



**Criminal Justice Commission
Annual Report 1993/94**

Justice Integrity Accountability

PURPOSE OF THE REPORT

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

This is the CJC's fifth annual report and the fourth covering a full year of operations. It presents a summary of our operations during 1993/94, 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 we have 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*.

Criminal Justice Commission

**557 Coronation Drive
Toowong, Queensland**

**PO Box 137
Albert Street
Brisbane 4002**

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

Facsimile: (07) 360-6333

ISSN: 1038-3972

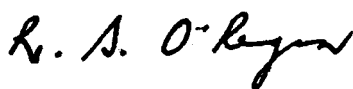
CRIMINAL JUSTICE COMMISSION ANNUAL REPORT

Year Ended 30 June 1994

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 147A of the
Criminal Justice Act 1989 and Section 46J of the *Financial
Administration and Audit Act 1977*, we submit to you for
presentation in Parliament, the 5th Annual Report of the
Criminal Justice Commission, which formally embraces the
period 1 July 1993 to 30 June 1994.



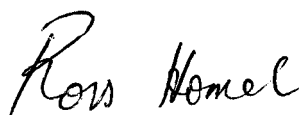
Mr Robin O'Regan QC
Chairperson



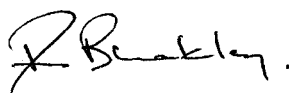
Mr Barrie French
Commissioner



Mr Lewis Wyvill QC
Commissioner



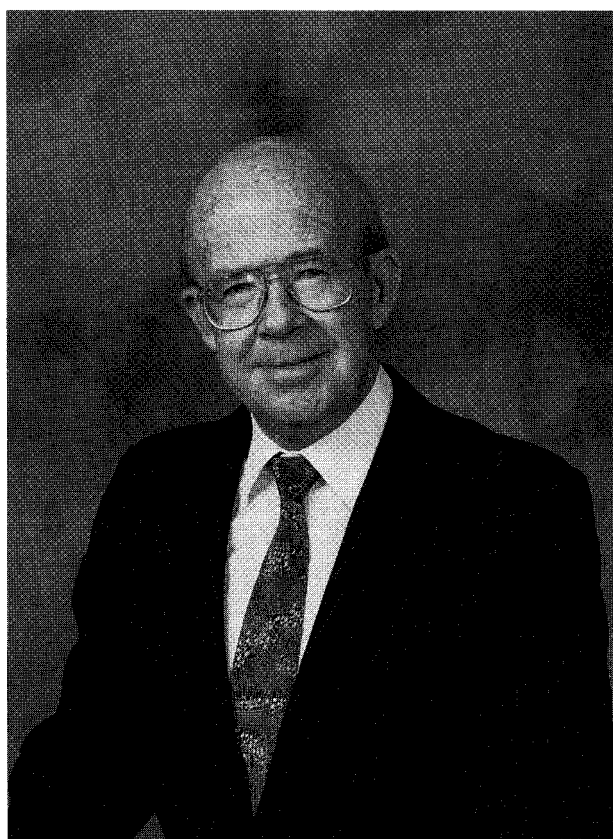
Professor Ross Homel
Commissioner



Mr Robert Bleakley
Commissioner

September 1994

CHAIRPERSON'S INTRODUCTION



The Commission's fifth year of operation proved as challenging and rewarding as had previous years. I am pleased to note that the CJC is now generally accepted by Queenslanders as an effective instrument for the improvement of standards in public life.

We have made further progress in our efforts to enhance the integrity of public administration. Year by year, we have found better ways to handle complaints that come to us alleging misconduct or corruption by police or others working in the public sector. A substantial restructuring of our Complaints Teams has reduced the time it takes to process and finalise complaints. In most instances, minor matters are now referred back to the Department or agency concerned for resolution, though we still monitor the situation.

We have found the informal resolution process introduced during the previous reporting period with the cooperation of the Queensland Police Service to be a very successful method of dealing with minor complaints against police, and we look forward to further refinements to the system.

1993/94 saw the completion of four major inquiries into:

- the selection of the jury for the trial of Sir Johannes Bjelke-Petersen
- allegations of Lorrelle Anne Saunders concerning the circumstances that led to her being charged with criminal offences
- the arrest and death of Daniel Alfred Yock
- complaints against six Aboriginal and Island Councils.

We also began or continued investigations into alleged:

- corruption in the tow truck and smash repair industries
- improper disposal of liquid waste in South-East Queensland
- abuse and gross neglect of patients and victimisation of staff at the Basil Stafford Centre for the intellectually disabled
- corruption of officials connected with an incident at Cape Melville National Park in North Queensland.

On the research side we published two more volumes in the Police Powers Report, a Report on Cannabis and the Law in Queensland, and a Review of Recruitment and Training in the Queensland Police Service. These proved to be the focus of considerable interest in the community. A host of other publications were completed as well.

In support of our efforts to communicate the details of our work to the people of Queensland, staff throughout the Commission addressed many groups in the public sector and the community.

The Commission has also made a significant contribution towards the fight against organised crime. Our investigative staff, made up of specialists across many disciplines, work with other law enforcement agencies throughout Queensland and across Australia to counter the threat of those whose criminal networks and activities often cross state and national boundaries. The Joint Organised Crime Task Force proved successful in several major operations, and our Proceeds of Crime Team recouped substantial sums of money and property from persons convicted of criminal offences.

Our Corruption Prevention Division, in its first full year of operation, has already made considerable progress in promoting a proactive approach to the prevention and detection of corruption. Through management systems reviews and corruption prevention workshops, we can now advise managers on how to identify areas vulnerable to corruption, how to improve practices to reduce corruption risks, and how to instil an ethical attitude in the workplace for the good of all. By establishing a support program for whistleblowers, we have shown a firm commitment to protecting the rights of those who have put their future on the line by reporting suspected corrupt activity to us.

I wish to acknowledge the contribution of two of our part-time Commissioners, Professor John Western and Mr John Kelly, whose terms of office expired this year. Professor Western, who was a member of the Commission from its inception, did much to enhance the reputation of the Research and Co-ordination Division for scholarly work. We shall miss his advice and his assistance in the formation of policy. John Kelly was also a foundation Commissioner. He assisted greatly in our reviews of police training and education. These two gentlemen leave the Commission with our esteem, our gratitude and our good wishes.

They have been replaced by Professor Ross Homel, a distinguished criminologist and Professor of Justice Administration at Griffith University, and Mr Robert Bleakley, who has had extensive experience in the public service and was formerly the Director of Community Corrections with the Queensland Corrective Services Commission. Mr Barrie French also joined the Commission early in the reporting year and brings to his role considerable experience as a consultant in organisational review and management training. I welcome them to the Commission and look forward to working with them over the next year.

1993/94 also saw the retirement of Assistant Commissioner Carl Mengler from his post as Director of Operations and of the Witness Protection Division. In addition to overseeing our operations against organised crime Assistant Commissioner Mengler contributed significantly to the work of the Witness Protection Division. The fact that the Witness Protection Division enjoys such a high reputation among law enforcement agencies throughout Australia is due, in part, to Assistant Commissioner Mengler's efforts.

As this report was being prepared, the Commission was also preparing a submission to the Parliamentary Criminal Justice Committee to assist the Committee in its three-year review of our operations. We welcome the review and the further opportunity it presents for describing and explaining our work to the people of Queensland.

I am very grateful to the staff of the Commission for the commitment and skill they have applied to their work throughout an extremely busy year.

R. A. O'Byrne

MISSION STATEMENT

OUR MISSION

To promote justice and integrity in Queensland

OUR GOALS

- 1 To ensure the integrity of public administration.
- 2 To promote a fair and effective criminal justice system.
- 3 To make an effective contribution to combating organised and major crime.
- 4 To promote proactive corruption prevention in the public sector, professional organisations and other agencies
- 5 To promote public understanding and informed discussion on criminal justice issues.

OUR VALUES

Justice Integrity Accountability

CONTENTS

Profile	1
Public Administration Integrity Program	8
Investigation of Misconduct and Official Misconduct.....	10
Misconduct Tribunals.....	22
Criminal Justice Research and Reform Program	24
Criminal Justice Research and Monitoring Sub-program	26
Police Service Reform Sub-program	28
Organised and Major Crime Program	32
Intelligence Sub-program.....	34
Operations Sub-program.....	36
Witness Protection Sub-program	42
Corruption Prevention Program	44
Public Sector Liaison Sub-program.....	46
Management Systems Reviews Sub-program	46
Education and Training Sub-program.....	48
Whistle Blower Support Sub-program.....	50
Public Awareness Program	52
Public Awareness Sub-program.....	54
Public Education and Communications Sub-program	55
Organisational Support Program	56
Executive Management Sub-program.....	57
Resource Management Sub-program	57
Appendix 1 Lectures, Addresses and Presentations by CJC Officers	65
Appendix 2 Legal Issues	68
Appendix 3 Review of Equal Employment Opportunity Program	71
Appendix 4 Commission Publications 1993/1994	75
Appendix 5 Annual Financial Statements of Criminal Justice Commission	77

LIST OF FIGURES

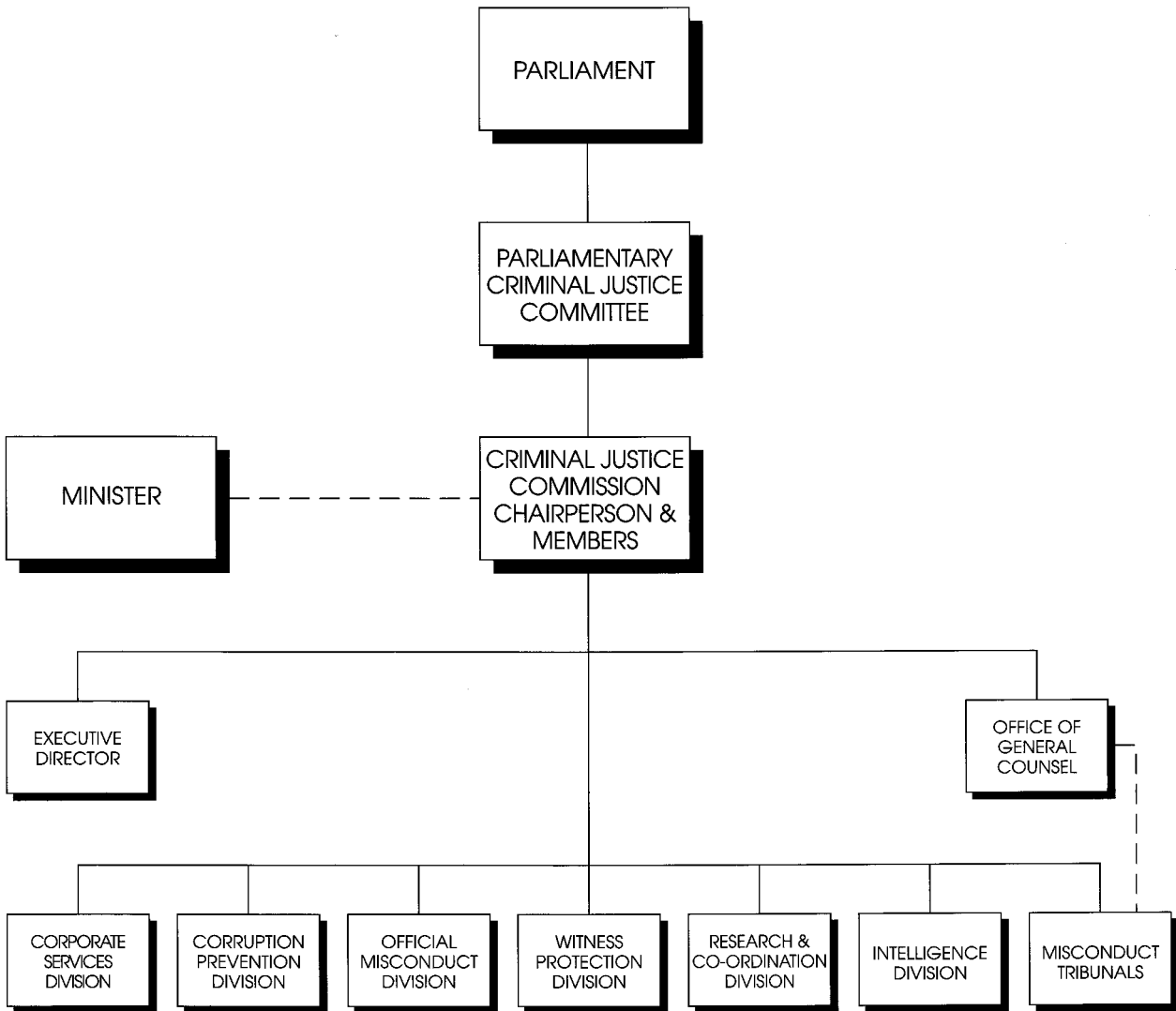
Table 1	Statistics Relating to the CJC's use of its Powers Pursuant to Sections 69 and 74 of the Criminal Justice Act 1989.....	11
Figure 1	Complainants by Category	12
Table 2	Complaints by Police as a Percentage of Total Complaints of Misconduct Against Police Reported to the CJC	12
Figure 2	Complaints Received	13
Figure 3	Subjects of Allegations.....	14
Figure 4	Major Types of Allegations.....	14
Table 3	Matters in which Proceedings have been taken in Relation to False Complaints.....	15
Table 4	Matters in which Proceedings are Pending	16
Table 5	Complaints Alleging Police "Verballing" (22 April 1990 – 31 March 1994)	16
Table 6	Time taken by Police to deal with Allegations.....	17
Table 7	Finalisation Rates (1993/94)	18
Table 8	Procedural Recommendations Made (1991-94)	18
Table 9	Cost of Public Inquiries (1993/94).....	21
Table 10	Types of Applications Lodged with the Commissioner for Police Service Reviews (1993/94).....	31
Table 11	Status of Applications Lodged with the Commissioner for Police Service Reviews (1993/94).....	31
Figure 5	Dissemination of Intelligence	35
Table 12	Listening Device Applications (1993)	39
Table 13	Type of Listening Device Authorised (1989-1993)	39
Table 14	Net Values of Restrained and Forfeited Assets.....	41
Table 15	Scope of Public Sector Liaison Activities.....	46
Table 16	Management System Reviews	47
Table 17	Public Sector Education Activities	48
Table 18	ATSI Liaison Activities.....	49
Table 19	Commission Staff Establishment as at 30 June 1994	60
Table 20	Freedom of Information Statistics – Applications and Reviews (1993/94).....	61
Table 21	Freedom of Information Statistics – Decisions (1993/94).....	62

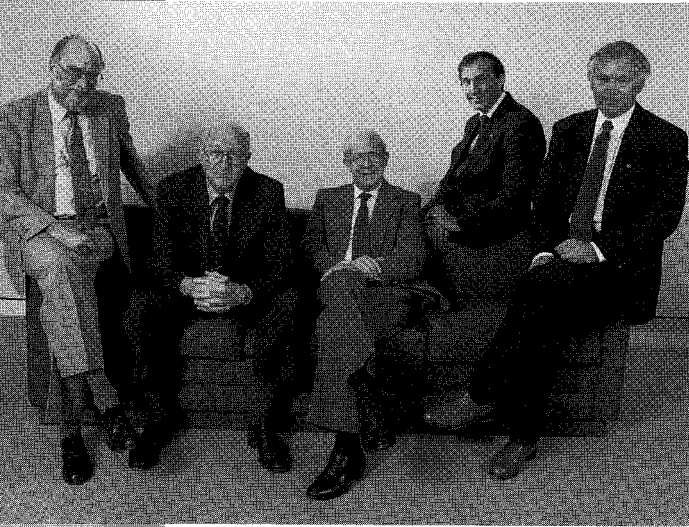
ABBREVIATIONS

ABCI	Australian Bureau of Criminal Intelligence
the Act	The <i>Criminal Justice Act 1989</i>
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 (the Database)	Criminal Intelligence Database
CJC	Criminal Justice Commission
CJP	Criminal Justice Program
CPD	Corruption Prevention Division
CTS	Counter-Terrorist Section
DIEA	Department of Immigration and Ethnic Affairs
EARC	Electoral and Administrative Review Commission
JOCTF	Joint Organised Crime Task Force
MDT	Multi-Disciplinary Team
NCA	National Crime Authority
NWPP	National Witness Protection Program
OMCG	Outlaw Motor Cycle Gang
OMD	Official Misconduct Division
PCJC	Parliamentary Criminal Justice Committee
PEARC	Parliamentary Committee for Electoral and Administrative Review
PSU	Professional Standards Unit
QPS	Queensland Police Service
QUID	Queensland Police Intelligence Database
QUT	Queensland University of Technology

PROFILE

REPORTING STRUCTURE AND ORGANISATION OF THE CJC





The Commission (left to right): Mr Barrie Ffrench, Mr Lewis Wyvill QC, Mr Robin O'Regan QC, Professor Ross Homel, Mr Robert Bleakley

THE COMMISSION

Mr Robin O'Regan QC has been Chairperson of the Criminal Justice Commission since December 1992.

After graduating in Arts and Law at the University of Queensland and qualifying also for a Diploma in Public Administration he practised for some years as a Barrister and Solicitor in Papua New Guinea both in Government and private legal practice. He later held a number of academic appointments including Professor of Law at the University of Papua New Guinea, Associate Professor of Law at Monash University in Victoria and Professor and Head of the Department of Law at the University of Queensland.

He began to practise at the Queensland Bar in 1979 and was appointed Queen's Counsel in 1984. From 1990 to 1992 he chaired a Committee appointed by the Attorney-General to conduct a comprehensive review of the Queensland Criminal Code. He has also published several books and numerous articles in Australian and English journals on legal subjects.

Mr Robert Bleakley holds a B.Soc.Wk. from the University of Queensland and a post-graduate Diploma in Criminology from the University of Melbourne. He has served as Chief Social Worker for the Division of Psychiatric Services and as Deputy Chief of the then Probation and Parole Service. Following the Kennedy Review into Corrective Services in 1989, he was appointed Director of Community Corrections. Aside from his Commission activities, he is an Australian Team rowing coach.

Mr Barrie Ffrench BA (Sydney) is a freelance consultant who was formerly Director, Human Resource Consulting, KPMG Peat Marwick. His background is primarily in personnel management where he has served as an executive and consultant providing direction and advice on executive recruitment, organisational review and management training. He assisted the Kennedy Commission in the establishment of the new Corrective Services Commission and is now Chairman of the Fundraising Council of the Queensland Spastic Welfare League.

Professor Ross Homel is a criminologist and Professor of Justice Administration at Griffith University. He holds a PhD in Behavioural Sciences from Macquarie University, as well as degrees in sociology and statistics. His special interest is crime prevention, and his current projects include the prevention of alcohol-related violence, sentencing in the Magistrates Courts and the optimisation of random breath-testing. He is a former editor of the *Australian and New Zealand Journal of Criminology*, and Deputy Director of the NSW Bureau of Crime Statistics and Research.

Mr Lewis Wyvill QC graduated with a BA and LLB from the University of Queensland in 1956. He was admitted to the Bar in November 1956 and has practised mainly, but not exclusively, in the areas of common law, criminal law and administrative law. He was appointed Queen's Counsel in 1983. From May 1988 to March 1991 he was one of the Commissioners who inquired into Aboriginal Deaths in Custody. Recently, he presided for the Commission in the Yock Inquiry. His main interest in the area of criminal justice is in the detection and prevention of official misconduct and the reform of the Queensland Police Service.

ACCOUNTABILITY

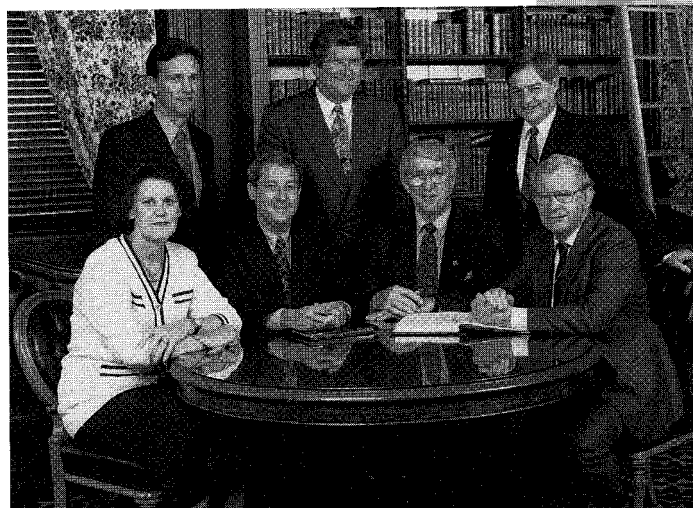
Consistent with the Fitzgerald Report, the *Criminal Justice Act 1989* makes the CJC free of Executive Government control; however the Commission is fully accountable to Parliament, the courts and community. The Commission reports in writing and in person, on a regular basis, to the Parliamentary Criminal Justice Committee (PCJC). Thus, the PCJC is the CJC's direct link to Parliament and, ultimately, the people of Queensland.

PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE (PCJC)

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 Parliament. It presented such a report – *Review of the Operations of the Parliamentary Criminal Justice Committee and the Criminal Justice Commission* – in August 1992. Another report will be produced in 1994/95.

The PCJC may request the Commissioners and the CJC's Directors to elaborate on specific issues raised in their written reports or to address matters that have come to the Committee's attention. The Committee can direct the CJC to investigate matters that fall within its jurisdiction under the Act. The PCJC is also empowered to hold public hearings on issues related to the activities of the CJC. Further, it can also receive complaints from persons who feel aggrieved by the activities or investigations of the CJC.

During the past year, the PCJC formally met with the CJC's Commissioners and Directors 11 times. Generally these meetings were held in camera on the second Friday of the month.



The Parliamentary Criminal Justice Committee (seated, left to right): Ms Lorraine Bird MLA (Whitsunday); Mr Ken Davies MLA (Mundingburra), (chair); Hon. Neil Turner MLA (Nicklin); Hon. Vincent Lester MLA (Keppel); (standing, left to right): Mr Darryl Briskey MLA (Cleveland); Mr Tom Barton MLA (Waterford); Dr David Watson MLA (Moggill)

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 Queensland Police Service (QPS) or other agencies.

THE DIVISIONS

The Commission has five operational Divisions:

- Official Misconduct
- Intelligence
- Witness Protection
- Research and Co-ordination
- Corruption Prevention.

These operational Divisions are assisted by the Corporate Services Division and the Office of General Counsel (which has administrative responsibility for the Misconduct Tribunals).

The permanent staff establishment of the Commission is 263 employees – 171 civilians and 92 Police Officers – whose expertise and experience complements the wide range of Commission responsibilities.

OFFICIAL MISCONDUCT

This Division investigates allegations of misconduct against members of the QPS and of official misconduct against officers of other units of public administration. It can investigate complaints made to the CJC and also investigate matters on its own initiative.

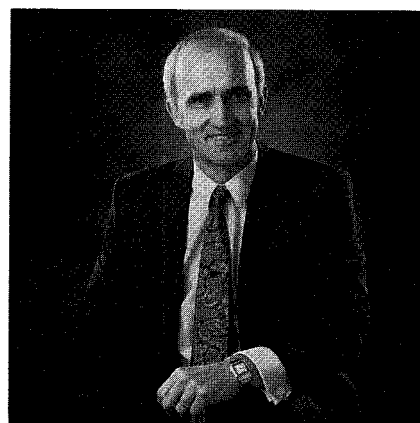
Complaints requiring detailed investigation are referred to teams in the Complaints Section or, in the case of complex or prolonged investigations, to the Multi-disciplinary Teams (MDTs).

MDTs deal with investigations into organised and major crime that are not appropriately or effectively discharged by other law enforcement agencies in Queensland and that require

- substantial access to the CJC's compulsory powers
- specialist input such as financial analysis, mobile and electronic surveillance and/or covert operations.

The MDTs also support public inquiries conducted by the CJC.

These teams are composed of investigators, lawyers and accountants, supported by intelligence analysts. There are five teams, counting the Proceeds of Crime Unit, although one is part of the Joint Organised Crime Task Force (JOCTF), a co-operative venture with the QPS that tackles a number of organised crime groups.



*Mark Le Grand, Director,
Official Misconduct Division*

INTELLIGENCE

This Division functions as a specialist criminal intelligence service providing for an integrated approach to organised and major crime and other criminal activities that exceed the bounds of normal police investigations. It performs this role by

- 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
- providing support to CJC investigations and those of other law enforcement agencies as required.

