious allegations of misconduct and official misconduct
- Making further inroads into our backlog of complaints, and further reducing the time taken to finalise complaints

- 
- Ensuring that informal resolution procedures are being used impartially, appropriately, and to the satisfaction of complainants

#### *Intelligence*

- Continuing to provide timely and accurate intelligence in respect of the Commission's operations and JOCTF investigations
- Continuing to proactively identify areas of organised crime for further attention by the Commission and, if appropriate, advice to the Government

#### *Legal Advice*

Continuing to provide advice on legal, policy and strategic issues to the Commission, its organisational units, the Chairman and, where necessary, other agencies

#### *Witness Protection*

- Working toward the establishment of a national witness protection scheme, which can only be achieved by the agreement of all States and Territories
- Assessing state-of-the-art technology to support witness protection communications
- Developing effective relationships with witnesses and law enforcement agencies to provide an enhanced witness protection service

#### *Human Resources*

Developing and implementing a training and professional development strategy

#### *Financial Management*

Refining our cash management program for improved budget formulation, monitoring and review

#### *Computing Resources*

- Refining our computer network to ensure optimum performance and reliability
- Developing and enhancing support applications for all Divisions
- Upgrading equipment and general software to increase availability and achieve a standard working environment

#### *Freedom of Information*

Continuing to process applications received in compliance with the legislation, with due regard to the public interest

## **New initiatives**

### *Corruption Prevention*

- Advising client organisations on corruption risk assessment procedures
- Carrying out management systems analyses and making procedural recommendations to units of public administration to help them reduce opportunities for corruption by maintaining the integrity and accountability of management
- Performing compliance audits to ensure that management shortfalls are rectified and corruption prevention strategies implemented
- Preparing resource material on corruption prevention management, which will include a corruption prevention manual for public sector administrators
- Presenting corruption prevention sessions in public sector management training programs
- Developing curricula and educational material dealing with corruption prevention
- Organising conferences and workshops
- Providing information that will assist the community to make complaints on official misconduct to us (published in English and other languages)
- Working with ATSI communities and with non-English speaking ethnic groups on public sector corruption and organised crime issues

### *Research*

Completing and publishing the following:

- a report on cannabis, with specific policy and legislative recommendations
- a report on the implementation of Fitzgerald reform recommendations by the QPS
- the final two volumes of the report on police powers
- a report on the funding of criminal justice agencies
- a study of homicide in Queensland
- an analysis of the 1991 Queensland Crime Victims Survey



**Other parts of this report**

The body of the report focuses on our performance by program and sub-program and reports in greater depth on what we have done.

Additional information, such as Financial Statements, can be found in the appendices.

# Public Administration Integrity Program

## ➤ Program Description

This program's purpose is to ensure that the Queensland public sector is free of corruption, accountable and that it acts with integrity.

### Sub-programs:

- Misconduct/Official Misconduct
- Procedures and Accountability
- Education and Training
- Investigative and Socio-legal Research

### Divisions responsible:

- Official Misconduct
- Corruption Prevention
- Misconduct Tribunals

## ➤ Program Goal

The goal is to ensure the integrity of public administration in Queensland.

## ➤ Achievements

Restructuring in the previous financial year has made it possible for our Complaints Section to significantly improve its performance. Before restructuring in March 1992, the CJC held over 800 incomplete investigations, all requiring attention. Now fewer than 400 matters are on hand.

By filtering complaints, the Initial Assessment Committee has been primarily responsible for the significant reduction in the time taken to finalise complaints. The average time was 73 calendar days, with over 80% finalised within 12 weeks of reception. At the end of 1992/93 approximately 63% were finalised within four weeks. This, together with the fact that the Section has continued to reduce the backlog of complaints investigations, indicates further enhanced efficiency. Practically all current matters requiring investigation within the Complaints Teams are being actively pursued.

The Complaints Section continued to refer some minor complaints to the CJP in the Department of Justice and Attorney-General for mediation. The Commission and the CJP initiated a six month pilot program in February 1992 in which complaints made by citizens against police officers, and assessed by the CJC or the Professional Standards Unit (PSU) of the QPS as suitable for mediation, were referred to the Director of the CJP.

The CJP subsequently reported that the pilot program is a cost effective way of dealing with complaints to the satisfaction of complainants. Since the report the CJP has agreed to continue to accept referrals of complaints against police for mediation, and the Commissioner of the QPS has agreed to pay for these services. Further details on mediation appear in Appendix 1.

The Complaints Section also took the initiative to implement a system for informally resolving minor complaints, a system used extensively in the United Kingdom. The CJC and the QPS brought former Superintendent Dennis Meadus to Australia to implement the training program. Mr Meadus, formerly officer in charge of the Complaints Division of the Royal Hampshire Constabulary in England, has extensive experience in informal resolution and training. From 1 July 1993 senior police officers trained in the use of informal resolution will attempt to use those techniques to deal with minor complaints in a manner acceptable to complainants. More details are contained in Appendix 2.

The CJC believes that these options make the police complaint system in Queensland the most innovative and flexible in Australia while maintaining an appropriate degree of civilian overview. The CJC is confident that these options will

- be much faster than formal investigation
- lead to greater satisfaction on the part of both complainants and officers complained about
- be far more cost effective than formal investigation.

The CJC will carefully monitor these procedures to ensure they are being properly used.

During the year the OMD conducted two large public inquiries into alleged official misconduct.

On 9 October 1992 the CJC resolved to investigate allegations referred from the Special Prosecutor's Office about the jury selection process in the trial of Sir Johannes Bjelke-Petersen. The CJC engaged a former Supreme Court Judge, the Honourable W J Carter QC, to supervise the inquiry. Mr Russell Hanson QC was briefed to assist Mr Carter. Public hearings into this matter began on 4 May 1993 and about 30 witnesses were examined under oath.

The second inquiry relates to allegations made by Lorrelle Anne Saunders concerning the



## Public Administration Integrity Program

circumstances surrounding her being charged with criminal offences in 1982. After the PCJC recommended that the Commission investigate the matter, the CJC engaged a former Supreme Court Judge, the Honourable R H Matthews QC to supervise the inquiry assisted by Mr CEK Hampson QC. The inquiry is continuing.

In November 1992 the CJC published a report based on an investigation conducted by one of our MDTs into allegations that members of the QPS had unfairly investigated the alleged involvement of an Aborigine, Kelvin Ronald Condren, in the murder of a woman in Mount Isa.

This report made recommendations which the CJC considers could make the criminal justice system more responsive to the needs of the vulnerable, the weak and the disadvantaged in the community. The QPS has already implemented one of those recommendations: an independent observer should be present to ensure that Aborigines or Torres Strait Islanders understand the process when they are being questioned by police.

### Misconduct / Official Misconduct Sub-Program

#### ➤ Performance

In this sub-program, the OMD's Complaints Section receives, assesses and investigates complaints of misconduct by police and official misconduct by other public officers. The Assessment Unit deals with those complaints that require preliminary investigation before a proper assessment can be made. One reason for establishing the Unit was to enable the three Complaints Teams to focus on more substantial and/or serious complaints investigations and reduce the number of investigations from an unmanageable peak of 120 to about 40 per team. This goal has been achieved and surpassed. The average number of investigations being handled by each Complaints Team at any time in 1992/93 was 35. We believe that the Complaints Teams can efficiently and effectively manage this number of matters. This improved efficiency has enabled us to commit further resources to investigate major and organised crime.

One initiative of the Complaints Section has been to recommend that Crown Prosecutors from the Office of the Director of Prosecutions prosecute all charges against police officers, both matters heard

summarily and on indictment. The Complaints Section became aware that some police officers were reluctant to institute proceedings against other police officers or to conduct those proceedings in an unbiased and professional fashion. This has, on occasions, led to a total re-investigation by the QPS of a complaint, seemingly to undermine a brief of evidence, even after the Director of Prosecutions had determined that criminal charges were warranted. The Director of Prosecutions, the Commissioner of Police and the Chairperson of the CJC adopted the Complaint Section's recommendation thus ensuring the impartial prosecution of police officers charged with criminal offences.

The Complaints Section's Review Unit, which reviews investigations carried out by the QPS into minor complaints, reviewed over 300 investigations during the year. Staffed by a senior legal officer and a support officer and supervised by a Deputy Chief Officer of the Section, the Unit ensures that civilian oversight is provided for all complaints of police misconduct not directly investigated by the CJC.



*Police Officers Ivan Clark and Kevin Hedges undertaking an inventory of goods seized during an investigation of allegations of police involvement in criminal activities*

The Division's four MDTs continue to investigate more complex complaints matters as well as organised or major crime. Some examples of allegations against public officers being investigated include that:

- an employee of a Government department had received bribes from a tenderer in return for

contracts to supply several million dollars worth of goods

- Queensland drivers' licences were issued on the basis of fraudulent interstate licences with the co-operation of Government officers
- preferential treatment of contractors by a local government authority resulted in benefits to councillors and officers
- senior staff (past and present) of a tertiary institution had misappropriated the institution's property and received secret commissions (see Appendix 3).

Another complex investigation commenced after the CJC was advised of alleged police involvement in property and drug offences in South-East Queensland. After preliminary CJC enquiries, the Commissioner of Police was advised of the nature and extent of the allegations. He gave his full support to the operation by deploying personnel to a special team headed by the CJC's Director of Operations. The investigation is expected to continue for some time.

One of the important checks by the PCJC on our actions and decisions is to request reports on various investigations and complaints matters. We received 126 such requests during 1992/93. Within its many competing priorities, the OMD attempts to satisfy such queries as soon as is practicable.

We continue to make frequent use of our compulsory powers including the power to summon witnesses to give evidence in our investigations. The number of days on which hearings were conducted was nearly three times higher than in the previous financial year. Statistics on the issuing of notices and summonses are contained in Table 1.

### Misconduct Tribunals

The Commission has always recognised and respected the independence of the Misconduct Tribunals.

The Tribunals have original jurisdiction to investigate and determine disciplinary charges of official misconduct against a 'prescribed person' and appellate jurisdiction to review a decision (other than that of a Court or Misconduct Tribunal) made in respect of disciplinary charges of misconduct against a "prescribed person". The disciplinary

**Table 1**

**Statistics Relating To The CJC's Use of Its Powers Pursuant to Section 3.1 and 3.6 of The Criminal Justice Act 1989**

**Notices to Produce Documents**

Year	Number Issued
1990	105
1991	362
1992	384
1993 January - June	168

**Notices to Discover/Furnish Information**

Year	Number Issued
1990	0
1991	54
1992	13
1993 January - June	8

**Summons to Give Evidence (and Produce Documents)**

Year	Number Issued
1990	85
1991	481
1992	208
1993 January - June	264

*These figures include all summonses that were approved by the Chairperson or his delegate*

## Public Administration Integrity Program

charges of official misconduct result from investigations carried out by the OMD.

The Act prescribes only police as subject to the Tribunals. Other persons who hold appointments in a unit of public administration may be so declared by Order-in-Council. This is done on a case by case basis.

In 1992/93 the Tribunals heard four matters in the original jurisdiction and four appeals. Two of the original jurisdiction matters were the result of Orders-in-Council. One is subject to appeal to the Supreme Court.

There are presently nine lawyers on the panel of part-time members of the Tribunal (see Appendix 4). Mr Boccabella resigned on 16 December 1992 upon his appointment to the Sugar Industry Tribunal.

The future of the Tribunals is uncertain. In December 1991 the PCJC recommended changes

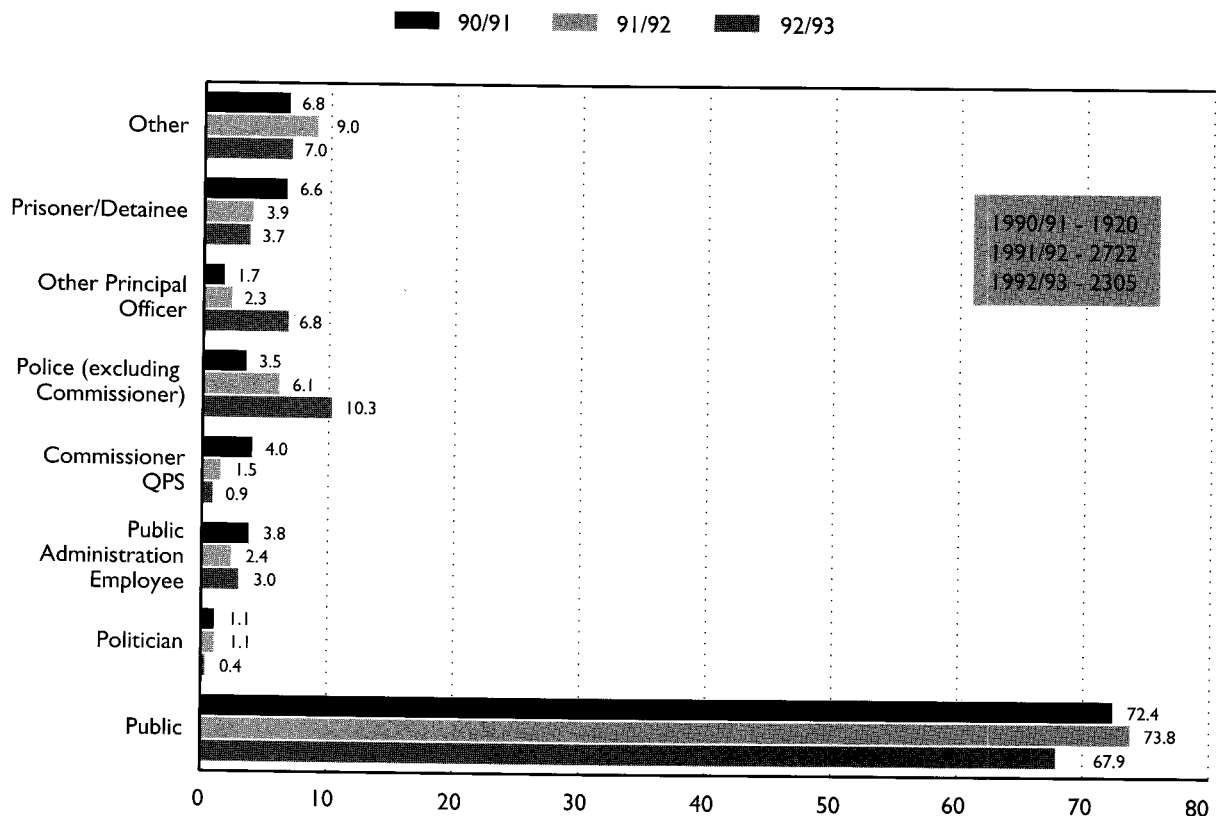
including that the Tribunals be constituted under separate legislation which would establish them as a discrete body apart from the Commission. This was in accordance with the Commission's view. The PCJC also recommended that the Tribunals be administratively accountable to the Department of Justice, which has since been integrated with the Attorney-General's Department.

### Status of recommended legislative amendments

At the request of the PCJC, in July 1992 the Commission made a submission to the PCJC on the future structure and operation of the Tribunal which, with one exception, was endorsed during that month in a report to the PCJC. The report proposed a model for the Tribunal. The PCJC said:

In light of the difficulties being experienced with the current Misconduct Tribunals, the

**Graph 1**  
**Complaints By Category**



changes proposed by the Committee in this report and in its major review report of 3 December 1991 need to be acted on as a matter of urgency.

In the Committee's final report on 25 August 1992, it again said that these recommendations needed urgent attention to overcome present problems and avoid future difficulties with the Tribunal.

These recommendations remain under consideration by the interdepartmental committee established by the Attorney-General. It is expected to report in December 1993.

## ➤ Performance Assessment

### Complaints

Our success in this sub-program in ensuring that suspected official misconduct is reported to us is illustrated by comparing the percentage of complaints forwarded by principal officers of Government departments and other units of public administration over the last three financial years. That figure has grown from 2.3% in 1991/92 to 6.8% this year (see Graph 1).

The increase is attributable, at least in part, to initiatives such as

- encouraging and assisting Government departments to implement effective internal reporting procedures
- encouraging principal officers to appoint senior officers to liaise with our Complaints Section on complaints reported by principal officers.

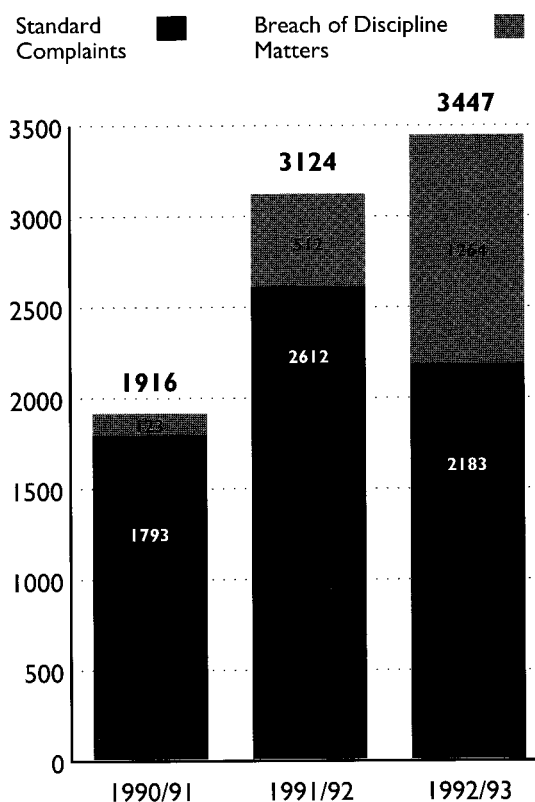
Special reference should also be made to the reporting of complaints against police. An increasing percentage of those complaints are made by other police officers. That figure has grown from 3.5% in 1990/91 to 6.1% in 1991/92 to 10.3% in 1992/93. This is a positive sign that, as a result of the activities of the CJC, and the clear message from senior management of the QPS, a growing number of police officers are prepared to report unacceptable conduct by other police.

The number of complaints from prisoners remained low. As most of these complaints allege misconduct on the part of police officers, a low figure is another positive sign that police are acting more appropriately. The percentage of complaints in this category has fallen from 6.6% in 1990/91 to 3.7% this year.

The number of anonymous complaints has remained at around 6-7% of all complaints received. It is difficult for us to substantiate anonymous complaints, and we are unlikely to investigate them unless some supporting evidence exists. Our Complaints Section exercises great care in determining whether an anonymous complaint is worthy of investigation. Furthermore, as a result of the *Criminal Justice Amendment Act 1992*, the Complaints Section must not investigate a complaint from an anonymous source which, in the opinion of the Section's Chief Officer, lacks substance or credibility.

**Graph 2**

### Complaints Received



In 1990/91, the distinction was not always made between complaints of misconduct and breaches of discipline when initially received by the Commission. Either could have been investigated by Commission Officers or referred to the QPS for investigation, and then referred back to the Commission for review. Since the restructuring of the Complaints Section in May 1992, breach of discipline matters, after being assessed by the Complaints Section to ensure they involve no misconduct, have been referred to the QPS for investigation and determination.

The Complaints Section's improved performance is illustrated by the following statistics (see Graphs 2 and 3):

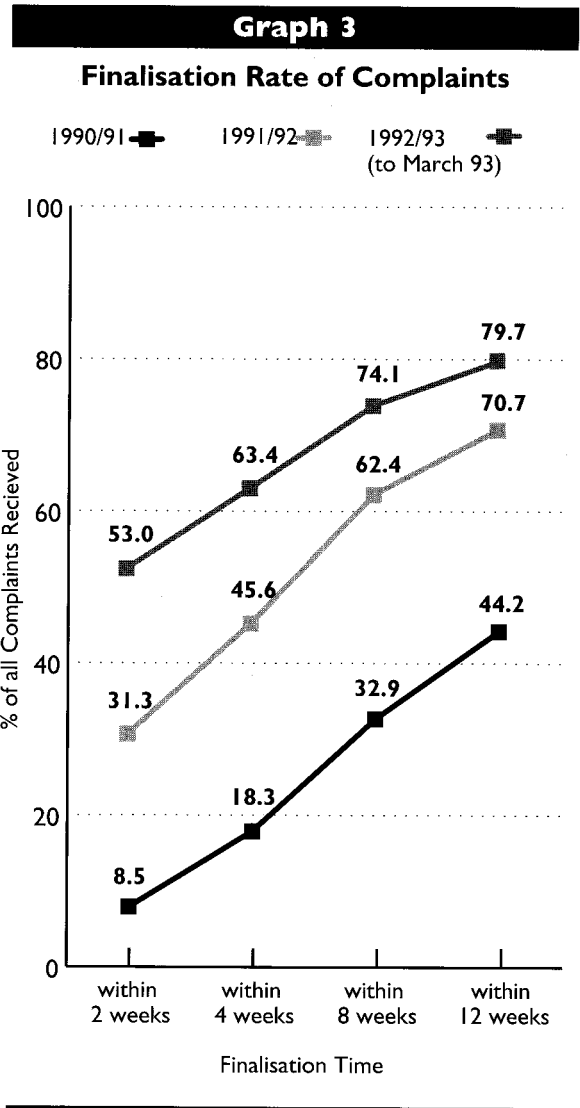
## Public Administration Integrity Program

- 2,183 complaints were registered; a further 1,264 matters were assessed as involving breaches of discipline by police officers and referred to the QPS for action.
  - 2,277 complaints were finalised. Although this is a decrease on the number of matters finalised during 1991/92, this is mainly due to the fact that from May 1992 we no longer include in those figures matters involving breaches of discipline only.
  - The number of complaints on hand fell from 498 at the end of 1991/92 to 374 at the end of 1992/93. This is the lowest number we have had since the end of May 1990 (the first full month of the CJC's operation).
  - 147 criminal charges were recommended against 86 persons, an increase of 390% on the number of charges in 1991/92.
  - 297 disciplinary charges were recommended against 173 persons, an increase of 46.3% on the number of charges in 1991/92.
  - In a further 25 cases we recommended that police officers receive operational guidance.
  - The average time taken to finalise complaints matters fell from 94 days in 1991/92 to 73 days.
- The effect of streamlining procedures in the Complaints Section is highlighted in Graph 3, which shows a comparison by year of the rate of finalisation of complaints.

