
MISSION STATEMENT

Our mission is to promote justice and integrity in Queensland.

Our values:

- ❖ Justice
- ❖ Integrity
- ❖ Accountability

Our operating principles:

- ❖ We act in the public interest.
- ❖ We operate within the high standards of our Code of Conduct.
- ❖ We are committed to fairness and to accountable processes of consultation and review.
- ❖ We place emphasis on research and prevention as well as control and cure.
- ❖ We provide a stimulating, satisfying and safe work environment free from discrimination on the basis of gender, race, religion or disability.
- ❖ We operate within a set of approved procedures and policies that ensure the administrative and operational integrity of the Commission.

- ❖ We operate to ensure that public sector managers have the prime responsibility for reducing misconduct in their agencies.

Our corporate goals:

- ❖ To promote an effective, fair and accessible criminal justice system.
- ❖ To reduce the incidence of misconduct in the Queensland Police Service and official misconduct in other units of public administration.
- ❖ To make an effective contribution to combating organised crime and major crime.
- ❖ To provide an effective, professional and specialist criminal intelligence service.
- ❖ To provide a professional and efficient witness protection service.
- ❖ To discharge the functions and responsibilities of the Commission effectively and efficiently.

Criminal Justice Commission
557 Coronation Drive
Toowong Qld 4066

PO Box 137
Albert Street Brisbane Qld 4002

E-mail: mailbox@www.cjc.qld.gov.au

Telephone: (07) 3360 6060
1800 061 611

Facsimile: (07) 3360 6333

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CRIMINAL JUSTICE COMMISSION ANNUAL REPORT

Year ended 30 June 1997

To the Honourable Denver Beanland MLA,
Attorney-General and Minister for Justice

Sir

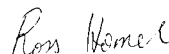
We are pleased to present to Parliament the eighth Annual Report of the Criminal Justice Commission, which covers the 1996-97 financial year. The report is in accordance with the provisions of section 147A of the *Criminal Justice Act 1989* and section 46J of the *Financial Administration and Audit Act 1977*.



Mr Frank Clair
Chairperson



Mr James Crowley QC
Commissioner



Professor Ross Homel
Commissioner



Mrs Kathryn Biggs
Commissioner



Mrs Dina Browne AO
Commissioner

September 1997

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ABBREVIATIONS

ABCI	Australian Bureau of Criminal Intelligence
ATSI	Aboriginal and Torres Strait Islander
BCIQ	Bureau of Criminal Intelligence, Queensland
Bingham Review	Committee for the Review of the Queensland Police Service
CAP	Competency Acquisition Program
CID	Criminal Intelligence Database
CJC	Criminal Justice Commission
Connolly-Ryan Inquiry	Commission of Inquiry into the Effectiveness of the Criminal Justice Commission
DPP	Director of Public Prosecutions
EEO	Equal Employment Opportunity
Fitzgerald Report	Report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)
FOI	Freedom of Information
JOCTF	Joint Organised Crime Task Force
LAO	Legal Aid Office
MDT	Multidisciplinary team
NCA	National Crime Authority
ODPP	Office of Director of Public Prosecutions
OMD	Official Misconduct Division
PCJC	Parliamentary Criminal Justice Committee
PEAC	Police Education Advisory Council
QCSC	Queensland Corrective Services Commission
QPS	Queensland Police Service

CHAIRPERSON'S INTRODUCTION

It is trite to say that 1996-97 has been an extraordinarily difficult year for the CJC. The external pressures, which have always bedevilled its existence, have reached a peak of unpredictable and, certainly, unwarranted proportions. Those pressures, borne of resentment on the part of those who would appear to prefer less independent scrutiny of their activities, culminated in a variety of events which could well have destroyed a lesser organisation.

However, the inherent strength of the organisation, the enthusiasm and dedication of its officers, and their deeply held conviction that the CJC plays a vital role in the ongoing process of reform and the fight against corruption, have not only seen the organisation through this year but have also combined to produce many satisfying results. More of that later.

Since I wrote in this same spot in last year's Annual Report, there has been one further change in the membership of the CJC. Mr Bob Bleakley, a part-time Commissioner since May 1994, completed his tour of duty in March of this year. Mr Bleakley, who brought considerable expertise to his duties, made an invaluable contribution to the activities of the CJC, particularly in developing the relationship between the Commission and members of staff. He was particularly active in the conduct of Police Service Reviews and will be available to continue in that role as a former part-time Commissioner. I wish to record my gratitude, both personally and on behalf of the CJC, for his support and tireless efforts.

Mr Bleakley has been replaced by Mrs Kathryn Biggs, who is already proving to be an enthusiastic and supportive part-time Commissioner and a very suitable community representative on the Commission.

Turning back to the year's activities, the CJC received in 1996-97 the highest number of complaints ever for a full year – a sign in itself of the level of public confidence which the CJC enjoys. The Carter Inquiry has made considerable progress in exposing pockets of

corruption within the Queensland Police Service and in highlighting the need for a pro-active and systematic Service-wide approach in combating corruption and raising ethical standards. The CJC's activities in corruption prevention have supported that process.

The CJC's research activities have produced two substantial and significant reports to Parliament and a range of other well-focused publications. Independent experts continue to bestow high praise on the work done by our Research and Coordination Division. The importance of an independent source of reliable criminal justice research cannot be overestimated.

The two features which dominated the year were the unjustifiable cuts to the CJC budget and the huge impost on the CJC's resources which resulted from the existence of the Commission of Inquiry into the Effectiveness of the Criminal Justice Commission (the Connolly-Ryan Inquiry).

The effective reduction in the CJC's budget of some \$2.7 million, and the manner and timing of its imposition, forced the difficult but unavoidable decision to make 28 civilian positions redundant and return 14 police officers to the Queensland Police Service. All of those 42 officers had been performing productive work assisting the CJC to fulfil its statutory obligations.

The proposed 'redundancies' were entirely a result of the budget cuts imposed by the Attorney-General. A last-minute reversal of attitude on the part of the Government, after the commencement of the Carter Inquiry, saw additional funds made available for that Inquiry and for the CJC's activities as part of the Joint Organised Crime Task Force. That move enabled the CJC to redeem eight of the redundancies already in place and to keep the police officer positions, albeit on an interim basis. Nevertheless, 20 redundancies proceeded, and this at a time when the CJC had more work than it could possibly handle. The cost of the redundancies, just short of \$1 million, had to be funded by a loan from Treasury which will be repaid, with interest, over the

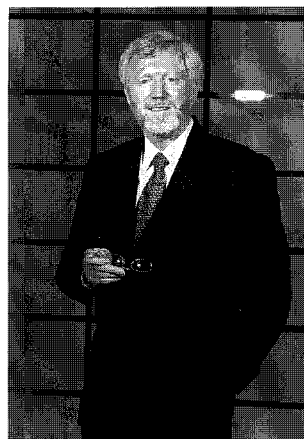
next five years. The amount saved in the 1996-97 year as a result of the redundancies was less than half a million dollars; yet, in the circumstances created at the time by the Attorney-General, the CJC had no choice but to proceed in that way. The process involved in dealing with the Attorney-General over the budget left one often with the feeling that there was little logic in what was being done. Hence my comment, on occasions, that the treatment of the CJC's budget by the Attorney-General in 1996-97 was really not far short of 'vandalism'.

The background to these budget difficulties was the establishment of the Connolly-Ryan Inquiry in October 1996. That Inquiry was to run three months. It went for some 10 months before being closed down by the Supreme Court on the grounds of apprehended bias. It cost the CJC some \$1.5 million in legal expenses and, in addition, absorbed more than 17 000 hours of CJC staff time (excluding my time). This additional impost on the resources and energy of the organisation, over and above its normal demanding work, posed a significant threat of destabilisation – particularly against the background of budget cuts and resultant redundancies. It is a great tribute to the staff that they have seen out that troubled period with impressive results from their efforts.

Of course, when one says 'things can't get any worse' – they do! The Supreme Court judgment put the Connolly-Ryan 'era' in the past. However, even as I write, the Government has moved, without the benefit of any proper review of the CJC, to begin to dismantle the careful blend of functions envisaged by Fitzgerald for an effective anti-corruption body and reflected in the CJC under its legislation. It is not yet known how far this move will go in its interference with the functions or the budget of the CJC.

The justification for this move is said to be a perceived failure of the CJC in addressing paedophilia and organised crime. There is no evidence to support the allegation that the CJC has failed in respect of paedophilia – an allegation made in the midst of hysteria created by the public promotion of rumour and innuendo used to support wild claims, some of which have now been abandoned. The real evidence is to the contrary.

The CJC has done all it can within its jurisdiction to address the issue of paedophilia – so much is plain from the material contained within the recent report of the Children's Commissioner (the Alford Report).



As to organised crime, there is abundant evidence that the CJC has been highly successful in that area, particularly in its efforts through the Joint Organised Crime Task Force. Over less than seven years, the CJC has recommended 1127 charges against 253 persons as a result of its organised crime investigations – and dealt with \$3 million as proceeds of organised crime. All of this on the basis of spending between 5 and 10 per cent of its budget on such activities.

So there is no justifiable basis on which to dismember the CJC. In my comments in last year's report, I spoke of the need for the public to protect the CJC. It will not be protected by governments. I predicted that if, as a result of any reviews, the independence of the CJC was compromised, then such reviews will see the beginning of the end of the hard-won process of reform.

That prediction echoed a prediction made in the Fitzgerald Report itself where it was said:

There are many ways in which the agenda for reform could be delayed or subverted by political or bureaucratic opponents. This has happened previously. If such people are allowed to form committees of review, to draft or introduce superficially innocuous changes to the necessary legislation, or to select those who must carry out the subsequent stages of what is recommended, then the process of reform will undoubtedly falter, especially once the hubbub dies down.

The public must remain vigilant – perhaps the hubbub should never be allowed to die down.

Frank Clair

THE YEAR AT A GLANCE

Police and Criminal Justice Research and Reform

Page

Stream I: Police and Criminal Justice Research and Reform

- ❖ released nine publications on policing issues 8
- ❖ began an evaluation of Community Consultative Committees 9
- ❖ conducted two surveys on QPS recruits' perceptions of their training 9
- ❖ gave advice and assistance to QPS, including on design and implementation of beat policing 9
- ❖ completed the Beenleigh Calls for Service Project, a joint CJC-QPS project 10
- ❖ coordinated a review of the QPS recruitment and selection process 10
- ❖ together with the QPS, conducted research into the physical demands of policing 10
- ❖ had direct or joint responsibility for 21 recommendations of the QPS Review Committee 11
- ❖ released *Report on Police Watchhouses in Queensland* 12
- ❖ identified problems in the QPS Promotions and Transfer and Discipline Systems 12
- ❖ prepared a Policy and Procedures Manual for Review Commissioners 13

Stream II: Criminal Justice Research, Reform and Monitoring

- ❖ released three publications on criminal justice issues, including volume 2 of the Criminal Justice System Monitor and an evaluation of the Brisbane Central Committals Project 15
- ❖ tabled report *Aboriginal Witnesses in Queensland's Criminal Courts* 16

Police and Public Sector Integrity and Organised and Major Crime Investigation

Page

Stream I: Misconduct Investigation and Review

- ❖ responded to summonses served on the CJC by the Connolly-Ryan Inquiry 20
- ❖ followed up on our submissions to the Bingham Review into the QPS 20
- ❖ initiated the Carter Inquiry to continue investigations into police involvement in the drug trade 21
- ❖ received the highest number of standard complaints ever for a full year 21
- ❖ made 523 recommendations for criminal or disciplinary action 22
- ❖ began four actions against people for making false complaints 27
- ❖ made 33 recommendations for procedural reform 31

Stream II: Misconduct Prevention

- ❖ expanded our network of Liaison Officers 41
- ❖ gave 50 workshops in ethical decision making for all levels of the QPS throughout the State 42
- ❖ conducted 14 workshops for police recruits 42
- ❖ conducted 19 three-hour workshops for seven public sector agencies and departments 42
- ❖ gave 55 ATSI information sessions 43
- ❖ conducted eight misconduct risk management reviews, resulting in more than 120 recommendations 45
- ❖ published guidelines for whistleblowing in Queensland and received 90 new requests for use of our Whistleblower Support Program 46

Stream III: Organised and Major Crime

- ❖ began an ongoing assessment of the JOCTF 50
- ❖ compiled five briefs of evidence in three operations, comprising 98 charges 53

Intelligence

Page

❖ entered 1193 new intelligence documents onto our criminal intelligence database (CID)	58
❖ received 205 requests for information	58
❖ together with information technology staff, completed the upgrade of CID	58
❖ involved in 42 CJC operations (including the Carter Inquiry) and 52 misconduct investigations	59
❖ produced 85 significant tactical and strategic intelligence reports	60
❖ completed the first phase of a report examining the nexus between organised crime and corruption/official misconduct	60
❖ published the issue paper <i>Intelligence at Work inside the CJC</i>	60
❖ continued to participate in three National Crime Authority projects	60
❖ together with the QPS, co-hosted the National Telecommunications Interception Conference	61

Witness Protection

Page

❖ 114 persons referred to the Witness Protection Division, 62 of whom accepted protection	62
❖ provided support and protection to 190 persons in 72 operations	62
❖ began taking part in the development of National Competency Standards for witness protection officers	64
❖ conducted 152 relocations	64

Corporate Support

Page

❖ introduced program budgeting	67
❖ forced to make staff redundancies in January 1997 because of CJC budget cut	68
❖ completed the upgrading of CID	68
❖ diverted records management significantly to satisfy Connolly-Ryan summonses	69
❖ Office of General Counsel heard five matters in the Misconduct Tribunals	70
❖ concluded first Enterprise Agreement and began second	71
❖ received 61 applications under the <i>Freedom of Information Act</i>	72
❖ assisted in the production of 17 publications	74

FINANCIAL SUMMARY

Year ended 30 June	1997 \$000s	1996 \$000s	Change \$000s	Change (%)
For the year				
Queensland Government Grant	22 155	21 614	541	3
Operating Revenue	211	284	(73)	(26)
Operating Expenses	23 908	22 618	1 290	6
Operating Surplus	(1 542)	(720)	(822)	(114)
Abnormal Item	(915)	(900)	(15)	(2)
At year end				
Total Assets	1 968	2 624	(656)	(25)
Total Liabilities	3 486	1 685	1 801	107
Net Assets	(1 518)	939	(2 457)	(262)

PROFILE

The Criminal Justice Commission (CJC) was established by the *Criminal Justice Act 1989* 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 in Queensland and fulfilling those criminal justice functions that cannot appropriately or effectively be carried out by the Queensland Police Service (QPS) or other agencies of the State.