The Division also

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



*Paul Roger, Director,
Intelligence Division*

WITNESS PROTECTION

Providing an effective witness protection service to people who are assisting the CJC or other law enforcement agencies of the State, this Division:

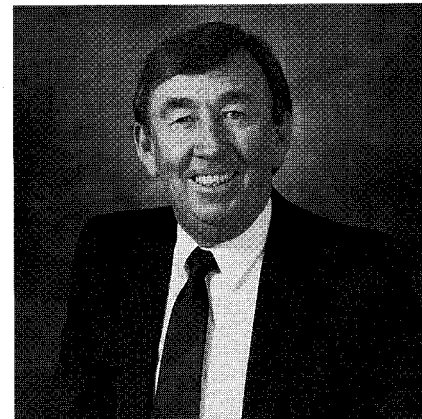
- maintains a 24-hour "lifeline" for witnesses
- provides on-call protection and close personal protection
- relocates people, or provides new identities.

RESEARCH & CO-ORDINATION

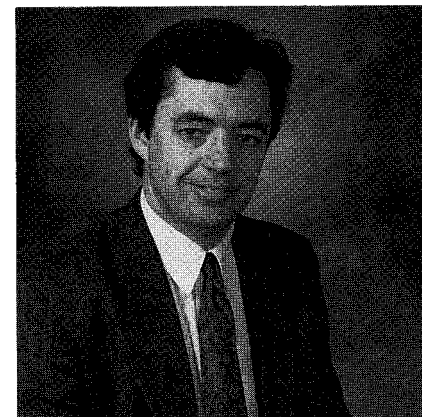
This Division's functions entail:

- recommending reforms of criminal law and criminal justice administration
- research into matters affecting the administration of criminal justice and the enforcement of criminal law in Queensland
- reviewing and monitoring 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.

The Division also provides advice and assistance to other Divisions on research-related matters and is a key participant in the CJC's public awareness activities.



*Assistant Commissioner John McDonnell,
Director, Operations and Director,
Witness Protection Division*

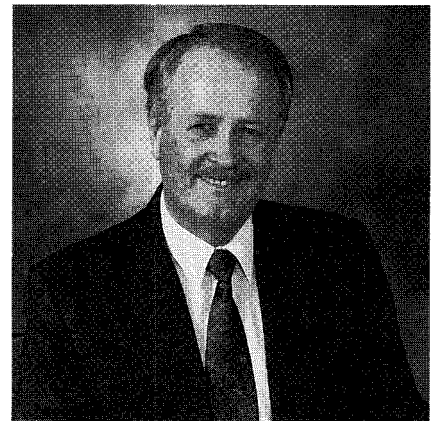


*David Brereton, Director,
Research and Co-ordination Division*

CORRUPTION PREVENTION

This Division promotes proactive corruption prevention in the public sector, professional organisations and other agencies by:

- encouraging the community, through public awareness initiatives, to help reduce corruption
- developing special initiatives on corruption prevention for Aboriginal and Torres Strait Islander (ATSI) and ethnic communities
- advising principal officers of ways in which they can meet their obligation to report official misconduct in their organisation
- helping administrators develop programs to assess and reduce their exposure to corruption
- providing advice and counselling for whistleblowers who are assisting the CJC.

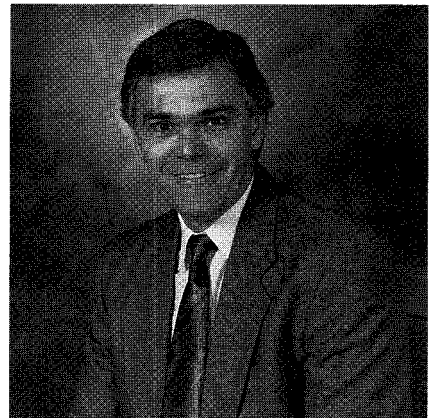


*Robert Hailstone, Director,
Corruption Prevention Division*

CORPORATE SERVICES

This Division supports the CJC's operational Divisions by

- developing and implementing administrative and logistical policies and procedures
- making recommendations to meet organisational, staffing and overall budgetary needs
- establishing procedures for external and internal accountability in compliance with the *Financial Administration and Audit Act 1977*, the Public Finance Standards, and the *Freedom of Information Act*, as well as the CJC's responsibilities under the *Criminal Justice Act 1989*.



*Graham Brighton,
Executive Director*

MISCONDUCT TRIBUNALS

The Tribunals investigate and determine disciplinary charges of official misconduct and review decisions (other than that of a Court or Misconduct Tribunal) on disciplinary charges of misconduct against police and other 'prescribed' persons who are made subject to their jurisdiction by Order-in-Council.

The Tribunals work independently from the CJC, with only management oversight from the Office of General Counsel.

OFFICE OF GENERAL COUNSEL

The Office:

- provides legal, policy and strategic advice to the CJC and represents it in legal matters.
- works with the Research and Co-ordination Division in preparing submissions on criminal justice and legislative issues.
- monitors, and advises the CJC of, changes to legislation and important court decisions.



*Marshall Irwin,
General Counsel*

PUBLIC ADMINISTRATION INTEGRITY PROGRAM

GOAL

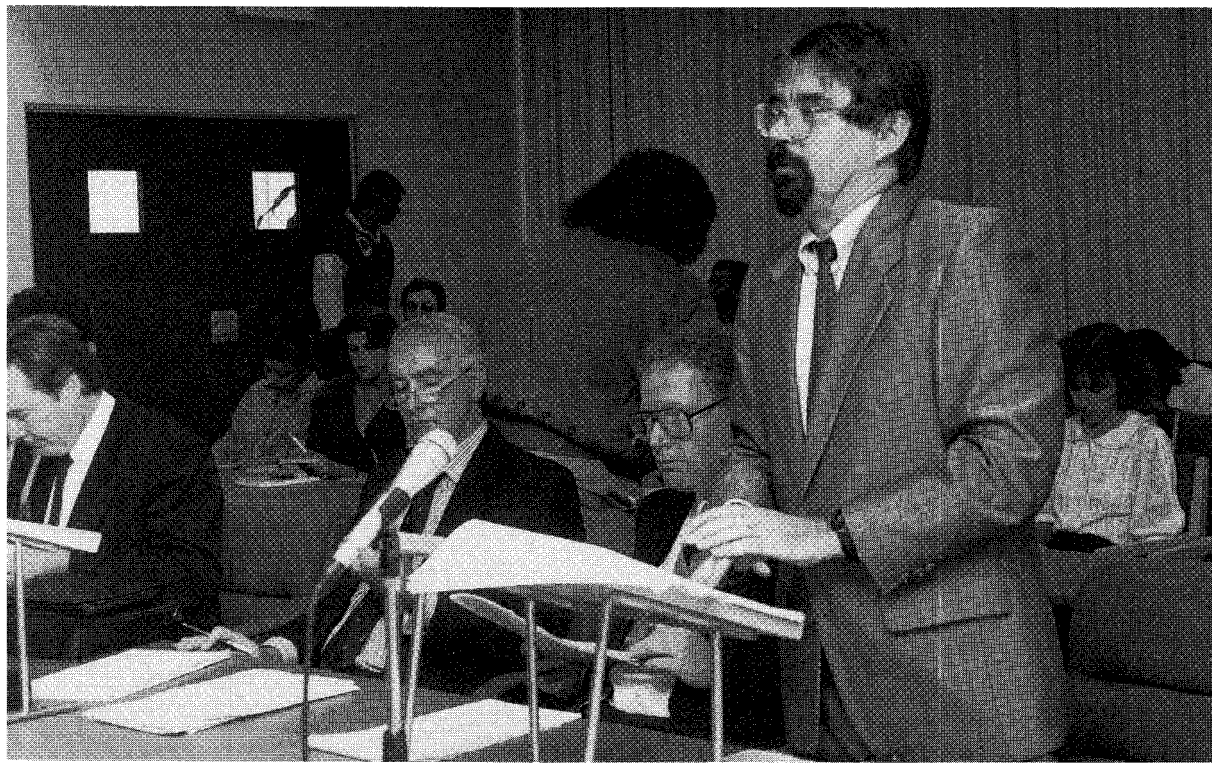
To ensure the integrity of public administration

SUB-PROGRAMS

- Investigation of Misconduct/Official Misconduct
- Misconduct Tribunals

DIVISIONS RESPONSIBLE

- Official Misconduct
- General Counsel



John Jerrard QC, counsel for the Aboriginal Legal Service, making an address during the Yock Inquiry.

HIGHLIGHTS

Several significant inquiries concluded with reports during the course of the year:

- an *Inquiry into the Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen*
- an *Investigation into the Allegations of Lorrelle Anne Saunders Concerning the Circumstances Surrounding Her Being Charged With Criminal Offences in 1982 and Related Matters*
- an *Investigation into the Arrest and Death of Daniel Alfred Yock*
- an *Investigation into Complaints Against Six Aboriginal and Island Councils*

Other inquiries, expected to report early in 1994/95, began or continued investigations into alleged:

- corruption in the tow truck and smash repair industries
- improper disposal of liquid waste in South-East Queensland
- abuse and gross neglect of patients and victimisation of staff at the Basil Stafford Centre
- corruption of officials in connection with the Toxtall palms incident at Cape Melville

We also concluded a major report on the *Implementation of the Fitzgerald Recommendations Relating to the Criminal Justice Commission* in which the status of the Fitzgerald recommendations was reviewed in detail.

INVESTIGATION OF MISCONDUCT AND OFFICIAL MISCONDUCT

❖ *Strategies*

- investigate allegations of misconduct in the QPS and official misconduct in all units of public administration
- prepare reports for criminal and disciplinary charges
- recommend procedural reforms as appropriate
- develop complaints resolution procedures as alternatives to formal investigation
- monitor compliance with misconduct reporting obligations and develop regimes to enhance the quality of reporting

❖ *Performance*

PROCESSING OF COMPLAINTS

The Complaints Section of the Official Misconduct Division (OMD) achieved dramatic success during 1992/93 in improving the efficient handling of complaints of misconduct by police and official misconduct by other public officers, as a result of the restructuring of the Section. These improvements were consolidated in 1993/94 with further gains in efficiency. During the year, 2713 files were active at some time. This is a marginal increase over the number of files active during 1992/93; however there was an overall reduction of 5% in the time these files were active during the year.

The improved result for files carried forward for completion to 1994/95 (down by 47), the increase in files received (up by 149) and the reduction of the time files were active during the year point to significant productivity gains in the Complaints Section in its handling of complaints, following on from the dramatic benefits of restructuring achieved in 1992/93.

The Division recently revised the structure of the Complaints Teams reducing their number from three to two and incorporating two other units within the Division to make larger teams which will better utilise the management and professional skills of senior police and lawyers within those teams. On a two team basis each team would have had an average of 44 files on hand at any time during 1993/94. This reflects the effectiveness of the Assessment Unit in dealing with minor matters without them having to be referred to Complaints Teams.

The Assessment Unit continues to deal with complaints that require preliminary investigation, leaving the two Complaints Teams free to concentrate on investigating matters in which there is a reasonable prospect of substantiating allegations of misconduct. A significant number of matters received alleging misconduct are finalised as not substantiated on the basis of preliminary inquiries by the Assessment Unit. Reports on such matters are presented to the Chief Officer, Complaints Section, for approval, but otherwise are effectively finalised within the Assessment Unit.

A number of matters continue to be identified as matters which can be referred to the QPS for investigation, either as matters of suspected minor misconduct (which, at the conclusion of the investigation, the QPS returns to the CJC for determination) or matters of possible breaches of discipline (which the QPS investigates and determines). These matters are assessed by the Assessment Unit and, with the Chief Officer's approval, referred to the QPS.

Once the matters are returned to us, the Complaints Section Review Unit, staffed by a Senior Legal Officer, assisted by a Support Officer, scrutinises the reports of the senior police officers to ensure that an appropriate investigation has been carried out and that any recommendations made are warranted in the circumstances. This process also

- allows for independent civilian oversight of those investigations from which disciplinary proceedings may follow
- provides an opportunity for the CJC to advise the QPS on policy and procedural matters which may be highlighted as a result of an investigation.

During 1993/94 the Review Unit finalised 384 separate files as well as undertaking other duties as required.

COMPLAINTS STATISTICS

Since the commencement of the 1992/93 financial year, QPS 'breach of discipline' matters have been assessed by the Complaints Section to ensure they are not more serious than the QPS has indicated. These matters are not registered or made up as standard complaint files if they have been properly categorised. Apart from specific mention of those breach of discipline matters, the statistics that follow relate to standard complaint files registered and do not include the 'breach of discipline' matters handled solely by QPS.

The number of complaints we receive continues to rise steadily. Here are the key complaints statistics for 1993/94 and the percentage change from the previous year:

- Standard Complaints Registered 2332 (+6.9%)
- QPS Breach of Discipline Matters 1651 (+30.6%)
3983 (+15.5%)
- Standard Complaints Finalised at 30 June 1994 2354
- Standard Complaints Current at 30 June 1994 357 (-4.5%)

We continue to make use of our compulsory powers including the power to summon witnesses to give evidence in our investigations and the power to give notices to people requiring them to produce records or to furnish statements of information. The number of days on which hearings were conducted was twice that in 1992/93. Despite this increase in hearing days, there were only 17 extra matters. Many of these days were taken up by the Saunders, Liquid Waste and Basil Stafford public inquiries. Statistics on the issuing of notices and summons are contained in Table 1.

TABLE ONE

STATISTICS RELATING TO THE CJC'S USE OF ITS POWERS PURSUANT TO SECTIONS 69 AND 74 OF THE CRIMINAL JUSTICE ACT 1989

	91/92	92/93	93/94
Notices to Produce Records	390	374	548
Notices to Discover Information*	35	13	390
Summonses	281	382	520

Note: The high number of Notices to Discover relates to their use to compel responses from waste generators to issues raised during the recent inquiry into the improper disposal of liquid waste in South-East Queensland.

INTELLIGENCE SUPPORT

The Intelligence Division assists the Complaints Section in appropriate matters by providing investigators with relevant information held by the Division and collected through specialised liaison with other agencies within Queensland and nationally. During the year, the Division responded to 317 requests for information from the Complaints Section.

Intelligence staff also provide analytical support to the OMD as required in operations involving alleged misconduct by police. Analysts have assisted investigators by producing analytical charts and reports in support of several investigations which led to criminal charges and disciplinary action.

❖ **Performance Assessment**

COMPLAINTS

Our continued success in this sub-program can be seen by comparing the statistics on the source of complaints received this year to those from the two previous years (see Figure 1). The current rate of complaints received is 20% higher than in 1992/93, and the rate of receipt for each year until the present year increased by 30% per annum on average.

We would contend that members of the public who are the main source of complaints to the CJC would not approach us unless our processes were credible. Although difficult to manage, this rate of complaints increase does represent a substantial vote of public confidence in the CJC. Experience with the former Police Complaints Tribunal demonstrates that people do not complain to bodies that lack credibility and are not seen as effective (see Fitzgerald Report, pp. 289-295).

The percentage of complaints forwarded by principal officers of Government Departments and other units of public administration has grown from 2.3% in 1991/92 to 9.7% this year (see Figure 1).

Special reference should 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 10.1% in 1991/92 to 14.6% in 1993/94. A substantial number of police officers are now prepared to report unacceptable conduct by other police.

Reference should also be made to the total complaints received by police against police compared to the total allegations of misconduct received against police (see Table 2).

FIGURE ONE
COMPLAINANTS BY CATEGORY

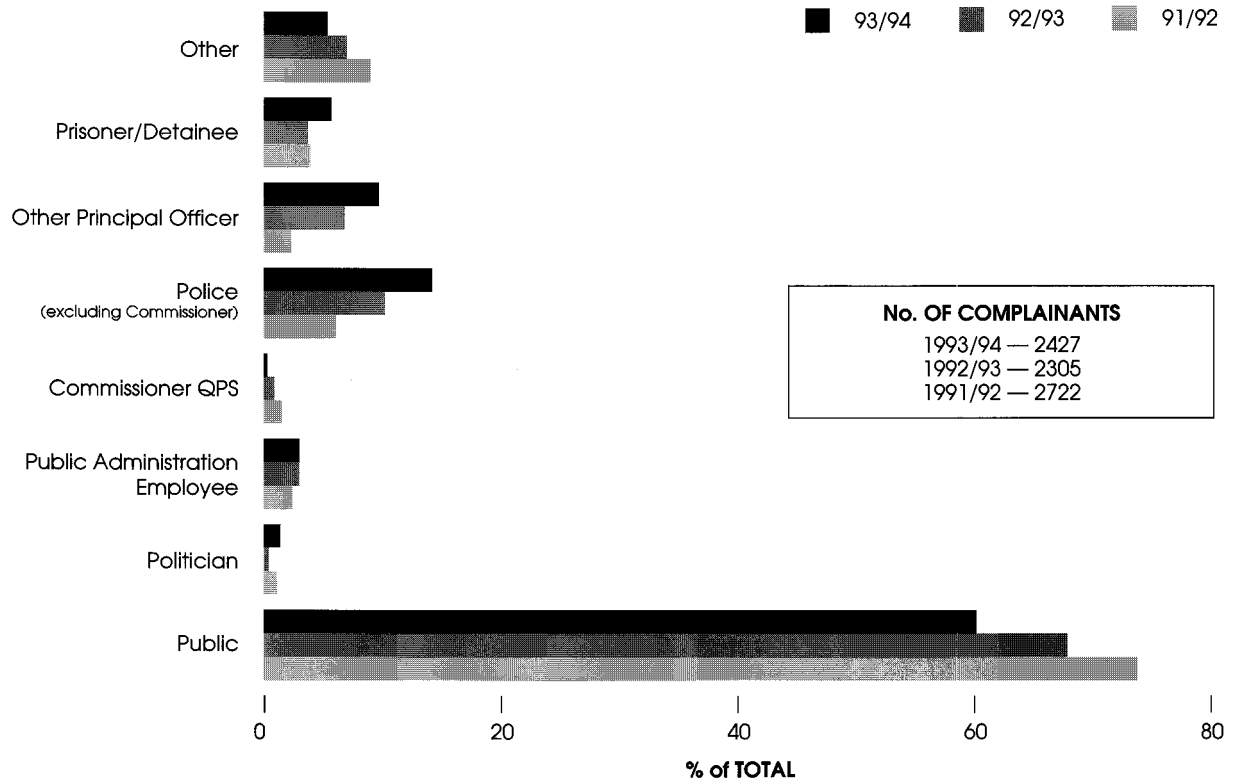


TABLE TWO
COMPLAINTS BY POLICE AS A PERCENTAGE OF TOTAL COMPLAINTS OF MISCONDUCT AGAINST POLICE REPORTED TO THE CJC

	Complaints from Commissioner	Complaints from other Police	Total Complaints from Police
90/91	5.7	4.4	10.1
91/92	2.0	8.0	10.0
92/93	1.2	12.1	13.2
93/94	0.4	14.2	14.6

Note: When calculating complaints lodged by police officers against other police officers the Commission has not included those incidents which police officers are obliged to report to the Commission irrespective of whether the reporting officer suspects any other officer of misconduct, for example, high speed motor vehicle pursuits, deaths or attempted suicides in custody or any serious injury resulting from police action.

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 increased from 3.7% in 1992/93 to 5.7% this year.

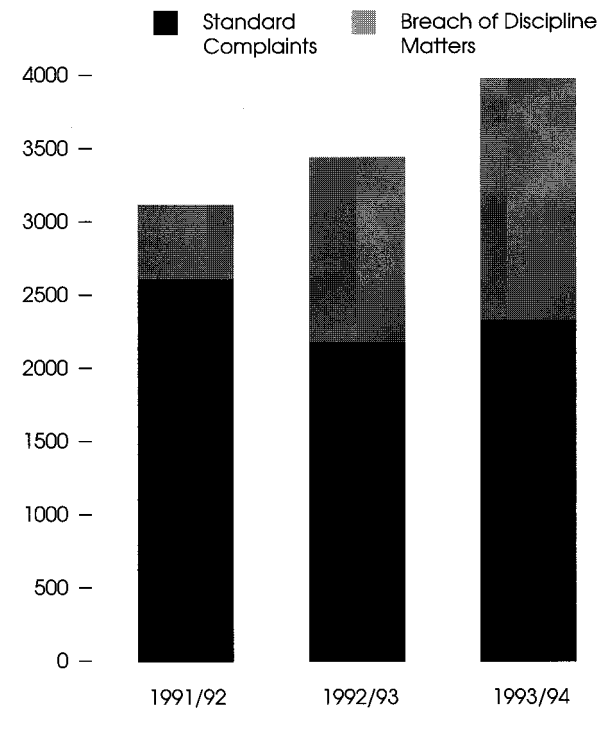
The Complaints Section's improved performance is illustrated by the following statistics:

- 2,332 complaints were registered (see Figure 2); a further 1,651 matters were assessed as involving breaches of discipline by police officers and referred to the QPS for action (30.6% more than in 1992/93). We have no jurisdiction to investigate breaches of discipline in the QPS if no misconduct is alleged. However, allegations are still reported to us to ensure they involve a breach of discipline only.
- 2354 complaints were finalised, a 3.4% increase over 1992/93.
- The number of complaints on hand fell from 374 at the end of 1991/92 to 357 at the end of 1993/94. This is the lowest number we have had since the end of May 1990 (the first full month of the CJC's operation).
- 517 criminal charges were recommended against 139 persons, an increase of 61% on the number of persons against whom charges were recommended in 1992/93.
- 235 disciplinary charges were recommended against 139 persons, a decrease of 19% on the number of persons against whom charges were recommended in 1992/93.
- In a further 44 cases we recommended that police officers receive operational guidance.
- The average time taken to finalise complaints matters fell from 73 days in 1992/93 to 68 days this year.

Approximately 16.6% of total complaints (388) were referred to the QPS because they involved allegations of minor misconduct, compared to 13.1% in 1992/93.

Figure 3 provides a comparison by year of subjects of allegations. Police officers were the subjects of allegations in approximately 74% of cases this year. Allegations against officers of public service Departments accounted for 12.8% of all allegations received, a slight increase from the previous year.

FIGURE TWO
COMPLAINTS RECEIVED



The increase since 1991/92 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.

Figure 4 provides a comparison by year of types of allegations received. Allegations of assault accounted for 15.7% of all allegations received in 1993/94, compared with 12.4% in 1992/93.

