

MISSION STATEMENT

MISSION

To promote justice and integrity in Queensland

GOALS

- To reduce the incidence of public sector misconduct and to make an effective contribution to combating organised and major crime.
- To foster the development of an effective, efficient, fair and equitable criminal justice system.
- To improve the integrity of public administration and reduce the incidence of organised and major crime.
- To facilitate the effective, efficient and accountable discharge of the Commission's functions and responsibilities.

OUR VALUES

Justice Integrity Accountability

OPERATING PRINCIPLES

The Criminal Justice Commission:

- acts in the public interest
- operates within the high standards of its Code of Conduct
- is committed to fairness and to accountable processes of consultation and review
- places emphasis on research and prevention as well as control and cure
- provides a stimulating, satisfying and safe work environment free from discrimination on the basis of gender, race, religion or disability
- operates within a set of approved procedures and policies that ensure the administrative and operational integrity of the Commission.

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TABLE OF CONTENTS

PROFILE	5
PROGRAM 1 – INVESTIGATIONS	12
SUBPROGRAM 1 – PUBLIC ADMINISTRATION INTEGRITY	13
COMPLAINTS PROCESSING	13
INVESTIGATIONS	19
PUBLIC AND PRIVATE HEARINGS	28
PROCEEDS OF CORRUPTION	34
MISCONDUCT TRIBUNALS	34
INFORMAL RESOLUTION	35
ENCOURAGING REPORTING OF MISCONDUCT	36
OUTLOOK	38
SUBPROGRAM 2 – ORGANISED AND MAJOR CRIME INVESTIGATIONS	40
INVESTIGATIONS OF ORGANISED AND MAJOR CRIME	40
JOINT OPERATIONS AND LIAISON	43
INVESTIGATIVE STRATEGIES	45
PROCEEDS OF CRIME	48
INTELLIGENCE SUPPORT	50
WITNESS PROTECTION	51
OUTLOOK	53
PROGRAM 2 – POLICE SERVICE REFORM AND CRIMINAL JUSTICE RESEARCH AND REFORM	54
SUBPROGRAM 1 – POLICE SERVICE MONITORING AND REFORM	55
MONITORING THE QPS	55
COMPLAINTS AND DISCIPLINE	56
SELECTION, RECRUITMENT TRAINING AND TECHNIQUES	57
CAREER PROGRESSION, PROMOTION AND TRANSFER	59
COMMUNITY POLICING	60
USE AND ADEQUACY OF INVESTIGATIVE POWERS	61
INTELLIGENCE ACTIVITIES	61
ASSISTANCE TO THE QPS IN ESTABLISHING TECHNIQUES TO SUPERVISE ITS PERFORMANCE	62
RESEARCH PUBLICATIONS AND OTHER INFORMATION	62
OUTLOOK	62
SUBPROGRAM 2 – CRIMINAL JUSTICE RESEARCH AND REFORM	64
REVIEWS OF LAW AND THE ADMINISTRATION OF CRIMINAL JUSTICE	64
CONTACT WITH OTHER AGENCIES	66
MONITOR AND ANALYSE TRENDS IN CRIMINAL ACTIVITY	66
DISSEMINATION OF ADVICE AND INFORMATION	67
OUTLOOK	68
PROGRAM 3 – PREVENTION	69
SUBPROGRAM 1 – PUBLIC SECTOR MISCONDUCT PREVENTION	71
LIAISON AND ADVICE	71
OFFICIAL MISCONDUCT RISK MANAGEMENT REVIEWS	72
PUBLIC SECTOR AND COMMUNITY EDUCATION	76
EDUCATIONAL AND TRAINING RESOURCES	77
OUTLOOK	79

SUBPROGRAM 2 – ORGANISED AND MAJOR CRIME PREVENTION	80
THE DATABASE	80
MONITORING AND ANALYSING TRENDS IN ORGANISED CRIME	81
REPORTS, EDUCATION AND TRAINING	82
EXCHANGING INFORMATION AND EXPERTISE WITH OTHER AGENCIES	82
OUTLOOK	83
PROGRAM 4 – CORPORATE MANAGEMENT AND ACCOUNTABILITY	84
SUBPROGRAM 1 – CORPORATE MANAGEMENT	86
CORPORATE PLANNING	86
RESOURCE MANAGEMENT	86
OPERATIONAL REVIEWS	88
HUMAN AND FINANCIAL RESOURCES	89
SECURITY AND PERSONNEL PRACTICES	91
OUTLOOK	93
SUBPROGRAM 2 – ACCOUNTABILITY	94
COMPLYING WITH LEGAL REQUIREMENTS AND STANDARDS	94
CONTACT WITH THE PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE	96
CONTACT WITH OTHER AGENCIES AND THE PUBLIC	96
OUTLOOK	98
APPENDICES	99
FINANCIAL STATEMENTS	123

ABBREVIATIONS

ATSI	Aboriginal and Torres Strait Islander
CLER	Commonwealth Law Enforcement Review
DPP	Director of Public Prosecutions
EACC	Enterprise Agreement Consultative Committee
EEO	Equal Employment Opportunity
FOI Act	<i>Freedom of Information Act 1992</i>
ICAC, NSW	New South Wales Independent Commission Against Corruption
JOCTF	Joint Organised Crime Task Force
MDT	Multi-disciplinary team
NCA	National Crime Authority
OMCG	Outlaw Motorcycle Gang
OMD	Official Misconduct Division
PCJC	Parliamentary Criminal Justice Committee
QPS	Queensland Police Service
Recfind	The CJC's records management package

CRIMINAL JUSTICE COMMISSION ANNUAL REPORT

Year Ended 30 June 1995

To the Honourable M Foley MLA,
Minister for Justice and Attorney-General,
Minister for Industrial Relations
and Minister for the Arts

Sir

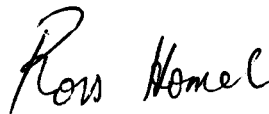
In accordance with the provisions of Section 147A of the *Criminal Justice Act 1989* and Section 46J of the *Financial Administration and Audit Act 1977*, we submit to you for presentation in Parliament, the 6th Annual Report of the Criminal Justice Commission, which formally embraces the period 1 July 1994 to 30 June 1995.



**Mr Lewis Wyvill QC
Acting Chairperson**



**Mr Barrie Ffrench
Commissioner**



**Professor Ross Homel
Commissioner**



**Mr Robert Bleakley
Commissioner**



**Mr Charles Brabazon QC
Commissioner**

September 1995

HIGHLIGHTS

PROGRAM	KEY ACTIVITIES	PAGE
Investigations	number of complaints received remained at over 2,300 and completion rates were maintained with under 400 outstanding matters on hand at 30 June	14
	complaints from police other than the Commissioner about misconduct of other police remained at the same levels achieved last year	15
	completed two successful prosecutions of persons making false complaints about the misconduct of police	18
	our inquiry into the abandonment of three Aboriginal children at Pinkenba provided a timely and effective response to a very sensitive situation between the Aboriginal community and the QPS	20
	uncovered a scheme involving the corrupt issuing of over 150 false Queensland drivers licences	23
	entered into a Memorandum of Understanding with the Queensland Audit Office to better coordinate the exercise of each organisation's responsibilities	23
	jointly with QPS, appointed the Honourable W J Carter QC to audit the adequacy of disciplinary sanctions imposed by the QPS in matters referred to him by the CJC or the QPS	24
	recommended 1,156 criminal and disciplinary charges against 299 persons as a result of public integrity and major and organised crime investigations	25
	provided six reports to Parliament based on major investigations	29
	reported on the first major public inquiry to be held in Australia into the illegal dumping of liquid waste	30
	reported on a major review of practices in the tow truck and smash repair industries highlighting hidden payments being made to tow truck operators	32
	conducted and reported on a public inquiry into the abuse of patients at the Basil Stafford Centre for individuals with severe or profound intellectual disabilities	33
	recovered \$149,000 in confiscated profits from a corrupt scheme operated by a public servant to favour suppliers of services to a Government Department	34
	provided services to 86 whistleblowers and potential whistleblowers	37
	involved in 27 operations with one or more of the following agencies: the NCA, Victoria Police, NSW Crime Commission, NSW Drug Enforcement Agency and Fraud Enforcement Agency, and the QPS	43
	made a significant contribution to national projects to refine strategies to investigate specific organised crime groups	44
consolidated the Criminal Intelligence Database, which now contains 17,500 discrete pieces of information in relation to organised and major crime in Queensland	50	
disseminated criminal intelligence to other law enforcement agencies 520 times	50	

PROGRAM	KEY ACTIVITIES	PAGE
Investigations	provided witness protection support to 180 persons	51
Police Service Reform and Criminal Justice Research	commenced a major review and evaluation of the police complaints and discipline process	56
	released a comprehensive review of the Queensland Police Service's implementation of the Fitzgerald Inquiry Recommendations	60
	completed evaluations of the Toowoomba Beat Policing Pilot Project and the Inala Community and Police Network	60
	participated in the development of new beat policing initiatives in Ipswich and the West End area of Brisbane and produced a beat policing resource kit	60
	completed the Commission's Review of Police Powers in Queensland	64
	released the <i>Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland</i>	64
	organised a national researchers' symposium on crime victim surveys	66
Prevention	liaised with and assisted 51 organisations on corruption prevention issues	71
	conducted 10 official misconduct risk management reviews and made more than 200 recommendations to principal officers to help them reduce the incidence of official misconduct	73
	conducted three field trips and liaised with 46 ATSI organisations and community groups in metropolitan and regional centres and remote areas of the State	77
	conducted 140 hours of training for 18 public sector agencies on issues including reporting official misconduct, risk management and ethics	78

FINANCIAL SUMMARY				
Year Ended 30 June	1993 \$000's	1994 \$000's	Change \$000's	Change (%)
For the Year				
Queensland Government Grant	21,065	20,651	414	2
Operating Revenue	279	309	(30)	(10)
Operating Expenses	20,989	21,483	(494)	(2.3)
Operating Surplus	355	(523)	n/a	n/a
At Year End				
Total Assets	3,764	3,230	534	16.5
Total Liabilities	1,205	1,026	179	17.4
Net Assets	2,559	2,204	355	16.1

CHAIRPERSON'S INTRODUCTION

It gives me great pleasure to introduce our sixth Annual Report. I began my third term as Acting Chairperson on 8 May following the departure of Mr Robin O'Regan QC. Mr Frank Clair has been appointed to the position of Chairperson and will assume office late in 1995.

This gives me an opportunity to pay tribute to the contribution made by Mr O'Regan over the past two and a half years to the work of the Commission since he replaced Sir Max Bingham QC as Chairperson on 1 December 1992. Building on the sound foundation provided to him, Mr O'Regan established the Commission as an important force in the fight against corruption and organised and major crime and saw most of the major recommendations of the Fitzgerald Report implemented. At the same time, he ensured that the Commission remained a model of honesty and integrity for the public sector. We owe him a great debt and wish him well in the future.

This year we completed several inquiries concerning alleged:

- improper disposal of liquid waste in South-East Queensland
- corruption of officials in an incident at Cape Melville National Park
- corruption in the tow truck and smash repair industries
- "bugging" of Lorrelle Anne Saunders's telephone and related matters
- abuse and gross neglect of patients and victimisation of staff at the Basil Stafford Centre for the intellectually disabled.

The Joint Organised Crime Task Force, a combined effort of the CJC and the Queensland Police Service, had several successes this year in investigating organised criminal activity.

In operations such as these it is all too easy to forget the dedication of those staff who work behind the scenes providing intelligence data and other support without which the CJC, and the other criminal justice agencies across Australia who look to us for help, would certainly not enjoy the success they have. Our increasing knowledge of organised crime is due in large part to our Criminal Intelligence Database, which becomes more comprehensive each year.

The Complaints Section achieved its goal of further reducing the time to complete its investigations. In our effort to find ways to increase the efficiency by which we process complaints, we have provided guidelines to two Government Departments that will permit them to deal internally with allegations of minor cases of assault and dishonesty. We will still expect them to report the outcomes to us so that we can ensure the action they have taken is appropriate.

Our research staff also had a productive year. They completed the Police Powers series with volumes on electronic surveillance and telecommunications interception as well as releasing major reports on:

- informal resolution in the Queensland Police Service
- a review of the Queensland Police Service's implementation of Fitzgerald Inquiry recommendations
- the funding of the Legal Aid Commission and the Director of Public Prosecutions, Queensland
- evaluations of the Toowoomba Beat Policing Project and the Inala Community and Police Network.

They began a major review and evaluation of the police complaints and discipline process, participated in developing beat policing projects in Ipswich and West End, and organised a national symposium on design and analysis of victims of crime surveys.

Corruption prevention staff expanded their contacts across the State. They met with principal officers and boards of management in public sector organisations as well as community groups and produced resource material designed to make people more aware of the cost of dishonest and unethical behaviour. They conducted almost twice as many reviews of management systems this year as last and held a number of risk assessment workshops to lessen the exposure of agencies to corruption.

Last year we set up a Whistleblower Support Program to assist those people who risk their professional and personal security to report wrongdoing in the public sector to us. The program is now providing advice and counselling and producing a number of specific publications geared to inform whistleblowers about their rights and protection under the law.

The new Executive Support Unit has been the driving force behind strategic planning activities that have seen us reviewing and restructuring the way we operate. We now have four operational programs instead of six, which hopefully will make for more effective reporting in documents such as this. We expect to move toward program-based budgeting soon.

To fulfill its responsibilities under the *Criminal Justice Act*, the Parliamentary Criminal Justice Committee completed a review of the CJC to make recommendations about the future of the organisation. We prepared our own report, focussing on the degree to which we believe we have achieved the functions assigned to us in the Act. In February, the Committee published its review, which had many positive things to say about the CJC. However, the report contained several recommendations which, if enacted, would lead to a restructuring of our investigative operations and the removal of our corruption prevention function.

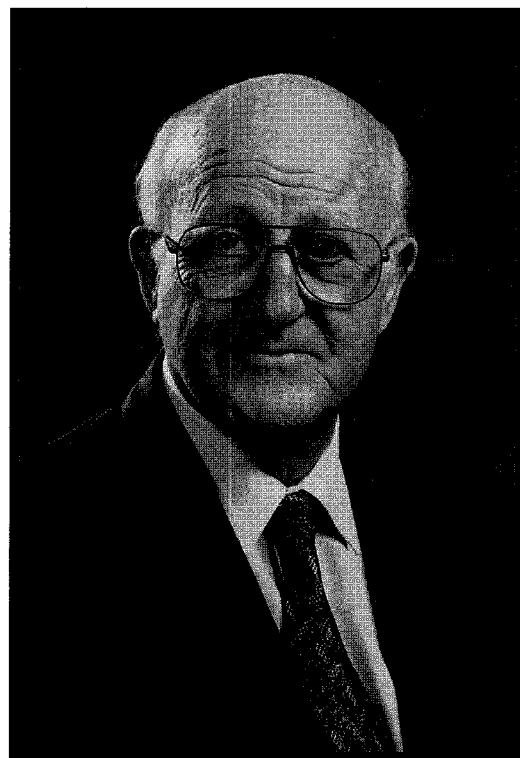
The past year saw the departure of Marshall Irwin, who was our inaugural General Counsel. He made a significant contribution to the establishment and development of the organisation. I thank him, on behalf of the Commission and his colleagues, for his dedication and hard work while he was with us. A number of other people also left this year. While space does not allow me to thank them individually, their efforts were commendable and certainly appreciated.

I extend a warm welcome to Mr Charles Brabazon QC who joined us as a Commissioner in June, assuming my post until Mr Clair assumes the role of Chairperson. Mr Brabazon brings a wealth of legal experience to the Commission.

Finally, a debt of gratitude is owed to the staff of the Commission, whose hard work has borne considerable fruit during the past year.

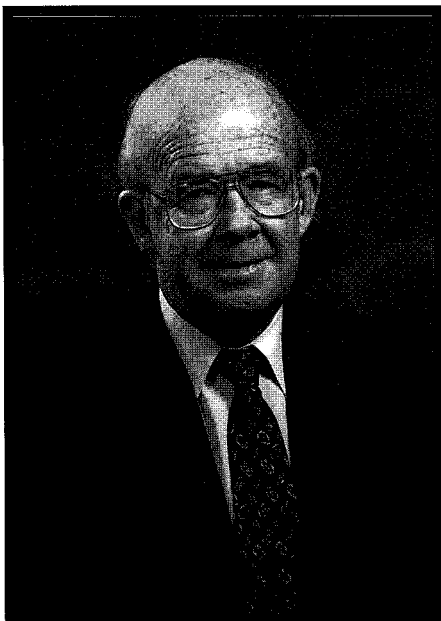
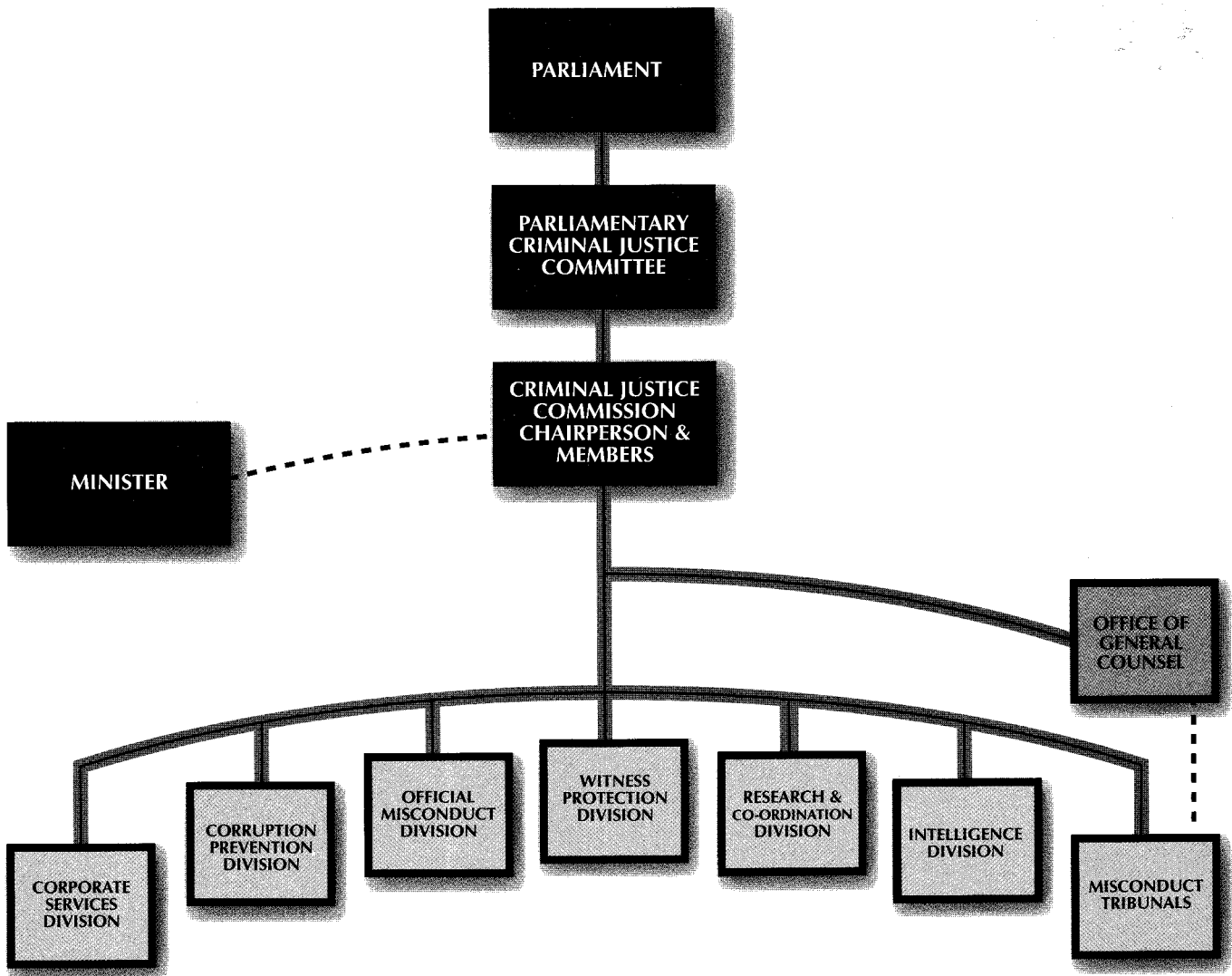


Lewis Wyvill QC

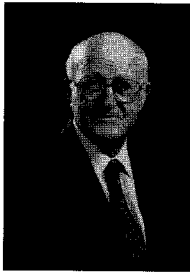


PROFILE

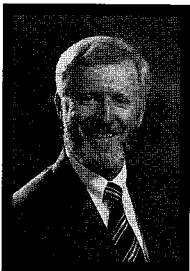
REPORTING STRUCTURE AND ORGANISATION OF THE CJC



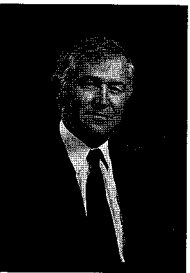
Mr Robin O'Regan QC was Chairperson of the CJC from 1 December 1992 to 31 May 1995. After graduating in Arts and Law at the University of Queensland and qualifying also for a Diploma in Public Administration, he practised for some years as a Barrister and Solicitor in Papua New Guinea both in Government 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 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. He has been Acting Chairperson of the CJC three times, most recently since 8 May 1995.



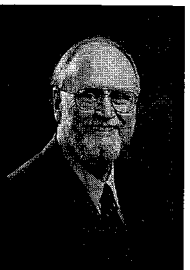
Mr Frank Clair was appointed Chairperson of the Commission, effective 1 June 1995. After completing a BA and LLB at the University of Queensland, he was admitted to the Bar in February 1971. He has served as a Senior Crown Prosecutor and Officer-in-Charge of the Prosecutions Branch. As well as working in private practice since 1983, he was Counsel with the Office of the Special Prosecutor from July 1989 to December 1990, and was appointed Special Prosecutor from November 1991 to May 1993. From October 1994 to April of this year, he was Counsel Assisting the Warden's Inquiry into the August 1994 accident at Moura (No. 2) Coal Mine.



Mr Robert Bleakley holds a BSocWk 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 Charles Brabazon QC was appointed to act as a Commissioner from 8 June 1995. He holds degrees of BA LLB from the University of Queensland, and LLM from the University of London. He has practised at the private Bar in Queensland since 1973, being appointed Queen's Counsel in 1985. His main interests have been in commercial law, common law and alternative dispute resolution (ARD). Because of his interest in ADR, he is a member of the ADR committee of the Law Council of Australia, and is on the board of the National Dispute Centre, Queensland.



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.



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.

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 the community. The Commission reports, in writing and in person, to the Parliamentary Criminal Justice Committee (PCJC) at formal monthly meetings and provides numerous other written reports. Thus, the PCJC is the CJC's direct link to Parliament and, ultimately, the people of Queensland.

Parliamentary Criminal Justice Committee

Established under the Act, the PCJC is a seven-member all-party committee of the Queensland Legislative Assembly. It monitors and reviews the activities of the CJC and reports to Parliament. Its most recent review of the CJC – *A report of a review of the activities of the Criminal Justice Commission pursuant to s.118(1)(f) of the Criminal Justice Act 1989* – was published in February.

The PCJC may request the Commission to elaborate on specific issues raised in their written reports or to address matters that have come to the Committee's attention. 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.



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), (deputy chair, until his resignation on 30 May); 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, coordinating 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 establishment of the CJC is 263 employees – 171 civilians and 92 police officers – whose expertise and experience complement each other in carrying out the wide range of Commission responsibilities.



(left to right): Mark Le Grand, Director, Official Misconduct Division; Robert Hailstone, Director, Corruption Prevention Division; Graham Brighton, Executive Director; Assistant Commissioner John McDonnell (seated), Director, Operations and Director, Witness Protection Division; David Brereton, Director, Research and Co-ordination Division; Paul Roger, Director, Intelligence Division.

Official Misconduct

This Division is the largest in the CJC, comprising approximately half of the Commission's officers.

The 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 also deal with those investigations into organised and major crime that are not appropriate to be discharged or cannot be effectively discharged by other law enforcement agencies in Queensland; for example an investigation may require:

- substantial access to the CJC's compulsory powers; or
- specialist input such as financial analysis.

The MDTs, in addition, support public inquiries conducted by the CJC.

These teams are composed of investigators, lawyers and accountants, supported by intelligence analysts. There are five teams, including the Proceeds of Crime Unit. One of the teams is part of the Joint Organised Crime Task Force (JOCTF), a cooperative venture with the QPS that conducts investigations into a number of organised crime groups.

Intelligence

This Division provides a specialist criminal intelligence service enabling 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:

- building and maintaining a database of intelligence, from lawful sources, on criminal activities and those who participate in them
- ensuring the security and confidentiality of its database and records
- providing support to CJC investigations and those of other law enforcement agencies as required.

The Division also:

- oversees the performance of the QPS's Bureau of Criminal Intelligence, Queensland (BCIQ)
- monitors trends in organised crime and prepares strategic assessments.

Witness Protection

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

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

Research and Co-ordination

This Division's functions entail:

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

Corruption Prevention

This Division promotes proactive corruption prevention in the public sector and the community by:

- encouraging the community, through public awareness initiatives, to help reduce corruption
- advising principal officers and boards of management on how to meet their obligation to report official misconduct in their organisation and assess and reduce their exposure to corruption through official misconduct risk management assessments
- providing advice and counselling for whistleblowers who are assisting the CJC.

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 legislation and standards.

Misconduct Tribunals

The Tribunals investigate and determine disciplinary charges of official misconduct and review decisions (other than those 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.

For more information on the functions of the CJC, see Appendix 4.

**CRIMINAL JUSTICE COMMISSION
PROGRAMS**

PROGRAM 1 – INVESTIGATIONS

Goal – To reduce the incidence of public sector misconduct and to make an effective contribution to combating organised and major crime

In our previous Annual Report, we indicated the following as priorities for this year:

PROJECTED ACTIVITY	OUTCOME
Develop guidelines for the modification of Chief Executives' responsibility to report suspected official misconduct.	Initiated the development of guidelines for the Department of Family Services and Aboriginal and Islander Affairs in relation to the Director-General's obligation to report minor assault and dishonesty matters.
Further reduce the time taken to complete investigations.	Average time taken to finalise complaints during 1994/95 fell to 62 days from 68 days during 1993/94; nearly 40% were finalised within one week.
Increase the use of information collected through the complaints process to initiate proactive measures to improve the integrity of public administration in Queensland in partnership with the Chief Executives of Government Departments.	Information provided to Corruption Prevention Division to assist in consulting with Local Government Authorities and public sector bodies.
Survey complainants and subjects of complaints on the effectiveness, efficiency and fairness of our investigations. Use the results to improve staff training programs and our procedures for processing complaints.	Surveys of complainants led to the issuing of guidelines for investigators to keep complainants informed regularly of the progress of their complaints. Complaints Officers received training to improve the quality of their service to complainants.
Take measures to provide improved support to whistleblowers.	The Whistleblower Support Program provided information on whistleblowing and promoted workplace procedures to prevent prejudice against whistleblowers.
Further develop specialist investigative services, multi-agency investigations, and the asset forfeiture function in relation to major and organised crime.	Two additional specialist Asian language interpreter investigators were employed. The CJC was involved in 27 joint and assisted investigations with State and Federal law enforcement agencies. Proceeds of Crime Unit strengthened by reallocating specialist financial resources and revising the Unit's strategies.
Identify and investigate growing areas of organised crime and the links between various culturally based organised crime groups.	Provided input to national assessments of organised crime coordinated through the National Crime Authority (NCA) including those now established to review the links between organised crime groups. JOCTF is represented on project teams to develop operational strategies to investigate particular organised crime areas.

SUBPROGRAM 1 – PUBLIC ADMINISTRATION INTEGRITY

DESCRIPTION

Under this sub-program, we take the steps necessary to ensure that misconduct in the public sector is effectively investigated and that appropriate action is taken against those who engage in such activities. To those ends we:

- receive, investigate and report on allegations of misconduct and official misconduct
- hold inquiries
- identify and help confiscate the proceeds of corruption
- facilitate the work of the Misconduct Tribunals
- develop and monitor informal means of resolving complaints
- enhance complaint reporting systems, including advice to and support of whistleblowers and other complainants and witnesses
- ensure that complaints we receive are handled efficiently and effectively.

COMPLAINTS PROCESSING

GUIDELINES FOR INVESTIGATING

Originally the Complaints Section had no discretion as to whether or not it investigated a complaint made to it. It was simply required by statute to investigate all complaints other than those determined by the Chief Officer to be frivolous or vexatious. The increasing workload imposed upon the Section led to an amendment of the *Criminal Justice Act* in 1992, which empowered it to decide whether, and to what extent, a complaint should be investigated. To ensure the consistent and effective exercise of this discretion, guidelines were developed stipulating the criteria to be considered when

determining whether the CJC should investigate a matter. The Chief Officer has continued to apply these guidelines which include:

- the degree of seriousness of the alleged misconduct
- the public interest
- the likelihood of us being able to conduct a successful investigation.

Table 1 shows the results of applying these guidelines in 1994/1995.

This allowed the Official Misconduct Division (OMD) to allocate its resources to the investigation of the more significant complaints.

STRATEGIES

- *investigate, or cause to be investigated, allegations of misconduct in the Queensland Police Service and official misconduct in all other units of public administration*
- *prepare reports on investigations, including reports relating to the criminal or disciplinary action*
- *where appropriate, hold public inquiries*
- *where appropriate, prepare reports to Parliament on investigations*
- *identify and help confiscate the proceeds of corruption affecting the public sector*
- *provide a registry to facilitate the disposition of matters before the Misconduct Tribunals*
- *develop and monitor informal complaint resolution procedures as alternatives to formal investigation in appropriate cases*
- *encourage and facilitate the implementation of complaint reporting systems, including the provision of advice on the ethics and importance of whistleblowing, and support and confidential advice to whistleblowers, other complainants and witnesses*
- *ensure that complaints furnished to the CJC are dealt with in conformity with identified standards for efficiency, quality, integrity and timeliness*

TABLE 1 – EXERCISE OF DISCRETION NOT TO INVESTIGATE

REASON FOR NOT INVESTIGATING	No.
Circumstances do not reasonably raise a suspicion of official misconduct or misconduct	438
Information provided not sufficiently detailed/conclusive	149
The issues will be determined by a court in criminal proceedings and the course of justice will not be perverted if those proceedings continue	79
Complaint is without credit, frivolous, vexatious or anonymous and without substance.	48
Allegation if proved would not amount to official misconduct or misconduct.	26
More appropriate for another agency to investigate	11
Other	32
TOTAL	783

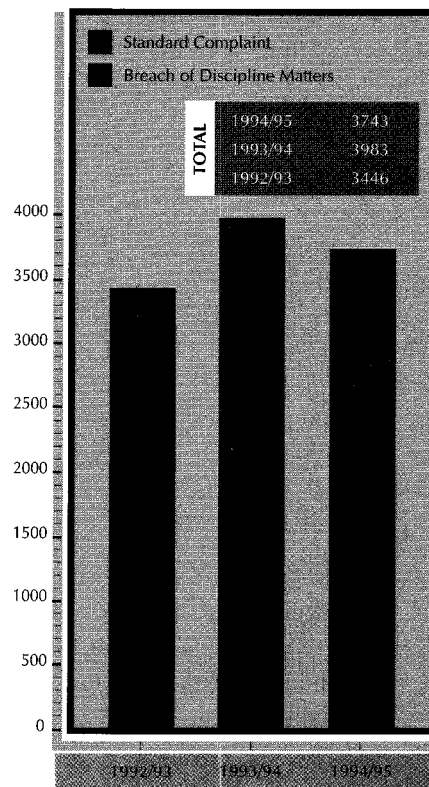
Performance

Complaints Statistics

We have continued receiving a high volume of complaints. Standard complaints received – 2,319 – were only 13 fewer than last year (see Figure 1). The Complaints Section also received 1,424 reports of breach of discipline from the Queensland Police Service (QPS). We review breach of discipline matters to ensure that these matters have been correctly assessed as not involving more significant misconduct. The following shows the percentage change in this year’s complaints statistics over the figures for last year.