Approximately 15% of the complaints were referred to the QPS because they involved allegations of minor misconduct.

We have no jurisdiction to investigate breaches of discipline in the QPS if no misconduct is alleged. However, allegations are still reported to us so that we can ensure they involve a breach of discipline only. During the year 1264 matters were assessed as involving breaches of discipline.

Graph 4 provides a comparison by year of subjects of allegations. Police officers continue to be the subjects of allegations in approximately 75% of cases. Allegations against officers of public service departments accounted for 12.2% of all allegations received in 1992/93, having risen from 6.1% in 1990/91.

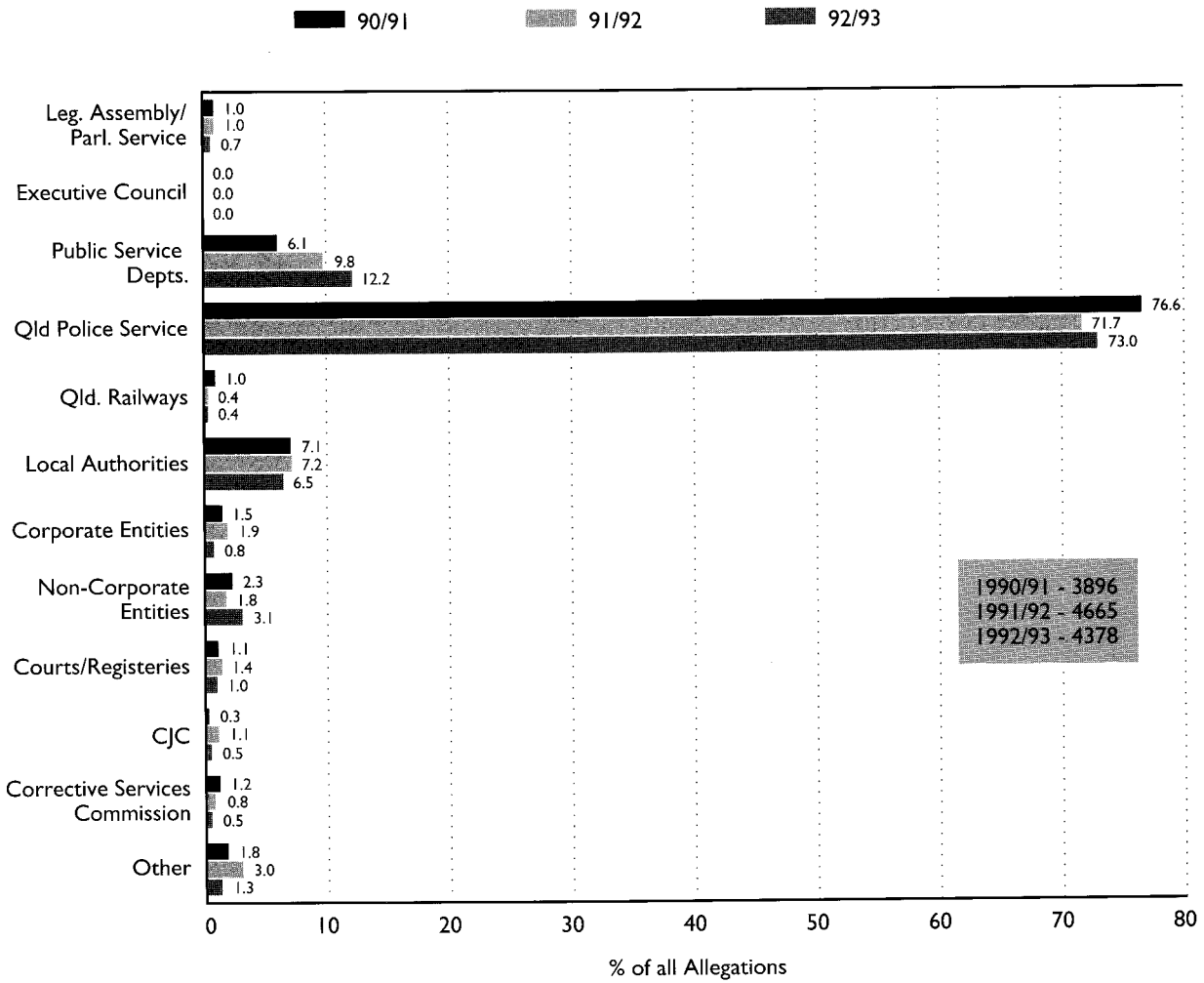


This increase is explained, in part, by two factors:

- our success in ensuring that departments report suspected official misconduct
- growing knowledge in the community that the CJC investigates such misconduct and not only police misconduct.

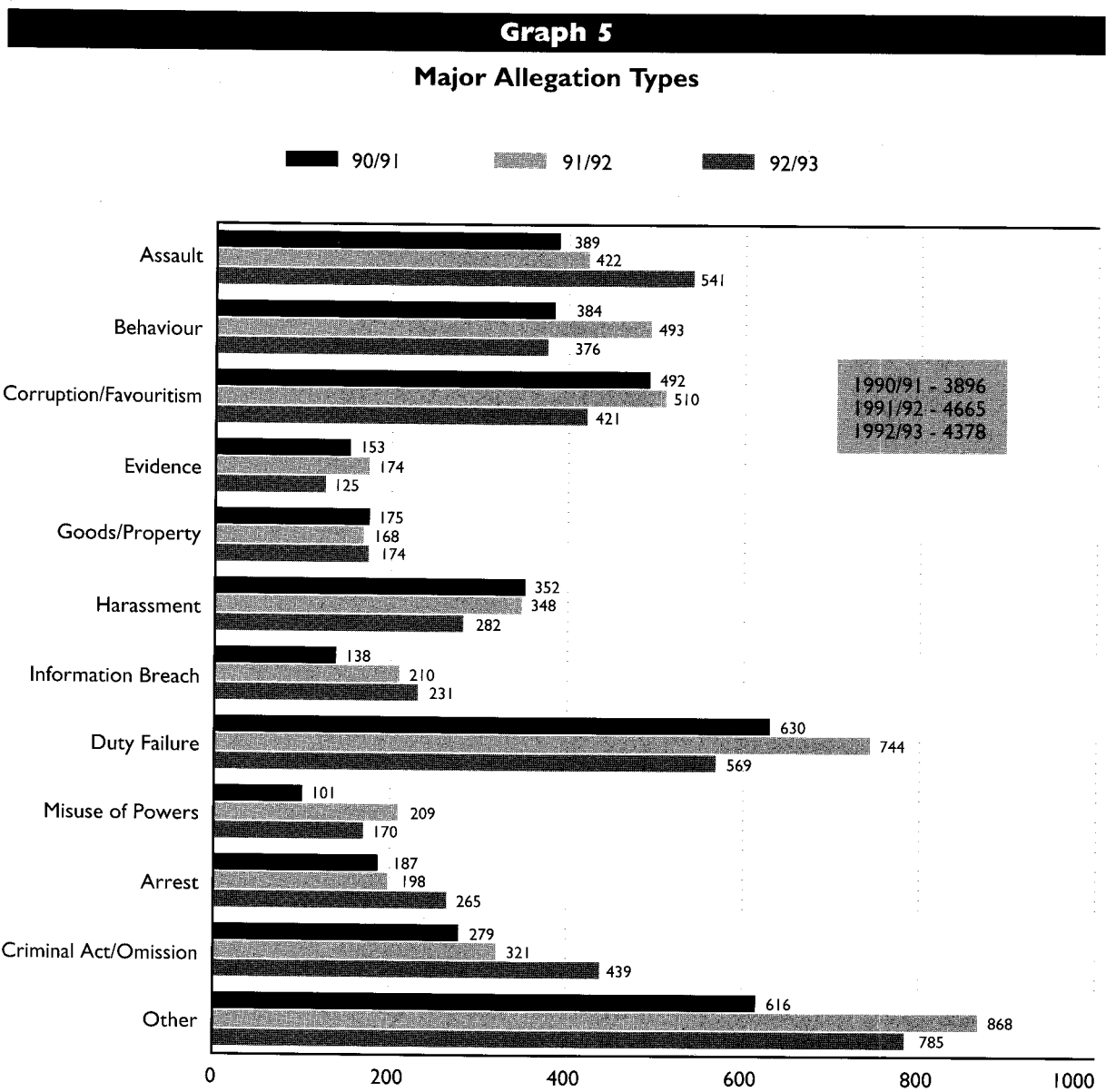
### Graph 4

### Subjects of Allegations



# Public Administration Integrity Program

Graph 5 provides a comparison by year of types of allegations received. Allegations of assault accounted for 12.4% of all allegations received in 1992/93, compared with 9.0% in 1991/92.



### **Official misconduct liaison**

In 1992/93 we achieved most of our objectives. We consulted with chief executives of the 20 units of public administration, and their boards of management, about the obligation of principal officers to report suspect behaviour to us, and their options for developing corruption prevention strategies.

### **Aboriginal and Torres Strait Islander liaison**

Since the program has only just begun, it is too early to assess its performance.

### **Intelligence support**

The Intelligence Division assists the Complaints Section where appropriate, in the searching of databases to provide investigators with additional information. During the year the Division responded to almost 500 requests for information from the Complaints Section.

Intelligence staff also provide ongoing analytical support to OMD in tactical operations involving alleged misconduct by police. Previously, this support had been provided by intelligence staff as available. However from January 1993 a senior analyst has been specifically assigned to the special team investigating police involvement in property and drug offences in South-East Queensland. This analyst assists investigators by producing regular assessments, reports and charting relative to the progress of operations.

### ➤ **Future Outlook**

The OMD will continue to concentrate its investigative resources on more serious allegations of misconduct against police or official misconduct against other public officers. The Complaints Section expects to make further inroads into its backlog of complaints and to further reduce the time taken to finalise complaints.

The Complaints Section will carefully monitor the use of informal resolution to ensure that it is being used impartially and that it is not used as a soft option for dealing with serious complaints. The Complaints Section also intends to monitor the degree of satisfaction of complainants whose complaints have been referred for informal resolution.

As of 30 June the MDTs were investigating several complex matters involving official misconduct.

These investigations will be finished in 1993/94 and include

- investigations into alleged corruption on the part of police
- investigations of corruption within local government authorities
- investigations of other public sector official misconduct
- the inquiry into the jury selection for the trial of Sir Johannes Bjelke-Petersen
- the inquiry into allegations made by Lorrelle Anne Saunders concerning the circumstances surrounding her being charged with criminal offences in 1982 and related matters.

In 1993/94 the Corruption Prevention Division will continue to liaise with public sector managers and encourage the implementation of corruption risk assessment and corruption prevention strategies.

The ATSI Liaison Officer will continue to work with ATSI communities and, by June 1994, develop material specific to ATSI communities on how to make a complaint on official misconduct to the CJC. He will make a number of field trips to remote ATSI councils and communities.

The future of the Misconduct Tribunals in their present form is uncertain. The PCJC recommended changes including that they be constituted under separate legislation as a discrete operational body apart from the CJC. An inter-departmental committee has been considering various options.

The Intelligence Division will continue to provide support in serious complaints investigations as appropriate.

## **Procedures and Accountability Sub-program**

### ➤ **Performance**

An investigation within the OMD may result in us making procedural recommendations to the Commissioner of the QPS or the principal officer of a unit of public administration that administrative changes be implemented to obviate systemic problems which have led to recurrent complaints.

We generally consider the implementation of such recommendations as being a more beneficial result in the long term than any individual prosecution.



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## Public Administration Integrity Program

Recommendations we made to principal officers other than the Commissioner of Police covered a wide range of matters. For example, we recommended

- that the Department of Education review its system for regulating and monitoring overtime
- that the Electoral Commission improve security standards
- that Queensland Rail procedures governing the payment of travelling allowances be reviewed.

Recommendations we made to the Commissioner of Police also dealt with a variety of issues. For example, we recommended

- that the General Instructions of the QPS be amended to clearly inform officers of the need to distinguish between drunkenness and certain diseases or conditions (such as hypoglycaemia) with symptoms similar to drunkenness
- that officers seeking to obtain search warrants from Justices of the Peace be required to inform the Justices of the results of any previous searches of the same residence to reduce the likelihood of repeated unsuccessful searches of private residences.

Further details on recommendations to principal officers and the Commissioner of Police appear in Appendix 5.

### Management liaison

The Corruption Prevention Division works with principal officers of public sector organisations and their boards of management to develop appropriate guidelines, instructions and corruption prevention strategies to encourage greater accountability.

Management liaison and systems analysis will be carried out by a Principal Corruption Prevention Officer, Management Systems to be appointed in July 1993 to help develop corruption risk assessment techniques for organisations where investigations by the CJC have revealed serious systemic or management shortfalls.

### Aboriginal and Torres Strait Islander liaison

As a sub-program of the Public Education Program, the ATSI Liaison Program is to 'offer advice and assistance to ATSI Councils and organisations through liaison, training and education regarding the role and function of the CJC and the detection and prevention and reporting of official

misconduct.' Thus, the ATSI Liaison Officer, appointed in June,

- assists ATSI Council administrators to develop effective corruption prevention management programs
- encourages ATSI communities to act in partnership with the Commission to reduce official misconduct.

### ➤ Performance Assessment

The OMD has made procedural recommendations in relation to 38 complaints investigations during the year. Of those, 25 were made to the Commissioner of Police and the remainder were made to principal officers of State Government Departments and other units of public administration, including local government authorities, indicating that the CJC is providing this service across the public sector.

The Corruption Prevention Division set as its target to liaise with principal officers of 19 units of public administration during 1992/93. This target was exceeded.

### ➤ Future Outlook

The OMD will continue to make procedural recommendations to the QPS and units of public administration to ensure that the integrity and accountability of public administration is not threatened.

The Corruption Prevention Division will perform compliance audits to provide advice on how these recommendations should be implemented. Staff will prepare policy papers and guidelines on corruption prevention management. We expect that these measures will assist in the reduction of corruption in the public sector.

## Education and Training Sub-program

### ➤ Performance

#### Public sector corruption prevention training

Staff of the Corruption Prevention Division have

- conducted conferences and workshops on criminal justice issues
- produced resources that can be used in induction and management training

- presented papers at conferences of professional bodies and community based organisations.

These functions will be assumed next year by a Corruption Prevention Officer, Education and Communications to be appointed in September 1993.

### **Public sector liaison**

To date, the Corruption Prevention Division's liaison activities have primarily involved management liaison and training. The program is built on the premise that corruption prevention must be proactive and the responsibility of managers.

We have consulted with principal officers and held corruption prevention workshops for them and their boards of management at head offices and in regional centres. The training emphasises behaviour modification rather than the investigative, accounting or audit model.

Corruption prevention workshops have offered training on

- the statutory obligation of principal officers to report suspected official misconduct to us
- proactive corruption prevention strategies that can be adopted to reduce the incidence of official misconduct.

### **Public education**

We gave lectures to professional and community based organisations on official misconduct and the role and function of the CJC. We also have held workshops for school principals to address the specific role of teachers in official misconduct issues. We gave lectures at universities, TAFEs and high schools, and particularly to undergraduate courses designed for police recruits.

To publicise how official misconduct in the public sector is to be reported to us, we publish and distribute information to government departments and local government authorities.

Complaints Section staff comprising Lawyers, Complaints Officers and Commissioned Police Officers have frequently attended meetings of police officers of all ranks. Such forums foster co-operation and provide the opportunity for informative discussion about the CJC generally and the complaints process in particular.

As mentioned earlier, the OMD, in co-operation with the QPS, brought former Superintendent Meadus to Australia to develop and present a training program on informal resolution techniques to commissioned officers and lower ranking officers of the QPS. Officers of the Division were closely involved in the development of the training program and in the preparation of guidelines and procedures.

### ➤ **Performance Assessment**

Since the inception of the program in August 1991, 58 units of public administration have taken part in corruption prevention workshops.

Seminars attended or addressed by CJC officers have been well received by the QPS, tertiary institutions and other law enforcement agencies. For example, we were invited to lecture at the Queensland Police Academy 12 times during 1992/93.

OMD staff were also invited to address organisations such as the AUSTRAC, the NCA and the Queensland Office of Financial Supervision on investigation strategies. Toward the end of the year, our Principal Financial Analyst attended the International Law Enforcement Conference on Computer Evidence in Virginia, USA.

The fact that the CJC is invited to such agencies indicates that we have earned respect for the quality of our law enforcement activities.

In 1992/93 Corruption Prevention Division staff

- liaised with, and presented papers to, public and private sector auditing and accounting professional bodies
- contacted all public sector training units to seek opportunities for adding corruption prevention units to training courses and relevant university courses
- provided guest lectures for Accounting, Business, Human Resources and Justice departments of the major Queensland universities
- developed a training manual and lesson guides for teaching corruption prevention.

### ➤ **Future Outlook**

In 1993/94 the Corruption Prevention Division will

- continue to develop curricula dealing with corruption prevention
- increase the number of lectures to students at universities and TAFE colleges

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## Public Administration Integrity Program

- produce documents that help client groups detect and prevent corruption, including a corruption prevention manual for public sector administrators
- promote and present corruption prevention sessions in public sector management training programs
- develop a co-ordinated public education program
- provide a public sector management systems risk assessment consultancy and carry out management systems audits
- organise major conferences, in Brisbane and the major regional centres, on criminal justice issues
- develop an ethnic liaison program to communicate our role and functions to those members of the community whose first language is not English, and to work closely with the Ethnic Communities Council
- continue to work with ATSI communities to develop an ATSI Educational and Communications Advisory Committee by October 1993
- establish a quality management advisory committee to assist the Commission in its work.

Commission staff will continue to present lectures and seminars to police groups, including recruits.

### Investigative and Socio-legal Research Sub-program

#### ➤ Performance

An MDT developed a database to analyse a vast quantity of records obtained from various sources during an investigation into alleged organised and unlawful dumping of waste. The system can be manipulated to highlight discrepancies and inconsistencies among those records evidencing possible criminal conduct, which can then be subjected to investigation.

The OMD's Financial Analysis Group has developed and refined a computer-based ledger analysis system for the analysis of bank statements and related information. Other agencies have expressed interest in the program and have been provided with copies.

The Intelligence Division supported the OMD in an investigation into misconduct by developing and

utilising analytical techniques which have included the preparation of analytical charts depicting the flow of events during the investigation and additional charts which graphically depict the association between entities under investigation.

#### ➤ Future Outlook

The Commission will continue to use the best available techniques and methods to ensure the most efficient use of its resources. The use of various analytical charts and software will be of benefit in preparing evidential briefs and subsequently presenting evidence.

# Criminal Justice Effectiveness Program

## ➤ Program Description

This program aims to improve the effectiveness of the criminal justice system.

### Sub-programs:

- Criminal Justice Research
- Criminal Justice Administration Processes
- Criminal Justice Reform

### Division Responsible:

- Research and Co-ordination

## ➤ Program Goal

The goal is to promote a fair and effective criminal justice system.

## ➤ Achievements

- Release of two volumes of the Police Powers Report
- On-going research in a range of areas, including illicit drugs, policing practices, and reform of the QPS
- Participation in the Inter-Agency Forum on Law Reform, a committee reviewing the use of police prosecution functions and committals

## Criminal Justice Research Sub-program

### ➤ Performance

Under this sub-program, our Research and Co-ordination Division conducts research and reports on matters of interest in the general area of criminal justice. In 1992/93 the Division released the first two volumes of its report on police powers. It also engaged in on-going research on a number of other projects.

### Police powers

In 1989 Fitzgerald QC recommended a comprehensive review of police powers in Queensland. The Commission commenced work on this matter in 1990. The review has involved several distinct research strategies:

- a review of the literature on police powers in Australia and other common law countries
- an examination of current laws and their operation in other jurisdictions in Australia and in

the United Kingdom, Canada and other countries

- the development and publication of an issues paper
- the review and analysis of more than 100 submissions received from individuals and interest groups in response to that paper
- a public hearing into the issue of police powers
- a review of legislation administered by departments other than the QPS which affects police powers
- a collection and review of anecdotal evidence provided by police officers throughout Queensland of particular cases where they claim their investigation of offences has been hampered by a lack of police powers
- numerous meetings and seminars involving police officers, lawyers, academics, social workers and researchers
- interviews with persons who have been charged with criminal offences.

In 1992/93 the Commission released two volumes of the report arising out of this review. We expect to release the remaining volumes in 1993/94.