FIGURE THREE

SUBJECTS OF ALLEGATION

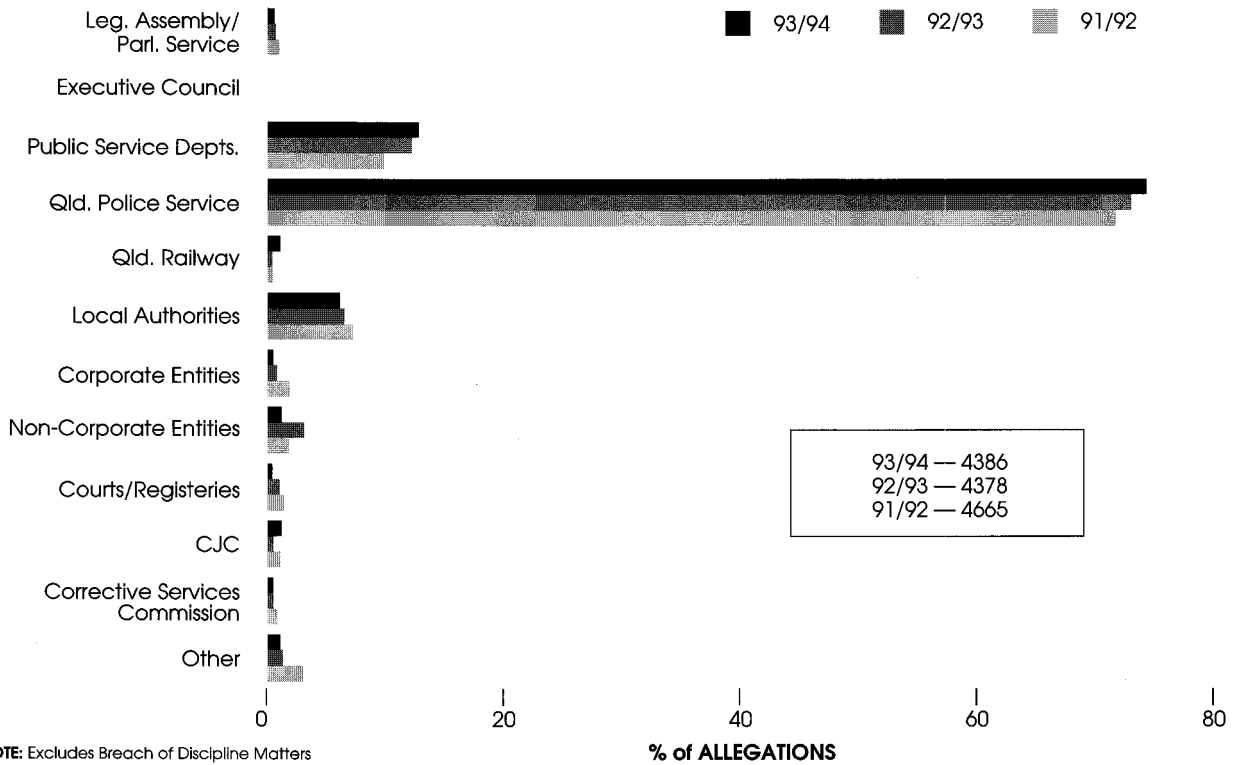
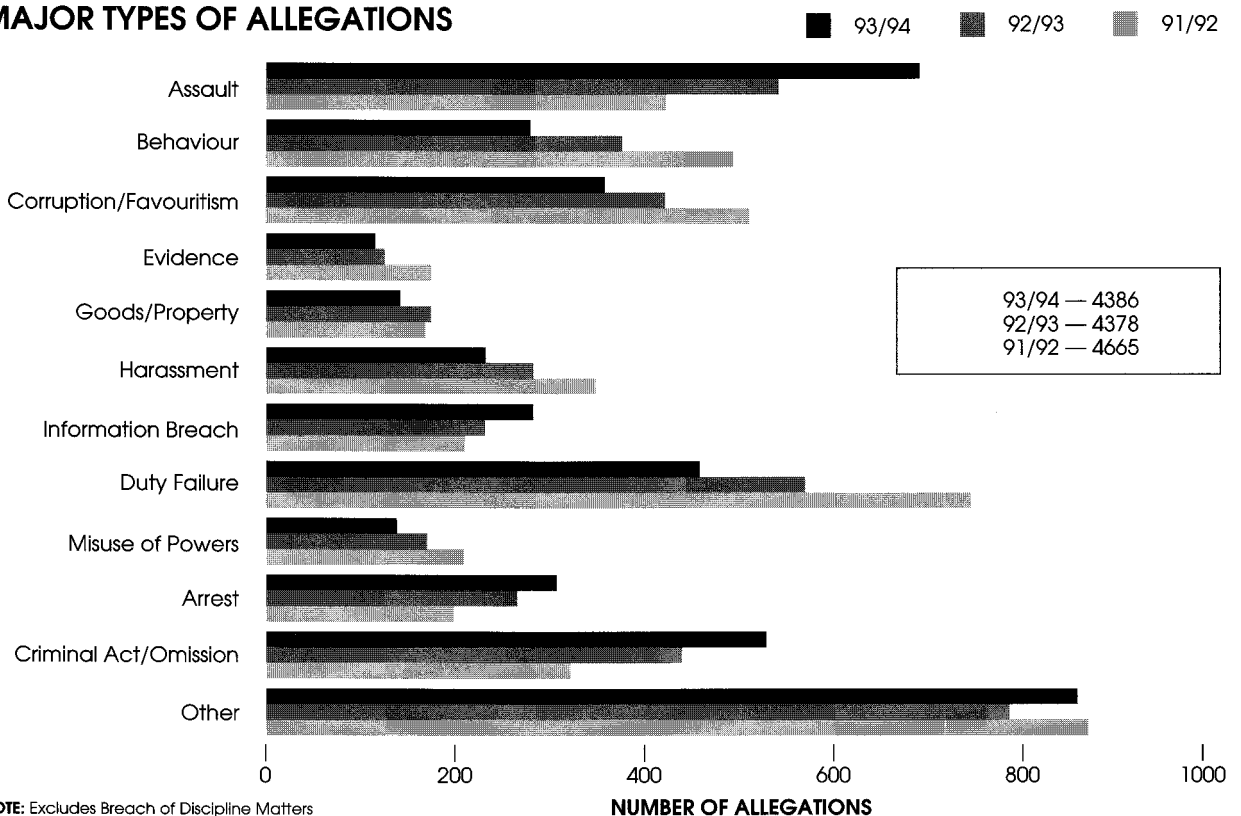


FIGURE FOUR

MAJOR TYPES OF ALLEGATIONS



FALSE COMPLAINTS AGAINST POLICE

We have made substantial progress in reducing the number of false complaints made against police. The CJC has a policy of causing people who wilfully make false complaints against police to be prosecuted. However, the provisions of the *Police Service Administration Act 1990* and the *Vagrants Gaming and other Offences Act 1931* which create the offence are very onerous for the prosecution to satisfy. For this reason we successfully sought an amendment to the Act to create an offence of wilfully making a false complaint to the CJC. To date more than a dozen prosecutions for false complaint have been initiated. It has been our policy to pursue prosecutions in these matters wherever a charge

can be proven and there are no obvious extenuating circumstances.

The new section to the Act authorises the court to order the payment of compensation to the CJC for the costs incurred as a result of its investigation of the false complaint. The section does not, however, appear to apply to complaints lodged at a police station before they are forwarded to the CJC. Since such complaints account for a large proportion of the matters we handle, we have recommended that the section be further amended to include false complaints made in this way.

The following two tables provide details on action in relation to false complaints.

TABLE THREE

MATTERS IN WHICH PROCEEDINGS HAVE BEEN TAKEN IN RELATION TO FALSE COMPLAINTS

Name of Complainant	Nature of Allegations Made	Recommendation and Sentence/Penalty Imposed
RICHARDS, S J NESPOLI, R J	Complainants who are tow truck drivers alleged that a police officer threatened them and made sure they did not receive towing jobs on two occasions.	On 22 July 1993 the complainants were both convicted of offences against s. 10.21 of the <i>Police Service Administration Act 1990</i> . They were fined \$750 each and were ordered to pay \$768 costs each for the relevant investigation – total \$1,518 each.
Z	Complainant alleged that excessive force was used during his arrest and that police officers fabricated evidence against him.	Complainant charged with making a false complaint pursuant to s. 10.21 of the <i>Police Service Administration Act 1990</i> . The matter was heard during February 1994. The Magistrate found that there was a case to answer and the matter was adjourned. The complainant was later acquitted of the charge.

TABLE FOUR

MATTERS IN WHICH PROCEEDINGS ARE PENDING

Name of Complainant	Nature of Allegations Made	Recommendation and Sentence/Penalty Imposed
A	Allegation that a police officer misappropriated property.	A charge of wilfully making a false complaint pursuant to s. 10.21 is pending.
B	Allegation of assault by a police officer.	A charge of wilfully making a false complaint pursuant to s. 10.21 is pending.
C	Allegation of assault by police officer.	A charge of wilfully making a false complaint pursuant to s. 10.21 is pending.
D	Allegation of assault by police.	A charge of wilfully making a false complaint pursuant to s. 10.21 is pending.

Note: The persons referred to by letter in the above tables cannot be identified as they have not been dealt with.

TABLE FIVE

COMPLAINTS ALLEGING POLICE "VERBALLING" (22 APRIL 1990 – 31 MARCH 1994)

Investigated by the CJC and found not to be substantiated	8
Investigated by the CJC and disciplinary action taken	1
Referred to QPS for investigation and found not to be substantiated	3
Investigated by the CJC and found not to be substantiated but disciplinary action taken on related matters	1
Referred to QPS for investigation and found not to be substantiated but disciplinary action taken on related matters	1
Assessed as unable to be productively investigated or not requiring further action	3
Matters canvassed and determined in Courts	3
Out of CJC's jurisdiction (not QPS)	2
Complainants refused to provide further information	2
Complaints withdrawn	1
Vexatious complaints	1
Alleged event occurred prior to 22 April, 1990 – the establishment of the Complaints Section	4
Current investigations	1
Total	31

POLICE "VERBALLING"

"Verballing" involves the fabrication of or tampering with evidence by police and may arise out of frustration with or contempt for the criminal justice system. Much of the early work of the CJC was taken up with the investigation of such allegations. However, after four years of operation we can report that the incidence of verballing, particularly the manufacture or falsification of evidence, has significantly reduced.

Let it be said that this has simply resulted from mandatory tape-recording of confessional statements and admissions, we would point out that the requirement to tape-record evidence only relates to indictable offences and not to summary hearings in Magistrates Courts, which represent the vast majority of criminal prosecutions.

Recent figures illustrate just how uncommon such complaints have become (see Table 5).

INFORMAL RESOLUTION

Following on from our work last year in this area, our research shows that the introduction of informal resolution has:

- significantly reduced the amount of time required to finalise complaints of a minor nature against the police
- markedly improved complainant satisfaction with the complaints investigation process.

On average, informal resolution has more than halved the time required to finalise such matters (see Table 6). With some additional refinements, it should be possible to reduce complaint processing times still further.

TABLE SIX

TIME TAKEN BY POLICE TO DEAL WITH ALLEGATIONS

	Median (days)	Mean (days)	90th Percentile (days)
Minor Allegations Formally Resolved (n=3416)	99	142	293
Allegations Resolved via Informal Resolution (n=963)	52	66	125

Note: the median is the value above and below which one-half of the observations fall. The mean is the average of the values. The 90th percentile is the point below which 90% of cases fall.

As part of our evaluation of informal resolution, we also surveyed complainants whose complaints were handled formally by the QPS and those who participated in an informal resolution.

The key findings were that:

- 76% of those complainants whose complaint was informally resolved said that they were very or fairly satisfied with the way the complaint was handled, compared with only 40% of those whose complaint was formally investigated
- 60% of the informal resolution complainants said that they were very or fairly satisfied with the outcome, compared with only 28% of those whose complaint was formally investigated

- 78% of the informal resolution complainants said that they were kept very or fairly informed during the process, compared with only 36% of those whose complaint was formally investigated.

INVESTIGATIONS OF ALLEGATIONS AGAINST OFFICIALS OTHER THAN POLICE

Recent investigations have uncovered long-running schemes within Government Departments involving the misuse of hundreds of thousands of dollars worth of departmental property or funds. Action arising from these investigations has resulted in substantial savings to the public. Here are three examples:

• **Operation A**

Tradesmen working in a large public sector steel fabricating workshop had known for years that their manager was misappropriating large amounts of property. They had been paid overtime on weekends to build equipment on the manager’s rural properties and they had seen truckloads of departmental property being driven out the gates at the manager’s direction.

The employees had not reported this to the police or the Department because they believed that the manager’s supervisor knew about the rorts. After one officer reported the matter to us, over \$150,000 in property has been recovered and a brief detailing 50 charges of misappropriation has been referred for prosecution. The manager’s supervisor has been transferred and problems in the Department’s audit systems have been rectified.

• **Operation B**

A senior officer in another Department, who obtained about \$140,000 in corrupt payments from suppliers favoured in the placing of contracts in excess of \$1 million, pleaded guilty to charges of official corruption. He was sentenced to five years imprisonment, but the sentencing Judge recommended that he be considered for parole after serving ten months for assisting CJC investigations of other people suspected of corruption.

His three co-accused, all businessmen with no previous convictions, pleaded guilty after the public servant agreed to give evidence against each of them. All received prison sentences (2½ years recommendation for parole after 6 months for two accused, 18 months recommendation for release after 3 months for the third) for making payments to the public servant in return for his awarding them contracts each time they tendered for them.

A total of \$154,000 was paid into Consolidated Revenue by way of proceeds of crime orders.

• **Operation C**

The CJC investigated allegations that a former Town Clerk of a major provincial city Council had misappropriated \$28,500 of the Council's funds. It was alleged that the former Town Clerk had misappropriated monies by backdating his financial package, backdating approvals for overseas trips and misusing a corporate credit card. The tedious work of assembling the detailed financial evidence was undertaken by officers, including an experienced financial analyst, who prepared a brief for the prosecution of the former Town Clerk. The CJC experienced many frustrating delays during the lead up to the trial. When the hearing day arrived the defendant discharged his legal adviser and requested an adjournment. The Judge remanded him in custody and indicated that he wanted the matter finalised during the current sittings of the Court.

When the matter came to trial, he was found guilty of 35 counts of misappropriating \$28,500 and sentenced to three years imprisonment with no recommendation for parole. The Judge made specific mention of the diligence of the Council and its staff in identifying the misappropriation and seeing it through to its conclusion in the Court.

These are just a few examples of how the CJC's operations are leading to a significant improvement in ethical behaviour and accountability throughout the public sector in Queensland.

COMPLAINT RESOLUTION

The CJC appreciates that it is in the interests of both the complainant and the subject officer for complaints to be finalised as quickly as possible. It is our experience that the chance of sustaining a valid complaint increases if the matter is investigated immediately. We also understand that the longer an investigation drags on the greater the stress on the

individuals involved. For these reasons we constantly review our procedures with a view to reducing the time taken to finalise matters. Those efforts are bearing fruit.

The rate at which we finalise complaints has steadily improved since May 1992 when we were given the power to choose whether to investigate or to continue an investigation or, in the case of minor matters, refer them to another agency. Where we refer complaints of misconduct against police to the QPS for investigation on our behalf, we review the QPS's decision prior to the matter being finalised.

We now complete approximately three-quarters of our investigations in eight weeks or less (see Table 7). This compares favourably to the matters we refer back to the QPS for investigation on our behalf where investigation times vary from 18 to 28 weeks depending upon the Region.

TABLE SEVEN

FINALISATION RATES (1993/94)

Finalisation Period	91/92	92/93	93/94 (to 31.3)
within 2 weeks	31.3%	52.2%	52.1%
within 4 weeks	45.3%	62.8%	65.1%
within 8 weeks	62.1%	73.9%	73.4%
within 12 weeks	70.4%	79.7%	79.5%

PROCEDURAL RECOMMENDATIONS

Through our investigations of alleged official misconduct we uncover many corrupt schemes and departmental deficiencies in audit and procedures. Over the past three financial years we have made 210 substantive and procedural recommendations to the QPS, local authorities and other units of public administration (see Table 8).

TABLE EIGHT

PROCEDURAL RECOMMENDATIONS MADE (1991-94)

Year	Up to 30.06.91	91/92	92/93	93/94	Total
Procedural Recommendations	54	37	54	65	210

Of the recommendations made during 1993/94:

- 37 were directed to the QPS
- 12 were to local authorities
- 14 were to other units of public administration

INQUIRIES

The CJC concluded four inquiries over the past year. Four others are still current, three of which are due to report shortly.

Finalised matters:

- In the *Inquiry into the Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen*, the Honourable W J Carter QC was asked to consider the following matters in connection with the trial of the former Premier:
 - possible polling of potential jurors to ascertain their views on a political matter
 - possible manipulation by the defence of the panel(s) from which the jury was selected to ensure a potential juror who was known by the defence to be favourably disposed to the accused was selected
 - possible misleading of the court by senior defence counsel as to information he claimed to possess about a juror in the trial being a shop steward of a union affiliated with the ALP
 - possible interference with the procedure for creating jury panels.

Carter QC found, in relation to these points that:

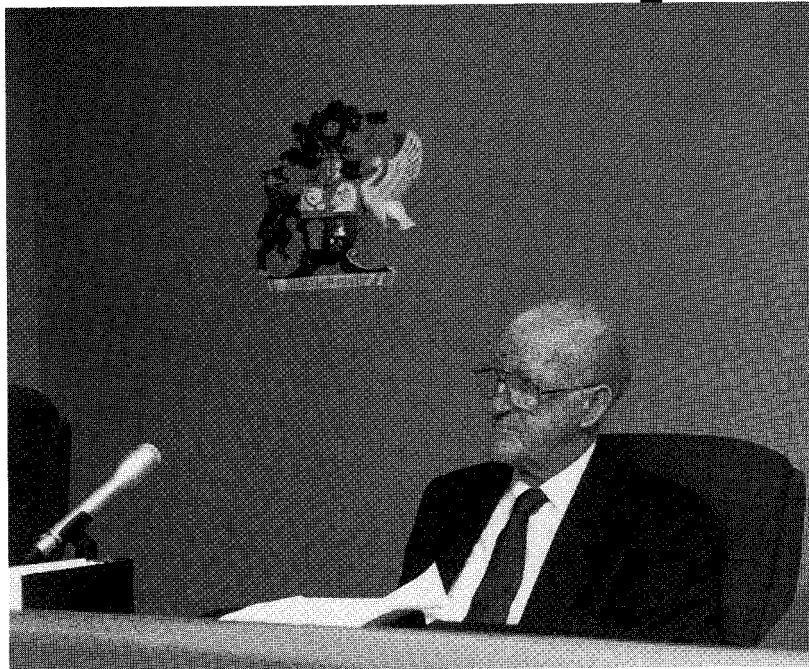
- very few, if any, prospective jurors had been approached by any person connected with the defence
- the trial judge was misled (unintentionally by counsel) in such a way that one panel was discharged and another became available, increasing the likelihood that a prospective juror on the second panel would be selected for duty
- counsel for the defence did not provide the trial judge with false information concerning a juror
- there was insufficient evidence on which to base any charges of official misconduct or criminal behaviour by any persons connected with the trial.

Nevertheless, Carter QC concluded that the practice of publishing jury lists before the start of a criminal trial 'is in urgent need of reform'. He

also suggested that jury vetting procedures should be reviewed.

- The *Report by the Honourable R H Matthews QC on His Investigation into the Allegations of Lorelle Anne Saunders Concerning the Circumstances Surrounding Her Being Charged With Criminal Offences in 1982, and Related Matters* found no evidence to conclude that Sgt Saunders had been "set up" by other officers or that there had been a dishonest investigation or a neglect or violation of duty on the part of the officers concerned. Matthews QC rejected her bid for compensation.
- Following the death of Daniel Alfred Yock in early November, a public inquiry was held to determine if the actions of police may have contributed to Yock's death. Commissioner L F Wyvill QC found no evidence of excessive force in the arrest of Yock or mistreatment following his arrest and therefore no grounds for finding the arresting officers guilty of official misconduct.

Commissioner Wyvill recommended, however, that officers should be given 'appropriate training' to assess the health of prisoners before they are placed into custody and to ensure that they understand the contents of the QPS Custody Manual. He also recommended measures be taken to ensure that the health of prisoners is monitored regularly after they are placed in custody.



Commissioner Lewis Wyvill QC considering evidence during the Yock Inquiry, at which he presided on behalf on the Commission.

- The *Report on an Investigation into Complaints Against Six Aboriginal and Island Councils* found a host of irregularities in the financial administration and management of the councils under investigation, but enough evidence to recommend criminal or disciplinary action in only a few cases. The Report outlines problems that surfaced during our investigations of the Councils concerned that made the identification and prosecution of possible offences difficult:

- poor financial records
- inadequate minutes of meetings
- conflicts of interest
- prevalence of unsubstantiated rumour as the basis of complaints
- difficulties in obtaining consistent witness statements.

The CJC recommended that

- immediate action be taken to ensure that Councils produce a Financial and Administration Procedures Manual
- legislation be amended to require Councils to hold regular meetings, take minutes and make copies of minutes available to the public
- legislation be amended to require Councils to keep a register of pecuniary interests by Councillors and to provide penalties for Councillors who fail to declare interests.

On-going matters:

- Following investigations of the towing industry by the Fitzgerald Commission of Inquiry in 1989 and by the QPS in 1991, the CJC decided to conduct closed hearings into:
 - the alleged payment of "spot fees" to police in return for information on road accidents in contravention of the *Tow Truck Act 1973*
 - the alleged payment by persons in the smash repair industry of "drop fees" to persons in the towing industry for work obtained in contravention of the same Act
 - alleged threats to motor dealers by persons in the towing industry that smash repairers associated with these persons would withdraw their business if the motor dealers did not favour them when using towing services

- possible misconduct, in connection with the smash repair and towing industry, by persons employed in units of public administration.

As a result of investigations to date, the CJC referred two briefs of evidence to the Director of Prosecutions for possible criminal charges, and one person has been charged with nine counts of official corruption. The hearings are now complete, and a report is being written.

- In October the Honourable R H Matthews QC began a public inquiry into allegations of industry-wide illegal dumping of liquid waste. The complainant alleged that company employees had been threatened against refusing to take part in the activity, and that public officials had passed information on to persons that allowed them to avoid detection when improperly disposing of the waste. The terms of reference for the inquiry involved an investigation of disposal practices in South-East Queensland to determine if
 - there had been breaches of relevant legislation
 - individuals had obtained money under the false pretence that waste would be legally disposed of
 - public servants had facilitated the illegal dumping through corrupt actions or official misconduct.

Matthews QC is expected to provide us with the first volume of his report, which focuses on evidence received on mining issues, early in July 1994.

- In December public hearings began into allegations of abuse and gross neglect of clients by staff at the Basil Stafford Centre. The CJC had also received complaints alleging that persons who had complained about this treatment of patients had been subjected to harassment or intimidation.

The Commission appointed the Honourable D G Stewart to preside over the inquiry and resolved that he should investigate the evidence pertaining to the above allegations and also consider 'any statutory provisions, policies, practices or procedures relevant to the treatment of clients at the Centre, or the reporting of treatment of those clients, and any related matters'.

Hearings were continuing as at 30 June. A report is expected by the end of 1994.

- In January the CJC was asked to investigate matters alleged to have occurred in the Cape Melville region in November:
 - the brother of a senior Government official was charged with offences
 - the senior Government official was alleged to have intervened on the brother's behalf after a vehicle being used by his party was taken by a park ranger
 - the park ranger involved then had his employment terminated.

The Commission conducted closed hearings to consider whether any acts of official misconduct had been committed following the seizure of the motor vehicle. The hearing focussed on:

- the investigation and the reporting of these events
- the actions of the brother and his associates in North Queensland
- the failure of the Department of Environment and Heritage to renew the ranger's contract.

The investigation is now complete and a report is being written.

The Commission recognises that its public inquiries may have a financial impact on relevant units of public administration; however, it does not envisage that this should necessarily be significant. Indeed, any such impact could be properly be characterised as part of the costs of ensuring accountability as a consequence of the CJC's obligation to investigate alleged official misconduct.

Table 9 provides the costs incurred this year for the public inquiries held by the CJC.

THE ISSUING OF GUIDELINES

The Act authorises the CJC to issue guidelines which regulate or modify a principal officer's duty to report suspected official misconduct to us.

Recognising the special needs of and difficulties faced by teachers, the CJC issued guidelines which excuse the Director-General of the Department of Education from immediately referring complaints of minor assaults on students where there is no evidence of an ongoing problem. The Department is required to report to us monthly on how it has dealt with such complaints.

We retain the power to seek further information about any complaint dealt with directly by the Department and can at any stage take over the investigation or refer it to the QPS.

TABLE NINE

COST OF PUBLIC INQUIRIES¹ (1993/94)

INQUIRY	COST
Inquiry into the Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen ²	\$37,551
Investigation into the Arrest and Death of Daniel Alfred Yock	\$115,902
Investigation into the Allegations of Lorelle Anne Saunders Concerning the Circumstances Surrounding her being Charged with Criminal Offences in 1982 and Related Matters ²	\$130,924
An Inquiry into the Improper Disposal of Liquid Waste in South-East Queensland ³	\$183,366
An Inquiry into the Allegations of Assault and Neglect of Clients and Harassment of Staff at the Basil Stafford Centre ³	\$134,293

Notes: ¹ These costs are exclusive of labour but inclusive of all other costs such as legal advice, printing, transcription, witness payments, travel and remuneration to former judges to conduct inquiries.

² 1993/94 costs. Additional costs were incurred during 1992/93.

³ Costs as at 30 June 1994. Matters, and hence costs, not yet finalised.

Negotiations are presently under way to provide similar relief to the Department of Family Services and Aboriginal and Islander Affairs and the University of Queensland.

PROTECTION OF WHISTLEBLOWERS

The CJC has taken decisive action this year to demonstrate its support for whistleblowers. See page 50 for a description of the program that recently commenced under our Corruption Prevention Program. A specific case, in which we applied our powers under the Act, is described below.

Prior to and during July 1993 the CJC investigated several allegations of misconduct against councillors of the Whitsunday Shire Council. Information in relation to these allegations had been provided to us by the Shire Clerk.

On 12 July 1993 the Council dismissed the Shire Clerk without notice. She was told that she was being dismissed because of 'the breakdown of an effective and productive relationship' between her and the Council.

The CJC immediately began an investigation as a result of which we formed the view that the Shire Clerk was entitled to the protection of the whistleblower provisions of the Act, we arranged a meeting with the responsible Minister, who subsequently arranged for the Governor-in-Council to rescind the Council's resolution dismissing the Clerk. The Clerk returned to work on 16 July 1993.

On 11 November we applied for an interim injunction in the Supreme Court of Mackay to protect the Shire Clerk's position. The interim injunction was granted the same day, pending trial of the action.

❖ *Outlook*

To consolidate the strategies we have already adopted, we will:

- Develop guidelines modifying Chief Executives' responsibilities to report suspected official misconduct to us. These guidelines will encourage an appropriate level of reporting of improper conduct by public servants and provide a co-ordinated approach by the agencies concerned and the CJC.
- Further reduce the time taken to complete investigations by streamlining the investigative process, exploring alternative resolution procedures and dedicating resources to the more complicated and difficult investigations.
- Increase the use of information collected through the investigative process for proactive approaches to the improvement of integrity in public administration in Queensland. For example, improved data collection and analysis will facilitate the reporting and targeting of current problem areas to assist managers in the public sector.