- Standard Complaints Registered 2,319 (- 0.6%)
- QPS Breach of Discipline Matters 1,424 (- 13.7%)
- 3,743 (- 6.0%)
- Standard Complaints Finalised at 30 June 1995 2,296 (- 2.5%)
- Standard Complaints Current at 30 June 1995 380 (+6.4%)

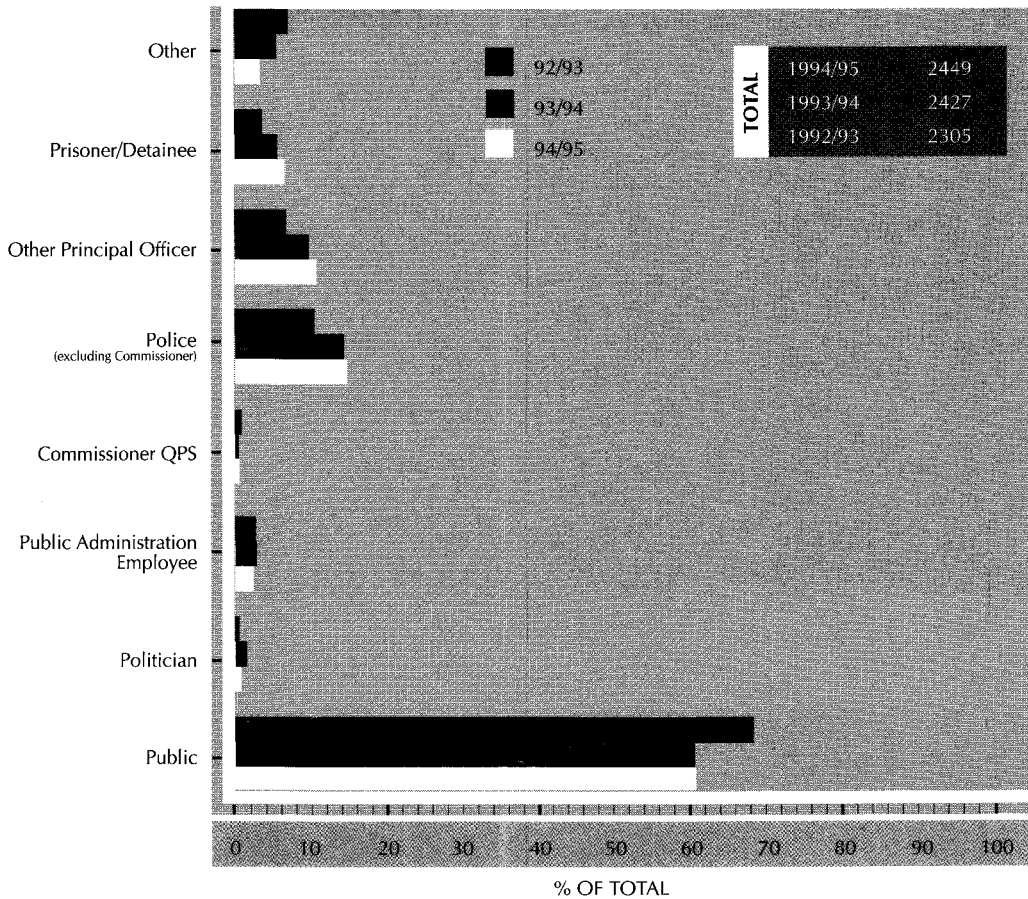
FIGURE 1
Complaints Received
(1992/93 – 1994/95)



The mix of persons making complaints also has not varied greatly between 1993/94 and 1994/95 (see Figure 2). Members of the public made up 60.4

per cent of the 2,449 persons making complaints to us this year. The next most common category was members of the QPS (excluding the QPS

FIGURE 2
Categories of Complainants (1992/93 – 1994/95)

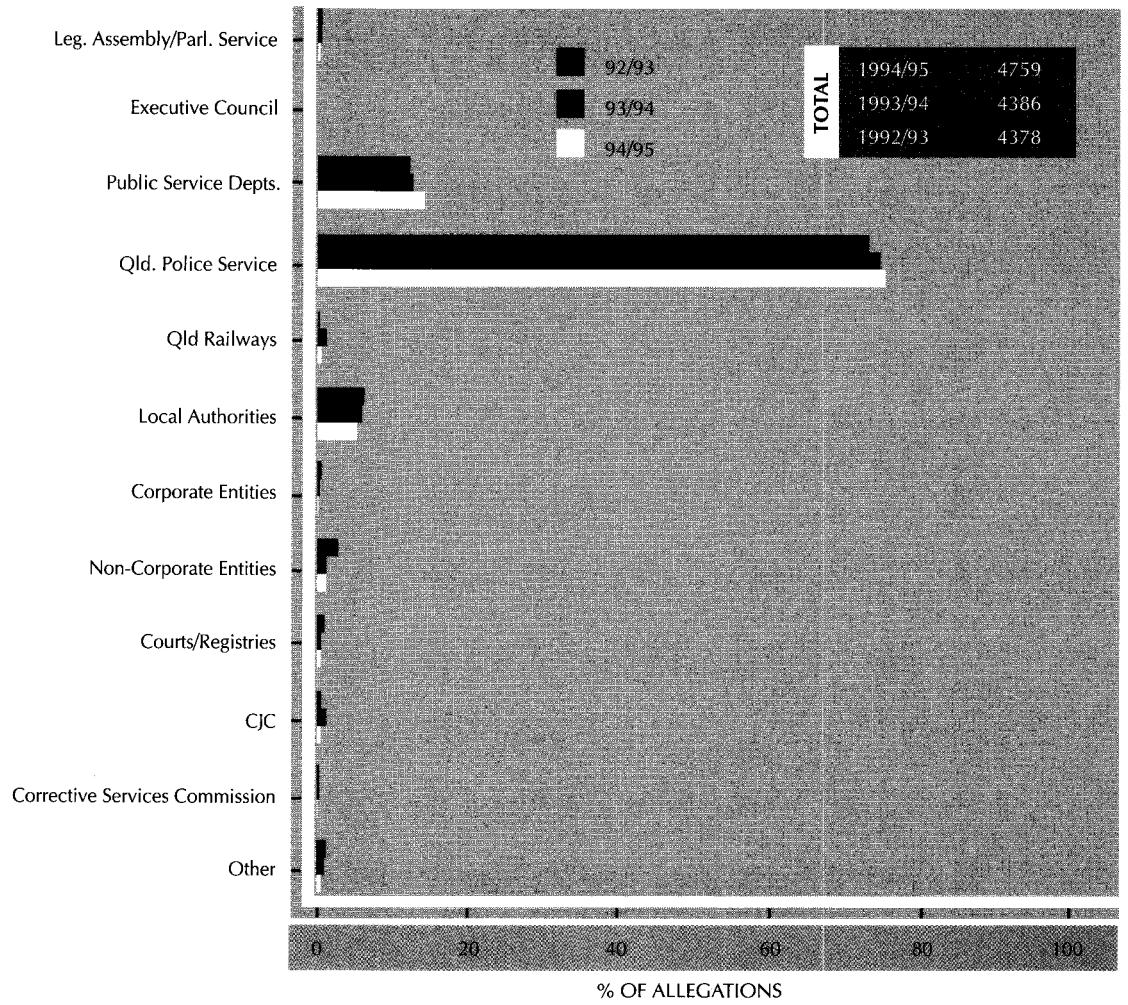


Commissioner, who has a statutory duty to report suspected misconduct to the CJC).

The mix of persons against whom complaints were made has also not varied significantly (see Figure 3).

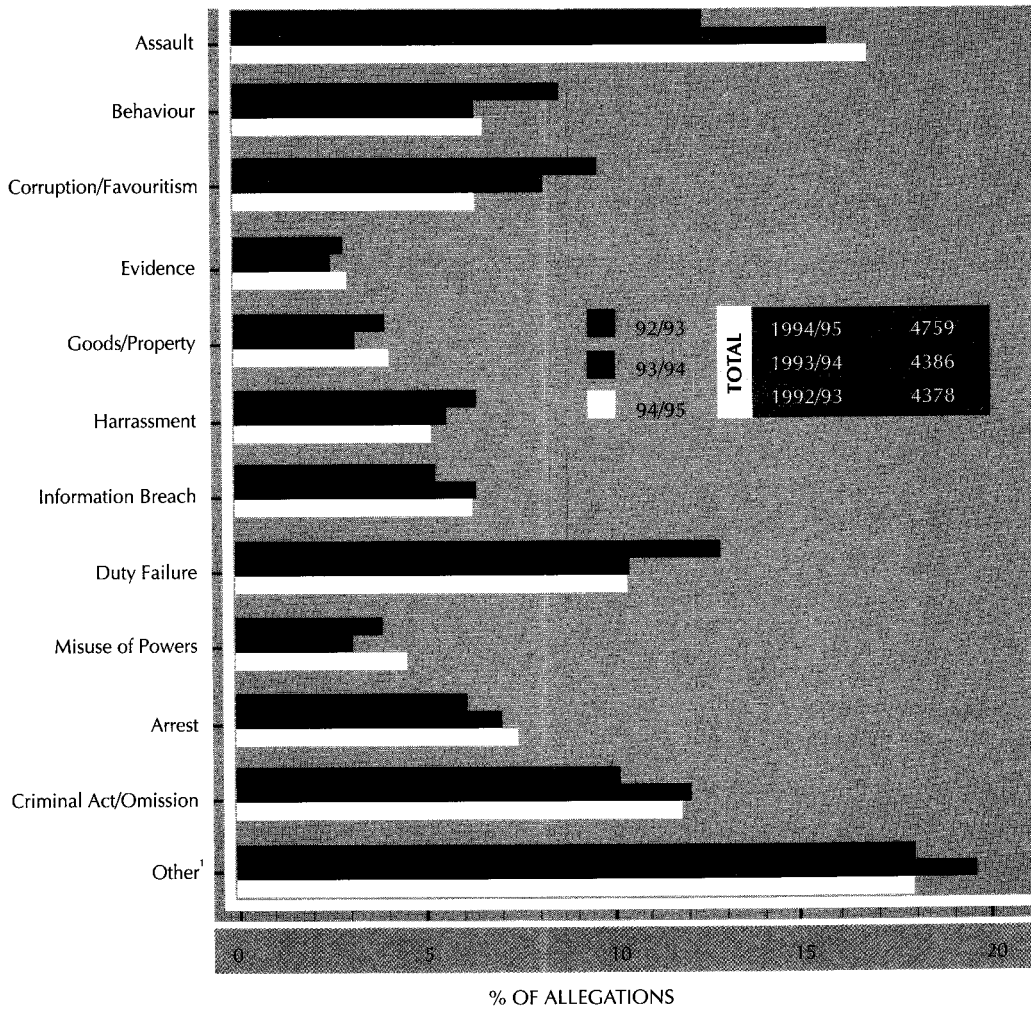
The QPS continues to account for approximately three-quarters of allegations received. The next highest category is allegations against public service Departments which has risen slightly from 12.8 per cent in 1993/94 to 14.3 per cent in 1994/95.

FIGURE 3
Subjects of Allegations (1992/93 – 1994/95)



There has been little change in the percentages of allegation types in 1994/95 (see Figure 4). Assaults continued to be the highest category followed by Criminal Act or Omission. The latter category comprises mainly allegations of stealing, other forms of dishonesty, and sexual offences.

FIGURE 4
Major Types of Allegations (1992/93 – 1994/95)



Note: ¹ Includes involvement in drugs, unlawful searches and major incidents

False Complaints Against Police

We are conscious, in exercising our responsibility to receive complaints of misconduct against police officers, that a number of those complaints may be wilfully false. It is our policy to pursue prosecutions in such cases whenever a charge can be proven and there are no obvious extenuating circumstances. The following tables detail two matters which have recently been finalised and a further four matters where charges have been initiated.

TABLE 2 – MATTERS IN WHICH PROCEEDINGS HAVE BEEN TAKEN IN RELATION TO FALSE COMPLAINTS		
COMPLAINANT	ALLEGATIONS MADE	OUTCOME
Wilson, John Cecil	Alleged that he was threatened by a police officer.	The defendant pleaded guilty to an offence under section 10.21 of the <i>Police Service Administration Act 1990</i> and was fined \$200. The defendant was ordered to pay \$49.25 court costs and \$647.89 costs of the police investigation.
Taylor, James Watts	Alleged assault by police.	Charged with wilfully making a false complaint pursuant to s.10.21, convicted of the offence and fined \$300.

TABLE 3 – MATTERS IN WHICH PROCEEDINGS FOR MAKING FALSE COMPLAINTS HAVE BEEN INITIATED		
COMPLAINANT	ALLEGATIONS MADE	OUTCOME
A	Alleged that she was raped in a Watchhouse cell by police officers	A charge of wilfully making a false complaint pursuant to s.10.21 initiated.
B	Alleged that he was injured while in police custody after his arrest.	A charge of wilfully making a false complaint pursuant to s.10.21 initiated.
C	Two complainants alleged that police officers attending at a domestic dispute used excessive force in making an arrest	A charge of wilfully making a false complaint pursuant to s.10.21 initiated against each complainant.
D	Alleged that police officers used excessive force in arresting him.	A charge of wilfully making a false complaint pursuant to s.10.21 initiated.

Performance Assessment

Effectiveness of the Complaints Function

In its *Report of a review of the activities of the Criminal Justice Commission pursuant to s.118(1)(f) of the Criminal Justice Act 1989*, published in February, the Parliamentary Criminal Justice Committee (PCJC) concluded that the overall achievements of the Complaints Section were substantial and indicated its belief that the Section is operating in an efficient manner and is achieving the objectives envisaged for it by the Fitzgerald Inquiry. The PCJC considered it to be absolutely essential that the independent complaints process continue operating as currently constituted as it appeared to be working successfully.

Late in 1994/95 we were visited by the new NSW Parliamentary Committee for Independent Commission Against Corruption (ICAC) again looking at our model for the investigation and resolution of complaints against police. Members of the NSW Police Force's Project Crocky, responsible for developing accountability models for that agency, also spent considerable time reviewing our mechanisms.

Statistical Comparison

There were 380 complaints incomplete at 30 June, a marginal increase of 23 on the figure for the previous year but well under the 400 target figure for incomplete files within the CJC's performance indicators. Of the 2,296 complaints finalised during 1994/95, 39.8 per cent were finalised within one week of registration, compared to 36.6 per cent in 1993/94. Equally important, the proportion of those matters that were over eight weeks old when finalised decreased in 1994/95 to 23.8 per cent from 26.9 per cent in 1993/94. Complaints finalised during 1994/95 took on average 62 days to complete compared with 68 days in 1993/94 and 78 in 1992/93.

Complainants' Satisfaction

The Complaints Section wants to ensure that its process for dealing with complaints is as fair, effective and efficient as possible. The Research and Co-ordination Division conducted a survey of complainants this year which should help the Section to identify ways by which to further refine its assessment and investigation procedures.

It is inevitable that some complainants will be unhappy if our investigations do not substantiate their complaints. However, our goal is to ensure that each complainant is given sufficient information about the investigation to be satisfied the CJC has done all that it can practicably do. Officers in the Complaints Section will receive further guidance on this issue in the next financial year.

INVESTIGATIONS

As mentioned earlier, our complaints processing procedures enable us to concentrate on investigating the more significant complaints. The complaints summaries discussed below provide a few examples.

QPS INVESTIGATIONS

Performance

Drug and Other Offences by Former Police Officer

As a result of a CJC investigation, a former constable of police was charged with a total of 16 offences: 12 charges under the *Drugs Misuse Act 1986* and four charges under the *Criminal Code*. The charges included producing a dangerous drug, supplying dangerous drugs to a minor, possessing a dangerous drug, making threats, attempting to pervert the course of justice, misappropriation and false pretences.

The former constable was a member of the QPS when the alleged conduct

took place. He resigned during the investigation.

Of significance is that the conduct involved the supply of illegal drugs to a female minor. She was granted an indemnity against prosecution to give evidence at his trial. She, and another minor, who was similarly indemnified, complained that the former officer threatened them during the investigation. The two witnesses were assessed by the CJC's Witness Protection Division.

On 6 February 1995, the former officer was committed to stand trial on all charges.¹

Excessive Force By Police Officers

In June 1992 the CJC received a complaint from a Gold Coast man alleging that he had been seriously assaulted by two police who apparently mistook him for a suspect in a high speed police chase through Surfers Paradise. The complainant was seriously injured in the incident, and lost two front teeth.

The CJC completed its investigation in October 1992 and a report in the form of a brief of evidence was forwarded to the Director of Public Prosecutions (DPP), who subsequently advised that the two police concerned should be charged with assault and an attempt to pervert the course of justice in respect of the matter.

The matter proceeded to a committal hearing in the Southport Magistrates Court in May 1993. The Magistrate ruled that there was insufficient evidence for either officer to stand trial on the charges. In view of the unexpected nature of this ruling, the DPP considered whether he should present an ex officio indictment against the officers but ultimately decided against this.

The CJC then considered the available evidence and formed the view that there was sufficient evidence to enable charges of official misconduct to be proved against the subject officers. Our assessment was confirmed by independent legal advice. As a result proceedings were initiated before a Misconduct Tribunal and the matter proceeded to a hearing in October and December 1994. In January 1995 the Misconduct Tribunal found the charges against the officers to be proved and ordered their dismissal from the QPS.

This case demonstrates the difference between criminal proceedings and disciplinary proceedings. Some people mistakenly believe that recommending disciplinary action in circumstances which also give rise to criminal proceedings against an officer amounts to double jeopardy. Such a view results from a misunderstanding of the law. Criminal proceedings and disciplinary proceedings are very different. Unlike criminal proceedings, the object of disciplinary proceedings is not to punish the transgressor but to protect the public, maintain proper standards of conduct and protect the reputation and effectiveness of the Police Service.

The Pinkenba Incident

In May 1994 the CJC received a complaint from the Aboriginal Legal Service alleging that three Aboriginal children had been taken by six police officers from Fortitude Valley to a remote location at Pinkenba and had been abandoned there in the early hours of the morning.

Our investigation, which involved many interviews and a closed hearing, resulted in a brief of evidence being submitted to the DPP in August. The DPP subsequently advised that the officers should be charged with three counts of deprivation of liberty in respect of the matter.

¹ On 4 August 1995 the former officer pleaded guilty to all counts and was sentenced to imprisonment for 12 months.

At a committal hearing in the Brisbane Magistrates Court in February 1995, the presiding Magistrate ruled that, given the evidence of the three complainant children, there was insufficient evidence to warrant any of the officers being committed for trial on the charges before the court.

Despite the ruling, there was considerable evidence that the children were taken to Pinkenba in three police vehicles without proper authorisation, leaving the Fortitude Valley District virtually unstaffed for a significant period. As a result the CJC carefully considered whether the police allegedly involved should be charged with official misconduct. However, our assessment, which was confirmed by independent advice from Senior Counsel, was that the evidence was insufficient to enable such charges to be proved.

Therefore, we referred the matter to the Commissioner of the QPS to enable him to institute disciplinary proceedings against the officers concerned and their supervising Sergeant. The CJC indicated to the Commissioner that it regarded the matter as very serious.

As a result of concerns raised during this investigation and the subsequent hearing, our Research staff are examining the adequacy of the criminal justice system in dealing with current protection afforded to Aboriginal witnesses.

Fatal Shooting of Civilian By Police Officers

The CJC and the QPS have a procedure for the QPS to notify us of incidents where there are injuries as a result of a police officer discharging a firearm. After being notified, we may exercise our authority to investigate the incident and, where a fatality has occurred,

prepare a report which may assist the coroner to inquire into the circumstances of the death.

In September 1994 a male was fatally shot by a police officer in Bowen Hills, an inner suburb of Brisbane. In line with the above procedure, we attended the scene of the shooting and conducted an investigation.

This revealed that, in the ordinary course of their duties, the police had gone to a residence in Bowen Hills to talk to a person who they had been informed was armed and possibly mentally disturbed. There was another person in the house at the time. The male person emerged, firing a shot from a sawn-off rifle at the police, who retreated. He fired more shots at them as he ran from the residence through a neighbouring property. The police fired three times at the suspect who disappeared but re-emerged, without warning, a short time later near a police vehicle beside which two police were standing. The officers called upon him to put down the rifle, which was pointing directly at one of them. The suspect, still pointing the rifle at the officer, began to move away and both police took out their firearms and again called upon the person to put down his gun. He did not comply and the police fired three shots, one of which fatally wounded the suspect.

Our investigation involved many interviews of police and other persons from the scene or who otherwise were closely involved with the deceased immediately prior to his death.

Subject to any finding the coroner may make, we considered that the shooting was justified in the circumstances and there was no basis upon which to suspect misconduct by the police involved.

PUBLIC SECTOR INVESTIGATIONS

The most significant investigations into official misconduct by the OMD were those into the Basil Stafford Centre and the Cape Melville (Foxtail Palms) incident. These are reported on under the heading Reports to Parliament. Some other examples of our investigations into official misconduct are discussed below.

Performance

Misappropriation By A Brisbane City Council Bus Driver

Following a CJC investigation last year, a Brisbane City Council bus driver pleaded guilty to charges of misappropriating \$40,000 from the proceeds of ticket sales. The driver was sentenced to three years imprisonment.

During this investigation we became aware of possible misappropriation of the proceeds of bus ticket sales by another Brisbane City Council employee. Investigations are continuing.

The detection and investigation of such conduct have been made more difficult by the lack of adequate accounting and internal audit systems.

False Claim For Remuneration

A Director-General referred for the CJC's investigation an allegation that a senior manager of the Department had made numerous false travel allowance claims. Our investigation disclosed 19 occasions on which the officer had claimed an allowance from the Department for hotel/motel accommodation expenses allegedly incurred. However, on each of these occasions the subject officer had used private accommodation in respect of which a lower travel allowance was payable.

A report of our investigation in the form of a brief of evidence was forwarded to the DPP, who advised that the officer should be charged with 19 counts of making a false claim as an official contrary to section 91 of the *Criminal Code*.

When the matter eventually went to trial the Crown elected to proceed on only six counts, and the officer was found guilty on all counts. He was convicted and fined the sum of \$1,250 and ordered to pay \$1,688 restitution to the Crown.

The CJC subsequently referred the matter back to the Department for consideration of disciplinary action and we are awaiting the Department's advice as to the outcome.

Overpayment to Departmental Officer

A Director-General referred for our investigation a complaint alleging that an officer of the Department had continued to collect his salary while on secondment to another Department from which he received a full salary.

Our investigation disclosed that the overpayments occurred as a result of an administrative error but that the subject officer failed to notify the Department of the error and spent the vast majority of monies paid to him in circumstances in which the inference could be drawn that he must have been aware of the overpayments which exceeded \$50,000.

The CJC forwarded a report of its investigation in the form of a brief of evidence to the DPP. However, the Director subsequently advised that the provisions of the *Criminal Code* in place at that time did not address cases in which a person dishonestly applies to his or her own use property obtained by mistake.

The CJC subsequently determined that there was sufficient evidence to warrant a Misconduct Tribunal considering a charge of official misconduct against the officer. Steps were taken to place the matter before the Misconduct Tribunal. However, shortly before proceedings were initiated, the officer resigned. This meant that the Misconduct Tribunal could not take any effective action in the matter and proceedings were discontinued.

We note that this deficiency has been remedied in the new Queensland *Criminal Code*.

Issue of False Drivers Licences

The resources of one of our multi-disciplinary teams has been substantially devoted to the investigation of allegations that former officers of the Department of Transport improperly issued drivers licences and registered motor vehicles in return for corrupt payments.

One former officer has been charged with 153 counts of official corruption relating to the issuing of drivers licences and 33 counts relating to improperly registering motor vehicles.

Another former officer has been charged with 37 counts of official corruption relating to improperly issuing motor vehicle registrations.

Our investigations have identified 43 of the 153 persons who received false licences and briefs of evidence are being prepared for forwarding to QPS so that those licence holders can be charged with official corruption.

LIAISON WITH OTHER AGENCIES

The CJC entered into a memorandum of understanding with the Auditor-General for Queensland to formally recognise each agency's responsibility to protect the integrity of public institutions in

Queensland and to specify within the limitations of each agency's enabling legislation how information will be shared and how access to documents from client agencies and Departments can be facilitated. The already good relationship between the Queensland Audit Office and the CJC has been strengthened by more regular discussions of matters of audit significance.

REVIEW OF INVESTIGATION BY OTHER AGENCIES

As well as investigating complaints, the Complaints Section oversees investigations conducted by other agencies, for example, complaints of:

- minor misconduct against police, investigated by the QPS
- official misconduct against public officers, which, even if substantiated, would not warrant proceedings before a Misconduct Tribunal; these may be investigated by the QPS or the public agency concerned.

RESTRUCTURING OF THE REVIEW UNIT

When the Complaints Section was restructured almost three years ago to create the Assessment Unit and the Review Unit, no specific provision was made for the miscellany of categories of work which required civilian legal oversight or review (other than review of QPS investigations of minor misconduct and certain breaches of discipline). This was due to the comparatively small number of these matters at the time. This miscellaneous work since then has been allocated in an ad hoc manner amongst legal officers in the Assessment Unit and the Review Unit and, to a lesser extent, the Complaints Teams. However the workload has grown to the extent where it has been necessary to restructure the Section again to cope (see Table 4).

A junior legal officer position and a senior legal officer position with the responsibility for all civilian legal oversight and review matters have been added to the Review Unit. As a result, finalisation rates and quality control of review matters have been enhanced and the lawyers in the Assessment Unit and the Complaints Teams and the two Deputy Chief Officers have been freed to concentrate on their primary functions.

TABLE 4 – INCREASE IN REVIEW UNIT MATTERS

YEAR	POLICE MATTERS	OTHER MATTERS	TOTAL
1989/90	35	1	36
1990/91	241	3	244
1991/92	326	28	354
1992/93	299	69	368
1993/94	423	150	573
1994/95	363	180	543
TOTAL	1,687	431	2,118

Assisting Public Sector Agencies To Detect Misconduct

The Department of Family Services and Aboriginal and Islander Affairs has established a Misconduct Prevention Unit employing an experienced investigator. At the invitation of the Director-General, senior officers of the CJC met with that investigator and senior management of the Department to clarify the role of the Unit and set the conditions for cooperation with the CJC in the detection, reporting, investigation and prevention of misconduct.

The Brisbane City Council now has a similar unit. At the Council's invitation/request, the Deputy Chief Officer, Complaints Section, recently participated in a workshop with senior management and a recently appointed fraud/misconduct investigator to develop a fraud prevention and

security strategy defining the role of their Investigation Unit, guaranteeing cooperation with the CJC.

Arising out of recent discussions between senior management of the Department of Primary Industries (DPI) and CJC Corruption Prevention staff, the DPI has taken steps to establish a Discipline Review Group to review its policy and procedures on all aspects of the discipline process including interaction with the CJC. To assist in that review, at the request/invitation of the DPI, the CJC has nominated the Deputy Chief Officer, Complaints Section, as a representative on that Discipline Review Group.

REVIEW OF DISCIPLINARY SANCTIONS

Both the CJC and members of the public have expressed concern that some sanctions imposed on police by the QPS as a result of disciplinary processes have been inadequate. In a joint initiative, the CJC and the Commissioner of the QPS have appointed former Supreme Court judge the Honourable W J Carter QC to independently audit the adequacy of disciplinary sanctions in the QPS that are referred to him by the Commission or the QPS. He will also review the use of informal resolution processes by the QPS.

Performance Assessment

Charges Recommended

Investigations of possible misconduct in the QPS and of official misconduct in all units of public administration resulted in the recommending of 1,112 criminal charges and disciplinary charges against 292 persons during 1994/95.

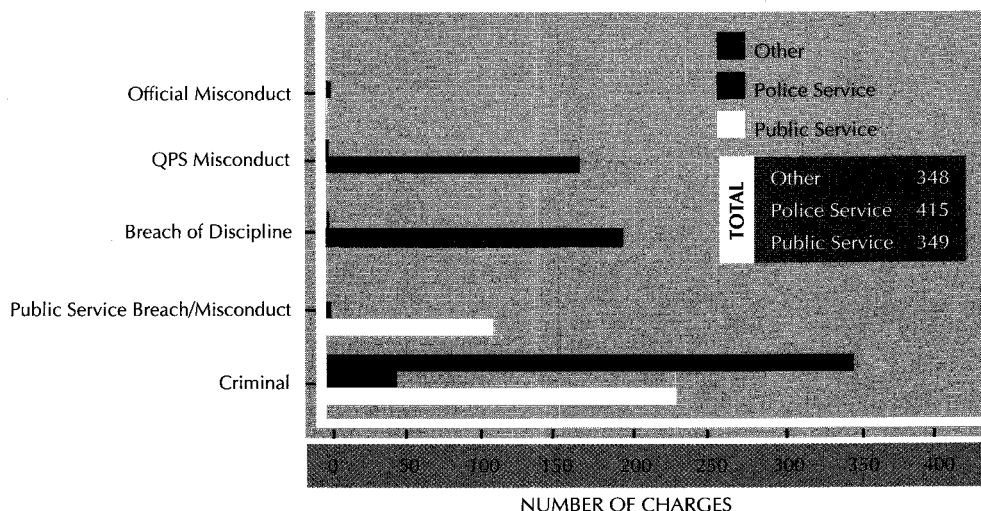
To date 1,364 persons have been the subject of charges as a result of complaints investigations (see Table 5).

TABLE 5 – PERSONS CHARGED AS A RESULT OF CJC INVESTIGATIONS BY CATEGORY (1989/90 – 1994/95)

CATEGORY	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	TOTAL
Police Service	10	164	252	211	204	226	1,067
Public Service	0	11	39	56	92	61	259
Other	0	10	5	7	11	5	38
TOTAL	10	185	296	274	307	292	1,364

Of the 1,112 charges recommended in 1994/95 as a result of public integrity investigations during the year, over half related to criminal matters (see Figure-5).

**FIGURE 5
Types of Charges Recommended 1994/95 Subject Category by Charge Type (As a Result of Public Integrity Investigations)**



During the year 582 criminal and disciplinary charges were finalised as a result of investigations which were commenced in this and previous financial years. In 335 of those charges, the persons charged were found guilty. Of the 120 criminal charges where a guilty verdict was obtained, there were 81 counts of official corruption and 20 counts of false claims by officials under the provisions of the Queensland *Criminal Code*.

Procedural Recommendations

In addition to identifying misconduct, official misconduct and criminal offences our investigations frequently

highlight deficiencies in procedures and practices which have contributed to the misconduct targeted by the investigation or made the early detection and prevention of it more difficult.

In discharging the responsibility given to it by section 29(3)(e) of the Act, 'to offer and render advice or assistance by way of education or liaison to . . . units of public administration concerning the detection and prevention of official misconduct' the CJC considers it appropriate to draw to the attention of principal officers the deficiencies in procedures its investigations identify (see Table 6).

TABLE 6 – PROCEDURAL RECOMMENDATIONS BY DEPARTMENTAL AREA

DEPARTMENTAL AREA	1994/95	TOTAL SINCE APRIL 1990
Primary Industries	3	5
Education	1	6
Employment Vocational Education and Training	1	8
Health	1	12
Justice, Corrective Services	1	6
Local Authorities	6	29
Police	24	156
Transport	1	8
Other	1	13
TOTAL	39	243

Recommendation – Illegal Distribution of Anabolic Steroids

We have received a number of complaints concerning the illegal distribution of anabolic steroids. As a result of attempting to investigate one of those complaints, we came to the view that there is something of a hiatus in the law in relation to the regulation of these substances. It appears that Environmental Health Officers employed by Queensland Health and members of the QPS may not have adequate powers under current legislation to enable them to effectively police the ever-increasing problem of unlawful steroid use.

Police officers have limited powers to respond as anabolic steroids are not included in the schedules of the *Drugs Misuse Act*. Accordingly police have no search power nor can they seize the drugs unless specifically authorised in each instance by the Attorney-General pursuant to the *Health Act*.

Environmental Health Officers do have powers to seize steroids but their operations are focussed on the licit distribution of steroids. They are not equipped to deal with the illegal supply and misuse of the drugs.

We recommended to the Commissioner of the Police Service, the Director-General of the Department of Health and the Director-General of Sport, Tourism and Racing that consideration be given to the formation of a joint working party of officers from the three Departments with a view to having steroids included in the schedules of the *Drugs Misuse Act* and included in the *Poisons Regulations*. We contacted the Department of Tourism, Sport and Racing because its officers are currently examining the issue of anabolic steroid use in sport.

This recommendation was taken up and a joint working party has been formed.

Recommendation – Handling of Police Dogs

Our investigation of a complaint against a police officer who released a police dog which savaged a youth raised concerns about the procedural guidelines covering control of police dogs. In particular we were concerned with the adequacy of existing guidelines governing the circumstances in which police dog handlers release their dogs to restrain suspected offenders.

We recommended to the Commissioner of the QPS that he consider drafting guidelines to regulate the use of police dogs. In our view, it is not desirable that a police officer should have the unfettered discretion, subject only to the potential liabilities imposed by the criminal law, to release a police dog for the purpose of apprehending persons suspected of committing minor offences. A police dog constitutes an instrument of force of an entirely different nature from other instruments of force (such as firearms and batons) available to a police officer. Notwithstanding the rigorous training provided, a police officer is unable to exercise the same degree of control over a dog as he or she would have in respect of other instruments of force.

The Commissioner of the QPS agreed with the Commission's concerns and issued guidelines. These guidelines provide that police dogs must only be released when the seriousness of the offence warrants it and where there are no other reasonably practicable means of apprehending a suspect.

Recommendation – Strip Searches at Watchhouses

As a result of investigating a complaint, we found that standing orders at certain watchhouses directed that all persons taken into custody be strip searched. Strip searching is a particularly invasive practice that

should not be applied to all prisoners. We wrote to the Commissioner of the QPS recommending that the guidelines be varied so that strip searches were not undertaken unless there was a reasonable basis to suspect that a search was necessary to:

- ensure the safety of the prisoner, other prisoners and/or police working in the watchhouse
- maintain watchhouse security
- gather evidence of a criminal offence.

Recommendation – Department of Education Guidelines for the Investigations of Complaints

As a result of conducting an investigation into allegations made by a pupil, the CJC became concerned about the guidelines adopted by the Department to investigate complaints against staff. The CJC considered the guidelines totally inadequate and inappropriate. In particular, the guidelines required a complainant to make his or her complaint and be interviewed about it in the presence of the person about whom the complaint was being made. Clearly, there was a real danger that students would feel intimidated in such circumstances. We therefore recommended that the guidelines be reviewed.

The Department of Education advised that the guidelines had been withdrawn and henceforth the Department will rely on the Public Sector Management Standard for Discipline when undertaking departmental investigations.