The first volume is an introduction to the complex subject of police powers. It sets out the review process undertaken by the CJC and describes similar reviews by committees and commissions in other jurisdictions. This volume discusses the nature of police powers and their relationship to police effectiveness, and clarifies various concepts and definitions that frequently arise in discussing police powers. It also includes a comprehensive list of the powers that are currently conferred upon police officers by various Acts of Parliament. This is the first time that an overview of all of the powers of the QPS has been provided in one document. The final chapter discusses the difficulties associated with a complete consolidation of police powers and proposes a scheme of partial consolidation for consideration.

Released with Volume One was a second volume dealing with the police powers of entry, search and seizure prior to arrest. This volume addresses matters relating to the stopping and searching of persons, the issue and execution of search warrants and many other more specific questions within this broad subject area. In this volume we make a number of recommendations for changes to and clarification of

## **Criminal Justice Effectiveness Program**

the law relating to entry, search and seizure in Queensland. The recommendations reflect two broad principles upon which we proceeded: firstly, that police powers should only be increased where the need to do so was demonstrated; and secondly, that at all times increased accountability should accompany any increase in police powers.

The remaining volumes arising out of this review will deal with the power to demand name and address, to arrest without warrant, to detain for questioning, to conduct electronic surveillance and to take body samples.

The subject of police powers is controversial and involves many competing interests. We hope that this report will contribute to the introduction into Queensland of a scheme of police powers which reflects an appropriate balance between the competing interests involved.

### **Other research**

Substantial ongoing research was undertaken by the Division in the areas of illicit drugs, homicide, community policing initiatives, police recruit training, profiling of police districts and the implementation of the Fitzgerald recommendations by the QPS. This research will form the basis of future reports.

### **Seminars and presentations**

In April a widely publicised seminar on the legal control of cannabis was conducted. In May a public seminar was conducted in Toowoomba on the role of the CJC in the Toowoomba Beat Area Patrol pilot project.

During the year Division staff presented papers at conferences on police education in Australia, public interest law, and victims of crime. Staff have conducted lectures at universities on such topics as policing in contemporary society, police powers, organised crime, community policing and crime prevention, surveying crime victims, police corruption, issues relating to illicit drugs and media and the criminal justice system. Presentations have also been made to community groups such as the Lions Club.

### ➤ **Performance Assessment**

The preparation of the police powers volumes required a major investment of resources by the Research and Co-ordination Division. Almost 2,000

copies of these volumes were distributed, and their release attracted wide community interest. Since the volumes were not released until May, and our work is not complete, it is not yet possible for us to assess the impact of the research on policy formation.

### ➤ **Future Outlook**

In 1993/94 the Division will complete the remaining volumes of the police powers report. Other projects scheduled for finalisation include: a study of homicide in Queensland, a detailed analysis of the 1991 Crime Victims Survey, and a report of the sufficiency of funding for the Legal Aid Commission and Director of Prosecutions.

## **Criminal Justice Administration Processes Sub-program**

### ➤ **Performance**

Under this sub-program, the CJC has responsibility for

- monitoring the administration of the criminal justice system and initiating reforms where appropriate
- consulting and liaising with relevant agencies and other interested parties
- fostering co-operation between criminal justice agencies.

### ➤ **Performance Assessment**

The Division has established a good working relationship with the QPS.

The Division participates in the Inter-agency Forum on Law Reform. This forum was initially established at the CJC's suggestion. One of the issues addressed by the forum has been the development of an integrated criminal justice database for Queensland.

Previous annual reports have highlighted some of the problems which the Research and Co-ordination Division has encountered in discharging its co-ordination functions; however this situation is generally improving. For example, the Toowoomba Beat Area Patrol pilot project is being undertaken with the QPS. The Inala Community/Police Network is a joint project of the QPS, CJC and the University of Queensland.

## Future Outlook

Development of closer co-operative relations with other justice system agencies will be a priority in the forthcoming year, as will the development of an integrated criminal justice database for Queensland.

## Criminal Justice Reform Sub-program

### ➤ Performance

Under this sub-program, we participate in reviews of laws and practices relating to the criminal justice system, and promote public debate on issues and concerns relating to the administration of criminal justice.

### Cannabis study

An important area of reform we addressed during 1992/93 related to illicit drugs. To explore the complex issues involved we formed an Advisory Committee, assisted by a small secretariat of CJC staff. Part-time Commissioner Professor John Western is the Chairperson. Other members include former Part-time Commissioner Dr Janet Irwin and members of the QPS, Queensland Health, the University of Queensland School of Medicine, the Alcohol and Drug Foundation of Queensland and CJC staff.

The Committee concentrated on the issue of cannabis related offences on the grounds that these constituted the overwhelming majority of drug offences and that this was the area where current criminal sanctions aroused the most disquiet.

The results of preliminary research on cannabis use and attitudes about its use, cannabis supply and cannabis law enforcement were presented at a seminar on March 5. The responses of participants were taken into account in developing a discussion paper covering all aspects of cannabis use and its regulation.

We subsequently decided to release the discussion paper as a document of the Committee. This is expected to occur in early July 1993.

### Other law reform activities

During 1992/93 the Commission participated in the Aboriginal Legislative Review Committee and the Police Prosecutions Functions Working Party and contributed to the review of the *Police Service*

*Administration Act* and Penalties and Sentences legislation.

The police powers volumes address a range of law reform issues.

We participated in the Committee to Review the Vagrants, Gaming and other Offences Act, the Police Prosecutions Functions Working Party and the Committals Working Party.

In November we published a Report on SP Bookmaking and Related Criminal Activities in Queensland, which contained recommendations for law reform relating to these activities.

### ➤ Performance Assessment

The Commission's work on cannabis has attracted wide public and media attention and contributed to more informed public debate. Although less public, our participation in various review committees represents a worthwhile contribution to law reform in the State.

### ➤ Future Outlook

A report containing specific policy and legislative recommendations in relation to cannabis will be released in early 1994.

# Organised and Major Crime Prevention Program

## ➤ Program Description

The CJC undertakes investigations of organised and major crime that cannot be appropriately or effectively discharged by the QPS or other agencies of the State. We also liaise with other law enforcement agencies and assist them on such investigations.

Sub-programs:

- Operations
- Intelligence
- Witness Protection
- Legislation and Reporting

Divisions Responsible:

- Official Misconduct
- Intelligence
- Witness Protection

by the NCA. Certain Commonwealth bodies and law enforcement agencies throughout Australia, including QPS and the CJC through the JOCTF, are participating members of the operation which, for the first time, seeks to determine the nature and extent of Italian organised crime in Australia and to co-ordinate operations to apprehend and prosecute its principals.

The JOCTF meets regularly with national participating agencies and locally with the NCA, the BCIQ, the AFP, Australian Tax Office and the Customs Service. Operations have been undertaken jointly with the QPS and the NCA – both interstate and locally – the New South Wales Crime Commission and the AFP. We are amassing a comprehensive database on each area of organised crime presently being investigated by the JOCTF.

The JOCTF's approach is proactive, seeking to determine the entire criminal enterprise, not merely some of its members. It does so through covert and vert operations.

## ➤ Program Goal

The goal is to make an effective contribution in combating organised and major crime.

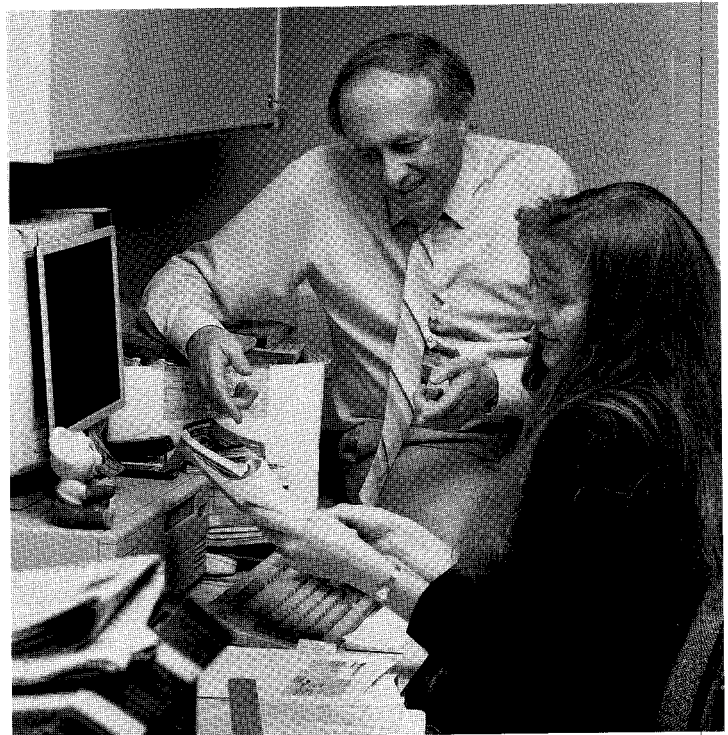
## ➤ Achievements

We continued to investigate organised and major crime, often through operations with other agencies, primarily the QPS, the NCA and the AFP.

Of particular significance was the establishment of the JOCTF with the QPS in December 1992. We were particularly gratified by this as our earlier approach for the formation of such a task force had been unsuccessful. Additional resources, both human and capital, were provided by the QPS and combined with our already established Organised Crime Team. The JOCTF, which is housed at the offices of the CJC, consists of 18 police officers and investigators, 3 financial analysts, a lawyer, plus support staff. The JOCTF is also supported by six intelligence analysts.

The JOCTF's organised crime investigations focused on three internationally recognised criminal groups and outlaw motorcycle gangs. Each was conducted with input from analysts from the Intelligence Division.

Italian organised crime investigations are now the subject of a co-ordinated approach being overseen



*Financial Analysis Group members David Eckersley and Kerrie Britton discussing material to be entered on the financial transaction database. Most transactions concern major and organised crime targets.*

## Organised and Major Crime Prevention Program

The financial activities of suspects within each area of interest are investigated by the OMD's financial analysts. These investigations are conducted through traditional methods such as interviews and observations, and through the use of our powers to require the production of financial information.

The OMD has four other MDTs. These teams investigate organised or major crime (as well as complex complaints matters) and continue to devote considerable resources to the investigation of unlawful drug-related activity by major suppliers and traffickers.

One of our most successful operations was a joint investigation with the AFP of a major drug group identified as a significant supplier of high-grade heroin in South-East Queensland. The investigation was based upon electronic and physical surveillance allied with intelligence analysis. A core syndicate of five persons was arrested and charged with a total of 30 offences under the *Drugs Misuse Act*. Four of them were charged with trafficking in heroin. Approximately three quarters of a pound of high-grade heroin with an approximate street value of \$1 million was seized, the purity of which ranged from 58% to 75%. The OMD's Proceeds of Crime Team restrained substantial amounts of property under proceeds of crime legislation, including a luxury residence.

The Proceeds of Crime Team also worked closely with the MDTs and with the Director of Prosecution's Office in assets forfeiture cases. In two well publicised matters, the work of the team not only resulted in the confiscation of assets derived from criminal activity, but also led to financial evidence being obtained to support charges by using money tracing and other investigative techniques. These cases show the value of the MDT approach.

The first matter was an operation conducted with the QPS into large scale unlawful bookmaking and money laundering. Terence Anthony Page, Keith Anthony Page, Michael Joseph Willits and Lloyd James Merlehan were convicted of SP bookmaking. Terence Page and Willits were also convicted of money laundering and were ordered by the Supreme Court to pay substantial pecuniary penalties. As a result, \$355,500 (including fines) has been realised and paid into Consolidated Revenue. The money laundering convictions were the first of their kind in Australia.

The second matter related to an investigation into drug trafficking by Laurence Norman Ripps. The court, in addition to sentencing Ripps to 11 years imprisonment, made a pecuniary penalty order of \$865,000, and ordered that certain assets that had been restrained were available to satisfy the order in part. During the reporting period, Ripps' assets, which included a residential property and a luxury sailing vessel, were auctioned. A total of \$288,000 was realised from these sales and paid into Consolidated Revenue.

Robert Wing Fong Chan, identified as a prominent crime figure during the Fitzgerald Inquiry, was convicted of drug trafficking. On appeal by the Attorney-General, his sentence was increased from 5 to 7 years. The Court of Appeal found that a sentence of 11 years imprisonment was indicated but reduced it to 7 years after taking into account pre-trial custody and Chan's plea of guilty. A pecuniary penalty order was also made against Chan for \$52,000 under the *Crimes (Confiscation of Profits) Act*, which has since been paid into Consolidated Revenue.



Members of a Multi-disciplinary Team comprised of police officers, lawyers, financial analysts, civilian investigators and support staff



## Operations Sub-program

### ➤ Performance

In 1992/93 we proactively investigated organised and major crime. This included joint operations with the QPS, the Australian Federal Police, the NCA, and other agencies. We provided briefs of evidence to the Director of Prosecutions and to the QPS, and took appropriate action to confiscate the proceeds of crime.

In addition to the operations already referred to, we conducted other extensive investigations into major and organised crime. The following are a few examples.

#### Operation A

We are conducting an extensive investigation into the activities of persons and entities engaged in the smash repair and tow truck industries. Investigations have focused on alleged

- payments to members of the QPS and others by persons engaged in the towing industry in return for early information of the occurrence of road traffic accidents
- payments by persons engaged in the smash repair industry to persons and/or entities engaged in the towing industry for damaged motor vehicles delivered to smash repairers for repair, in breach of the *Tow Truck Act 1973*
- approaches by persons engaged in the towing industry to motor dealers to the effect that smash repairers would withdraw their custom in spare parts from the motor dealers if they did not favour a particular entity when using towing services.

The CJC had received considerable information over a period of years relating to the above. We decided that the most effective way to proceed was by way of investigative hearings under the Act. These were conducted as closed hearings to prevent prejudice to the investigation, to the reputation of persons concerned and to any resultant criminal or disciplinary proceedings. A non-publication order prevents any further details being published, at this time, about the evidence taken.

Before evidence was heard, legal representatives for some of the witnesses challenged the CJC's jurisdiction to conduct the investigation. Application was made to the Supreme Court, and the investigation was delayed pending the Court's

decision. On 6 January 1993 the Supreme Court dismissed the application whereupon the hearings recommenced. In all, 29 days of hearings have been held. The investigation has involved numerous interviews and extensive financial analysis. The hearings will be completed shortly and we will disseminate a report in due course.

This investigation is a good example of the effectiveness of the CJC's use of its power to hold hearings, a power unavailable to Queensland law enforcement agencies. The evidence obtained during the hearings could not have been obtained by the use of standard investigative techniques. An earlier investigation of similar practices had been frustrated.

#### Operation B

One of Australia's most wanted men was arrested as a result of a national investigation co-ordinated by the NCA and involving the CJC and Western Australian Police. He had been sought by law enforcement agencies for two and a half years and was wanted in Western Australia for allegedly masterminding a massive cannabis cultivating operation centred on outback properties and worth tens of millions of dollars. The Chairman of the NCA said that the project was Australia's first fully co-ordinated attack on a single crime network. He hailed it as an important breakthrough for law enforcement in Australia and said the arrest might not have happened without the co-operation of the various law enforcement agencies.

#### Operation C

This operation was undertaken as part of the OMD's investigation of the criminal activities of outlaw motorcycle gangs. Information was received by the CJC that members of an outlaw motorcycle gang were involved in the production and sale of large quantities of amphetamines. These persons were also said to be employees of a large motorcycle sales and repairs business suspected of being connected with the sale and distribution of dangerous drugs.

The investigation was conducted over several months. It involved the use of static and electronic surveillance, and, after the consent of the Supreme Court was obtained, the use of listening devices.

At the conclusion of the operation, search warrants were executed upon four premises, including the motorcycle business, resulting in the seizure of 263

## Organised and Major Crime Prevention Program

grams of amphetamine and 1,108 grams of cannabis sativa. Seven charges under the *Drugs Misuse Act* were laid against four individuals and a further two charges under the *Weapons Act* against another person. All pleaded guilty to the charges, with one exception who is yet to face trial in the Supreme Court.

This operation is a good illustration of a proactive investigation by the CJC. Information relating to this activity was originally received as a result of systematic collection and analysis of intelligence concerning outlaw motorcycle gangs by the CJC's Organised Crime Team. The information then became the subject of a full-scale operation.

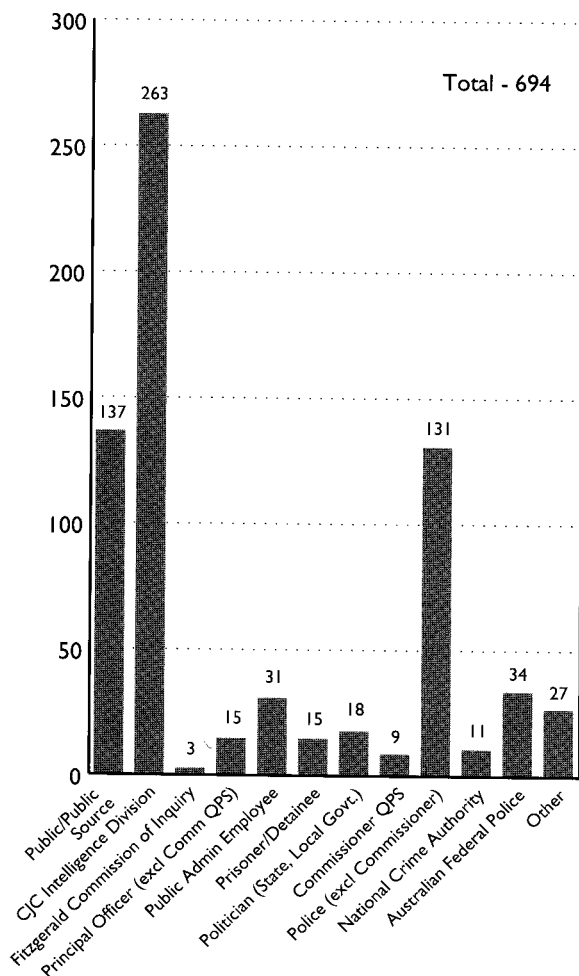
### ➤ Performance Assessment

The Division's success in proactively investigating organised and major crime through its MDTs is illustrated by Graph 6, which shows the sources of information for investigations and potential investigations by the MDTs. The Intelligence Division was the source of information in 37.9% of these matters.

Graph 7 provides an analysis of the categories of criminal activity investigated by the MDTs. MDT investigations have resulted in two new categories of criminal activity – Money Laundering, and Associate/Member of Organised Crime Group – being recorded, which accounted for 4.3% and 15.3% of allegations respectively.