To improve our quality of service, we will:

- Seek feedback from complainants and subjects of complaints on the effectiveness, efficiency and fairness of the manner in which we conduct our investigations. A surveying strategy has already been developed with the assistance of the Research and Co-ordination Division.

- Hold skills development programs for staff dealing with complainants and subjects of complaints, based on the feedback we receive.
- Continue to periodically review the appropriateness of the CJC's processes.
- Develop, in partnership with chief executives, proactive approaches for identifying and investigating areas of corruption in their Departments and agencies particularly high risk areas of service delivery in government programs.
- Take appropriate measures to provide improved support for whistleblowers.

MISCONDUCT TRIBUNALS

❖ *Strategy*

- provide a registry to facilitate the disposition of matters

❖ *Performance*

In 1993/94 the Tribunals heard seven matters in the original jurisdiction and five appeals. There was a marked increase in the number of matters in the original jurisdiction. Two of the original jurisdiction matters involved public officers who were not police officers. Therefore the Tribunal's jurisdiction to hear those matters had to be conferred by Orders-in-Council. Another matter in the original jurisdiction was adjourned when the Director of Prosecutions indicated that criminal charges would be pursued. An application for statutory order of review in relation to one appeal was dismissed. A registry is maintained to facilitate disposition of these matters.

There are presently six lawyers on the panel of part-time members of the Tribunal:

- The Honourable Douglas Malcolm Campbell QC
- Dr John Robertson Stephen Forbes – Barrister-at-Law
- Phillip Stevenson Hardcastle – Barrister-at-Law
- Francis Joseph Gaffy QC
- James Geoffrey Crowley QC
- Michael Joseph Halliday – Barrister-at-Law

At the expiration in March 1994 of the terms of five of the current members, the CJC requested that they be reappointed for a further six months, which was done. The term of the sixth member, which had expired earlier, was extended for three years from 20 September 1993.

In November, we were advised by the Honourable the Minister for Justice and Attorney-General that the Tribunals would be removed from the CJC and transferred to the District Court. Subsequently we have been consulted on the development of the necessary legislation, rules and procedures. We provided comments on drafting instructions for the legislation and the Rules of Court as recently as June.

The CJC has subsequently been advised by the Minister that it is unlikely that the transfer will take place before August or September 1994. Based on information available at that time, we have budgeted for six months' operation of the Tribunals. We have also requested that the five members whose terms expire in September 1994 be reappointed for a further six months.

We note that the Electoral and Administrative Review Commission's *Report on Review of Appeals from Administrative Decision (1993)* recommended the Misconduct Tribunals remain with the CJC and separate from its proposed general administrative review body, to be called the Queensland Independent Commission for Administrative Review. The events referred to above have clearly overtaken this recommendation.

CRIMINAL JUSTICE RESEARCH AND REFORM PROGRAM

GOAL

To promote a fair and effective criminal justice system.

SUB-PROGRAMS

- Criminal Justice Research and Monitoring
- Police Service Reform

DIVISIONS RESPONSIBLE

- Research and Co-ordination
- Intelligence



Susan Johnson, Principal Research Officer, Research and Co-ordination Division and Dr David Brereton, Director of the Division, answer questions at the press conference following the launch of a recent volume of the Police Powers Report.

HIGHLIGHTS

- review of recruitment and training in the QPS
- release of a discussion paper and report on *Cannabis and the Law in Queensland*
- initiation of a Criminal Justice Research Paper series
- commencement of work on the Queensland 'Sibling Study' with three universities, following receipt of a grant from the Australian Research Council
- publication of Volumes III and IV of the Report on Police Powers in Queensland.

The Division's publications also receive a wide exposure. Of the 3700 copies of the discussion paper on *Cannabis and the Law in Queensland*, 3587 (97%) have been distributed. The figures for the report, which was released in June, are equally impressive: of the 1500 produced, 1248 (83%) have already been distributed.

Murder in Queensland also proved to be quite popular. Of the 1200 produced, 1075 (90%) have been distributed.

❖ Outlook

Project selection criteria have been developed to evaluate all new research proposals. These guidelines emphasise the need for the Division to concentrate on its areas of strength and to minimise duplication and overlap with other agencies.

In the short to medium term, the Division's main priorities in the area of reform of criminal law and criminal justice administration are to:

- complete a report to Parliament on the funding of the Legal Aid Commission and the Office of the Director of Prosecutions
- undertake research into the effectiveness of domestic violence legislation in Queensland
- prepare a final report on the desirability and feasibility of transferring the police prosecutions function to the Office of the Director of Prosecutions
- design a project addressing the position of victims in the criminal justice system.

The Division intends to publish a series of short research information papers, modelled on *Murder in Queensland*. These papers will address significant issues in relation to crime and criminal justice in Queensland and will be designed to be accessible to a broad readership. As noted above, two titles are currently in preparation. During 1994/95 we will produce an updated version of *Youth Crime in Queensland* in this format as well as a paper reporting findings from our research on calls for service to the police.

Further, as part of our responsibilities to monitor criminal justice trends, we plan to publish an annual 'Queensland Justice System Monitor'. The Monitor will bring together, in a more accessible form, information about trends in reported and unreported crime, court workloads and outcomes, prison populations and agency funding levels. It should assist policy makers, the media and the

general public to obtain an overall picture of what is happening in the criminal justice system, and to identify particular sources of pressure on the system.

Resources permitting, the Division will also commence a major project on burglary in Queensland next year. Research shows that the burglary rate in Queensland is currently well above that of the southern States. The aim of the project will be to identify factors which impact on the burglary rate, and to assess the effectiveness of various strategies for reducing its incidence.

Ongoing projects will include:

- Analysis of Crime Victims Survey Data
- the ARC Sibling Study.

POLICE SERVICE REFORM SUB-PROGRAM

❖ Strategies

- monitor the performance of the QPS
- oversee reform of the QPS
- provide information, assistance and direction to the QPS
- evaluate the education and training of police

❖ Performance

The Research and Co-ordination Division continues to monitor reform in the QPS and to help develop new policing strategies.

PUBLICATIONS

Publications completed this year by the Research and Co-ordination Division in support of those aims were:

- *Recruitment and Education in the Queensland Police Service: A Review*
- *Evaluation of Adopt-a-Cop Pilot Rejuvenation Program*
- *Attitudes Towards Queensland Police Service – Second Survey* (survey by REARK Marketing Research)
- *The Inala Project: A Briefing Paper*
- *Informal Complaint Resolution in the Queensland Police Service – A Progress Report*
- *Toowoomba Police Services Users Survey (December 1993) – Summary of Findings*
- *Police Recruit Survey (January 1994) – Summary Report #3.*

Other publications to be completed in 1994/95 will include:

- Implementation of Reform Within the Queensland Police Service: The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations
- Evaluation of Queensland Police Service Informal Complaint Resolution
- Beat Policing Resources Kit
- Mid-term Evaluation of Toowoomba Beat Area Patrol Pilot Project
- Informal Complaint Resolution: Final Report.

OTHER RESEARCH ACTIVITIES

Other activities included:

- *Planning community policing initiatives.* Following on from our central role in the establishment, operation and evaluation of the Toowoomba Beat Policing Pilot Project, we have suggested other possible projects to the QPS. The potential significance of beat policing was recently recognised by the Government, which provided an additional \$300,000 in the 1994/95 State Budget for the program currently being trialed in Toowoomba to be expanded to other appropriate locations.
- *Ongoing review of QPS mediation and informal complaint resolution procedures.*
- *Evaluating QPS training programs.* We provide feedback through our periodic surveys of QPS recruits. There were four such surveys conducted in 1993/94.
- *Providing feedback on QPS publications.* In 1993 we provided the PCJC and QPS with a detailed review of the 1991/92 QPS *Annual Report* and *Statistical Review*. We also provided comments on a draft of the 1992/93 *Annual Report*.
- *Overseeing the Inala Police-Community Network Project.* This ongoing project is aimed at improving relations between police and the community in the Inala area.
- *Participating in the implementation of the recommendations of the Public Sector Management Commission (PSMC) Review of the QPS.*
- *Providing feedback on drafts of the QPS revised Policies and Procedures Manual.*
- *Providing responses to draft Competency Acquisition Modules.* The Competency Acquisition Program (CAP) of the QPS develops

training material which is made available to all members of the Service. As part of the process we were asked to comment on 17 CAP modules. These modules covered such issues as prostitution, domestic violence, prosecution skills and cautioning juveniles. We responded to the content, relevance, assessment and activities contained in the CAPs.

OVERSIGHT OF THE BUREAU OF CRIMINAL INTELLIGENCE QUEENSLAND

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

In fulfilling this role, the Division closely liaised with the QPS management, in particular the Assistant Commissioner State Crime Operations Command, who is responsible for the BCIQ, and with senior members of the BCIQ. We also continued to monitor the Bureau's significant correspondence, activity reports and intelligence assessments and provided advice, when required.

The Division is represented on two QPS committees that deal with matters relating to the collation and storage of intelligence. They are concerned with the ongoing development of the QPS Intelligence Database (QUID) and the Queensland Police Intelligence Network (QPIN).

The Division and the BCIQ have also trialed an exchange of intelligence analysts as a means of improving the understanding of each area's operations and enhancing inter-agency co-operation. The first of these exchanges occurred in early 1994 for five months.

We audited the intelligence holdings and filing procedures of the Counter-Terrorist Section (CTS) in July and November and confirmed that it continues to operate within its Charter. The audit results are reported to a Control Committee of which the Director of Intelligence is a member. In view of the public concern that remains in relation to activities within this area, the Division continues to pay particular attention to its oversight responsibilities.

❖ Performance Assessment

One way of measuring our work in this sub-program is to examine whether the QPS has taken up our

recommendations and used the research conducted by the Research and Co-ordination Division. In this regard:

- The Police Education Advisory Committee (PEAC) agreed that the recommendations contained in our 1993 Review of Recruitment and Education in the QPS should be adopted as standing agenda items.
- Our recruit surveys formed part of the source material for the design of a new recruit training course.
- Data from the Attitudes to the QPS surveys have been used extensively by the Corporate Planning section of the QPS. Reference is also made to these surveys in the QPS Program Statement for the 1994/95 State Budget.
- As noted above, the Research and Co-ordination Division's role in promoting beat policing initiatives was recognised in the most recent State Budget.
- Data from the Division's evaluation of informal complaint resolution have been provided regularly to the QPS Professional Standards Unit to assist in their refinement of these procedures. The Unit has made this information available to QPS Command Conferences. In addition, our progress report on informal resolution was reprinted in an edition of the Police Bulletin.
- The QPS has asked us to help them develop performance indicators and workload measures for detectives.

REVIEW COMMISSIONERS

The Commission is also involved in the reform process through the Commissioners for Police Service Reviews (Review Commissioner), whose function, adopting the terms 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 personnel management practices with due regard for the efficiency, effectiveness and professionalism of the Police Service.

All four part-time members of the Commission have been appointed as Review Commissioners, although only three actually heard applications this

year. Applications are heard under the *Police Service Administration 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 Commissioners can only make recommendations 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.

Review Commissioners bring to these positions a unique insight into the QPS by virtue of their positions as CJC Commissioners. They can observe inadequacies and inconsistencies of procedures and decision making processes and suggest appropriate reforms. This experience also helps them advise the CJC in carrying out its responsibilities and functions in relation to the QPS. The Commission provided a submission to the Parliamentary Electoral and Administrative Review Committee in December 1993 strongly opposing any move to eliminate the position of Review Commissioner.

While their workload has been heavy, the Commissioners are generally able to hear applications within a few weeks of receiving the selection panel's report. The process is working well and is favourably regarded by those who come into contact with it.

Since the Review Commissioners commenced operations in June 1990, 1140 decisions have been reviewed by them; of these, 204 have either been set aside or varied. Only 13 of the recommendations for variation have not been accepted by the Commissioner of the Police Service.

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 Tables 10 and 11).

TABLE TEN

TYPES OF APPLICATIONS LODGED WITH THE COMMISSIONER FOR POLICE SERVICE REVIEWS (1993/94)

APPLICATION	NUMBER
Promotion	328
Transfer	51
Stand Down or Suspend	13
Dismissal	3
Disciplinary Sanction	13
Appointment as a Staff Member	0
Unapplied for Transfer	2
Total Number of Reviews Lodged	410

TABLE ELEVEN

STATUS OF APPLICATIONS LODGED WITH THE COMMISSIONER FOR POLICE SERVICE REVIEWS (1993/94)

STATUS	NUMBER
Matters Heard	
Affirmed	144
Set Aside/Varied ¹	30
Awaiting Decision	9
Matters Withdrawn	147
Matters Not Within Jurisdiction/ Received out of Time	6
Matters Awaiting Hearing ²	74
Total Number of Reviews Lodged	410

Notes: 1. This includes recommending that a new selection panel be convened to reassess applications.

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

These figures are based only upon those applications lodged in 1993/94.

INFORMAL RESOLUTION

Following on from our extensive work last year in this area, the Research and Co-ordination Division conducted an extensive review of the Informal Resolution system. The results are discussed under the Public Administration Integrity Program (see p. 17)

❖ **Outlook**

The Research and Co-ordination Division, with other Divisions of the CJC, is currently devising a long term strategy for discharging our ongoing monitoring functions in relation to the QPS.

In addition to these functions, we also plan to continue to

- survey QPS recruits
- produce a report on discipline and complaints procedures in the QPS
- assist the QPS in developing and evaluating beat policing initiatives and other alternatives to traditional forms of policing.

Given the success of the exchange program of intelligence analysts between the CJC and the BCIQ this past year, the Intelligence Division intends to repeat the exercise in the future.

The CJC is committed to ensuring that the intelligence function remains accountable. In view of public concerns, the Intelligence Division will continue to oversee the BCIQ's performance of its role to ensure the correct use of intelligence and provide assistance where required in respect of the development of the QPS intelligence function and QUID. This will include regular audits of the CTS and continued representation on the CTS Target Committee.

ORGANISED AND MAJOR CRIME PROGRAM

GOAL

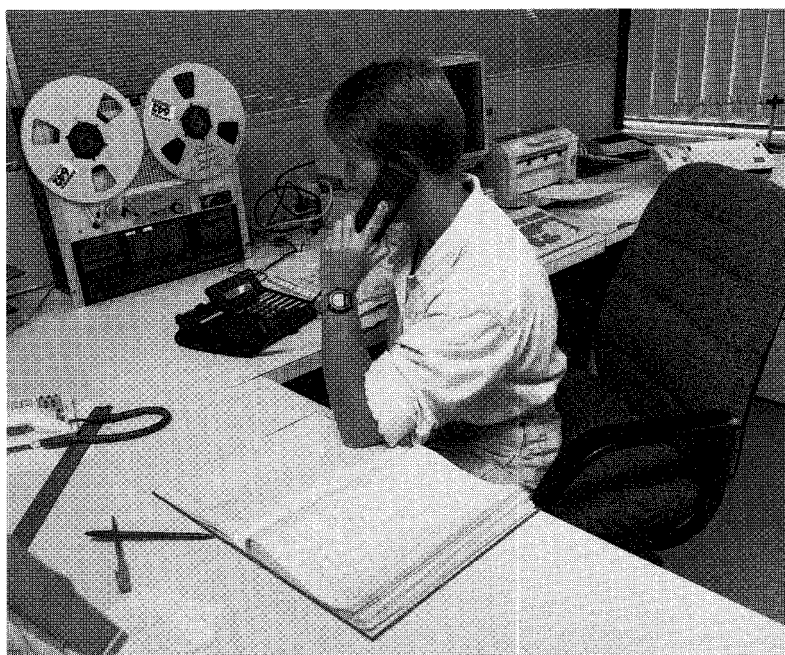
To make an effective contribution to combating organised and major crime.

SUB-PROGRAMS

- Intelligence
- Operations
- Witness Protection

DIVISIONS RESPONSIBLE

- Intelligence
- Official Misconduct
- Witness Protection



A Witness Protection Division staff member answers a call in the 24-hour Communications Room.

HIGHLIGHTS

- Intelligence Database upgraded to incorporate enhancements including a new document registration system
- dissemination of intelligence on our own initiative on 226 occasions, and on 115 occasions in response to external requests
- provision of four strategic and 11 tactical intelligence reports
- instigation of strict procedures for the submission of major crime projects for consideration by the CJC of its responsibility to investigate
- recovery of \$1,455,000 in proceeds of crime from persons convicted of criminal offences
- participation in significant multi-agency investigations including those with the National Crime Authority (NCA), Australian Federal Police (AFP) and State law enforcement agencies leading to the arrest and prosecution of leading criminal identities.

- Attended various conferences on organised crime to keep the Division informed of developments in Australia and overseas. Monitoring these trends improves our ability to anticipate potential threats to the State and recommend proactive strategies to counter future criminal activity.

The Director of Intelligence instructed at the 4th National Strategic Intelligence Course sponsored by the NCA and the ABCI held at the Australian Police Staff College.

❖ **Performance Assessment**

Our intelligence work has progressed to a point where we have now produced a number of high quality strategic reports on traditional organised crime groups in Queensland. Briefings on these groups have been given to responsible Ministers under s. 58(2)(e) of the Act where appropriate.

The Division has received complementary feedback from other law enforcement agencies in respect to the quality of our intelligence assessments and for assistance that we have provided.

The high rate of positive responses to inquiries by other agencies reflects the appropriateness and usefulness of the CJC's intelligence holdings.

❖ **Outlook**

The activities of the Intelligence Division are to a great degree dictated by its obligations under the Act and the CJC's strategies regarding the investigation of organised crime and major crime. These strategies are now well focussed, and in respect of organised crime are guided by dedicated collection plans.

From the operational perspective, we will continue to develop the Database and to refine procedures for ensuring the maintenance of its integrity and its correct use.

The Division will support future investigations by:

- monitoring, assessing and reporting on organised crime groups
- providing Intelligence Analysts as an integral part of the multi-disciplinary approach
- supplying a dedicated information retrieval service.

We will also continue to foster close relations with other law enforcement agencies and contribute to the overall national picture through co-operation, liaison and mutual assistance. We will continue to work with the BCIQ on the developing and conducting of Intelligence courses.

As part of the ongoing development of the Commission's strategies, the Division will continue to contribute to the identification of new strategies for the investigation of organised crime by:

- developing further our pool of expertise to keep abreast of the developing sophistication of organised crime
- identifying emerging crime groups by monitoring developments in other parts of Australia and overseas and assessing the potential impact that such groups may have on Queensland in the future
- working closely with other intelligence agencies and the BCIQ in maintaining a high standard of intelligence training and, where appropriate, contributing to national intelligence training initiatives
- in view of recognised public concerns regarding intelligence, we will remain fully accountable to the PCJC regarding our holdings and the development of the QPS intelligence function.

OPERATIONS SUB-PROGRAM

❖ **Description**

Our jurisdiction to investigate organised and major crime is limited by s. 23(f) of the Act to the investigations which, 'in the Commission's opinion are not appropriate to be discharged, or cannot effectively be discharged by the Police Service or other agencies of the State'.

'Organised crime' in our view means 'organised criminal activity' and connotes the co-ordinated activity of an orderly (not necessarily tightly) structured group.

'Major crime' arguably means something more than 'serious crime', an expression with which most people are familiar and which the legislature could have used had it intended to refer only to criminal activity which leads to the commission of criminal offences of a serious nature. 'Major crime' (as distinct from 'serious crime') means 'criminal activity which is serious or significant'.

In seeking to fulfil our responsibilities, we have acted as far as possible in co-operation with the QPS with a view to developing the QPS's level of skill and expertise in this area of investigation. The JOCTF is the primary example of this approach.

The JOCTF was formally established on 1 December 1992, two years after an original proposal was submitted to the QPS. The CJC has committed the full time resources of one team to this work, comprising ten investigators, six intelligence analysts, two financial analysts, one lawyer and support staff with surveillance and technical unit support. The QPS has committed a further eight investigators and nominates an additional senior officer as Task Force Coordinator in alternative years. The QPS officers were replaced at the end of 1993 after the first year of operation and a senior police inspector nominated by the QPS is currently the Task Force Coordinator.



At a ceremony for the outgoing members of the Joint Organised Crime Task Force (from left to right, standing): John Adams, John Acreman, Noel Ragh, Peter Lee, George Stolz, Paul Doyle, Wayne Steinhardt, Phil Procopis, Ben Duell, Assistant Commissioner John McDonnell. (seated): Deputy Commissioner Bill Aldrich, Commissioner Jim O'Sullivan, Robin O'Regan QC, Mark Le Grand.

❖ **Strategies**

- provide briefs of evidence to prosecution agencies
- identify and help confiscate the proceeds of crime

- engage in operations with the QPS and other agencies
- develop and use proactive investigation and analytical techniques

❖ **Performance**

We have continued our efforts in the following areas:

- Integrated multi-disciplinary team processes
- Use of dedicated intelligence collection plans
- Use of specialist investigators (financial, legal, technical and culturally specific investigators)
- Intensive informant development
- Focus on the criminal enterprise rather than the individual criminal
- Intensive use of covert techniques including surveillance and listening devices
- Use of our special powers.

INVESTIGATIONS OF MAJOR AND ORGANISED CRIME

MAJOR CRIME

The CJC investigated five major criminal cases referred to it by the QPS over the past 12 months, all relating to alleged murders or attempted murders. In undertaking these investigations, we either exercised our power to summon and examine unco-operative witnesses on oath or obtained approval from the Supreme Court to use listening devices. Such applications are not forwarded to the CJC until they have been strictly vetted by the Assistant Commissioner, State Crime Operations Command, QPS, and the Deputy Commissioner, Operations. Applications are then closely scrutinised by one of our senior legal staff to see that the criteria referred to above are satisfied before referring the applications to the Chairperson for his consideration and certification under s. 23(f).

The five matters, which related to serious offences where QPS's investigations had been frustrated, involved allegations of:

- a drug related murder
- a gangland type kidnapping and grievous bodily harm
- a drug related arson/murder
- a drug related double murder
- a drug dealer murder.

The CJC's compulsory powers should not be seen as a panacea. Some of the cases referred to us remain unresolved despite our use of those powers.

ORGANISED CRIME

Much of our organised crime investigation work is long term. Nevertheless, there have been some significant early results from our approach.

• **Operation D**

During 1993/94 the JOCTF concluded an investigation which resulted from the proactive strategy outlined above. As a result of intensive intelligence analysis, informant development, extensive use of covert techniques and financial analysis, the JOCTF identified a sophisticated and substantial drug cultivation on a remote property. The persons alleged to be responsible were resident throughout Queensland and New South Wales. The CJC's specialist cultural investigator plays an important role in managing informants, witnesses and targets with strong ethnic backgrounds. Links were established to a major organised crime group with criminal influence throughout Australia. Nine people were charged with a total of 18 offences under the *Drugs Misuse Act 1986*; eight have been committed for trial. The operation, which lasted eight months, was conducted jointly with the QPS and the Brisbane NCA, with assistance from the Sydney NCA.

The CJC often participates in multi-agency investigations. It has benefited from the support of other agencies – State and Federal – in investigations we initiate and contributed to investigations of other agencies where that has been requested. During 1993/94 the Supreme Court handed out severe sentences as a result of Operation E, an investigation we conducted jointly with the AFP.

• **Operation E**

On 11 February 1994, Constantin Francisc Onea was found guilty in the Brisbane Supreme Court on charges of trafficking in dangerous drugs, possession of dangerous drugs, supplying dangerous drugs and possession of a motor vehicle used in the commission of these offences. After a trial of almost 4 weeks Onea was found guilty on all charges and sentenced to 20 years imprisonment. The judge specifically made no recommendation for parole as he said his aim was to deter others, not to rehabilitate Onea. His co-accused Nana Puscas pleaded guilty at the outset of the trial and also received 20 years

imprisonment, but with a recommendation for parole after five years. This result may properly be regarded as the CJC's most significant criminal investigation success and is the heaviest sentence handed down for this offence since the abolition of the mandatory life sentence.

As a result of two related operations, 14 persons, most of whom are of similar ethnic background, have now been convicted of a large number of serious heroin trafficking and associated offences. None was acquitted. The total of the "head sentences" of the 12 persons who received custodial terms is 119 years, 6 months imprisonment.

INTELLIGENCE SUPPORT

Of 82 investigative operations in 1993/94, analysts from the Intelligence Division participated in 49. Their assistance included the preparation of analytical charts which provide investigators with a more visual understanding of and a better focus for the investigation.

LISTENING DEVICES

During 1993 we applied for nine listening devices to support our investigations. The report of the Director of Prosecutions for 1993 details the use of listening devices by the QPS for the same period.

The use of listening devices by officers of the CJC is authorised by a Supreme Court Judge under either the *Drugs Misuse Act 1986* or the *Criminal Justice Act 1989*.