Recommendation – Solicitors Being Denied Access to Clients in the Brisbane City Watchhouse

We received a complaint from a firm of solicitors alleging that there was a policy or practice at the Brisbane Watchhouse to exclude solicitors during the charging, fingerprinting and photographing of their clients.

Such a policy is inappropriate and accordingly we wrote to the Commissioner of the QPS recommending that consideration be given to taking the necessary steps to effect a policy change so that solicitors are prima facie permitted to be present with their clients during the entire procedure when clients are charged, fingerprinted and photographed. In making the recommendation, we recognised that any right of access by solicitors to a watchhouse cannot be absolute and must be subject to 'the operational and security needs of the watchhouse'.

The Commissioner has advised that, subject only to the operational and security needs of the watchhouse, legal representatives will be permitted to be present with their clients during the entire procedure when clients are charged, fingerprinted and photographed and when consideration is being given to the question of bail. Further, in the event that access is refused on the basis of operational or security needs, the revised QPS policy will require that the watchhouse-keeper give verbal reasons for the denial of access and at that time record those reasons in the Watchhouse Charge Register or Custody Index

on the QPS computer system. The new policy is now incorporated in Chapter 16 of the Operational Procedures Manual.

PUBLIC AND PRIVATE HEARINGS

The CJC conducts public inquiries into matters of considerable public concern that are within its jurisdiction. During 1994/95 two public hearings were held which resulted in the publication of reports detailed in the following section. These were the inquiries into abuse of patients at the Basil Stafford Centre and the inquiry into matters concerning Ms Lorrelle Saunders.

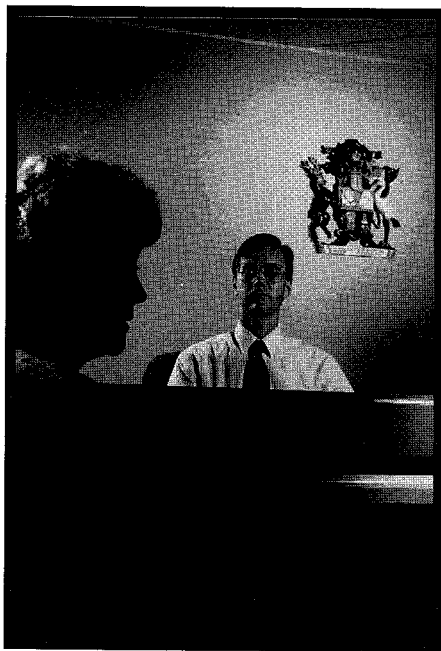
In addition to these public hearings we conducted private investigative hearings into alleged misconduct by officers of the QPS and official misconduct and corruption in other units of public administration.

These hearings were conducted in private for various reasons, including concern that holding them in public:

- might damage the reputation of persons who are the subjects of investigations or persons adversely mentioned by witnesses
- would be likely to prejudice our investigation
- would be likely to prejudice a person's right to a fair trial.

Performance

Table 7 outlines details of hearings we held. See Table 8 for the cost of these inquiries.



With the CJC's special powers to summon and question witnesses, inquiries are an effective tool for getting at the truth in an investigation.

TABLE 7 – HEARINGS HELD FOR PUBLIC INTEGRITY INVESTIGATIONS

TYPE OF HEARING	NUMBER OF MATTERS	DAYS SAT	WITNESSES	TRANSCRIPT PAGES
Public Inquiries	2	19	23	1,250
Private Hearings	21	47	66	2,163
TOTAL	23	66	89	3,413

TABLE 8 – COST OF PUBLIC INQUIRIES¹

INQUIRY	COST (\$)
An Investigation into Allegations that the Private Telephone of Ms Lorrelle Anne Saunders was "bugged" in 1982 by Persons Unknown and Related Matters ²	28,344
An Investigation Conducted by the Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-East Queensland ²	21,457
An Inquiry Conducted by the Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre ²	179,830
An Investigation into the Cape Melville Incident ²	20,744

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 1994/95 costs. Additional costs were incurred during 1993/94.

REPORTS TO PARLIAMENT

Six major reports on investigations were presented to Parliament this year:

- *Report by the Criminal Justice Commission on Its Public Hearings Conducted by the Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-East Queensland: Vol. 1 – Report Regarding Evidence Received on Mining Issues*
- *Report on an Investigation Conducted by the Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-East Queensland: Vol. 2 – Transportation and Disposal*
- *Report of an Investigation into the Cape Melville Incident*
- *Report on an Investigation into the Tow Truck and Smash Repair Industries*
- *A Report into Allegations that the Private Telephone of Lorrelle Anne Saunders was "Bugged" in 1982 by Persons Unknown, and Related Matters*
- *Report on an Inquiry Conducted by the Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre.*

All of these investigations involved extensive use of the CJC's power to conduct hearings. The only hearings which were not open to the public were those relating to the investigation of the Cape Melville incident and the investigation of the tow truck and smash repair industries. (Note that the report on the Liquid Waste Inquiry was presented to Parliament in this reporting period but the Inquiry was held in 1993/94.)

Performance

Liquid Waste Inquiry (Operation Lifesaver)

The complaint leading to our investigation alleged that:

- grease trap, hazardous and oily wastes were being improperly disposed of in the Brisbane and Logan areas by a commercial waste company
- company employees were being threatened if they refused to take part in the scheme
- public officials were advising certain employees on how to avoid detection while improperly disposing these wastes.

The terms of reference were to determine if:

- liquid wastes were being disposed of in breach of the *Criminal Code* or legislation enacted to protect people and the environment
- the public and local authorities were being defrauded by a conspiracy to obtain money on the pretence that the waste would be properly disposed of
- corruption or official misconduct of public officials was facilitating this improper disposal.

Volume I

Some of the allegations received related specifically to the disposal of liquid wastes by the mining industry in South-East Queensland. The evidence relating to these allegations became the subject of Volume I of the Report prepared by Mr Matthews.

Evidence was heard from four witnesses concerning seven mining operations in South-East Queensland over the 40 days of public hearings and submissions were received from the Department of Minerals and Energy, the Department of

Environment and Heritage and Mr Drew Hutton.

While Mr Matthews did not find any evidence of official misconduct or breaches of legislation, he did note that the evidence raised matters of concern. For example, the Department of Minerals and Energy, which is responsible for overseeing environmental controls on the mining industry, devotes most of its energy to facilitating mining initiatives. To overcome this problem, Mr Matthews recommended that the Government consider establishing an independent statutory Environmental Authority, such as exists in most of the other States.

Volume II

Volume II related to Mr Matthews' investigation of the allegations that liquid waste transport businesses were defrauding the public and Local Authorities of substantial sums of money by not disposing of liquid waste as required and that this could happen only with the corrupt assistance of public officials. Past studies had already reported that a sizeable amount of liquid waste was unaccounted for in disposal records.

During the investigation, which was expanded to include Local Authorities in South-East Queensland from Goondiwindi to Miles and across to Miriam Vale, evidence from an informant concerning Transpacific Industries Pty Ltd was examined, and staff of the Queensland Department of Health, the Department of Environment and Heritage and the Brisbane City Council were interviewed. In all, 80 witnesses gave evidence at the hearing which sat for 40 days. The evidence confirmed that there were substantial disparities between the amounts of waste recorded as collected and disposal records.

Mr Matthews, while noting 'the obvious misconduct' of those engaged in the "dumping" of liquid waste, recommended against any prosecutions because of 'evidentiary difficulties', though he did note that the testimony 'certainly raise[d] suspicions'. He also suggested that, due to this Inquiry, the practice of illegal dumping had 'ceased... except in comparatively minor instances'. Expressing scepticism about the effectiveness of an Environmental Protection Act that would not be administered by an independent statutory authority, he concluded by saying that, to solve the problem, 'there must be well drafted laws, sufficient resources, a coordinated approach to management of the problem and, above all, the will to take action in protection of the long term public interest'. Mr Matthews also found that the evidence did not support any disciplinary charge against any public officer.

The Cape Melville Incident (Operation Savoy)

The investigation arose from a complaint lodged by Mr Doug Slack MLA. Its terms of reference were to determine whether any official misconduct had been committed after a motor vehicle belonging to Paul Barbagallo had been seized in Cape Melville National Park in November 1993 by Pat Shears, then an officer of the Queensland National Parks and Wildlife Service.

To investigate 28 separate allegations, 44 persons were interviewed (27 gave evidence at the CJC's hearing), many departmental files were examined and 14 days of hearings were held in Cairns and Brisbane. We expended over 1,500 hours on the investigation.

We did not consider the issue of alleged flora and fauna smuggling as, in the absence of evidence involving

public sector employees, we did not have the jurisdiction to deal with these matters in our inquiry.

Although we found that many of the allegations were unsubstantiated, and found that no person holding a position in a unit of public administration had been guilty of any criminal offence or official misconduct, we recommended that:

- disciplinary action be taken by the Department of Environment and Heritage against two officers who had wilfully failed to pass on information about the seizure of a vehicle, suspected of being used in the smuggling of foxtail palms, to their superiors
- the Department address the animosity and mistrust held by some employees in the Far North Region for some of its senior executives which resulted in the unfounded allegations
- the QPS continue its review of the operation of the Fauna Squad to enable it to interface more effectively with the Department
- disciplinary action be taken against some officers of the Department of Environment and Heritage who failed to competently discharge their duties
- the *Criminal Justice Act 1989* be amended to prohibit people who lodge complaints with the CJC from publicising the fact that they have lodged complaints, thus preventing damage to reputations before any allegations are established and discouraging the lodging of complaints for purely political purposes.

Inquiry into the Tow Truck and Smash Repair Industries (Operation Spot II)

Allegations that people involved in the towing industry paid police in return for information about the location of traffic accidents were first made to the Fitzgerald Inquiry. The CJC investigated those early allegations but the investigation was inconclusive.

The investigation recommenced following new information concerning a person in the towing industry and a police officer.

The CJC decided to conduct hearings in relation to the matter. The Terms of Reference were to investigate:

- payments to police officers by members of the towing industry for information about traffic accidents
- the widespread and organised payment of drop fees by smash repairers to tow truck drivers, being fees paid by smash repairers for obtaining motor vehicles for repair from tow truck drivers
- stand-over tactics in the towing industry particularly in dealings with spare parts suppliers
- possible official misconduct by public officers in connection with the administration of the *Tow Truck Act*.

In relation to the allegation that police officers had received money from members of the towing industry in return for information about traffic accidents, the CJC forwarded a brief of evidence to the DPP. A former police officer was subsequently charged with several counts of official corruption as a result of our investigation.

The investigation showed that drop fees had been a common practice in the relevant industries for many years.

Smash repairers who did not pay drop fees were financially disadvantaged as the lucrative accident work would not be delivered to them unless the owner of the damaged vehicle specified a particular repairer. The practice had forced many repairers to buy tow trucks to operate independently or as part of a towing operator's fleet. These fees, generally paid at the rate of \$100 per vehicle, were a hidden cost to the insurer and ultimately to the motoring public. The payments inflated the income available from towing and had contributed to an oversupply of tow trucks in the Brisbane area.

The CJC made the following recommendations which it believed would largely eradicate the drop fee problem:

- a system of holding yards, independent of towing operators and smash repairers, be established
- tow truck drivers be required by law to tow damaged vehicles from accident scenes directly to an independent holding yard.

Our investigation also revealed other improper practices in the towing and smash repair industries. However, in no instance was there sufficient evidence to warrant prosecution proceedings.

We also investigated allegations of police corruption in connection with police authorised towing of damaged vehicles or vehicles unlawfully parked in clearways and other locations. The investigation revealed that, although there was evidence that some tow truck operators had been favoured by police officers in allocating such towing, there was no evidence that this was as a result of corrupt payments made to police officers. However, we pointed out that the way

in which this towing is currently allocated could contribute to the perception that corrupt arrangements existed between towing operators and police officers and therefore recommended that police authorised towing be put out to tender.

In relation to the Department of Transport's administration of the *Tow Truck Act*, we said that, although there was no evidence that any officer of the Department had been guilty of official misconduct in connection with the smash repair and towing industries, the Department had been ineffectual in enforcing the provisions of the Act, particularly those relating to drop fees, spotter fees and the behaviour of tow truck drivers at accident scenes. We therefore recommended that the Department:

- take proactive measures to identify and discourage inappropriate behaviour of tow truck drivers at accident scenes
- review its enforcement operations for the towing industry, particularly in relation to licensing tow truck operators and drivers, to ensure only fit and proper people are licensed.

The CJC believes that implementation of the report's recommendations will go a long way towards addressing some of the major problems confronting the smash repair and towing industries and will substantially reduce opportunities for police officers to enter into corrupt arrangements with or unduly favour particular towing operators.

Alleged "Bugging" of Lorrelle Saunders's Telephone (Operation Astro)

The Honourable R H Matthews QC conducted a second investigation arising from allegations concerning

Lorrelle Anne Saunders to determine if:

- Ms Saunders's telephone had been illegally tapped in 1982
- a tape recording, which was used in evidence in 1982 during committal hearing against her, of a telephone conversation between her and her former superior officer, Superintendent Allan Lobegeiger, had been fabricated.

In his previous report, Mr Matthews concluded that the telephone conversation had originally been recorded by Ms Saunders on a tape recorder connected to the telephone and the copy of the tape recording tendered at the committal hearings had not been created by the then serving police officers. He did not alter his conclusions as a result of this second investigation.

The QPS is currently considering disciplinary action against Ms Saunders based on Mr Matthews's previous report.

Alleged Official Misconduct at the Basil Stafford Centre (Operation Figbird)

The Honourable D G Stewart heard evidence into allegations of negligence, abuse and assault by staff of the Centre upon severely and profoundly disabled clients. It was also alleged that staff were harassed if they complained about the maltreatment of clients.

On the basis of a considerable body of evidence, Mr Stewart found that:

- while some staff at the Centre were caring, others were ignorant of and indifferent to their responsibilities, and were unwilling to act decently towards their clients

- some officers had assaulted or neglected their clients
- the instances of client abuse and gross neglect were indicative of a system and an insidious institutional culture 'where acts of client abuse or gross neglect would, more probably than not, remain undetected or unreported'.
- better arrangements be put into place for reporting suspicious circumstances, with future allegations of abuse or gross neglect to be investigated by the CJC and the QPS whenever possible
- the Centre's operations be periodically reviewed to ensure that appropriate standards are maintained.

His major recommendation was that the Government should close the Centre 'as soon as possible'. Before his report could be released, the Government announced that the Centre would close within three to four years.

His other recommendations included the following:

- the DPP be asked to consider whether an officer at the Centre should be charged with assaulting a client and the CJC consider whether a Misconduct Tribunal should exercise jurisdiction in relation to another officer at the Centre for failing to obtain medical treatment for a client.
- the *Queensland Coroners Act 1958* be amended to require the Coroner to hold an inquest into cases of sudden death of intellectually disabled persons in a residential institution
- the Department of Family Services and Aboriginal and Torres Strait Islander Affairs try to attract more suitable Residential Care Officers, and that applicants for positions in the Division of Intellectual Disability Services be required to disclose any criminal convictions
- improved training and more stringent supervision of Residential Care Officers be provided
- staff/client ratios be improved

PROCEEDS OF CORRUPTION

Performance

Most proceeds of crime actions are undertaken in support of major and organised crime investigations and are reported on separately in Sub-program 2 of this Program.

However, during 1994/95 the DPP recovered \$149,000 as a result of our investigations into corruption of a Department of Transport officer by suppliers in return for favourable treatment in the letting of contracts for promotional work for the Department.

The CJC has assisted the DPP in applications made to the Supreme Court for orders restraining in excess of \$20,000 found buried in the ground at the residence of a person allegedly connected with the corruption of a public official. If the persons charged as a result of this investigation are found guilty, the Director will make an application to have these monies forfeited and paid into Government revenue.

MISCONDUCT TRIBUNALS

In 1994/95 the Tribunals heard four matters in the original jurisdiction and five appeals. Five other matters in the original jurisdiction did not reach the hearing stage. Of these, three were terminated following the prescribed officer's resignation, one involved the prescribed officer retiring medically

unfit and in the other matter the charge was abandoned.

An application for an order to review the Tribunal's decision in one matter was upheld by the Supreme Court resulting in the decision of the Tribunal being quashed.

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

The future of the Misconduct Tribunals and its proposed transfer to the District Court remain uncertain. Consequently the terms of five of the current members were extended for six months on 14 September 1994 and again on 14 March 1995.

INFORMAL RESOLUTION

As reported in previous annual reports, the CJC was instrumental in introducing a system of informal resolution into the QPS to deal with minor complaints. We are keen to ensure that the process is used only in appropriate cases and is properly supervised.

Performance

Appointment of Independent Auditor

The Honourable W J Carter QC has agreed to review the use of informal resolution by QPS as part of his responsibilities as an independent auditor of the QPS disciplinary system.

Review of Informal Resolution Procedures

We assisted the QPS in amending its informal resolution procedures following a review undertaken in the previous reporting period by Mr Dennis Meadus who was instrumental in introducing informal resolution in QPS. We recommended several changes, the most significant of which were that:

- A record be made of any occasion on which advice or guidance is given to a member during the informal resolution process. This will indicate the value of the process to police managers in correcting inappropriate behaviour of subordinate officers.
- The *Police Service Administration Act* be amended to provide that statements made during informal resolution are privileged. This amendment will encourage police officers to be more forthright during the informal resolution process.
- Mediation through the Community Justice Program in the Department of Justice and the Attorney-General remain an option for dealing with some complaints and that this option be considered whenever a complainant indicates a desire to have a meeting with the subject officer of the complaint. The Director of the Program has recently advised that this service will be provided free in respect of complaints against police.

For further details, see Program 2.

Performance Assessment

Our informal complaint resolution initiative for complaints against police has generated much interest in other law enforcement agencies. On 5 January, Inspector Chris Cole, Adviser

Internal Affairs to the Royal Papua New Guinea Constabulary Development Project – Phase II, visited the CJC. Inspector Cole is working on an aid funded project (AIDAB) to establish complaints investigation and resolution procedures for the Constabulary. Inspector Cole observed the Complaints Section in operation and reviewed the extensive material on civilian oversight of police complaints in the library. He was particularly interested in how we developed and used alternative complaint resolution processes, informal resolution and mediation. The following day Inspector Cole visited the QPS Professional Standards Unit to observe their operations.

ENCOURAGING REPORTING OF MISCONDUCT

GUIDELINES MODIFYING REPORTING BY DEPARTMENTS

Pursuant to section 37(2) of the *Criminal Justice Act* a principal officer (the Director-General) of a Government Department has the duty to refer to the CJC all matters that the person suspects involve, or may involve, official misconduct. Subsection (5) of the section provides that the CJC may issue guidelines to regulate or modify the duty imposed on the Director-General.

The CJC encourages public sector agencies to be proactive in the management of misconduct. We assist agencies to formulate policies, procedures and mechanisms for the effective detection, reporting, investigation and prevention of misconduct.

The obligation arising under section 37(2) encompasses allegations of minor assaults. Mindful of the burden this creates for the Department of Education, the CJC issued guidelines pursuant to section 37(5) of the Act to regulate and modify the reporting duty

of its Director-General. Subject to certain criteria, the Director-General need not immediately refer minor assault complaints to us. Instead, the Director-General takes appropriate action to deal with the complaint and advises us monthly of all such matters and the action taken. In this way, we are able to effectively overview the Department's handling of these complaints.

Discussions have also taken place between the CJC and the Department of Family Services and Aboriginal and Islander Affairs with a view to us issuing similar guidelines for its Director-General for allegations of assault and dishonesty of a minor nature.

An allegation of assault is categorised as minor where:

- the facts surrounding the incident are reasonably clear and the degree of seriousness of the incident can be accurately assessed
- there is no evidence of injury being caused by the assault
- the assault is not of a sexual nature
- the circumstances (including the subject officer's work history) do not provide any basis on which to reasonably foresee the commission of a further assault by the same officer
- the victim, or where the victim is a child or otherwise not legally competent, the parents/guardian of the victim, does not wish the matter to be referred to either the CJC or the QPS for investigation
- the Director-General is not aware of any previous complaint of assault against the officer in which it was alleged that an injury was caused to a person in the course of the officer discharging his or her duties as an officer.

Our experience with the investigation of minor matters by the Department of Education this year has confirmed our view that the issuing of these guidelines is an effective and efficient means of dealing with such matters.

Though there were some initial problems, which were resolved through negotiations, the CJC is now receiving sufficient information to be satisfied that the Department is giving adequate and appropriate attention to allegations made against teachers. The modified procedure has reduced the delay which results from the need to refer a matter to the CJC in the first instance, and also the stress for teachers who are the subject of the complaint.

Performance Assessment

The practice of issuing guidelines has improved the quality of reporting of serious matters to the CJC. Both the Departments' responses to reporting and our response to assessing and investigating matters of substance have been improved by having minor matters dealt with more efficiently and appropriately. To this point, this has not reduced the number of matters being reported for our action as internal mechanisms within Departments have become more effective in identifying matters which should be reported.

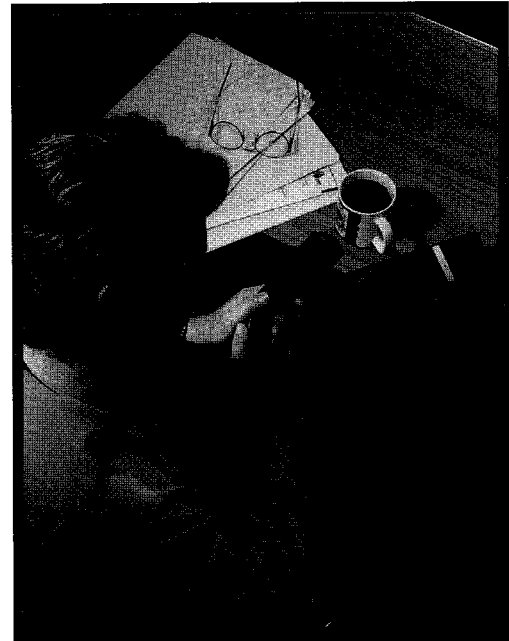
ADVICE TO AND SUPPORT OF WHISTLEBLOWERS

Two new important pieces of legislation have impacted on whistleblowing in Queensland: the *Public Sector Ethics Act 1994* and the *Whistleblowers Protection Act 1994*. Significantly, all public officials now have an ethical obligation to report fraud, corruption and maladministration of which they become aware. It is an offence to take a reprisal against someone who has made a "public interest disclosure" in

accordance with the *Whistleblowers Protection Act 1994*. Also, all public sector entities must establish procedures to protect their officers from reprisals that result from a disclosure.

In the first year of the program we identified two important needs:

- the public needs to be informed about the CJC's role in relation to whistleblowing
- procedures must be implemented in the workplace to prevent prejudice to a person's employment because of whistleblowing.



Taking the first step to blow the whistle on corruption is easier with our Whistleblower Support Program.

Performance

Since the program began in June 1994, 86 referrals have been received from:

- 41 whistleblowers
- 25 potential whistleblowers
- 20 individuals (mostly public sector supervisors) seeking advice about whistleblower management and support.

Table 9 shows the referral sources.

SELF-REFERRAL	INTERNAL REFERRALS	EXTERNAL REFERRALS
42	28	16

Each case was assigned to one of the following categories:

- *requests for information and advice* about becoming a whistleblower or dealing with matters arising from whistleblowing (37 cases)
- *harassment – career/psychological/physical* where the person reports prejudice and detriment to his or her career, psychological well-being or personal safety because of whistleblowing (32 cases)
- *adjustment – personal/family/work* where the person reports personal, family or work difficulties adjusting to the events and circumstances surrounding whistleblowing (10 cases)
- *organisation/rehabilitation problems* where because of whistleblowing, the person reports a problem in his or her workplace organisation such as a breakdown in communication or negotiating a satisfactory return to work after sick leave (7 cases).

In response to the need for information on whistleblowing, we are preparing a handbook on whistleblowing which will help people make informed decisions upon becoming aware of serious wrongdoing in the workplace.

Public sector managers also require assistance in establishing effective procedures for whistleblower support in the workplace. An Issues Paper is being written to meet this need.

We have contributed to the debate about whistleblowing and emerging issues in the following forums:

- the Queensland Guidance and Counsellors Association Annual Conference
- the 3rd Annual Conference of the Employee Assistance Professionals Association of Australia

- a workshop on Managing the Impact of a Disciplinary Investigation.

Presentations on whistleblowing were given to a variety of other organisations (see Appendix 1).

OUTLOOK

The CJC believes that its role in combating corruption and misconduct in the public sector is well established. To consolidate and make our work even more effective, next year we intend to:

- develop further guidelines modifying Chief Executives' responsibilities to report suspected official misconduct, and extend the issuing of guidelines to other areas in the public sector
- further reduce the time taken to complete investigations by improving the investigations process, exploring alternative resolution procedures and dedicating resources to the more complicated and difficult investigations
- further improve our review of disciplinary investigations undertaken by the QPS or Government Departments or agencies
- improve the monitoring of compliance with procedural recommendations
- increase the use of information collected through investigations to identify opportunities to improve the integrity of public administration in Queensland; for example, improved data collection and analysis will facilitate the reporting and targeting of current problem areas to assist the QPS and managers in the public sector.

To improve the quality of service delivery, we will also:

- continue surveying complainants to obtain feedback on the level of satisfaction of complainants and surveying subjects of complaints with the effectiveness, efficiency and fairness of complaints investigations and other resolution processes we employ
- based on these surveys, hold further skills development programs for Complaints staff for dealing with complainants and subjects of complaints
- in partnership with chief executives, develop and implement proactive approaches for identifying and investigating existing areas of corruption in Departments and agencies, particularly high risk areas of service delivery in Government programs
- encourage and assist in the establishment of departmental internal investigation units
- provide improved support for whistleblowers by expanding contact with public sector agencies through education and information sessions on whistleblowing.

SUBPROGRAM 2 – ORGANISED AND MAJOR CRIME

STRATEGIES

- investigate organised and major crime where, in the Commission's opinion, the investigation cannot be appropriately or effectively discharged by other agencies of the state
- provide briefs of evidence to prosecution agencies
- identify and help confiscate the proceeds of organised and major crime
- build up and maintain a secure database of intelligence information concerning organised crime and major crime and provide reports and target proposals to assist with investigations
- devise adequate methods and provide witness protection to persons who have assisted the Commission or a Queensland law enforcement agency in the discharge of its functions and responsibilities
- facilitate new identities and relocations for protected persons as required
- devise and monitor programs for training staff involved in witness protection
- engage in operations with the QPS and other agencies
- identify and use the best combination of operational strategies in investigations
- encourage and maintain liaison and co-operation with law enforcement and other appropriate agencies

DESCRIPTION

A major focus of our work is to investigate the activities of those involved in organised and major crime to ensure that appropriate action is taken against them. Under the *Criminal Justice Act*, the CJC is to become involved only when in its opinion these investigations are not appropriate to be conducted or cannot be effectively conducted by other agencies of the State. We often work cooperatively with other agencies in Queensland and elsewhere. A prime example of this is the Joint Organised Crime Task Force, set up jointly by the CJC and the QPS in December 1992, which has had a number of successes.

Key elements in the fight against organised and major crime, as discussed below, include:

- concentrating on the criminal enterprise and not on individuals
- long-term proactive investigations by multi-disciplinary teams
- identifying and helping to confiscate the proceeds of criminal activities
- providing tactical intelligence in support of operations
- encouraging and protecting people who assist us or other law enforcement agencies in their efforts to bring criminals to justice
- identifying and applying the best strategies in investigations
- working with other agencies to ensure we are coordinated in our efforts.

INVESTIGATIONS OF ORGANISED AND MAJOR CRIME

DECISION TO INVESTIGATE

We are limited by the *Criminal Justice Act* to only investigate organised or major crime if, in the Commission's opinion, the investigations are not appropriate to be discharged or cannot be effectively discharged by the QPS or other agencies of the State. Our limited activity in such investigations indicates that the CJC is not attempting to usurp normal policing functions effectively carried out by the QPS.

The CJC has instituted guidelines for considering when such matters should be pursued by the CJC whether alone or in conjunction with another agency. These procedures ensure that all

proposed organised and major crime investigations are reviewed carefully before being submitted to the Chairperson for approval.

Performance

JOCTF Investigations

The CJC currently commits the resources of one of its multi-disciplinary teams (10 investigators, eight intelligence analysts, two financial analysts, one lawyer and support staff) to the work of the Joint Organised Crime Task Force (JOCTF), with surveillance and technical unit support. In addition, the Intelligence Division has dedicated the services of eight intelligence analysts to supporting the JOCTF. The QPS provides an additional eight investigators and an Inspector of Police.

Concentrating on four major areas of threat from organised crime, the JOCTF has conducted the first systematic collection, collation and analysis of such material undertaken in Queensland. By employing these strategies, the JOCTF has been able to identify criminal networks and enterprises. This allows us to take action against the principals and financiers of these enterprises and not just the minions or workers. JOCTF investigations are by nature protracted; the prosecutions arising out of its first operation are still before the courts. The charges recommended involve the organised cultivation of cannabis sativa on a large scale in North Queensland by persons with connections to known crime figures. Nine persons are facing 18 charges in relation to a multi-million dollar crop¹. The investigation identified other major crops which have also been investigated.

While the JOCTF conducts investigations arising out of the original collection plans, those plans are still in operation. This year, the focus for information collection has been on southern and South-East Queensland. Investigators interviewed police and former police, solicitors, insurance companies, people in small business and members of the public about their knowledge of organised crime influences in a number of regional and metropolitan areas. The results of these interviews have been collated by our intelligence analysts and provide the basis of target development for future JOCTF operations. The following are some examples of JOCTF operations.

Operation A

This operation was the JOCTF's principal investigation in 1994/95. Aided by the NCA, the JOCTF targeted an ethnic group involved in the large scale production of cannabis sativa. Some of the members of the group were nominated for investigation as

part of a national reference coordinated by the NCA targeting certain organised criminal groups. The operation consumed a significant amount of the JOCTF's investigative resources. The JOCTF focussed its investigation on the principals and financiers of the criminal enterprise.

The operation exemplified the CJC's approach to such investigations:

- by targeting the organisers and not just the crop sitters
- by combining the skills of intelligence analysts, investigators, lawyers and financial analysts throughout the entire investigation.
- by restraining the assets of those involved prior to their arrest.²

It should be noted that the JOCTF was forced to close down this operation earlier than was intended, which prevented the investigation reaching other persons believed to be highly ranked in organised criminal activity. The principal reason for the early close down was the lack of telephone interception powers directly available to the CJC and the QPS, thus frustrating the second phase of the operation.

Operation B

We investigated allegations that Queenslanders were being recruited for prostitution in Japan and that Japanese organised crime elements were involved.

Based on the investigation, the CJC made the following preliminary findings:

- there was insufficient evidence to prove any Queensland women were being tricked into going to

¹ Outside the reporting period seven of those persons pleaded guilty.

² Outside the reporting period JOCTF and other QPS officers and NCA officers arrested 18 persons who were charged with 89 drug-related offences including trafficking.

Japan to work as hostesses or waitresses and then being forced into prostitution

- some Queensland women were willingly engaging in prostitution in clubs there
- some of these clubs were owned by or associated with the Yakuza.

As a result, the CJC decided that:

- the JOCTF should maintain a "watching brief" and investigate any significant information received in the future
- there appears to be a need for regulating the activities of persons involved in recruiting people to work in Japan (or elsewhere overseas).



The fight against organised crime requires a coordinated effort between State, national and international law enforcement agencies.

Some Other CJC Organised and Major Crime Investigations (Not JOCTF)

Operation C

The Chairperson authorised that the OMD undertake an investigation jointly with QPS into the murder of a person whose body washed up on a beach after having been bound, gagged and tied with weights. The Chairperson was satisfied the investigation could only be taken forward by the CJC using its compulsory powers.

Operation D

This operation arose out of a QPS operation which concerned prostitution on the Gold Coast. In February 1994, the Chairperson approved our involvement. The CJC and the QPS agreed to investigate suspected money laundering and organised crime jointly. We were also assisted by the NSW Crime Commission, NSW Police Service, the NCA, and law enforcement agencies in the United States.

The investigation disclosed suspected breaches of the *Crimes Act* of NSW involving the payment of a corrupt secret commission of \$330,000 paid to an officer of a major electronics component firm. The NSW Fraud Enforcement Agency of the NSW Police Service has arrested and charged one person on the evidence we gathered during the operation. It has taken out an arrest warrant on another person, presently overseas, alleged to be connected with the payment of those commissions.

As the investigation progressed, matters arose which were clearly of national and international significance and not within our jurisdiction. From mid-1994, the CJC briefed the NCA, Australian Federal Police (AFP), Department of Defence and the Australian Customs Service. The NCA declined to investigate, advising the CJC to refer those matters to the AFP. After a lengthy delay the AFP concluded that there were no Federal matters requiring further investigation. The basis for that conclusion is presently being considered by the Commission. There is some concern about the adequacy of the AFP's investigation.

There has been intense political and media interest in the investigation. Various documents concerning the investigation have been tabled in Federal Parliament. The amount of information available in the press was clearly a matter of concern to both the Commission and the PCJC.

On 3 April 1995, the PCJC purported to direct the CJC to begin an independent investigation of the possible unauthorised release of sensitive information relating to this operation which had been appearing in the media since 11 March.