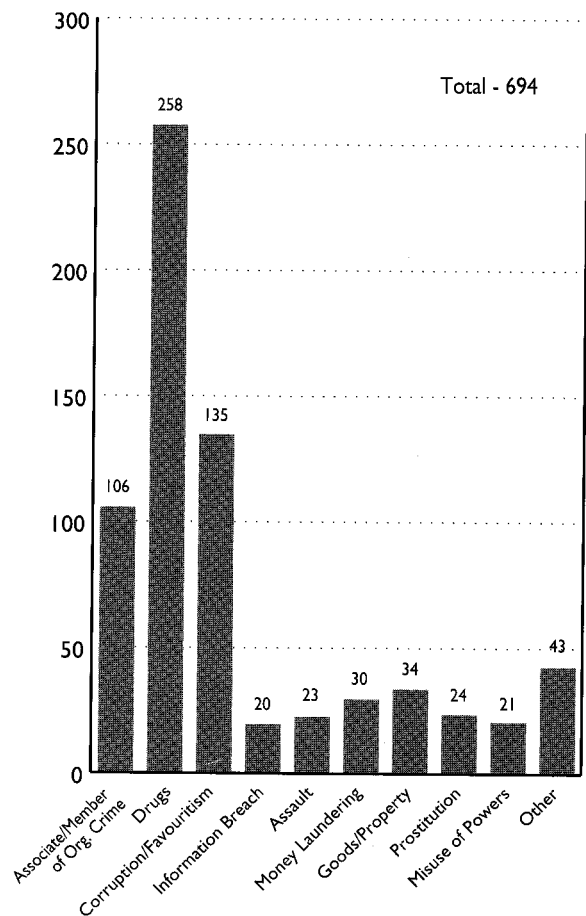
**Graph 6**

**MDT Sources of Information**



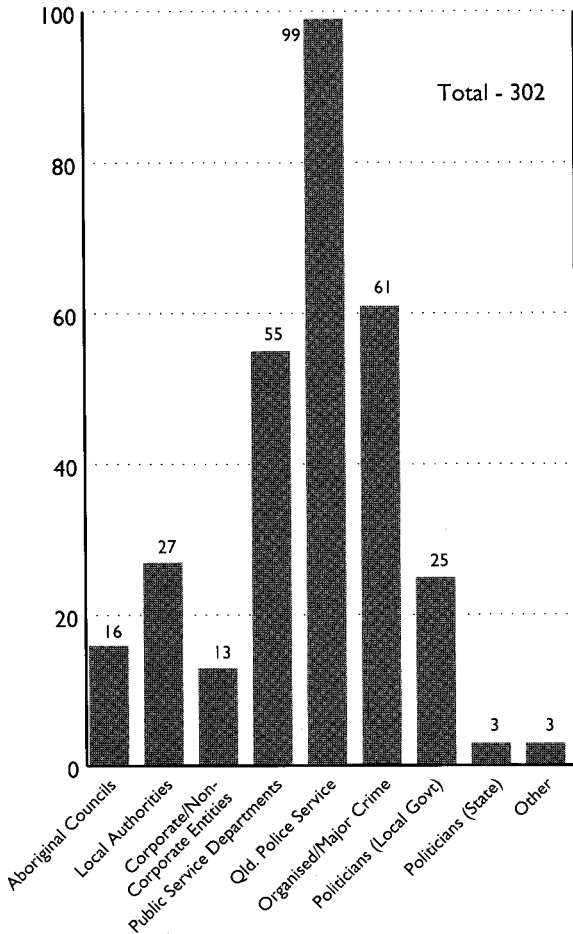
**Graph 7**

**MDT Categories of Criminal Activity**



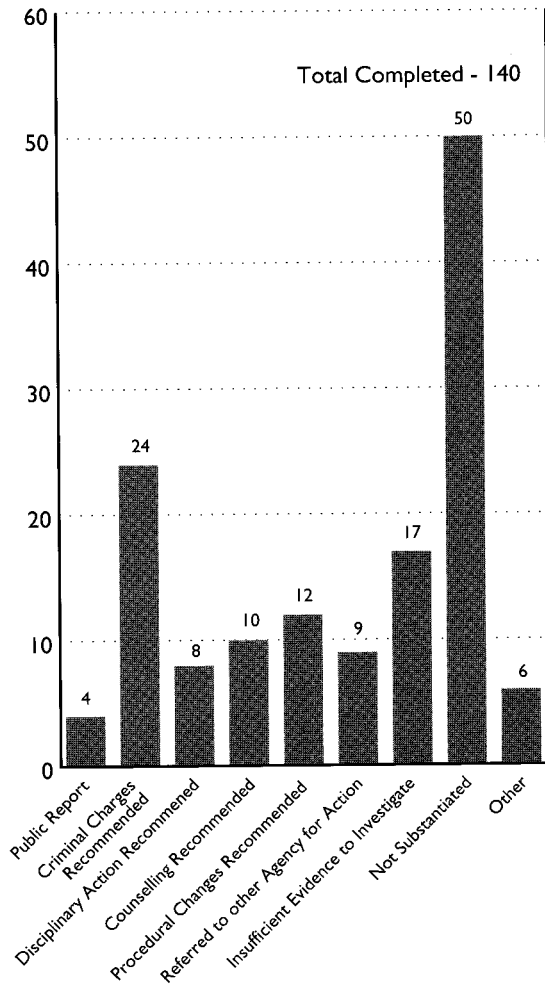
**Graph 8**

**MDT Subjects of Investigations**



**Graph 9**

**MDT Investigation Primary Outcomes**



**Table 2**

**Value of Drugs Seized by The CJC**

Type of Drug	\$ Value*
Heroin	2,270,700
Amphetamine	123,700
Cannabis/Indian Hemp	4,380,200
Cocaine	64,000
LSD	12,000

\*Value is rounded to the nearest hundred.

Graph 8 shows the groups/organisations to which persons investigated by the MDTs belong. Those associated with organised or major crime accounted for 20.2% compared with 5.7% in 1991/92.

Graph 9 shows the outcomes of MDT investigations finalised in 1992/93. The graph also shows the number of investigations in which a particular outcome followed. It does not show the number of criminal charges or disciplinary charges recommended as a result of an investigation.

Table 2 shows the value of drugs seized since April 1990.

The high quality of work conducted by these teams and of the briefs of evidence prepared is indicated by the high proportion of matters in which accused persons have pleaded guilty.

## Organised and Major Crime Prevention Program

The activities of the Division's Proceeds of Crime Team and investigations by the MDTs have resulted in \$557,500 being realised from pecuniary penalty orders and forfeiture orders by 30 June 1993.

Furthermore, assets totalling \$355,000 have been restrained following three investigations into drug trafficking.

The MDTs continue to rely heavily on the seven accountants who comprise the Financial Analysis Group. The Group continues to use computer based analyses of bank statement transactions and supporting information. As mentioned earlier, this Ledger Analysis System was further developed throughout the year and interest was shown in the program by State fraud squads, prosecuting authorities and corporate regulators. The CJC provided a copy of the program free of charge to these bodies and installed it in one.

The Financial Analysis Group was also called upon to provide greater assistance in collecting and analysing computer stored information.

Our financial analysts continue to work closely with the AUSTRAC in the development and use of analytical techniques for law enforcement. Our investigations of organised crime have been assisted on a number of occasions by sophisticated work completed by CJC and the AUSTRAC financial analysts.

The AUSTRAC's new transactions database is now available to nominated CJC personnel in the OMD and the Intelligence Division. This database contains reports of all transfers of money into and out of Australia through the banking system. Access to these reports is a vital aid in the detection of organised criminal activity. It also makes the participation of criminal enterprises in the normal economy more difficult. The AUSTRAC's services are becoming increasingly important to work on the more sophisticated investigations.

Two other important components of OMD multi-disciplinary investigations are the Surveillance Group and the Technical Group.

The Surveillance Group was involved in 36 operations, some of which were conducted in support of the other agencies to which we have already referred. It has regularly supplied instructors for the Police Service Task Force Surveillance Course.

The Technical Group directed most of its efforts towards electronic surveillance, establishing and expanding a secure radio communications network and general technical support for the Division's operations. The Technical Group worked closely with the Surveillance Group and participated in almost all of the 36 operations involving the Surveillance Group. Members of the group attended conferences and training seminars to improve work techniques and practices and to obtain information on new technology. During the year their workload increased considerably as the demand from investigative teams for electronic surveillance, tracking equipment and related audio/video communication systems increased.

### ➤ *Future Outlook*

The JOCTF will continue to investigate the extent of organised crime in Queensland by

- identifying and obtaining evidence against the principals of organised criminal enterprises
- identifying the connections of these principals with known organised crime figures interstate and overseas.

## **Intelligence Sub-program**

### ➤ *Performance*

We have continued to proactively gather intelligence data as a vital component of the fight against organised crime. Through the work of our MDTs and the JOCTF together with Intelligence probes and liaison with other law enforcement agencies we have continued to build a CID of high quality refined intelligence.

The Intelligence Division manages the CID and continues to maintain its integrity and security. The backcapture of intelligence material from the Commission of Inquiry to CID was completed in December 1992. Since then the collation of criminal intelligence from current investigations, including the JOCTF, official complaints and intelligence probes, has continued.

We purchased three more "Analyst" workstations to assist with the collation and analysis of raw data. "Analyst", as the front end analytical tool, has significant information held on its many project databases. Analysts supporting tactical operations in remote areas of the State now also have access to the Division's computer facilities via a modem.

Since Freedom of Information legislation was introduced in November 1992 the Division has responded to requests by conducting searches across its databases.

A free flow of information has been established with the exchange of Memoranda of Understanding with several Federal and State law enforcement agencies and statutory bodies.

The Division has also made special arrangements for access to its criminal intelligence information on a particular organised criminal group that is the subject of a national operation. These arrangements have included the creation of a sub-database accessible to certain designated analysts of the Australian Bureau of Criminal Intelligence and the NCA. An additional Memorandum of Understanding has been entered into for this exchange of information.

Through attendance at meetings and conferences such as the Heads of Criminal Intelligence Agencies Conference, convened in Canberra on a six monthly basis, and other conferences on organised crime, the Division keeps itself informed of developments of interest within Australia and overseas. Of particular interest in the past year was the 15th Annual International Asian Organised Crime Conference, which provided considerable information on the development of Asian crime groups around the world and their areas of criminal activity. By monitoring these trends, the CJC can anticipate potential threats to the State and recommend proactive strategies to counter future criminal activity.

Intelligence staff closely liaise with other law enforcement agencies to encourage awareness of areas of interest and to improve communication and information/intelligence exchange. They have contributed to joint operations by supporting the JOCTF, supporting other MDTs in operations with other agencies, or in other joint intelligence probes into areas of mutual interest.

During the year, the second phase of a significant joint operation with the AFP, involving heroin trafficking by an organised crime group, was successfully concluded, with the arrest of a number of major targets. This operation enjoyed the dedicated resources of two Intelligence Analysts.

Analysts have also attended conferences with other agencies on operational intelligence issues, where the

monitoring of interstate target movements has been essential to investigation aims. An effective, proactive information exchange has been established, especially with NSW and Victorian Police.

The Division has also participated in the combined effort of law enforcement agencies to prepare a national intelligence collection plan for the co-ordinated collection of information relevant to the activities of a particular ethnic organised crime group.

### ➤ **Performance Assessment**

Through close co-operation with the OMD's investigative teams, the JOCTF, and other agencies a vast amount of intelligence relating to organised and major crime has been accumulated. The Intelligence Division now has in excess of 12,000 entities on its CID.

Fifteen reports, which have identified threats, trends and patterns of behaviour, have been prepared for dissemination within the law enforcement environment. These include five of a strategic nature and 10 tactical/operational reports.

Four detailed tactical intelligence assessments/status reports were compiled relative to a particular OMD operation. These were used by investigators to formulate strategies in Phase II of the operation, as target proposal packages for QPS, and as the basis for a strategic intelligence project assessing the impact of this group on crime in the State.

One strategic intelligence paper has been submitted to the Government (Attorney-General) and the PCJC. Such information may assist the Government in its deliberations, policies and projects.

The Division undertook research and completed a submission for the ABCI's Australian Drug Intelligence Assessment (ADIA) for 1992.

### ➤ **Future Outlook**

The Intelligence Division will

- continue to build up our database ensuring integrity and security is maintained
- continue to provide analytical support to our MDTs and the JOCTF
- continue to produce tactical and strategic reports for the advice of the CJC's own investigations, other law enforcement agencies and the Government where appropriate
- continue to liaise closely with other agencies to further the CJC's organised crime inquiries.

## **Witness Protection Sub-program**

### ➤ **Performance**

The primary role of the Witness Protection Division is to ensure the personal safety of persons who have assisted the Commission or a law enforcement agency of the State, whether or not those persons have been summonsed or called as witnesses before the Commission or a court of the State.

The Division maintains a professional liaison, and has developed reciprocal arrangements, with a network of other similar State and Federal organisations. This is vital to the success and effectiveness of the program, particularly for relocations and changes of identity.

### **The Division**

- maintains a safe and effective witness protection service
- has introduced an induction procedure for witnesses
- conducts joint training courses with other agencies e.g. three week joint QPS VIP/Witness Protection Course held in May 1993 for 15 selected applicants from the Division, the QPS and other law enforcement agencies
- regularly trains Division members in
  - ❖ specialised firearms and driver training – more extensive than training normally provided to QPS members
  - ❖ witness management – to ensure an amicable but professional relationship between the witness and the witness protection case officer.

### ➤ **Performance Assessment**

The Division continues to provide the following assistance for witnesses in the program:

- 24 hour on-call protection
- close personal protection
- relocation
- change of identity when necessary.

The 24-hour Communications Room facility is maintained to communicate with witnesses and for other CJC business outside normal working hours. The Communications Room remains a vital contact point and a “lifeline” for witnesses, which is easily accessible via a toll free 008 telephone number.

This year, close personal protection was provided to witnesses attending courts in the State, when they were giving evidence or appearing as defendants. Close personal protection was provided only when absolutely necessary and rarely on a 24-hour basis. Relocation is the preferred option as it has been internationally recognised as the most effective form of protection. Such protection is the greatest safeguard as it assures the anonymity of the witness.

The Division recognises the financial, psychological, emotional and medical problems encountered by witnesses under protection. It has therefore implemented new induction procedures for witnesses and now liaises with professional services to alleviate distress and other problems experienced by the witnesses and their families.

All significant matters affecting witness protection operations are considered by the Witness Protection Committee. The Committee is chaired by the Director of Operations (an Assistant Commissioner of the QPS), who is assisted by other senior members of the CJC. All committee decisions must be ratified by the Chairperson of the CJC.

The Division continues to maintain a safe and cost effective witness protection service. To ensure the best possible service, policies, operational procedures and staff training are continually reviewed. Members are encouraged to undertake both internal and external studies to enhance their qualifications. Members are required to maintain a high degree of physical fitness.

The Inspector in Charge of the Division provides regular written reports to the Director of Operations on the status of all witness protection matters and resources.

The Director of Operations is responsible to the Chairperson of the CJC for the effective and efficient running of the Division. He is also required to report to the PCJC on the operation of the Division.

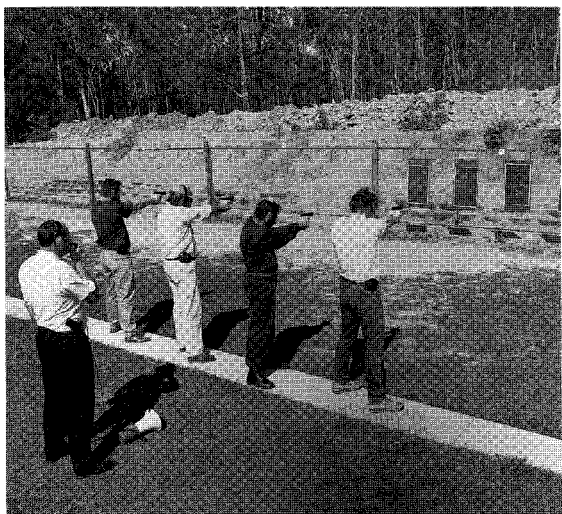
The Division is pleased to report that no witness under its protection came to harm during the period under review.

The Witness Protection program provided support and protection for 181 persons involved in 74 operations (these figures include the witnesses and members of their immediate family under protection). Forty-four operations were carried over from the 1992/93 period. The Division received and

assessed 47 new applications, of which 30 were approved, arranged 65 relocations and co-ordinated two identity changes. Thirty-four operations were finalised and 40 operations will continue into 1993/94.

The Division has maintained an excellent relationship with other law enforcement agencies who have referred witnesses to us for assistance or protection. A number of witnesses have expressed appreciation for the high quality of the professional service provided. Some witnesses experienced difficulties adjusting to the lifestyle imposed upon them and chose to withdraw from the program. The Division constantly reviews its strategies for encouraging witnesses who are at risk to stay in the program.

The responsibility for staffing and providing resources for the Division is delegated to the Director of Operations. Human and material resources are continually monitored to ensure the Division remains effective and efficient.



*Police officers from the Witness Protection Division undertaking firearms training at the Belmont Range*

National Witness Protection Scheme, which can only be achieved by the agreement of all States and Territories. If and when Federal legislation is enacted, complementary State legislation will be necessary to further advance witness protection operations in Queensland. The trend towards increased violence and crime is creating higher risks to informants, and the Division is ever mindful of the need to constantly review and update its capabilities and resources.

## **Legislation and Reporting Sub-program**

### ➤ **Performance**

In 1992/93 the directors of the OMD and Intelligence Division provided a full briefing to the new PCJC. The briefing covered the

- scope of the organised crime problem in Queensland
- investigative tools available to the CJC
- investigative strategies we use
- functional approach we use to combat the problem
- measures to be employed for the successful completion of our strategies.

We also explained the conspiratorial nature of organised crime, the hierarchical structure and discipline involved in the operations of the groups, and the range of illegal activities in which they are engaged. The use of strategic overviews, dedicated collection plans, organisational targeting, and following the money trail using long-term planning and proactive investigations by MDTs were also detailed. The benefits of having Memoranda of Understanding with other law enforcement agencies, and the mutual co-operation and sharing of both information and workload were also addressed. The need for a comprehensive intelligence database and for an integrated approach to investigations, along with the other areas already mentioned, were strongly emphasised as being the key to the success of investigations.

In accordance with the Act, the Attorney-General, on becoming the Minister responsible for the CJC, was briefed on the Intelligence Division's functions and projects and also provided with copies of an earlier strategic assessment produced by the Division on organised criminal activity in Queensland. The

### ➤ **Future Outlook**

A Witness Protection Manual, covering all aspects of Witness Protection functions, will be revised.

Given the limited witness protection legislation existing in this State, the Division must liaise with various Government departments, institutions and private sector organisations to seek their assistance in providing the best possible service. The Commission supports the establishment of a

## **Organised and Major Crime Prevention Program**

briefing covered not only what the Division does, but what it has already done, and what it intends to do.

The need to form a JOCTF with the QPS to undertake a long-term, proactive investigation of organised crime in Queensland was covered. It included the specific areas of organised crime being looked at, why it was necessary to investigate those areas, and why a co-operative effort was necessary.

### **➤ *Future Outlook***

The Intelligence Division is currently preparing reports on organised criminal activity in a number of areas. Where appropriate the CJC will brief Government on the contents of these reports.



# Queensland Police Service Assistance Program

## ➤ Program Description

In this program we provide operational assistance and training to help the QPS function effectively and efficiently.

### Sub-programs:

- Police Service Reform
- Education and Training
- Operational Assistance

### Divisions Responsible:

- Research and Co-ordination
- Intelligence
- Witness Protection

- computerisation and information systems
- the task force
- recruitment, education and training.

The Division devoted considerable resources to the review over the year. Division staff critically examined methods of implementation and sought to identify any obstacles to implementation. They also tried to ascertain whether the Fitzgerald recommendations have been implemented as intended to achieve the desired objectives. If recommendations were not implemented or were modified, they sought to discover why.

## ➤ Program Goal

The goal is to assist the QPS to provide the highest quality service to the community.

## ➤ Highlights

- Launch of Toowoomba Beat Area Patrol Pilot Project
- Commencement of review of the implementation by the QPS of the Fitzgerald Report recommendations
- Ongoing evaluation of Police Recruit Certificate Course

## Police Service Reform Sub-program

### ➤ Performance

#### Implementation of QPS reforms

In December 1991 the PCJC asked us to review the implementation of the recommendations of the Fitzgerald Report by the QPS, and to review all other relevant reforms in the Service implemented in the post-Fitzgerald period.

In response, the Research and Co-ordination Division addressed the following areas:

- regionalisation
- structure of the QPS and allocation of staff and resources
- civilianisation
- community policing and crime prevention
- promotion and transfer



Research and Co-ordination Division staff members Susan Johnson, Amanda Carter and Megan Atterton discussing the recently release volumes of the police powers report with David Cameron from the OMD

While the CJC had already acquired much relevant information through its on-going monitoring role and its work with the QPS pursuant to the *Criminal Justice Act 1989*, much more detail was required to complete the review. We obtained this from

- external consultation
- Commission of Inquiry files and submissions
- QPS files and documents, including internal reviews and evaluations, sundry reports and resource studies
- interviews with police officers and civilian staff within the QPS.

We consulted widely with a cross-section of members of the Service who were affected by the changes. Two Districts from each police region were visited from September-December 1992. Officers of the Commission visited stations in each police region.

### **Review of the QPS Annual Report and Statistical Review**

The PCJC has recommended that the CJC should critically examine the QPS Annual Report and Statistical Review each year. The Research and Co-ordination Division's review of the 1991/92 Annual Report and Statistical Review aimed to establish whether these documents fully disclosed the activities of the QPS and provided sufficient information upon which to evaluate its performance for that year. The review also sought to determine whether the Statistical Review provided statistics and analyses that adequately reflected the nature and level of crime in the community and the activities of the QPS in dealing with crime. In addition, it considered whether these documents adequately addressed the criticisms made in the Fitzgerald Inquiry.

We reported to the PCJC on this matter in May 1993. Some issues identified in this report will be dealt with in more detail in our forthcoming report on the implementation of the Fitzgerald recommendations by the QPS.

### **Toowoomba Beat Area Patrol pilot project**

In September 1992 the CJC released a report *Beat Area Patrol - A Proposal for a Community Policing Project in Toowoomba*. The project was launched on 5 May 1993 by the Honourable Paul Braddy MLA, the Minister for Police and Emergency Services. We developed the pilot with the co-operation of the QPS. It is to run for two years, during which we will systematically evaluate it. Our evaluation will measure as far as is possible the impact of beat area policing on crime levels, public fear of crime and community attitudes towards the police.

The pilot project has its origins in the recommendation of Fitzgerald QC that community policing become the primary operational policing strategy for Queensland. His report noted that traditional policing strategies are dominated by patrol duties and detective functions, and that these are based on the questionable assumption that a

visible police presence will both prevent crime, and at the same time serve to reassure citizens. Fitzgerald insisted that policing must again become a neighbourhood affair, where members of the community become familiar with locally based police officers, and that police and their families become part of the community in which they serve. Fitzgerald noted that the successful introduction of community policing requires basic changes in the orientation of the QPS.

Foot patrol is widely seen as one of the best ways of achieving more effective community-based policing. Properly implemented, foot patrol can give police personal and productive contact with the community. This form of policing has also been shown to lead to an appreciable increase in perceived levels of safety and security and improved co-operation between the police and the community.

The Toowoomba beats were selected after analysis of police calls for service data, and comparisons of these data with census information and other relevant social data. For the duration of the pilot, two beat officers will live and work exclusively within the beat areas for which they have been assigned responsibility. Officers will patrol their beat on foot or bicycle, and will work from an office attached to their residence. The Beat Area Officers will be expected to use problem solving strategies to identify and resolve issues of community concern within their area. They will also be expected to work with the community to stem the growth of crime, fear of crime, and other local public-order problems.