Listening devices play an important role in the successful and effective completion of major corruption and organised crime investigations that we undertake. The devices are used to monitor the movement and conversations of persons under investigation for serious offences. It is important to distinguish between these devices and devices used for intercepting telephone conversations. The CJC does not have the authority to intercept telephone conversations.

The *Criminal Justice Act 1989* sets out strict criteria for approval to be granted for the use of such devices and how the evidence gathered may be used, including:

- the gravity of the subject matter of the investigation
- the extent to which the privacy of any person is likely to be affected

- the extent to which the investigation is likely to be assisted by the use of such devices.

Applications are made to a Supreme Court Judge with extensive supporting documentation. The Judge may either reject an application, or grant it with conditions, such as requiring that the CJC report to the Court on how it has used the devices.

In all cases the CJC makes an extensive report on the use of each device to the Judge according to standard conditions included in each application.

A total of 184 criminal charges have resulted from investigations over the last two years which included the use of listening devices (see Table 12).

TABLE TWELVE

LISTENING DEVICE APPLICATIONS (1993)

No.	Date of Authority	Authorising Statute	Duration (weeks)	Offence Under Investigation
1****	8/4/93	<i>Drugs Misuse Act 1986</i>	20	Large scale drug cultivation and trafficking by persons with organised crime connections.
2	22/4/93	<i>Drugs Misuse Act 1986</i>	4	Large scale drug cultivation and trafficking by persons with organised crime connections.
3	29/4/93	<i>Drugs Misuse Act 1986</i>	4	Drug trafficking by persons connected with OMCGs.
4*	27/5/93	<i>Criminal Justice Act 1989</i>	8	Involvement of police officer in criminal activities.
5*	28/5/93	<i>Drugs Misuse Act 1986</i>	8	Large scale drug cultivation and trafficking by persons with organised crime connections.
6**	10/9/93	<i>Criminal Justice Act 1989</i>	12	Official corruption in excess of \$1,000,000.
7	23/9/93	<i>Criminal Justice Act 1989</i>	4	Murder connected to OMCGs.
8	24/9/93	<i>Criminal Justice Act 1989</i>	4	Murder connected to OMCGs.
9	9/12/93	<i>Criminal Justice Act 1989</i>	4	Involvement of police in production of and trafficking in dangerous drugs.

Note: an (*) represents the number of subsequent successful applications for an extension of the devices listed. There were eight such successful applications and one unsuccessful application to extend the devices listed above.

TABLE THIRTEEN

TYPE OF LISTENING DEVICE AUTHORISED (1989-1993)

	1989	1990	1991	1992	1993
<i>Drugs Misuse Act 1986</i>	1	0	2	3	4
<i>Criminal Justice Act 1989</i>	0	0	3	3	5
Total	1	0	5	6	9

PROCEEDS OF CRIME

Stripping illegal gains from convicted criminals is, in some cases, a more powerful deterrent than imprisonment. Over the past year, the CJC instigated action which resulted in the forfeiture of 13 houses owned by criminals convicted of drug offences.

Our Proceeds of Crime Unit has attempted to give full effect to the Queensland legislation in its attack on major and organised crime. Previously, important provisions had been left untried in the courts because of a reluctance to make applications for forfeiture and penalty orders in complex cases. With the help of the State Director of Prosecution's office we have now brought a number of these cases forward and significant points of law have been tested.

❖ Performance

During 1993/94 MDTs in the OMD conducted major and organised crime investigations, conducted investigations of serious misconduct and official misconduct by police and public servants and supported the public inquiries held by the CJC. The MDTs dealt with 156 serious matters referred for investigation by the Complaints Section.

Of these matters:

- 65 were the result of complaints to the Commission from members of the public
- 38 were referred by police officers
- 25 were referred by principal officers of Government Departments and units of public administration or employees of those organisations.

The remaining matters resulted from complaints by persons whose background was not specifically recorded.

In addition to matters referred from the Complaints Section the MDTs attended to a further 51 major investigations and five broad investigative projects. Many of these included the most significant investigations the Division attended to during the year. They originated from the development of informants during the course of other CJC investigations, the preparation of detailed target proposals by the Intelligence Division and referrals by other agencies.

These more complex investigations often have multiple targets and detail many offences. The details of charges arising as a result of these MDT investigations have been included in the Public Administration Integrity Program.

PROCEEDS OF CRIME

In 1993/94 the Proceeds of Crime Unit was involved in cases in which \$1,455,000 of unlawfully obtained assets was recovered from criminals (see Table 14).

❖ Outlook

To maintain the progress we have made in our investigations, our approach will be reviewed and modified as required to meet the challenges presented by the ever-increasing sophistication of organised crime.

Continuing strategies will include:

- Multi-agency investigations – cooperative investigations are appropriate in response to the existing trend for organised criminal groups to operate nationally and internationally without regard to borders.
- Further development of specialist services – it is imperative that specialist investigators and their tools and techniques keep pace with those being used by criminal organisations. To remain up-to-date on financial analysis and electronic surveillance techniques as well as to maintain the necessary cultural and language expertise will involve a significant commitment of resources.
- Exercise of the CJC's compulsory powers where appropriate – the use of the Commission's compulsory powers is essential to the successful investigation of organised crime.
- Taking appropriate action to restrain and confiscate the proceeds of crime.
- The preparation of high quality briefs of evidence for the assistance of the Director of Prosecutions.
- Identification and investigation of growing areas of organised crime such as possible threats posed by groups emanating from the former Communist regimes of Eastern Europe and from South-East Asia.
- Assessment of the interaction among and integration of various culturally based organised crime groupings and development of appropriate investigative responses.

TABLE FOURTEEN

NET VALUES OF RESTRAINED AND FORFEITED ASSETS

Total Net Value of Currently Restrained Assets:	\$1,540,000	
Recent Forfeitures:		
	\$130,000	(Operation Dingo – corruption)
	\$11,000	(Operation Virgin – drugs)
	\$11,000	(Operation Whitewash – drugs)
Motor Vehicle	\$5,000	(Operation Whitewash)
	<u>\$157,000</u>	
Total of Forfeited/Pecuniary Penalty Order Assets (since September 1990):		
	\$288,000	(Operation Favour – drugs)
	\$355,000	(Operation Aztec – SP Bookmaking)
	\$60,000	(Operation Whitewash – drugs)
	\$130,000	(Operation Dingo – corruption)
	\$11,000	(Operation Virgin – drugs)
	<u>\$844,000</u>	
Total of Restrained Assets Expended in Legal Expenses by Accused Persons (since September 1990):		
	\$321,000	(Operation Aztec)
	\$270,000	(Operation Whitewash)
	\$10,000	(Operation Fantail – drugs)
	\$10,000	(Operation Bandicoot – drugs)
	<u>\$611,000</u>	
Total of Assets Removed from Criminals by CJC Operations (since September 1990):		
	\$844,000	(Forfeited/Pecuniary Penalty Order)
	\$611,000	(Legal Expenses)
	<u>\$1,455,000</u>	

CORRUPTION PREVENTION PROGRAM

GOAL

To promote proactive corruption prevention in the public sector, professional organisations and other agencies.

SUB-PROGRAMS

- Public Sector Liaison
- Management Systems Reviews
- Education and Training
- Whistleblower Support

DIVISION RESPONSIBLE

- Corruption Prevention

HIGHLIGHTS

In carrying out our statutory obligation to offer advice and assistance to law enforcement and public sector agencies, companies and institutions concerning the detection and prevention of official misconduct, the Corruption Prevention Division (CPD):

- liaised and assisted 50 organisations on corruption prevention issues
- held 10 corruption prevention workshops
- worked with more than 120 units of public administration regarding their policy on reporting official misconduct and their understanding of management systems reviews and risk management
- conducted 118 hours of training on corruption prevention
- contacted 59 ATSI organisations and community groups through the Aboriginal and Torres Strait Islander (ATSI) Liaison Program
- held two major conferences which attracted 321 participants
- established a Whistleblowers Support Program.

PROGRAM DESCRIPTION

The CPD was established in March 1993 to develop a proactive approach to the Fitzgerald Report recommendation and to address a requirement of the Act to liaise with and provide an educative function with respect to public sector agencies. The Program became fully functional this year.

The Division's activities are based on the principles that

- corruption prevention is better and more cost effective than reactively dealing with problems after they have occurred
- corruption prevention is a managerial function and the Corruption Prevention Division acts in an advisory and consultative way
- committed management and training in accountability, ethics and risk management is an effective approach to proactively reducing corruption
- public awareness is an indispensable part of corruption prevention.

To implement these principles the CPD this year liaised with senior public sector administrators, principal officers and their boards of management, public sector CJC liaison officers and university researchers to advise on corruption prevention techniques such as risk assessment and prevention strategies and to assist line managers to identify the types of behaviour in their organisations which give rise to the allegations made to the CJC.

The Division worked closely with the OMD to identify the issues that gave rise to official misconduct such as the illegal traffic in confidential information and the harassment of whistleblowers and poor management controls. These issues were addressed through conferences and seminars.

Other issues such as inadequate communication within agencies on how to report suspected corrupt behaviour, ignorance about risk assessment and corruption prevention and misplaced loyalty have been addressed through a systemic education program aimed at public sector administrators and their employees.

The Education and Training sub-program also provided lectures and tutorials at universities, TAFE colleges and schools on the role and function of the CJC, professional ethics, management accountability and crime and corruption prevention techniques in the area of white collar crime.

These activities are supported by publications encouraging members of the public to contact the CJC when they suspect serious official misconduct.

PUBLIC SECTOR LIAISON SUB-PROGRAM

❖ Description

The Liaison program provides a point of contact for senior administrators and educators and offers advice on strategic corruption prevention management.

❖ Strategies

- liaise with senior public administrators on corruption prevention strategies
- lecture at tertiary institutions on ethics and corruption prevention
- present papers and lectures, and publish information on corruption prevention at the national and state level

❖ Performance

The staff of 50 organisations were addressed to promote an understanding of white collar crime, official misconduct and the need to develop a corruption prevention strategy for public sector work practices. Advice and assistance were provided to 29 principal officers in units of public administration. The following table shows the scope of liaison activities this year:

TABLE FIFTEEN

SCOPE OF PUBLIC SECTOR LIAISON ACTIVITIES

Government Departments	Local Government Authorities	Universities and TAFE Colleges	Other Agencies
21	8	6	15

❖ Performance Assessment

To ensure that the assistance provided was timely and helpful, feedback was sought from the agencies involved on the effectiveness of the management liaison activities, with 82% reporting that the assistance was very helpful.

❖ Outlook

The Division will undertake the following initiatives in 1994/95:

- develop a quarterly newsletter for CJC liaison officers
- conduct half yearly conferences for CJC liaison officers
- develop a Corruption Prevention Strategies and Control workbook for principal officers and boards of management of units of public administration
- develop a manual on a Corruption Equation for Workplace Corruption
- develop a booklet on Constructing a Corruption Prevention Strategy

MANAGEMENT SYSTEMS REVIEWS SUB-PROGRAM

❖ Description

This program reviews the management practises in organisations where allegations of official misconduct were investigated by the Commission.

Management systems reviews are an important corruption prevention function because official misconduct flourishes in organisations that have poor internal controls or inadequate reporting procedures, and where there is excessive secrecy which may conceal corrupt activities, protect wrongdoers from exposure and lead to the victimisation or harassment of whistleblowers.

Management systems reviews go beyond financial audits to examine actions that can allow official misconduct such as:

- misuse of power
- neglect of duty
- criminal acts and omission
- favouritism
- harassment and victimisation
- information breaches.

Management systems reviews analyse what systems are in place to control these types of behaviour and identify weak-points and loopholes that might be exploited. The reviews also provide recommendations on ways of improving the systems through better internal controls and through more effective corruption prevention strategies.

❖ **Strategies**

- carry out management systems reviews
- advise and assist units of public administration to develop effective corruption prevention controls
- provide resource material to assist in risk assessment
- develop and enhance corruption prevention identification techniques

❖ **Performance**

Six management systems reviews were conducted this year, and we made a series of recommendations that will assist the agencies reviewed to reduce the opportunity for official misconduct to recur.

Table 16 shows the scope of management systems reviews this year.

TABLE SIXTEEN

MANAGEMENT SYSTEMS REVIEWS

Public Sector Unit	Review Issues	Recommendation Areas
A	Internal control and management practices including: <ul style="list-style-type: none"> • System support and organisational commitment to administrative propriety • Purchasing and tendering processes • Asset management • Some travel policies and procedures 	<ul style="list-style-type: none"> • Establishment of a code of conduct and official misconduct reporting system • Preparation of financial, administrative and purchasing manuals and guidelines • Staff training • Improved internal control • Comprehensive asset management system
B	Management practices including: <ul style="list-style-type: none"> • operating guidelines • accountability systems • resource management 	<ul style="list-style-type: none"> • Preparation of guidelines on a code of conduct and conflict of interest • Clarified responsibilities and lines of accountability • Documentation of operating procedural guidelines • Personnel practices • Information, property and student security
C	Asset and risk management of workshop related buildings and facilities	<ul style="list-style-type: none"> • Improved security of assets and staff
D	Security materials management systems	<ul style="list-style-type: none"> • External security and access to office areas • Secure material storage • Internal security systems and procedures • Security in regional offices • Risk management program
E	Security of: <ul style="list-style-type: none"> • drugs storage • operational systems • premises 	<ul style="list-style-type: none"> • Security procedures within the clinic • Security of ordering and collection of drugs • Risk management program
F	Current policies and documentation advising staff on the requirement and method of reporting official misconduct	Draft guidelines and/or advice on policy and documentation provided to approximately 80% of Queensland public sector units.

In our consultations with these and other organisations we were able to provide:

- discussion and advice on corruption prevention policy development and documentation
- examples of policy documents for reporting official misconduct, conflict of interest and codes of conduct
- support materials and methodology for internal corruption prevention and risk assessment training.

❖ **Performance Assessment**

We sought feedback from client groups on the effectiveness of these reviews. Principal officers indicated a high level of satisfaction with their quality (85%), value (85%) and with the helpfulness of CJC staff (100%). Additionally, they reported a high (85%) acceptance of review recommendations and a similarly high (88%) projected implementation of those recommendations when all proposed action is complete.

❖ **Outlook**

For 1994/95 we will:

- develop a twelve month work program of management systems reviews
- monitor the implementation of review recommendations by organisations we have reviewed
- conduct training sessions and workshops on risk management
- provide additional advice and comment to public sector units on risk management and corruption prevention initiatives
- prepare issues papers on aspects of corruption prevention in various management systems.

EDUCATION AND TRAINING SUB-PROGRAM

❖ **Description**

Under this program we offer a range of educational and training resources to assist managers to better manage corruption prevention. We also provide lectures and workshops for staff and students in schools, universities and TAFE colleges on corruption prevention issues, since the next generation of public sector managers and employees are currently being educated at these institutions. Training was undertaken in metropolitan and major regional centres.

The education program also involves:

- workshops, seminars and presenting papers at conferences on public sector corruption, ethics and accountability and the detection and prevention of white collar crime
- publishing manuals, worksheets, newsletters, articles and pamphlets on corruption prevention
- lectures to ATSI communities, ethnic communities, professional bodies and community groups on the role and function of the CJC and how to effectively report suspected official misconduct.

❖ **Strategies**

- help develop curricula resources for primary and secondary educational institutions and for public sector training units
- help develop educational and training programs in ethics and accountability
- develop and co-ordinate liaison programs for Aboriginal and Torres Strait Islander communities, and non-English speaking communities

❖ **Performance**

EDUCATION AND TRAINING

The Division provided 118 hours of training this year (see Table 17).

TABLE SEVENTEEN

PUBLIC SECTOR EDUCATION ACTIVITIES

Teachers Associations	Universities TAFEs	Other Agencies	Workshops	Conference Papers	Journal Articles
16	8	16	25	12	3

CURRICULUM DEVELOPMENT

We are currently developing educational resource material suitable for Grades 3, 5, 9 and 11 on why corrupt activities are wrong and the damage they cause to Australia, the types of workplace corruption and how to report corrupt behaviour. An implementation plan has been developed after consulting with primary and secondary school teachers to ensure the material will be suitable. Primary and secondary teacher work-groups generously volunteered to develop and write across-curriculum study units. The units for the primary grades are at the final draft stage and those for secondary grades are currently being developed.

We have also developed a complete unit of study for inclusion in a new Legal Studies Syllabus for secondary school. This unit has been submitted to the Board of Senior Secondary School Studies for its consideration.

POLICY AND PUBLICATIONS

The Policy and Publications Officer this year provided policy advice in response to documents from external agencies that may have an impact on the CJC and co-ordinated the major publications produced by the CJC.

Advice was provided to the Department of Housing, Local Government and Planning on:

- a draft of the new Local Government Act
- draft regulations to the *Local Government Act 1994*
- a Discussion Paper in respect to the new Development and Environment Planning Act
- the proposed Local Government Finance Standard 1994.

CPD publications produced have included:

- *Corruption Prevention Manual*
A publication targeted at units of public administration on how to take a proactive approach to corruption control and how to develop sound practices to prevent and detect corruption.
- *Selling Your Secrets*
An issue paper discussing the unlawful release of confidential information.
- 'Concerned Citizens or Disloyal Mates'
A conference paper discussing various aspects of Whistleblowing.

- 'Reporting School Based Official Misconduct'
A brochure designed to explain to teachers the Commission's role in investigating allegations against teachers.
- 'The CJC and You'
A brochure for police outlining the CJC's role in investigating complaints against police officers.

ABORIGINAL AND TORRES STRAIT ISLANDER LIAISON AND EDUCATION

The Aboriginal and Torres Strait Islander Liaison and Education program was established in June 1993 with the appointment of an ATSI Liaison Officer.

The objectives of this program are to:

- educate and inform ATSI communities about the role and function of the Commission
- help ATSI Council administrators develop better corruption prevention management systems
- encourage ATSI communities to work with the Commission to reduce corruption.

The following table shows the scope of ATSI liaison activities in the review period.

TABLE EIGHTEEN

ATSI LIAISON ACTIVITIES

Community Liaison	ATSI Media	Presentations	Conference Papers
59	2	3	2

The ATSI Liaison Officer met with 59 public sector and community-based ATSI organisations. He also addressed several groups of tertiary students on ATSI related matters.

In September, a CJC/ATSI Advisory Committee of ATSI community leaders was established to advise the CJC on traditional and cultural aspects of criminal justice issues affecting the ATSI communities and to assist the ATSI Liaison Officer in developing an educational program for the CJC and ATSI communities.



Dan Abednego, Aboriginal and Torres Strait Islander Liaison Officer.

The ATSI Advisory Committee met four times this year and proved a valuable channel of communication between the CJC and the ATSI community during the Yock Inquiry and the time following the release of the Inquiry's report. Committee members were briefed on the report before it was made public and were given a chance to express their views on its findings and to advise us on how those findings would be received in the Aboriginal community.

❖ **Performance Assessment**

EDUCATION ACTIVITIES

To gauge the effectiveness of our initiatives and to provide feedback which would allow us to improve the effectiveness of conferences, workshops and lectures all education activities were followed up with surveys. Eighty-seven per cent of participants in workshops and conferences found these activities very helpful.

Publications

- *Corruption Prevention Manual*

Since it was published in November over 1200 copies have been sold across Australia, to law enforcement agencies, Auditor-General Departments, Treasury Departments, universities, major corporations, and law and accountancy firms. It has also sold internationally in five countries and is now on the reading list for a major American university.

- *brochures*

The brochures for police and teachers reached their target groups successfully. Approximately 6200 copies of the police brochure were distributed, and 28,000 brochures for teachers were sent to schools across the State.

- *conference proceedings*

We offered the proceedings of our conference on the Unlawful Release of Confidential Information for a nominal charge. Of the 300 produced, 280 have been sold.

❖ **Outlook**

Education and training will continue to be essential elements in a corruption prevention strategy with the following initiatives being undertaken in 1994/95:

- conducting a series of workshops on the internal investigation of official misconduct
- upon request, conducting workshops on ethics and accountability for public sector agencies

- preparing material on corruption prevention for inclusion in the school curriculum
- developing a brochure on the way the CJC receives, assesses and investigates complaints
- designing a corruption prevention poster for public sector agencies
- developing information in languages other than English on the understanding and reporting of official misconduct, the process of making a complaint and reporting suspected organised crime activity.

The ATSI Liaison program will continue to explore more effective ways in communicating and building bridges with ATSI communities. We plan in the coming year to:

- continue to develop contact with ATSI communities, which will include developing a mechanism for obtaining feedback on the effectiveness of our liaison activities
- develop more culturally appropriate methods for ATSI women to bring matters to the attention of the CJC
- develop a pamphlet for ATSI communities on reporting corruption.

WHISTLEBLOWER SUPPORT SUB-PROGRAM

❖ **Description**

The Whistleblowers Support program was established this year to assist people who experience personal or work related difficulties because they have assisted the CJC. The program aims to reduce the incidence of reprisals, discrimination, victimisation and harassment which discourage people from reporting suspected corrupt activity to us.

The CJC encourages people to speak up when they reasonably suspect corruption involving a public sector agency. We realise that this is not always easy to do and many people remain silent for fear of the effect that their whistleblowing may have on themselves, their career and their families.

People who assist the CJC can be given protection under s. 131 of the Act, which provides that a person who prejudices the safety or career of another person or does anything else likely to be to the detriment of a person who has assisted the CJC commits an offence and is liable to a penalty.

However, we recognise that whistleblowers need more than legal protection and whistleblowers must be provided with professional support, which must be offered in a confidential environment. We ask for courage not martyrdom, so, after many months of research and planning, we established the Whistleblowers Support Program to offer counselling, advice and referral information for people who assist us in meeting our responsibilities.

The manager is a senior psychologist with many years of clinical and practical experience. Since the program is largely autonomous from the rest of the CJC, he is able to act with a high degree of confidentiality.

❖ **Strategies**

- provide confidential advice and support to whistleblowers and other complainants to the CJC
- provide training to CJC staff dealing with whistleblowers and witnesses
- provide policy advice on whistleblowing protection to internal and external groups

- prepare and monitor case records and reports in respect to whistleblowers
- carry out research on whistleblowing and its effects on complainants

❖ **Performance**

Since the program was established in June, it is too early to report any meaningful data.

❖ **Outlook**

In developing a range of resources and supports for whistleblowers, over the next twelve months we will:

- develop a booklet which will assist whistleblowers when they are considering speaking up and alert them to experiences of others
- develop a brochure on the Whistleblowers Support Program for complainants
- develop a training program for CJC staff who have direct contact with whistleblowers.

PUBLIC AWARENESS PROGRAM

GOAL

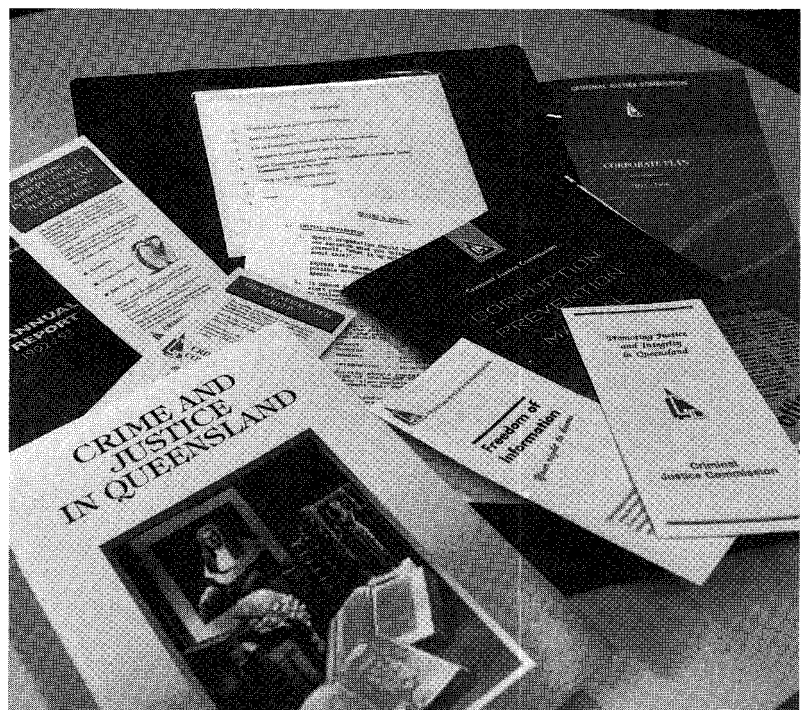
To promote public understanding and informed discussion on criminal justice issues

SUB-PROGRAMS

- Public Awareness
- Public Education and Training

DIVISIONS RESPONSIBLE

- Corruption Prevention
- Research and Co-ordination
- Corporate Services



Getting the word out to Queensland – a sample of recent CJC publications.