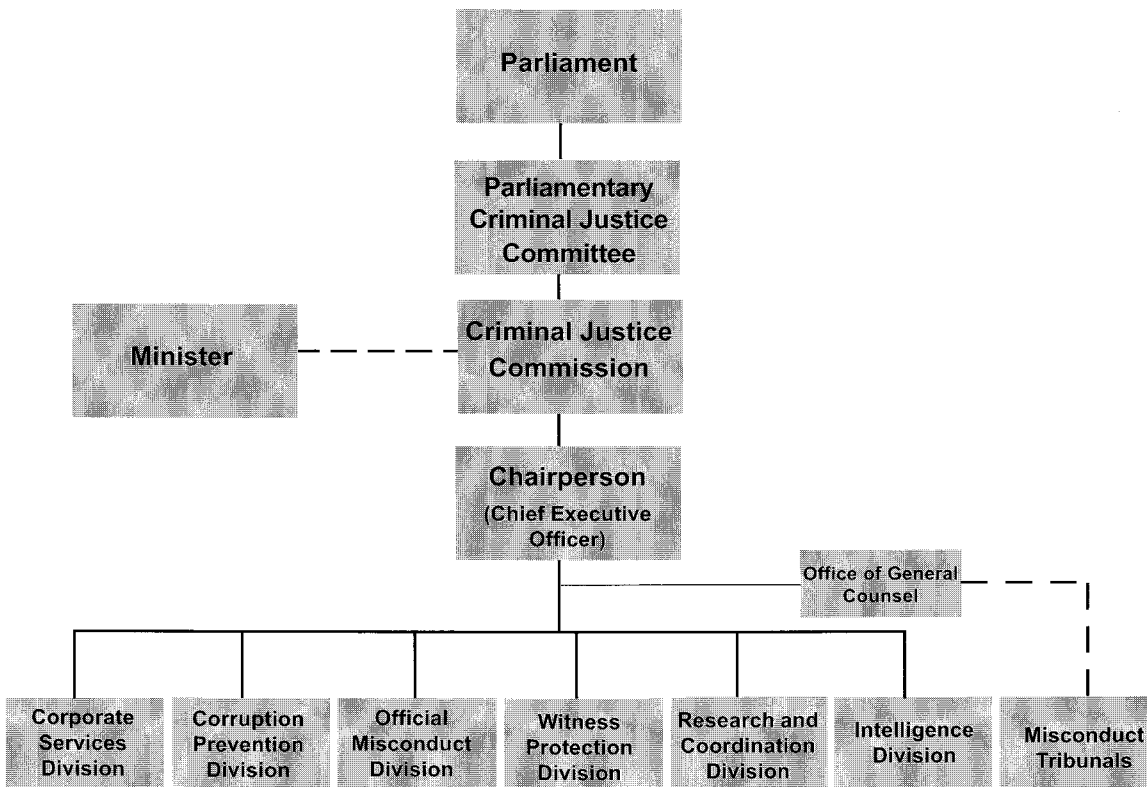
We are a unique organisation in that there is no other justice agency in Australia with our sweep and blend of functions and responsibilities. We work to ensure that corruption of the kind identified during the Fitzgerald Inquiry does not regain a foothold in the public sector and that new forms of corrupt conduct do not develop. In our dual roles of 'watchdog' and 'educator/reformer', we are dedicated to detecting and reducing corruption and misconduct in official places, and to reducing crime generally.

The CJC is headed by a Chairperson and four part-time Commissioners. It reports to the Parliamentary Criminal Justice Committee

(PCJC), and performs its functions through five operational divisions which, together, provide a uniquely cohesive front against crime and corruption in this State.

To illustrate the interrelationship between our divisions, in investigating complaints against police and other public sector officials and in pro-actively investigating organised and major crime, our largest division – Official Misconduct – works closely with the Intelligence Division, which gathers information on crime and corruption in this State, with the Witness Protection Division, which ensures witnesses to crime and corruption are able to testify in court, with the Corruption Prevention Division, which works to reduce the incidence of crime and corruption in the public sector and help people of integrity report incidents of wrongdoing, and with the Research and Coordination Division, which provides the intellectual framework for reform of the Queensland Police Service and the criminal justice system generally.

Staff of the CJC comprise civilians and police officers. Civilian staff come from a variety of disciplines including law, accountancy, social sciences, behavioural sciences and computing.



Functions and Responsibilities

The functions and responsibilities of the CJC are a matter of law. As stated in section 21(1) of the *Criminal Justice Act 1989*, the **functions** of the Commission are to:

- (a) continually monitor, review, coordinate 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 **responsibilities** of the CJC, as enunciated in section 23 of the Act, are 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 (as far as its functions relate 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 –
 - research and coordination of the processes of criminal law reform
 - matters of witness protection
 - investigation of official misconduct in units of public administration
 - 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, consistent 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.

The Parliamentary Criminal Justice Committee

The *Criminal Justice Act 1989* makes the CJC free of Executive control. However, we are fully accountable to Parliament, the courts and the community.

We report, in writing and in person, to our Parliamentary Committee – the PCJC – at formal meetings and provide numerous other written reports. Thus, the PCJC is our direct link to Parliament and, ultimately, to the people of Queensland.

The Committee is a six-member, all-party committee of the Queensland Legislative Assembly, established under the *Criminal Justice Act* to monitor and review the activities of the CJC and to report to Parliament.

The PCJC may request us to elaborate on specific issues raised in our written reports or to address matters that have come to its attention. It is also empowered to hold public



The PCJC at 30 June 1997

Seated left to right: Chairman, the Hon. Vince Lester MLA (Keppel), Mr Stephen Robertson MLA (Sunnybank). Standing left to right: Mr William Baumann MLA (Albert), Mr Ray Hollis MLA (Redcliffe), Mr Frank Carroll MLA (Mansfield). [Not pictured: Deputy Chairman, Mr Gordon Nuttall MLA (Sandgate)]

hearings on matters related to our activities. Further, the Committee can receive complaints from anyone who feels aggrieved by any of our activities or investigations.

The Commission

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

During 1996–97, members were: Mr Frank Clair (Chairperson), Mr Lewis Wyvill QC, Mr Robert Bleakley, Mr Barrie Ffrench, Professor Ross Homel, Mr James Crowley QC, Mrs Dina Browne AO, and Mrs Kathryn Biggs.



The Commission at 30 June 1997

Standing left to right: Mr James Crowley QC and Professor Ross Homel. Seated: Mr Frank Clair (Chairperson) and Mrs Kathryn Biggs. Inset: Mrs Dina Browne.

Chairperson

The current Chairperson, **Mr Frank Clair**, was appointed in May 1995 and took up duties in January 1996.

Mr Clair was admitted to the Bar in February 1971 after completing a BA and LLB at the University of Queensland. He practised extensively in criminal law, holding at one time the position of Senior Crown Prosecutor in this State and, during later years in private practice, an appointment as Special Prosecutor. He has been involved in a number of significant criminal trials and appeals, including matters arising out of the Fitzgerald Inquiry. He has practised in various other areas of law including other Inquiries, being twice Counsel Assisting the Warden's Inquiry into explosions at the Moura Coal Mine. As CJC Chairperson, Mr Clair follows Sir Max Bingham QC (Dec. 1990–Nov. 1992) and Mr Robin O'Regan QC (Dec. 1992–May 1995).

Part-time Commissioners

The part-time Commissioners, appointed for varying terms of office, bring a broad range of professional and practical experience to the CJC, and play an active role in assisting and advising the Chairperson and CJC officers. In 1996–97, membership was as follows.

Mr Lewis Wyvill QC (August 1992–August 1996) was admitted to the Bar in 1956 and practised mainly in the areas of common, criminal and administrative law. He was one of the Commissioners who inquired into Aboriginal Deaths in Custody, and he presided for the CJC in the Yock Inquiry. He acted as Chairperson three times, most recently from June 1995 to January 1996.

Mr Robert Bleakley (May 1994–March 1997) holds a Bachelor of Social Work from the University of Queensland and a postgraduate 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.

Mr Barrie Ffrench (August 1993–July 1996) has a BA from the University of Sydney. 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 Queensland Corrective Services Commission.

Professor Ross Homel (appointed Dec. 1994) is a criminologist and holds the Foundation Chair of Justice Administration at Griffith University. He holds a PhD in Behavioural Sciences from Macquarie University, as well as degrees in statistics. His special interest is crime prevention. He is a former editor of the *Australian and New Zealand Journal of Criminology*, and Deputy Director of the NSW Bureau of Crime Statistics and Research.

Mr James Crowley QC (appointed Sept. 1996) is a practising barrister with more than 35 years' experience in all classes and types of litigation, from Magistrates Courts to the High Court of Australia, in civil and criminal matters, mediations, settlement, and conferences. He also served in the Australian Army Legal Corps, for 25 years, retiring with the rank of Colonel. In that capacity, he sat on numerous Courts Martial, and as Defence Force Magistrate.

Mrs Dina Browne AO (appointed Sept. 1996) has a BA from the University of Natal, and has taught in South Africa, Swaziland and Australia. From 1989 to 1993, she was Director of Children's Television for the Seven Network. She has produced audiovisual educational material for the Education Department, co-authored a children's book, written for ABC school programs and produced more than 1400 hours of national children's television. Mrs Browne is a recipient of the United Nations Media Peace Award and has three personal Logies. She was Manager of the Festival of Television for Australian Children in 1995 and 1996.

Mrs Kathryn Biggs (appointed June 1997) holds a BA and BEc from the University of Queensland, and a BA from the Queensland College of Art. She has worked as a research assistant, computer programmer and statistician, and was a Consultant and Company Director for Worldcare Pty Ltd from 1983 to 1997. Mrs Biggs has taken an active interest in education in this State, including being a Queensland Joint Parent Council delegate to the Board of Senior Secondary School Studies Arts Advisory Committee.

The Executive

The CJC has five operational divisions, which are supported by the Corporate Services Division and the Office of General Counsel.

The **Official Misconduct Division (OMD)**, the largest 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, for complex or prolonged investigations, to the multidisciplinary teams known as 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 Queensland agencies. For example, an investigation may require substantial access to the CJC's compulsory powers, or specialist input such as financial analysis. The MDTs also support public inquiries conducted by the CJC.

MDTs comprise investigators, lawyers and accountants, supported by intelligence analysts. One of the teams is part of the Joint Organised Crime Task Force (JOCTF), which was established in 1992 as a cooperative venture with the QPS to conduct investigations into a number of organised crime groups.

The **Research and Coordination Division** researches matters affecting the administration of criminal law in Queensland. It also recommends reforms of criminal law and criminal justice administration, and reviews and monitors QPS programs and methods.

The **Intelligence Division** provides a specialist criminal intelligence service enabling an integrated approach to the investigation of organised and major crime and other criminal activities that exceed the bounds of normal police investigations.

The **Witness Protection Division** provides protection to people who are in need of it as a



The Executive at 30 June 1997

Standing left to right: Dr David Brereton (Director, Research and Coordination), Mr Mark Le Grand (Director, OMD), Mr Robert Hailstone (Director, Corruption Prevention). Seated left to right: Assistant Commissioner John McDonnell APM (Director, Operations and Witness Protection), Mr Paul Roger (Director, Intelligence), Mr Frank Clair (Chairperson), Mr Graham Brighton (Executive Director)

result of assisting the CJC or any other State law enforcement agency in the discharge of its duty. Services range from close personal protection to relocation and re-identification.

The **Corruption Prevention Division**, established in 1991, works with police and managers of public sector agencies to prevent corruption in the workplace. Prevention officers analyse complaints made to the CJC and carry out risk assessments for agencies. They also conduct training in ethical decision making and strategic corruption prevention techniques. In addition, the division offers an advice and counselling service for people who expose (or are thinking of exposing) corruption in the workplace.