Extensive social surveys and other forms of project-evaluation will be conducted throughout the trial. It is hoped that this will provide the QPS with information that will allow for adaptation of this style of policing to other parts of the State.

### **Inala project**

The Research and Co-ordination Division has been involved with the Inala Community/Police Network since it was established in May 1992. The Network, a joint project of the CJC, the University of Queensland and the QPS, provides a focal point for community police liaison. The Network appears to have generated public support within the community and in April 1993 it was nominated for a Commissioner's Lantern Award for Community

Policing. The Division is represented on the Management Committee of the Network and has an ongoing role in evaluating the initiative. As with the Toowoomba Beat Area Patrol pilot project, one of the major objectives of this project is to develop and evaluate alternatives to traditional methods of policing.

### **Overseeing and reporting on the role and performance of BCIQ**

The Intelligence Division is also charged with overseeing the performance and role of the BCIQ. The Bureau is responsible for the general intelligence function within the QPS at large through its day-to-day activities, and also those undertaken by specialist units such as the Counter Terrorist Section (CTS) and VIP Protection Section (VPS).

Ongoing monitoring of BCIQ activities is achieved by a review of all significant correspondence and activity reports and intelligence assessments emanating from the Bureau. Senior management from the BCIQ meet with us at least once a week to discuss operational matters and other areas. The Intelligence Division also has input to the selection and promotion of BCIQ management staff when vacancies arise, and is represented on the Bureau's intelligence database (QUID) Control and Steering Committees.

The Division is responsible for the auditing of CTS intelligence and filing procedures, which it does every six months to ensure that the section operates within its Charter as proclaimed in 1990. During the year, two detailed audits of the CTS intelligence holdings were undertaken and reported on. In addition, the Division provides advice on our behalf as required to CTS/VPS on matters relevant to their intelligence function and is also represented by its Director at the CTS Control Committee meetings. This committee monitors and reviews the Section's operations.

### **➤ Performance Assessment**

The report on the status of the Fitzgerald recommendations, when finalised, should assist the QPS in its on-going implementation of the Fitzgerald reforms, and of the recommendations arising out of the review of the QPS released by the Public Sector Management Commission in April 1993. The Toowoomba Beat Area Patrol project was developed with the co-operation of the QPS and

has attracted wide interest within the QPS. As detailed, the Commission has also provided significant ongoing support to the Inala Networking initiative.

The Intelligence Division has completed two audits of the Counter Terrorist Section, and their recommendations have been fully implemented.

### **Review Commissioner**

The Commission is also involved in the reform process through the Commissioner for Police Service Reviews (Review Commissioner), who, according to Regulation 3 of the *Police Service (Review of Decisions) Regulations 1990*, is to

- provide for the access of officers to an independent review of decisions for the redress of certain grievances
- ensure that decisions made in relation to officers are fair, just and compassionate, and are made in accordance with sound management practices with due regard for the efficiency, effectiveness and professionalism of the Police Service.

The Review Commissioner hears applications under the *Police Service Administration Act (the PSA Act)* and the *Police Service (Review of Decisions) Regulations 1990* from police wishing to appeal against decisions on

- promotion
- transfer
- stand down or suspension
- dismissal (other than one arising from a finding of misconduct)
- disciplinary action (other than one arising from a finding of misconduct and official misconduct)
- appointment of an officer as a staff member.

Reviews are kept informal and non-adversarial, and legal counsel is not permitted.

The Review Commissioner can only recommend to the Commissioner of the QPS. If the latter does not accept the recommendation, he or she must provide reasons to the Review Commissioner and the parties involved.

All part-time members of the Commission have been appointed as Review Commissioners, although only three heard applications. The foundation Commissioner, Dr Janet Irwin, retired in March 1993 and was succeeded by Mr Lewis Wyvill QC.

## Queensland Police Service Assistance Program

The Review Commissioners gratefully acknowledge the assistance given by Inspector R P Mewburn in his capacity as officer assisting.

The Secretariat to the Review Commissioners achieved most of its stated objectives in 1992/93. It ensured that

- police officers are aware of and understand the review process
- applications were dealt with expeditiously and additional hearings were scheduled as required (see Table 3 and 4).

**Table 3**

### Types of Applications Lodged with the Commissioner for Police Service Reviews

Application	Number
Promotion	530
Transfer	113
Stand Down or Suspend	6
Dismissal	1
Disciplinary Sanction	26
Appointment as a Staff Member	0
Unapplied for Transfer	7
<b>Total Number of Reviews Lodged</b>	<b>683</b>

**Table 4**

### Status of Applications Lodged with The Commissioner for Police Service Reviews

Status	Number
Matters Heard	
Affirmed	281
Set Aside/Variied *	61
Awaiting Decision	8
Matters Withdrawn	281
Matters not within jurisdiction/Received out of time	4
Matters Awaiting Hearing **	48
<b>Total Number of Reviews Lodged</b>	<b>683</b>

\* This includes recommending that a new selection panel be convened to reassess applications.

\*\* These matters are in various stages of readiness with only a small proportion actually ready for hearing.

**Note:** These figures are based only upon these applications lodged in 1992/93.

### ➤ Future Outlook

The Commission will maintain its involvement in the Toowoomba and Inala projects in 1993/94.

The report on the implementation by the QPS of the Fitzgerald Report recommendations will be finalised during 1993/94. The Intelligence Division will continue to oversee the BCIQ and conduct audits of the CTS on a regular basis.

## Education and Training Assistance Sub-Program

### ➤ Performance/Performance Assessment

Under this sub-program, we provide information, assistance and policy directions to the QPS on education and training matters.

### Recruit Certificate Course evaluation

The Research and Co-ordination Division is responsible for the evaluation of the Police Recruit Certificate Course. The Recruit Certificate Course forms the initial year of a two-year recruit training program introduced in February 1991 by the QPS as part of the Fitzgerald reforms. Under an arrangement between QUT/Griffith University and the Queensland Police Academy, police recruits spend a semester at university before attending the Academy for a semester. The second year of training involves a structured on-the-job training phase (known as the Field Training Program).

The core of the evaluation design is a six-year longitudinal study, tracking two groups of recruits through their training and early years in the QPS. The primary method for collecting these data is the annual administration of a questionnaire. The six year time frame was selected to enable an assessment to be made of the long-term impact of the course on participants' attitudes and behaviour.

A summary report was published in January 1993, outlining survey findings for the first group to complete the new recruit training course. The report has been distributed to the QPS, the Queensland Police Academy, the Police Education Advisory Council, Griffith University, QUT and other interested parties. The report will also be sent to the recruits who responded to the survey. The evaluation should provide important diagnostic information for the management and future development of recruit training in Queensland.

## **Evaluation of Adopt-a-Cop rejuvenation pilot**

During the year the Research and Co-ordination Division was asked to assist in an evaluation of a pilot training and resource assistance program for Adopt-a-Cops. These are serving police officers who attend schools to liaise with children, and educate them on safety matters and the role of police in society. The pilot rejuvenation program was designed to prepare officers better for the role, and to ensure that they were provided with appropriate resources. The evaluation undertaken by the Commission involved surveys of the police who participated in the pilot program, supervising police officers, and teachers at primary schools visited. The results will be made available to the QPS in August 1993.

## **Other activities**

We have also assisted the QPS through participation in the

- Working Party for the Development of the Evaluation Reflection Component of the Field Training Program, Queensland Police College
- Working Party to Review the Development Program for Inspectors of the QPS
- Research and Ethics Committee, Queensland Police Academy
- ATSI Community Police Liaison Committee
- ATSI Review Committee, Queensland Police Academy
- *Police Service Administration Act Review.*

Staff have given talks to the QPS about our research in lectures at the training course for the Beat Area Patrol Officers, at the Conference for Regional Education and Training Officers and at the Police Inspectors' Course.

We also sponsored a visit from Superintendent (Retired) Chris Braiden of the Edmonton Police Service, Canada. As a consultant, Superintendent Braiden worked with the police of the Toowoomba Division conducting seminars and lectures on community policing generally, and beat policing in particular. During his stay in Queensland, Superintendent Braiden was able to address about 300 serving police from all ranks throughout South-East Queensland.

Criminal Intelligence Analyst Courses are conducted jointly by the Intelligence Division and

the BCIQ. One full-time instructor is usually provided by the Division to complement BCIQ instructors. Courses normally involve 18 students, two or three of whom will be CJC analysts, and the remainder from the QPS. To support these courses, the Principal Intelligence Analyst responsible for co-ordinating training has developed practical exercises for use during analytical training courses.

The Director of Intelligence instructed on the 3rd National Strategic Intelligence Course sponsored by the NCA and the ABCI. This course was conducted at the Australian Police College and among the 18 students was one from the Commission and one from the QPS.

## ➤ **Future Outlook**

The Commission will continue to monitor the Recruit Certificate Course and otherwise assist the QPS on education and training matters.

The Intelligence Division will continue to work with the BCIQ on the development and conducting of intelligence courses.

## **Operational Assistance Sub-program**

### ➤ **Performance**

The Commission's involvement in this sub-program was reported on under the Organised and Major Crime Prevention Program. During the year the CJC and the QPS conducted numerous joint operations, in addition to our providing the QPS with investigative information and financial analysis/proceeds of crime support, and intelligence support.

In September 1992 the CJC discontinued its investigation of an organised crime group following the successful conclusion of Phase II of the operation. A target proposal package for a possible Phase III was prepared by the Intelligence Division and disseminated to the QPS Drug Squad for action as appropriate.

As a consequence, the QPS Drug Squad began investigating the target group from January 1993. Since then, their operations have been actively supported by an Intelligence Division analyst dedicated to this task. Support has been provided in the form of assessments, profiles, intelligence checks and analytical charting. Intelligence assistance

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## **Queensland Police Service Assistance Program**

relevant to this organised crime group has also been provided to the QPS at District level in specific local operations.

The Division has provided tactical intelligence support to QPS Divisions in the form of operational briefings, profiles and background information on organised crime activities. In addition, some limited assistance in terms of language translation has been provided.

### ➤ ***Performance Assessment***

That the Commission has carried out its responsibilities under this sub-program is demonstrated by

- the establishment of the JOCTF
- the number of joint operations conducted with QPS
- the support provided in the areas of intelligence, proceeds of crime and financial analysis
- details of the operations to which we have already referred.

### ➤ ***Future Outlook***

The Commission will continue to respond positively to any approach from the QPS for joint operations and other requests for operational assistance in areas such as proceeds of crime, financial analysis, and intelligence.

# Criminal Justice Public Awareness Program

## ➤ Program Description

Under this program, the CJC seeks to make the public more aware of criminal justice issues through its publications, its contact with the media, and through its organisation of, and participation in, seminars and workshops designed to promote informed public debate.

### Sub-programs:

- Public Debate
- Public Awareness

### Divisions Responsible:

- Corruption Prevention
- Research and Co-ordination

## ➤ Program Goal

The goal is to promote informed public debate on criminal justice issues.

## ➤ Achievements

- Release of two volumes of the police powers report
- Publication of a report on beat area patrols in Toowoomba, and on SP Bookmaking in Queensland
- Establishment of an ATSI Liaison Program
- Conduct of 36 Criminal Justice Workshops

## Public Debate Sub-program

### ➤ Performance/Performance Assessment

Under this sub-program the Commission is required to prepare and distribute issues and information papers and reports. As previously indicated during the year the Research and Co-ordination Division released:

*Beat Area Patrol – A Proposal for a Community Policing Project in Toowoomba*

*Pre-Evaluation Assessment of Police Recruit Certificate Course*

*Report on SP Bookmaking and Related Criminal Activities in Queensland*

(Originally produced as a confidential briefing paper to Government in August 1991)

*First Year Constable Study Summary Report #2*

*Report on a Review of Police Powers in Queensland*

*Volume I – An Overview*

*Volume II – Entry, Search and Seizure*

## ➤ Future Outlook

The Research and Co-ordination Division will release further volumes of its report on police powers, as well as reports on

- cannabis and the law
- homicide in Queensland
- the funding of criminal justice agencies
- analysis of the 1991 Queensland Crime Victims Survey.

These reports should contribute to the informed public debate about these issues.

The Corruption Prevention Division will produce documents that help client groups detect and prevent corruption. These will include a corruption prevention manual, and published case studies, based on CJC investigations into official misconduct, to illustrate specific problems and possible solutions.

## Public Awareness Sub-program

### ➤ Performance

#### Workshops and conferences

In 1992/93 the Corruption Prevention Division achieved most of its stated objectives under this sub-program. We

- addressed professional and community organisations on corruption prevention issues
- presented papers at public and private sector professional organisations' conferences particularly in the auditing and accounting professions
- established a corruption prevention awareness campaign using the electronic and print media
- appointed an ATSI Liaison Officer.

#### Policy and publications

The Policy and Publications Officer was appointed to

- co-ordinate our responses to proposals from Government for legislation, and develop proposals within the CJC

## Criminal Justice Public Awareness Program

- assess external reports and produce executive summaries and impact statements for consideration by the CJC
- coordinate the published output of the CJC, including the Annual Report, Corporate Plan submissions and one-off reports.

### Media relations

We recognise the important role the media play in disseminating information and comment and promoting thoughtful discussion of our activities. Our Media Unit is the primary point of contact for all media inquiries and CJC personnel are made available to provide expert comment on a broad range of criminal justice matters.

There is considerable interest in our public hearings, reports and research discussion papers, and we provide timely information to the media on our activities and publications through media releases and providing reports and papers to journalists prior to formal media conferences.

### ➤ Performance Assessment

#### Conference feedback

We sought feedback from participants in workshops and conferences in 1992/93. Two surveys established, among other things, that

- 87% of respondents initially assessed themselves as having a poor understanding of the role and functions of the CJC
- 88% said that their knowledge level had risen significantly by attending our workshops
- 91% found the information contained in our brochure on official misconduct helpful in understanding official misconduct and how to report it
- 46% of respondents said that their organisation had not developed whistleblowing procedures
- 51% said that their organisation had not carried out a corruption risk assessment.

This feedback will enable us to prioritise public education projects for the coming year.

### Media relations

In the past 12 months the Media Liaison Office has handled thousands of calls from media outlets around the nation.

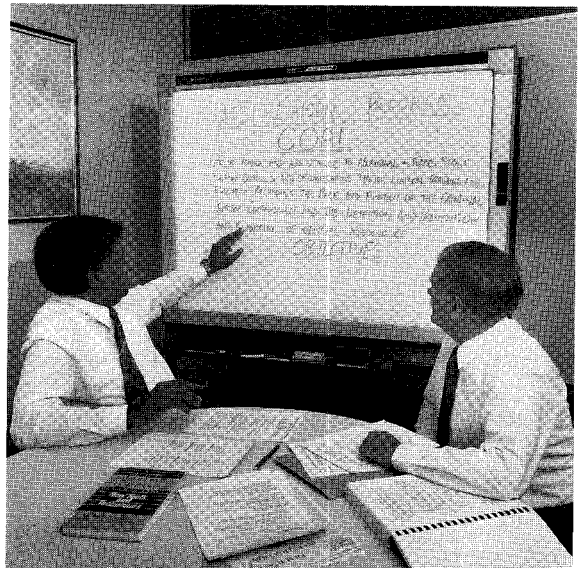
Eighteen media conferences were held during the past year. Numerous interviews were conducted with CJC personnel in print, radio and television. Sixty media statements were disseminated.

### ➤ Future Outlook

The redeployment of staff to the Corruption Prevention Division will allow us to make significant progress providing a coordinated approach to public sector education on criminal justice issues.

We will

- produce printed information on the work of the Commission for specific client groups
- produce resources that will help client groups detect and prevent corruption
- organise conferences and workshops in Brisbane and in regional centres
- work with ATSI communities and with non-English speaking communities to develop education programs on reporting official misconduct and organised and major crime.



*ATSI Liaison Officer, Daniel Abednego, discussing strategies for the development of specific programs for ATSI communities with Corruption Prevention Division Director, Robert Hailstone*



# Executive Services Program

## ➤ Program Description

This program provides a range of executive and administrative services across the Commission.

### Sub-programs:

- Executive Management
- General Counsel
- Evaluation and Review
- Resource Management

### Divisions Responsible:

- Corporate Services
- General Counsel
- Research and Co-ordination

## ➤ Program Goal

The goal is to improve the capability of the Commission and its staff to meet the changing needs of its clients.

## ➤ Achievements

The inaugural PCJC reported to Parliament in August 1992 regarding its review of the achievements of the CJC in the three years since its inception. The PCJC stated that it was willing to criticise the CJC when necessary and to use the mechanisms for monitoring without fear or favour. The Chairman of the Committee stated that our willingness to co-operate with the PCJC was fundamental to the success of the relationship between the two bodies, as was our willingness to correct errors when they have been recognised, particularly in the areas of natural justice and procedural fairness. The PCJC Chairman further stated that one of our successes was our willingness to keep the public informed about our activities.

### Operational audit

A major review of the CJC's internal and external communications was undertaken and the results were generally positive with a number of strategies suggested for enhancing existing procedures, many of which have been implemented in conjunction with the establishment of the Corruption Prevention Division.

An audit of the CJC's records and information management systems was undertaken by the Internal Audit Unit of the Premier's Department. The 38 recommendations of the review team are

being addressed by the CJC's Systems Committee with a view to implementing, in the short term, measures to rectify identified deficiencies in the areas of documentation of the systems, user training and data duplication.

### Personnel Services

The terms and conditions of employment, including the issues surrounding contract employment, were reviewed during the year with the result that a comprehensive set of Human Resource Management policies has been developed and endorsed by the Commission. A new employment contract was also designed to reflect properly the terms and conditions by which staff are engaged.

### Records Management

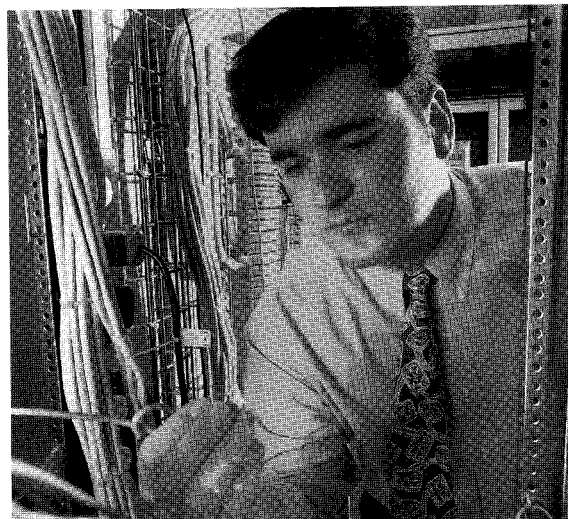
Nearly 650 items of acquired material were returned in accordance with strict follow-up guidelines and procedures for timely return of all acquired material.

### Information Technology

A Pyramid UNIX mid-range computer was accepted and the CID was installed in July.

A major network review eliminated connection problems, reorganised central file servers, implemented multi-level virus protection strategy and added resilience to key network components.

The records management software RECFIND was transferred to UNIX, and there was a major upgrade.



Computer Operations Officer, Joe Maruca, checking a computer network connection. During the year the computer network has been upgraded to support the Commission's expanding requirements.

## Executive Services Program

### Library

The Research and Co-ordination Division is responsible for the administration of the Commission's library, which is an important resource for CJC staff.

#### Technology

The library has an online catalogue. It prints out subject bibliographies on request. For checking bibliographic data the library utilises, among other sources, ABN (Australian Bibliographic Network). It conducts online subject searches on external databases like the National Criminal Justice Reference Service in the United States and CINCH, the data-base of the Australian Institute of Criminology, which it also accesses via the CD-ROM (AUSTROM). The library is a user of ILANET (Information and Library Access Network). It has developed a procedure for using this facility to dispatch and load library orders electronically.

#### Current Awareness Service

The library issues a bi-monthly Current Awareness Service, which indexes journal articles, provides a venue for obtaining photocopies, lists subject bibliographies and includes notes on use of library resources. This service is distributed to 17 sections within the Commission, the Misconduct Tribunals and 23 libraries.

At the close of the financial year the library had in its collection approximately:

• Monographs (including books, reports and legal opinions)	5109
• Loose Acts, Bills and Reprinted Acts	835
• Subscriptions/Periodicals	274
• Loose-leaf services	26
• Pamphlets and ABS Booklets	400
• Annual Reports	180

During 1992/93, transactions were as follows:

• Items lent from library's collection to CJC staff	2045
• Photocopies made for CJC staff from library's collection	511
• Items borrowed and photocopies provided from other libraries	718
• Items lent and photocopies provided to other libraries	136

#### Student use of the library

During 1992/93 the library received 147 visits from students coming to use non-restricted material not readily available elsewhere.

#### Liaison with other libraries/organisations

During 1992/93 the library continued to assist and receive assistance from libraries and organisations working in similar subject fields.

### Finance and Administration

Expenditures were constantly monitored and reviewed so that the CJC could maintain its budget position in a restrictive and difficult financial year.

## Executive Management Sub-program

### ➤ Performance

The principal strategies of this sub-program are to optimise the management of our resources and oversee the liaison with external clients, Government and the PCJC.