As a preliminary step, the CJC briefed Mr R V Hanson QC and Mr A J MacSporran of Counsel to advise if any basis existed for an investigation of the matters mentioned by the Committee. Acting on their advice, the Commission resolved to conduct a public inquiry into matters outlined in their report.³

Performance Assessment

Strategic Direction

The CJC's approach to the investigation of organised crime is based on the strategies pioneered by the US FBI in its investigation of the mafia, particularly La Cosa Nostra. Those strategies target the criminal enterprise and not simply the "workers" such as the crop sitters and street dealers. Overseas experience indicates that it takes a long time for law enforcement to develop the necessary expertise to tackle organised criminal groups especially those that are ethnically based.

The investigations of the JOCTF exemplify this approach. The CJC has resisted the temptation to "get a good drug haul" in favour of targeting the principals and financiers of criminal enterprises.

Briefs of Evidence

Many of our protracted major and organised crime investigations spanned the reporting period. Significant charges are being recommended in one such investigation completed after 30 June. During 1994/95 two investigations resulted in the preparation of briefs against seven

persons. These briefs contained details of 44 charges including trafficking in heroin.

Due to the time taken for matters to proceed through the court process, charges finalised during 1994/95 generally related to cases commenced in previous financial years. Of those matters finalised during 1994/95, guilty verdicts were obtained in 11 out of 15 charges. Only one not guilty verdict was returned. Of most significance were the convictions for murder and accessories after the fact to murder returned following the joint investigation by the CJC and QPS (see Operation E below).

JOINT OPERATIONS AND LIAISON

Through the JOCTF and otherwise, the CJC has pursued its strategy of investigating organised crime by way of cooperative ventures with other agencies. Such arrangements allow for a more coordinated and effective investigative response by law enforcement agencies to the threats of organised crime.

Performance

During 1994/95 we were involved in 27 operations by way of formal joint operational plans or operational assistance.

Conversely, other agencies assist the JOCTF in the resource-intensive "close down" stage of major investigations. The pooling of Queensland law enforcement resources at this stage, which has developed through the innovative approaches adopted within the JOCTF, has broadened the experience of those officers in combating organised crime and enabled these agencies to bring to justice significant criminals who hitherto considered themselves untouchable.

³ The CJC engaged Mr Hanson to conduct the inquiry which commenced on 24 July 1995.

Major assistance was provided to the NCA in the close down of a number of their operations with components in Queensland. These include investigations into large scale production and trafficking in dangerous drugs. Of particular note is the very successful NCA operation in which the CJC, QPS, Victoria Police and the NSW Drug Enforcement Agency assisted the NCA in closing down a large, sophisticated amphetamine manufacturing plant and arresting three persons associated with an Outlaw Motorcycle Gang (OMCG). Intelligence staff and CJC members of the JOCTF helped analyse information, provided surveillance and technical assistance and helped execute search warrants.

The JOCTF has also been cooperating with other agencies in operations including the NSW Drug Enforcement Agency, NSW Crime Commission, Victoria Police and Western Australia Police. Many of these investigations are still in progress and cannot be commented on specifically.

Even though the JOCTF is already a cooperative venture between the CJC and QPS, a number of joint investigations were carried out by it and operational units within the State Crime Operations Command of the QPS.

Performance Assessment

The JOCTF has received praise for the cooperation it fosters through its open relationships with other State and Federal law enforcement agencies and for the quality of the information and investigative discipline it provides to these projects.

The NCA's submission to the PCJC's three year review of the CJC supported the continued operation and performance of the JOCTF.

In these investigations, communication and liaison lines are well established and the various investigative arms of the NCA and CJC work cooperatively and harmoniously and in a complementary manner. Indeed, the cooperation in Queensland is amongst the best in Australia.

Participating in National Approaches

The JOCTF has provided a platform for Queensland law enforcement bodies to play a role in national strategies for the investigation of organised crime. The JOCTF's work has provided a significant input into national projects, in particular those coordinated by the NCA into organised crime based in the Italian and Asian communities and amongst OMCGs. Senior officers of the JOCTF attend National Coordination Conferences organised by the NCA and this year contributed significantly to plans for investigations into OMCGs.

Exploring International Links

The JOCTF continues to maintain close links with overseas law enforcement bodies in an effort to improve our response to the threat of organised crime at an international level.

Senior officers of the JOCTF and the Intelligence Division attended the International Asian Organised Crime Conference in March, which provided the opportunity for a significant exchange of information relevant to JOCTF projects.

Material collected by the JOCTF in one of its Asian organised crime projects was provided to an overseas agency to assist it in interviewing a known crime figure who was intercepted in that jurisdiction. Links with overseas law enforcement agencies were strengthened through visits by some agencies to the Intelligence Division and the JOCTF (for further details, see Program 3).

With the QPS Auto Theft Squad, the JOCTF organised a visit by Detective Pete Simet of the Milwaukee Police Department. The aim of the visit, sponsored by the Harley Davidson company in the USA, was to train police and offer advice on stolen Harley Davidson motorcycles.

The JOCTF and the Intelligence Division were also visited by the Italian Anti-Mafia Directorate, who were invited to Australia by the NCA. Officers of the Directorate reviewed the organised crime projects of the JOCTF and the collation and analysis of material by the Intelligence Division.

INVESTIGATIVE STRATEGIES

The CJC has pursued its strategies of making effective use of its compulsory powers and combining various disciplines in the investigation of organised and major crime. The investigative, legal, financial and intelligence disciplines work closely together throughout the entire investigation. As organised and major crime become more sophisticated so too must the response from law enforcement if that response is to be an effective one.

USE OF POWERS

Special powers are required to combat corruption and organised crime. The CJC has been entrusted with a range of powers under the Act to be used in organised crime investigations. Investigations of the JOCTF may involve the use of the CJC's powers to require the production of documents, to require witnesses to attend and give evidence and to use a listening device.

Performance

Hearings

Hearings of the CJC, where witnesses can be compelled to give evidence

relevant to an investigation of organised crime, have been particularly effective.

Operation E, a joint organised crime investigation undertaken by the CJC and QPS, shows the effectiveness of the Commission's power to examine witnesses on oath.

Members and associates of members of an OMCG gave evidence at a CJC hearing which implicated another person in the previously unreported death of one of their associates on a drug cultivation in relation to which the witnesses were facing charges based on a QPS investigation. Some of the witnesses falsely accused another person of murdering their associate. However, a joint CJC/QPS investigation eventually succeeded in proving the falsity of that allegation. One of the witnesses was subsequently convicted of the murder and two were convicted of being accessories after the fact to the murder. The person they accused was not connected with the death.

In a sequel, information concerning another murder mentioned during the testimony of these witnesses was referred to and was investigated by the QPS. This led to a confession from another person, not connected with the original events, who was convicted of the murder and sentenced to life imprisonment.

This shows how the CJC's power to examine witnesses under oath in closed hearings was pivotal in helping to solve two murders by persons associated with OMCGs.

During 1994/95, 14 hearings were held into organised and major crime investigations at which 42 witnesses gave evidence which was recorded in 1,685 pages of transcript.

Notices to Produce

Another important power allows the CJC to require financial institutions to produce financial records relevant to our investigations. These records are used by our financial analysts to identify criminal activity and the proceeds of such activity. Of the 527 notices issued under section 69 of the *Criminal Justice Act* requiring persons and organisations to produce documents to the CJC, 278 were issued in respect of organised and major crime investigations. Eighty-five per cent of the notices for organised and major crime investigations were directed to financial institutions. The balance required business organisations, professionals, Government agencies and individuals to produce documents.

Listening Devices

Nine applications were made during 1994/95 to use listening devices to support our investigations (see Tables 10 and 11). The use of these devices 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 undertaken by the CJC. The devices are used to monitor the movement and conversations of persons under investigation for serious offences.

A Supreme Court judge will only approve applications for listening devices which meet strict criteria. Issues considered by the judge include the:

- gravity of the subject matter of the investigation
- extent to which the privacy of any person is likely to be affected
- extent to which the investigation is likely to be assisted by the use of such devices.

All applications for listening devices and for extensions of approvals to use listening devices during 1994/95 were approved by the Supreme Court. The fact that there were no unsuccessful applications is indicative of the CJC's policy that such applications will only be made where there is clear evidence justifying their use.

On expiry of the approved term of use of the listening device, the CJC makes an extensive report on its use of each device to the Supreme Court judge according to standard conditions included in each application.

Over 600 criminal charges have resulted from investigations for which listening devices were approved during 1994/95.

Specialist Interpreter Investigators

During 1994/95 the JOCTF was able to recruit specialist interpreter investigators with Chinese and Japanese language skills. These specialists are critical to the success of intelligence collection plans and investigations for ethnically based organised criminal activity. Significant use was made of Italian language investigator/interpreters during recent JOCTF investigations.

These specialists also help us liaise with ethnic residents so that they can assist in combating the threat of organised crime to their communities and to Queensland. The efforts of our three Asian language specialists have been successful in this regard.

Recently, at the request of the Japanese Consul to Queensland, officers of the JOCTF and QPS organised a seminar at the Gold Coast for Japanese residents on personal security and security of property.

TABLE 10 – LISTENING DEVICE APPLICATIONS (1994, 1994/95)

No.	DATE OF AUTHORITY	AUTHORISING STATUTE	DURATION OF USE	OFFENCE UNDER INVESTIGATION
1	8/2/94	<i>Criminal Justice Act 1989</i>	4 weeks	Drug trafficking by persons connected with OMCGs.
2	28/3/94	<i>Criminal Justice Act 1989</i>	4 weeks	Murder.
3	27/4/94	<i>Criminal Justice Act 1989</i>	4 week	Arson and Murder.
4	23/5/94	<i>Drugs Misuse Act 1986</i>	4 weeks	Drug trafficking by persons connected with OMCGs.
5	9/6/94	<i>Criminal Justice Act 1989</i>	4 weeks	Murder.
6.	7/6/94	<i>Criminal Justice Act 1989</i>	4 weeks	Corruption in respect of Dept of Transport operations.
7	22/7/94	<i>Criminal Justice Act 1989</i>	4 weeks	Corruption in respect of Dept of Transport operations.
8 *****	8/9/94	<i>Drugs Misuse Act 1986</i>	24 weeks	Large scale production of and trafficking in dangerous drugs by organised crime syndicates.
9	2/11/94	<i>Drugs Misuse Act 1986</i>	4 weeks	Large scale production of and trafficking in dangerous drugs by organised crime syndicates.
10	1/12/94	<i>Drugs Misuse Act 1986</i>	4 weeks	Drug trafficking by persons connected with OMCGs.
11	25/1/95	<i>Drugs Misuse Act 1986</i>	4 weeks	Drug trafficking by persons connected with OMCGs.
12 **	6/2/95	<i>Drugs Misuse Act 1986</i>	12 weeks	Large scale production of and trafficking in dangerous drugs by organised crime syndicates.
13	6/3/95	<i>Criminal Justice Act 1989</i>	4 weeks	Murder.
14	24/3/95	<i>Drugs Misuse Act 1986</i>	4 weeks	Drug trafficking by persons connected with ethnic organised crime.

TABLE 10 (CONTINUED) – LISTENING DEVICE APPLICATIONS (1994, 1994/95)

NO.	DATE OF AUTHORITY	AUTHORISING STATUTE	DURATION OF USE	OFFENCE UNDER INVESTIGATION
15 *	28/4/95	<i>Drugs Misuse Act 1986</i>	8 weeks	Large scale production of dangerous drugs.
16 *	4/5/95	<i>Drugs Misuse Act 1986</i>	7 weeks	Large scale production of dangerous drugs.

Note: each * represents the number of subsequent successful applications for an extension of the devices listed.

The data in this table relate to the first six months of 1994 and the full financial year 1994/95 to facilitate comparison with details provided by the DPP, which previously reported them on a calendar basis and is now to report on a financial year basis.

TABLE 11 – TYPE OF LISTENING DEVICE AUTHORISED (1989/90 – 1994/95)

ACT AUTHORISING THE DEVICE	89/90	90/91	91/92	92/93	93/94	94/95
<i>Drugs Misuse Act 1986</i>	1	0	3	6	1	8
<i>Criminal Justice Act 1989</i>	0	0	4	3	9	2
TOTAL	1	0	7	9	10	10

PROCEEDS OF CRIME

Parliament enacted a scheme in 1989 to deter the commission of serious offences by removing the financial gain and increasing the financial loss associated with their commission. In all investigations at the CJC, we assess the potential for the forfeiture of the property of convicted criminals which has been associated with the commission of a serious offence or which amounts in value to the benefit the criminal has derived from the commission of a serious offence. Applications for the forfeiture of property are made under the provisions of the *Crimes (Confiscation) Act 1989*. The CJC provides instructions to the DPP, who makes applications for various orders under the Act. This Act was recently amended after a review by a committee which reported to the Attorney-General. A senior officer from our Proceeds of Crime Unit contributed to that review committee.

(*Confiscation*) Act 1989 in combating major and organised crime and official corruption. As we do so, the preparation for confiscation actions is an integral part of the investigation and offenders are often served with orders restraining their assets at the time they are arrested for serious offences. The effective use of restraining orders made by the Supreme Court ensures that assets that later may be forfeited are not dissipated by the persons arrested. It also ensures that those assets are not used to fund further criminal activity and that criminals do not benefit financially from the commission of serious offences.

Attacking the financial benefits flowing from the commission of serious offences by organised criminals is particularly appropriate because the criminal proceeds are the life blood of the criminal enterprises which we target.

It is our intention to make full use of the provisions of the *Crimes*

Once a restraining order has been made by the Supreme Court, we have to commit significant resources to ensuring that the order is properly maintained. Persons whose property has been restrained may apply for various reasons to have the order varied or set aside and we must prepare material for the Court which will enable it to consider whether such variations are justified. For example, a variation of an order may be sought to allow access to funds for legal expenses. It is an indicator of the impact of the confiscation legislation that these matters are often fought vigorously and as such require constant and significant attention by officers of the Proceeds of Crime Unit and the DPP.

Performance

The Proceeds of Crime Unit has for the most part been involved in maintaining restraining orders put in place during 1993/94 and preparing for applications to the Supreme Court for restraining orders and forfeiture orders relating to major operations, particularly of the JOCTF, anticipated for early 1995/96.

Performance Assessment

As at 30 June 1995, assets of \$1,215,800, comprising real estate, cash and motor vehicles, were restrained as a result of five CJC investigations.

Since 30 September 1990, convicted criminals have been deprived of assets totalling \$1,581,971. See Table 12 for further details.

TABLE 12 – PROCEEDS OF CRIME SUMMARY

Total net value of currently restrained assets:	<u>\$1,215,800</u>
Forfeitures since 30 September 1990	
Total of Forfeited/Pecuniary	
Penalty Order Assets:	
	\$ 288,000 (Operation Favour – Drugs)
	\$ 355,000 (Operation Aztec – SP Bookmaking)
	\$ 106,971 (Operation Whitewash – Drugs)
	\$ 149,000 (Operation Dingo – Corruption)
	<u>\$ 11,000</u> (Operation Virgin – Drugs)
	\$ 909,971
Total of Restrained Assets	
Expended in Legal Expenses	
by Defence:	
	\$ 321,000 (Operation Aztec – SP Bookmaking)
	\$ 284,000 (Operation Whitewash – Drugs)
	\$ 10,000 (Operation Fantail – Drugs)
	\$ 10,000 (Operation Bandicoot – Drugs)
	<u>\$ 47,000</u> (Operation Chestnut – Drugs)
	\$ 672,000
Total of Assets Removed from	
Criminals by CJC Operations:	
	\$ 909,971 (Forfeited/Pecuniary Penalty Order)
	<u>\$ 672,000</u> (Legal Expenses)
	\$1,581,971

INTELLIGENCE SUPPORT

Organised and major crime groups in Australia have developed to the point where law enforcement agencies are having to develop more sophisticated means of detecting, investigating and bringing their activities under control. Concerted attacks against these crime groups, in addition to traditional policing methods, require legal, financial and intelligence support.

The success of our investigations depends heavily on the tactical and operational support of our Intelligence staff. Tactical support identifies areas of criminal activity that may lead to investigative or enforcement action. Operational support refers to intelligence provided for a specific operation or investigation targeted against a specific person(s), group or organisation.

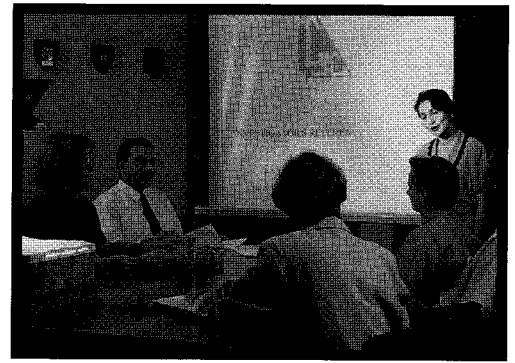
The work of our investigators and intelligence analysts is complementary. Data from investigations are forwarded to the Intelligence Division, which analyses them, subsequently returning further information to the investigators. In addition our intelligence work allows for a long term strategic view of organised crime in Queensland, which enhances our preventative work.

This strategic work is covered in Program 3.

Performance

Criminal Intelligence Database

The Database now contains a significant amount of refined data on organised and major crime in Queensland with approximately 17,500 entities recorded. This information has proven of considerable value in our operations and those of other States and Federal law enforcement agencies. For more details on the Database, see Program 3.



Intelligence staff at a briefing session.

Analytical Support

Intelligence staff provide analytical support to the investigations of our MDTs and the JOCTF into the activities of crime syndicates of Italian origin, Japanese and Chinese origin (often referred to as Yakuza and Triads, respectively) and OMCGs.

Intelligence analysts contributed to 47 operations, of which 28 were specific to the JOCTF, and produced several tactical and strategic reports on organised criminal activities in Queensland. These assessments provide a greater insight into organised crime as it affects Queensland (see Program 3) and form the basis on which targets are developed. The Minister can be briefed on intelligence matters in accordance with section 58 (2)(e) of the Act.

The major commitment of Intelligence staff this year has involved the longer term operations with the JOCTF. There have been seven strategic and 10 tactical reports produced in support of these operations which have identified threats, trends and organised crime patterns. Several of these reports were disseminated within the law enforcement community.

Dissemination of Intelligence

In 1994/95 the Division disseminated intelligence at its own initiative on 338 occasions. In reply to 271

external requests, we were able to positively respond on 182 occasions.

The Intelligence Division contributes to the ABCI's annual Australia Drug Intelligence Assessment by conducting research into drug operations in which we were involved, including arrests, seizures and quantities.

Training and Education

An important function of the Intelligence Division is to assist in improving the availability of quality criminal intelligence analysts through encouraging and conducting training and educational activities for Queensland. This function is equally important to our preventative efforts and is covered in more detail in Program 3.

Performance Assessment

Our intelligence analysts now form an integral part of the multi-disciplinary investigative approach adopted by the Commission. The Intelligence Database has progressed to a stage where several significant tactical reports and target proposals have facilitated the CJC's investigations.

The increasing use of our resources by other agencies and the high rate of positive responses to external inquiries reflects the appropriateness and usefulness of our intelligence holdings. We have received complimentary feedback from other agencies throughout the year in response to the assistance we have provided to them.

The PCJC's three-year review acknowledged that it takes time to develop intelligence systems 'to a stage where they can provide meaningful strategic intelligence to direct the priorities and strategies of organised crime investigations'. The PCJC also accepted that our systems are now 'operational'.

The NCA submitted to the PCJC that it had been significantly assisted by the CJC through its collection and analysis of criminal intelligence relating to areas of organised or major crime and 'the resulting exchange of information benefits both NCA and CJC investigations'.

The PCJC had this to say about the future value of the Database:

The JOCTF has been successful in targeting organised and major crime. Information provided by the Intelligence Division will be increasingly important in providing the stimulus for these activities and in collecting strategic intelligence essential to planning suitable investigations.

The PCJC concluded that the CJC has developed a good relationship with other law enforcement agencies. Cooperation between agencies is essential to combating crime, especially organised crime. The CJC has established these links to a stage where meaningful information is now being shared.

WITNESS PROTECTION

Performance

The number of applications for witness protection increased again this year. Our Witness Protection Division has, since its creation in November 1989, provided protection to 465 people in 200 operations.

This year we:

- conducted threat assessments and risk analyses on 127 people in 62 operations of which 76 people in 37 operations were accepted
- provided support and protection to 180 persons in 79 operations
- continued to provide support and protection to 104 people in 42 operations from 1993/94

- completed arrangements with 57 people in 31 operations.

We will continue to provide support and protection to 123 people in 48 operations into 1995/96.

Computerisation of Records

Witness protection records are being transferred to a secure computer based registry system. Response time can be critical to the safety of those being protected, so access to data on this register will enable our staff to deal with incidents and inquiries more quickly.

Liaison

Our success relies on the assistance and cooperation of various Commonwealth and State government agencies as well as private sector organisations. We continue to liaise with a national network of organisations vital to the effectiveness of the Program. We also maintain our reciprocal arrangements with other agencies with witness protection staff attending the 1995 National Conference on Witness Protection in Sydney at which various aspects of legislation and witness protection were discussed.

Staffing

Selecting staff who can contend with the problems experienced by witnesses and their families is always difficult. To overcome this the Division now conducts psychological testing of prospective staff members to help meet our aim of selecting only those persons with the necessary qualities.

Training

Not only because of a requirement in legislation, but also because of the demanding and intensive nature of witness protection duties, the Division places significant emphasis on the training of staff. Besides normal

training, we have developed a strategic plan which will provide some of the most extensive "on the job" training in the country. Staff have also continued to take intensive specialised firearms and driver training.

Three witness protection staff competed in the National Police and Armed Services Pistol Shooting Championships this year, one of them achieving the highest individual award as the Australian Police and Services Champion. As part of a team, the officers took out most of the major awards. This is an indication of the level of training undertaken by our staff.

Witness Protection Legislation

The national *Witness Protection Act* came into effect in April. The CJC is now actively supporting the introduction of complementary State legislation, which has to be in place by 18 April 1996 for the State to have access to Commonwealth identity documents.

Although the National Witness Protection Program has now been established, witness protection will need to continue at State and Territory level.

Performance Assessment

The Division is again pleased to report that no person under our protection came to harm this year.

We continually seek better ways to deliver our services. This year we introduced new methods of determining levels of threat and risk to persons referred to the Division for assessment. These methods have enabled us to determine those levels more accurately.

Requests for assistance from other State law enforcement agencies have increased dramatically over previous

years. In 1994/95, 62 such requests for assistance were received, compared to 42 last year. This increase has placed far greater pressure on our staff who, whilst conducting threat assessments and risk analyses, must also provide protection to existing operations. The increase in the number of current operations creates an increase in the security measures that need to be taken for the protection of witnesses. This in itself creates a greater workload.

We are also conducting more court security operations. This year we expended 145 days, or, in terms of staff days, 435 days, compared to 77 days, or 231 staff days in 1993/94.

A further measure of the work we perform is the number of relocations the Division conducts. The figure for 1994/95 was 206, compared to 131 relocations last year.

The Division expects its workload will continue to increase. Nevertheless we will continue to review our methods and procedures to ensure that our high standards are not compromised and that the community receives the best possible witness protection service available.

OUTLOOK

Aside from our on-going activities, next year we will extend our unique approach to organised crime investigations to other criminal enterprises and areas based on intelligence collection plans.

PROGRAM 2 – POLICE SERVICE REFORM AND CRIMINAL JUSTICE RESEARCH AND REFORM

Goal – To foster the development of an effective, efficient, fair and equitable criminal justice system

PROJECTED ACTIVITY	OUTCOME
Criminal Justice Research Papers	
Publish a paper on the public's perceptions of crime.	<i>Fear of Crime</i> published in December. Over 1100 copies distributed. Widespread media interest in the State and nationally.
Report on youth crime and justice in Queensland.	Unavoidable delays in obtaining data from QPS. Paper to be released in September.
Produce a paper on "calls for service to the police".	Also delayed due to technical problems. Will incorporate data on more than 15,000 calls from the Toowoomba Beat Policing Pilot Project and be issued in October.
Complete the series of reports into Police Powers.	Tabled <i>Electronic Surveillance and Other Investigative Procedures</i> in October and <i>Telecommunications Interception and Criminal Investigation in Queensland: A Report</i> in January.
Complete an evaluation of informal complaint resolution in the QPS.	Report released in November.
Complete a study on the funding of the Legal Aid Commission and the Director of Public Prosecutions, Queensland.	Report tabled in April.
Research Projects	
Continue work on the "Sibling Study".	Project now at the end of its second year, with one year to go (see details below).
Survey people who have complained to the CJC to determine ways in which the complaints process might be improved.	Mailbox questionnaire produced; response rate was about 33%.

SUBPROGRAM 1 – POLICE SERVICE REFORM AND MONITORING

DESCRIPTION

One of the CJC's primary responsibilities is to promote the development of an effective and accountable police service that is responsive to community needs. We do this by:

- monitoring the activities and procedures of the QPS
- assisting the QPS to develop training programs in ethics and risk assessment
- helping the QPS set up better ways of supervising their performance
- keeping the public informed about issues related to reform of the QPS.

MONITORING THE QPS

The *Criminal Justice Act* confers on the CJC wide ranging responsibilities in relation to the monitoring and oversight of the QPS. We discharge these by:

- receiving and investigating complaints made against police
- analysing complaints data and trends
- undertaking initiatives with the QPS
- researching issues such as community policing, complaints processes, recruit training, and the response of the QPS to the Fitzgerald Inquiry recommendations
- participating in committees and working groups such as the:
 - Police Education Advisory Council (PEAC)
 - QPS Information Security Project
 - QPS Statewide Intelligence Systems Project
 - Project Board for the Review of Intelligence Management
 - the review of the *Police Service Administration Act*

- monitoring the QPS transfer and promotions process through the work of the Commissioners for Police Service Reviews, who are part-time members of the Commission
- maintaining regular formal and informal contact with officers at all levels of the QPS.

Performance

In August 1994 the CJC released a major review of the QPS's implementation of the recommendations of the Fitzgerald Inquiry, entitled *Report on Implementation of Reform Within the Queensland Police Service: The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations*. This report examined developments in the area of:

- regionalisation
- community policing
- policies and practices for managing the allocation of police
- civilianisation
- transfers and promotion
- State Crime Operations Command
- management of information services
- management structures and processes.

STRATEGIES

- monitor Police Service processes and activities, with particular attention to:
 - the complaints and disciplinary processes
 - selection, recruitment and training
 - career progression, promotion and transfer
 - the supervision of the performance of the Police Service
 - community policing and preventive policing strategies
 - the use and adequacy of police investigative powers
 - the intelligence function
- assist the Police Service in the development of ethics and risk assessment training programs
- assist the Police Service in establishing suitable techniques/programs for the supervision of its performance
- disseminate reports, advice and information to relevant agencies and to the public on issues related to the reform of the Police Service.

We concluded that the QPS had achieved substantial gains since the Fitzgerald Inquiry and had become considerably more accountable, open and professional. However, we also identified issues which still needed to be addressed by the QPS. These included:

- promoting and integrating community policing and problem solving strategies into operational policing
- undertaking further civilianisation
- improving decision-making within the promotions process
- recognising the critical role of middle managers by providing them with training, resources, support and feedback.

Following the report, and in consultation with the QPS, we prepared a Monitoring Plan setting out how we proposed to discharge our monitoring responsibilities over the longer term. A copy of this plan was later provided to the PCJC. The plan emphasises monitoring and assisting the QPS in key areas such as:

- the complaints and discipline process
- recruitment
- education and training
- community policing and other innovative policing strategies
- the intelligence function
- the use and adequacy of investigative powers.

Apart from hearing applications and making recommendations, the Review Commissioners provided input into the drafting of the QPS's Human Resource and Discipline Policy and Procedures Manuals.

Performance Assessment

In May we received the formal response of the QPS to our report

Implementation of Reform Within the Queensland Police Service. This response documented areas where, in the view of the QPS, substantial changes had occurred since the release of our report. The QPS response paid particular attention to documenting recent initiatives in the general area of human resource management and the allocation of staff, and the management of information systems. We will use this response to help us identify areas where we can most usefully work with the QPS in the future.

Since January our Research staff have been preparing a monthly Briefing Paper on the QPS for distribution within the CJC. This briefing paper is used to keep CJC Commissioners and senior staff abreast of significant developments within the QPS, so that we can better discharge our monitoring responsibilities under the Act.

COMPLAINTS AND DISCIPLINE

We monitor complaints and discipline involving police through our Complaints Section (see Program 1).

Performance

Our evaluation of Informal Complaint Resolution in the QPS was released in November. We reported that the introduction of informal complaint resolution to deal with complaints of a minor nature against police had been a substantial success. We found that the new system had significantly increased complainants' satisfaction with the complaints process, reduced stress levels amongst the officers who were the subject of these complaints, and enabled complaints to be resolved more quickly and cost effectively. The evaluation also made a number of recommendations for improving the informal resolution process.

During 1994/95 Research staff commenced work on a report on the implementation and impact of the Fitzgerald Inquiry recommendations relating to the police complaints and discipline process. This report will assess the impact of these reforms on police management and discipline systems, and the attitudes and behaviour of police officers. The report will use statistical data on complaints made to the CJC and the QPS, attitudinal surveys of police and the general public, and interviews with police from various levels of the QPS.

In conjunction with the Professional Standards Unit of the QPS we also developed a brochure providing information to persons who wish to make a complaint against a police officer.

Performance Assessment

Most of our recommendations to improve the informal resolution process were accepted. For further details see Program 1.

SELECTION, RECRUITMENT TRAINING AND TECHNIQUES

The QPS sometimes asks us to participate on selection committees for new staff, particularly in areas of mutual interest.

Our Research staff regularly survey recruits and trainee officers to obtain their views on the quality of training which they have received.

Performance

This year we sat on a range of selection committees for appointments to positions within the QPS.

We continue to provide a full-time instructor to the Criminal Intelligence Analyst Training Course, which is conducted jointly by the QPS and CJC

twice a year at the Police Academy. The CJC is also contributing to a national project to develop National Competency Standards for Intelligence Officers. This initiative is being coordinated by the South Australian Police and the University of South Australia.

We undertook three surveys of police recruits in 1994/95. In July, we surveyed them following their completion of the revised QPS recruit training program. Ninety-two per cent responded to the questionnaire. Recruits reported:

- being challenged by the course (93%)
- satisfaction with lectures and skills practice offered by experienced police (100%)
- feeling prepared for field training (70%)
- a desire for more emphasis on practical policing issues and less on theory.

In early 1995, CJC staff surveyed a sample of recruits, first year constables and experienced police officers. These surveys were designed to ascertain their attitudes to various ethical issues and their general level of knowledge of the complaints and discipline system. Results of the surveys will be provided to QPS and the PEAC to assist in developing and evaluating QPS training programs on ethics-related issues. The surveys will be repeated regularly to monitor attitudinal change in the QPS.

The CJC also monitored developments in this area through its representatives on PEAC and the Academy Council: part-time Commissioners Professor Ross Homel and Mr Barrie Ffrench. In June the CJC and the QPS agreed to amalgamate these two bodies and restructure PEAC to enhance its effectiveness. The Honourable W J Carter QC, formerly a judge of the

Supreme Court, has accepted appointment as part-time Chairman of PEAC.

In the first half of 1995, we commenced work on an evaluation of changes to the policy relating to the allocation of First Year Constables to regions. The project being undertaken will examine whether a consistent quality of training is being delivered to First Year Constables throughout the regions.

We also provided responses to 11 draft Competency Acquisition Modules prepared by the Academy. These modules covered topics such as:

- presenting evidence
- risk-based assessment
- criminal intelligence
- the discipline process
- briefs of evidence
- financial/administration.

In addition, CJC staff gave various lectures, seminars or other presentations to police groups (see Appendix 1).

In the areas of ethics and risk assessment, Corruption Prevention staff conducted two, three-hour training sessions for 38 Inspectors at the Chelmer Police College as part of the in-service executive development course. Topics covered included the Police Service Code of Conduct, the *Public Sector Ethics Act*, case studies of ethical behaviour and the fundamentals of risk assessment.

Corruption Prevention staff also participated in and delivered presentations to two QPS seminars on risk assessment and liaised with QPS staff on the development, trial and implementation of a new risk assessment based inspection procedure.

There is an active program of feedback to the QPS on promotional issues. Following requests, visits have been made to a number of regions for informal seminars on the selection process.

PERFORMANCE ASSESSMENT

An assessment carried out by the Chelmer Police College of the ethics and risk assessment training provided the feedback summarised in Table 13.

TABLE 13 – CLIENT ASSESSMENT OF ETHICS AND RISK ASSESSMENT TRAINING		
TYPE OF ACTIVITY	CRITERIA	LEVEL OF ASSISTANCE VALUE RATING ¹
Corruption Prevention Strategies	The level of assistance in formulating corruption prevention strategies.	75%
Ethics Workshops	The level of practicality of the assistance	76%

Note: ¹ Respondents were asked to rate the level of value of the training as 0%, 25%, 50%, 75% or 100%; all attendees were provided with assessment forms and 36 responded.

CAREER PROGRESSION, PROMOTION AND TRANSFER

Performance

Research

Our report *Implementation of Reform Within the Queensland Police Service* included a review of the post-Fitzgerald Inquiry changes to the QPS transfer and promotion procedures. We concluded that since the Fitzgerald Inquiry the QPS had made a serious effort to reform, and improve, transfer and promotion procedures. However, a number of outstanding issues were identified relating to the need for:

- improved procedures for managing selection panels
- a more objective assessment of "merit"
- better monitoring of transfer and promotions procedures
- lessening the close connection of rank with status and pay.