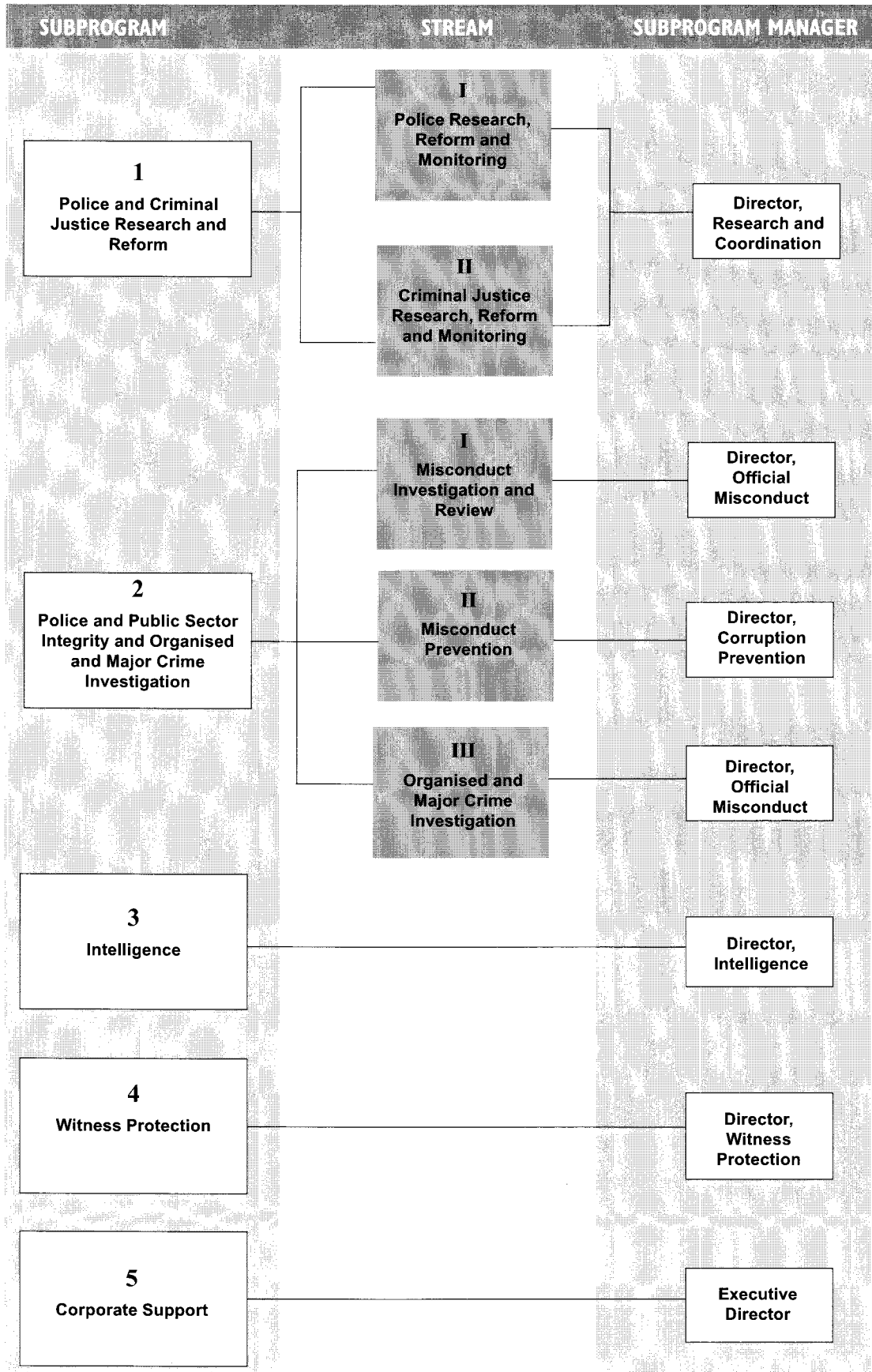
The **Corporate Services Division** supports the operational divisions by developing and implementing administrative and logistical policies and procedures; making recommendations to meet organisational, staffing and overall budgetary needs; and establishing procedures for external and internal accountability in compliance with legislation and standards.

The **Office of General Counsel** provides legal advice to the CJC on a wide range of issues and administers the **Misconduct Tribunals**. The Tribunals review decisions on disciplinary matters within the QPS and make original administrative decisions on allegations of official misconduct by police and other officials.

CRIMINAL JUSTICE PROGRAM

Program Structure

Program Manager: Chairperson



Subprogram 1

Police and Criminal Justice Research and Reform

STREAM I

Police Research, Reform and Monitoring

Objectives

- ❖ To monitor and enhance the professionalism, effectiveness and responsiveness of the QPS
- ❖ To contribute to informed public discussion on policing issues

Performance indicators

- ❖ Number and type of CJC initiatives and recommendations adopted by the QPS
- ❖ Independent expert review of research output
- ❖ Progress made by the QPS in addressing key issues identified in CJC reports
- ❖ Reader assessments of research issue papers

Projected activity	Outcome
Continue to promote the greater use of beat policing, and other pro-active strategies.	Advised and assisted the QPS with design and implementation of the Kenmore Community Police Beat and the proposed Springfield Community Beat; conducted several training workshops for police officers on 'problem solving'.
Publish the results of our arrestees' survey.	Published <i>Defendants' Perceptions of the Investigation and Arrest Process</i> in November 1996.
Release our report on police watchhouses in Queensland.	Published <i>Report on Police Watchhouses in Queensland</i> in August 1996, and continued to monitor watchhouse prisoner populations.
Finalise our reports on the recommendations of the Fitzgerald Inquiry reform of the police complaints and disciplinary process and complaints of assaults against police.	Published <i>Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police</i> in March 1997; and will shortly publish a report fulfilling our statutory obligation to report on the extent to which the relevant recommendations of the Fitzgerald Inquiry have been implemented.
Assist in implementing recommendations of the QPS Review Committee.	Represented on the Implementation Working Group, which met seven times in 1996-97, and various other working groups (see strategy 3).
Complete the Beenleigh Calls for Service Project.	Completed the data-gathering stage of the Project in February 1997 and released a mid-term progress report.
Issue a Police Service Monitor, which will present more detailed information about the performance and resourcing of the QPS.	Delayed to allow for the inclusion of 1996-97 data.

STRATEGY I

Conduct independent research on policing issues.

In 1996–97, we released nine publications specifically on policing issues. A tenth, volume 2 in the Criminal Justice System Monitor series, contained policing-related material (see strategy 4). As well, we presented a number of papers on policing issues to academic conferences.

Research papers on policing issues

Report on Police Watchhouses in Queensland, August 1996: Described problems, such as overcrowding, experienced in police watchhouses. Recommendations included legislating to minimise the length of stay by prisoners in police cells, and various initiatives to improve conditions in and services to watchhouses. (See table 5, page 19 for responses to report's recommendations.)

Defendants' Perceptions of the Investigation and Arrest Process, November 1996: Described the reported experiences of 489 interviewees who had been subject to the exercise of police powers. Defendants were asked about the process of arrest and questioning, and any police searches. The study explored the role of solicitors and other independent persons, and sought defendants' views and feelings on how they were treated by police. The purpose of the study was to inform the development of policy on police powers and provide a 'baseline' for monitoring the impact of proposed new legislation.

Reducing Police–Civilian Conflict: An Analysis of Assault Complaints against Queensland Police, March 1997: Presented the findings of an analysis of more than 300 CJC complaints files involving allegations made by members of the community that they were assaulted by one or more police officers, or had unnecessary or unreasonable force used against them. The study aimed to facilitate the development of a preventative focus by (i) identifying the characteristics of police officers and people involved in assault complaints and the circumstances in which these incidents occurred, and (ii) proposing strategies for reducing complaints of assault against police.

Gender and Ethics in Policing, October 1996: Examined the proposition that female police officers are more ethical than their male

counterparts. Using surveys and complaints data, the study concluded that female officers were not inherently more ethical than male officers and that both groups were equally influenced by the police culture. While more broad-ranging strategies to promote ethical conduct were recommended, the research indicated that police services benefited from the employment of female officers because they were less likely to attract complaints from the public, especially allegations of assault.

Assault-related Injuries Reported by Queensland Police Officers, December 1996: Presented data on reported assault-related injuries sustained by police officers during the course of their duties. The research collected information on the frequency of assault and on the types of situations that were likely to result in assault, and raised matters that need to be considered in policy development or training.

Gold Coast District Negotiated Response Trial: Survey Findings, February 1997: Presented the findings of a survey designed to assess a new style of service-delivery policy trialled in the Gold Coast Police District. This trial involved dealing with some minor matters over the telephone. The survey collected information on the types of incidents that were dealt with under the new policy, and enabled an assessment to be made of the level of public satisfaction with the type of police response received. The study also made suggestions about how the implementation of policy could be improved.

Beenleigh Calls for Service Project: Mid-term Progress Report, January 1997: Documented the progress of the joint CJC–QPS Beenleigh Calls for Service Project, which seeks to reduce the number of times police officers are called out to the same place to deliver the same service. The Project aims to improve the use of information by police.

Hot Spots and Repeat Break and Enter Crime, June 1997: Presented the key findings of an analysis of break and enter offences in the Beenleigh area, with particular emphasis on 'repeat victimisation' and the phenomenon of 'crime hot spots'. The purpose of the research was to enable the development of more effective crime prevention strategies aimed at reducing repeat break and enter offences, and to highlight how information can be better used by police.

Briefing Note – Key Findings of Pre-Training Survey, September 1996: reported the key findings of a survey administered to the May 1996 QPS recruit intake before the start of formal training. The purpose of the survey was to obtain information on recruits' views and expectations about their training, as well as their career aspirations.

Other papers

Research officers presented two conference papers:

'The Practice of Adjudication adopted by the Commissioners for Police Service Reviews: Problems with the Test of *Unreasonableness*', the National Public Sector Appeals Conference, Melbourne

'The Police Culture, Women Police and Attitudes towards Misconduct', the First Australasian Women Police Conference, Australian Institute of Criminology, Sydney.

The Director presented 'Monitoring Police Attitudes and Behaviour in Queensland: A Research Strategy', 1996 Colloquium Series, to School of Justice Administration students at Griffith University, Brisbane.

As well, an article written by the Director and a research officer was published in *Current Issues in Criminal Justice*, vol. 8, no. 2 (pp. 107-129): 'The Police Code of Silence in Queensland: The Impact of the Fitzgerald Inquiry Reforms', by David Brereton and Andrew Ede.

Research activities

Evaluation of Community Consultative

Committees: An evaluation was begun to see under what circumstances these Committees are an effective way to improve interaction between the QPS and the public. Community Consultative Committees were set up in Queensland on the recommendation of the Fitzgerald Report (1989). However, little is known about where they are located and how they operate. A report containing the results of the research will be released later in 1997.

Monitoring of recruit training: With the establishment of a QPS training campus in Townsville, we conducted two surveys to

compare recruits' perceptions of the training and education programs offered by Oxley and Townsville. A briefing paper on the survey findings will be released later in 1997.

Assistance to QPS

Throughout the year, we assisted the QPS with a range of research-related matters through participation in the implementation of the QPS Review recommendations (see strategy 3). In addition, we provided:

- advice and assistance with the design and implementation of the Kenmore Community Police Beat and the proposed Springfield Community Beat
- advice on the establishment of a beat policing project in Woodridge
- advice and feedback regarding a proposed calls-for-service survey
- advice on the design of the evaluation of the National Campaign against Drug Abuse (now known as National Drugs Strategy) Drug and Alcohol Project at Inala
- comments on the revised chapter 16 of the QPS Human Resource Management Manual on Promotions and Transfers
- information on Integrity Testing to the QPS Professional Standards Unit
- information on possible performance indicators that could be used to evaluate the impact of initiatives taken by an ethics unit
- statistics on the incidence of complaints against police involving people arrested for offensive language
- advice to the QPS Academy on the integration of an ethics component in the Management Development Program
- advice on the design of the 'Project Phoenix' pilot evaluation survey
- assistance to the QPS Crime Prevention Unit by giving North Coast Region staff a one-day seminar 'Introduction to Problem Solving'
- advice to the QPS on performance reporting
- comments on the QPS evaluation of community policing.

We also conducted an ethics survey of First Year Constables with eight weeks' experience (at the request of the Academy), and facilitated a half-day workshop for tacticians from Metro North Region on 'problem solving'.

STRATEGY 2

In conjunction with the QPS, design, implement and evaluate projects to improve policing methods and crime prevention strategies.

We believe that one of the best ways to promote innovation within the QPS is by working with the Service to set up pilot or 'demonstration' projects to trial alternative policing strategies. Such projects enable police to see at first hand whether these alternative approaches are practical and effective. The research information that we collect in the course of evaluating these projects is also of great assistance in planning further initiatives.

Beenleigh Calls for Service Project

One of the major demonstration projects we were involved in throughout the year was the Beenleigh Calls for Service Project, a joint CJC-QPS project which aimed to facilitate the better use of information by police and to assess whether 'problem solving' is an effective method of reducing the number of times police are called out to the same address to deliver the same service. The Project ended in late February. A progress report was published in January and the final report will be published later in the year.

Other projects

Police pursuits: We provided the Commissioner of Police with an analysis of vehicle pursuits by police that resulted in death or injury. As a result, a joint QPS and CJC working group began reviewing policy and procedures regarding pursuits and urgent duty driving.

Recruitment and selection review: As the result of our review in 1996 of the QPS recruitment and selection process, which concluded that certain processes had low validity, a subcommittee of PEAC (see strategy 3) was formed to examine the entire recruitment and selection process for the QPS. The subcommittee, comprising a variety of interested parties and coordinated by the CJC, expects to release its final report in 1997.

Physical demands of policing: Also as a result of the review of the QPS recruitment

and selection process, the QPS and CJC jointly conducted a research project to collect information on the physical demands of policing. The detailed survey was sent to 1000 constables and senior constables around the State, with a 55 per cent response rate. The survey asked extensive questions about the type and frequency of physical duties undertaken by general duties police officers. Other areas covered included rate and type of injury, as well as views regarding the training and education received in the recruit training program. The report is due for release later in 1997.

Education and training: Our Act requires us to monitor the education and training provided by the QPS. To do this, we conduct periodic surveys of recruits. These surveys aim to capture information about recruits' views on education and training at the start and finish of their formal training, and in the field as police officers. We regularly liaise with the QPS regarding the results of the surveys, and give summary reports of the key findings to the QPS and to recruits.

Reducing assault complaints against police: As a result of the research undertaken for our report *Reducing Police-Civilian Conflict*, the CJC and the QPS established a Joint Working Group to develop initiatives to reduce complaints of assault against police.