HIGHLIGHTS

The CPD held major conferences on:

- The Unlawful Release of Confidential Information ('Selling Your Secrets')
- Whistleblowing ('Concerned Citizens or Disloyal Mates')

The following publications were released:

- the *Corruption Prevention Manual*
- proceedings of conferences on the Unlawful Release of Confidential Information and on Whistleblowing
- a report on *Cannabis and the Law in Queensland*
- Volumes III and IV of the police powers report
- *Murder in Queensland – Criminal Justice Research Paper No. 1*

Our liaison with the ATSI community was enhanced through a new ATSI Advisory Committee.

We took an important step toward improved communications with whistleblowers through our new Whistleblowers Support Program.

PUBLIC AWARENESS SUB-PROGRAM

❖ Strategies

- foster productive working relationships with the media
- prepare and distribute information to the media
- encourage the constructive discussion of criminal justice issues through the media and publications
- promote public awareness of the CJC and its role

❖ Performance

MEDIA

Our Media Unit staff continue to foster productive relations with the media throughout the State and Australia by:

- acting as the primary point of contact for all media inquiries
- keeping the media aware of CJC activities
- preparing accurate and informative summaries of news-worthy issues
- facilitating productive media conferences and interviews of key CJC staff.

PUBLICATIONS

The publication of the *Corruption Prevention Manual* promises to focus the public's attention on the need for vigilance to protect against corrupt behaviour in units of public administration that costs taxpayers millions of dollars every year. The manual was launched in November by the Minister for Justice and the Attorney-General.

For further details on the CPD's publications, see the Corruption Prevention Program section of this Report.

The Research and Co-ordination Division prepared 11 publications in 1993/94 designed to increase the public knowledge of criminal justice issues. These included:

- two more volumes of the police powers report
- a discussion paper and a report on *Cannabis and the Law in Queensland*
- *Murder in Queensland* – the first in a series of Criminal Justice research papers

- a review of recruitment and education in the QPS, and a survey of police recruits
- reviews of initiatives in community policing in Inala and Toowoomba.

Reports continue to be provided free of charge to all libraries in the State, members of Parliament, and the heads of all Government Departments and criminal justice agencies. The first three volumes of the Commission's report on police powers were the subject of public hearings by the PCJC.

For further details, see the Criminal Justice Research and Reform Program section of this Report.

❖ Performance Assessment

MEDIA

The Media Unit responded to thousands of requests for information from the media in the past 12 months. Ninety media statements were issued. Thirteen formal media conferences were held and many CJC staff participated in interviews with print, radio and television journalists.

PUBLICATIONS

The publications produced by the Research and Co-ordination Division and the CPD have been distributed extensively among the public as well as to the criminal justice community. (see pages 26, 28 and 50, respectively).

Those reports on controversial issues, such as cannabis and police powers, were widely discussed in the media and other public forums. For instance, the release in June of Volume IV of the Police Powers Report was covered by all the major television networks, ABC Radio National, State and regional radio, Brisbane commercial and community radio, the two major newspapers (including an editorial in *The Courier-Mail*) and numerous regional papers.

The CJC is often called upon to demonstrate its accountability through reports to bodies like the PCJC. For example, we are currently in the process of writing a submission to the PCJC as part of that Committee's three-year review of the CJC. That submission, which will be made public, will serve as yet another opportunity to inform the community of our activities.

❖ **Outlook**

We have placed a high priority on more effective targeting of our publications. A Publications Plan for all CJC publications is nearing completion and should be in place early in 1994/95. We also plan to launch two series of issue papers:

- *Criminal Justice Research* (similar to *Murder in Queensland*)
- *In Brief* (summaries of specialist material written for general readers).

PUBLIC EDUCATION AND COMMUNICATIONS SUB-PROGRAM

❖ **Strategies**

- encourage community understanding of the CJC's activities through speaking engagements, conferences, broadcasts and publications
- produce and disseminate resource material for ATSI and non-English speaking communities
- develop a marketing plan for the CJC
- develop an education and communications plan for the CJC

❖ **Performance**

Staff from the CPD and other Divisions frequently address community groups, as well as professional bodies and the boards of management of units of public administration (see Appendix 1). Staff from the Research and Co-ordination Division often appear in the media in interviews and on talk-back shows.

The conferences organised by the CPD on the Unlawful Release of Confidential Information and on Whistleblowing were designed to put these important issues on the public agenda. Shorter publications have been targeted at specific groups like teachers and police to dispel myths about what the CJC does. For further details see pp. 50.

The establishment of the ATSI Advisory Committee, (see pp. 49), is an important step in the development of resource material culturally appropriate for the ATSI community. Work has already begun on brochures designed to inform the community on how to assist us in the fight against corruption. Similar brochures are being designed for use by non-English speaking residents.

A draft Communications Plan, including a kit for speakers, has been produced.

❖ **Performance Assessment**

We have already reported on the positive response received from people attending our conferences and groups to whom our CPD staff have spoken, (see pp. 46).

Anecdotal feedback on our publications and our media appearances has also been very positive.

❖ **Outlook**

More conferences are planned.

Further research and summary issue papers will be published. Shorter publications, targeted at specific groups, will include:

- shorter publications on corruption prevention
- brochures on how to make a complaint to the CJC for the ATSI and non-English speaking communities
- a brochure and a more detailed handbook on whistleblowing.

For further details, see Corruption Prevention Program.

Other initiatives will include:

- training sessions for prospective speakers will be developed and held, and the Speakers' Kit will be refined
- the Publications Plan will be finalised and implemented.

ORGANISATIONAL SUPPORT PROGRAM

GOAL

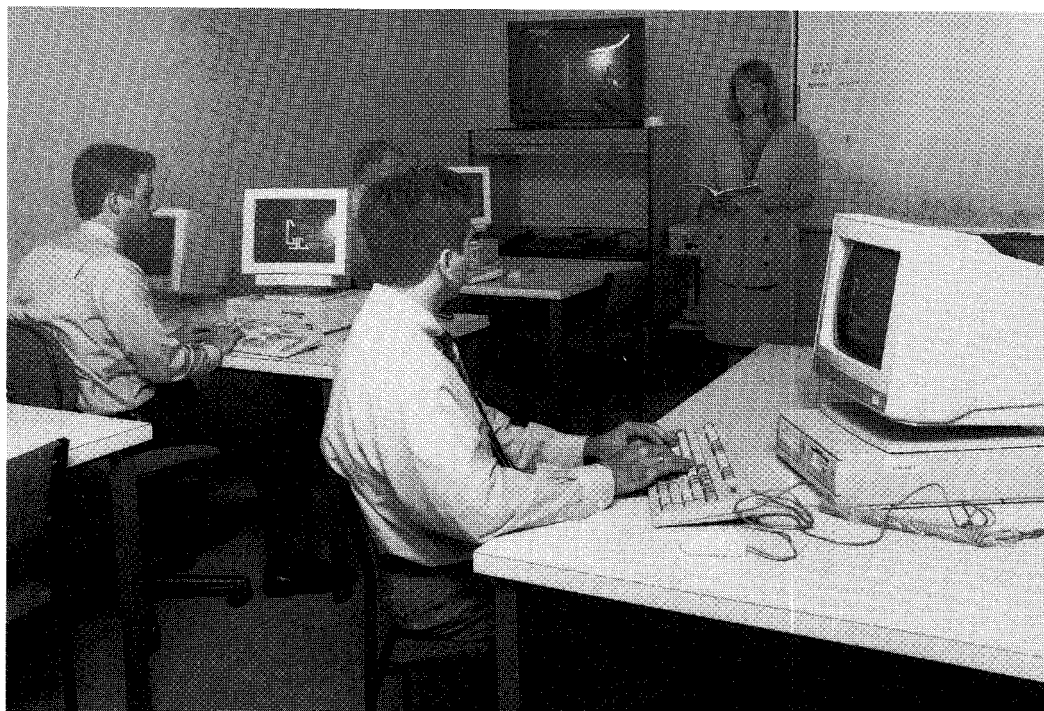
To assist the Commission in achieving its goals

SUB-PROGRAMS

- Executive Management
- Resource Management

DIVISIONS RESPONSIBLE

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



Staff from the Information Technology Section keeping up-to-date on the latest software.

EXECUTIVE MANAGEMENT SUB-PROGRAM

❖ *Strategies*

- report to and liaise with clients, Government and the PCJC
- co-ordinate interactive strategic planning and review processes
- provide direction and strategic management to Commission staff
- improve management information and evaluation and review of systems
- optimise use of Commission resources

❖ *Performance*

The Chairperson and the Divisional Directors continue to provide direction and strategic management to staff. They also set the organisation's operational policies and priorities.

The Executive Management Group meets weekly to discuss inter-divisional matters and issues arising from meetings with the PCJC and the Commission, and to address strategic policy issues. In addition, special meetings were held with the Commissioners to adopt Reports of the Commission and to deal with other pressing business.

The Executive depends on accurate and timely advice to ensure good management practices are adhered to, and it is largely dependant on external and internal audits and feedback from the PCJC to assess performance in this area.

At monthly meetings between the Commission and the PCJC, each Director presents a written brief to the Committee on the activities of his or her Division and then responds to questions. Responses from the PCJC on the performance of the CJC during the past year were, on the whole, positive. Further commentary is expected from the PCJC in 1994/95 in its three-year review of our operations.

Several internal audits were undertaken, some of which continued beyond this reporting period. These included:

- a review of the policies and procedures of the Finance and Administration Section
- a restructuring of the Corporate Services Division to meet changing needs
- a review of the Public Administration Integrity Program with respect to the Public Finance Standards

- a review of security practices and procedures at the CJC.

❖ *Outlook*

An executive support unit will be established to allow for:

- more efficient management of the Freedom of Information (FOI) function
- the undertaking of projects with respect to legislation that impacts on the CJC
- co-ordinating responses to matters referred to us from the PCJC.

By the end of July, we will complete our submission to the PCJC for its three-year review of the operations of the Commission.

RESOURCE MANAGEMENT SUB-PROGRAM

❖ *Strategies*

- provide legal advice to and act for the CJC in legal matters
- monitor and refine management reporting and evaluation and review systems
- provide information, electronic and other technological support to meet corporate requirements
- allocate and optimise the use of resources
- develop and disseminate policy and procedures cognisant of legislative and best practice standards

❖ *Performance*

LEGAL SERVICES

In the past year, the Office of General Counsel was reduced from eight staff to four (General Counsel, Official Solicitor, one other lawyer and one support officer), with the remaining staff redeployed throughout the CJC. The Office continues to provide legal advice in support of the CJC's functions.

In 1993/94 the Office completed the Code of Conduct, which has been adopted by the Commission for its staff. With the Personnel Services Section, it prepared the CJC's human resource policies. It also updated contracts of employment, confidentiality agreements, consultancy agreements, and the standard forms for the exercise of the CJC's compulsory powers. These documents are continually reviewed and refined, and reflect

amendments to the Act such as those in the *Criminal Justice Amendment Act 1993* (commenced 10 December 1993) and the *Justice and Attorney-General (Miscellaneous Provisions) Act 1994* (commenced 30 May 1994).

Further, the Office:

- considered reports under s. 26 of the Act and certain other CJC publications to ensure that, before they are released, they complied with the principles of procedural fairness
- prepared proposed amendments to the Act and consults on behalf of the CJC with the Department of Justice and the Attorney-General, the Office of Cabinet and Parliamentary Counsel in relation to these matters
- represented the CJC before the Supreme Court and Court of Appeal
- assisted with many internal reviews, and liaised with the Information Commissioner on external reviews, arising from FOI applications.

ADMINISTRATION OF CRIMINAL JUSTICE

The Office advised on, prepared or co-ordinated CJC responses to issues papers, reports and proposed legislation concerning the administration of criminal justice, including a:

- Submission to the Office of the Cabinet and the Parliamentary Committee for Electoral and Administrative Review (PEARC) on Codes of Conduct for Public Officials (involving a proposed Public Sector Ethics Bill)
- Submission to PEARC on the EARC Report on Review of Appeals from Administrative Decisions
- Submission to the Queensland Law Reform Commission on the *Freedom of Information Act 1992* – Review of Secrecy Provision Exemption
- Submission to Senate Inquiry on Australian Securities Commission
- Submission to Senate Standing Committee for Legal and Constitutional Affairs on a proposed National Witness Protection Bill
- Submission on Model Criminal Code – Final Report on General Principles of Criminal Responsibility
- Response for inclusion in Australia's Third Report to the International Human Rights Committee
- Response to proposed legislative amendments for sentencing of persons convicted of child sexual offences

- Response to proposed unlawful stalking legislation.

REPRESENTATION ON COMMITTEES

The Office represented the CJC on committees concerned with criminal justice issues, including:

- Serious White Collar Crime (State) Qld Liaison Committee. General Counsel was inaugural Chairperson of this committee, which has been established by the NCA to provide a focus for white collar crime investigations. The Committee brings together a wide range of Commonwealth and State law enforcement, regulatory and prosecution agencies to liaise on operations, legislation, problems and emerging trends.
- Steering Committee for the Implementation of Recommendations made in the Report of the PSMC Review of the Queensland Police Service (April 1993). General Counsel is the CJC's representative on the Steering Committee.
- Police Prosecutions Working Party.
- Committals Committee.

STATUS OF PROPOSED AMENDMENTS

In our 1992/93 *Annual Report*, we referred to six amendments we had sought. Two of these were addressed in the *Criminal Justice Amendment Act 1993*; however, the definition of 'unit of public administration' has yet to be clarified.

The *Justice and Attorney-General Amendment Act 1994* was necessary to clarify the CJC's position as a 'statutory body' for the purpose of the *Financial Administration and Audit Act 1977*.

The two new acts also made some minor technical amendments to the Act. For example, in his second reading speech, the Honourable the Minister for Justice and Attorney-General observed in relation to the former piece of legislation:

The amendments in this Bill represent the "first stage of a phased review" of the *Criminal Justice Act* in light of the reports and recommendations of the Parliamentary Criminal Justice Committee, submissions by the CJC, and other relevant matters. The amendments in this Bill adopt those recommendations of the Parliamentary Criminal Justice Committee which are considered to be "technical amendments". They are "non-controversial". They will better facilitate the operation of the Act "pending full consideration of the substantive recommendations" of the Parliamentary Criminal Justice Committee and any other issues which are identified as requiring examination.

The PCJC recommendations referred to are in Report Nos 13, 18 and 20 Part B. Report 20 Part B (23 September 1993) reviewed the use of the CJC's power under s. 3.1 of the Act.

Many of these recommendations for amendments remain to be implemented. They should be considered as soon as possible so that they can be implemented without further delay. If any recommendation is not to be implemented, this should be made public, as well as the reasons for not doing so. These amendments will be addressed in our submission to the three year review of the CJC's operations, mandated under s. 118(1)(f) of the Act, which will also address further proposals for amendment of the Act.

OTHER LEGISLATIVE AMENDMENTS

The Office represented the CJC in consultations on the following legislation:

- Amendment of *Police Service Administration Act 1990* and *Police Service (Review of Decisions) Regulation 1990*. This Act was amended to authorise lateral transfers in certain circumstances. Technical amendments were made to the Act and Regulation.
- Amendment of the *Telecommunications (Interception) Act 1979*. The Act was amended from 22 December 1993 and amongst other matters, recognised the CJC for the purpose of the Act. This enables the CJC to obtain access to intercepted material in its own right. It does not enable us to "tap" telephone conversations.

OTHER MATTERS

The Office also:

- Assisted the Queensland Council of Civil Liberties in having the Police Manual and associated documents placed in the Supreme Court Library.
- Assisted the South Australian Police Service (SAPOL) in the development of policy on standard of proof in disciplinary proceedings. The Commissioner of SAPOL recognised the 'significant assistance' provided.

General Counsel appeared for the Commission in the following matters:

- before the Court of Appeal in *Behrens v. Criminal Justice Commission* (Appeal No. 149 of 1993)
- before the Supreme Court as junior counsel in
 - *Queensland Advocacy Incorporated v. Criminal Justice Commission* (Appeal No. 211 of 1994)
 - *Criminal Justice Commission v. The Council of the Shire of Whitsunday* (Miscellaneous No. 46 of 1993; Motion No. 4 of 1993).

Members of the Office appeared throughout the State in answer to summonses and subpoenas seeking material held by the CJC, and on an application for leave to serve a notice of summons interstate.

Further details on significant issues arising from the Office's work may be found in Appendix 2.

THE LIBRARY

The Library supports the work of the Commission by:

- providing appropriate material in-house
- providing material in response
- obtaining material from other libraries
- bringing significant material to the attention of Commission staff.

LIBRARY COLLECTION

The Library has in its collection approximately:

- monographs (including books, reports and legal opinions) 6,171
- subscriptions/periodicals 264
- loose-leaf services 22
- pamphlets and ABS booklets 420
- annual reports 134
- a significant collection of legislation and subordinate legislation
- a substantial news clipping service collection

LOANS AND PHOTOCOPYING SERVICE

During 1993/94, transactions were as follows:

- items lent from Library's collection to CJC staff 1,958
- photocopies made for CJC staff from the Library's collection 629
- items borrowed and photocopies provided from other libraries 419
- items lent and photocopies provided to other libraries 160

CURRENT AWARENESS SERVICE

The Library issues a bi-monthly Current Awareness Service, which indexes journal articles, provides a venue for obtaining photocopies, lists newly acquired items available for loan and includes notes on use of library resources. This service is distributed to 15 sections within the Commission, the Misconduct Tribunals and 31 libraries.

STAFFING

The staff establishment of the Commission remains at 263 (see Table 19). Of these positions, 171 are occupied by civilians and the remaining 92 are filled by police under the command of an Assistant Commissioner.

Our civilian staff come from disciplines including law, accountancy, social sciences, behavioural sciences and computing. A certain degree of flexibility has been built into staffing practices to enable us to engage specialists and others who can help us meet our changing requirements.

EQUAL EMPLOYMENT OPPORTUNITY

An Equal Employment Opportunity (EEO) Management Plan was developed by Personnel Officers in consultation with an internal EEO consultative committee.

The *Equal Opportunity in Public Employment Act 1992* obliges public sector agencies to report annually on their EEO program. While the CJC is not such an agency we have prepared such a report (see Appendix 3).

STAFF DEVELOPMENT AND TRAINING

We finalised a Training and Development Strategy aimed at ensuring the needs of staff are met cost-effectively. We also began to review the induction process for new staff.

Thirty-three (19.3%) civilian staff were provided with assistance under the Study Assistance Scheme. In addition, the Scheme was reviewed in line with developments in this area in the public service.

The CJC more than met its obligations under the *Training Guarantee (Administration) Act 1990* by spending 2.4% of its payroll on staff training and development.

OCCUPATIONAL HEALTH AND SAFETY

Occupational health and safety issues continue to have a high priority. Our Safety Officer recently completed Stage 2 of the Safety Officer's Course.

A safety audit undertaken by the Division of Workplace Health and Safety of the Department of Employment, Vocational Education, Training and Industrial Relations noted a few areas of concern which have now been rectified.

SECURITY

Following an external audit of our security procedures, a Security Manager was appointed in April. A high priority was given to the issuing of security guidelines and to a review of our security procedures. A strategy is in place for dealing with breaches of security, and managers are now being consulted on methods to enhance security practices without hampering the operations of the organisation.

TABLE NINETEEN

COMMISSION STAFF ESTABLISHMENT AS AT 30 JUNE 1994

	Approved Establishment	Male	Female	Total
Executive	2	1	1	2
General Counsel & Misconduct Tribunals	8	4	3	7
Official Misconduct	132	91	26	117
Witness Protection	29	22	6	28
Research & Co-ordination	19	3	14	17
Corruption Prevention	6	4	2	6
Intelligence	24	13	9	22
Corporate Services	43	25	16	41
Total	263	163	77	240

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

FINANCE AND ADMINISTRATION

The provision of timely and efficient financial and administrative management support plays an integral part in ensuring the CJC's attainment of its goals.

The Finance and Administration Section is committed to the continued enhancement of those mechanisms which ensure the CJC's full compliance with the Public Finance Standards and the *Financial Administration and Audit Act 1977*.

Major achievements during the year included:

- an increased level of financial management reporting, including monthly cash flows, publication sales trends and detailed transaction analysis
- completion of a comprehensive security upgrade of the building
- enhanced procedures for control of stocks and the supply of the CJC's physical resources
- further development of policies in the areas of purchasing and publications.

INFORMATION TECHNOLOGY

We achieved our target of upgrading 35% of the Commission to a standard Windows-based operating environment with the final equipping of the CPD, the transfer of Research & Co-ordination Division from an ageing Macintosh platform, the completion of Intelligence Division and partial transfer of the Financial Analysts Group.

Priority improvements to the underlying network were undertaken in preparation for major network projects which will dominate 1994/95 activities.

A significant upgrade of the Intelligence Database was the major applications work undertaken; a number of smaller databases were developed and enhanced.

The Section completed 244 out of 332 registered projects, including assistance to a number of investigative operations. Over 3100 problems were logged and resolved by Help Desk staff.

RECORDS MANAGEMENT

The central records management software was upgraded. The database now contains details on over 230,000 items including correspondence, audio and video tapes, exhibits and other externally acquired material. Input standards and quality control were reviewed and a training program is being prepared for the 140 registered users.

Over 1400 compulsory notices and their accompanying acquired material were registered together with nearly 2000 investigative hearing exhibits and 19000 pages of transcript. Nearly 500 items of external material associated with compulsory notices were returned to source.

FREEDOM OF INFORMATION

Set out below are tables of statistics regarding FOI applications received.

Since the *FOI Act 1992* commenced, the CJC has received eight applications for external review of decisions relating to access to documents. Four were lodged in 1993 and four in 1994; the first was dated 4 March 1993, the most recent 22 April 1994. Final submissions, dating back to October 1993, have been made in six of the cases, but the Information Commissioner has made no decisions to date.

TABLE TWENTY

FREEDOM OF INFORMATION STATISTICS – APPLICATIONS AND REVIEWS (1993/94)

Application Type	Applications			Reviews	
	Total Applications	Decisions Made	Still Under Consideration	Internal Review	External Review
Personal	63	61	2	7	5
Non-Personal	21	20	1	3	–
Total	84	81	3	10	5

TABLE TWENTY-ONE

FREEDOM OF INFORMATION STATISTICS – DECISIONS (1993/94)

Application Type	Full Access	Partial Access	Full Denial ¹	Refused ²	Withdrawn/ Cancelled	Lapsed	Transferred
Personal	14	33	4	9	1	–	1
Non-Personal	1	10	2	6	–	–	–
Total	15	43	6	15	1	–	1

Notes: ¹ Access refused on account of exemptions applied.

² Refused for non-payment of fees, or non-compliance with the FOI Act, or because no documents were located.

While we appreciate the workload and the complexity of issues handled by the Commissioner, we note that decisions have been made on applications he received after some of those that involve the CJC. We are concerned that the CJC could be disadvantaged by the time taken to finalise these reviews. We are also concerned about the substantial amount of time we have to expend in preparing submissions and discussing these cases.

❖ **Performance Assessment**

PROGRAM EVALUATION

The Public Finance Standards require the CJC to establish a cyclical process for the comprehensive evaluation of its programs.

Our programs and operations are already regularly reviewed and evaluated. The Act obliges us 'to report' to the PCJC on our activities, and obliges the PCJC 'to monitor and review' how well we discharge our functions.

Our effectiveness can be measured in part by the reports that we have produced, particularly the following:

- *Submission on Monitoring of the Functions of the Criminal Justice Commission*, presented to the PCJC in April 1991
- *Reports on Review of the Operations of the Parliamentary Criminal Justice Committee and the Criminal Justice Commission*, published by the PCJC in December 1991 and August 1992
- *Report on the Implementation of the Fitzgerald Recommendations Relating to the Criminal Justice Commission*, published in September 1993.

Other current reviews underway include the PCJC's three-year review of CJC operations, announced in April this year, and a review of the role and functions of the Act by the Inter-Departmental Working Group on the Criminal Justice Act Review.

In addition, the CJC accepts its responsibility for program evaluation as specified in the Public Finance Standards. The first to be evaluated will be our Public Administration Integrity Program. This is a major, integrated program, and its evaluation will involve a substantial investment of time and energy. We have already appointed a team to develop an implementation strategy and to complete its evaluation by early 1995. We will then turn our attention to other programs.

❖ **Outlook**

The Office of General Counsel will continue to attend to the legal and policy matters detailed above.

The Corporate Services Division will:

- arrange training designed to meet its officers' organisational and personal needs
- continue to collect EEO statistics on target groups
- upgrade central components of the computer network to provide enhanced performance and resilience
- extend the Windows operating environment
- improve records management awareness
- implement an archival policy to optimise physical storage of CJC holdings
- enhance and streamline the inventory system

Organisational Support Program

- further enhance the fleet management system with a view to rationalising the vehicle fleet
- continue development of a costing program on investigations carried out by the Commission
- continue the review and evaluation of programs in accord with the Public Finance Standards
- complete a review aimed at maximising our responsiveness to applications made under the FOI Act with minimal disruption to our operations
- monitor the effect on CJC operations of decisions made by the Information Commissioner on FOI external review applications.