Research staff also produced a substantial Briefing Paper for the PCJC on QPS transfer procedures. At the suggestion of the Chairperson of that Committee, a copy of the paper was made available to the Minister for Police and Emergency Services.

Review Commissioners

In addition, we monitored transfer and promotions procedures through the Commissioners for Police Service Reviews (see Table 14). Three part-time CJC Commissioners fill those roles.

Of the applications lodged this year (see Table 15), about 24 per cent of those heard resulted in a recommendation that the decision be set aside or varied. This is above the average (18%) taken over five years since the inception of the jurisdiction.

TABLE 14 – TYPES OF APPLICATIONS LODGED WITH THE COMMISSIONER FOR POLICE SERVICE REVIEWS (1994/95)

APPLICATION	NUMBER
Promotion	314
Transfer	43
Stand Down or Suspend	0
Dismissal	0
Disciplinary Sanction	8
Appointment as a Staff Member	0
Unapplied for Transfer	1
TOTAL	366

TABLE 15 – STATUS OF APPLICATIONS LODGED WITH THE COMMISSIONER FOR POLICE SERVICE REVIEWS

STATUS	NUMBER
Matters Heard	
Affirmed	100
Varied ¹	30
Set Aside	3
Matters Withdrawn	181
Matters Not Within Jurisdiction/ Received Out of Time	5
Matters Awaiting Hearing	47
TOTAL	366

Notes: ¹ This includes recommendations that a new selection panel be convened to reassess applicants.

N.B. These figures are based only on applications lodged in 1994/95.

Performance Assessment

In its response to *Implementation of Reform Within the Queensland Police Service*, the QPS acknowledged the problems identified with the transfer and promotion system and indicated that action had been taken to address these problems.

COMMUNITY POLICING

Performance

In *Implementation of Reform Within the Queensland Police Service*, we concluded that limited progress had been made in promoting community policing within the QPS and that the QPS needed to develop an effective strategy for promoting this model and, in particular, for ensuring that it is integrated into operational policing practices. The CJC has promoted community policing by:

- working with the QPS to set up pilot or "demonstration" projects, in particular the Toowoomba Beat Policing Pilot Project and the Inala Police and Community Network
- providing the QPS with advice and assistance in the development of new projects, and participating in project planning, steering and advisory committees
- preparing resource materials to assist in project development and training.

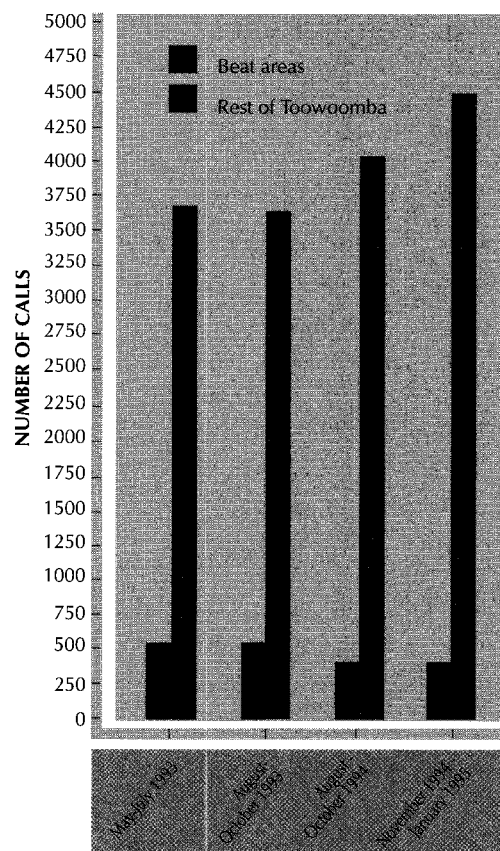
This year we released evaluations of the Inala Community and Police Network and the Toowoomba Beat Policing Pilot Project.

Our evaluation of the Inala Project found that the Network had strong local support and was extensively utilised by members of the local community. We also suggested a number of ways in which the effectiveness of the Network could be enhanced.

We concluded that the Toowoomba Project had been a substantial success. Our research showed that introducing beat policing in Toowoomba has increased public confidence in, and satisfaction with, the police, and has had substantial operational benefits by reducing the incidence of calls for service in the beat areas (see Figure 6).

FIGURE 6

Trends in number of calls for service in beat areas compared with the rest of Toowoomba



Sources: Calls for service data; Toowoomba Beat Policing Pilot Project: Main Evaluation Report, May 1995.

A copy of the report was handed to the Commissioner of the QPS at a ceremony in Toowoomba in May to mark the completion of the two year pilot stage of the project. At that ceremony the Assistant Commissioner for Southern Region, Mr Ron McGibbon, announced that the project would be continued.

In December the QPS launched a beat policing project in West End and in February Southern Region established two "beats" in Ipswich. Our Research staff helped plan these projects and are assisting in their management and evaluation. In addition, staff travelled to Cairns and Townsville, at the invitation of police in those regions, to advise on setting up similar projects.

In February the CJC released its *Beat Policing Resource Kit*. The Kit provides practical advice to police on how to design, implement and evaluate a beat policing project. So far, 160 copies have been distributed to police regions throughout Queensland.

Performance Assessment

The QPS's response to these beat policing initiatives has been very positive. In *Towards the 21st Century: Resource Priorities for the Queensland Police Service*, released in June, the Service proposes:

to extend the very successful community police beats to additional urban and suburban centres throughout the State. These measures will ensure that police remain part of, and easily accessible to, the communities they serve. (1995, p. 4)

USE AND ADEQUACY OF INVESTIGATIVE POWERS

We are able to monitor the QPS's use of its investigative powers through:

- our review of police powers
- analysing the nature and extent of allegations against police received by our Complaints Section
- the work of QPS and CJC staff in the JOCTF.

Performance

In 1994/95, the CJC completed its review of police powers in Queensland. We understand that a Police Powers Bill is currently being prepared by the Government and is scheduled to be proclaimed in the first half of 1996. See p. 73 for the PCJC's response to the Police Powers reports.

INTELLIGENCE ACTIVITIES

We continue to monitor and assist the QPS in the key area of intelligence through our oversight of the Bureau of Criminal Intelligence, Queensland

(BCIQ). The Bureau is responsible for the general intelligence function within the QPS at large through its day-to-day activities. These activities, among other things, include the administration of the Queensland Police Intelligence Database (QUID) and the Queensland Police Intelligence Network (QPIN) as well as the specialist activities of the Counter-terrorist Section (CTS) and the VIP Protection section.

Performance

We have had regular meetings with the QPS regarding the intelligence function and maintain close liaison with the Assistant Commissioner State Crime Operations and senior members of the BCIQ. We also continue to review quarterly management returns, conduct audits and provide advice where appropriate.

In August we audited the CTS to confirm that its activities, holdings and filing procedures continued to conform with the strict guidelines of its Charter. The results of this audit were considered by a Control Committee of which the Chairperson and Director of Intelligence are members.

In supporting the development of the intelligence function, the CJC is represented on:

- two committees that deal with matters relating to the collation and storage of intelligence material within the QUID
- the Project Board for the QPS Statewide Intelligence Systems Project which is involved in the strategic development of QUID system and its use within the QPIN
- the Project Board to oversee the QPS review of Intelligence Management within the QPS.

ASSISTANCE TO THE QPS IN ESTABLISHING TECHNIQUES TO SUPERVISE ITS PERFORMANCE

Our procedural recommendations to the QPS are discussed in Program 1. In addition, we:

- provided feedback on various QPS documents, including the Human Resource Management Plan and the Discipline Manual
- participated in requirements analysis workshops for the redevelopment of the QPS information systems
- provided the QPS with a paper on 'Criteria for Compliance Audits of Intelligence Areas'
- participated in various QPS committees and bodies, including PEAC, the Academy Council and the Public Sector Management Commission Implementation Steering Committee
- advised the QPS on the design of a survey of crime victims who had reported to the police.

RESEARCH PUBLICATIONS AND OTHER INFORMATION

Performance

The main reports and research publications we released during the year which were relevant to this program were:

- *Report on Implementation of Reform Within the Queensland Police Service: The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations*
- *Informal Complaint Resolution in the Queensland Police Service: An Evaluation*
- *Beat Policing Resource Kit*
- *Toowoomba Beat Policing Pilot Project: Main Evaluation Report*
- *The Inala Community and Police*

Network: An Evaluation

- *Report on a Review of Police Powers in Queensland (Volumes IV and V).*

In addition to preparing documents for public dissemination, our Research staff provided information directly to the QPS. This year we dealt with 41 such requests. We also provided a detailed submission to the QPS on the *Police Service Administration Act*.



On the beat (photo courtesy of the QPS).

OUTLOOK

Next year our Research staff will:

- complete our evaluation of the Fitzgerald Inquiry reforms of the police complaints and discipline process
- complete our report on the extent to which the QPS has implemented reforms of the complaints and discipline process
- follow up our research on the use of informal complaint resolution by the QPS
- release the findings of research on assault complaints made against police to help reduce the incidence of this type of complaint
- produce a research paper summarising our research on public attitudes towards the QPS

- in conjunction with the QPS, develop strategies for monitoring the implementation of the proposed new police powers legislation
- promote the development of further community policing projects and other crime prevention initiatives
- provide the QPS with an overview of the findings of the 1995 Attitudes to Police Survey that we conducted, plus statistics on complaints trends
- work with the QPS to enable calls for service data to be utilised in the development of pro-active, problem-solving policing strategies
- undertake an evaluation of changes to the First Year Constable program
- conduct research on the experiences and career progression of graduates and women officers in the QPS.

Our Intelligence staff, in conjunction with the QPS, will:

- contribute to the development of the intelligence function through active participation in appropriate QPS committees and project boards.
- ensure that the intelligence function remains accountable through overseeing the role of the BCIQ and conducting of regular audits.

SUBPROGRAM 2 – CRIMINAL JUSTICE RESEARCH AND REFORM

STRATEGIES

- research and provide advice and make recommendations on:
 - law reform pertinent to criminal justice
 - reform of processes of enforcement of the criminal law
- consult and liaise with agencies and others to coordinate activities, develop compatible systems and foster cooperation
- monitor and analyse trends in criminal activity and make recommendations to reduce the incidence of crime
- disseminate advice and information to relevant agencies and to the public on issues related to the administration of criminal justice
- participate in reviews of laws, practices and procedures.

DESCRIPTION

In this sub-program, we research aspects of criminal law and the ways in which criminal justice is administered to identify and recommend reforms. We then work with agencies and the public to devise means by which these reforms can be implemented to improve the criminal justice system as a whole.

REVIEWS OF LAW AND THE ADMINISTRATION OF CRIMINAL JUSTICE

Performance

In October the CJC released the final volume of its Police Powers report, entitled *Electronic Surveillance and Other Investigative Procedures*. This report recommended a range of changes to the law relating to the use of listening devices in Queensland. These recommendations were generally aimed at placing additional controls on the use of these powers and at ensuring greater accountability. The report also addressed issues relating to body searches and examinations, the taking of fingerprints and other particulars, identification parades and crime scene preservation. The final chapter recommended a tightening of the current rules governing the admissibility in court proceedings of unlawfully or improperly obtained evidence.

In January we released *Telecommunications Interception and Criminal Investigation in Queensland: A Report*. This report recommended that the Queensland Government pass complementary legislation to give the Commission and the QPS access to interception powers under the Commonwealth *Telecommunications (Interception) Act (1979)*. We made this recommendation on the grounds that:

- granting of this power would assist the Commission and the QPS in the fight against organised and major crime

- telecommunications interception was less intrusive and more cost effective than other forms of electronic surveillance already permitted under Queensland law
- the *Telecommunications (Interception) Act* contains adequate mechanisms for protecting privacy and ensuring that the power to intercept telecommunications is not abused
- most other law enforcement bodies in Australia already have this power and there is no evidence that they have abused it.

In April the CJC tabled a *Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland*. This report provided a comprehensive analysis of workload and funding trends for these two agencies. Key findings included:

- the level of service provided by the Legal Aid Commission, as measured by the number of grants of aid approved, has fallen markedly in recent years; this has been almost entirely at the expense of applicants for aid for family law and civil law matters
- the Legal Aid Commission has been adversely affected by:
 - a fall in revenue from solicitors' trust accounts

- the failure of the Commonwealth-State funding formula to allow for overall funding to be adjusted in line with population increases
- a substantial increase in the serious crime workload
- in recent years legal aid funding has been lower, on a per capita basis, in Queensland than in New South Wales or Victoria
- substantial additional funding would be required to restore Legal Aid Commission service levels to those of the late 1980s
- there is no direct evidence that service quality had declined in recent years, but there has been increasing pressure on some criminal law practitioners to “cut corners”
- funding for the Office of the DPP has increased substantially since 1988/89, but per capita funding still appears to be less than in other States.

This report also contained a number of recommendations, including that:

- the existing Commonwealth-State Funding Agreement for legal aid should be revised
- the Legal Aid Commission and DPP should trial and evaluate different methods of delivering legal services to determine the most cost effective approach
- both organisations should set up systems for monitoring their quality of service
- the Legal Aid Commission should be restructured to reduce the direct influence of the legal profession in the Commission’s decision-making processes.

The day the report was released the Acting Attorney-General, the Honourable Matt Foley, stated that

Commonwealth Attorney-General, the Honourable Michael Lavarch, had agreed to have officers of his Department work with officers of the Queensland Department of Justice and Attorney-General to address the CJC’s recommendations for a revision of current Legal Aid funding arrangements.

On the CJC’s behalf, Research staff also prepared formal submissions in relation to the:

- Tendering of Assigned Matters (Legal Aid Office)
- Queensland Corrective Services Commission Legislation Review
- Model Forensic Procedures Bill
- Review of the Location of the Function of Juvenile Justice
- Criminal Injuries Compensation Scheme
- Draft Criminal Code
- complementary State legislation contemplated by the Commonwealth *Witness Protection Act 1994*
- the draft Whistleblowers Protection Bill.

Performance Assessment

In May the PCJC released a series of reports on reports prepared by the CJC.

The PCJC’s report on Volume IV of the *Review of Police Powers in Queensland* (Suspects’ Rights, Police Questioning and Pre-Charge Detention) tabled in May 1994, disagreed with aspects of many of our recommendations, although the Committee endorsed the general proposition that police should have the power to detain suspects after arrest for questioning.

The PCJC’s report on Volume V of the *Review of Police Powers in*

Queensland ('Electronic Surveillance and Other Investigative Procedures') endorsed our recommendations, except for those relating to body samples and fingerprints, and the changes we proposed to the rules on the exclusion of unlawfully or improperly obtained evidence.

Also in May, the PCJC released a review of *Telecommunications Interception and Criminal Investigation in Queensland: A Report*. It agreed with our recommendation that the CJC and the QPS be given telecommunications interception powers, but proposed what it considered to be some additional safeguards. We prepared a detailed analysis of this review, pointing out the legal and practical difficulties with several of the PCJC's recommendations.

The above CJC reports, and the PCJC's response to them, are currently being considered by the Government.

The PCJC has not yet reported on *Cannabis and the Law in Queensland*, which we released in June 1994. Nor has there been any official Government response to this report.

CONTACT WITH OTHER AGENCIES

Performance

A representative of the CJC attends quarterly meetings of the Inter-Agency Forum on Law Reform, convened by the Office of the Cabinet. Established at our instigation, this forum helps agencies to exchange information about current and proposed law reform initiatives and research projects. It minimises overlap and duplication between agencies and promotes a more coordinated approach.

In 1994 the Government established a Crime Statistics Unit within the Office of the Government Statistician's

Office. This Unit seeks to improve the quality and quantity of statistical information about the Queensland criminal justice system and promote uniformity in data definitions and standards between agencies. The CJC supported the establishment of the unit and provided advice to the Government Statistician on its structure and functions. We will have a representative on its Advisory Board.

The CJC is also represented on the Criminal Justice Information Integration Strategy Data Exchange and Operations Committee. This high level body, convened by the Information Policy Board, is working towards greater integration of criminal justice information systems.

Performance Assessment

In planning research reports, we consult with agencies which might be affected by them. For example, the CJC established an advisory committee to assist in the preparation of the *Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Director of Public Prosecutions, Queensland*. This included senior officers from the Legal Aid Commission, the Office of the DPP and the Department of Justice and Attorney-General.

MONITOR AND ANALYSE TRENDS IN CRIMINAL ACTIVITY

Performance

In November the Research and Co-ordination Division, in conjunction with the Queensland Government Statistician's Office and Griffith University, held a symposium attended by researchers from across Australia to discuss the design and interpretation of national and state crime victims surveys. These surveys provide a means of measuring crime trends, so it is very important that researchers and

policy makers are fully aware of the uses and limitations of such surveys. The keynote speaker was Dr Pat Mayhew of the British Home Office, who oversees the bi-annual British Crime Victim Surveys and is a world authority on the subject. We are preparing the papers from the symposium for publication.



The presence of graffiti may lead to an increased fear of crime in the community.

In December, we released *Fear of Crime*. This Research Paper summarised available research on the extent and causes of public anxiety about crime in Queensland, and looked at the relationship between fear of crime and actual risks of victimisation.

Research staff also worked on developing a Queensland Criminal Justice System Monitor. The Monitor will provide an annual overview of key trends in the criminal justice system, including in relation to reported crime, and assess the impact of these developments on the operation and effectiveness of the criminal justice system.

Most of our research has an applied focus, but there is also a need for "basic" research to be undertaken into

the factors which lead people to engage in criminal activity. Without such studies, it is very difficult to formulate rational, cost effective policies for reducing the incidence of crime. The CJC is addressing this need through its collaboration in the Queensland Sibling Study on delinquent behaviour, which we reported on in our last Annual Report. During 1994/95 the Project Team surveyed the groups of young people who form the focus of the study, completing some 850 interviews to date. The Project Team expects to complete all of the surveying by late 1995, after which a series of research papers will be prepared analysing the results.

DISSEMINATION OF ADVICE AND INFORMATION

Performance

In 1994/95, we distributed in excess of 1,000 copies of each of our major research publications throughout Queensland and elsewhere.

Research staff participated in five news conferences, gave 40 interviews to the electronic media, and handled numerous queries from journalists.

Performance Assessment

The media continues to show great interest in the results of our research, and we receive an increasing number of requests from organisations and individuals seeking information. We dealt with 250 such requests this year.

OUTLOOK

In 1995/96, we will:

- complete our report on the transfer of responsibility for committals prosecutions from the QPS to the Office of the DPP (as recommended by the Fitzgerald Inquiry)
- release the first edition of the Queensland Criminal Justice System Monitor and develop additional monitoring strategies for the criminal justice system
- undertake research on problems encountered by Aboriginal witnesses in the criminal justice system
- assist in the completion of the Sibling Study project
- release research papers on Youth, Crime and Justice in Queensland and on Burglary in Queensland
- prepare other research papers as appropriate.

PROGRAM 3 – PREVENTION

Goal – To improve the integrity of public administration and reduce the incidence of organised and major crime

PROJECTED ACTIVITY	OUTCOME
Public Sector Liaison	
Develop a quarterly newsletter for CJC liaison officers.	
Conduct half yearly conferences for CJC liaison officers.	Two held; feedback obtained (see Table 18).
Develop a Corruption Prevention Strategies and Control Workbook for principal officers and Boards of Management of units of public administration.	Draft of workbook completed.
Official Misconduct Risk Management Reviews	
Develop a twelve month work program of official misconduct risk management reviews.	Work program developed after analysis of range of complaints and investigations undertaken by the Official Misconduct Division. Ten reviews conducted and feedback obtained from principal officers (see Table 20).
Monitor the implementation of review recommendations by organisations we have reviewed.	Discussions were held in each case with the Principal Officer and/or senior management on the practicality of the recommendations and their proposed implementation.
Conduct training sessions and workshops on risk management.	Risk management training developed. Training sessions and workshops conducted and feedback obtained.
Provide additional advice and comment to public sector units on risk management and corruption prevention initiatives.	Advice provided upon request.
Prepare issues papers on aspects of corruption prevention in various management systems.	Audit protocol on Review of Tendering Systems developed and implemented in February.
Education and Communications	
Conduct a series of workshops on the internal investigation of official misconduct.	Still planning.
Upon request conduct workshops on ethics and accountability for public sector agencies.	29 workshops were conducted in 1994/95 and feedback obtained (see Table 22).

PROJECTED ACTIVITY	OUTCOME
Prepare material on corruption prevention for inclusion in the school curriculum.	Material has been prepared and accepted by the Board of Senior Secondary School Studies for inclusion in the Legal Studies Syllabus.
Aboriginal and Torres Strait Islander (ATSI) Liaison Program	
Develop further contact with ATSI communities.	Three field trips were conducted to rural and remote areas of Queensland and meetings were held with 46 ATSI community organisations.
Develop a pamphlet for ATSI communities on reporting corruption.	Pamphlet developed and distributed.

SUBPROGRAM 1 – PUBLIC SECTOR MISCONDUCT PREVENTION

DESCRIPTION

Preventing corruption is central to the CJC's role. This sub-program helps public sector managers:

- identify and correct system weaknesses that have been detected through investigations into allegations of Official Misconduct
- identify risks and develop checks and balances that will expose attempts to exploit their organisation.

LIAISON AND ADVICE

Research indicates ethical behaviours and management integrity are products of the corporate culture. The corporate culture determines how rigorously organisation rules are obeyed and the effectiveness of organisational policies and control systems. It is primarily determined by the attitude of top management and strongly influences behaviour that is not subject to even the most elaborate system of controls.

We regularly liaise with principal officers and boards of management to discuss effective ways of preventing official misconduct.

Each agency is offered a confidential briefing where our Corruption Prevention staff provide them with an

analysis of the complaints and allegations of official misconduct made to the CJC against their staff. We discuss system weaknesses detected by our investigators and suggest strategies for more effective prevention.

We also keep in contact with CJC liaison officers who are the first point of contact for us at the agency. Briefing sessions are held twice a year with senior CJC staff who discuss our current activities and give liaison officers an opportunity to ask questions and raise specific concerns.

Performance

In the past year, we liaised with various agencies (see Tables 16 and 17).

STRATEGIES

- *liaise with senior public sector administrators and educators and offer advice on the proactive strategic management of the prevention of public sector misconduct*
- *conduct reviews of management systems and practices in units of public administration particularly where allegations of official misconduct are investigated by the Commission and procedural or administrative improvements are recommended as a result of the investigation*
- *on the basis of investigative outcomes, recommend procedural reforms as appropriate*
- *provide advice and assistance to organisations in the development of effective misconduct prevention controls for their management systems*
- *disseminate advice and information to relevant agencies and to public on issues related to the prevention of public sector misconduct*
- *develop and offer a range of educational and training resources which are designed to assist in the detection and prevention of misconduct in the public sector*
- *conduct a range of training programs through conferences, workshops and university lectures, and participate in the professional development of those concerned with the detection and prevention of misconduct to provide an understanding of risk assessment and corruption prevention*
- *conduct public inquiries in appropriate cases.*

TABLE 16 – SCOPE OF LIAISON ACTIVITIES (1993/94 – 1994/95)

AGENCY	1993/94	1994/95
Government Departments	21	25
Local Government Authorities	8	7
Universities and TAFE Colleges	6	5
Other Agencies	15	14

TABLE 17 – TYPE OF LIAISON ACTIVITY (1994/95)

ACTIVITY	1993/94	1994/95
Board of Management Meetings	29	21
CJC Liaison Officer Meetings	2	2
Meetings with Other Agencies	15	19
Meetings with Universities and TAFE Colleges	6	6
Responding to Requests for Advice or Assistance	no data	138

Performance Assessment

Boards of management and liaison officers were asked for formal

feedback on these activities. The following table provides their assessments.

TABLE 18 – CLIENT ASSESSMENT OF LIAISON ACTIVITIES

TYPE OF ACTIVITY	CRITERIA	VALUE RATING ³
Board of management meetings ¹	The level of assistance in formulating corruption prevention strategies.	81%
CJC liaison officer meetings ²	The usefulness of the meeting in assisting with your duties as a CJC liaison officer.	74%

Notes: ¹ Principal Officers were sent the assessment form after the liaison meeting. Twelve out of a possible 21 responded.

² All Liaison Officers completed the form at the end of the meeting.

³ Respondents were asked to rate the level of assistance as 0%, 25%, 50%, 75% or 100%.

OFFICIAL MISCONDUCT RISK MANAGEMENT REVIEWS

This program works with units of public administration where allegations of official misconduct have been investigated by the CJC and procedural or administrative improvements have been recommended.

Previously known as Management System Reviews, this program has been renamed to more accurately describe its objectives and outcomes. The risk management based reviews are a proactive consultancy service

undertaken to meet the requirement of section 29(3)(e) of the *Criminal Justice Act*:

to offer and render advice and assistance by way of education or liaison, to law enforcement agencies, units of public administration, companies and institutions, auditors and other persons concerning the detection and prevention of official misconduct.

To our knowledge no other agency currently provides this service to the Queensland public sector.

Following an OMD investigation, Corruption Prevention staff analyse the investigation report and then liaise with principal officers to assist them in conducting a risk analysis and assessment of their agency's operations. This assistance is offered without cost.

Our staff work in close association with the agency and act as a confidential consultancy. The final report is provided in confidence to the principal officer because the goal of the review is the effective management of the controls that can reduce the opportunity for official misconduct to occur.

The reviews may range from small specific operations of units to major organisation functions or segments, and from the relatively simple to the quite complex.

Whilst an official misconduct investigation may not lead to disciplinary action, its outcome may indicate a system vulnerability to official misconduct occurring or recurring.

Our risk assessment takes into account any changes that have been implemented by the organisation as a result of the CJC investigation, and we work with the agency to determine the scope and focus of the review. Our purpose here is to:

- advise senior managers on how best to address procedural recommendations that have not yet been implemented
- formulate specific recommendations to help the agency reduce its exposure to corrupt practices through better internal controls and more effective corruption prevention strategies.

Our systems review report is made confidential to the principal officer and we ascertain from the agency the level of acceptance of our recommendations and what action the agency plans to take. Although our capacity to monitor this process is limited by current resources, where possible we ask agencies to identify those recommendations that have been implemented and those that will be implemented, where a longer implementation period is appropriate.

Corruption Prevention staff also regularly provide advice to public sector agencies on how to develop:

- management policies for preventing corruption
- policy guidelines for reporting official misconduct.

In addition, we provide support materials for corruption prevention and risk assessment training. The CJC's *Corruption Prevention Manual* has sold throughout Australia and overseas. Regular contact is received from interstate and overseas, to learn of the CJC's proactive risk assessment review initiatives.

Performance

Ten official misconduct risk management reviews were conducted this year compared to six during 1993/94, resulting in over 200 recommendations. Table 19 summarises the key issues and recommendations that arose during eight of those reviews.

**TABLE 19 – OFFICIAL MISCONDUCT RISK MANAGEMENT REVIEWS –
ISSUES AND RECOMMENDATIONS**

AGENCY	ISSUES	RECOMMENDATION AREAS
A	<p>Following an OMD investigation of a second theft of methadone from a clinic, the Division further reviewed internal and external security at the clinic, implementation of previous recommendations and the current security of:</p> <ul style="list-style-type: none"> • drugs storage • operational systems • premises. 	<ul style="list-style-type: none"> • External and internal building security. • Security procedures within the clinic. • Security of ordering and collection of drugs. • Dangerous drug storage and after hours entry. • Internal controls in policy documentation and guidelines.
B	<p>Following investigations of conflict of interest in the hiring and supervision of contractors at a Local Authority Depot, we conducted a risk assessment of hiring and supervision policies and practices.</p>	<ul style="list-style-type: none"> • Development of a system for equitable allocation of work to successful tenderers. • Monitoring and recording of contractors' performance. • Wider implementation of approved purchasing policies. • Promulgation of conflict of interest guidelines. • Improved controls in work approval and payment systems.
C	<p>Following an investigation of alleged tendering kick-backs in a unit of a major Department and the conviction of the unit manager for corrupt tendering, we reviewed purchasing and tendering procedures.</p>	<ul style="list-style-type: none"> • Improved tender specifications. • Wider training in purchasing policies and procedures. • Revision of inadequately specified standing offer arrangements. • Improved internal controls. • Financial systems allowing easier identification of exceptions or unusual trends in purchasing behaviour.

AGENCY	ISSUES	RECOMMENDATION AREAS
D	The OMD investigated a series of complaints of partisan actions by CEOs arising from their Local Authority Returning Officer roles. No action resulted from the investigation. The Corruption Prevention Division was requested to undertake a risk assessment of current policy and practices.	<ul style="list-style-type: none"> • Development of Code of Conduct and "set of good practices". • Development of formal training for Returning Officers and a Standards Committee to maintain standards and accreditation.
E	Risk analysis and assessment of major Local Authority depot requested by the CEO following a series of official misconduct allegations.	<ul style="list-style-type: none"> • Purchasing processes. • Security of stores. • Use of owner drivers. • Asset management. • Control of call-outs and timesheets. • Administrative propriety.
F	Following an allegation of misuse of corporate credit cards and unauthorised claiming of travelling expenses, the OMD investigated, but no action was possible. We reviewed current credit card authority procedures and use of entertainment expenses.	<ul style="list-style-type: none"> • Greater scrutiny of the application of policies and procedures. • Simpler documentation processes. • Improved authorisation controls.
G	After the OMD investigated allegations of possible conflict of interest and accountability issues with respect to the transfer of administration of Queensland Racing Incentive Scheme, we were requested to undertake a risk analysis of the proposed structure and the related proposed Deeds of Agreement for transfer.	<ul style="list-style-type: none"> • Separation of commercial and administrative functions. • Database integrity and security. • Financial accountability improvements. • Improved risk management procedures.
H	Following an OMD investigation of allegations of receipt of gifts in exchange for repair/maintenance contracts in connection with a Local Authority's fleet maintenance, we completed a risk assessment of tendering, purchasing and ordering procedures.	<ul style="list-style-type: none"> • Documentation and implementation of purchasing policy and procedures. • Reorganisation and greater control of stores system. • Segregation of duties in purchasing process. • Greater controls of purchasing documentation. • Documentation of supplier performance. • Preparation of code of conduct and guidelines on conflict of interest.

Performance Assessment

The key indicators of performance here are our clients' perceptions about the advice we provide and the degree to which they accept and implement the

recommendations we make. The following table presents the response of all clients who have undergone a review in the past two financial years.

TABLE 20 – CLIENT RESPONSE TO OFFICIAL MISCONDUCT RISK MANAGEMENT SYSTEMS REVIEWS (1993/94 – 1994/95)		
CRITERIA	1993/94	1994/95
Quality satisfaction rating	85%	84%
Value rating	85%	84%
Helpfulness of CJC staff	100%	87%
Acceptance of findings	85%	91%
Acceptance of recommendations	85%	89%
Recommendations implemented as a result of the review	60%	62%
Projected implementation of recommendations	88%	90%

These reviews have been welcomed by the agencies because they are initially discussed with the agency's principal officer and conducted in a low key non-intrusive manner, working in close liaison with agency staff where possible.

PUBLIC SECTOR AND COMMUNITY EDUCATION

Corruption Prevention staff respond to requests from public sector agencies and community groups for information about the CJC by means of lectures, conference papers, and various publications. This may involve making presentations at staff training sessions or at community group meetings on topics such as how to make a complaint to the CJC or how organisations or individuals can act to prevent corruption. Contact with ATSI organisations and groups, as well as groups representing people from non-English-speaking backgrounds, is included in this sub-program.

Performance

We have made a special effort to reach ATSI agencies and community groups. Our ATSI Liaison Officer works directly with these communities and organisations to encourage them to work with us to reduce corruption. Much of this work is conducted on field trips to remote regions such as the Torres Strait and to regional centres, as well as in South-East Queensland.

We also recognise that groups representing people of a non-English speaking background have special needs that need to be addressed in our presentations and publications.

Performance Assessment

Substantially more contacts (55) were initiated by community groups this year. We held information sessions with groups of public sector employees, trade unions and non-

English speaking community organisations (see Table 21 and Program 4 for more details).

As well as working in the Brisbane area, the ATSI Liaison Officer conducted field trips to:

- Toowoomba and the west, meeting with 24 community organisations and addressing a community meeting
- Bundaberg and Mackay, meeting with 13 community organisations, two TAFE colleges and addressing three community meetings
- the Torres Strait, meeting with two community organisations, a TAFE college, and addressing five community meetings.

We produced 'How you can help the Queensland Public Sector Remain Honest', a leaflet for use on these field trips. Additionally an information kit was given to every ATSI organisation visited.

Following publication of the CJC's *Report on an Investigation into Complaints Against Six Aboriginal and Islander Councils*, we published a summary of the findings in December, which was distributed to all ATSI organisations. We have also provided information on programs to ATSI students wishing to join the police force.

**TABLE 21 – PUBLIC EDUCATION AND COMMUNICATION
OUTCOMES (1993/94 – 1994/95)**

ACTIVITY	1993/94	1994/95
Information Sessions/Presentations	40 ¹	8
Presentations for Groups From Non-English Speaking Backgrounds	1	2
Articles/Media Interviews	3	5
TOTAL	44	15

Note: ¹ In the 1993/94 Annual Report this figure included presentations to service organisations. This year presentations to those organisations are reported under Program 4.