The working group has a fourfold role:

- to recommend initiatives to the Commissioner of Police
- to monitor and report on the implementation of recommendations
- to design, oversee and evaluate pilot projects for reducing assault complaints
- to recommend to the CJC Chairperson ways of handling complaints of assault against police.

Project Horizon: The Research and Coordination Division was represented on the Overview Committee for the QPS review of the police response to child sexual assault (Project Horizon). One of our officers assisted the QPS in researching and writing the draft report. Because of QPS staffing constraints, this report has not yet been completed.

STRATEGY 3

Participate in, and provide input to, the Police Education Advisory Council and other working groups and advisory bodies.

We are represented on a considerable number of advisory bodies, working groups and committees related to the work of the QPS. Two of the more important bodies in which we were involved in 1996-97 were the Police Education Advisory Council (PEAC) and the Committee for the Review of the Queensland Police Service or QPS Review Committee (also referred to as the Bingham Review).

PEAC

PEAC was established as a joint initiative of the QPS and the CJC to advise the Police Commissioner on policy issues related to the education and training of QPS members. We make a financial contribution to the costs of running PEAC and, wherever possible, align our research in the area of education and training with the interests and concerns of PEAC. There are currently three CJC representatives on the Council: two part-time Commissioners and the Director of Research and Coordination. We provide PEAC with reports on our research relating to recruitment, selection, training and education, and participate in PEAC subcommittees.

QPS Review Committee

The QPS Review Committee was established in March 1996 by the Minister for Police and Corrective Services and Minister for Racing to identify areas in which the efficiency, effectiveness and accountability of the QPS could be improved to ensure the best service delivery.

The CJC was represented on the Committee by the Directors of the Research and Coordination Division and the Official Misconduct Division. Extensive material was provided to the Review, much of it from the CJC's research program.

The Committee's report was released by the Minister in July 1996. It contained 197 recommendations, which focused on areas such as organisational and resource management, human resources management, education and training, police and indigenous/ethnic relations, policing strategies, criminal investigation, discipline, and accountability. The CJC

has direct or joint responsibility for 21 of these recommendations and we are involved in the implementation of many of the others.

The Implementation Working Group is overseeing and coordinating work on all recommendations. The CJC is represented on this Working Group by the Director of Research and Coordination. A large number of supervisory working groups or committees, which have responsibility for either single or multiple recommendations, report to the Working Group. We are involved in 12 of these working groups, and will also undertake specific tasks, such as surveys and the evaluation of Community Consultative Committees, to assist the completion of QPS Review projects.

Other committees

We were represented in various QPS working groups and committees during the year, including the:

- Committee Re-evaluating the Use of Pressure Point Control Tactics
- False Alarms Project Working Group
- Motor Vehicle Theft Task Force Working Group
- Operational Skills and Equipment Committee (Project Lighthouse)
- Volunteers in Policing Working Group

STRATEGY 4

Monitor and report on key trends and developments within the QPS.

Under our Act, we are responsible for monitoring the progress of reform in, and general performance of, the QPS. We have sought to give effect to these responsibilities in several ways, outlined below.

- The second volume in the Criminal Justice System Monitor series, which was released in June 1997, reported on trends in reported crime, clearance rates, workload measures, and QPS funding. It also compared the Queensland situation with other States, where that information was available. During the year, we commenced work on a separate series, the Police Service Monitor, which will present more detailed information about the performance and resourcing of the QPS. We expect to release this publication in late 1997.

- Our report on conditions in police watchhouses, which arose from considerable public concern and the large number of complaints that had been made to the CJC, the QPS and the Ombudsman's office, was released in August 1996.

We prepare a regular briefing paper on QPS reform for circulation within the CJC and to the PCJC. This paper is used to flag particular areas that might require attention, or further investigation. More detailed strategic briefing papers on specific current or emerging issues in policing are prepared, as required.

STRATEGY 5

Make recommendations arising from the work of Review Commissioners.

As in previous years, we were involved in the QPS reform process through the Commissioners for Police Service Reviews (Review Commissioners). The Review Commissioners hear applications under the *Police Service Administration Act* from police wishing to appeal against decisions on promotions, transfers, suspensions, dismissals and disciplinary action (other than those arising from misconduct findings).

Review hearings are informal and non-adversarial. Legal counsel is not permitted.

The Review Commissioners can only make recommendations to the Commissioner of the QPS, although, if the latter does not accept a recommendation, a reason must be given.

The role of Review Commissioner has traditionally been filled by currently serving part-time Commissioners, but as a result of a June 1997 amendment to the *Police Service Administration Act*, the CJC Chairperson may now nominate former part-time Commissioners or other qualified people. By increasing the pool of available Review Commissioners, we hope to expedite future hearings.

In 1996-97, five part-time Commissioners acted as Review Commissioners. Mr Barrie Ffrench, Mr Lew Wyvill QC and Mr Bob Bleakley heard matters until their terms ended (in August 1996 for Mr Ffrench and Mr Wyvill and March 1997 for Mr Bleakley). Mrs Dina Browne AO commenced hearing promotion and transfer matters in February 1997 and Mr James Crowley QC commenced hearing disciplinary review matters in October 1996. (See tables 1-3.)

The Review Commissioners pinpointed a number of problems in the QPS Promotions and Transfer and Discipline Systems through hearing applications during the year. In addition to raising these matters in each recommendation, they have brought them to

TABLE 1
Results of matters heard by Review Commissioners during 1996-97

Application type	Affirmed	Varied	Set aside	Out of time	No jurisdiction	Total
Promotion	79	21	—	3	—	103
Transfer	17	1	—	—	—	18
Stand down	3	—	—	—	—	3
Disciplinary sanction	7	1	3	—	1	12
Unapplied for transfer	1	—	—	—	—	1
Total	107	23	3	3	1	137

TABLE 2
Types of applications lodged with Review Commissioners during 1996-97

Application type	Number
Promotion	235
Transfer	40
Stand down	3
Suspension	1
Disciplinary sanction	13
Unapplied for transfer	3
Total	295

TABLE 3
Status of applications lodged with Review Commissioners (as at 30 June 1997)

Status	Number
Matters lodged	295
Matters heard	90
Matters withdrawn	129
Matters out of time/no jurisdiction	4
Matters awaiting hearing	72*

* These matters are in various stages of readiness.

the attention of the Police Commissioner. A discussion of the problems and proposed solutions was also published in the *Police Union Journal* and the *QPS Bulletin*.

In 1996-97, in accordance with Recommendation 61 of the QPS Review Committee, we prepared a Policy and Procedures Manual for Review Commissioners outlining the criteria by which they may make recommendations. The Manual was distributed statewide. In compliance with Recommendation 64, we prepared a strategy for closely monitoring the review process, as a result of which improved monitoring procedures, including a client survey, were put in place.

The Review Commissioners will also contribute to the evaluation of the QPS Promotions and Transfer System to be conducted by us, in conjunction with the QPS, over a two-year period.

Independent expert review

We again sent our major research reports to expert external reviewers for an independent assessment of the quality of the work carried out by the division. The reviews of our policing publications were generally very favourable, with one reviewer stating that the research program had 'established the CJC as a centre of excellence in police and criminal justice research in Australia'.

Comments on specific reports included:

Gender and Ethics in Policing – 'Very valuable. This is an area that requires a great deal of research to fill a gap in Australia in particular.'

Defendants' Perceptions of the Investigation and Arrest Process – 'Data are dealt with systematically and thoroughly. My one concern is the representativeness of the sample. Including remand cases and systematic sampling of courts would have been good. Relevant literature is reviewed succinctly and clearly ... the complex dataset is clearly explained.'

Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police – 'Excellent use of quantitative and qualitative data. Interpretation is generally sound and seems to "bend over backwards" to be fair to the police side. Case studies very valuable ... I

find this very valuable for my own work, given the paucity of rigorous research in this area.'

Hot Spots and Repeat Break and Enter Crime – 'This study represents a breakthrough for Australian policing research. It is essential reading for any policy researcher searching for ways to help law enforcement bodies become more "problem-oriented" and efficient.'

Reader response

Publications issued in our Research Paper series are targeted at non-specialist audiences and are designed to be succinct, informative, and non-technical. Every person or organisation who is sent a copy of these papers also receives a 'Reader Assessment Form', which asks the reader to score the paper from 1 to 5 for its clarity of language, clarity of information presented in graphs, and general usefulness.

Table 4 below shows the overall ratings that were obtained.

Feature	Average score (max. = 5)
Clarity of language	4.4
Data presentation	4.2
Usefulness	3.9
1 = 'not very good'; 5 = 'very good'	

Use of our research

We aim to produce high-quality research that is useful to police and policy-makers. The following are examples of some of the ways our research was used in 1996-97:

- Information from work done on assault-related injuries to police, complaints of assault made against police, and police vehicle pursuits is being used by Joint Working Groups to develop policy and prevention strategies.
- Data collected for our *Report on Police Watchhouses in Queensland* were used to prepare a briefing paper on prisoners charged with drunkenness at Brisbane Watchhouse, to assist a submission by the Catholic Prison Ministry to the Minister for Families, Youth and Community Care.
- The Report of the Royal Commission into the New South Wales Police Service cited

several of our papers and reports, in relation to:

- describing the policing environment and the composition of the Police Service
- the issues involved in the transfer of the prosecution function from police to an independent prosecution authority
- use of alternatives to arrest
- attitudes of the Police Service towards corruption
- consolidation of police powers, and consideration of matters relating to detention for questioning.

QPS response

Another important measure of our performance is the extent to which the QPS has made progress in tackling key reform issues that have been identified in our reports.

Many issues relating to reform of the QPS that were raised in previous CJC reports have now been taken up through the QPS Review Implementation process.

Some of the recommendations of our report on police watchhouses have already been fully or partly implemented by the QPS. For example, the Minister for Police and Corrective Services and the Minister for Health recently made a joint announcement that nursing services are to be provided at 18 watchhouses throughout Queensland, either on a daily or on-call basis (recommendation 6.1 of the report). The Government also allocated substantial funds to the QPS for watchhouse construction and upgrades. (See table 5 for further information on the status of recommendations from this report.)

In addition, in response to our research, a joint QPS and CJC working group has begun to develop initiatives to reduce complaints of assault made against police.

An additional benefit of the Beenleigh Calls for Service Project was the upgrading of the Incident Management System (IMS) in Logan District to improve the quality of data available for analysis.

STREAM II

Criminal Justice Research, Reform and Monitoring

Objectives

- ❖ To contribute to the development of appropriate criminal justice policies
- ❖ To contribute to informed public discussion on criminal justice issues

Performance indicators

- ❖ Action taken in response to reports and submissions
- ❖ Reader assessments of research issue papers
- ❖ Independent expert review of research output

Projected activity	Outcome
Report on our evaluation of the Brisbane Committals Pilot Project.	Published <i>Evaluation of Brisbane Central Committals Project</i> in August 1996.
Release the next issue in the Criminal Justice System Monitor series.	Released volume 2 of the Monitor in June 1997.
Table our report <i>Aboriginal Witnesses in Queensland's Criminal Courts</i> and report on the response to its proposals.	Tabled in Parliament in July 1996. We will report on status of recommendations later in 1997.
Publish some of the key findings from the Queensland Sibling Study Project.	Delayed because of cut to CJC budget.

STRATEGY I

Conduct objective and independent research into criminal justice issues and problems.

Publications on criminal justice issues

In 1996-97, we released three publications on criminal justice issues:

Criminal Justice System Monitor, vol. 2, Criminal Justice System Monitor series, June 1997: Examined trends in the criminal justice system, noting in particular where they appeared to be changing. Areas of concern, such as rising imprisonment rates, were identified and suggestions made about issues for further research.

Evaluation of Brisbane Central Committals Project, August 1996: This Project entailed the Office of the Director of Public Prosecutions (ODPP) taking over responsibility from the police for conducting committal proceedings in the Brisbane Central Magistrates Court. Our report analysed changes in case processing and the impact of the Project on case outcomes in the Magistrates and higher courts, as well as a cost-benefit analysis across

the various agencies involved. Despite some initial difficulties, the Project was found to have a number of positive outcomes, such as earlier identification of guilty pleas, improved police-ODPP relations and significant savings in police time. Generally, the Project was shown to be cost-neutral. The evaluation report was instrumental in the Government's decision to renew funding of the Project.

Assault in Queensland, Research Paper Series, April 1997: Examined assault trends in Queensland, analysed the factors that increase or decrease the risk of assault, and described the context in which assaults are most likely to occur.

In addition, our report on police watchhouses in Queensland made recommendations that will affect government agencies within and outside the criminal justice system (see page 8).

Research activities

During the year, we maintained our involvement in the Queensland Sibling Study Project, a major research project being conducted in conjunction with three Queensland

universities, which aims to develop a better understanding of the factors that lead to juveniles offending. All the interviews for this Project were completed and the data analysis begun. Papers on various aspects were presented to conferences of researchers and practitioners. In 1997-98, we propose to publish some of the key findings from this study in our Research Papers series. Funding for the Project was renewed, with the Justice Department and the Corrective Services Commission as industry partners and the Director of Research and Coordination as associate investigator.

Conference papers

The Director presented the following conference papers:

'The Role of Research in the Work of Standing Commissions of Inquiry', Caxton Legal Centre 'Standing Commissions on Crime and Corruption in Australia', Brisbane

'Prison Overcrowding: The Result of Our Criminal Justice System or Poor Planning?', Corrections Forum 1996, Prisoners' Legal Service, Brisbane

'Research for Policy', Second National Outlook Symposium on Violent Crime, Property Crime and Public Policy, Australian Institute of Criminology, Canberra.

STRATEGY 2

Monitor and report regularly on significant trends and developments in crime and the criminal justice system.