APPENDIX 1

LECTURES, ADDRESSES AND PRESENTATIONS BY CJC OFFICERS

SUBJECT	VENUE	OFFICER
The Criminal Justice System and Death in Custody	Kangaroo Point College of TAFE – Justice Studies Students	Daniel Abednego
The Criminal Justice System and the ATSI Liaison Program	Johnstone College of TAFE, Innisfail – Justice Studies Students; Kangaroo Point College of TAFE – Justice Studies Students	Daniel Abednego
Aborigines and the Criminal Justice System	University of Queensland – Undergraduate Sociology Students	Daniel Abednego
Role of the Joint Organised Crime Task Force	Intelligence Analysts Course – Queensland Police Academy; West End Police; Logan Police; Fortitude Valley Police; Welfare Officers – Criminal Justice Commission; Sunshine Coast Detectives Conference	Dennis Bauer Stephan Gollschewski Mike Hamill Glen Stewart George Stolz
The Role and Function of the CJC	Rotary Club of Toowoomba South; Brisbane Planetarium Rotary Club; Rotary Club of Toowoomba City; Rotary Club of Paddington-Red Hill; Rotary Club of Toowoomba East; Rotary Club of Brisbane West; Cairns West and Cairns North Rotary Clubs; Townsville Rotary Club; Australian Services Union; Ethnic Communities Council – Queensland; State Public Services Federation of Queensland; David Longlands Correctional Centre – Wacol; Police Training College – Inspectors Course – Chelmer; Private Investigators Academy; University of Queensland – Criminology Class; Rotary Club of Brisbane North; Rotary Club of Brisbane	John Boyd David Brereton Graham Brighton Sally Edwards Steve Guttridge Robert Hailstone Marshall Irwin R S O'Regan QC
For a Little Consideration ...	Rotary Club of Brisbane HI-Rise	John Boyd
Business Ethics: Fad or Footprint for the Nineties	Institute of Professional Secretaries Fourth Australian Convention for Professional Secretaries, "The 21st Century Secretary ... A New Era"	Robert Hailstone
Ethics: A Contradiction or a Way of the Future?	Australian Human Resource Institute's Human Resources Practices Day	John Boyd
Ethics in Education	Port Curtis & Callide Valley School Support Centre Conference – Learning for All – Gladstone	Robert Hailstone
Ethics and the Police Service	Executive Development Program – Police Professional Development Centre – Chelmer	Robert Hailstone
Ethics in Public Administration	The Public Trustee of Queensland Conference	John Boyd
Ethics Workshop	Inspectors Course Chelmer Police Training College – Queensland Audit Office – Public Sector Special Interest Risk Assessment Group	Robert Hailstone John Boyd Sally Edwards Andrew Marjason Steve Guttridge J Farrell
Corruption Prevention in the Queensland Local Government Arena	Annual Local Government Auditors Conference – Brisbane	John Boyd
Official Misconduct – The Issues	Central Highlands and Coalfields Educators Conference – Emerald	Robert Hailstone
Reporting Official Misconduct	Redland Shire Council	John Boyd
Preparing a Brief to Meet Tender Requirements	Better Program Delivery Through Market Research Seminar	David Brereton
The Research and Co-ordination Division and its Community Policing Initiatives	University of Queensland	David Brereton
Fraud in Local Government Authorities	IIR Conference, Sydney – Fraud Management: Assessment, Prevention, Control	Graham Brighton
Accountability in Local Government Authorities	IIR Conference, Sydney – Accountability, Ethics and Fraud in the Public Sector	Graham Brighton

Appendix 1

SUBJECT	VENUE	OFFICER
Organised Crime	Griffith University	Phil Dickie
Cannabis and the Law in Queensland	Winter School in the Sun (Hosted by Alcohol and Drug Foundation, Queensland); Community Corrections Conference; Forum on Marijuana (Hosted by Drug Arm); Regional Seminars in Cairns, Rockhampton, Townsville, Mackay, Mt Isa, Bundaberg, Hervey Bay, Maryborough (Hosted by Alcohol and Drug Foundation); The Great Cannabis Debate (Hosted by Westender Newspaper); 'Help End Marijuana Prohibition' Rally; Mitchelton/Stafford Rotary Club	Phil Dickie
The Politicisation of Crime	Queensland Police Cadets	Phil Dickie
Crime and the Media	Queensland Police Cadets	Phil Dickie
SP Bookmaking and Police Corruption	University of Queensland	Phil Dickie
Informal Resolution Interim Progress Report	Informal Resolution Authorised Member Training Seminar	Andrew Ede
Why Corruption in the Public Sector Matters	The 1994 Australian Services Union Youth Conference	Robert Hailstone
Corruption Prevention Presentations to Units of Public Administration	13 Units of Public Administration; Local Government Authorities	Robert Hailstone John Boyd
Corruption Prevention Lectures for Teachers	Pine Rivers Region; Tullawong State School, Caboolture; Gold Coast Region	Robert Hailstone
Corruption Prevention Lectures for Students	Paddua College; Mount Saint Michaels College – Ashmore; Saint James Primary School – Coorparoo; Cleveland State High School; Bundaberg State High School; Bachelor of Business Students – Kedron Park, QUT; Chelmer Police Training College – Inspectors Course	Robert Hailstone Sally Edwards
Strategies for Improving Fraud Controls	The Management of Ethics, Accountability and Fraud in the Public Sector Conference – Sydney	Robert Hailstone
Official Misconduct, Whistleblowing and Corruption Prevention	Wide Bay School Principals Conference	Robert Hailstone
Contribution of the CJC to Public Policy	Griffith University – Government and Public Policy Class	Marshall Irwin
Legal Liability Risk Management Seminar – The Criminal Justice System – Its Implications for Public Sector Managers	Staff Training and Development Unit (in conjunction with DEVETIR)	Marshall Irwin
The Police Prosecutor – Ethics and Discipline	Police Prosecution Trainee Course – QPOL	Marshall Irwin
Organisational Structures in the Criminal Justice System: The New Statutory Agencies	University of Queensland – Dept. of Anthropology and Sociology	Marshall Irwin
Whistleblowers Conference – Introduction to Conference	Brisbane	Marshall Irwin
Royal Commission and Public Policy	Australian Public Sector Management Conference	Marshall Irwin
The CJC and Professionalism in the Public Sector	Griffith University – 1st Yr Professional Studies 1	Marshall Irwin
Police Powers (Vol 3)	Police Powers Report Workshop (attended by members of the ATSI Community)	Susan Johnson
Police Powers (Vols 1 & 2)	National Conference of Community Legal Centres (Griffith University); Police Powers Report Workshop (attended by members of the ATSI Community)	Susan Johnson
Intelligence Analysis	Queensland Police Academy 4th & 5th Criminal Intell. Analyst Course; Australian Police College 4th National Strategic Intell. Course	Robert Luhrs Paul Roger

SUBJECT	VENUE	OFFICER
Proceeds of Crime and Concealed Income Analysis	Queensland Police Academy 4th and 5th Criminal Intell Analyst Course	Tim McGrath
Money Laundering	Economic Crime Courses conducted by QPS State Crime Operations Command.	Pat McCallum Tim McGrath
Money Laundering Investigations – Update	NCA Financial Action Task Force	Pat McCallum
Computers in Crime	Griffith University – Bachelor of Justice Studies Course	Pat McCallum
Statistics	Intelligence Analysts Course	Jon Moore
Consultation on School-Based Assaults	Bardon Professional Centre	R S O'Regan QC
Unlawful Release of Government Information Conference	Ithaca Auditorium – Brisbane City Council	R S O'Regan QC
Annual Meeting of the CJC Liaison Officers	80 George Street	R S O'Regan QC
Launch of the Corruption Prevention Manual	80 George Street	R S O'Regan QC
Criminal Justice Reform – Is It Continuing?	Xavier Society	R S O'Regan QC
The CJC – Fact, Fiction and Impact	Bundaberg District Tourism and Development Board – Bundaberg	R S O'Regan QC
The Criminal Justice Commission – Its Role, People and Performance	Public Meeting – Charleville	R S O'Regan QC
The Criminal Justice Commission – Present and Future	Australian Insurance Law Association (Queensland Branch)	R S O'Regan QC
The CJC and Civil Liberties	Annual General Meeting of the Council for Civil Liberties	R S O'Regan QC
Chinese Organised Crime	Queensland University of Technology (Justice Studies)	Paul Roger
Extent of Organised Crime	University of Queensland	Paul Roger
Asian Crime and Culture	Oxley Police Station	Glen Stewart
Men With No Legs (Toowoomba Beat Policing Pilot Project)	Crime Prevention in the 1990s Conference (Hosted by Griffith Uni and QUT)	Andrew McLean Williams

APPENDIX 2

LEGAL ISSUES

R v. Le Gros and Jackson (CA No. 331 of 1992)

The Special Prosecutor sought an order or intimation from the Court of Appeal under s. 671B(a) of the Criminal Code that the CJC produce to the Court certain material gathered by it in the course of an investigation into allegations of improper communication by the bailiff with the jury foreman in the trial of Le Gros and Jackson. The bailiff had been charged with official misconduct. The CJC was not a party to this application.

On 18 August 1993 the Court of Appeal (Davies J.A., Ambrose J., White J.) held that:

- (i) s. 3.28 of the *Criminal Justice Act 1989* prohibits documents in the possession of the Commission being made available for inspection by any person without the express authority in writing of the Chairman;
- (ii) s. 3.28 is a specific provision. The general provision contained in s. 671B(a) of the Criminal Code would not authorise the Court of Criminal Appeal to make an order contrary to the prohibition contained in s. 3.28.

In the course of argument, Davies J.A. observed that the discretion under s. 3.28 appears, on the face of it, to be unfettered.

Because of the Court's interpretation of s. 3.28, it refused to give the order or intimation to the Commission, but left the Special Prosecutor to make a request to the Chairman under s. 3.28.

S. 671B(a) of the Criminal Code vests the Court of Appeal with a power to 'order the production of any document, exhibit or other thing connected with the proceeding (if) it thinks it necessary or expedient in the interests of justice'.

Behrens v. Criminal Justice Commission (Appeal No. 149 of 1993)

The Applicant sought extension of time to apply for leave to appeal against a judge's dismissal of applications for review of the CJC's assessment of his complaint that police officers had failed to satisfactorily investigate an alleged indecent assault, and that there was no misconduct on behalf of the police involved.

On 20 August 1993 the Court of Appeal (Davies J.A., and Pincus J.A., Moynihan J.) refused the application because it agreed with the judge that there was no reasonable basis to make the application. It ordered that the applicant pay the CJC's costs.

In coming to this decision, the Court said that the material before the judge did not prove any misconduct and consequently did not establish any basis for review of the CJC's decision.

Re: an Application under the Criminal Justice Act 1989 (O.S. 68 of 1993)

This case involved an application by a serving police officer who was under investigation by the CJC in respect of a possible criminal offence. The CJC proposed to interrogate certain witnesses at an investigative hearing held under the Act. The applicant sought to be present by himself and with his counsel and solicitor at the hearing. The presiding officer denied permission for the presence of any of those persons. The applicant sought a direction from the court requiring the CJC to permit him to be present at the investigative hearing and to be represented by counsel and solicitor. On 17 September 1993 Derrington J decided that the applicant was not entitled to be present at the hearing, whether personally or through some representative. This was justified by the general purpose of the Act and the power of investigation reposed by it in the CJC. In the course of the judgment, His Honour observed:

The purpose behind this closed session is to exclude other persons, including a person concerned so that the Commission may properly perform its function of investigation. The function would be seriously impaired in a number of cases if it were carried out with the person concerned standing, as it were, at the elbow of the investigator during the entire investigation, hearing all aspects of the investigation as it proceeded and thereby being well-armed to frustrate it.

Criminal Justice Commission v. Nationwide News Ltd and King (Appeal No. 21 of 1994)

The CJC instituted proceedings in the Supreme Court seeking an injunction restraining the respondents from publishing or disclosing the contents of a report made by it to the PCJC for the purpose of the PCJC discharging its monitoring and review function under s.118(1)(a) of the Act. Ancillary relief by way of an order for the delivery up of copies of the report held and discovery of the means by which, and the person by whom, the report was communicated to Ms King, was also sought. On 21 January 1994 Dowsett J declined to grant a blanket injunction restraining publication of the contents of the report. However, His Honour was willing to entertain an application for suppression of specific parts of the report.

The CJC immediately filed a Notice of Appeal from the decision. The respondents undertook not to publish any material from the report pending the hearing of this appeal. The appeal was heard on 2 June 1994 and the decision reserved.

Criminal Justice Commission v. The Council of the Shire of Whitsunday (Miscellaneous No. 46 of 1993; Motion No. 4 of 1993)

On 11 November 1993 the CJC filed a Notice of Motion in the Supreme Court at Mackay seeking an interim injunction under the 'whistleblower' provisions of the Act to protect the Whitsunday Shire Clerk's position. This was the first injunction ever sought by the CJC under these provisions. On that date, Demack J granted the CJC's application and restrained the Council from taking any action to dismiss the Shire Clerk pending the trial of the action.

On 8 February 1994 counsel instructed by the CJC appeared at the Supreme Court at Mackay on the trial of the CJC's application for a permanent injunction to protect the Shire Clerk's position. After hearing argument, His Honour ruled that:

- notwithstanding s. 119(1) of the Act, which provides that such applications 'shall be heard in Chambers', the respondents had a right to apply for the matter to be adjourned to and be heard in open court pursuant to s. 15 of the *Supreme Court Act 1892*;
- s. 104 of the Act was inconsistent with the terms of a Federal Award under which the Shire Clerk was employed, and that to the extent of that inconsistency the provisions of the Award prevailed by force of s. 109 of the Constitution, and s. 104 of the Act was correspondingly invalidated.

The CJC has appealed to the Court of Appeal against both of these rulings.

Criminal Justice Commission v. Collins (Appeal No. 33 of 1993)

The CJC applied for an order to review the decision of a Magistrate that there was no public interest immunity in favour of the CJC not producing, pursuant to a subpoena, its taped record of interview with a police officer in the course of one of its investigations. The respondent issued the subpoena in connection with charges preferred against him by the police officer. The respondent had complained to the CJC about the conduct of that police officer in relation to the charges. After the taped interview was conducted with the police officer, the CJC investigation was suspended pending the outcome of the Magistrates Court's proceedings against the respondent. The Magistrate rejected the CJC's objection and ordered that the taped interview be produced to him. The Court of Appeal (Macrossan C.J., and

McPherson J.A., Pincus J.A. dissenting) allowed the appeal and set aside the order overriding the CJC's claim of public interest immunity. It ordered that the Magistrate further hear the claim and undertake a balancing of the competing public interest as to whether the taped interview should be produced.

In coming to this conclusion, the majority observed that it may be accepted that statutory bodies with functions like those of the CJC must have some necessary degree of immunity if they are to function as intended. They also said that it may be accepted that provisions of the kind found in the Act can be taken as establishing some prima facie claim to immunity from obligations of disclosure on public interest grounds. However such provisions do not, without more, demonstrate how the claim for immunity should be dealt with when faced with a competing claim for access to information by somebody in the position of the respondent. In particular, there was no single broad class enjoying public interest immunity which would embrace all documents recording information collected in the course of the CJC's investigations.

Queensland Advocacy Incorporated v. Criminal Justice Commission (No. 211 of 1994)

The Queensland Advocacy Incorporated (QAI) applied to the Supreme Court for a statutory order to review the decision of the Honourable D. G. Stewart, constituting the Commission for the purpose of the Basil Stafford Centre Inquiry, refusing leave for the QAI to appear at the hearing either on behalf of the residents of the Centre or in its own right.

On 27 April 1994 White J delivered judgment that this decision be set aside. Her Honour found that procedural fairness required that the residents of the Centre should be granted representation in the proceedings, and that QAI was appropriate to represent the residents. It was further directed that leave be granted to QAI to appear in the hearing to represent the interests of the residents on such terms and conditions as the person constituting the hearing saw fit. However, White J considered that it would be sufficient if the representation involved no more than the regular receipt of the transcript of proceedings and the right to make written submissions, as had previously been ordered by the Honourable D. G. Stewart. The CJC has instituted an appeal in respect of this decision.

Kolovos v. O'Regan (Appeal No. 198 of 1993)

On 13 May 1994 the Court of Appeal (McPherson J.A., Derrington J., Byrne J.) dismissed an appeal from the Supreme Court upholding the Chairperson's decision to hold an investigation into circumstances surrounding an attempted murder, and the theft and arson of a motor vehicle. The Chairperson, constituting the CJC, had directed that the OMD conduct this investigation, having formed the opinion that it involved 'major crime' which was not appropriate to be discharged or could not effectively be discharged by the Police Service or by other agencies of the State.

The Court decided that, although the Chairperson's opinions were not beyond judicial scrutiny, there was no evidence to show that any error affected his opinions in the present case.

In the course of the judgement the Court observed that the issue in the case was not whether attempted murder answered the description of 'major crime' because to pose the question in that way was to mistake the nature of the investigation. The investigation was not into the three offences as such. Rather, it concerned the 'circumstances surrounding' them, presumably because the Chairperson had information indicating that those circumstances may well disclose criminal activities involving 'major crime'. It was therefore not necessary for the Court to discuss the meaning of the term.

APPENDIX 3

REVIEW OF EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

The Commission's Equal Employment Opportunity (EEO) program applies to all employees of the CJC except police officers currently attached to the Commission. These officers fall under the auspices of the EEO program of the QPS. However, as the Commission has a duty of care as the employer of these officers any strategies developed, which may impact on these officers, are applied accordingly.

Whilst the CJC is not a unit of the public sector as defined in the *Equal Opportunity in Public Employment Act 1992*, it is committed to the principles of equal employment opportunity and has adopted the provisions of this Act where appropriate. To this end, the Commission has developed an EEO Management Plan designed to promote equal employment opportunity for, and to eliminate unlawful discrimination against, members of the EEO target groups defined in that Act.

The EEO target groups are defined as:

- (a) people of the Aboriginal race of Australia or people who are descendants of the indigenous inhabitants of the Torres Strait Islands;
- (b) people who have migrated to Australia and whose first language is a language other than English, and the children of those people;
- (c) people with a physical, sensory, intellectual or psychiatric disability (whether the disability presently exists or previously existed but no longer exists); and
- (d) women.

The CJC's EEO Management Plan for 1993/94 was endorsed by the Commission on 22 October 1993 and forwarded to the Public Sector Management Commission for its information. The Public Sector Management Commission gave the CJC's plan its full support.

The EEO Management Plan for 1993/94, the Commission's inaugural plan, contained five objectives linked to the Executive Services Program of that year's Corporate Plan. The stated goal of that Program was 'To improve the capability of the Commission and its staff to meet the changing needs of its clients'. The strategies contained in the Management Plan reflected Operating Principle 5 of the Corporate Plan, which stated 'The Commission provides a stimulating, satisfying and safe working environment free from discrimination on the basis of gender, race, religion or disability'.

The specific objectives contained in the 1993/94 EEO Management Plan are:

1. To develop an awareness and understanding of EEO principles and practices throughout the Commission.
2. To ensure all recruitment and selection processes enable members of EEO target groups to enter and progress through the Commission on an equitable basis.
3. To ensure that Human Resource Management policies and practices reflect EEO principles.
4. To develop a training and development program which provides all staff with equal access to developmental opportunities.
5. To provide a working environment free from all forms of discrimination and sexual harassment.

In keeping with the principles of the *Equal Opportunity in Public Employment Act 1992* the Management Plan was developed in the following manner:

- Step 1 The Chairperson issued a policy statement in a memorandum to all staff on 24 March 1993. An updated version of this statement was included as the foreword to the Management Plan.
- Step 2 The Executive Director was nominated as the person with responsibility for the development, implementation and review of the Commission's EEO program. The responsibility for the co-ordination of the program rests with the Personnel Services Section.
- Step 3 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. Accordingly, a copy of the EEO Management Plan was forwarded to the State Public Services Federation, as the major trade union body for the State Public Service, for their information and comment.
- Step 4 An EEO Consultative Committee was formed to assist in the development, implementation and review of the Commission's Management Plan. The membership of the Committee was drawn from interested persons who were able to represent both the different organisational groups of the Commission and the EEO target groups. An information session was conducted by a representative of the

Public Sector Management Commission and further sessions will be arranged as required.

- Step 5 Statistics in relation to the numbers of persons who are members of the EEO target groups were collected prior to the finalisation of the Management Plan.
- Step 6 Examination of the Commission's policies and practices is an ongoing function; however, a review of the Human Resource Management policies and practices was included as a specific objective of the plan.
- Step 7 Specific objectives, as outlined above, were set with performance indicators established to measure whether planned activities were carried out in the time frames specified and to measure how effectively goals have been achieved.
- Step 8 The Management Plan has been evaluated to determine the effectiveness of the strategies contained therein.

In relation to the objectives contained in the Management Plan, the following outcomes have been achieved in broad terms:

The level of awareness of EEO within the CJC has been raised by the display of posters detailing the specific objectives of the EEO program for 1993/94; the inclusion of articles in the Commission's newsletter; and the holding of information sessions. (Objective 1)

In terms of recruitment strategies, the CJC is promoted as an equal opportunity employer in all recruitment advertising; the majority of position descriptions have been reviewed to ensure they are written in non-discriminatory language; and selection committees are formed so as to be gender balanced where appropriate. (Objective 2)

During the period under review the Personnel Services Section completed the development of a broad range of Human Resource Management policies which are written in non-discriminatory language and reflect EEO principles. (Objective 3)

A training needs analysis was conducted during the last 12 months which identified a range of training needs. Whilst not directed specifically to members of the target groups, the data collected from this analysis will allow needs identified by target group members to be addressed. (Objective 4)

The Human Resource Management policies of the CJC incorporate a policy on sexual harassment and four Sexual Harassment Referral Officers (SHROs) have been appointed. The guidelines for dealing with complaints of sexual harassment issued by the Public Sector Management Commission have been adopted by the CJC. The implementation of the Commission's workplace health and safety policy through development of appropriate systems and practices is an ongoing task of the Personnel Services Section. (Objective 5)

The EEO Consultative Committee is in the process of developing the CJC's second Management Plan. The objectives for the 1994/95 plan will be drawn from the views of staff following a series of group discussions.

The membership of target groups in terms of gender, age, occupational stream and employment status are represented in the following tables. It can be seen that the membership of target groups other than women is very small and no valid comparisons or trends can be drawn from such data. Comparisons in terms of changes that will occur in these data will be reported on in forthcoming years.

Members of the QPS who are currently attached to the CJC are not included in these data.