EDUCATIONAL AND TRAINING RESOURCES

Our educational and training resources are designed to provide information about public sector corruption and techniques to control it. They are also intended to provide timely and practical information for public sector administrators and their staff about effective corruption prevention.

Performance

Corruption Prevention staff were invited to give a large number of

lectures and workshops in metropolitan and regional centres over the year. We are regularly asked to give presentations on the role, function and jurisdiction of the CJC to:

- all new police recruits at the Police Academy, Oxley
- students in the Accountability and Ethics course at Griffith University
- Faculty of Business students at QUT.

A specially designed talk has also been developed aimed at year 11 and 12 school students, which puts the CJC in the context of the Queensland criminal justice system and the process of reform. It is important to provide this information to students in their final years of high school since many will shortly be joining the workforce and may be confronted with corrupt behaviour.

We were also invited to present papers on specific corruption prevention topics at state and interstate conferences (see Appendix 1). These include diverse topics such as 'Corruption Prevention Procedures – Accountability and Risk Assessment', 'Counselling Whistleblowers – Myths, Stresses and Realities', 'Prevention Measures Against Fraud' and 'Toxic Management Systems that Encourage White Collar Crime'.

Over 140 hours of training were provided to public sector agencies including 15 hours for Government Departments and five for Local Authorities. We held workshops for teaching and administrative staff at eight TAFE Colleges. For further details, see Table 22.

A new legal studies syllabus was published by the Board of Senior Secondary School Studies in April. A submission by the CJC to the Board to include material on the CJC has resulted in a new unit being included in the research element of the syllabus entitled 'Public and Professional Accountability'. The topic allows students to research the law relating to reporting and investigating official misconduct, malpractice or corruption and the roles and functions of the various statutory bodies set up to respond to complaints.

Legal studies is expected to be a popular course, which will likely prompt schools to request us to provide further information on the CJC and its role in the Queensland criminal justice system. To meet this demand we are investigating the use of the Department of Education's on-line Information Access Network, a text retrieval system available to all schools. A 45 minute school talk has been prepared and has been received very favourably by staff and students.

TABLE 22 – TRAINING AND EDUCATION ACTIVITIES (1993/94 – 1994/95)

Activity	1993/94	1994/95
Conference Papers	12	23
Lectures – Universities and TAFE Colleges	8	14
Presentations to Year 11 and 12 Students	2	11
Workshops for Public Sector Agencies	25	40
Presentations to Police Academy Recruits	2	4

The development of educational materials for primary schools was overtaken by the Wiltshire Committee's *Shaping the Future* report. The Department of Education has set up a working group to develop suitable

material and the CJC has had some input into this process.

Performance Assessment

The following table indicates feedback from participants in workshops.

TABLE 23 – CLIENT ASSESSMENT OF EDUCATION AND TRAINING INITIATIVES

TYPE OF INITIATIVE	CRITERION	LEVEL OF ASSISTANCE VALUE RATING
Workshops	The level of practicality of the workshop	77%

Note: Sample size was 660.

OUTLOOK

Next year we plan to:

- develop and improve the CJC/ liaison officers network
- based on the complaints database and develop a program of works for official misconduct risk reviews
- develop a program of strategic corruption prevention workshops and training sessions
- produce print based resources to assist agencies which are developing corruption prevention strategies
- based on advice from the CJC/ ATSI Advisory Committee, develop specific ATSI liaison initiatives that are appropriate for ATSI communities
- develop a corruption prevention program that will provide appropriate and timely information on the role and function of the CJC for some ethnic communities that have a large non-English speaking population.

SUBPROGRAM 2 – ORGANISED AND MAJOR CRIME PREVENTION

STRATEGIES

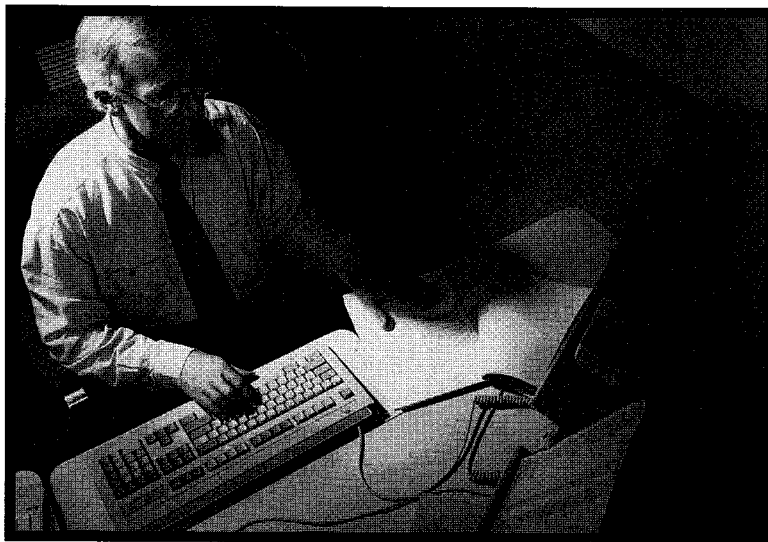
- *build up and maintain a secure database of intelligence information concerning organised crime and major crime and persons involved in such activities*
- *monitor and analyse trends in organised crime, and prepare reports and recommendations*
- *provide reports and, as required, education and training on matters relating to major and organised crime*
- *foster and participate in the exchange of information and intelligence expertise among relevant agencies.*

DESCRIPTION

Through this sub-program we complement our investigative work in Program 1 with measures to assist in preventing the emergence and growth of organised and major crime.

Organised crime is a global problem. It has become the “business of crime”, which by its very nature thrives on demands for illicit goods and services. Australia is not immune. Queensland with its developing economy and reliance on tourism is particularly attractive to organised crime groups. To successfully combat the sophisticated activities of organised crime it is increasingly accepted that, in addition to tactical investigations that effectively disrupt identified activities, there is a need for a parallel strategic approach that effectively prevents or deters such activities.

While effective investigation and prosecution of those involved in organised crime is essential, it is equally important to see the “bigger picture” and restrict the opportunities for development of organised crime activity. We achieve this by strategic analysis of our steadily increasing intelligence holdings and by keeping abreast of organised crime trends in Australia and elsewhere. Our focus is to identify and assess emerging trends, patterns and potential threats, to enable the formulation of policies and strategies to counter future organised crime.



The Intelligence Database plays an important strategic and tactical role in the fight against organised and major crime.

a strong strategic emphasis has been a steady and time consuming process. We now have a significant foundation of information for our analysts to provide intelligence to assist in the prevention of organised and major criminal activities. As more data are added, through our activities and liaison with other agencies, our analysts are better able to interpret and predict emerging trends and the potential threats from a strategic perspective.

THE DATABASE

The *Criminal Justice Act* requires the CJC to build up and maintain a secure criminal intelligence database.

Strict guidelines are in place to ensure that only crime related data are retained within the Database. Access is electronically controlled and a full audit log is maintained. To maintain the integrity of the Database, Intelligence staff are assigned specific tasks. We continually review our intelligence holdings and cull data that is outdated or no longer useful.

Performance

Building an intelligence database with

Performance Assessment

Whilst the number of entities on the Database is not growing as rapidly as in previous years we have now reached the stage where information on the entities is becoming more comprehensive and substantial.

Quality control and culling ensure the accuracy of the data in the Database is maintained at the highest possible level. Regular audits are conducted of user access; all these audits have confirmed that users are operating within the approved security guidelines. There have been no instances of unauthorised access to the Database or any related intelligence holdings.

The Intelligence Division and its procedures are subject to audit by the PCJC. In a recent audit of the Database and related procedures, the Committee noted:

- 'the Commission has a growing base of intelligence needed to enable success in combating major and organised crime'
- 'audits of registers with the Intelligence Division have revealed a high standard of internal audit procedures'
- the CJC has 'policies and guidelines in place which incorporate privacy principles the objective of which is to ensure the security of information, its correct handling, storage and retrieval'
- the Division has 'impressive internal audit procedures which attempt to ensure that information passed from [it] is correctly documented and cross-referenced'.

MONITORING AND ANALYSING TRENDS IN ORGANISED CRIME

Today's organised criminal enterprises are global in nature. Therefore we closely monitor crime trends across

Australia and overseas to assess the impact organised crime may have on Queensland in the future.

Performance

In monitoring organised crime trends, we have concentrated on the structure, characteristics and methods of organisations involved, not only to understand the threats they pose, but also to identify their vulnerabilities, in order that strategies may be developed to effectively prevent or deter their encroachment into Queensland. Somewhat like the development of a polaroid photograph, the picture of organised crime in Queensland is gradually coming into focus. As our understanding develops, our strategies are refined accordingly. Our assessments not only assist the CJC in its work, but are also provided to other law enforcement agencies where appropriate.

Performance Assessment

Based on our strategic intelligence, the overt strategies of the JOCTF have had a significant deterrent effect on several Yakuza identities who were believed to have had an interest in establishing a presence in Queensland.

We have received complimentary feedback from other law enforcement agencies on the quality of our strategic assessments.

The Commonwealth Law Enforcement Review recommended national strategic intelligence assessments be undertaken in respect of several areas of organised crime, and we have been asked to provide intelligence in support of these assessments. The intelligence resulting from the work of the JOCTF has enabled us to make significant contributions to the national assessments on Japanese, Chinese, and Italian organised crime and the activities of OMCGs. Our long-term intelligence collection

strategies have also enabled us to provide useful information from the Queensland perspective on Columbian cocaine syndicates, Eastern Bloc and Romanian organised crime, and the East Coast criminal milieu of Australia.

REPORTS, EDUCATION AND TRAINING

The nature of organised and major crime is continuing to change. Providing education and training on these changes, and the developing sophistication of the syndicates involved, enables us to maintain our specialist services at an appropriate level. In addition to training our own staff it is important that we pass our knowledge onto others who may contribute to the prevention of organised and major crime activity.

Performance

In July, September and June, our Intelligence analysts instructed on and administered assistance to the Criminal Intelligence Analyst Course conducted jointly with the QPS at the Queensland Police and Emergency Services Academy.

In October the Intelligence Division conducted a seminar with the Bureau of Ethnic Affairs to provide an insight into the understanding of Chinese and Vietnamese cultures. The seminar was presented in Brisbane to a wide range of law enforcement agency representatives and was supplemented by an Investigators' Reference Manual.

In addition, Intelligence staff:

- gave 10 lectures or addresses to a wide range of audiences including ethnic and community groups and law enforcement officers
- presented a paper on 'The Extent of Influence of the Yakuza in Australia' at the 4th Multinational Asian Organised Crime Conference in Sydney

- assisted the Victoria Police Service during their review of the management of intelligence material and development of suitable policy and procedures.

Performance Assessment

We received positive feedback from attendees at the seminar for understanding Chinese and Vietnamese cultures. In response to requests, copies of the Investigators' Reference Manual have been distributed to all law enforcement agencies in Australia. Due to demand a further seminar is planned for August 1995.

The CJC's work in assessing Japanese organised crime was recognised by the invitation to present a paper at the Multinational Asian Organised Crime Conference.

EXCHANGING INFORMATION AND EXPERTISE WITH OTHER AGENCIES

Working closely with other law enforcement agencies and exchanging information and expertise is crucial to the success of any efforts to reduce the incidence of organised and major crime. The timely exchange of strategic intelligence aids the decision making process and facilitates the formulation of correct policy and investigative strategies.

Performance

In addition to providing intelligence in support of investigations (see Program 1) we continue to:

- Cooperate with and assist law enforcement and Government agencies throughout Australia and overseas. This involves regular contact with these agencies and working with them in operations and intelligence probes at the national level.

- Provide criminal intelligence from the Database to other law enforcement agencies, in particular the Australian Bureau of Criminal Intelligence and the NCA, in support of national projects. More recently we have provided assistance, by way of intelligence information, to the NSW Royal Commission into Police.

Performance Assessment

We are confident that our intelligence function and its Database have played a significant role in combating organised crime within Queensland and nationally. We will continue to maintain positive relationships with other law enforcement agencies.

Several law enforcement agencies have provided complimentary feedback on the professionalism and quality of our assistance.

The NCA, in a submission to the PCJC, stated 'The CJC has made and will continue to play an important role in the co-operative effort now being mounted nationally against organised crime in Australia and its links internationally'. The PCJC, in its review of the CJC, confirmed that 'the Commission has established effective links with other law enforcement agencies to a stage where meaningful information is now being shared'.

OUTLOOK

Although our strategies under this program are well established, the ever-changing nature of organised crime will require us to continually review and adapt to meet new challenges that may surface. In this respect we will continue to closely monitor developments in other parts of Australia and overseas in order to identify emerging crime groups and changing trends. Strategic assessments and advice will then be provided as appropriate. Close relations with other law enforcement agencies will be maintained and we will continue to contribute to the overall national picture of organised crime activity through cooperation and mutual assistance.

PROGRAM 4 – CORPORATE MANAGEMENT AND ACCOUNTABILITY

Goal – To facilitate the effective, efficient and accountable discharge of the Commission's functions and responsibilities

PROJECTED ACTIVITY	OUTCOME
Establish an Executive Support Unit. More efficient management of the Freedom of Information (FOI) function.	Established in July. Now centralised in the Executive Support Unit, resulting in more efficient coordination.
Review legislation that impacts on the CJC.	Completed: <ul style="list-style-type: none"> • a review of policies and procedures for the archiving/destruction of files under the <i>Libraries and Archives Act 1988</i> • a review of the <i>Public Sector Ethics Act 1994</i> • participation in forums reviewing the <i>Freedom of Information Act 1992</i> • on-going reviews of internal audit, strategic planning and resource management requirements of the Public Finance Standards. <p>A review of obligations imposed by the <i>Whistleblowers Protection Act 1994</i> was referred to the Executive Support Unit at the end of the year.</p>
Complete our submission to the PCJC for its three-year review of our operations.	Completed in July. Supplementary submission completed in September.
Arrange training designed to meet our officers' organisational and personal needs.	A consultancy firm was contracted to deliver management courses; four conducted so far. 23 courses were conducted to facilitate the transition to a Windows environment.
Upgrade central components of the computer network.	Network server overhaul completed early in 1995; improved response and reliability achieved.
Extend the Windows operating environment.	Coverage of staff increased from 35% to 60%.
Improve records management awareness.	Information sessions, aimed at new employees, are now conducted monthly.
Implement an archival policy to optimise physical storage of CJC holdings.	An archival/disposal schedule is being prepared; initial transfer of 2000 complaints files to State Archives completed in April.
Enhance and streamline the inventory system.	More efficient stock control system was installed.

PROJECTED ACTIVITY	OUTCOME
Further enhance the fleet management system.	Rationalisation led to a reduction in the fleet size by eight vehicles.
Continue development of a costing program on investigations.	On-going. To be enhanced through the move to program budgeting in 1996/97.
Continue the review and evaluation of programs.	A comprehensive review of our program structure, strategies and performance indicators is underway. Implementation of outcomes, and resource management strategies, will be completed by the end of 1996.
Develop a brochure on the way the CJC receives, assesses and investigates complaints.	Two brochures have been developed.
Develop 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.	Brochures have been printed in Arabic, Chinese and Vietnamese to be distributed at community meetings.

SUBPROGRAM 1 – CORPORATE MANAGEMENT

STRATEGIES

- use corporate planning as a tool for setting future directions and coordinating all functional areas within the organisation
- provide sufficient resources to meet the needs of the organisation
- conduct regular reviews of management strategies and systems to monitor their quality and effectiveness
- conduct regular reviews of staffing and budgetary allocations to optimise the use of these resources and provide opportunities for operational flexibility
- provide a secure, safe and healthy workplace and maintain personnel policies and practices that are equitable, fair and able to be understood by all staff
- optimise productive participation by staff in representative forums.

DESCRIPTION

Under this program, we seek to provide corporate support for the work of the CJC in the areas of:

- corporate planning
- resource management
- management systems reviews
- workplace security
- occupational health
- equitable human resource practices.

CORPORATE PLANNING

This year we reviewed our programs, goals and strategies to ensure that we are continuing to do what is expected of us. We then adopted and published a new Corporate Plan for 1994 – 1997, with a streamlined structure of four programs instead of six. These changes should make it easier for us to implement a system of program budgeting in 1996/97 and evaluate our programs in the future.

The CJC is committed to a rigorous process of planning and review that will further refine our operations and the ways in which we assess our performance.

RESOURCE MANAGEMENT

Performance

Legal Services

The Office of General Counsel:

- considered CJC reports to Parliament and certain other publications to ensure that, before they were released, they complied with the principles of procedural fairness
- provided assistance with internal reviews and liaison with and submissions to the Information Commissioner on external reviews arising from FOI applications

- represented the CJC before the Supreme Court and Court of Appeal
- continued to liaise with the Department of Justice and Attorney-General, the Office of Cabinet and Parliamentary Counsel in respect of proposed amendments to the *Criminal Justice Act*
- provided advice to the CJC recommending proposed amendments to the *Traffic Act 1949*
- helped prepare CJC submissions and gave evidence during hearings of the Commonwealth Senate Select Committee on Unresolved Whistleblower Cases.

The Office appeared for the CJC before the Court of Appeal in the following matters:

- *Queensland Advocacy Incorporated v. CJC*
- *CJC v. The Whitsunday Shire Council.*

The CJC succeeded in both appeals.

Further details of legal issues arising from the cases with which the Office was involved during the past year may be found in Appendix 2.

Finance and Administration

Resources continue to be allocated to meet the CJC's current and changing priorities.

A review of staff responsibilities in the Administration Section resulted in enhanced workflows and improved service delivery.

Personnel

The Personnel Section has ensured that staff continue to be deployed to meet the needs of the Commission.

Information Technology

The underlying network was upgraded. Overhauling the vital network servers early in 1995 achieved improved response and reliability. The three central servers were replaced by advanced equipment and the CJC's records management package, Recfind, was relocated to its own server.

Close to 60% of staff have been transferred to the Windows environment. This involves providing them with standard 486-based workstations with 16Mb of memory and 15 inch monitors, as well as training in Windows and key applications. The remaining staff will be transferred by early 1996.

Records Management

Recfind, was enhanced, and staff were made aware of any changes. There are

now 180 registered Recfind users and the database contains details on 280,000 items including correspondence, briefs, acquired material, exhibits, audio and video tapes.

Registered during the year were:

- 860 notices, authorities and certificates and associated acquired material
- 3,000 tapes
- 440 investigative hearing exhibits
- 3,800 pages of transcripts.

Returned were 650 items acquired from external sources.

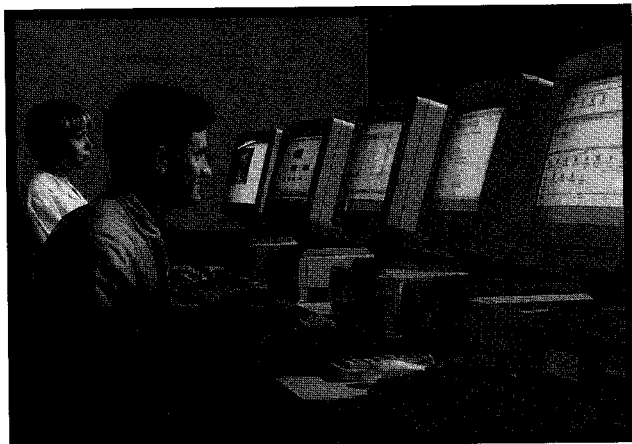
Library

The Library now has in its collection:

- Monographs (including books, reports and legal opinions) 7,219
- Subscriptions/Periodicals 284
- Loose-leaf services 26
- Pamphlets and ABS Booklets 432
- Annual Reports 148
- A significant collection of legislation and subordinate legislation
- A substantial news clipping service collection

Transactions were as follows:

- Items lent from library's collection to CJC staff 1,930
- Photocopies made for CJC staff from library's collection 370
- Items borrowed and photocopies provided from other libraries 335
- Items lent and photocopies provided to other libraries 174



Most CJC staff have now been transferred to the Windows operating environment.

The Library's bi-monthly Current Awareness Service indexes journal articles, lists newly acquired items available for loan and includes notes on the use of library resources. This service is distributed throughout the CJC, the Misconduct Tribunals and to 36 libraries.

The Library continues to assist and receive assistance from libraries and organisations working in similar subject fields. It became a member of a newly-formed Brisbane Criminal Justice Librarians' Network and has established exchange arrangements with other publishing organisations.

The Library has an on-line catalogue. It prints out subject bibliographies on request. For checking bibliographic data, the Library uses, among other sources, ABN (Australian Bibliographic Network). It conducts on-line searches on external databases and utilises CD-ROM technology. The Library is a user of ILANET (Information and Library Access Network), which it uses to dispatch and load Library orders electronically, and to send Inter-Library-Loan requests. Through ILANET it can access the INTERNET.

Executive Support

An Executive Support Unit was created through a rationalisation of existing staff to provide support to the Commission in the following areas:

- strategic planning and review
- response to FOI enquiries and applications
- publications
- internal audit.

Performance Assessment

Our operational requirements continued to be addressed through efficient management of our financial and human resources. This is

evidenced by the:

- upgrading of the vital network servers, the continuing transfer of staff to the Windows environment and improvements to Recfind
- streamlined and more legislatively relevant program structure developed through a rigorous and continuing evaluation of our programs, goals, strategies and performance indicators
- responsiveness of our new Executive Support Unit to the functions of strategic planning, FOI, publications and internal audit.

OPERATIONAL REVIEWS

Performance

Internal Audit

Early next year we will appoint an Internal Auditor, who will undertake the operational audits previously handled by the Internal Audit Unit of the Department of the Premier, Economic and Trade Development on a fee-for-service basis. The appointee will immediately take steps to satisfy the CJC's statutory obligations by developing and implementing a comprehensive internal audit program.

Finance and Administration

Controls over assets and attractive items were refined, with particular emphasis on the distribution of assets and attractive items, and procedures on their movement, repair and disposal.

A working party comprising representatives of key user units was established to review the suitability of the current payroll system and, if necessary, to consider alternative systems.

Revenue, expenditure, assets, liabilities and equity systems were appraised in accordance with the Public Finance Standards.

We began to plan for the introduction of resource management strategies, incorporating operational plans and program budgeting. We expect to formulate the CJC's budget for 1996/97 in program format.

Records Management

In five years, the CJC has amassed many records, and storage space is at a premium. We have identified many documents that are eligible for destruction or long-term archiving. However, before taking such action, we will need an approved disposal/archival schedule covering all categories of CJC records, as required by the *State Libraries and Archives Act 1988*.

We have begun to prepare the schedule. Whilst this will take some time, significant progress was made in several categories of material, in particular the handling of complaints files. In April, 2000 of these were transferred to the State Archives.

Meanwhile, we propose to expand our on-site storage facilities and seek secure off-site storage. Two new storage rooms on CJC premises will allow for segregated storage of up to 30,000 audio and video tapes, and for other operational material. The off-site storage will cope with larger and unusual operational seizures which typically require long-term storage with infrequent access.

Performance Assessment

Since the current payroll system was to be upgraded to rectify the problems being experienced, the working party proposed no changes. The position will continue to be monitored.

No major procedural flaws were detected in the appraisal of our revenue, expenditure, assets, liabilities and equity systems.

HUMAN AND FINANCIAL RESOURCES

Performance

Staffing

The staff establishment of the CJC remains at 263 (see Table 24). Of these positions, 171 are occupied by civilians and 92 are filled by police under the command of an Assistant Commissioner. Civilian staff come from disciplines including law, accountancy, social sciences, behavioural sciences and computing.

TABLE 24 – COMMISSION STAFF ESTABLISHMENT AS AT 30 JUNE 1995

	APPROVED ESTABLISHMENT	ACTUAL STAFF		
		MALE	FEMALE	TOTAL
Executive	2	1	1	2
General Counsel & Misconduct Tribunals	6	2	3	5
Official Misconduct	131	101	34	135*
Operations and Witness Protection	30	22	6	28
Research and Co-ordination	18	4	15	19
Corruption Prevention	6	4	2	6
Intelligence	24	15	11	26
Corporate Services	46	26	22	48
TOTAL	263	175	94	269

Note: * includes 10 police seconded to the JOCTF.

Finance and Administration

We continued to review our budget monthly. This process enables us to compare actual expenditure with budget, report variances and take corrective action as necessary.

A review of our asset replacement strategy resulted in significant savings. Approximately \$70,000 was saved by rationalising equipment such as photocopiers, dictaphones and audio recorders.

We completed documentation of a purchasing policy. Six more standing offers were arranged, and, under a new contract, approximately \$19,000 was saved by purchasing bulk paper for use in publications.

During the year we employed the following consultancies (see Table 25).

TABLE 25 – CONSULTANCIES ENGAGED

CATEGORY	EXPENDITURE
Management	11,480
Human Resource Management	4,525
Information Technology	-
Professional/Technical	186,709
TOTAL	\$202,714

Performance Assessment

The introduction of a system of resource management next year will provide effective mechanisms for reviewing how staff are allocated.

While no changes to the overall appropriation resulted from the ongoing budget review process, the reviews allowed the regular fine-tuning of financial allocations in accordance with operational needs and priorities.

SECURITY AND PERSONNEL PRACTICES

Performance

Security

Security policies, standards and procedures were reviewed this year. Key developments were:

- a Policy and Procedures Manual covering the CJC's security guidelines
- a security awareness program designed to inform staff of security issues that relate to their employment and their security responsibilities
- a protective security risk assessment which provides a focus on key activities and assets
- conversion to a more secure and less expensive method of disposal of classified waste
- significant progress on the program to replace and upgrade security containers.

Human Resource Management Plan

We began to develop a strategic Human Resource Management Plan aimed at integrating our various human resource functions. We now have a framework into which strategies will be incorporated in the overall Plan enabling staff to be utilised more effectively and efficiently.

We are now reviewing the Performance Planning and Review Scheme introduced in 1991. We aim to streamline the Scheme and make it more responsive to the needs of the Commission and its staff.

Occupational Health and Safety

Occupational health and safety issues continue to have a high priority. A number of issues were raised with the owners of the CJC's premises including air conditioning problems, water

damage and some minor structural damage. There were 18 reported accidents; we are taking action to examine and, where possible, rectify the causes. The cost of claims made on the Workers' Compensation Board was within acceptable limits.

A fourth officer completed Stage 1 of the Safety Officer's course. An ergonomist from the Division of Workplace Health and Safety made a presentation to selected staff on correct posture at the keyboard.

Staff Development and Training

Staff were offered many opportunities to attend relevant training programs. In November, we signed a 12 month Standing Offer Arrangement with a management consultancy firm for the design and delivery of a range of specific training courses.

To date, four courses have been conducted on subjects like written communication, problem solving, time management, supervisory skills and strategic management.

As mentioned above, we also conducted 23 courses, attended by 131 staff, to assist staff in the CJC's transition from a DOS to a Windows computing environment.

Although the *Training Guarantee (Administration) Act 1990* has been suspended for two years, we continue to spend more than the minimum of 1.5 per cent of payroll previously required by that Act. This year we spent more than two per cent of payroll on staff training and development.

We continued to assist staff to undertake tertiary and post-secondary studies, with 19.9 per cent of civilian staff being provided with study assistance this year, compared with 19.3 per cent in 1993/94.

Equal Employment Opportunity

During this year, no grievances relating to EEO or discriminatory practices were lodged, nor were any cases of sexual harassment recorded. For further details see Appendix 3.

Enterprise Bargaining

In June, our first Enterprise Agreement was signed. An Enterprise Agreement Consultative Committee (EACC) was constituted as the single bargaining unit for the purpose of the Agreement and consists of five persons representing management and the Commission and seven persons representing civilian staff. EACC met 25 times.

The Agreement was the culmination of many months work by many staff. Under the direction of EACC, all civilian staff had the opportunity to participate in the bargaining process. All staff were members of a workplace or common interest group which met regularly and which were coordinated by the group's EACC representative. As required, Project Teams were formed to consider specific issues. A number of teams have been formed to consider and report on best practice, part-time employment, and working hours and leave arrangements which would best suit workers with family responsibilities. In addition, two open forums were conducted for EACC to report to all staff and for staff to raise any issues or concerns.

The stated purposes of this Agreement are to:

- provide a framework for management and staff to work together towards improving productivity
- provide benefits to the community by delivering through workplace reform improved effectiveness, improved client service and efficiency of the Commission
- provide benefits to civilian officers through improved salaries linked to their contributions to the development and implementation of productivity initiatives and through improvements in the working environment by enhanced consultative and participative management practices.

The parties to the Enterprise Agreement are to re-open negotiations at least four months prior to the expiry of the present Agreement to negotiate and settle a new agreement.

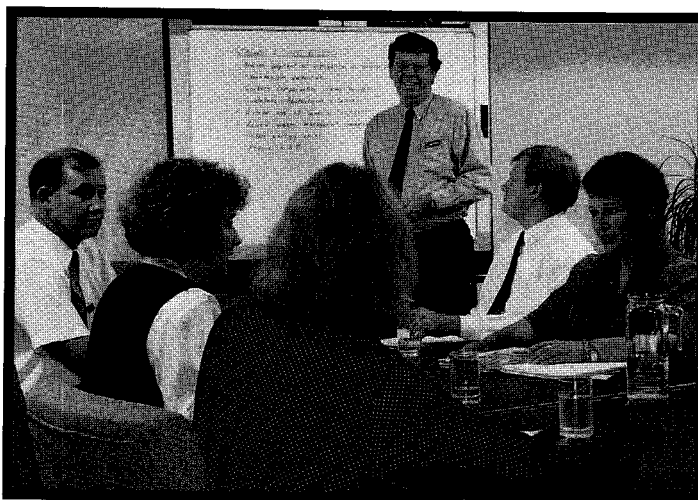
Staff Consultation

Following on from a staff survey conducted in mid-1994, meetings were held with staff to discuss a number of organisational issues that had been highlighted in the survey. The issues include training, performance assessment, internal communication, management styles and practices and equal employment opportunities.

Performance Assessment

The successful consultation with staff on the Enterprise Agreement resulted in 92.4 per cent of the 145 available staff voting to accept the agreement.

All staff were invited to participate in the meetings to discuss organisational issues, and the outcomes of the meetings held to date, which have been conducted by a CJC Commissioner, have been positive.



Members of the CJC's enterprise bargaining team exchange views.

OUTLOOK

Over the next year we will undertake the following:

- complete the standard operating environment project, giving all officers access to a standard set of computing facilities
- upgrade the Intelligence Database and begin a review of associated analytical tools
- give priority to examining application deficiencies in OMD, including preliminaries phases of the redevelopment of the complaints recording system
- complete the boxing and transfer to State Archives of aged complaints files, commence a detailed examination of Fitzgerald Inquiry material and work towards completion of a full State Archives-approved Commission schedule covering all categories of material
- upgrade the Windows-based software used by the CJC
- make substantial progress toward program budgeting as a part of an extensive process of strategic planning and review
- develop and implement a comprehensive internal audit program
- set plans for the systematic evaluation of programs
- prepare specifications to expand our vehicle management system
- review and update the asset management system
- formulate a Human Resource Management Plan which will integrate our human resource functions and enable staff to be more effectively and efficiently utilised
- continue to enhance the Staff Development Program aimed at satisfying the needs of the CJC and its staff
- complete the review of the Performance Planning and Review Scheme
- start to negotiate a new Enterprise Agreement in June 1996.

SUBPROGRAM 2 – ACCOUNTABILITY

STRATEGIES

- *comply with corporate legislative requirements and standards*
- *recognise and facilitate the Commission's accountability to the people of Queensland through the Parliamentary Criminal Justice Committee*
- *report to, liaise with and advise clients, members of the community and government on matters relevant to the work of the Commission*
- *disseminate advice and information to relevant agencies and to the public so as to promote wider community understanding of the role and processes of the Commission and of the contents and outcomes of its work.*

DESCRIPTION

The CJC accounts to the Parliament and the people of Queensland by:

- complying with its statutory requirements
- reporting regularly to the PCJC
- keeping the public informed of its activities.

COMPLYING WITH LEGAL REQUIREMENTS AND STANDARDS

The Commissioners meet regularly with the Executive of the CJC to ensure we are meeting our obligations under the *Criminal Justice Act*.

In addition to the *Criminal Justice Act*, the CJC is required to comply with relevant provisions of the *Financial Administration and Audit Act*, the Public Finance Standards, and certain legislation applying to the public sector.

The initiatives which the CJC has in train to address Public Finance Standards requirements relating to program management, incorporating strategic planning, resource management and program evaluation, and internal audit, were covered above. These initiatives will enable us to enhance our management systems, thus ensuring our full compliance with these requirements.

Performance

Meetings of the Commission

In 1994/95, the Commission met 30 times, eight of which were special meetings. The Commissioners also met informally with staff numerous times throughout the year.

Finance and Administration

Procedures were again reviewed to identify and implement action

necessary to ensure continued compliance with the *Financial Administration and Audit Act* and the Public Finance Standards.

Freedom of Information

The functions and responsibilities imposed on the CJC by the *Criminal Justice Act* are specific and serious, particularly in the gathering of intelligence and the conduct of its witness protection program. Given our experience with the *Freedom of Information Act 1992* (the FOI Act), we are considering whether the public interest is best served by the application of the FOI Act to certain information and documents which relate to these functions.

While sections of the FOI Act can be used to claim the exemption of such information and documents, a mere claim does not guarantee success as it may be rejected by the external review process.

As a unit central to law enforcement efforts against major and organised crime, our Intelligence Division depends on a free flow of intelligence to and from other jurisdictions. The Division must be able to deal with intelligence confidentially. This cannot be assured under the existing arrangements.