In June 1997, we released the second volume of the Criminal Justice System Monitor series. The Monitor aims to provide policy-makers and those involved in the Queensland criminal justice system with a concise overview of key developments within that system. In it we considered such matters as:

- the extent to which crime was increasing in Queensland
- how Queensland's reported and unreported crime rates compared with other States
- whether the workloads of the lower and higher courts were increasing and, if so, why

- how well the corrections system was coping with workload increases
- trends in government expenditure on the criminal justice system.

We also documented key events that had occurred in the Queensland criminal justice system and considered the likely impact of these developments on the operation of the system.

STRATEGY 3

Respond to and recommend proposals for reform of criminal law and criminal justice processes.

In August 1996, we tabled in Parliament a major report entitled *Aboriginal Witnesses in Queensland's Criminal Courts*. This report contained 38 recommendations aimed at ensuring that courts have the best possible evidence before them (including evidence about Aboriginal culture and language) on which to base decisions, that the confidence of Aboriginal people in the court system is enhanced, and that the system is made more accessible to them. Major recommendations included:

- cross-cultural awareness training for judges and magistrates, lawyers and court staff
- a pilot Aboriginal court liaison officer program
- reform of Queensland's evidence laws
- the State Government to ensure that the funding for Aboriginal Legal Services is sufficient to implement relevant recommendations of the Royal Commission into Aboriginal Deaths in Custody
- training of interpreters in Aboriginal languages.

Agencies nominated in the recommendations were contacted for their response. We will report to Parliament later in 1997 on the status of the recommendations (see also table 5).

During the year, we provided detailed comments to the Attorney-General on proposed changes to the *Criminal Code* (September 1996) and further comments on the draft Bill (January 1997).

The Director of Research and Coordination testified at the Parliamentary Scrutiny of Legislation Committee about the *Juvenile Justice Act* (August 1996).

We provided a critique of the status of various recommendations of the Royal Commission into Aboriginal Deaths in Custody to the Department of Families, Youth and Community Care, for the next Queensland Government Implementation Report. We also provided advice to the QPS on the police response to the Royal Commission.

We provided comments on:

- the Issues Paper from the Queensland Parliament's Members' Ethics and Parliamentary Privileges Committee on the need to modify the sub judice convention for the Parliament (June 1997)
- the Issues Paper on the MLAs' Code of Conduct (September 1996)

In addition, the Research and Coordination Division prepared the CJC's major submission to the Connolly-Ryan Inquiry.

STRATEGY 4

Consult and liaise with other criminal justice agencies.

Our Act requires us to coordinate our research activities with other agencies that are concerned with the administration of criminal justice in Queensland. We do this by maintaining extensive informal contact with representatives of the various agencies and by participating in various inter-agency forums and committees.

In 1996-97, the Director of Research and Coordination participated as a member of the Chief Executive Officers Steering Committee, which oversees the Criminal Justice Information Integration Strategy and the work of the Crime Statistics Unit.

The division participated in the Crime Statistics Users' Network and continued liaison with the Crime Statistics Unit of the Government Statistician's Office in an effort to improve the quality of criminal justice data, particularly that from the courts system.

We also continued to participate in the QPS Crime Prevention Working Group, which comprises representatives from the major universities in South-East Queensland and various government agencies that meet to discuss community crime-prevention initiatives.

When the evaluation of the Brisbane Central Committals Project was taken over by the Department of Justice (with Coopers and Lybrand Consultants) in December 1996, we were involved in the transfer of data and methodology, and were consulted about the interim report completed in January 1997. Additional information was given to Coopers and Lybrand for the evaluation report expected in August 1997.

Action taken in response to reports to Parliament

Some of our reports make specific recommendations for changing criminal justice processes or the law (or both). We have set up a register to keep track of our various recommendations and to identify instances where further action may be required. Table 5 (page 19) outlines the response to the various reports that we have produced since June 1993.

Inform public debate and discussion

We dealt with more than 194 requests for information from members of the public, the media, criminal justice agencies and other government departments. Our research staff participated in five press conferences and gave 35 interviews to the electronic media.

Copies of our major publications were distributed widely throughout Queensland and interstate. For example, copies of volume 2 of the Criminal Justice System Monitor were sent to all Queensland Members of Parliament, judges and magistrates, legal practitioners, criminal justice agencies, Queensland libraries and major libraries interstate, university researchers, and a broad range of government agencies. Regular production of the Monitor series is intended to promote informed public debate about criminal justice issues in Queensland.

In addition, in February 1997, an officer of the division gave a presentation on Aboriginal witnesses in court to the Bar Practice course.

Independent expert review

The *Aboriginal Law Bulletin* (September 1996) reviewed our report *Aboriginal Witnesses in Queensland Criminal Courts*, and concluded that it was 'a comprehensive, informative and accessible report ... developing sensible recommendations ...'.

Our external reviewers also gave very favourable assessments. Examples of comments on specific reports are:

Evaluation of the Brisbane Central Committals Project – ‘This is an excellent example of the Research Division’s capacity to undertake research which is timely, policy-relevant and of a high standard. While the study could not produce a comprehensive and conclusive evaluation, it at least provided relevant policy-makers with an opportunity to base decisions on best possible information.’

Assault in Queensland – ‘Overall, a very good synthesis of the local data on assault. I found it clearly written with a very balanced assessment of the data and its implications ... It could serve as a model for reports of this type.’

Criminal Justice System Monitor, Vol. 2 – ‘In general, I thought this was an excellent

overview of the operation of Queensland’s criminal justice system. With one or two minor exceptions, I thought it clearly written and presented and readily accessible by a non-expert audience.’

‘The authors demonstrate excellent knowledge of a wide range of databases. Databases generally are interpreted intelligently, and with appropriate caution ... authors demonstrate good awareness of relevant national statistics. However, future reports in the Monitor series could, perhaps, attempt more systematic comparisons with other state jurisdictions ... Given the scope and diversity of issues covered, an Executive Summary would have been helpful.’

Reader assessments

We received high ratings in the reader assessment forms that were distributed with our publications (see page 13).

SUBPROGRAM OUTLOOK

In 1997-98, we propose to:

- ❖ work with the QPS to reduce the incidence of assault complaints against police
- ❖ report to Parliament on the status of the recommendations contained in our reports *Aboriginal Witnesses in Queensland’s Courts* and *Police Watchhouses in Queensland*
- ❖ publish the final report of the Beenleigh Calls for Service Project
- ❖ publish some of the key findings of the Queensland Sibling Study Project
- ❖ publish volume 3 of the *Criminal Justice System Monitor*
- ❖ publish a *Police Service Monitor*
- ❖ maintain our involvement in the implementation of the QPS Review recommendations
- ❖ complete our evaluation of Community Consultative Committees
- ❖ develop strategies for monitoring new police powers legislation
- ❖ initiate research on the dimensions of the heroin problem in Queensland
- ❖ undertake research into the factors which have contributed to the increase in the imprisonment rate in Queensland.

TABLE 5

Action taken in response to reports to Parliament prepared by Research and Coordination Division, January 1993-June 1997

Subprogram 1
Stream II
Criminal Justice
Research, Reform and
Monitoring

Report	Date(s) tabled	Action taken
<i>Review of Police Powers</i> Volumes I-V	Vols I & II, May 1993 Vol. III, Nov. 1993 Vol. IV, May 1994 Vol. V, Nov. 1995	All volumes have been reviewed and reported on by the PCJC; no legislative action as yet, though the Minister for Police and Corrective Services is to release a discussion paper for public comment shortly.
<i>Recruitment and Education in the Queensland Police Service: A Review</i>	Nov. 1993	Some of the eight recommendations have been implemented by the QPS or taken up by PEAC. Other issues are being pursued as part of the implementation of the recommendations of the <i>Report on the Review of the Queensland Police Service</i> .
<i>Report on Cannabis and the Law in Queensland</i>	June 1994	The PCJC reported on this matter in November 1996. Its recommendations broadly agreed with those of the CJC report. No response has been received from Government.
<i>Report on Implementation of Reform within the Queensland Police Service: The Response of the QPS to the Fitzgerald Inquiry Recommendations</i>	August 1994	Issues identified in this report are being pursued as part of the implementation of the recommendations of the <i>Report on the Review of the Queensland Police Service</i> .
<i>Telecommunications Interception and Criminal Investigation in Queensland: A Report</i>	January 1995	Subject of a report by the PCJC, but no legislative action as yet.
<i>Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions</i>	April 1995	Subject of a report by the PCJC. Updated funding data, published in volume 2 of the Criminal Justice System Monitor, show that, despite increased funding, real per capita revenue to the LAO has declined and, for the ODPP, real revenue per deposition has fallen.
<i>Aboriginal Witnesses in Queensland's Criminal Courts</i>	July 1996	All recommendations have been drawn to the attention of relevant agencies and the Attorney-General. As yet, there has been no detailed response from the Attorney-General. The LAO, the ODPP and the QPS have indicated support, in principle, for most recommendations relevant to these agencies. However, there have been few changes. A further report will be made to the PCJC, outlining the status of all recommendations.
<i>Report on Police Watchhouses in Queensland</i>	Sept. 1996	All recommendations have been drawn to the attention of relevant agencies and Ministers. The responses of the Minister for Health and the Director-General of the Health Department outlined relevant initiatives, including a pilot project providing nursing services to watchhouses (\$240 000 of departmental funding), a review of psychiatric services, including those to watchhouses, and renewed attempts to recruit medical officers in areas without this service. The response from the Commissioner of Police noted that a number of recommendations have been implemented, although others are dependent on actions by other agencies. In addition, the 1997-98 State Budget made a substantial allocation to the construction of a new Brisbane Watchhouse and other police station/watchhouse complexes, and to continued funding of the watchhouse facility maintenance program. The Minister for Police and Corrective Services advised that the QCSC supported relevant recommendations in principle, but warned that further reductions in the length of time prisoners spend in watchhouses may not be achievable. No response has been received from the Attorney-General or the Justice Department. A further report will be made to the PCJC, outlining the status of all recommendations.

Subprogram 2

Police and Public Sector Integrity and Organised and Major Crime Investigation

STREAM I

Misconduct Investigation and Review

Objectives

- ❖ To ensure that public sector misconduct is effectively investigated and that remedial and preventative action is taken by appropriate authorities
- ❖ To promote public confidence in the complaints process

Performance indicators

- ❖ Response and finalisation times for complaints
- ❖ Complainants' level of satisfaction with the process
- ❖ Number of recommendations for criminal or disciplinary action accepted by appropriate authorities
- ❖ Number of recommendations for procedural reforms accepted by appropriate units of public administration
- ❖ The proportion of matters investigated by other agencies and found, on review, to have been adequately investigated

Projected activity	Outcome
Commence a major review of the Complaints Register database.	Delayed because of CJC budget cut and the demands of the Connolly-Ryan Inquiry.
Establish and conduct a Disciplinary Investigations Skills course for officers of units of public administration.	Delayed owing to budget cut. However, we hope to have introduced a training program by the latter half of 1997-98.
Promote and expedite the use of informal resolution processes in settling complaints.	QPS informally resolved almost 40 per cent of minor complaints against police in 1996-97.

STRATEGY I

Assess and, where appropriate, investigate complaints in a timely, consistent and fair manner.

The assessment and investigation of complaints is one of the CJC's core functions, carried out by the Official Misconduct Division (OMD).

In the midst of the many demands placed on the division during the year, considerable effort was focused on maintaining the effectiveness of the complaints-handling process. This resulted in strong operational performance with good completion rates on investigations.

During the year, key staff were diverted from normal duties to:

- follow-up on submissions to the Bingham Review
- adjust the operations of the division to meet reduced funding
- meet the deadlines set by summonses served on the CJC by the Connolly-Ryan Inquiry.

As a result of these diversions, we lost opportunities to conduct key review and development projects within the division. Some distractions, such as our follow-up action on information to the Bingham Review,

was productive. However, the continuing uncertainty over our budget and the heavy demands made on us by the Connolly-Ryan Inquiry only served to delay the improvements that could have been made to our complaints-handling process.

For example:

- A proposed program evaluation of the complaints process was postponed because the officers who needed to participate in the review were unable to devote the necessary time to the evaluation.
- The planned upgrade of the complaints database was delayed for the same reason and because of the strain on the resources of the Information Management Section.
- Proposals to improve the reporting of complaints statistics were postponed until the future shape of the CJC is decided.
- The process of coming to agreement on protocols with departments for the handling of complaints progressed more slowly than it would have in normal circumstances.

Carter Inquiry

During 1996-97, we brought together our existing investigations of police involvement in the drug trade (Project Shield) by commissioning a former judge of the Supreme Court of Queensland, the Honourable W J Carter QC, to preside over public hearings to assess and investigate those matters, as well as any new matters arising from the Inquiry. (For more details, see page 35.)

The establishment of the Carter Inquiry was also affected by budget considerations until it was separately funded in January 1997 to allow it to continue.

Complaints statistics

A total of 3559 complaints were made to the Complaints Section throughout the year (see figure 1), comprising standard complaints and breach of discipline matters.

Coincidentally with the CJC being forced to make serious cutbacks in staffing and expenditure and with the need to meet the heavy demands of the Connolly-Ryan Inquiry, we received the highest number of standard complaints ever for a full year.

The 2673 standard complaints registered during 1996-97 represented a 14.5 per cent increase over the 2335 registered for the previous year (see table 6). The months of September and October 1996 and February 1997 were the three highest months recorded in the seven-year history of the CJC. This high intake of complaints suggests continuing strong public confidence in the role of the CJC in dealing with allegations of corruption, misconduct and other impropriety.