The Executive Management Group, which comprises the Chairperson and Divisional Directors, determines operational policies and priorities. This group also constitutes an internal editorial committee, which reviews all reports and issues papers we produce.

Weekly meetings are held to discuss inter-divisional matters and issues arising from formalised meetings with the PCJC and the Commissioners.

### ➤ Performance Assessment

The Executive depends on accurate and timely advice to effectively manage the Commission's resources. This year, once again, feedback from the Committee and Commissioners was very positive.

Several audits were carried out, including

- a review of Commission communications
- an audit of the records and information management systems.

The results were carefully appraised, and many recommendations have already been implemented.

### ➤ Future Outlook

Staff within the divisions responsible will continue to co-ordinate strategic planning and review across the CJC. They will monitor feedback continually to

ensure that the level of services to clients and stakeholders is maintained.

## General Counsel Sub-program

In December 1992 the Office was established as a Division with General Counsel as Director. The Commission has appointed an Official Solicitor for the CJC, and made that position responsible to General Counsel and part of the Office. The Official Solicitor acts for the Commission in relation to any proceedings in which it is involved, and briefs barristers, including those employed by the CJC, to advise, represent or act for the Commission in any matter.

### ➤ Performance

The Office continues to provide legal services to the CJC. By circulating advice in relation to new legislation and important court decisions, as well as holding the occasional in-house seminar, the Office has also provided legal education for the CJC.

The Office established a database to record information in relation to its work.

The Office advises the CJC in many areas, including criminal, administrative, contract, industrial, statutory interpretation and policy issues.

This has been in addition to advising on, preparing and co-ordinating Commission submissions on criminal justice and legislative issues in conjunction with the Research and Co-ordination Division. This role is to be assumed in future by the latter division, with assistance from the Office as required. The Office has also represented the Commission on committees and working parties concerned with these issues.

General Counsel also oversees the administration of the Misconduct Tribunal in order to ensure that it is not only independent but perceived as independent.

Issues on which advice has been given include:

- *Criminal Justice Act 1989* – General Counsel has had carriage for the Commission in requests for amendment of the Act. The amendments sought are substantially technical or mechanical; they aim to remove anomalies and to clarify the meaning of provisions of the Act to make it more effective.

The work of the CJC is being seriously hampered

by some aspects of the Act, and the Commission has been requesting that it be amended since 1990. Relatively few changes have been made, and most of these have been only technical or mechanical. As a result we are not able to act as effectively as we wish to do.

The PCJC has endorsed and supported most of our requests for amendments and in August last year said: 'experience has made it clear that the [Act] was inadequately drafted' and that delay in effecting the amendments will only 'cause further problems'. The amendments include many non-controversial matters such as

- making it an offence for a person to make a false allegation, causing a Commission investigation
- authorising the legally qualified Commissioner to preside at OMD hearings in his or her own right
- authorising former judges and other eminent members of the legal profession to preside at these hearings without having to make them Officers of the Commission
- making it an offence for former Commission officers and former members of the PCJC to release information which came into their possession in their former capacity
- constituting the Misconduct Tribunals under their own separate legislation and associated procedural amendments
- clarifying the definition of "unit of public administration" in the Act – a definition which creates quite unnecessary uncertainty about the scope of the Commission's jurisdiction.

We understand that the Act is being reviewed by an interdepartmental working party established by the Office of the Cabinet. The Commission is not, however, represented on this working party.

The Commission has stressed the urgency of these and other proposed amendments at every opportunity.

- Proposed legislative amendment to the *Taxation Administration Act 1953* [Commonwealth] – as a result of the subsequent amendment the Commission is now able to obtain taxation information under the Act in its own right

## Executive Services Program

- Issues relating to the QPS, including advice on guidelines for the preparation of the register of Ministerial communications required under the *Police Service Administration Act*
- Miscarriage of Justice Remediation Unit
- Operation Trident – The Office is involved with the QPS in the preparation of a submission for covert operations legislation arising from the Commission of Inquiry into this operation
- *Freedom of Information Act 1992* – The Office advised on legislation and prepared the FOI manual, and also established principles for and conducted Internal Reviews (the Freedom of Information and Administrative Law Division of the Department of Justice and Attorney-General acknowledged the valued contribution of Greg Cummings of the Office in the preparation of its *Freedom of Information Policy and Procedures Manual*)
- CJC Human Resource Policies and contracts of employment, Confidentiality of Information Agreements, Consultancy Agreements, and advice on the State Purchasing Policy
- Various CJC reports – In accordance with a Commission resolution in December 1992, General Counsel and another lawyer certify that the basic principles of administrative law and natural justice have been adhered to before any reports are released by the Commission.

General Counsel appeared for the Commission in the following matters:

- Before the Supreme Court in *Boe v. CJC* (Application No. 319 of 1993).
- Before the Court of Appeal on an application by the Commission for an order to review a decision of a Magistrate that there was no public interest in favour of the Commission not producing, pursuant to a subpoena, its records of interviews with police officers in the course of an investigation. The decision is reserved.

Members of the Office have also appeared throughout the State and inter-State in answer to summonses and subpoenas served seeking material held by the CJC, and in a lengthy application under s. 39 of the *Justices Act* for delivery of property which had come into possession of police officers attached to the Commission during an investigation.

Further details on significant legal issues arising from the Office's work may be found in Appendix 6.

Members of the Office represented the CJC on the committees concerned with criminal justice issues. The Office has advised on, prepared or co-ordinated the CJC's responses to issues papers, reports and proposed legislation concerning the administration of criminal justice.

Officers from the Office have addressed various conferences, seminars and meetings, locally, throughout the State and inter-State on eleven occasions.

### ➤ Performance Assessment

The Office fulfilled its responsibilities to

- provide professional advice to the Commission, its organisational units, the Chairperson and, where necessary, other agencies
- prepare and co-ordinate CJC submissions on criminal justice and legislative issues
- advise, represent or act for the Commission in legal matters.

### ➤ Future Outlook

The structure, role, functions and responsibilities of the Office are currently under review as part of a review of the role and deployment of legal resources within the Commission. This review is focusing on the resources of the Office, the OMD and the Research and Co-ordination Division. It is likely that one or two lawyers from the Office will be directly assisting the OMD to meet its work demands. The co-ordination of the Commission's submissions on criminal justice and legislative issues will in future be undertaken by the Research and Co-ordination Division with the assistance of the Office as required.

## Evaluation and Review Sub-program

### ➤ Performance

This sub-program is largely responsible for developing effective monitoring and reporting processes and the implementation of Commission-wide performance reviews and audits.

The various Divisions are required to comply with appropriate standards of the *Criminal Justice Act*, Public Finance Standards, the *Financial Administration and Audit Act* and other legislation affecting the public sector.

To foster harmony between staff in the organisation, the Commission welcomes input from its employees. A group nominated by staff from each Division considers issues regarding terms and conditions of employment, including health and welfare related matters. Staff were recently surveyed to explore issues such as management styles, internal communications, staff development and stress management. The results of the survey have been collated and will be conveyed to staff with a view to enhancing their well-being by making our working environment safer and healthier.

Since the Commission's establishment, several audits have been conducted by staff, external consultants, and officers from the Internal Audit Unit of the Department of the Premier, Economic and Trade Development.

➤ **Performance Assessment**

The Finance & Administration Section has met all statutory deadlines of the *Financial Administration and Audit Act* and the Public Finance Standards, in particular the annual financial statements, quarterly position assessments and systems appraisals. Management reports have consistently been completed on time and have provided managers with greater access to information for decision making.

The results of the communications review and the audit of the records and information management systems were mentioned under the Executive Management sub-program.

➤ **Future Outlook**

To accord with the revised Public Finance Standards, the CJC will undertake a full evaluation of all its programs.

**Resource Management Sub-program**

➤ **Performance**

Financial, human and other resources including electronic and technological services are allocated within this sub-program.

**Information Technology**

The Information Technology Section added 189 new projects during the year to the 115 current as at 1 July 1992. As at 30 June 1993, 198 projects had

been completed, 42 were actively progressing and 64 were either yet to be addressed or had been suspended. The projects have covered activities ranging from statistics production, equipment upgrading and support of operations/investigations to significant reviews (the network, records management software, Research and Co-ordination facilities) and the completion of the transfer of the intelligence database into the UNIX system.

**Personnel Services**

The recruitment of suitably qualified staff remains a major activity of the Personnel Services Section. The Section also evaluates employment terms and conditions to ensure they meet the requirements of staff and the Commission alike. As the range and diversity of the Commission's activities expand, the need to provide specialist staff will impact upon the Section's activities.



*The Equal Employment Opportunity Consultative Committee (clockwise from front) Paul Ascough, Clare Smith, Robert Dowling, Sonia Caton, Anne Barry, Eric Baddeley.*

The Commission, whilst it has an "award free" status, deliberately draws its employment conditions from the legislation that governs employment in the Queensland Public Service. It monitors activity in the human resource management arena to ensure its practices are current and appropriate to the needs of

## Executive Services Program

the CJC and its employees. The implementation of an Equal Employment Opportunity Management Plan and the appointment of internal Sexual Harassment Referral Officers are examples of this type of activity. Another initiative, the Performance Planning and Review scheme, now in its first year of operation, will identify individual training and development needs of staff.

### Training, Information and Welfare

A Training, Information and Welfare Officer has been appointed, within the Police Group, to

- co-ordinate the training and education of CJC police officers
- provide confidential counselling services to staff and their families.

The Officer has conducted a needs survey, and, working with a civilian training officer from the Personnel Services Section, will develop an overall training development strategy for all CJC staff. He co-ordinates a weekly Police Group Training Meeting, open to all staff, to which guest speakers are often invited.

A Police Chaplain was also appointed and will provide a full chaplaincy service for the CJC.

### Commission staffing

A breakdown of the staff into Divisions is shown in Table 5.

### Freedom of Information

This activity does not appear as a specific sub-program due to the CJC's Corporate Plan being finalised prior to the commencement of the provisions of the Freedom of Information legislation.

#### *Legislation and History*

The *Freedom of Information Act 1992* was passed by the Queensland Parliament on 5 August 1992 and assented to on 19 August 1992. Parts III to VI of the Act, in respect of access to documents, took effect on 19 November 1992. The Act gives members of the community statutory rights of access to Commission documents, including policy documents.

In previous annual reports, the CJC stated its support for the legislation and did not seek a blanket exemption from the application of the Act. A sound

**Table 5**

### Current Commission Staffing

At 30 June 1993			
Division	Male	Female	Total
Executive	1	2	4
General Counsel & Misconduct Tribunals	7	5	12
Official Misconduct	96	23	129
Operations & Witness Protection	23	6	29
Research & Co-ordination	4	14	19
Corruption Prevention	2	1	4
Intelligence	13	11	24
Corporate Services	25	17	42
<b>Total</b>	<b>171</b>	<b>79</b>	<b>263</b>

**Note:** Due to vacancies on 30 June, total number of employees will not equal establishment number

foundation was laid within the CJC to ensure that applications received would be handled efficiently and appropriately.

When the Act was introduced, we established and staffed our Freedom of Information Unit. Whilst this Unit is organisationally responsible to the Executive Director, it acts independently, concentrating solely on matters relating to the administration of the Act.

Because fewer applications for access were received than anticipated, the staffing of the Unit was reviewed in May 1993 and then reduced.

### ➤ Performance Assessment

In the first seven months of the operation of the Act we finalised 58 of the 67 applications received for access to documents (see Table 6). Seven of the eight applications received for internal review of decisions were also finalised.

A draft of the CJC's Statement of Affairs, which is required by the Act to be published at intervals of not more than one year, has been prepared. The Statement will be made public. Hopefully, this will help to increase and enhance the community's understanding of the CJC's role.

**Table 6**

**Freedom of Information Statistics**

Applications Received				
	Access to Documents		Internal Review	External Review
	Personal	Non-Personal		
Total Received	47	20	8	4
Number Finalised	41	17	7	0
Number Pending	6	3	1	4

Considerable progress was made towards consolidating and documenting our policies and procedures, which will also be made available to the community.

We have also revised and refined the forms and procedures we use for processing applications to achieve maximum efficiency and effectiveness.

➤ **Future Outlook**

In the coming year the Corporate Services Division will

- develop and implement a training and professional development strategy
- develop a computerised inventory system to help us achieve the best purchasing arrangements by providing data on the quantity, quality and type of goods we purchase
- enhance the computerised fleet management system to capture data for analysis, and to further assist in the calculation of fringe benefits tax
- further develop the cash management program for budget formulation, monitoring and review
- refine our computer network strategy to ensure optimum performance and reliability
- develop and enhance support applications for all Divisions.
- upgrade equipment and general software to increase availability and achieve a standard working environment
- improve records management by increased awareness, training availability and conformance auditing.

In Freedom of Information

- the nature of our functions and responsibilities, and our accountability to the people of Queensland, will no doubt ensure a continuing flow of applications seeking access to Commission documents
- we will continue to process applications received in compliance with both the meaning and the spirit of the legislation, with due regard to the public interest.

## Appendix I Mediation

As reported last year, the CJC and the CJP within the Department of Justice and Attorney-General initiated a six month pilot program in February 1992 in which complaints made by citizens against police officers, and assessed by the CJC or the PSU of the QPS as suitable for mediation, were referred to the Director of the CJP. The program ran officially until 2 August 1992.

The CJP has been operating a community mediation service since 1 July 1990. Most mediations have involved family and neighbourhood disputes. The CJC believed that this process was particularly suitable for minor complaints made against police (such as incivility). The two mediators do not advise the parties or adjudicate on matters. Their role is simply to guide the parties through the process and facilitate communications. Because mediation depends upon the goodwill of the parties, participation is purely voluntary.

The CJP met all costs associated with the pilot program, which was limited to complaints involving parties living in South-East Queensland. During the pilot, 33 mediation sessions were held. All but one resulted in the parties reaching agreement. The average time for the sessions was two and a half hours.

Complainants and police officers were surveyed to ascertain their response to the process. Most expressed their satisfaction with the process and the agreements reached.

The CJP subsequently reported on the pilot program, concluding that the results confirmed the following:

- the mediation process resolved complaints more quickly than formal investigation
- the degree of satisfaction of complainants with the handling of their complaints and with the outcomes was higher than that resulting from formal investigation
- the process provided an efficient and cost-effective alternative for the handling of minor complaints against police.

Since the publication of the report, the Director of the Alternative Dispute Resolution Division has met with the Commissioner of the QPS and senior officers of the CJC. The CJP has agreed to continue to accept referrals of complaints against police for mediation and the Commissioner of the QPS has agreed to pay for these services.

Since the commencement of the pilot program, the CJC has referred 26 complaints to the CJP for mediation.



## Appendix 2 Informal Resolution

Although mediation proved to be successful in a high percentage of complaints it became clear to the CJC that it would not be a viable option in those areas of the State where the services of the CJP are not currently available.

Furthermore, the CJC's Complaints Officers reported that in many other instances the complainants in matters assessed as suitable for mediation were unwilling to participate. Some of the reasons were:

- the complainant, having been subjected to incivility or some other form of unpleasant behaviour from the police officer, was apprehensive about confronting the officer
- the complainant did not wish to set aside the time needed to mediate the complaint (approximately 2.5 hours plus travel time)
- the complainant saw mediation as an unnecessarily involved process for dealing with a simple matter
- the complainant's sole purpose in making the complaint was to bring to the attention of the police officer's superiors the fact that the officer had conducted himself/herself in an unprofessional manner.

The CJC was aware that many complaints of a minor nature were dealt with in the United Kingdom by a process known as Informal Resolution, a process whereby commissioned officers attempt, without conducting a formal investigation, to achieve a position in which the complainant is satisfied that the complaint has been appropriately dealt with. In many cases the outcome of this process is an apology given to the complainant on behalf of the erring officer or the police service.

Discussions subsequently took place between the former Commissioner of the QPS and the former Chairman of the CJC which resulted in an agreement that a working party be established to consider the introduction of informal resolution in Queensland. The working party consisted of officers of the CJC, the QPS and representatives of the two police unions.

The working party issued its report on 19 November 1992 in which it made the following recommendations (among others):

- that a system for resolving complaints of a minor nature by informal procedures be introduced in the QPS

- that the CJC and the QPS develop guidelines for the classes of matters to be dealt with by way of informal resolution and the procedures to be followed
- that any complainant be advised that the informal resolution process is a voluntary one and that the complainant, if not satisfied with the outcome of the process, may refer the matter to the CJC or to the Commissioner
- that a proper training program on informal resolution procedures be implemented for officers, including practical training and guidance and the accreditation of officers who complete the program
- that the use of informal resolution procedures commence immediately accredited officers are available with priority being given to accreditation of officers in regions where mediation by the CJP is available
- that the PSU and the CJC audit the use of informal resolution to ensure procedures are being properly carried out and proper records are being kept
- that the *Police Service Administration Act 1990* be amended to ensure that informal resolution is considered as an option for dealing with complaints
- that this Act also be amended to provide protection for officers from liability for statements made during informal resolution procedures unless those statements are deliberately false
- that the mediation of complaints through the CJP remain an available option for dealing with complaints
- that the QPS publicly promote informal resolution.

The working party's inquiries revealed that no relevant training program was currently being conducted in Australia, although several police services were considering introducing such a program. The working party recommended that former Superintendent Dennis Meadus, Officer-in-Charge of the Complaints Division of the Hampshire Constabulary, be invited to Queensland to develop and present the training program. He has extensive experience in complaints procedures generally and the informal resolution process in particular. Mr Meadus' expertise in informal

resolution includes both practical experience and teaching experience. He lectured for a number of years at the world renowned Bramshill Police College.

The working party's report was subsequently adopted in full by the Chairperson of the CJC and the Commissioner of the QPS. The CJC approached Mr Meadus, who expressed his willingness to travel to Queensland to help establish an informal resolution system. The CJC and the QPS agreed to jointly fund costs associated with Mr Meadus' visit.

Mr Meadus arrived in Queensland in February 1993 and, with the CJC and the PSU, established a two day training program incorporating both theoretical and practical training in the informal resolution process. Officers from the Alternative Dispute Resolution Division and a senior lecturer from the Queensland University of Technology with expertise in alternative dispute resolution also provided input into the training program.

Mr Meadus has now conducted 15 programs. On average, 12 commissioned officers and non-commissioned officers who regularly act as commissioned officers participate in the program. By the end of Mr Meadus' consultancy (August 1993), approximately 210 officers will have participated in the program. Those who have completed the program will be authorised by the Commissioner to use informal resolution techniques for resolving complaints of a minor nature.

Comprehensive procedural instructions relating to the use of informal resolution, based on material provided by Mr Meadus and the CJC, have been issued by the Commissioner of the QPS.

The CJC firmly believes that the informal resolution process has the following advantages. It

- is a much speedier process than formal investigation and thus beneficial to both complainants and police officers
- enables the QPS to immediately address the problems of supervision, management and procedural failures at the supervisor level
- is more likely to result in an outcome acceptable to the complainant
- is more likely to be accepted by police officers as it is not an adversarial process designed to establish culpability with consequential adverse effects on promotional prospects
- is more likely to have a desirable effect on the officer's future conduct because the process, if properly conducted, makes the officer aware of the feelings of ordinary members of the community without invoking feelings of hostility in the officer
- enables members of the community to gain a better understanding of the police officer's role
- is much less costly than formal investigation.

Mr Meadus has made every effort to gain public acceptance for the informal resolution process by obtaining widespread media coverage for the training program in all regions of the State.

The CJC will closely monitor the introduction of informal resolution to ensure the process is being used appropriately.

## Appendix 3 Operation Franklin

The CJC investigated alleged misconduct by senior staff at a tertiary institution. In general terms the allegations involved:

- misuse of the institution's property from 1974 to 1991
- misappropriation of the institution's property and defalcation of funds
- fraudulent falsification of documents
- intimidation of staff and general administrative problems.

In all, 93 allegations were received concerning past and present employees of the institution. The CJC's investigation focussed on the more serious allegations. In June 1992 CJC investigators interviewed more than 100 witnesses. A large quantity of the institution's records were seized together with records from individuals and business entities. These records were examined by the CJC's financial analysts.

A report was furnished to the principal officer of the institution. Many of the allegations were based on rumour only and were unable to be substantiated. In fact, in some cases, the CJC's investigation actually disproved the allegations.

In one instance the CJC's investigation revealed clear evidence of official misconduct. However, the institution had taken disciplinary action on that matter some years ago. Therefore the CJC was unable to recommend any further disciplinary action. The CJC in its report to the principal officer expressed its concern with the inadequacy of the action taken.

In respect of another allegation, the CJC furnished a report to the Director of Prosecutions under s.2.24(2)(a) of the Act so the Director could determine whether any prosecution proceedings were warranted. The Director of Prosecutions subsequently directed that a former employee of the tertiary institution be charged with three counts of receiving secret commissions contrary to s. 442B of the *Criminal Code*. He also directed that two persons associated with certain business entities be charged with related offences. One of those persons was charged with one offence and the other with three offences.

In its report to the principal officer of the tertiary institution, the CJC made a number of recommendations that guidelines be issued relating to such issues as procedures and guidelines governing the awarding of tenders and personal use of the institution's property.