Accordingly, we have sought to exclude documents on the Intelligence Database from the application of the

FOI Act. The CJC also believes that public disclosure of the identities and locations of protected persons, or of the processes followed in providing witness protection, places at risk the system of witness protection and the individuals involved. Therefore we are in the process of preparing a submission for exclusion of this information as well.

Code of Conduct

We are reviewing our Code of Conduct in light of the *Public Sector Ethics Act*.

Whistleblowers Protection Act

Under the *Whistleblowers Protection Act 1994* we are required to report annually on the number of public interest disclosures received concerning the Commission or the conduct of any of its officers. No such public interest disclosures were received during the period covered by this report.

Complaints Against Staff

It is inevitable that complaints will be made against the CJC and its officers. As the CJC aspires to be a model of accountability, those complaints are rigorously and independently examined.

The mechanism established to investigate such a complaint provides for the matter to be examined by a senior Crown Prosecutor (nominated by the DPP) and a senior police officer (nominated by the Commissioner of the QPS). They report to the DPP, who advises the CJC and the Attorney-

General of the result of the investigation and the DPP's recommendations thereon.

In an endeavour to enhance the effectiveness of these inquiries, our Chairperson has notified the Attorney-General that, in future, a retired judge or a person of similar standing will be engaged to conduct any preliminaries that are required. This person may also be engaged to conduct follow-on substantive inquiries. Appropriate powers under the Act may be conferred to enable an appointee to effectively pursue inquiries.

Performance Assessment

The CJC's standards on the accurate and timely recording of financial transactions and information were met. All payments and receipts were processed on time in accord with our procedural requirements. End-of-year procedures were completed on time.

In its report on its three year review of the CJC, the PCJC supported our call for exclusion of the Intelligence Database from the application of the FOI Act and recommended that such action be taken.

Set out below are tables of statistics regarding applications made under the FOI Act to or concerning the CJC. To date, no decisions have been made by the Information Commissioner on applications for external review involving the CJC, although two applications were finalised through other means.

TABLE 26 – FREEDOM OF INFORMATION STATISTICS – APPLICATIONS AND REVIEWS (1993/94 – 1994/95)

TYPE	APPLICATIONS						REVIEWS			
	TOTAL APPLICATIONS		DECISIONS MADE		STILL UNDER CONSIDERATION		INTERNAL REVIEW		EXTERNAL REVIEW	
	93/94	94/95	93/94	94/95	93/94	94/95	93/94	94/95	93/94	94/95
Personal	63	43	61	41	2	2	7	5	5	3
Non-Personal	21	20	20	18	1	2	3	2	-	2
TOTAL	84	63	81	59	3	4	10	7	5	5

TABLE 27 – FREEDOM OF INFORMATION STATISTICS – DECISIONS (1993/94 – 1994/95)

TYPE	FULL ACCESS		PARTIAL ACCESS		FULL DENIAL ¹		REFUSED ²		WITHDRAWN/ CANCELLED	
	93/94	94/95	93/94	94/95	93/94	94/95	93/94	94/95	93/94	94/95
Personal	14	16	33	16	4	3	9	6	2	–
Non-Personal	1	–	10	6	2	6	6	3	–	3
TOTAL	15	16	43	22	6	9	15	9	2	3

Notes: ¹ Access to documents denied in full on account of exemptions applied.

² Applications refused on grounds of non-payment of fees; non-compliance with Act; no documents located etc. (refer to sections 21, 22, 25, 28, 35 of the FOI Act).

CONTACT WITH THE PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE

The PCJC formally met with the Commission 10 times during the year. The CJC is required to provide a written report to the Committee in advance on its current activities. At the meetings CJC Commissioners and senior staff respond to questions on aspects of the operations of the Commission.

In February, the PCJC released *A report of a review of the activities of the Criminal Justice Commission pursuant to s.118(1)(f) of the Criminal Justice Act 1989*, which it was required to do within its three-year term of appointment. In July the CJC had provided the Committee with its own report to assist with its review. While expressing some concerns about the current structure of the CJC, the report was generally quite positive about our performance and supportive of views presented in our submission. At year's end, the Government had not yet responded to the recommendations contained in the PCJC's report.

CONTACT WITH OTHER AGENCIES AND THE PUBLIC

Performance

Public Presentations

We continue to respond to invitations to attend meetings of community groups to explain the role of the CJC and how it fits into the Queensland criminal justice system. Commissioners and senior officers made presentations to 59 service clubs including Rotary, Lions, Apex, and Zonta principally in the Brisbane and South-East Queensland. Opportunities for speaking engagements are actively pursued whenever a senior officer has to travel elsewhere in the State on CJC business.

We established a Public Information Committee, comprising two Commissioners and four staff, to devise ways of making the community better aware of our activities.

We have prepared a leaflet translated into three languages – Chinese, Vietnamese, and Arabic – which explains the role of the CJC and how and where to make a complaint. This leaflet will be distributed through community organisations and backed up by meetings with the communities to discuss any issues that may be raised.

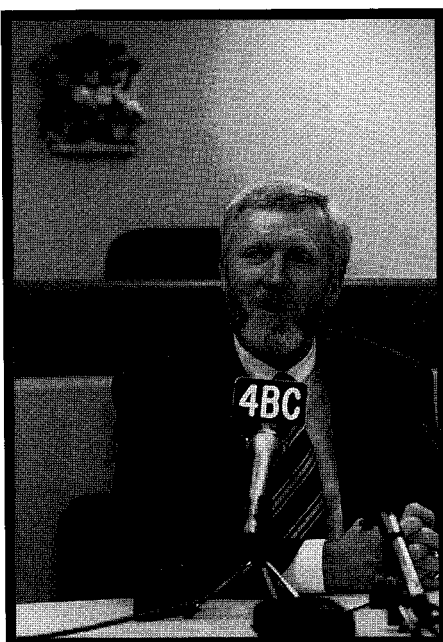
Media Unit

We recognise the important role the media plays in helping us inform the community about our work and the CJC's place in the criminal justice system.

The Media Unit continues to work productively with news organisations by:

- organising media conferences and interviews with key CJC staff
- providing accurate and timely releases on CJC activities and publications
- issuing monthly summaries of significant activities
- initiating newsworthy stories on the CJC with
 - metropolitan, regional, community and public sector publications
 - current affairs programs, and local and national radio programs.

This year, we responded to thousands of requests for information from media representatives, issued 77 media statements and organised 11 media conferences.



Mr Frank Clair at his first press conference as Chairperson.

To improve communications with regional areas the Unit endeavoured to arrange interviews with media outlets whenever senior staff travelled to western and northern Queensland. Meetings with media representatives in Roma, Dalby, Charleville, Longreach and Mt Isa were arranged for the Chairperson when he toured the regions in March to meet police officers working in remote areas.

Publications

There continues to be a high demand for CJC publications (see Appendix 4 for a complete list, and the other Programs for specific details). Aside from our reports to Parliament and other confidential documentation, we now produce:

- two streams of issues papers
 - *in brief*, which are summaries of activities reported in other forms at length and intended for general readers
 - *research notes*, which deal with research on specific topics
- a variety of manuals and handbooks
- an internal newsletter – *CJC Focus*
- various posters, brochures and leaflets.

Following extensive consultations, we produced a style guide for staff who prepare reports and other documentation using WordPerfect for Windows. Training programs are planned for early next year. A policy and procedures manual for publications is being revised for release by the end of December.

We are also exploring ways of taking advantage of the new technologies in-house to save on production costs and to reach our target audiences more effectively and efficiently.

OUTLOOK

For specific initiatives planned for next year in public sector and community education, see Program 3. We will also:

- expand our public speaking program to more service clubs
- issue an internal Policy and Procedures Manual for publications by the end of December 1995
- prepare an options paper on ways of using the new technologies to improve the cost efficiency of our publications and the degree to which we reach our target audiences.

APPENDIX 1

SIGNIFICANT LECTURES, ADDRESSES AND PRESENTATIONS BY CJC OFFICERS

Subject	Venue	Officer
Conferences, Seminars and Workshops		
The Extent and Influence of the Yakuza in Australia	4th Multinational Asian Crime Conference Sydney	Paul Roger
JOCTF and Organised Crime Trends	Regional Crime Coordination Conference – South Brisbane	Ron Vincent
The CJC and Public Administration – Myths and Realities	Address to the Royal Institute of Public Administration Australia (Qld), Brisbane	Robin O'Regan QC
Computers in Crime	ASCPA Public Sector Forum, Brisbane	Pat McCallum
Financial Investigations Within the Law Enforcement Environment	as above	Tim McGrath
The Need for a National Focus on Fraud	National Conference on Addressing Fraud in the 90's – Adelaide Convention Centre	Mark Le Grand
Search and Seizure Issues	1994 IACOLE World Conference, Orlando, Florida, USA	Robin O'Regan QC
The Investigation of Complaints by the CJC	National Aboriginal Legal Service Conference, Gold Coast	Michael Barnes
Cannabis and the Law in Queensland	Public Seminar – "Cannabis: What Role for the Criminal Justice System?" – Hosted by Institute of Criminology, University of Sydney	David Brereton
Documenting Some Recent Police Efforts at Problem Solving	Centre for Crime Policy and Public Safety, Griffith University, Crime Prevention Conference, "Problem-solving for Crime Prevention: Promising Strategies for the 90s"	Andrew Williams Maggie Blyth
Analyses for Crime Prevention: The Usefulness of Repeat Victimization for Directing Crime Prevention Efforts	as above	Christine Bond Andrew Williams
Does Reform Work? The Queensland Police Service Five Years After Fitzgerald	Annual Conference of ANZ Society of Criminology, University of NSW	David Brereton Christine Bond
Implications of Problem Oriented Policing for Future Policy in Policing	Critical Issues Seminar "Problem Oriented Policing", Manly Staff College	Andrew Williams
An Analysis of Interstate Differences in Burglary Victimization Using the 1993 National Crime and Safety Survey	Symposium on Crime Victims Surveys – Griffith University	Timothy Phillips
Organised Crime in Australia: Commentary	"Crime in Australia: First National Outlook Symposium", Australian Institute of Criminology	David Brereton
Business Ethics and White Collar Crime	Institute of Professional Secretaries Australia Conference, Blackwater	Robert Hailstone
Corruption Prevention and Management Accountability	Institute of Internal Auditors' South Pacific Regional Conference, Hobart	John Boyd
Counselling Whistleblowers – Myths, Stresses and Realities	Queensland Guidance and Counselling Association's 8th Annual Conference "Shifting Mindsets: Creating Futures for Learning and Life"	Peter Anderson
Ethics, Accountability and Police Power	Police Ethics: Queensland Reform Conference	Robert Hailstone
Introduction to Fraud, Corruption and Ethics	QUT Non-Profit Corporations Conference	John Boyd Sally Edwards

SUBJECT	VENUE	OFFICER
Juvenile Crime in Queensland	Business Education Association of Queensland's Youth Crime Conference	Chris Van Der Linde
Management Accountability Today and Corruption Prevention	The QPS Measuring Management Conference, 94; Queensland Chapter of the Institute of Internal Auditors	John Boyd
Management Tools to Help Safeguard an Organisation from Fraud	Fraud, Ethics and Accountability in the Public Sector Conference, Sydney	Robert Hailstone
Official Misconduct and A Code of Conduct for Public Officers	Darling Downs and South West Institute of Municipal Management Conference, Warwick	Robert Hailstone
Official Misconduct, Conflict of Interests, the CJC and All That	1994 Institute of Municipal Management Conference, Gold Coast	Robert Hailstone
Prevention Measures Against Fraud	3rd Annual Institute of Internal Auditors Conference, Brisbane	Robert Hailstone
Reducing Opportunities for Fraud and Corruption: Security Against White Collar Crime	South Pacific Conference on Access, Security and Control, Brisbane	John Boyd
Some Ethical Issues and the CJC	Royal Institute of Public Administration, Australia State Conference, 'Creating a Professional Public Sector', Brisbane	John Boyd
Work of the Research and Co-ordination Division	Law students, Griffith University; Law School staff members, James Cook University; Department of Sociology, University of Queensland; Justice Studies students, Queensland University of Technology	David Brereton
Beat Policing and the Work of the Research and Co-ordination Division	Law students, University of Queensland	David Brereton
Organised Crime Policy	Criminology students, Queensland University of Technology	Andrew Williams
Community Policing	Sociology students, University of Queensland	Andrew Williams
Victims of Crime	Sociology students, University of Queensland	Timothy Phillips
Presentations at Educational Institutions and to Community Groups		
The Extent of Organised Crime	Sociology students, University of Queensland	Paul Roger
Chinese Organised Crime	Justice Studies students, Queensland University of Technology	Paul Roger
Japanese Organised Crime and the Role of the JOCTF	Japanese residents on the Gold Coast in conjunction with the Japanese Consulate-General	Steve Gollschewski Geoff Ingram
The Role and Functions of the CJC	Various Service Clubs	Senior Officers of the CJC
Cannabis and the Law in Queensland	HEMP Cannabis Seminar – "Something to Mull Over?"	David Brereton
Adolescent Disruptive Behaviour and Juvenile Crime in Queensland	Mount Isa Area School Support Centre Conference, Mount Isa	Robert Hailstone
Blowing the Whistle: Is it Worth the Trouble?	Police Regional Educators and Training Coordinators Conference	Peter Anderson
Corruption, Education, Ethics and the CJC	Australian and New Zealand Education Law Association Chapter Meeting	Robert Hailstone

SUBJECT	VENUE	OFFICER
Corruption Prevention, White Collar Crime and the <i>Criminal Justice Act</i>	Various Educational Institutions	Robert Hailstone Sally Edwards John Boyd
Ethics, Official Misconduct and Corruption Prevention	Workers Compensation Board's Senior Management Conference	Robert Hailstone
Police Misconduct and Work Related Crime	QPS Regional Detectives Conference (Brisbane Metropolitan)	Robert Hailstone
The Role of the CJC and its Relationship to Teachers and School Based Assaults	Various Educational Institutions	Robert Hailstone Chris Van Der Linde
The CJC and Police Accountability	Justice Administration students, Griffith University	Robert Hailstone

*Significant Lectures
Addresses and Presentations*

APPENDIX 2

LEGAL ISSUES

Criminal Justice Commission v. Nationwide News Pty Limited & King

The CJC instituted proceedings in the Supreme Court seeking an injunction restraining the respondents from publishing or disclosing the contents of a report 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 filed a Notice of Appeal from that decision. The Respondents undertook not to publish any material from the report pending the hearing of the appeal. At the hearing of the appeal, the respondent newspaper and reporter gave undertakings not to publish or disclose any part of the report until a determination of the trial of the action and subject only to the Court of Appeal being satisfied that the Commission's action in seeking an injunction was one which could be heard and determined in the Supreme Court.

At the hearing of the appeal, the Speaker of the Legislative Assembly sought and was granted leave to appear as *amicus curiae*.

The Speaker of the Legislative Assembly contended that the publication of the report constituted a

breach of parliamentary privilege and all proceedings in relation to that conduct were solely the prerogative of Parliament and therefore outside the jurisdiction of the courts. Further, he submitted that, even if the court had jurisdiction to hear and determine the Commission's claim, it could not or should not adjudicate upon the claim because of restrictions upon the permissible use of the report in court proceedings.

The Court of Appeal ruled that, in the absence of any statutory basis for doing so, the courts have no jurisdiction to punish a breach of parliamentary privilege. However, it considered that the Commission's actions in this matter were to protect the confidentiality of its report and that it did not seek to impeach or question proceedings in Parliament. The court considered that the broad responsibilities and functions contained in the *Criminal Justice Act 1989* (the Act) should be given a liberal construction and provide sufficient foundation for the Commission to take civil proceedings to protect its confidential information and, to the extent necessary, to disclose that information in connection with the prosecution of the action.

The Court of Appeal also made other observations concerning the relationship between the Commission and the PCJC. The court observed that the Commission could have contact with the PCJC otherwise than by a report as defined in section 26 of the Act and could inform the PCJC of confidential matters if it acts otherwise than by a report under that section. The court also observed that any documents supplied by the

Commission to the PCJC became a 'proceeding in Parliament' for the purposes of article 9 of the *Bill of Rights* and the *Parliamentary Papers Act 1992*.

The litigation between the Commission and the respondent newspaper and reporter has now been settled between the respective parties.

Queensland Advocacy Incorporated v. Criminal Justice Commission

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 a judgment setting aside the decision by the Honourable D G Stewart to refuse QAI leave to appear. Her Honour found that procedural fairness required that the residents of the Centre should be granted representation in the proceedings, and that QAI was an appropriate body 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 Commission appealed against the decision and the Court of Appeal delivered its decision on 8 March 1995, and upheld the Commission's

appeal by a majority decision of two to one. The effect of the decision was that QAI did not have a right to appear and cross-examine witnesses in the hearings being conducted on behalf of the Commission by Mr Stewart. The court ruled that Mr Stewart could choose to seek submissions from a body of persons known to have special knowledge about the residents of the Centre and that he had done so. Mr Stewart had also made transcripts of the hearings available at no cost to QAI, and the court considered that this action had adequately and properly allowed the interests of QAI to be protected.

In a dissenting judgment, Davies JA said that QAI, by reason of its objects and functions, was a 'person concerned' in the proceedings, to the extent that it may involve making recommendations in relation to the protection or enforcement of any individual rights of residents of the Centre. However, His Honour considered that, because its concern was limited to such matters, QAI's right to examine and cross-examine witnesses and to make submissions should be limited to evidence which was relevant to those matters.

Criminal Justice Commission v. Council of the Shire of Whitsunday

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 time an injunction had been sought in Queensland on the basis of whistleblower protection provisions.

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, Demack J 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 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 therefore invalidated.

The Commission appealed against these rulings by His Honour.

The Court of Appeal delivered its decision on 8 March 1995, and, by a majority of two to one, allowed the Commission's appeal against the trial judge's ruling in respect of the inconsistency argument. The court held that:

- the whistleblower protection provisions of the Act were not inconsistent with the provisions of the Federal award under which the Shire Clerk was employed;
- the provisions of the Act were not inconsistent with the provisions of the *Industrial Relations Act 1988* (Cwlth).

In relation to the question of whether the matter should be heard in open court or in Chambers, the Court of Appeal unanimously decided that the Notice of Motion seeking an injunction restraining the Council from dismissing

its Shire Clerk should be heard in Chambers and not in open court because the subject matter of s. 119(1) of the Act is specific and so, in this particular, qualifies or derogates from the generality of s. 15 of the *Supreme Court Act 1892*.

The Court of Appeal also made an order continuing the injunction restraining the Council from taking any action to dismiss the Shire Clerk pending the trial of the action and ordered that the Council pay the Commission's costs of and incidental to the proceedings.

APPENDIX 3

EQUAL EMPLOYMENT OPPORTUNITY REPORT

Our strategies under our current Equal Employment Opportunity (EEO) Management Plan aim at satisfying five major objectives:

- to develop an awareness and understanding of EEO principles and practices throughout the Commission
- to ensure all recruitment and selection processes enable members of EEO target groups to enter and progress through the Commission on an equitable basis
- to ensure that Human Resource Management policies and practices reflect EEO principles

- to develop a training and development program which provides all staff with equal access to developmental opportunities
- to provide a working environment free from all forms of discrimination and sexual harassment.

Details of the membership of the four EEO target groups (as defined in the *Equal Opportunity in Public Employment Act 1992*) in terms of gender, age, occupational stream and classification level are shown in the following table and figures:

TABLE 28 – MEMBERSHIP OF EEO TARGET GROUPS (1993/94 – 1994/95)

1993/94				1994/95			
WOMEN	ATSI ¹	NESB ²	PWD ³	WOMEN	ATSI ¹	NESB ²	PWD ³
81 (46.5%)	1 (0.5%)	14 (8.0%)	6 (3.5%)	88 (49.1%)	1 (0.5%)	9 (5.0%)	4 (2.2%)

Notes: ¹ Persons who identify as Aboriginals or Torres Strait Islanders

² Persons from a non-English speaking background

³ Persons with a disability

FIGURE 7
Employees by gender and age
(As at 30 June 1995)

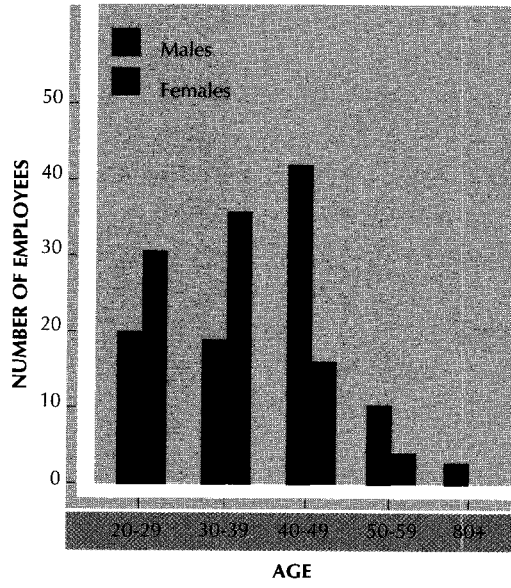


FIGURE 8
Employees by gender and administration level
(As at 30 June 1995)

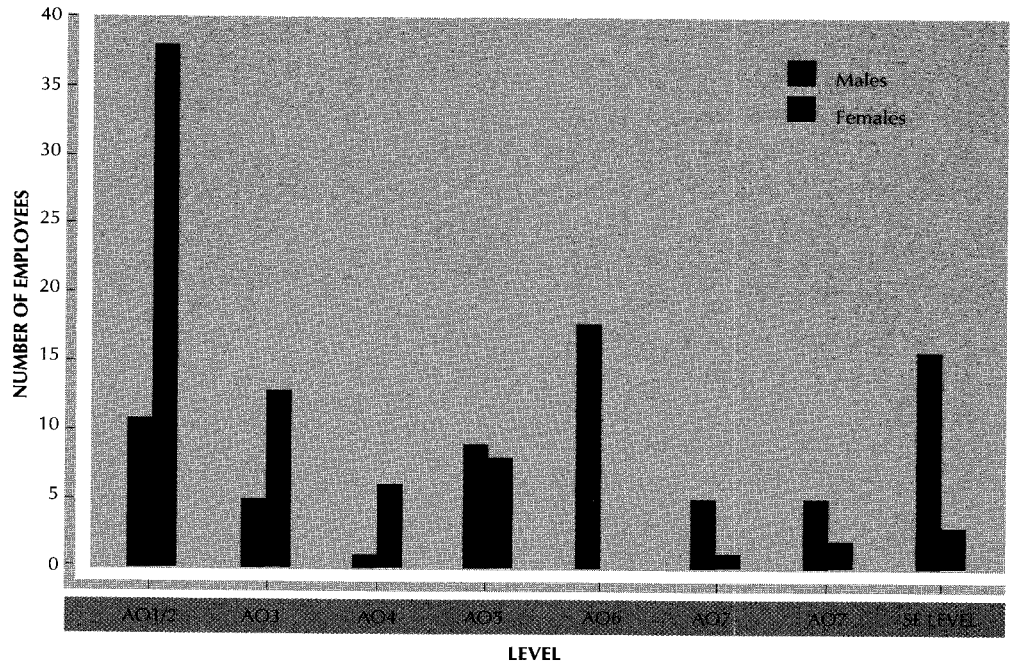


FIGURE 9
Employees by gender and professional level (As at 30 June 1995)

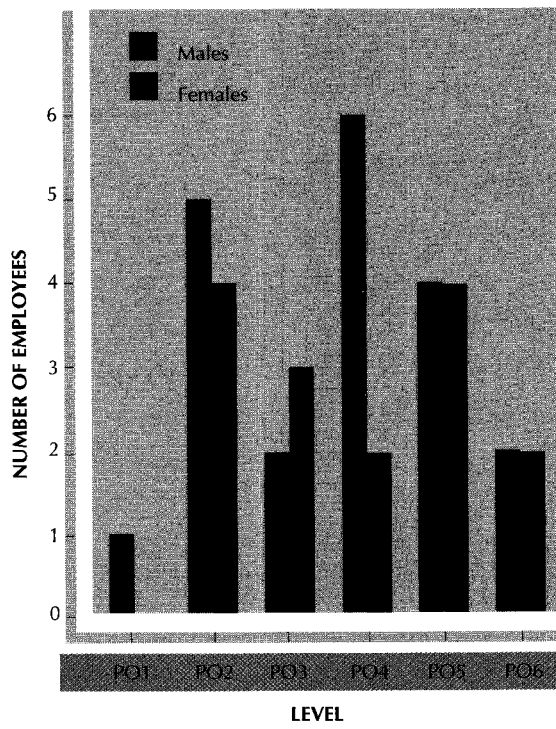
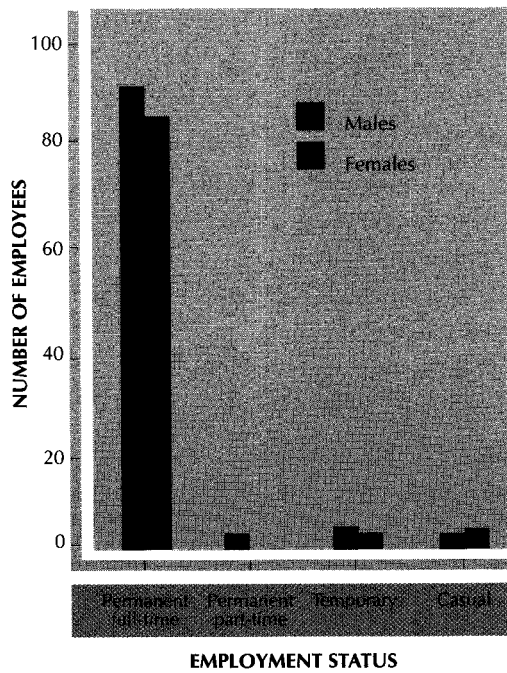


FIGURE 10
Employees by gender and employment status (As at 30 June 1995)



APPENDIX 4

STATEMENT OF AFFAIRS

INTRODUCTION

Purpose and Goals

As recommended in the Fitzgerald Report, the CJC is permanently charged with monitoring, reviewing, coordinating and initiating reform of the administration of criminal justice and fulfilling those criminal justice functions not appropriately carried out by Queensland Police Service (QPS) or other agencies.

This purpose is clearly reflected in our mission: to promote justice and integrity in Queensland.

Functions and Responsibilities

The CJC's functions and responsibilities are a matter of law.

As stated in s. 21(1) of the Act, the *functions* of the Commission are to:

- (a) continually monitor, review, co-ordinate and, if the Commission considers it necessary, initiate reform of the administration of criminal justice;
- (b) discharge such functions in the administration of criminal justice as, in the Commission's opinion, are not appropriate to be discharged, or cannot be effectively discharged, by the Police Service or other agencies of the State.

The Commission's *responsibilities* as enunciated in s. 23 of the Act are listed as follows:

- (a) the acquisition and maintenance of the resources, skills, training and leadership necessary for the efficient administration of criminal justice;
- (b) monitoring and reporting on the use and effectiveness of investigative

powers in relation to the administration of criminal justice generally;

- (c) monitoring and reporting on the suitability, sufficiency and use of law enforcement resources and the sufficiency of funding for law enforcement and criminal justice agencies including the office of the Director of Prosecutions and the Legal Aid Commission (so far as its functions related to prescribed criminal proceedings within the meaning of the *Legal Aid Act 1978*);
- (d) overseeing criminal intelligence matters and managing criminal intelligence with specific significance to major crime, organised crime and official misconduct;
- (e) researching, generating and reporting on proposals for reform of the criminal law and the law and practice relating to enforcement of, or administration of, criminal justice, including assessment of relevant initiatives and systems outside the State;
- (f) in discharge of such functions in the administration of criminal justice as, in the Commission's opinion, are not appropriate to be discharged, or cannot be effectively discharged, by the Police Service or other agencies of the State, undertaking –
 - (i) research and co-ordination of the processes of criminal law reform;
 - (ii) matters of witness protection;
 - (iii) investigation of official misconduct in units of public administration; and
 - (iv) investigation of organised or major crime.
- (g) monitoring the performance of the Police Service with a view to ensuring that the most appropriate policing methods are being used, consistently with trends in the nature and

incidence of crime and to ensuring the ability of the Police Service to respond to those trends;

- (h) providing the Commissioner of the Police Service with policy directives based on the Commission's research, investigation and analysis, including with respect to law enforcement priorities, education and training of police, revised methods of police operation, and the optimum use of law enforcement resources;
- (i) overseeing reform of the Police Service;
- (j) reporting regularly on the effectiveness of the administration of criminal justice, with particular reference to the incidence and prevention of crime (in particular, organised crime) and the efficiency of law enforcement by the Police Service;
- (k) reporting, with a view to advising the Legislative Assembly, on the implementation of the recommendations in the Report of the Commission of Inquiry relating to the administration of criminal justice, and to the Police Service;
- (l) taking such action as the Commission considers to be necessary or desirable in respect of such matters as, in the Commission's opinion, are pertinent to the administration of criminal justice.

Corporate Plan

Our Corporate Plan describes what we do and how we go about achieving our goals. Copies are available upon request.

Accountability

The Act makes the CJC free of Executive control, but still closely accountable to Parliament, the community and the Courts. This accountability is exercised through:

Parliamentary Criminal Justice Committee

The PCJC has members representing the major political parties in the Queensland Legislative Assembly. It is our direct link to Parliament and, ultimately, the people of Queensland. Established under the Act to monitor and review the work of the CJC, the PCJC can refer matters to us for investigation and can require us to report to it on any matter.

Judicial Review and Supervision

The CJC is also subject to the scrutiny of the Courts and other entities, and:

- must apply to a Judge of the Supreme Court for approval to exercise a number of its statutory powers
- is subject to the Courts in relation to the fairness of its procedures and the extent of its powers
- is subject to the *Judicial Review Act 1992*.

Complainants

The Act requires us to respond to people who complain to our Complaints Section as follows:

- what action has been taken, including the reason for, and the result of, the action, if known when we responded
- if no action has been taken, the reason why.

We notify all complainants in writing. When possible, we debrief complainants, usually by telephone.

Certain complainants need “whistleblower” support; therefore we have established a Whistleblower Support Program.

The Public

Aside from being accountable to Parliament and the Courts, we keep the public informed of and involved in our work whenever possible (see Program 4 for further details).

Internal Accountability

We have taken great pains to develop and follow procedures that meet or exceed accountability measures in the public sector. Some of the more significant are:

- the Chairperson, Commissioners and staff must complete statutory declarations disclosing their personal backgrounds and business and financial interests
- Commissioners must provide summaries of their pecuniary interests and personal and political associations, which are updated annually
- the Chairperson and Commissioners and staff must sign a confidentiality agreement at the outset of their appointment
- internal forms and procedures have been initiated for the exercise of our statutory powers.

Complaints Against the Commission and Commission Officers

Unfortunately some complaints will be made against the CJC and its officers. Those complaints are rigorously and independently investigated by a senior Crown prosecutor (nominated by the Director of Public Prosecutions) and a senior police officer or officers (nominated by the Commissioner of the QPS). They report to the CJC’s Chairperson, the Minister for Justice and Attorney-General and the Minister for Police and Emergency Services.

Organisational Units

Executive Management

The Executive Management Group, which consists of the Chairperson and Divisional Directors, meets weekly to discuss inter-divisional matters and set policies and priorities. This group also approves all major publications we produce.

Official Misconduct Division

This is our largest Division. Its principal functions are to:

- further the investigative work begun by the Fitzgerald Inquiry
- investigate the incidence of official misconduct in the State, especially in units of public administration
- investigates alleged misconduct by police officers or official misconduct by officers in units of public administration in Queensland
- conduct investigations of organised or major crime when, in the CJC’s opinion, such investigations are not appropriate to be discharged, or cannot be effectively discharged, by the QPS or other agencies of the State
- provide assistance, by way of education or liaison, to law enforcement agencies, units of public administration and others on the detection and prevention of official misconduct.

Organisational elements include:

- a Directorate
- a Complaints Section, consisting of a Chief Officer, an Assessment Unit, two Investigative Complaints Teams, a Review Unit, a senior Financial Analyst and support personnel including a Complaints Registry
- four MDTs, which investigate the

more complex complaints and undertake investigations of a proactive nature into major and organised crime

- the JOCTF under the joint management of the QPS and the CJC, consisting of equal numbers of CJC and police investigators, which was established to focus on several organised criminal groups
- a Financial Analysis Group
- a Proceeds of Crime Team
- a Surveillance Section
- a Technical Unit.

Research and Co-ordination Division

This Division:

- researches issues affecting the administration and enforcement of criminal justice and law reform in the State
- reviews the effectiveness of programs and methods of the QPS, including community policing, crime prevention and police recruitment, education and training
- publishes and publicises the results of its research
- helps develop procedures and systems for coordinating the activities of other criminal justice agencies in the State.

The Division's reports have addressed many law reform and criminal justice administration issues, offering findings and recommendations for change in policy and practice. The public reports, in particular, have greatly contributed to public awareness of criminal justice issues, as reflected in numerous public debates.

The Division has completed most of the projects that were given priority by the Fitzgerald Report.

Intelligence Division

This Division provides a specialist intelligence service which enables an integrated approach to major crime, in particular, organised crime and criminal activity transcending the normal scope of local police action.