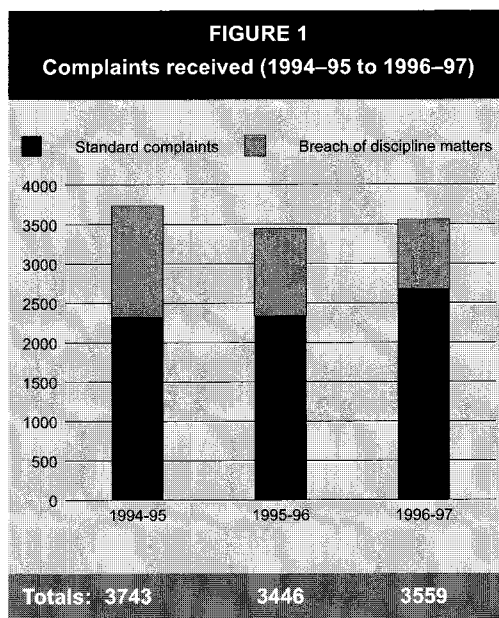


TABLE 6
Complaints statistics

	1995-96	1996-97	% change
Standard complaints registered	2335	2673	+ 14.5%
QPS breach of discipline matters	1111	886	- 20.3%
Total	3446	3559	+ 3.3%
Standard complaints finalised during year	2337	2586	+ 10.7%
Standard complaints current at end of year	378	465	+ 23.0%

Statistical comparison

Although the Complaints Section had restricted resources, it maintained control of this increased workload. Despite standard complaints increasing by 338 over the number registered for the previous year, at 30 June 1997 there were only 465 incomplete matters, representing an increase of only 87 over the number at the end of last year.

We finalised 2586 investigations during the year, an increase of more than 10 per cent over the number finalised in the previous year. Despite the heavy distractions from our core work, 25 per cent of those matters were finalised within six days of registration, 50 per cent were completed in under a fortnight, and fewer than 9 per cent took longer than six months to complete.

The median time for completion of investigations finalised during the year was 13 days compared to 15 days for the previous year.

The number of complaints made by members of the public (as a proportion of all complaints received) increased to 59.8 per cent, up from 52.6 per cent in the previous year (see figure 2).

Categories showing a decrease were complaints by prisoners, principal officers of units of public administration, and police officers. Although the proportions of these categories fell slightly, the numbers of complaints remained stable.

The 2673 standard complaints registered for this year contained 5759 allegations of particular improper conduct or, on average, 2.2 allegations for each complaint. The three major subject areas of police, public service departments and local authorities accounted for 93.5 per cent of the allegations recorded. The mix of persons whose conduct gave rise to complaint remained stable throughout the year with only very slight changes from 1995-96 (see figure 3).

Allegations of improper conduct during the year mostly related to assaults, other criminal acts, and a failure to perform duties (see figure 4). Of particular interest – considering the publicity arising from the Carter Inquiry – was the increase in the number of drug-related allegations of misconduct.

Charges recommended

Since the CJC began, more than 1900 cases of criminal and disciplinary action have been recommended against people as a result of our investigations. (See table 7 for a breakdown of the main categories of people charged since 1994.) This year, 211 matters resulted in recommendations for charges. The total number of recommendations was 523 (see figure 5), 197 of which related to criminal charges (see table 8). Significantly, there were a number of charges arising out of Project Shield (see page 29), which concerned serious drug offences.

FIGURE 2
Categories of complainants
(1994-95 to 1996-97)

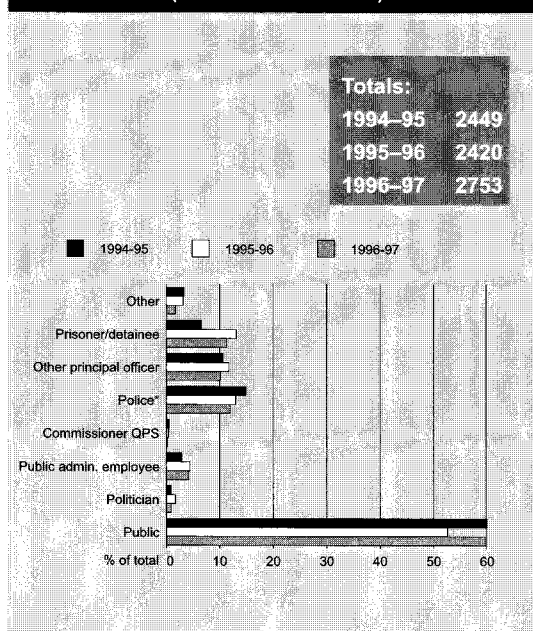


FIGURE 3
Subjects of allegations
(1994-95 to 1996-97)

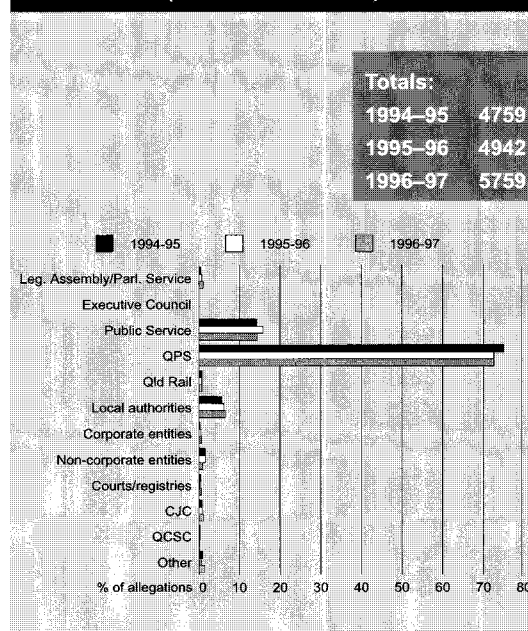
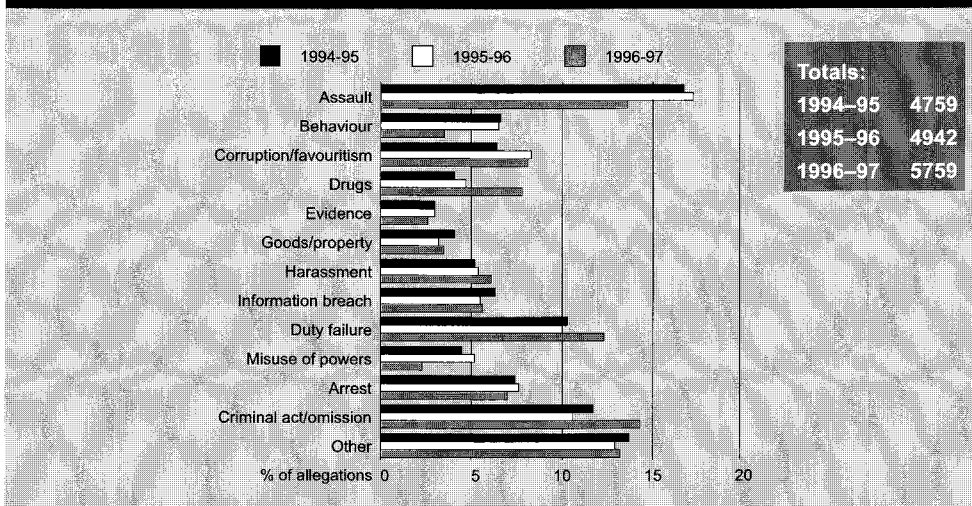


FIGURE 4
Major types of allegations
(1994-95 to 1996-97)



Subprogram 2
Stream I
Misconduct
Investigation and
Review

TABLE 7
Persons charged as a result of misconduct investigations, by category (1994-95 to 1996-97)

Category	1994-95	1995-96	1996-97
Police Service	260	189	136
Public Service	73	71	67
Other	8	34	8
Total	341	294	211

Note:

This table counts the number of cases recommended as a result of investigations during the year. Previous year figures have been adjusted to account for subsequent changes to case data. In the infrequent occurrence where a person is the subject of two or more cases, this is reflected in these figures as a distinct entry.

FIGURE 5
Nature of charges recommended against subject persons as a result of misconduct investigations (1996-97)

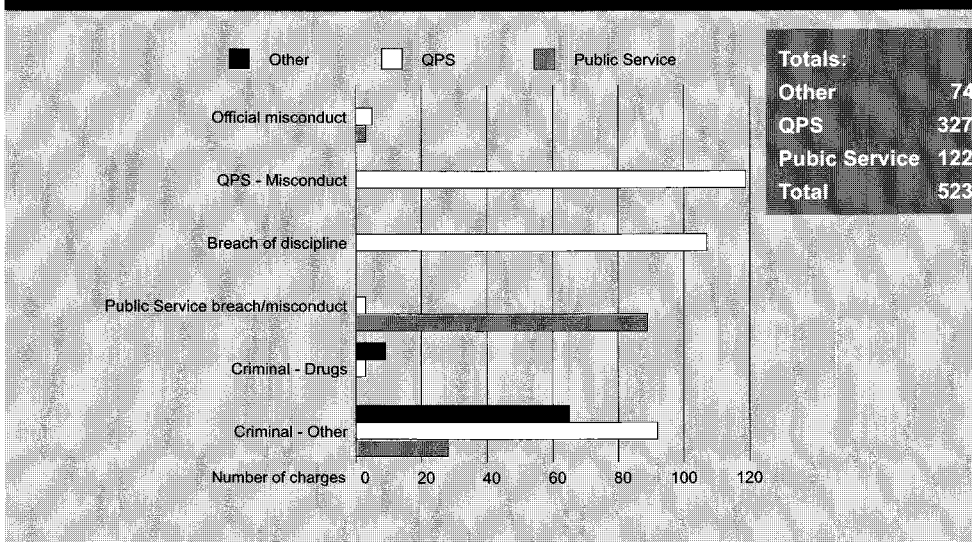


TABLE 8
Types of criminal charges recommended 1996-97 by description (as a result of misconduct investigations)

Subprogram 2
 Stream I
 Misconduct
 Investigation and
 Review

Charge description	Total charges	Number of cases
Obstruction or delay of CJC procedures	1	1
Dishonesty, cheating against Casino	9	1
Official corruption not judicial but relating to offences	3	3
Perjury	1	1
Fabricate evidence	3	3
Attempt to pervert the course of justice	7	5
Unlawful assault and assault occasioning bodily harm	16	11
Deprivation of liberty, threatening to cause a detriment	3	3
Stealing/stealing as a servant	5	4
Breaking and entering with intent to commit an indictable offence	2	2
False pretences	40	4
Receiving	1	1
Wilful damage	1	1
Forgery/uttering	3	3
Possession of tainted property	1	1
Drug trafficking	4	4
Drug supply	2	2
Drug production	1	1
Drug possession	3	3
Other <i>Drugs Misuse Act</i> offences	2	2
Release of confidential information	80	2
<i>Police Service Administration Act</i> offences	3	1
<i>Traffic Act</i> offences	3	3
<i>Weapons Act</i> offences	1	1
Other simple offences	2	1
Total	197	

CASE STUDIES: MISCONDUCT INVESTIGATIONS

Investigations of QPS officers

The investigations of police involvement in the drug trade (Project Shield) are reported in strategy 2. Other investigations concerning police officers include the following cases.

Extortion by a police officer

As a result of receiving information from a private inquiry agent, our investigators mounted a 'sting' operation during which a police officer asked for and received \$9000 in return for the recovery of a Mercedes Benz 380 SE Sedan that had been reported stolen two years before.

This operation was supported by extensive surveillance aimed at identifying co-offenders and gathering corroborative evidence. Examination of bank records was also crucial. The officer was found guilty of a breach of section 88 of the Criminal Code, 'Extortion by Public Officers' and sentenced to 18 months'

imprisonment, to serve six months with the remainder of the sentence suspended conditional upon his being of good behaviour for two years. After lodging unsuccessful appeals, the officer was dismissed from the QPS.

Mercedes Benz Sedan involved in police 'sting' operation



Police officer involved with drugs

Commencing in September 1995, we received a number of complaints from police and civilians about a serving police officer's involvement in using and selling dangerous drugs. Our investigators searched the officer's premises (under the provisions of the *Drugs Misuse Act*) and found a quantity of dangerous drugs, three concealable firearms and several stolen credit cards. The officer was charged with possession of dangerous drugs and restricted firearms.

As a result of a subsequent complaint, police again searched the officer's premises and found dangerous drugs, a number of restricted weapons and other items suspected of being unlawfully obtained. The officer was charged with possession of dangerous drugs, three counts of wilful damage of property and demanding money with threats.

After receiving more information, police again searched the officer's premises. A small amount of cannabis and cannabis seeds, a small pipe that appeared to contain traces of cannabis residue, animal steroids and a needle stick container with about 200 used syringes were found. The officer pleaded guilty to possession of a dangerous drug and of unlicensed firearms. He was fined \$400 on each charge but no conviction was recorded. After a separate court appearance, he was convicted and fined upon pleading guilty to other drug-related charges, and was then dismissed from the QPS.

Police officer steals exhibit

We investigated the disappearance of \$2590 seized from an offender by a Far North Queensland police officer. Our investigation revealed that the indemnity receipt produced by that officer, which purported to show that the money had been returned to the bank, was in fact created a *year* after the money went missing, on the day before he was to be interviewed by CJC investigators.

The Director of Public Prosecutions (DPP) advised that the officer should be charged with stealing as a servant. The officer pleaded guilty, was given a three-year good behaviour bond and ordered to pay restitution to the Police Commissioner. No conviction was recorded. An appeal against the leniency of that sentence resulted in a conviction and the

officer ordered to perform community service. He resigned from the QPS.

Police officer protecting a criminal associate

We investigated an allegation that a uniformed police constable stationed on the Gold Coast sought to retard the investigation of several complaints of criminal activity by a convicted criminal with whom he had an association. It was also alleged that he was seeking financial favours from the criminal for 'holding' the relevant investigation files.