## **Appendix 4 Misconduct Tribunal Members for 1992/93**

Sarah Bradley – Barrister-at-Law

The Honourable Douglas Malcolm Campbell QC

Martin Robert Moriarty – Barrister-at-Law

Dr John Robertson Stephen Forbes – Barrister-at-Law

Phillip Stevenson Hardcastle – Barrister-at-Law

Robert Neilson Wensley – Barrister-at-Law

Francis Joseph Gaffy QC

James Geoffrey Crowley QC

Michael Joseph Halliday – Barrister-at-Law

## **Appendix 5 Recommendations to Principal Officers and to the Commissioner of the QPS**

### **Recommendations to Principal Officers and to the Commissioner of the QPS**

#### *Regulation of overtime worked by employees within the Department of Education*

As a result of investigating a claim that a Department of Education officer had been claiming for overtime he had not worked, the CJC became aware that the system of allocating and checking overtime within the Department was inadequate. As a result of the absence of reliable records and the way in which overtime was allocated the CJC was unable to substantiate the allegation. It therefore wrote to the Director-General recommending that the system for the regulating and checking of overtime be reviewed.

#### *Security of ballot papers*

The CJC investigated a complaint that two ballot paper booklets were stolen from the office of a State Government Electorate Returning Officer. The investigation highlighted three areas in need of procedural change and on 16 October 1992 the CJC wrote to the Commissioner of the Electoral Commission of Queensland recommending that:

1. liaison take place between the Queensland Electoral Commission and GoPrint to ensure that all Returning Officers strictly comply with present procedures regarding the receipt, counting and return acknowledgment of ballot papers
2. the Electoral Commission stipulate improved security standards and procedures for the storage of ballot papers and other important electoral documents
3. Returning Officers and other associated electoral workers be required to comply with the set security standards and procedures to prevent such a situation recurring.

#### *Disclosing the identity of drug informers in Court proceedings*

The *Drugs Misuse Act 1986* seeks to provide protection for drug informers by making it an offence to disclose any particulars that are likely to lead to the identification of an informer. The protection extends even to court proceedings by providing that a witness shall not be asked and, if asked, shall not be compelled to disclose information likely to lead to the identification of an informer.

During proceedings in the Magistrates Court a Magistrate directed an officer to confirm that people he had referred to in his evidence were in fact drug

informers. This caused the informants to fear for their safety and resulted in them being admitted to the CJC's Witness Protection Program. After perusing the transcript of the proceedings the CJC formed the view that the witness should not have been required to answer the question.

Although it was clear that no intentional breach of the legislation was involved, the breach had increased the risk to the informants. Therefore, the CJC wrote to the Chief Stipendiary Magistrate requesting that he raise the matter with all Magistrates to ensure similar incidents do not arise.

#### *Auditing of travel allowance claims by Queensland Rail employees*

The CJC has investigated a complaint alleging wrongful claims for incidental expenses and travel allowances by Queensland Rail employees attending courses away from their home base.

Although there was evidence indicating that some Queensland Rail employees had claimed and been paid allowances to which they were not entitled, with regard to the small amounts involved, the difficulty in proving the allegations to the requisite standard and the apparent widespread nature of the abuse, the CJC did not recommend any prosecution. The CJC did recommend to the Chief Executive of Queensland Rail that the procedures for the payment of travelling allowances be reviewed to reduce the opportunities for such wrongful claims in the future.

### **Recommendations to the Commissioner of the QPS**

#### *Exhibits misplaced whilst in police custody*

Since its inception the Complaints Section of the CJC has investigated numerous incidents of police exhibits disappearing from police custody. It is of particular concern that on several occasions firearms being held in police exhibit rooms have gone missing. In each instance it was probable that a police officer or a civilian member of the QPS was responsible, but the identity of culprits has never been established.

The CJC therefore wrote to the Commissioner of the QPS recommending that the procedures for receiving and holding exhibits be reviewed.

The Commissioner has advised the CJC that the Inspectorate and Internal Audit Branch of the QPS conducted sample compliance audits at 22 police stations throughout the State and is re-writing policies and procedures for the handling of exhibits.

.....

### *Distinguishing drunkenness from illness when arresting*

After investigating a complaint relating to the arrest and detention of a diabetic on a charge of drink driving, when the person arrested had consumed no alcohol but was suffering from hypoglycaemia, the CJC recommended changes to the Commissioner of the Police Services' General Instructions to the QPS, relating to the need to carefully distinguish drunkenness from other diseases or conditions.

The QPS responded to that recommendation advising that the issue had been taken into account in the development of a Custody Awareness training package. In-service training has been conducted State-wide, initially for Watchhouse Keepers and training police officers, and material is currently being utilised by the Police Academy in pre-service training. The QPS further advised that the Custody Awareness training package will be incorporated into a competency acquisition module for ongoing training requirements.

### *Searches of residences pursuant to the Drugs Misuse Act*

Discussions have taken place between CJC staff and senior QPS members concerning searches of private residences pursuant to the *Drugs Misuse Act*.

The CJC has endorsed a directive requiring that all information relating to such searches be entered on a computer drug database, and that officers seeking the issuance of search warrants first access and analyse information on that database.

It has also been recommended that officers be required to inform the Justice of the Peace being asked to issue the warrant about any previous searches of the same residence and any previous searches based on information by the same source/informant. We anticipate that this directive will reduce repeated unsuccessful searches of private residences.

### *Release of confidential information*

The CJC investigated a complaint alleging that police had given the complainant's residential address to estranged members of his family, which resulted in those family members attending at the residence and removing children who had been placed in the complainant's care.

The investigation disclosed that a police officer had been tricked into providing the information by a businessman who falsely told the officer that the

complainant had failed to return equipment he had hired from the businessman. The police officer therefore thought that the businessman had a valid reason for acquiring the information and made inquiries on the police computer system in order to discover the address of the complainant.

As that information was fully available to members of the public by attending at the offices of the various Government departments, the release of it did not amount to a breach of the *Police Service Administration Act 1990*. However, the CJC considered that the practice was clearly undesirable and therefore wrote to the Deputy Commissioner of the QPS and recommended that consideration be given to deeming all information contained on the police computer database as confidential to ensure that it was not distributed in the manner which would cause the mischief that arose in this case. The consent of an executive officer is currently necessary to authorise the release of such information.

### *Interaction between police and tow truck operators and complaints of favouritism*

Interaction between police officers and tow truck operators has long been an area giving rise to numerous complaints of favouritism.

The CJC has previously made recommendations to the Commissioner of the QPS about this matter and the Commissioner has issued a General Instruction to police officers requiring a roster of tow truck operators to be used in each region to ensure that allegations of favouritism are minimised.

A further investigation raised a suspicion that this system was not operating effectively in the Sunshine Coast region and therefore the CJC recommended certain changes to the system operating in that area.

The same investigation also pointed to certain difficulties involving the towing of heavy vehicles involved in accidents. This stemmed mainly from the few contractors able to undertake this kind of work and the relationships that developed between those contractors and some of the major operators of heavy vehicles and even police, who depend upon the expertise of the tow truck operators to assist clearing up wreckage from heavy vehicle accidents.

The CJC pointed out to the Commissioner that the guidelines in effect at that time relating to towing were probably not applicable to heavy vehicle accidents and therefore recommended that specific guidelines be prepared to deal with these matters.

## Appendix 6 Legal Issues

### **Whiting v Criminal Justice Commission [Appeal No. 120 of 1992]**

A firm of solicitors had sought to represent witnesses including W at a Commission investigative hearing, notwithstanding it was retained to represent M (a police officer against whom an allegation of assault had been made) in respect of the same matter.

W sought an injunction pursuant to s. 2.25 of the *Criminal Justice Act 1989* [the Act] restraining the Commission from proceeding with his examination unless he was permitted to appear in the course of that examination by a counsel of his choice. W also sought declarations as to the proper construction of s. 3.23 of the Act, which concerns examination before the Commission.

On appeal to the Court of Appeal by W, the following issues were considered:

- whether a “person concerned” in proceedings of the Commission has an unqualified right to legal representation or whether the approval of the Commission to such representation is required; [*answered by the majority*: that there was an unqualified right to legal representation]
- whether the Commission can refuse to allow particular representatives to appear where to do so would prejudice proceedings or impede Commission functions; [*answered*: yes]

On 8 April 1993 the Court of Appeal dismissed W’s appeal on the basis that the Chairperson of the Commission was entitled to conclude that it was inappropriate for the same firm of solicitors to represent the person under investigation and the witness to be called at the hearing. He was entitled to conclude in the circumstances that the investigation would, or was likely to be, prejudiced in that event. No occasion had been shown for doubting his good faith in arriving at that conclusion.

There was a difference in opinion as to whether the outcome was because the Appellant’s entitlement to representation depended on the Commission’s [in effect, the Chairperson’s] approval or authorisation [as decided by Pincus JA] or whether it depended on the power of the Commission to exclude an otherwise authorised representation [as decided by the Chief Justice with whom Moynihan SJA agreed].

There are comments by each member of the court as to the quality of the drafting of sections 3.23, 3.30 and 3.34 of the Act with which they were concerned.

The Chief Justice characterised these sections as inconsistent and incomplete. Moynihan SJA characterised the task of reading the Act and particularly the provisions identified above in an integrated way as fraught with difficulty, if not impossibility. Pincus JA stated that the provisions of the Act dealing with the question of legal representation do not mesh together perfectly well.

These statements by the Court have been brought to the attention of the Chairman of the working party reviewing the Act.

### **Boe V. Criminal Justice Commission [Appl. No. 319 of 1993]**

The Commission refused a request by Boe, a lawyer with a criminal practice substantially funded by the Legal Aid Office, to conduct a hearing under s. 2.17 of the Act for the purpose of discharging its responsibility under s. 2.15(c) to, inter alia, monitor and report on the sufficiency of funding of that Office and the Director of Prosecutions. This had not occurred throughout the life of the Commission; it having taken the view that it might legitimately defer this obligation as part of according different responsibilities to its wide range of functions and responsibilities within the limits of a finite budget.

On 10 June 1993 in considering the application de Jersey J decided that the responsibility under s. 2.15(c) was a duty (as distinct from a power) and, although the Commission had jurisdiction to decline to hold a hearing for the purpose of discharging this responsibility, it was not entitled to exercise its discretion not to do so on the basis that it was entitled to give the issue a deferred priority, the responsibility being one which necessitated its being discharged on a more or less continual or regular or recurrent basis.

Consequently the CJC has commenced to discharge its responsibility under s. 2.15(c) by monitoring the sufficiency of funds for the Director of Prosecutions and the Criminal Law Division of the Legal Aid Office, with a view to reporting on that subject.

### **Application of Bryant (O.S. No 758 of 1992)**

The applicant sought an order under s. 2.25(a) of the Act on the basis that the Commission was biased in an investigation of the tow truck industry because of its alleged failure to investigate a complaint against a former senior police officer

alleging that he fabricated evidence against a leading identity in the tow truck industry. It also claimed that the investigation of the industry was not within the Commission's jurisdiction to investigate organised or major crime.

#### *Interlocutory application*

In the course of preliminary steps prior to the hearing of the application of the Act an order for discovery against the Director of the OMD and leave to deliver interrogatories was sought. It was objected to on the basis that, having regard to the nature and functions of the Commission under the Act, the disclosure of the information sought would jeopardise the Commission's investigation in this matter and other matters and would be injurious to the public interest.

In the course of his decision, Helman AJ of the Supreme Court of Queensland, with some limited exceptions, refused to order the Director to make discovery of any of the documents sought or to answer the interrogatories. His Honour's decision relied on *Sankey v. Whitlam and Ors* (1978) CLR 1, where, at page 60, Stephen J referred to the need to consider the particular nature of the proceedings in which a claim of this kind arises, in order to determine what are the relevant aspects of public interest which are to be weighed and what is to be the outcome of that weighing process.

Helman AJ noted that the application before him was for the review of the conduct of an investigation by an investigative body. His Honour stated:

The Commission's undoubted duty is to go about its work fairly, but it must always be remembered that it is not a court of law and the distinction between its functions and that of a court of law must be borne in mind when deciding where the public interest lies. It is clearly in the public interest, I think, that information supplied to the Commission, investigations carried out by the Commission and opinions formed by its officers in the course of investigations remain confidential – at least until it becomes necessary for the Commission in the discharge of its statutory obligations to make something public. ... If discovery of all documents sought here were ordered, the public interest could well be affected in two ways, in my view: the investigation could be irreparably prejudiced, and the ability of the Commission to investigate other matters might be affected, because confidence in the confidentiality of communications to and within the Commission will be undermined.

#### *Principal Application*

On 6 January 1993 Ryan J dismissed the application and ordered payment of the Commission's costs. With particular reference to the claim that the Commission had no jurisdiction to investigate, His Honour was of the view that it is a matter committed to the judgment of the Commission whether a function in the administration of criminal justice is not appropriate to be discharged, or cannot be effectively discharged, by the QPS or other agencies of the State. The Act does not spell out any criteria to be taken into consideration by the Commission in forming its opinion; nor does it require the Commission to disclose the grounds upon which it formed its opinion.

#### **Judicial Review Act 1991**

The Commission is subject to the *Judicial Review Act 1991*. In the past year, two applications under that Act have been brought seeking an order to review a Commission decision not to further investigate a complaint. In both matters there was a finding in the Commission's favour.



## Appendix 7 Lectures, Addresses and Presentations by CJC Officers

Subject	Venue	Officer
Accountability for Law Enforcement Agencies – The Potential for Abuses of Power and the Rights for Due Process	A Joint National Crime Authority and Victorian Council for Civil Liberties Conference	M Irwin
An Overview of the Toowoomba Beat Policing Initiative	Regional Education and Training Co-ordinators Seminar	A Williams
Cannabis Seminar	Bardon Professional Development Centre, Brisbane	P Dickie
Chinese Organised Crime	NSW Law Enforcement Agencies, NCA Sydney	P Roger
	Queensland University of Technology BA (Justice Studies)	P Roger
Command Conference Address	Command Conference, Queensland Police Service, Rockhampton	S Mukherjee
Community Policing and Crime Prevention	Queensland University of Technology (LLM)	S Mukherjee A Williams
Conflict of Interest and the Acceptance of Gifts	Management Group, Brisbane City Council	R Hailstone
Co-operation – The Key to Success in Major Investigations: Inter-agency Co-operation	National Crime Authority –Management of Serious White Collar Crime Investigations Seminar	M Irwin
Corruption Prevention Lectures	Inspectors Course, Chelmer Police Training College	R Hailstone
Corruption Prevention presentations to units of public administration	18 Units of Public Administration; Qld Public Service Human Resource Managers Conference; local government authorities	R Hailstone
Corruption Prevention Workshops for the School Principals Associations	Roma, Charleville, Miles, Gladstone State Schools, Sommerset High School Cluster, Corinda S.S., Met East Principals' Association, Alexander Hills Conference, Tully, Innisfail, Bowen and Mt Isa	R Hailstone
Criminal Intelligence Computer System	INDEPOL Users Group, Fujitsu Brisbane	P Roger
Defining Organised Crime	Australian and New Zealand Society of Criminology, University of Melbourne	P Dickie
Ethics, Fraud, Corruption and the Role of the CJC	Justice Studies, Griffith University –Mount Gravatt, QUT Kelvin Grove –Management Faculty, Justice Studies; QUT Garden Pt – Management Studies; QUT Kedron Park – Business Studies; Cleveland High School; Business Studies, QUT Garden Pt, Gateway TAFE, Morningside TAFE; Insurance Program, Morningside TAFE; Faculty Ithaca TAFE, Faculty University of Southern Queensland	R Hailstone
Ethics in a Changing Public Sector	National Institute of Accountants Conference, Kooralbyn	R Hailstone
Establishing a CJC ATSI Program	Murri Mura Aboriginal Centre	R Hailstone
Evaluation of Certificate Course	Regional Education and Training Co-ordinators Seminar	C Bond
Evaluating Police Education and Training in Queensland: A Preliminary Report	Conference on Police Education in Australia: The Way Ahead, Centre for Crime Policy and Public Safety, Griffith University	C Bond
Extent of Organised Crime	University of Queensland (Sociology)	P Roger

<b>Subject</b>	<b>Venue</b>	<b>Officer</b>
Financial Investigations and Analysis	Submission to the Senate Standing Committee on Legal and Constitutional Affairs (Review of AUSTRAC Legislation)	P McCallum
	Response to AUSTRAC – ScreenIT Proposal	P McCallum
	QPS Training Officers Seminar	P McCallum
	Gateway Hotel, Brisbane (Evidence & Investigations Seminar of the Queensland Office of Financial Supervision)	P McCallum S Guttridge
	International Law Enforcement Conference on Computer Evidence, Virginia USA	P McCallum
	Queensland Police Academy (3rd Criminal Intelligence Analyst Course)	T McGrath
Fitzgerald and His Significance	Lions Club of Wynnum, Manly RQYS – Manly	P Dickie
Fitzgerald Inquiry and its Aftermath	Public Interest Law Conference, University of New South Wales	P Dickie
Identifying Fraud and Raising Awareness	Detecting Investigation and Overcoming Fraud Conference, Sydney	G Brighton
Intelligence Analysis	Queensland Police Academy (3rd Criminal Intelligence Analyst Course)	R Luhrs
	Australian Police College	P Roger
	3rd National Strategic Intelligence Course	P Roger
Issues Relating to Illicit Drugs	University of Queensland	P Dickie
Juvenile Justice, the School and the Dysfunctional Child	State Conference of the Executive of the Qld Parents and Citizens Association	R Hailstone
Media and the Criminal Justice System	Queensland University of Technology, Kelvin Grove	P Dickie
Money Laundering	QPS Headquarters, Brisbane (Presentation to QPS Economic Crime Course)	T McGrath P McCallum
	QPS Training Officers Seminar	P McCallum
Organised Crime – Theory and Implications for Law Enforcement Practice	Griffith University (Justice Administration)	A Williams
Organised Crime, White Collar Crime and Law Enforcement Policy	Queensland University of Technology (LLM)	S Mukherjee A Williams
Overview of the Research and Co-ordination Division’s Research Program	Regional Education and Training Co-ordinators Seminar	S Johnson
Police Corruption	Griffith University	P Dickie
Police Powers	University of Queensland (Sociology)	S Johnson
Policing in Contemporary Society	Queensland University of Technology (LLM)	S Mukherjee S Johnson
Politisation of Crime – Crime in the Media	Queensland Police Academy	P Dickie
	Task Force Investigators Course, Queensland Police Academy	A Williams
Problem-orientated Policing – Community Policing and the Role of Specialist Investigators	Community Policing Support Branch, QPS	A Williams

**Subject****Venue****Officer**

Problem-orientated Policing	Queensland Police Academy (NCA Serious White Collar Crime Seminar)	T McGrath D Cameron
Proceeds of Crime	National Crime Authority	T McGrath
	QPS Training Officers Seminar	T McGrath
	NCA Proceeds of Crime Conference, Sydney	D Cameron
Professionalism in the Criminal Justice System – Its Impact on Personnel Conduct and Performance	Griffith University, Justice Studies	R O'Regan QC
Prostitution and Public Policy	University of Southern Queensland	A Philtrip
Reportability of Offences – Victims' Reasons	Conference on 'Victims of Crime: Reforming the System' hosted by the Victims of Crime Association of Queensland	S Mukherjee
Reporting Official Misconduct Forums	West Moreton Health Authority, Alexander Hills Teachers Conference, Dept of Primary Industries	R Hailstone
Risk Assessment	Workshops in Cairns, Ingham, Mt Isa, Roma	R Hailstone
Role and Functions of the CJC	Queensland Police Academy (Evaluation and Reflection Component) (Supervisor's Development Course)	C Mengler J McDonnell C Hobson K Hedges J Swindells R Gough G Moczynski G Radford W Henderson R Dwyer S Guttridge I Robinson
	Griffith University (Advanced Certificate in Policing)	I Robinson
	Boondall Northern Police District Office (Field Training Officer's Course)	C Furlong I Robinson
	Queensland University of Technology (BA Justice Studies)	G Radford I Robinson S Guttridge
	Watchhouse Intervention Support Group, Gold Coast	I Robinson K Kelly
	Queensland Police College (Executive Development Program)	D Bevan I Robinson
	Beat Area Policing Training Program, Toowoomba	I Robinson
	Mitchelton Rotary Club	M Irwin
	North Qld Bar Association	M Irwin
	Townsville Police	M Irwin
	St Lucia Probis Club	M Irwin
	Toowong Probis Club	M Irwin
	Griffith University – Police Studies Course	M Irwin
Role and Functions of the CJC – Implications for Local Government	Townsville City Council	M Irwin