The Division is required to:

- create a database of intelligence concerning criminal activities and persons concerned therein, from all lawful sources
- secure the Database and records so that only persons who satisfy the Chairperson or Director of the Division that they have a legitimate need for information are able to access it
- oversee the performance of the BCIQ
- control and maintain all data and records of the Fitzgerald Inquiry under the *Commission of Inquiry Continuation Act 1989*
- subject to the CJC's approval, report to the Minister and the Minister of the Crown responsible for the QPS on matters of intelligence pertinent to the Government.

Information-sharing is important in meeting law enforcement objectives, particularly those focusing on organised and major crime, so the Division liaises with other law enforcement and Government agencies.

The Division also provides ongoing tactical support to MDT operations. Intelligence staff are routinely included as members of specialist groups investigating organised and major crime activities.

Witness Protection Division

Witness protection programs are now internationally recognised as vital to the efforts of law enforcement agencies to combat organised and major crime.

Many persons under protection are hardened criminals whose reason for entering the program is fear for their own safety rather than a commitment to social order. To argue that they do not deserve this assistance is to misunderstand the purpose of the Division.

Protected witnesses are often part of the criminal milieu, not model citizens. They are under protection to assist the criminal justice system to bring to justice persons who, because of their ability to intimidate witnesses and associates, have previously been beyond the reach of the law. They are protected in the interests of the community, not their own interest.

Confidentiality is essential in a successful protection program, so operational procedures must not become public knowledge.

Corruption Prevention Division

This Division focuses on anti-corruption activities by means of:

- public sector liaison
- official misconduct risk management reviews
- education and training
- whistleblower support.

The Division liaises with agencies and persons concerned with the detection and prevention of official misconduct and to increase ethical awareness and promote proactive prevention methods such as risk assessment and strategic management. This is important because corruption thrives in organisations with poorly developed

corruption prevention strategies or lax management practices.

Official misconduct risk management reviews analyse what management systems are in place to control corrupt behaviour, identify weak-points and loopholes and make recommendations on ways of improving systems.

The Division also trains and informs public sector employees about what is involved in official misconduct, how to report suspect behaviour and how to carry out risk assessments.

Through whistleblowers support, the Division offers advice, support and referral to people who are experiencing harassment or added stress as a result of having made a complaint to the CJC.

Corporate Services Division

This Division provides administrative and logistical support for CJC's operations through:

- finance and administration
- personnel services
- information management
- executive support
- security
- media liaison.

The CJC's accountability is achieved through compliance with the *Financial Administration and Audit Act 1977*, and the Public Finance Standards.

Office of General Counsel

The Office provides legal advice to the CJC and liaises with other agencies and the legal profession on legal issues. It coordinates CJC submissions on legal issues and proposed legislative changes. The Office also oversees administration of the Misconduct Tribunals.

Misconduct Tribunals

The Misconduct Tribunals were established under the Act. They are independent of the QPS and other units of public administration. Members of the Tribunals must not hold office in any unit of public administration (other than an office held *ex officio*) or in the CJC.

The Misconduct Tribunals review decisions on disciplinary matters within the QPS and make original administrative decisions on allegations of official misconduct by police and other officials.

Following submissions to the Honourable the Minister for Justice and Attorney-General, it has been approved that the Tribunals be removed from the CJC and transferred to the District Court. It is anticipated that this will occur in the near future.

The Commission and the Queensland Police Service

Reform of the Queensland Police Service

The CJC monitors the performance of the QPS to ensure that the most appropriate policing methods are being used. We also propose reforms to QPS practices by participating on committees such as:

- the Police Service Education Advisory Council
- the Police Prosecution Function Review Committee
- Inter-Agency Forum on Law Reform
- Police Service PSMC Recommendation Implementation Teams
- Inter-Departmental Working Group on Watchhouse Detention
- Serious White Collar Crime State Liaison Committee
- the Police Academy Council.

Commissioner for Police Service Reviews

The part-time Commissioners of the CJC are eligible to sit as Commissioners for Police Service Reviews. Each hears appeals under the *Police Service Administration Act 1990* and the *Police Service (Review of Decisions) Regulation 1990* by members of the QPS relating to:

- promotions
- transfers
- stand-downs or suspensions
- dismissals (other than a dismissal pursuant to a finding of misconduct or official misconduct)
- imposition of a disciplinary sanction (other than one imposed pursuant to a finding of misconduct or official misconduct)
- appointment of an officer as a staff member.

The reviews are informal and non-adversarial and legal representation is not permitted.

EFFECTS OF COMMISSION ACTIVITIES ON THE COMMUNITY

While many of our activities are not always visible, they have considerable effects on the community.

Direct effects include:

- giving people a way for their complaints about the conduct of employees of public sector agencies to be investigated
- giving them a voice in decisions on law reform issues by making submissions to us
- providing information on matters of concern to the community.

Our investigative powers can affect individuals. We can:

- require persons to make statements or furnish to us information relevant to our investigations
- authorise our officers to enter public premises to search records.

In addition, police officers seconded to the CJC retain powers which they possess as QPS members. These officers may exercise those powers when carrying out investigations for the CJC.

In the public interest the CJC takes care to ensure the proper and effective use of its powers.

Indirect effects include:

- ongoing investigations of organised and major crime
- confiscating criminal assets and seizing drugs, etc
- carrying out of strategic, proactive anti-corruption operations
- cooperating with the QPS and other agencies to meet law enforcement objectives.

The CJC cannot prosecute. Where an investigation reveals evidence of a criminal offence, the Director, OMD reports to the Chairperson who may authorise reports to the DPP, the Commissioner of the QPS or another appropriate prosecuting authority for such proceedings as that authority considers warranted.

COMMUNITY PARTICIPATION

In the Formulation of Policy

Though individuals have no way to formally participate in the formulation of CJC policies, they may write to us or the PCJC, or publicly express their views. The CJC may consider these views, or correspond with individuals

about our policies, but we are not obliged to do so.

In the Exercise of Functions

Some avenues for community participation in this area are:

Cooperation – You are encouraged to contact us if you have information which may assist us, or if you want information about the CJC.

Submissions – We seek responses from the public to our issues papers, reports and research papers. Members of the community and interest groups have made valuable contributions to our reports and recommendations. For example, the issues paper on 'Police Powers in Queensland', released in September 1991, attracted over 100 submissions from individuals and interest groups, a number of whom were invited to appear before the subsequent public hearing.

The PCJC may also call for public submissions on CJC reports, which are independent of those that we receive.

Hearings – Hearings are a potent reminder of the necessity for and utility of openness by public sector organisations. Our public hearings are published in newspapers' Law Lists; anyone interested may attend. Investigative hearings may also be made open to the public.

Part-time Commissioners

Individuals may seek appointment as a part-time Commissioner and thus directly contribute to the policies and work of the CJC. The Act states that three of the part-time Commissioners *shall be persons who have demonstrated an interest and ability in community affairs, of whom at least one has proven senior management experience in a large organisation.*

Appointments are made by the Governor-in-Council on the recommendation of the responsible Minister.

DOCUMENTS HELD

This section outlines the documents held by the CJC, including our:

- Library Holdings
- General Document Holdings
- Documents Available for Purchase
- Documents Available Free of Charge

People who request access to CJC documents are reminded of the need to provide a clear description of the documents sought so that they can be identified readily.

If you require further information about the documents we hold, please contact the Manager of our Executive Support Unit.

Library Holdings

See the specific listing under Program 4 of this Annual Report.

General Documents

The CJC usually holds documents of the following kinds:

- CJC Annual Reports
- Brochures and posters on subjects such as
 - Freedom of Information
 - Promoting Justice and Integrity in Queensland
 - Reporting Corrupt Conduct in the Queensland Public Sector
 - Whistleblowing
- CJC Corporate Plans
- CJC records relating to investigative hearings, e.g. transcripts, summonses, decisions and correspondence

- documents seized by, or produced to, the CJC during its investigations such as financial records, diaries, business files and correspondence
- exhibits tendered during the Fitzgerald Inquiry, Misconduct Tribunal Hearings and CJC hearings
- files containing documents such as statements, statutory declarations, complaints forms, summonses, notices to produce, photographs, audio tapes, video tapes, correspondence, file notes and telephone attendance notes, compiled during the course of the fulfilment of the CJC's functions and responsibilities listed in the appendix to this Statement
- financial records, including books of account, annual budget papers etc.
- human resources records such as contracts of employment, personal interest declarations, pay or leave records and work appraisal records relating to CJC staff
- information held in the library and on various CJC databases
- information papers or issues papers on matters researched and reviewed by the Research and Co-ordination Division
- minutes and records of CJC internal meetings and procedures
- Misconduct Tribunal records, e.g. transcripts, summonses, decisions and correspondence relating to Misconduct Tribunal hearings
- Police Complaints Tribunal records and files
- submissions received by the Commission.

These documents may be originals or copies, written, printed, on audio or video tape, or in electronic forms.

Access is available to only some of these documents. Where access is available it will be under the *Freedom of Information Act 1992*, under the *Criminal Justice Act 1989*, or, informally. If you want to know how to request access, refer to the section below or telephone or write to our Executive Support Unit.

DOCUMENTS PUBLISHED

Copies of the documents below that are still in stock are attainable upon request from us. You may also be able to find them at libraries throughout the State.

Date of Issue	Title	Availability
May 1990	Reforms in Laws Relating to Homosexuality – An Information Paper	Out of print
May 1990	Report on Gaming Machine Concerns and Regulations	In stock as at time of printing of this report
September 1990	Criminal Justice Commission Queensland Annual Report 1989-1990	Out of print
November 1990	SP Bookmaking and Other Aspects of Criminal Activity in the Racing Industry – An Issues Paper	In stock as at time of printing of this report
November 1990	Corporate Plan	Out of print
February 1991	Directory of Researchers of Crime and Criminal Justice – Prepared in conjunction with the Australian Institute of Criminology	Out of print
March 1991	Review of Prostitution – Related Laws in Queensland – An Information and Issues Paper	Out of print
March 1991	The Jury System in Criminal Trials in Queensland – An Issues Paper	Out of print
March 1991	Report of an Investigative Hearing into Alleged Jury Interference	Out of print
April 1991	Submission on Monitoring of the Functions of the Criminal Justice Commission	Out of print
May 1991	Report on the Investigation into the Complaints of James Gerrard Soorley Against the Brisbane City Council	Out of print
May 1991	Attitudes Toward Queensland Police Service – A Report (Survey by REARK)	Out of print
June 1991	The Police and the Community, Conference Proceedings – Prepared in conjunction with the Australian Institute of Criminology following the conference held 23–25 October 1990 in Brisbane	Out of print
July 1991	Report on a Public Inquiry into Certain Allegations Against Employees of the Queensland Prison Service and its Successor, the Queensland Corrective Services Commission	Out of print
July 1991	Complaints Against Local Government Authorities in Queensland – Six Case Studies	Out of print
July 1991	Report on the Investigation into the Complaint of Mr. T R Cooper, MLA, Leader of the Opposition Against the Hon T M Mackenroth, MLA, Minister for Police and Emergency Services	In stock as at time of printing of this report
August 1991	Crime and Justice in Queensland	In stock as at time of printing of this report

Date of Issue	Title	Availability
September 1991	Regulating Morality? An Inquiry into Prostitution in Queensland	In stock as at time of printing of this report
September 1991	Police Powers – An Issues Paper	In stock as at time of printing of this report
September 1991	Criminal Justice Commission Annual Report 1990/91	In stock as at time of printing of this report
November 1991	Report on a Public Inquiry into Payments Made by Land Developers to Aldermen and Candidates for Election to the Council of the City of Gold Coast	In stock as at time of printing of this report
November 1991	Report on an Inquiry into Allegations of Police Misconduct at Inala in November 1990	In stock as at time of printing of this report
November 1991	Corporate Plan 1991–1993	In stock as at time of printing of this report
December 1991	Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements by Members of the 1986–1989 Queensland Legislative Assembly	Out of print
January 1992	Report of the Committee to Review the Queensland Police Service Information Bureau	Out of print
February 1992	Queensland Police Recruit Study, Summary Report #1	In stock as at time of printing of this report
March 1992	Report on an Inquiry into Allegations Made by Terrance Michael Mackenroth MLA the Former Minister for Police and Emergency Services; and Associated Matters	Out of print
March 1992	Youth, Crime and Justice in Queensland – An Information and Issues Paper	Out of print
March 1992	Crime Victims Survey – Queensland 1991 <i>A Joint Publication Produced by Government Statistician's Office, Queensland and the Criminal Justice Commission</i>	In stock as at time of printing of this report
June 1992	Forensic Science Services Register	Out of print
September 1992	Criminal Justice Commission Annual Report 1991/1992	In stock as at time of printing of this report
September 1992	Beat Area Patrol – A Proposal for a Community Policing Project in Toowoomba	Out of print
October 1992	Pre-Evaluation Assessment of Police Recruit Certificate Course	In stock as at time of printing of this report
November 1992	Report on S.P. Bookmaking and Related Criminal Activities in Queensland (<i>Originally Produced as a Confidential Briefing Paper to Government in August 1991</i>)	In stock as at time of printing of this report
November 1992	Report on an Investigation into the Complaints of Kelvin Ronald Condren and Others	Out of print
November 1992	Criminal Justice Commission Corporate Plan 1992–1995	Out of print
January 1993	First Year Constable Study Summary Report #2	Out of print
April 1993	Submission to the Parliamentary Criminal Justice Committee on the Use of the Commission's Powers Under Section 3.1 of the Criminal Justice Act 1989	Out of print
May 1993	Report on a Review of Police Powers in Queensland Volume I: An Overview	In stock as at time of printing of this report
May 1993	Report on a Review of Police Powers in Queensland Volume II: Entry Search & Seizure	In stock as at time of printing of this report
July 1993	Cannabis and the Law in Queensland A Discussion Paper	Out of print
August 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	In stock as at time of printing of this report

Date of Issue	Title	Availability
August 1993	Statement of Affairs	In stock as at time of printing of this report
September 1993	Report on the Implementation of the Fitzgerald Recommendations Relating to the Criminal Justice Commission	In stock as at time of printing of this report
September 1993	Criminal Justice Commission Annual Report 1992/93	In stock as at time of printing of this report
September 1993	Selling Your Secrets – Proceedings of a Conference on the Unlawful Release of Government Information	In stock as at time of printing of this report
October 1993	Attitudes Towards Queensland Police Service – Second Survey (Survey by REARK)	Out of print
November 1993	Corruption Prevention Manual	In stock as at time of printing of this report
November 1993	Report on a Review of Police Powers in Queensland Volume III: Arrest Without Warrant, Demand Name and Address and Move-On Powers	In stock as at time of printing of this report
November 1993	Whistleblowers – Concerned Citizens or Disloyal Mates?	Out of print
December 1993	Recruitment and Education in the Queensland Police Service: A Review	In stock as at time of printing of this report
December 1993	Corporate Plan 1993–1996	In stock as at time of printing of this report
February 1994	Murder in Queensland: A Research Paper	Out of print
March 1994	Police Recruit Survey Summary Report #3	Out of print
March 1994	A Report of an Investigation into the Arrest and Death of Daniel Alfred Yock	Out of print
April 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	In stock as at time of printing of this report
May 1994	Report on a Review of Police Powers in Queensland Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention	In stock as at time of printing of this report
June 1994	Report on an Investigation into Complaints Against Six Aboriginal and Island Councils	In stock as at time of printing of this report
June 1994	Report on Cannabis and the Law in Queensland	In stock as at time of printing of this report
June 1994	Selling your Secrets: Who's Selling What? – Issues Paper	In stock as at time of printing of this report
July 1994	Report by the Criminal Justice Commission on its Public Hearings Conducted by the Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-East Queensland Volume 1: Report Regarding Evidence Received on Mining Issues	In stock as at time of printing of this report
July 1994	Submission to the Parliamentary Criminal Justice Committee on its Review of the Criminal Justice Commission's Activities	In stock as at time of printing of this report
August 1994	Implementation of Reform Within the Queensland Police Service, the Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations	In stock as at time of printing of this report
August 1994	Statement of Affairs	In stock as at time of printing of this report
September 1994	A Report of an Investigation into the Cape Melville Incident	In stock as at time of printing of this report
October 1994	Criminal Justice Commission Annual Report 1993/94	In stock as at time of printing of this report
October 1994	Report on a Review of Police Powers in Queensland Volume V: Electronic Surveillance and Other Investigative Procedures	In stock as at time of printing of this report

Date of Issue	Title	Availability
October 1994	Report on an Investigation Conducted by the Honourable R H Matthews QC into the Improper Disposal of Liquid Waste in South-East Queensland Volume II: Transportation & Disposal	In stock as at time of printing of this report
November 1994	Report on an Investigation into the Tow Truck and Smash Repair Industries	In stock as at time of printing of this report
November 1994	Informal Complaint Resolution in the Queensland Police Service: An Evaluation	In stock as at time of printing of this report
December 1994	A Report into Allegations that the Private Telephone of Lorrelle Anne Saunders was "Bugged" in 1982 by Persons Unknown, and Related Matters	In stock as at time of printing of this report
December 1994	Fear of Crime: A Research Paper	In stock as at time of printing of this report
December 1994	Aboriginal and Islander Councils Investigations – Issues Paper	In stock as at time of printing of this report
January 1995	Telecommunications Interception and Criminal Investigation in Queensland: A Report	In stock as at time of printing of this report
February 1995	Beat Policing Resource Kit	In stock as at time of printing of this report
March 1995	Report on an Inquiry Conducted by the Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre	In stock as at time of printing of this report
April 1995	Corporate Plan 1994–97	In stock as at time of printing of this report
April 1995	Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland	In stock as at time of printing of this report
May 1995	Toowoomba Beat Policing Pilot Project: Main Evaluation Report	In stock as at time of printing of this report
June 1995	The Inala Community and Police Network: An Evaluation	In stock as at time of printing of this report
Brochures		
1992	Reporting Corrupt Conduct in the Queensland Public Sector – 13 Questions –	Currently Available
1993	Freedom of Information – Your Right to Know	Currently Available
1993	Promoting Justice and Integrity in Queensland	Currently Available
1995	Whistleblower Support Program	Currently Available
Posters		
1992	You are Invited to Help Combat Public Sector Corruption	Currently Available
1995	Whistleblower Support Program	Currently Available

SUBSCRIPTIONS OR FREE MAILING LISTS

While we do not offer subscription services and free mailing lists, we can arrange to send our publications to you upon request. If you are interested in receiving any of the publications still listed as available in the above list, please contact us with the details.

BODIES ESTABLISHED TO ADVISE THE CJC

There are no such boards, councils, committees and other bodies whose meetings are open to the public or the minutes of whose meetings are available for public inspection.

ACCESSING CJC DOCUMENTS

In general, CJC documents may be made available to members of the community where such action does not endanger the integrity and confidentiality of our operations and sources of information.

An application under the FOI Act is not always required for access. The options are:

Informal access

Certain documents are held at public libraries and at the CJC. If you want access to research reports or issues or information papers held at the CJC, contact the Research and Co-ordination Division. If you have any doubt about how to seek access, contact our Executive Support Unit.

Access under the Freedom of Information Act

If you have queries about FOI applications, please contact the Manager, Executive Support Unit, who coordinates action regarding FOI requests.

Applications

Applications under the FOI Act must be in writing. No particular forms of applications are required but we prefer you to use the following forms:

- Request for Access to Documents
- Request to Amend Personal Documents
- Request for Internal Review.

Requests for Access

Even if you do not use the preferred forms, your application should:

- identify the information or document/s sought
- provide as much detail as possible about the information or document/s
- indicate the type of access required, e.g. supply of copies or personal inspection
- provide proof of identity where personal affairs documents are involved
- include a written authority for a person or organisation requesting access to documents on your behalf.

Request to Change Personal Documents

Requests to have amendments made to information about a person which is contained in a document held by the Commission should specify:

- the identification of the document in which the information is contained
- the information to be changed and whether it is inaccurate, incomplete, out-of-date or misleading
- the amendments that are required to be made.

Any evidence which exists in support of the amendment requested should be provided. Proof of identity may also be required.

Request for Internal Review

If you are denied access in full or in part to a document, or not allowed to amend a document containing personal information about you, you may apply for an internal review of the decision. You will be advised of your rights in this regard when you are advised of the decision denying access.

Charges

Charges for access to documents are prescribed by the Freedom of Information Regulation 1992 and are set out below. Charges depend on whether the document concerns your personal affairs and on the type of access you seek. You will be advised of any charges that apply.

Application Fee

Personal Affairs	Nil
Non-personal Affairs	\$30 payable when the application is made

Access Charges

Personal Affairs	Nil
Non-personal Affairs	a charge of 50 cents for each page for a photocopy of a document in A4 size
	a reasonable charge to cover the production of a copy (other than A4 size photocopy) of a document
	a reasonable charge to arrange to hear or view a document which is an article or material from which sounds or visual images are capable of being produced

A deposit of 20 per cent may be required if the total of charges is expected to exceed \$25.

Inspection of Documents

If we grant you access to documents, they will be made available at the CJC, 557 Coronation Drive, Toowong. We provide a reading room for viewing documents.

When we decide to grant you access, one of our officers will contact you to discuss the arrangements. If you cannot come to the CJC, the officer will discuss other arrangements with you.

**ANNUAL FINANCIAL STATEMENTS OF
CRIMINAL JUSTICE COMMISSION
FOR THE PERIOD
1 JULY 1994 TO 30 JUNE 1995**



**OPERATING STATEMENT
FOR THE YEAR ENDED 30 JUNE 1995**

	NOTE	1995 \$	1994 \$
COST OF SERVICES			
OPERATING EXPENSES			
Salaries and Related Expenses	1	13,033,650	13,198,962
Administration	2	3,686,467	4,386,410
Operational	3	390,881	296,312
Consulting	4	202,714	274,253
Accommodation	5	2,739,759	2,658,958
Transfers to Provisions	6	901,159	664,052
Write Offs		21,702	3,989
Loss on Sale of Plant & Equipment		<u>12,693</u>	<u>-</u>
TOTAL OPERATING EXPENSES		20,989,025	21,482,936
OPERATING REVENUE FROM INDEPENDENT SOURCES			
Interest		203,096	121,878
Gain on Sale of Plant & Equipment		-	42,609
Other	7	<u>75,557</u>	<u>144,873</u>
TOTAL OPERATING REVENUE FROM INDEPENDENT SOURCES		<u>278,653</u>	<u>309,360</u>
NET COST OF SERVICES		<u>20,710,372</u>	<u>21,173,576</u>
REVENUE FROM GOVERNMENT			
Parliamentary appropriations received	8	<u>21,065,000</u>	<u>20,651,000</u>
TOTAL REVENUE FROM GOVERNMENT		<u>21,065,000</u>	<u>20,651,000</u>
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS		<u>354,628</u>	<u>(522,576)</u>
ADJUSTMENT TO ACCUMULATED FUNDS		<u>-</u>	<u>20,400</u>
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS AND ADJUSTMENT TO ACCUMULATED FUNDS		<u>354,628</u>	<u>(502,176)</u>

**STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 1995**

	NOTE	1995 \$	1994 \$
CURRENT ASSETS			
Cash	9	405,380	20,400
Receivables		27,885	33,769
Other			
Prepayments		<u>16,232</u>	<u>17,686</u>
TOTAL CURRENT ASSETS		<u>449,497</u>	<u>71,855</u>
NON-CURRENT ASSETS			
Plant & Equipment	10	2,414,871	2,259,013
Investments	11	<u>900,009</u>	<u>900,009</u>
TOTAL NON-CURRENT ASSETS		<u>3,314,880</u>	<u>3,159,022</u>
TOTAL ASSETS		<u>3,764,377</u>	<u>3,230,877</u>
CURRENT LIABILITIES			
Salaries Payable		225,638	139,331
Sundry Creditors		8,211	91,150
Provisions	12	<u>490,633</u>	<u>448,480</u>
TOTAL CURRENT LIABILITIES		<u>724,482</u>	<u>678,961</u>
NON-CURRENT LIABILITIES			
Provisions	12	<u>480,799</u>	<u>347,448</u>
TOTAL LIABILITIES		<u>1,205,281</u>	<u>1,026,409</u>
NET ASSETS		<u>2,559,096</u>	<u>2,204,468</u>
EQUITY			
Accumulated Results from Operations		<u>2,559,096</u>	<u>2,204,468</u>

**STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 1995**

	1995 \$	1994 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Inflows:		
Interest	195,905	124,425
Dividends	42,904	57,743
Other	<u>45,728</u>	<u>88,732</u>
Total Inflows	284,537	270,900
Outflows:		
Salaries and Related Expenses	(13,670,844)	(13,831,486)
Suppliers	<u>(6,358,427)</u>	<u>(6,816,716)</u>
Total Outflows:	(20,029,271)	(20,648,202)
NET CASH USED IN OPERATING ACTIVITIES (Note A)	(19,744,734)	(20,377,302)
CASH FLOWS FROM INVESTING ACTIVITIES		
Inflows:		
Proceeds from sale of Plant & Equipment	<u>317,666</u>	<u>159,543</u>
Outflows:		
Payments for purchase of Plant & Equipment	(1,252,952)	(398,935)
Payment for equity (Qfleet)	<u>-</u>	<u>(34,308)</u>
Total Outflows:	(1,252,952)	(433,243)
NET CASH USED IN INVESTING ACTIVITIES	(935,286)	(273,700)
CASH FLOWS FROM GOVERNMENT		
Inflows:		
Parliamentary Appropriations (Note B)	<u>21,065,000</u>	<u>20,651,000</u>
NET CASH PROVIDED BY GOVERNMENT	<u>21,065,000</u>	<u>20,651,000</u>
NET INCREASE OR DECREASE IN CASH HELD	384,980	(2)
CASH AT BEGINNING OF REPORTING PERIOD	<u>20,400</u>	<u>20,402</u>
CASH AT END OF REPORTING PERIOD (Note C)	<u>405,380</u>	<u>20,400</u>

STATEMENT OF CASH FLOWS (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 1995

Note A RECONCILIATION OF CHANGE IN NET ASSETS RESULTING FROM OPERATIONS WITH NET CASH PROVIDED OR USED BY OPERATING ACTIVITIES

CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	354,628	(522,576)
Depreciation expense	745,912	769,066
Adjustments - prior year depreciation	-	(6,714)
Write offs (non-cash)	20,823	3,989
Loss (Gain) on sale of plant and equipment	12,693	(42,609)
Decrease in accounts receivable	5,884	4,149
Decrease in prepaid expenses	1,454	12,154
Decrease in trade creditors	(82,939)	28,114
Increase in salaries payable	86,307	26,825
Provisions - Recreation Leave and Long Service Leave	175,504	1,300
Government Revenues	<u>(21,065,000)</u>	<u>(20,651,000)</u>
NET CASH PROVIDED OR USED IN OPERATING ACTIVITIES	<u>(19,744,734)</u>	<u>(20,377,302)</u>

Note B RECEIPTS FROM PARLIAMENTARY APPROPRIATIONS

Total received	<u>21,065,000</u>	<u>20,651,000</u>
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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 statement of financial position as:-

	1995	1994
	\$	\$
Cash at bank	384,980	-
Cash on hand	20,400	20,400
	<u>405,380</u>	<u>20,400</u>

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. This limit was changed on 10 April 1995 to include those items over \$1,000 in value purchased from this date.

Software is not capitalised.

(c) **Accommodation**

The Commission meets charges by Administrative Services Department for lease of office accommodation, security, cleaning, waste disposal and landscaping.

(d) **Employee Leave Entitlements**

Annual Leave - Provision has been made for unpaid annual leave entitlements arising from services rendered by employees.

Non-vesting sick leave - No amount has been recognised for non-vesting sick leave since these amounts are not considered to be material. Sick leave is brought to account as incurred.

Long Service Leave - Provision has been made for the nominal amount of the unconditional legal entitlement and conditional legal entitlement for long service leave. This is not expected to be significantly different from future cash flows.

NOTE 10 AND FORMING PART OF THE ACCOUNTS (CONTINUED)

	1995 \$	1994 \$
Note 1 Salaries and Related Expenses		
Salaries, Wages and Allowances	10,773,518	10,996,399
Overtime	373,630	348,568
Payroll & Fringe Benefits Taxes	824,229	754,478
Superannuation Contribution	1,057,346	1,089,328
Workers' Compensation	4,927	10,189
	<u>13,033,650</u>	<u>13,198,962</u>
Note 2 Administration		
Airfares, Taxis, Hire Cars and Travel Allowances	391,591	383,168
Telephones, Pagers, Facsimile	324,425	335,567
Postage and Petty Cash	40,214	40,579
Advertising	36,077	67,532
Subscriptions, Books	57,327	52,484
Stores and Stationery	79,368	87,406
Printing and Publication	201,838	164,185
Q-Fleet Leasing	185,149	259,256
Petrol, Maintenance, Registration	296,768	290,983
Equipment	115,664	15,587
Computing Expenses & Software	321,354	303,317
Witness Fees & Expenses	16,246	53,185
Transcription	73,477	329,964
Audit Fees	10,800	15,886
Recruitment & Training	139,002	160,437
Litigation Costs	19,712	20,504
Information Retrieval	94,026	57,321
Depreciation	745,912	769,066
Other	250,828	235,228
Special Payments	—	(a) 3,962
Legal Advice	286,689	(b) 740,793
	<u>3,686,467</u>	<u>4,386,410</u>

(a) Represents payments to members of Witness Protection Unit during 1993/94 financial year for allowances due but not paid during Commission of Inquiry \$3,962.

NOTES TO AND FORMING PART OF THE ACCOUNTS (CONTINUED)

1995
\$

1994
\$

(b) Legal Advice during 1993/94 financial year 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 3 Operational

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

Note 4 Consulting

Contracted Research	121,150	90,722
Forensic Document Examination	6,610	2,950
Security	—	2,490
Program Evaluation	300	600
Enterprise Bargaining	150	—
Corporate Planning	8,280	—
Position Evaluations	4,375	9,375
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
Corruption Prevention	56,884	39,684
Financial Analysis	—	24,863
Assistance with documentation of policies and procedures	2,900	—
Report - Local Government	2,065	—
Report - Implementation of the Fitzgerald Reforms	—	15,850
Review of Adequacy of Police Service Disciplinary process	—	5,500
	<u>202,714</u>	<u>274,253</u>

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

Note 5 Accommodation

Lease	2,056,360	1,982,275
Security	323,080	303,725
Cleaning	139,223	138,867
Electricity	175,495	170,516
Refurbishment	2,445	34,045
Other	43,156	29,530
	<u>2,739,759</u>	<u>2,658,958</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS (CONTINUED)

	1995	1994
	\$	\$
Note 6 Transfers to Provisions		
Long Service Leave	218,260	52,166
Recreation Leave	<u>682,899</u>	<u>611,886</u>
	<u>901,159</u>	<u>664,052</u>
Note 7 Other		
Dividends - Q-Fleet	31,685	44,869
Sundry Income	<u>43,872</u>	<u>100,004</u>
	<u>75,557</u>	<u>144,873</u>
Note 8 Queensland Government Appropriation		
Appropriation	<u>21,065,000</u>	<u>20,651,000</u>
Note 9 Cash		
Cash at bank	384,980	-
Cash on hand	<u>20,400</u>	<u>20,400</u>
	<u>405,380</u>	<u>20,400</u>



NOTES TO AND FORMING PART OF THE ACCOUNTS (CONTINUED)

1995
\$

1994
\$

Note 10 Plant and Equipment

Office Machines & Equipment	592,299	598,602
Less Accumulated Depreciation	<u>268,347</u>	<u>284,648</u>
	<u>323,952</u>	<u>313,954</u>
Operations Equipment	1,101,103	977,278
Less Accumulated Depreciation	<u>737,879</u>	<u>645,834</u>
	<u>363,224</u>	<u>331,444</u>
Furniture & Fittings	153,228	149,887
Less Accumulated Depreciation	<u>46,692</u>	<u>35,205</u>
	<u>106,536</u>	<u>114,682</u>
Computing Equipment	2,840,205	2,518,956
Less Accumulated Depreciation	<u>1,724,859</u>	<u>1,451,108</u>
	<u>1,115,346</u>	<u>1,067,848</u>
Motor Vehicles	635,095	593,998
Less Accumulated Depreciation	<u>129,282</u>	<u>162,913</u>
	<u>505,813</u>	<u>431,085</u>
TOTAL PLANT AND EQUIPMENT	<u>2,414,871</u>	<u>2,259,013</u>

Note 11 Investments

Equity in Q-Fleet Leasing Scheme	<u>900,009</u>	<u>900,009</u>
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Note 12 Provisions

Current Recreation Leave	<u>490,633</u>	<u>448,480</u>
Non-current		
Long Service Leave	<u>480,799</u>	<u>347,448</u>
	<u>971,432</u>	<u>795,928</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS (CONTINUED)

Note 13 Segment Reporting

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

Note 14 Capital Commitments

Capital Commitments mainly comprising surveillance equipment, computer hardware and a motor vehicle as at 30 June totalled approximately \$116,757 (1994, approximately \$33,958). Commitments are payable within one year.

Note 15 Lease Commitments

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

Note 16 Contingent Assets/Liabilities

There were no known contingent assets of a significant nature as at 30 June 1995. As at 30 June 1995 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 1995, and of the financial position as at 30 June 1995.

Date 28/8/95



L F WYVILL QC
Acting Chairperson



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 1995 comprising the Operating Statement, Statement of Financial Position, Statement of Cash Flows, Notes to and forming part of the financial statements and certificate given by the chairperson and personal 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 QA0 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 1995 and of the financial position as at the end of that year.



V P MANERA
Deputy Auditor-General
(as delegate of the Auditor-General)