Our investigation disclosed that the police officer had borrowed money from the criminal which he had never repaid. The officer then took over the investigation of several fraud matters involving the criminal, telling complainants and colleagues that the matters were merely civil disputes. The officer sought to extort money from the criminal by threatening to 'hand over' the files if the money was not paid. When interviewed, he lied about his dealings with the criminal and his involvement in the fraud investigations. A Misconduct Tribunal ordered the officer be dismissed.

Investigations of public sector officers

Corrupt payments to public servant

We investigated allegations of corruption arising out of the awarding of contracts by a senior officer in the Department of Education to an external supplier.

We searched the business and residential premises of the officer and supplier, interviewed departmental auditors, suppliers and employees, and analysed the financial records (for a six-year period) obtained from the defendants' premises and accountants, the Department of Education, and numerous financial institutions. Our investigation revealed that the officer had been using his position to award (or influence the awarding of) about \$1 million worth of contracts to one particular supplier. In return, he received payments of more than \$63 000. The officer and the supplier were convicted of official corruption for some of those payments.

The success of this operation was largely due to our multidisciplinary approach, which enabled a compelling brief to be prepared against the accused using the expertise of financial analysts, lawyers and police officers.

Noncompliance with purchasing policies

After an internal investigation by Queensland Health auditors, we were told that the executive manager of a hospital had authorised purchases that were contrary to policy. Specifically, the officer authorised the purchase of equipment costing more than \$600 000 from a company owned by a personal friend. Inquiries revealed that the same equipment could have been purchased through a Standing Offer Arrangement already negotiated by Queensland Health, which would have saved about \$180 000.

When interviewed, the officer denied receiving any benefit, rationalising that his chosen supplier provided a superior warranty, although our inquiries did not validate this. He acknowledged that there had been a number of deviations from the State Purchasing Policy and the Queensland Health Purchasing Policy, but strenuously denied any criminal or improper dealings with the supplier. He said that the training he had received had led him to believe that 'substantial implementation [of the purchasing policies] was good enough'.

Our inquiries concluded that there was insufficient evidence to charge the officer with any criminal offence or misconduct, but we considered that the officer had performed his duties carelessly, incompetently or inefficiently by failing to ensure adherence to proper purchasing policies. Therefore, we recommended that the department consider disciplinary action.

Release of confidential information

The Public Trustee reported suspicions that a former employee had released confidential information to a financial planning company to assist that company to make a successful tender for consultancy services. The officer had resigned from the Public Trust Office and was now working for the company in question.

Our investigations confirmed that the former employee had prepared material to assist the firm secure inclusion on a list of financial planners to be used by the Public Trust Office. An examination of the firm's tender revealed that it had used parts of the former employee's documentation in framing its tender.

A second issue concerned a list of substantial beneficiaries/clients found on the former employee's computer at the Public Trust Office. Inquiries by the Office revealed that at least eight people on this list had been contacted by the former employee after he commenced employment with the financial planning firm.

Although we were unable to uncover evidence to sustain criminal prosecution, upon our advice the Public Trustee is now reviewing the wording of an oath taken by all its employees to ensure that it refers sufficiently to employees' obligations regarding the release of official information after ceasing to work for the Office.

Improper use of Council property

We investigated an allegation that various Council employees had been using the Council's resources and labour for their own business activities. It was also alleged that they had been selling the Council's resources and keeping the proceeds, and that they had been receiving kickbacks for ensuring that the Council dealt with a specific contractor.

We prepared two briefs for submission to the DPP. The first recommended six charges against one officer for misappropriating Council property, and the second, several charges against two officers for misappropriating material that had come into their possession during the course of their employment.

Drug seizures

Because of the focus this year on the corrupt involvement of police in the drug trade, there were substantial drug seizures recorded in the course of our misconduct investigations (see table 9). Normally, drug seizures would be recorded as a result of organised and major crime investigations.

Drug type	Quantity
Cannabis (various forms)	8.65 kg
Ecstasy (MDMA)	385 tablets
Cocaine	7.187 gm
Amphetamine	.433 gm
Heroin	2 samples

Notices to produce documents

During 1996-97, the Chairperson or his delegate issued 527 notices to produce documents for misconduct investigations (see table 10). These notices require people who have documents that may be relevant to one of our investigations to produce them to an officer of the CJC. Such notices are an effective way for us to gather essential documentary evidence, and are a less intrusive alternative to a search warrant. They allow us to limit our use of search warrants to necessary cases only.

False complaints

We instigated four actions against people for deliberately making false complaints (see table 11). Three matters outstanding from the previous year (see A-C below) were not completed, because the complainants could not be found. This highlights a difficulty in successfully prosecuting false complaints – people who make them are often difficult to find when action is taken against them. False complaints not only cause stress to the officers concerned, they also waste scarce resources. Since its inception, the CJC has pursued 13 such matters to conviction.

TABLE 10

Use of *Criminal Justice Act* powers in misconduct investigations (1996-97)¹

Powers	Section	No.
Notice to furnish a statement	69(a)	18
Notice to produce records or things	69(b)	527
Authority to enter public premises	70	18
Warrant to enter, search and seize	71	3
Summons to procure evidence	74	178
Direction for attendance of a prisoner	81	4
Applications for listening devices	82	16 ²

¹ The extent to which these powers have been used in the course of organised and major crime investigations is detailed separately in Stream III.

² Also one authority granted under the *Drugs Misuse Act*.

TABLE 11

Matters in which proceedings for making false complaints are current (1996-97)

Complainant	Allegations made	Outcome
A	Alleged that he was injured while in police custody after his arrest.	A charge of wilfully making a false complaint under s. 10.21 of the <i>Police Service Administration Act 1990</i> was initiated. A warrant in the first instance was issued and is still outstanding.
B	Two complainants alleged that police officers at a domestic dispute used excessive force in making an arrest.	A charge of wilfully making a false complaint under s. 10.21 of the <i>Police Service Administration Act 1990</i> was initiated against each complainant. The complainants failed to appear when summonsed and are still to be located.
C	Alleged that police officers used excessive force in arresting him.	A charge of wilfully making a false complaint pursuant to s. 10.21 of the <i>Police Service Administration Act 1990</i> was initiated. The complainant has not yet been located.
D	Alleged that police assaulted him during attendance at a domestic dispute by kicking him four times.	A charge of wilfully making a false complaint pursuant to s. 10.21 of the <i>Police Service Administration Act 1990</i> was initiated. The complainant has not yet been located.
E	Alleged that police punched her in the mouth while arresting her for drunk and disorderly conduct outside a hotel.	A charge of making a false complaint under s. 137(1) of the <i>Criminal Justice Act 1989</i> . Security cameras showed the assault did not happen.
F	Alleged that police used unnecessary force causing her several injuries when arresting her after an incident outside her home.	A charge of wilfully making a false complaint under s. 137(1) of the <i>Criminal Justice Act 1989</i> . A summons was taken out for service interstate.
G	Alleged that police attending a domestic incident kicked him in the back and punched him in the face while in the police car and further assaulted him at the watchhouse.	A charge of wilfully making a false complaint under s. 137(1) of the <i>Criminal Justice Act 1989</i> . Another person has admitted to causing the injuries. A summons was issued.

Listening devices

We apply to the Supreme Court for authority to use listening devices, but only when there are strong grounds for doing so. Not one of our applications during the year was refused. We obtained approval to use 20 listening

devices this year (see tables below), 17 of which were used in misconduct investigations, mainly in relation to the Carter Inquiry. Some of the evidence collected in this way was presented as video and audio evidence at public hearings of the Inquiry.

TABLE 12
Act authorising listening devices (1989-90 to 1996-97)*

Act authorising the device	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97
<i>Drugs Misuse Act 1986</i>	1	0	3	7	1	7	2	3
<i>Criminal Justice Act 1989</i>	0	0	4	3	9	2	4	17
Total	1	0	7	10	10	9	6	20

Note: * Applications reported previously as part of the organised and major crime investigation stream (Stream III) are reported this year under the misconduct investigation and review stream (Stream I) which generated most 1996-97 applications.

TABLE 13
Listening device applications (1996-97)

No.	Date of authority	Authorising statute	Duration of use	Basis of investigation
1*	03.07.96	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct
2*	22.08.96	<i>Drugs Misuse Act 1986</i>	8 weeks	Drug trafficking (Italian Organised Crime)
3*	17.09.96	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
4*	02.10.96	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
5*	11.10.96	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
6*	18.10.96	<i>Criminal Justice Act 1989</i>	12 weeks	Possible official misconduct relating to police and drugs
7*	18.11.96	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
8	04.02.97	<i>Drugs Misuse Act 1986</i>	4 weeks	Possible official misconduct relating to police and drugs
9*	10.02.97	<i>Criminal Justice Act 1989</i>	12 weeks	Possible official misconduct relating to police and drugs
10*	21.02.97	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
11*	07.03.97	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
12*	18.03.97	<i>Criminal Justice Act 1989</i>	12 weeks	Major crime - joint operation - murder of three children
13	03.04.97	<i>Criminal Justice Act 1989</i>	4 weeks	Possible official misconduct relating to police and drugs
14*	29.04.97	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
15	07.05.97	<i>Criminal Justice Act 1989</i>	4 weeks	Possible official misconduct relating to police and drugs
16*	13.05.97	<i>Criminal Justice Act 1989</i>	8 weeks	Possible official misconduct relating to police and drugs
17	16.05.97	<i>Criminal Justice Act 1989</i>	4 weeks	Possible official misconduct relating to police and drugs
18*	28.05.97	<i>Drugs Misuse Act 1986</i>	8 weeks	Drug trafficking
19	17.06.97	<i>Criminal Justice Act 1989</i>	4 weeks	Possible official misconduct relating to police and drugs
20	20.06.97	<i>Criminal Justice Act 1989</i>	4 weeks	Possible official misconduct relating to police and drugs

Note: * Represents a subsequent successful application for an extension of the device listed.

STRATEGY 2

Undertake pro-active misconduct investigations.

CASE STUDIES: PROJECT SHIELD

The investigations undertaken in conjunction with the Carter Inquiry represent a major component of our investigative activity for the year. A range of pro-active techniques was used in the course of these investigations, some of which are described below.

Operation Caesar II

This operation began in early 1996 when we received information that a known Gold Coast drug dealer claimed to be receiving police protection. An informant was introduced to the drug dealer and later purchased some cannabis from her. The informant spoke to the dealer about police protection, and the dealer arranged for the informant to meet a former Gold Coast police officer who, in exchange for corrupt payments, would act as the middle man between the informant and corrupt police. Arrangements were then confirmed with officers from the Gold Coast to provide protection from detection and prosecution for the CJC informant. Corrupt payments totalling \$25 500 were made to the former police officer. Evidence also emerged concerning:

- the involvement of another serving police officer who conducted numerous computer checks requested by the former police officer
- the likely involvement of other police in improperly releasing confidential information to the former police officer
- the unlawful dissemination of information concerning the identity of the informant.

Public hearings on these matters commenced in May. All parties at first denied involvement in the corrupt arrangement, which was the primary focus of the operation. However, two later confessed, leading to the suspension of two of the police officers involved. Investigations and public hearings are continuing.

Operation Monument

In April 1997, a number of residences on the Gold and Sunshine Coasts and two Gold Coast police stations were searched to find evidence of a corrupt association between two suspected drug traffickers and a serving Gold Coast police officer.

Public hearings conducted by the CJC commenced the following week, and summonses were served on a number of witnesses.

The subject officer was unable to attend those hearings because of ill health. His principal associate, one of the suspected drug traffickers, denied any knowledge of a corrupt association with the officer. He did admit that the officer used cannabis with him, but stated that this was the extent of their unlawful conduct – despite extensive and compelling tape-recorded conversations that detailed a far more sinister association. In the face of overwhelming evidence, the other associate admitted that he was in fact a drug trafficker.

A third person admitted that, to avoid being prosecuted on several serious criminal charges, he had made a \$500 corrupt payment to the police officer. This payment was allegedly brokered by the first associate, who has since been charged with possession of a dangerous drug, perjury and official corruption.

In total, we recommended 23 charges against eight people, including trafficking in a dangerous drug and official corruption.

Operation Jetski

In July 1996, a large quantity of cannabis was stolen from the Finch Hatton police watchhouse. In January 1977, police from Project Shield searched residences, businesses and the Whitsunday Police Station. Two civilians and a police constable later admitted to the breaking and entering of the watchhouse and the stealing of cannabis sativa plants that were stored there as drug exhibits. They also admitted being involved in a conspiracy to protect drug offenders in the Whitsunday region.

Public hearings were conducted to determine the nature and extent of police involvement. Several closed hearings were also held. A brief of evidence recommending that the police officer be charged with official corruption, trafficking in a dangerous drug, breaking and entering with intent to commit an indictable offence, and stealing, was sent to the DPP for consideration, along with briefs of evidence for the remaining participants.

STRATEGY 3

Monitor and review investigations conducted by other agencies.

Subprogram 2
Stream 1
Misconduct
Investigation and
Review

Review Unit

OMD's Review Unit reviews matters the CJC has referred to external agencies for investigation. By far the largest proportion of our work here is concerned with reviewing QPS investigations of alleged minor misconduct, QPS investigations of alleged criminal conduct by public officers (other than police officers), and departmental investigations of alleged official misconduct (see table 14). We also review QPS investigations of major incidents, such as attempted suicides and police pursuits.

In 1996-97, the number of files for review (having been referred to the QPS for investigation) increased over those for the previous year (see table 15). However, our resources were reduced considerably because of redundancies, increased work of the Complaints Section and the impact of the Connolly-Ryan Inquiry. For a large part of the year, the Review Unit was staffed by only two legal officers and two support officers, as opposed to its usual complement of four legal officers and two support officers. These factors diminished our ability to achieve our aims for this year. In 1996-97, we reviewed 1502 matters (see table 16).