<b>Subject</b>	<b>Venue</b>	<b>Officer</b>
Role of the CJC and its Relations with Aboriginal Community Councils	Remote Area Aboriginal Councils, Trinity Beach	R Hailstone
Role of the CJC and its Relations with Islander Community Councils	Torres Strait Island Councils Industrial Relations Conference, Thursday Island	R Hailstone
Role of the CJC and the Complaints Process	Queensland Police Academy (Investigative Skills Course)	I Robinson K Benjamin
	Queensland University of Technology (BA Justice Studies)	I Robinson
Role of the CJC in the Reform Process	Parents and Teachers Conference, Townsville	R Hailstone
Security, Privacy and the Intelligence Function	Australian Institute of Professional Intelligence Officers "Intel 92" Conference, Sydney	P Roger
Sources of Data/Official Statistics	Queensland University of Technology	S Mukherjee
The CJC and the Police Service	Police Recruit Graduation Ceremony, Chandler	R O'Regan QC
The CJC and Local Government	South-West Local Government Authority Annual Conference, Surat	R Hailstone
The Media – Friend or Foe	Griffith University	P Dickie
The Police Prosecutor – Ethics and Discipline	Queensland Police Prosecution Corps	M Irwin
	Police Prosecution Trainee Course, QPOL	M Irwin
The Profession of Policing – a CJC Perspective	Awards Ceremony for Metropolitan North Region of Police Service, Brisbane	R O'Regan QC
The Role and Functions of the CJC	Townsville Chamber of Commerce	R O'Regan QC
The Role of Internal Audit in Corruption Prevention	State Conference of the Institute of Internal Auditors	R Hailstone
The Role of the CJC in the Toowoomba Beat Policing Initiative	Toowoomba College of TAFE	A Williams
The Values Inherent in Administrative Review: Are they compatible with the values inherent in public administration?	Australian Institute of Administrative Law, Administrative Law and Public Administration Conference	G Cummings
Training Program for Pilot Beat Policing Constables	Southern Regional Headquarters, QPS, Toowoomba	A Williams
Tutorials/Role Plays/Discussions based on CJC Case Studies	Griffith University (Advanced Certificate in Policing)	I Robinson G Radford C Furlong D Shepherd S Caton T Rand M Scott A Marjason S Guttridge
	Queensland University of Technology (Advanced Certificate in Policing)	C Furlong G Radford I Robinson S Guttridge D Shepherd M Scott
Victimology/Victims of Crime	Queensland University of Technology	S Mukherjee J Moore

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## Appendix 8 Commission Publications 1992/1993

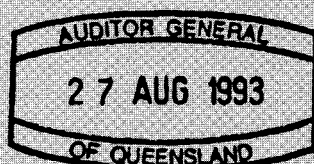
<b>Name of Publication</b>	<b>Month Published</b>
<i>Beat Area Patrol – A Proposal for a Community Policing Project in Toowoomba</i>	September 1992
<i>Pre-Evaluation Assessment of Police Recruit Certificate Course</i>	October 1992
<i>Report on SP Bookmaking and Related Criminal Activities in Queensland</i> (Originally produced as a confidential briefing paper to Government in August 1991)	November 1992
<i>Report on the Investigation into the Complaints of Kelvin Ronald Condren and Others</i>	November 1992
<i>Criminal Justice Commission Corporate Plan 1992 – 1995</i>	November 1992
<i>First Year Constable Study Summary Report #2</i>	January 1993
<i>Report on a Review of Police Powers in Queensland</i> <i>Volume I – An Overview</i> <i>Volume II – Entry, Search and Seizure</i>	May 1993

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**Appendix 9**  
**Annual Financial Statements of**  
**the Criminal Justice Commission**  
**for the Period**  
**1 July 1992 to 30 June 1993**

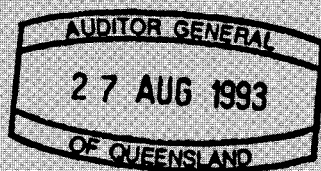
..... **Income and Expenditure Account  
for the Year Ended 30 June 1993**

	NOTE	1993 \$	1992 \$
QUEENSLAND GOVERNMENT GRANT	1	20,437,546	12,300,000
<b>OPERATING INCOME</b>			
Interest		231,050	374,126
Gain on Sale of Plant & Equipment		114,989	16,126
Other	2	134,898	214,650
<b>TOTAL OPERATING INCOME</b>		480,937	604,902
<b>TOTAL INCOME</b>		20,918,483	12,904,902
<b>OPERATING EXPENDITURE</b>			
Salaries and Related Expenses	3	12,946,733	12,022,166
Administration	4	4,345,409	3,777,810
Operational	5	341,031	409,670
Consulting	6	329,961	157,070
Accommodation	7	2,835,294	704,943
Transfers to Provisions	8	654,726	779,205
Write offs		17,524	—
<b>TOTAL OPERATING EXPENDITURE</b>		21,470,678	17,850,864
<b>OPERATING (DEFICIT) SURPLUS BEFORE ABNORMAL AND EXTRAORDINARY ITEMS</b>		(552,195)	(4,945,962)
<b>ABNORMAL ITEMS</b>			
Depreciation Expense	9	—	(118,248)
Write Offs	10	—	(32,122)
<b>EXTRAORDINARY ITEMS</b>			
Assets Acquired at no cost	11	—	313,688
<b>OPERATING (DEFICIT) SURPLUS AFTER ABNORMAL AND EXTRAORDINARY ITEMS</b>		(552,195)	(4,782,644)
<b>RETAINED SURPLUSES, 1 JULY</b>		3,258,839	8,041,483
<b>RETAINED SURPLUSES, 30 JUNE</b>		2,706,644	3,258,839



**Balance Sheet  
as at 30 June 1993**

	NOTE	1993 \$	1992 \$
<b>CURRENT ASSETS</b>			
Cash		2	296,227
Receivables		37,918	16,242
Other Prepayments		29,840	39,643
<b>TOTAL CURRENT ASSETS</b>		<u>67,760</u>	<u>352,112</u>
<b>NON-CURRENT ASSETS</b>			
Plant & Equipment	12	2,743,353	3,417,138
Investments	13	865,701	286,640
<b>TOTAL NON-CURRENT ASSETS</b>		<u>3,609,054</u>	<u>3,703,778</u>
<b>TOTAL ASSETS</b>		<u>3,676,814</u>	<u>4,055,890</u>
<b>CURRENT LIABILITIES</b>			
Salaries Payable		112,506	73,395
Sundry Creditors		63,036	13,924
Provisions	14	462,771	421,618
<b>TOTAL CURRENT LIABILITIES</b>		<u>638,313</u>	<u>508,937</u>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	14	331,857	288,114
<b>TOTAL LIABILITIES</b>		<u>970,170</u>	<u>797,051</u>
<b>NET ASSETS</b>		<u>2,706,644</u>	<u>3,258,839</u>
<b>EQUITY</b>			
Retained Surpluses		<u>2,706,644</u>	<u>3,258,839</u>

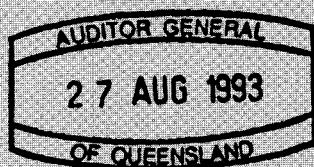




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**Statement of Cash Flows  
for the Year Ended 30 June 1993**

	\$	1993	\$
		Inflow (Outflows)	
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Payments			
Wages and Salaries	(13,444,278)		
Suppliers	(7,050,539)		(20,494,817)
			<hr/>
Receipts			
Interest	233,313		
Dividends	69,831		
Other	41,128		344,272
			<hr/>
<b>NET CASH USED IN OPERATING ACTIVITIES (Note A)</b>			(20,150,545)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for purchase of plant and equipment	(652,076)		
Proceeds from sale of plant and equipment	647,911		
Payment for equity (Q-Fleet)	(579,061)		
			<hr/>
<b>NET CASH USED IN INVESTING ACTIVITIES</b>			(583,226)
<b>CASH FLOWS FROM GOVERNMENT</b>			
Receipts from Government grant (Note B)	20,437,546		
			<hr/>
<b>NET CASH PROVIDED BY GOVERNMENT</b>			20,437,546
			<hr/>
<b>NET DECREASE IN CASH HELD</b>			(296,225)
<b>CASH AT THE BEGINNING OF REPORTING PERIOD</b>			296,227
			<hr/>
<b>CASH AT THE END OF THE REPORTING PERIOD (Note C)</b>			2
			<hr/>



**Statement of Cash Flows – (Continued)  
for the Year Ended 30 June 1993**

**Note A RECONCILIATION OF NET CASH USED IN OPERATING ACTIVITIES TO  
OPERATING RESULT**

	1993
	\$
Operating Result	(552,195)
Depreciation expense	777,197
Write offs (non-cash)	16,685
Gain on sale of plant and equipment	(114,989)
Increase in Accounts Receivable	(21,676)
Decrease in prepaid expenses	9,803
Increase in trade creditors	48,170
Increase in salaries payable	39,111
Provisions - Recreation Leave and Long Service Leave	84,895
Government Revenues	(20,437,546)
<b>NET CASH USED IN OPERATING ACTIVITIES</b>	<b>(20,150,545)</b>

**Note B RECEIPTS FROM GOVERNMENT GRANT**

Total grant received	20,662,000
Less refund in respect of Administrative Services Department charges	(224,454)
<b>NET GRANT</b>	<b>20,437,546</b>

**Note C RECONCILIATION OF CASH**

For the purposes of this statement of cash flows, cash includes:-

- (i) cash on hand and in at call deposits with banks or financial institutions; and
- (ii) investments in money market instruments not exceeding three months to maturity.

Cash at the end of the year is shown in the balance sheet as:-

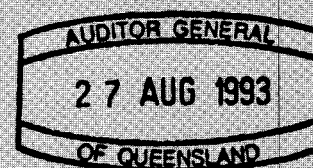
	1993
	\$
Cash at bank	2

**Note D TAX STATUS**

The activities of the Criminal Justice Commission are exempt from taxation.

**Note E PRIOR YEAR'S BALANCE**

The statement of cash flows has been prepared for the first time in 1992/93 and accordingly prior year's figures are not included.



..... **Notes to and Forming Part of the Accounts**

**Statement of Significant Accounting Policies**

The significant accounting policies which have been adopted in the preparation of these accounts are –

**(a) Basis of Accounts**

The accounts have been prepared on an historical cost basis, consistent with the basis applied in the previous financial period. Income and expenditure are brought to account on an accrual basis.

Policies adopted conform with the Public Finance Standards including professional Statements of Accounting Concepts and applicable Australian Accounting Standards.

**(b) Plant and Equipment**

All plant and equipment is included in the accounts at cost less accumulated depreciation.

Depreciation has been applied using the straight line method based on the useful life of the asset.

Plant and equipment includes those items over \$500 in value and attractive items identified by management below this value.

Software is not capitalised.

**(c) Accommodation**

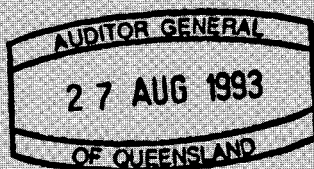
Charges by Administrative Services Department for lease of office accommodation, security, cleaning, electricity, waste disposal and landscaping have been incurred. In previous years the Commission was responsible for lease of basement facilities and any refurbishment costs with rental for office accommodation being provided free of charge by Administrative Services Department.

This significant change in expenditure is reflected in accommodation being classified as a separate category of expenditure rather than as an administrative expense.

**(d) Employee Leave Entitlements**

Provision has been made for liability to employees (excluding police) for long service leave and accrued recreation leave.

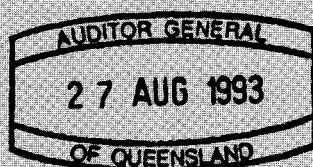
Sick leave is brought to account as incurred.



## Notes to and Forming Part of the Accounts – Continued

.....

	1993	1992
	\$	\$
<b>Note 1 Queensland Government Grant</b>		
Annual Funding Grant	20,662,000	12,300,000
Less refund in respect of Administrative Services Department charges	224,454	—
	<u>20,437,546</u>	<u>12,300,000</u>
 <b>Note 2 Other</b>		
Proceeds from the sale of assets purchased during the Commission of Inquiry and disposed of prior to being brought to account in the financial records of the Criminal Justice Commission		
– Motor Vehicles	21,706	157,785
Dividends – Q-Fleet	93,924	12,431
Sundry Income	19,268	44,434
	<u>134,898</u>	<u>214,650</u>
 <b>Note 3 Salaries and Related Expenses</b>		
Salaries, Wages and Allowances	10,702,060	9,706,863
Overtime	507,243	685,980
Payroll & Fringe Benefits Taxes	721,599	663,356
Superannuation Contribution	1,009,380	931,029
Workers' Compensation	6,451	34,938
	<u>12,946,733</u>	<u>12,022,166</u>
 <b>Note 4 Administration</b>		
Airfares, Taxis, Hire Cars and Travel Allowances	477,710	337,402
Telephones, Pagers, Facsimile	353,195	309,596
Postage and Petty Cash	32,140	39,008
Advertising	58,273	43,664
Subscriptions, Books	55,995	69,314
Stores and Stationery	107,533	120,661
Printing and Publication	104,143	129,273



..... **Notes to and Forming Part of the Accounts - Continued**

	1993	1992
	\$	\$
Q-Fleet Leasing	207,836	58,425
Petrol, Maintenance, Registration	258,700	256,535
Equipment	39,088	46,733
Computing Expenses & Software	434,122	546,935
Witness Fees & Expenses	33,699	96,322
Transcription	124,563	161,999
Audit Fees	29,940	15,521
Recruitment & Training	154,423	164,863
Corruption Prevention Expenses (a)	—	38,412
Litigation Costs	41,420	178,787
Information Retrieval	90,440	67,693
Depreciation	777,197	680,678
Other	169,425	185,770
Special Payments (b)	29,630	—
Legal Advice (c)	765,937	230,219
	4,345,409	3,777,810

(a) Corruption Prevention Expenses are now classified into other categories of expenditure such as conferences, travel and printing.

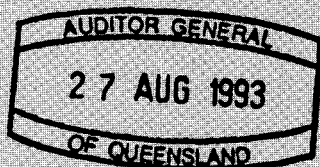
(b) Includes payments to members of Witness Protection Unit for allowances due but not paid during Commission of Inquiry \$26,630 and payment in relation to recruitment and appointment of the Chairman \$3,000.

(c) Includes costs of inquiries into Operation Trident, Saunders and Jury Selection. These costs include advice and representation by counsel and remuneration to two former judges to undertake the latter two inquiries. Legal advice was previously disclosed in Consulting, it is now classified as an Administrative cost.

Accommodation was previously included as an Administration expense but is now classified separately with the commencement of user pays charges by the Administrative Services Department.

**Note 5 Operational**

This consists of expenditure incurred in the carrying out of operations relating to investigations.



## Notes to and Forming Part of the Accounts - Continued

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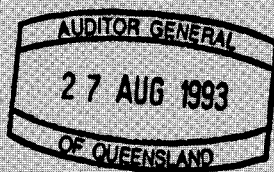
	1993	1992
	\$	\$
<b>Note 6 Consulting</b>		
Contracted Research	156,511	95,209
Forensic Document Examination	1,150	4,850
Assistance for Intelligence Division	—	6,541
Expert Examinations and Reports	—	540
Recruiting	2,000	—
Review of Complaints Process	—	10,470
Review of Operations	—	20,150
Position Evaluations	15,074	3,750
Independent Investigation	—	9,060
Staff Welfare	—	500
Report - Complaints Staffing	—	6,000
Informal Complaints Resolution *	28,237	—
Corruption Prevention	9,757	—
Financial Analysis	28,102	—
Freedom of Information	2,881	—
Report - Communications	12,286	—
Corporate Planning/Program Management	16,750	—
Report - Implementation of the Fitzgerald Reforms	5,225	—
Research - Local Government	3,185	—
Research - Aboriginal Councils	5,518	—
Assistance to Retiring Chairman with succession planning	25,000	—
Review of Adequacy of Police Service Disciplinary process	2,860	—
Dispensation of Justice in Queensland	1,686	—
Illicit Drugs Study	4,078	—
Organised Crime Report	9,661	—
	329,961	157,070

\*Jointly funded by the Criminal Justice Commission and the Queensland Police Service.

Legal advice was classified as consulting in 1992. This expenditure is now classified as an administrative expense.

### Note 7 Accommodation

Lease	2,005,883	323,320
Security	408,945	—
Cleaning	138,427	—
Electricity	171,021	—
Refurbishment	83,777	381,623
Other	27,241	—
	2,835,294	704,943



Accommodation was previously classified as an administrative expense but is now classified separately as costs are significant with the introduction of charges by the Administrative Services Department.

..... **Notes to and Forming Part of the Accounts - Continued**

	1993 \$	1992 \$
<b>Note 8 Transfers to Provisions</b>		
Long Service Leave	50,557	153,146
Recreation Leave	604,170	626,059
	<hr/>	<hr/>
	654,727	779,205
	<hr/>	<hr/>

**Note 9 Depreciation Expense**

Depreciation relates to assets purchased during the Commission of Inquiry for which ownership was subsequently transferred to the Criminal Justice Commission and to those additional assets acquired during the course of the Commission of Inquiry and brought to account in the financial records during the financial year shown.

**Note 10 Write Offs**

This comprises fixed assets transferred from the Commission of Inquiry and subsequently expensed and assets written off as a result of annual stocktake.

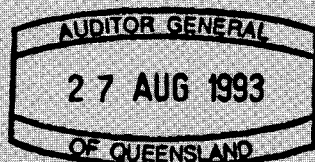
**Note 11 Assets Acquired at No Cost**

Assets with a cost value of \$150,532 (less items disposed to the value of \$3,339) purchased during the Commission of Inquiry have been located and transferred to the Commission.

In addition to the assets purchased during the Commission of Inquiry through the Department of Justice and transferred to the Commission, a stocktake located many additional items believed to have been acquired during the Commission of Inquiry. Thorough investigations were conducted to ascertain source and costs in order to bring such assets to account in the financial records. The total value of these items is \$166,494.

**Note 12 Plant and Equipment**

Office Machines & Equipment	593,844	576,992
Less Accumulated Depreciation	209,146	152,495
	<hr/>	<hr/>
	384,698	424,497
	<hr/>	<hr/>
Operations Equipment	935,654	846,298
Less Accumulated Depreciation	496,345	347,030
	<hr/>	<hr/>
	439,309	499,268
	<hr/>	<hr/>
Furniture & Fittings	147,732	136,261
Less Accumulated Depreciation	24,180	13,200
	<hr/>	<hr/>
	123,552	123,061
	<hr/>	<hr/>
Computing Equipment	2,323,237	2,049,616
Less Accumulated Depreciation	1,013,222	602,768
	<hr/>	<hr/>
	1,310,015	1,446,848
	<hr/>	<hr/>
Motor Vehicles	614,248	1,131,427
Less Accumulated Depreciation	128,469	207,963
	<hr/>	<hr/>
	485,779	923,464
	<hr/>	<hr/>
<b>TOTAL PLANT AND EQUIPMENT</b>	2,743,353	3,417,138
	<hr/>	<hr/>



## Notes to and Forming Part of the Accounts - Continued

	1993 \$	1992 \$
<b>Note 13 Investments</b>		
Equity in Q-Fleet Leasing Scheme	<u>865,701</u>	<u>286,640</u>
 <b>Note 14 Provisions</b>		
Current		
Recreation Leave	<u>462,771</u>	<u>421,618</u>
Non-current		
Long Service Leave	<u>331,857</u>	<u>288,114</u>
	<u>794,628</u>	<u>709,732</u>

### Note 15 Segment Reporting

The Commission is primarily associated with the administration of criminal justice in Queensland.

### Note 16 Capital Commitments

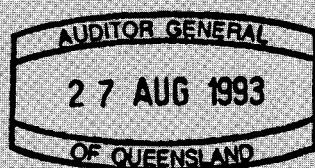
Capital Commitments mainly comprising surveillance equipment and computer hardware as at 30 June totalled approximately \$61,100 (1992, approximately \$135,500). Commitments are payable within one year.

### Note 17 Lease Commitments

The Commission leases motor vehicles from Q-Fleet Division of Administrative Services Department. The leases vary according to the timing of the replacement of the vehicle.

### Note 18 Contingent Assets/Liabilities

There were no known contingent assets or liabilities of a significant nature as at 30 June 1993.





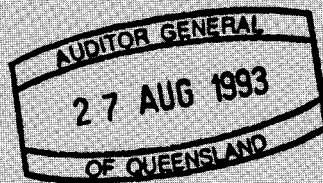
..... **Audit Certificate**

I have examined the accounts of the Criminal Justice Commission as required by the *Financial Administration and Audit Act 1977* and certify as follows -

- (a) I have received all the information and explanations which I have required;
- (b) the foregoing Income and Expenditure Account, the Statement of Cash Flows, and the Balance Sheet are in agreement with those accounts; and
- (c) in my opinion -
  - (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
  - (ii) the foregoing statements have been drawn up so as to present a true and fair view in accordance with prescribed accounting standards of the transactions of the Criminal Justice Commission for the period 1 July 1992 to 30 June 1993, and of the financial position as at 30 June 1993.



B M ROLLASON  
Auditor-General



# Certificate of the Criminal Justice Commission

The foregoing Financial Statements have been prepared pursuant to the provisions of the *Financial Administration and Audit Act 1977*. We certify that -

- (a) the foregoing financial statements and notes to and forming part thereof are in agreement with the accounts and records of the Criminal Justice Commission;
- (b) in our opinion -
  - (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
  - (ii) the foregoing statements have been drawn up in accordance with the Public Finance Standards so as to present a true and fair view of the transactions of the Criminal Justice Commission for the year ended 30 June 1993, and of the financial position as at 30 June 1993.

26/8/93  
Date

*R. S. O'Regan*  
R S O'REGAN QC  
Chairman

*G M Brighton*  
G M BRIGHTON  
Executive Director