TABLE ONE

MEMBERSHIP OF EEO TARGET GROUPS AS AT 30 JUNE 1994

WOMEN	ATSI ¹	NESB ²	PWD ³
81	1	14	6
46.5%	0.5%	8.0%	3.5%

Notes: ¹ Persons who identify as Aboriginal and Torres Strait Islanders

² Persons from a non-English speaking background

³ Persons with a disability

FIGURE ONE

EMPLOYEES BY GENDER AND AGE AS AT 30 JUNE 1994

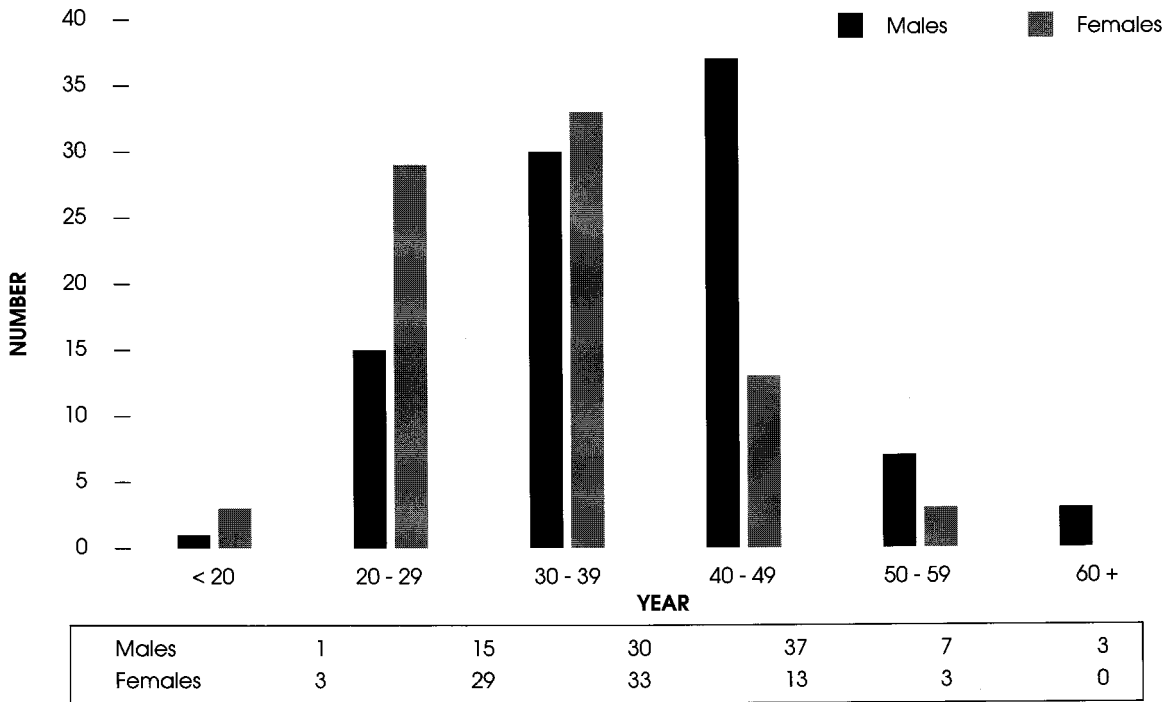


FIGURE TWO

EMPLOYEES BY GENDER AND ADMINISTRATIVE LEVEL AS AT 30 JUNE 1994

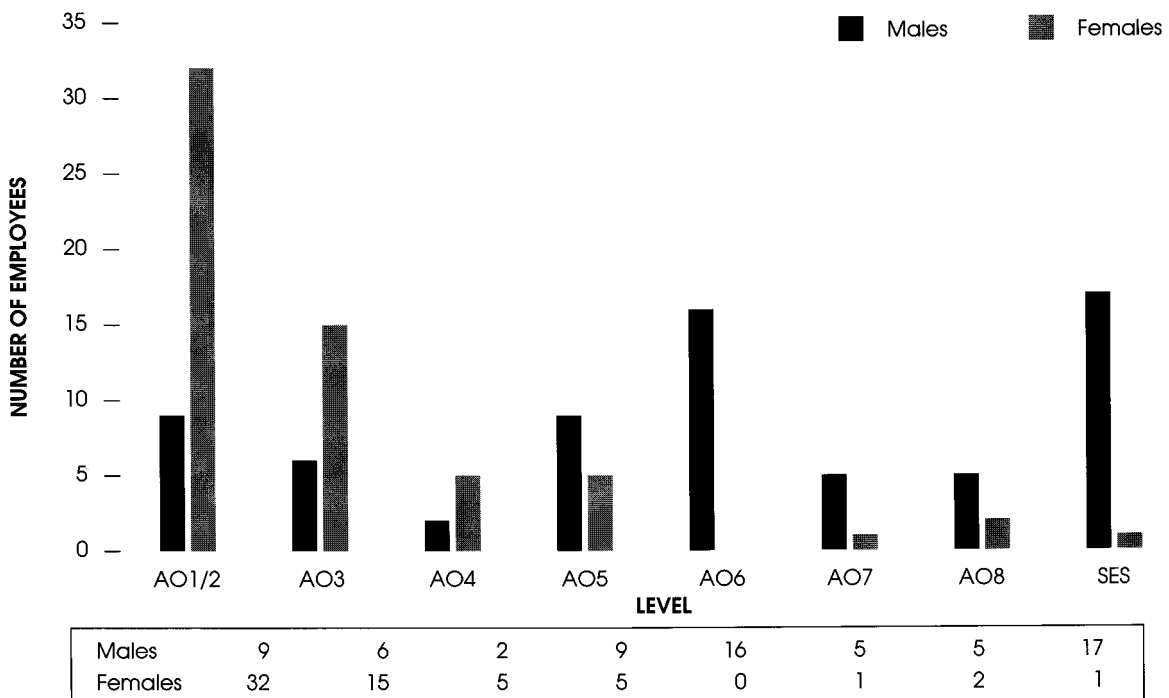
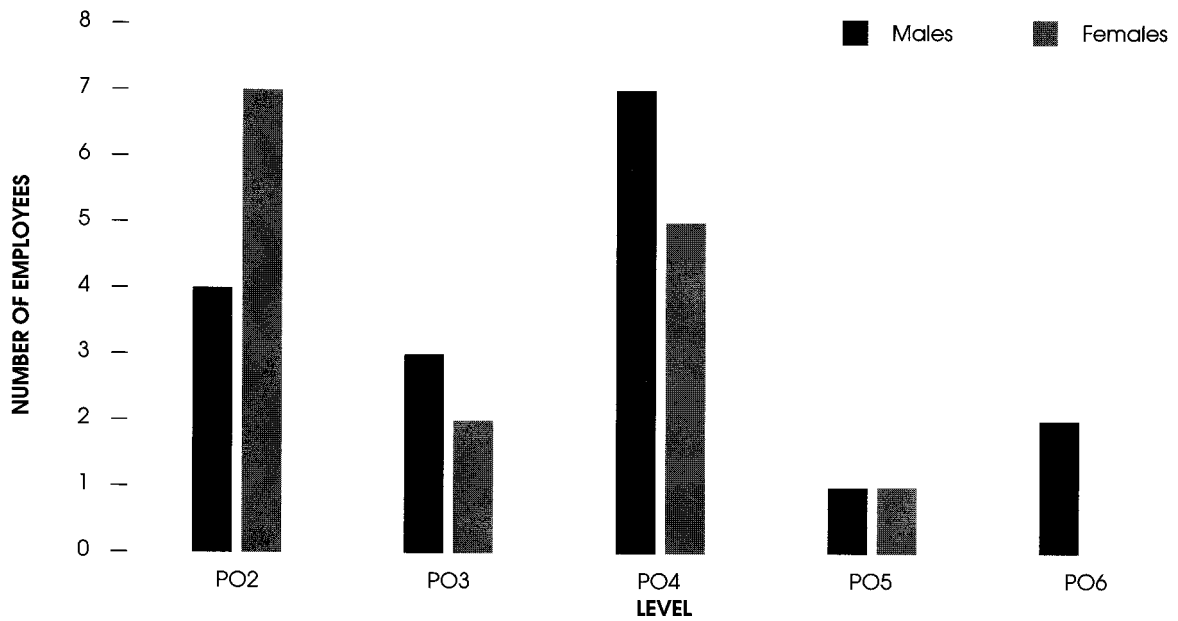


FIGURE THREE

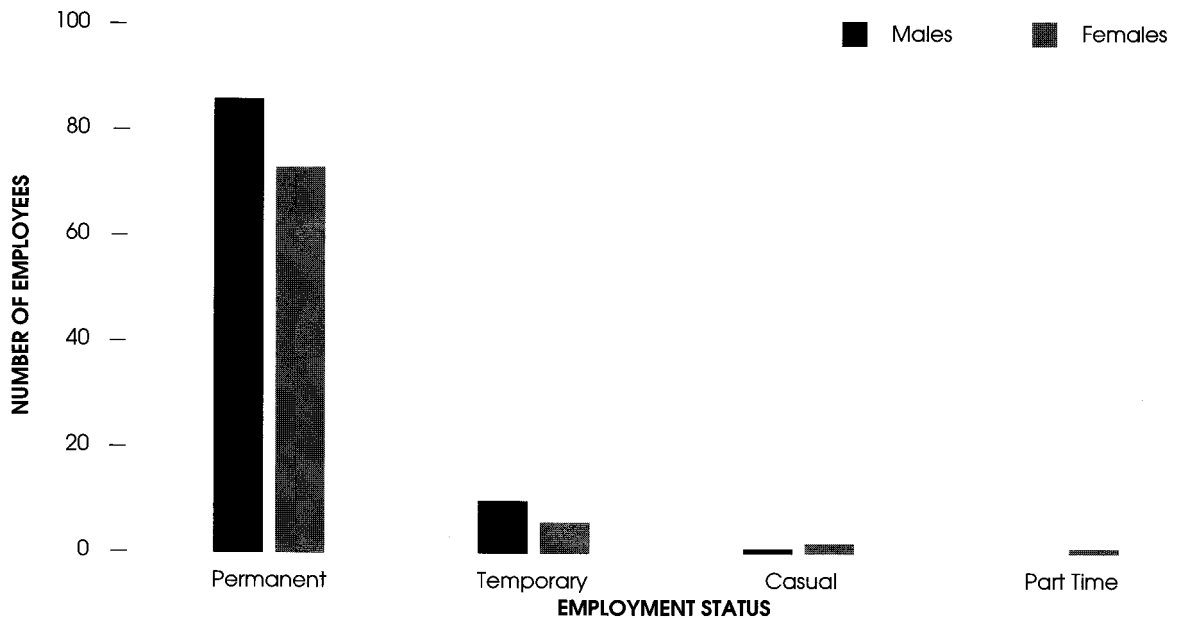
EMPLOYEES BY GENDER AND PROFESSIONAL LEVEL AS AT 30 JUNE 1994



Males	4	3	7	1	2
Females	7	2	5	1	4

FIGURE FOUR

EMPLOYEES BY GENDER AND EMPLOYMENT STATUS AS AT 30 JUNE 1994

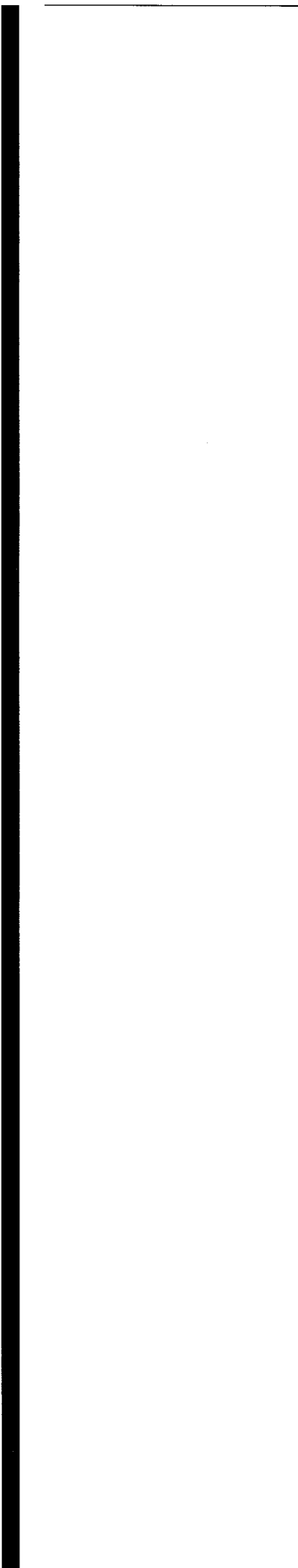


Males	86	10	1	0
Females	73	6	2	1

APPENDIX 4

COMMISSION PUBLICATIONS 1993/1994

Publication	Published
Cannabis and the Law in Queensland – A Discussion Paper	July 1993
Report by the Honourable W J Carter QC on his Inquiry into the Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen	August 1993
Statement of Affairs	August 1993
Report on the Implementation of the Fitzgerald Recommendations Relating to the Criminal Justice Commission	September 1993
Criminal Justice Commission Annual Report 1992/93	September 1993
Corruption Prevention Manual	November 1993
Report on a Review of Police Powers in Queensland Volume III: Arrest Without Warrant, Demand Name and Address and Move-On Powers	November 1993
Recruitment and Education in the Queensland Police Service: A Review	December 1993
Corporate Plan 1993-1996	December 1993
Murder in Queensland: A Research Paper	February 1994
A Report of an Investigation into the Arrest and Death of Daniel Alfred Yock	March 1994
Report by the Honourable R H Matthews QC on his Investigation into the Allegations of Lorrelle Anne Saunders Concerning the Circumstances Surrounding Her Being Charged with Criminal Offences in 1982, and Related Matters: Volume I and Volume II	April 1994
Report on a Review of Police Powers in Queensland Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention	May 1994
Report on an Investigation into Complaints Against Six Aboriginal and Island Councils	June 1994
Report on Cannabis and the Law in Queensland	June 1994



APPENDIX 5

**ANNUAL FINANCIAL STATEMENTS OF
CRIMINAL JUSTICE COMMISSION
FOR THE PERIOD
1 JULY 1993 TO 30 JUNE 1994**

OPERATING STATEMENT
FOR THE YEAR ENDED 30 JUNE 1994

	NOTE	1994 \$	1993 \$
QUEENSLAND GOVERNMENT GRANT	1	20,651,000	20,437,546
OPERATING INCOME			
Interest		121,878	231,050
Gain on Sale of Plant & Equipment		42,609	114,989
Other	2	144,873	134,898
TOTAL OPERATING INCOME		309,360	480,937
TOTAL INCOME		20,960,360	20,918,483
OPERATING EXPENDITURE			
Salaries and Related Expenses	3	13,198,962	12,946,733
Administration	4	4,386,410	4,345,409
Operational	5	296,312	341,031
Consulting	6	274,253	329,961
Accommodation	7	2,658,958	2,835,294
Transfers to Provisions	8	664,052	654,726
Write offs		3,989	17,524
TOTAL OPERATING EXPENDITURE		21,482,936	21,470,678
OPERATING (DEFICIT) SURPLUS		(522,576)	(552,195)
ADJUSTMENT TO ACCUMULATED FUNDS	9	20,400	—
RETAINED SURPLUSES, 1 JULY		2,706,644	3,258,839
RETAINED SURPLUSES, 30 JUNE		2,204,468	2,706,644

STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 1994

	NOTE	1994 \$	1993 \$
CURRENT ASSETS			
Cash	10	20,400	2
Receivables		33,769	37,918
Other			
Prepayments		17,686	29,840
		<hr/>	<hr/>
TOTAL CURRENT ASSETS		71,855	67,760
		<hr/>	<hr/>
NON-CURRENT ASSETS			
Plant & Equipment	11	2,259,013	2,743,353
Investments	12	900,009	865,701
		<hr/>	<hr/>
TOTAL NON-CURRENT ASSETS		3,159,022	3,609,054
		<hr/>	<hr/>
TOTAL ASSETS		3,230,877	3,676,814
		<hr/>	<hr/>
CURRENT LIABILITIES			
Salaries Payable		139,331	112,506
Sundry Creditors		91,150	63,036
Provisions	13	448,480	462,771
		<hr/>	<hr/>
TOTAL CURRENT LIABILITIES		678,961	638,313
		<hr/>	<hr/>
NON-CURRENT LIABILITIES			
Provisions	13	347,448	331,857
		<hr/>	<hr/>
TOTAL LIABILITIES		1,026,409	970,170
		<hr/>	<hr/>
NET ASSETS		2,204,468	2,706,644
		<hr/> <hr/>	<hr/> <hr/>
EQUITY			
Retained Surpluses		2,204,468	2,706,644
		<hr/> <hr/>	<hr/> <hr/>

STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 1994

	1994	\$	1993	\$
	Inflow	\$	Inflow	\$
	(Outflows)		(Outflows)	
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Wages and Salaries	(13,831,486)		(13,444,278)	
Suppliers	(6,816,716)	(20,648,202)	(7,050,539)	(20,494,817)
Receipts				
Interest	124,425		233,313	
Dividends	57,743		69,831	
Other	88,732	270,900	41,128	344,272
NET CASH USED IN OPERATING ACTIVITIES (Note A)		(20,377,302)		(20,150,545)
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for purchase of plant and equipment	(398,935)		(652,076)	
Proceeds from sale of plant and equipment	159,543		647,911	
Payment for equity (Q-Fleet)	(34,308)		(579,061)	
NET CASH USED IN INVESTING ACTIVITIES		(273,700)		(583,226)
CASH FLOWS FROM GOVERNMENT				
Receipts from Government grant (Note B)	20,651,000		20,437,546	
NET CASH PROVIDED BY GOVERNMENT		20,651,000		20,437,546
NET DECREASE IN CASH HELD		(2)		(296,225)
CASH AT THE BEGINNING OF REPORTING PERIOD*		20,402		296,227
CASH AT THE END OF THE REPORTING PERIOD (Note C)		20,400		2

* Includes Adjustment to Accumulated Funds. Refer Note 9.

STATEMENT OF CASH FLOWS – (Continued)
FOR THE YEAR ENDED 30 JUNE 1994

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

	1994 \$	1993 \$
Operating Result	(522,576)	(552,195)
Depreciation expense	769,066	777,197
Adjustments – prior year depreciation	(6,714)	—
Write offs (non-cash)	3,989	16,685
Gain on sale of plant and equipment	(42,609)	(114,989)
Decrease (Increase) in Accounts Receivable	4,149	(21,676)
Decrease in prepaid expenses	12,154	9,803
Increase in trade creditors	28,114	48,170
Increase in salaries payable	26,825	39,111
Provisions – Recreation Leave and Long Service Leave	1,300	84,895
Government Revenues	(20,651,000)	(20,437,546)
	<hr/>	<hr/>
NET CASH USED IN OPERATING ACTIVITIES	(20,377,302)	(20,150,545)
	<hr/>	<hr/>

Note B RECEIPTS FROM GOVERNMENT GRANT

Total grant received	20,651,000	20,662,000
Less refund in respect of Administrative Services		
Department charges	—	(224,454)
	<hr/>	<hr/>
NET GRANT	20,651,000	20,437,546
	<hr/>	<hr/>

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:-

	1994 \$	1993 \$
Cash at bank	—	2
Cash on hand	20,400	—
	<hr/>	<hr/>
	20,400	2
	<hr/>	<hr/>

Note D TAX STATUS

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

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 year. 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.

(d) **Employee Leave Entitlements**

Provision has been made for long service leave liability to employees (excluding police) with 5 years or more service. Provision has also been made for the liability to employees (excluding police) for accrued recreation leave.

Sick leave is brought to account as incurred.

NOTES TO AND FORMING PART OF THE ACCOUNTS – (Continued)

	1994 \$	1993 \$
Note 1 Queensland Government Grant		
Annual Funding Grant	20,651,000	20,662,000
Less refund in respect of Administrative Services Department charges	—	224,454
	20,651,000	20,437,546
 Note 2 Other		
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
Dividends – Q-Fleet	44,869	93,924
Sundry Income	100,004	19,268
	144,873	134,898
 Note 3 Salaries and Related Expenses		
Salaries, Wages and Allowances	10,996,399	10,702,060
Overtime	348,568	507,243
Payroll & Fringe Benefits Taxes	754,478	721,599
Superannuation Contribution	1,089,328	1,009,380
Workers' Compensation	10,189	6,451
	13,198,962	12,946,733
 Note 4 Administration		
Airfares, Taxis, Hire Cars and Travel Allowances	383,168	477,710
Telephones, Pagers, Facsimile	335,567	353,195
Postage and Petty Cash	40,579	32,140
Advertising	67,532	58,273
Subscriptions, Books	52,484	55,995
Stores and Stationery	87,406	107,533
Printing and Publication	164,185	104,143
Q-Fleet Leasing	259,256	207,836
Petrol, Maintenance, Registration	290,983	258,700
Equipment	15,587	39,088
Computing Expenses & Software	303,317	434,122
Witness Fees & Expenses	53,185	33,699
Transcription	329,964	124,563
Audit Fees	15,886	29,940
Recruitment & Training	160,437	154,423
Litigation Costs	20,504	41,420

NOTES TO AND FORMING PART OF THE ACCOUNTS – (Continued)

	1994 \$	1993 \$
Note 4 Administration – Continued		
Information Retrieval	57,321	90,440
Depreciation	769,066	777,197
Other	235,228	169,425
Special Payments (a)	3,962	29,630
Legal Advice (b)	740,793	765,937
	4,386,410	4,345,409

(a) Represents payments to members of Witness Protection Unit for allowances due but not paid during Commission of Inquiry \$3,962.

(b) Includes costs of inquiries into Saunders, Yock, Toxic Waste and Basil Stafford Centre. These costs include advice and representation by counsel and remuneration to former judges to undertake the inquiries.

Note 5 Operational

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

Note 6 Consulting

Contracted Research	90,722	156,511
Forensic Document Examination	2,950	1,150
Security	2,490	—
Program Evaluation	600	—
Recruiting		2,000
Review of Operations		—
Position Evaluations	9,375	15,074
Redland Shire Council Report	4,340	—
ATSI Task Force Investigations/Report	52,325	—
Report – External Review of Shooting	2,000	—
Informal Complaints Resolution*	23,554	28,237
Corruption Prevention	39,684	9,757
Financial Analysis	24,863	28,102
Freedom of Information	—	2,881
Report – Communications	—	12,286
Corporate Planning/Program Management		16,750
Report – Implementation of the Fitzgerald Reforms	15,850	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	5,500	2,860
Dispensation of Justice in Queensland	—	1,686
Illicit Drugs Study	—	4,078
Organised Crime Report	—	9,661
	274,253	329,961

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

NOTES TO AND FORMING PART OF THE ACCOUNTS – (Continued)

	1994 \$	1993 \$
Note 7 Accommodation		
Lease	1,982,275	2,005,883
Security	303,725	408,945
Cleaning	138,867	138,427
Electricity	170,516	171,021
Refurbishment	34,045	83,777
Other	29,530	27,241
	2,658,958	2,835,294
Note 8 Transfers to Provisions		
Long Service Leave	52,166	50,557
Recreation Leave	611,886	604,170
	664,052	654,727
Note 9 Adjustments to Accumulated Funds		
Represents the value of imprest balances written into the accounts	20,400	—
Note 10 Cash		
Represents the value of imprest balances	20,400	—
Note 11 Plant and Equipment		
Office Machines & Equipment	598,602	593,844
Less Accumulated Depreciation	284,648	209,146
	313,954	384,698
Operations Equipment	977,278	935,654
Less Accumulated Depreciation	645,834	496,345
	331,444	439,309
Furniture & Fittings	149,887	147,732
Less Accumulated Depreciation	35,205	24,180
	114,682	123,552
Computing Equipment	2,518,956	2,323,237
Less Accumulated Depreciation	1,451,108	1,013,222
	1,067,848	1,310,015
Motor Vehicles	593,998	614,248
Less Accumulated Depreciation	162,913	128,469
	431,085	485,779
TOTAL PLANT AND EQUIPMENT	2,259,013	2,743,353

NOTES TO AND FORMING PART OF THE ACCOUNTS – (Continued)

	1994 \$	1993 \$
Note 12 Investments		
Equity in Q-Fleet Leasing Scheme	900,009	865,701
	<hr/> <hr/>	<hr/> <hr/>
Note 13 Provisions		
Current		
Recreation Leave	448,480	462,771
	<hr/>	<hr/>
Non-current		
Long Service Leave	347,448	331,857
	<hr/>	<hr/>
	<hr/> <hr/>	<hr/> <hr/>
	795,928	794,628

Note 14 Segment Reporting

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

Note 15 Capital Commitments

Capital Commitments mainly comprising computer hardware and security containers as at 30 June totalled approximately \$33,958 (1993, approximately \$61,100). Commitments are payable within one year.

Note 16 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 17 Contingent Assets/Liabilities

There were no known contingent assets of a significant nature as at 30 June 1994. As at 30 June 1994 there was an outstanding legal claim with respect to a workers' compensation matter.

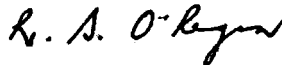
CERTIFICATE OF THE CRIMINAL JUSTICE COMMISSION

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 1994, and of the financial position as at 30 June 1994.

30/08/94

Date



R S O'REGAN QC
Chairman



G M BRIGHTON
Executive Director

AUDIT CERTIFICATE

SCOPE

I have audited the financial statements of the Criminal Justice Commission for the year ended 30 June 1994 comprising the Operating Statement, Statement of Financial Position, Statement of Cash Flows, Notes to and forming part of the financial statements and certificates given by the Chairperson and person responsible for financial administration as required by the *Financial Administration and Audit Act 1977*.

The Criminal Justice Commission is responsible for the preparation and the form of presentation of the financial statements and the information they contain. I have audited the financial statements in order to express an opinion on them.

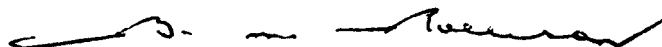
The audit has been conducted in accordance with QAO Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures adopted have included the examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with prescribed accounting standards and other prescribed requirements so as to present a view which is consistent with my understanding of the entity's financial position and the results of its operations.

The audit opinion expressed in this certificate has been formed on the above basis.

AUDIT OPINION

In accordance with the provisions of the *Financial Administration and Audit Act 1977*, I certify that I have received all the information and explanations I have required in respect of the financial statements of the Criminal Justice Commission and, in my opinion—

- the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
- the statements have been drawn up so as to present a true and fair view in accordance with prescribed accounting standards and other prescribed requirements of the transactions of the Criminal Justice Commission for the financial year ended 30 June 1994 and of the financial position as at the end of that year.



B M ROLLASON
Auditor-General