As well, a Review Unit officer was a member of the joint CJC-QPS Working Party 'Reducing Assault Complaints against Police' and took part in a number of Discipline Workshops conducted by the Office of the Public Service.

We had intended this year to target inadequacies and trends revealed by our review of external agency investigations, but,

TABLE 14

Types of matters reviewed by Review Unit (1996-97)

Type of matter	No.	%
Referral to QPS for investigation of minor misconduct of QPS officers	258	28.4
Referral to QPS for investigation of possible criminal activity by other public officers	144	15.9
Referral to Principal Officer of a unit of public administration for investigation or other action	175	19.3
Referral to QPS for report on major incident or significant matter	86	9.5
Other, including review of disciplinary sanctions	244	26.9
Total	907	100

TABLE 15

Minor misconduct matters referred to the QPS for investigation on behalf of the CJC as a percentage of all complaints against police

Year	No. of complaints against QPS	No. referred to QPS as minor misconduct	%
1992-93	1507	285	18.9
1993-94	1642	391	23.8
1994-95	1659	344	20.7
1995-96	1604	319	19.9
1996-97	1869	330	17.7

because of the problems mentioned earlier, this proved impossible. However, we began two important new projects -- a protocol for the disciplinary process between the CJC, government departments and local authorities, and a modification of the method by which the CJC oversees and reviews QPS and departmental investigations and disciplinary action. These projects will be completed and implemented in 1997-98. (See also strategy 9.)

TABLE 16

Review Unit workload figures for 1996-97

Category	Reviews of investigations by external agencies	Reviews of disciplinary sanctions only*	Total matters under review
Matters brought forward as at 1.7.96	556	42	598
New matters 1996-97	836	68	904
Total	1392	110	1502

Note: * Disciplinary sanctions imposed by an agency where the investigation was conducted by the CJC.

We will also seek to work in conjunction with the proposed QPS Ethical Standards Command, which in part will subsume the role of the Professional Standards Unit, to enhance the QPS's ability to conduct effective investigations of complaints.

The experience of the Review Unit will also be used in the development of a new complaints database.

STRATEGY 4

Make recommendations for procedural reforms to units of public administration based on investigations.

The CJC contends that its responsibility for promoting proper conduct by public officials

is not limited to the investigation of complaints. We are well positioned to identify flaws in systems and procedures and frequently make recommendations designed to correct those deficiencies.

Of the 33 procedural recommendations made by OMD during the year (see table 17), 19 were either fully or partially accepted and implemented, with 14 outstanding as at 30 June 1997.

It is of particular note that 12 of the 14 recommendations made to the QPS were accepted and implemented. Of the 348 recommendations made since 1989, 85 per cent have been either fully or partially accepted, 12 per cent remain outstanding and only 2.3 per cent have been rejected.

TABLE 17
Procedural recommendations by departmental/public sector area

Departmental/public sector area	1996-97	Total since April 1990
Administrative Services/Public Works & Housing	3	6
Education	1	12
Environment and Heritage	1	5
Families, Youth and Community Care (Family Services & Aboriginal and Islander Affairs)	3	9
Health	1	13
Local Government	1	6
Mines and Energy	2	2
Transport	1	20
Public Trustee	1	1
Queensland Rail	1	1
Queensland Police Service	14	213
Local Authorities/Local Government Association	4	24
Other	-	36
Total	33	348

CASE STUDIES: PROCEDURAL REFORMS

Conflict of interest

We wrote to the Local Government Association of Queensland after investigating a complaint concerning a councillor who was alleged to have had a 'material personal interest' within the meaning of the *Local Government Act 1993*. The complainant in this matter believed that the councillor should have excluded herself from a number of Council meetings on the basis of her husband's partnership in a firm of solicitors which had acted for people who had matters for consideration before Council.

The councillor's spouse was an 'associate' within the meaning of the *Local Government*

Act 1993, and so the issue was whether the councillor could have a reasonable expectation that she or her husband stood to benefit or suffer a loss as a direct result of Council's deliberations.

We did not recommend that any action be taken against the councillor because the question of whether a material personal interest existed in each case was not clear cut. Another consideration was the absence of guidelines to assist councillors in determining whether their connection could give rise to a material personal interest. However, because of the number of councillors who have associates within the meaning of the Act, who are partners in legal firms which regularly make application to local councils, we

requested that the Local Government Association consider providing guidance to councillors on this matter.

Misuse of Council plant and equipment

This complaint originated when two home owners reported to a councillor that their driveway was constructed as a business sideline by two Council employees, using Council resources. The complainants stated that they observed their driveway was excavated by Council workers during work time on a Friday and that the concrete was poured the following day by the same two officers, who then accepted a cash cheque for payment.

Our investigation revealed that, while Council formwork was used in the construction of the driveway, the officers used their own tools and time to complete the project. They demonstrated that they had purchased the concrete specifically for this task.

In these circumstances, we determined that an official misconduct charge was not warranted, but remained concerned about the need to separate the duties of a Council employee from any private business ventures conducted by that employee.

We recommended that Council issue guidelines to its employees in the construction area, explaining to them what Council considers permissible in such circumstances. In particular, we recommended that such guidelines include the steps workers need to take to ensure no actual or perceived conflict of interest arises between the work they are paid to do for Council and the work they undertake privately.

Traffic infringement notices

We received a number of complaints about traffic infringement notices. One complainant alleged that a police officer had withheld the processing of a notice in order to elicit favours.

Three other complaints concerned the disappearance of copies of the notices. Under the present system, once a ticket has been issued, the remaining two copies are extracted from the booklet and given to a station administration officer who files a copy in station records and sends the other copy to

the Transport Department where details are recorded on a database and reports issued periodically to the QPS. Our investigations revealed that the system relied heavily on the issuing officer – it seemed easy for an officer, inclined to do so, to ‘pull’ a ticket simply by seeking and destroying the duplicates.

We brought these observations to the notice of the Police Commissioner and were told that they and related matters are currently being considered by a specially designated working party chaired by the State Traffic Support Branch.

Political donations by a land developer

We wrote to the Minister for Local Government and Planning after an investigation into allegations that a property development corporation made political donations to various candidates seeking election to a local authority.

Inquiries revealed that three of the current councillors received donations from the corporation, as did a number of organisations at state and federal level. All three councillors who received donations denied that any expectations had been attached to those donations. Further, each of the councillors denied giving any favourable treatment to the corporation. Similarly, the directors of the corporation denied that any benefit had been sought or received from any of the people to whom the donations were made.

We found that there was no evidence that any of the councillors who had received donations had acted corruptly within the meaning of section 87 of the *Criminal Code* (official corruption); nor had they contravened the provisions of the *Local Government Act*. We had previously urged that donations to local government councillors should be disclosed. Detailed consideration of this issue was outlined in our *Report on a Public Inquiry into Payments made by Land Developers to Aldermen and Candidates for Election to the Council on the Gold Coast* (November 1991). The recommendation concerning disclosure was also endorsed by the Electoral and Administrative Review Commission's *Report on Investigation of Public Registration of Political Donations, Investigation of Funding of Election Campaigns and Related Issues* (June 1992).

In writing to the Minister, we noted that the recommendations from these reports had not yet been adopted in legislation. We believe it is time to reconsider this matter.

Theft of Council property

We received allegations during the year that various Brisbane City Council employees had stolen property belonging to their employer. Our inquiries revealed that the property in question was of no further use to Council and would have been dumped had the employees not taken it. When these claims were confirmed by supervisory staff, we took no further action about the individual matters, but wrote to Council recommending the formulation of a policy to govern the removal from Council premises of valueless property. We recommended that any such policy should require the certification or authorisation of a senior officer.

Apprehension of a drug offender

We received a complaint from a civilian who was charged with supplying dangerous drugs to an undercover police officer as the result of activity by a QPS covert operative who targeted registered addicts outside the Cairns Methadone Clinic. The complainant stated that he was pressured by the undercover police officer who said her boyfriend was in desperate need of heroin as he was currently experiencing severe withdrawal symptoms.

In a separate matter arising from the same police operation, the Supreme Court Judge commented:

This appears to be a clear case of the police authority going beyond what is appropriate in the circumstance. As I say, it may be that there are other circumstances of which I am not aware, but if there are not, then I think it is necessary that the relevant police authority address the

circumstances which have occurred here with a view to ensuring that they do not occur again.

The CJC considers that the use of such an investigative strategy to detect minor drug offenders is inappropriate and can only bring discredit upon the Police Service, and advised the Police Service accordingly. The QPS replied that this issue has since been the subject of a memorandum issued to all covert police operatives.

Alteration of records

We received a complaint from solicitors representing a pastoral company that a Department of Minerals and Energy employee had altered details on a mineral development licence application to enhance substantially the applicant's prospect of success. Documentation provided by the complainant raised the suspicion that data in the department's computer records had been altered so as to assist the applicant. There was a concern that a departmental employee was acting improperly on behalf of the applicant.

Our inquiries revealed that, while a date had been altered by a departmental employee, it had not been done corruptly. Nevertheless, we remained concerned that existing systems allowed this to occur.

We recommended to the Director-General that the design and programming of the mining-tenures database be reviewed to reduce the scope for human error identified by this investigation. It was further recommended that proper procedures be implemented to improve the initial recording of receipt of applications for mining tenures, including mineral development licences. The department has since told us that remedial steps have been taken in accordance with those recommendations.

STRATEGY 5

Develop and monitor informal complaint resolution procedures.

Matters for informal resolution

The CJC is committed to the informal resolution process because it is an effective and cost-efficient way to deal with minor complaints.

The Bingham Review supports our view that more matters could be informally resolved by the QPS and that the process could be further refined. In particular, it has recommended that very minor matters could be suitable for 'desktop informal resolution', which would enable them to be dealt with at the time and place of receipt.

Informal resolution involves an independent officer (of the rank of Senior Sergeant or above and appropriately trained) seeking to resolve the complaint to the complainant's satisfaction. Sometimes this can involve acting as an intermediary between the parties concerned, making each aware of the other's viewpoint. Often, the process results in an outcome more satisfactory to all parties concerned than if the matter had been formally investigated.

In 1996-97, 157 standard complaints were resolved informally by the QPS (see table 18). This represents 8.4 per cent of all misconduct complaints against police, which is an increase on the 6.5 per cent of matters handled this way in 1995-96. An even greater percentage of breach of discipline matters was dealt with in this manner. This year, 38 per cent of these complaints were informally resolved.

Year	No. of complaints against QPS	Matters for informal resolution	%
1993-94	1643	69	4.2
1994-95	1659	151	9.1
1995-96	1604	104	6.5
1996-97	1869	157	8.4

STRATEGY 6

Identify and help confiscate the proceeds of corruption affecting the public sector.

Our efforts to confiscate the proceeds of crime are not limited to organised and major crime (see page 51). All substantial investigations, including those targeting public sector officials, are assessed by our financial analysts and lawyers to establish the potential for forfeiture of tainted property.

For example, during 1996-97, we concluded a protracted investigation into a Department of Education employee who had a corrupt association with a supplier of sporting apparel. The public servant had accepted 'commissions' of \$10 953 from sales to the department totalling \$115 741. Both parties to this arrangement were convicted on all counts, fined \$10 000 and sentenced to 14

months' imprisonment, with the whole period suspended for four years. The departmental employee was also ordered (under section 34 of the *Crimes (Confiscation) Act 1989*) to pay the sum of \$10 953. The ODPP is still considering seeking a pecuniary penalty order against the other defendant.

STRATEGY 7

Hold public inquiries and report to Parliament on matters of serious concern.

Hearings

Three public and 12 private hearings were held in support of misconduct investigations during 1996-97 (see table 19). A further two private hearings were held as a result of organised and major crime investigations.

Carruthers Inquiry

In our previous Annual Report, we detailed two inquiries being conducted by the Honourable Kenneth J Carruthers QC, a retired judge of the Supreme Court of New South Wales. The first matter was referred to us by the Honourable T R Cooper, Minister for Police and Corrective Services, and related to a Memorandum of Understanding (MOU) between the Queensland Police Union of Employees and members of the Coalition parties. The second inquiry concerned an agreement between some Queensland members of the Australian Labor Party and officers of the Sporting Shooters Association of Australia (Qld) Inc.

The hearing of evidence and submissions in relation to each matter concluded on 2 September and 3 September respectively. On 29 October, Mr Carruthers publicly announced his intention to resign without completing or presenting his report, having concluded that:

... the natural independence of my inquiry which could not hitherto be questioned had been fatally compromised; the perception of independence which had been critical had been irretrievably lost; and my own position had become untenable.

As a result of Mr Carruthers's resignation, in November 1996 we briefed Senior Counsel to advise the CJC whether any report should be made by the Chairperson (pursuant to section 33(2) of the *Criminal Justice Act 1989*) about

TABLE 19
Hearings held for misconduct investigations

Type of hearing	No. of matters	Days sat	Witnesses	Transcript pages
Public Inquiries*	3	83	100	6283
Private Hearings	12	27	21	1533
Total	15	110	121	7816

* Comprises Operations Atrium, Sapphire and Shield.

any person as a result of the investigations conducted by Mr Carruthers QC. The brief to Mr R W Gotterson QC and Mr B J Butler SC included:

- (a) the transcript of the public hearings, including both the evidence of witnesses and civilians
- (b) all of the exhibits tendered during the course of the public hearings
- (c) all written submissions made on behalf of the parties represented at the public hearings.

The advice we received was that the evidence did not in either matter warrant any referral for criminal action or official misconduct proceedings. However, it did warrant disciplinary action for misconduct against a number of police officers in relation to the MOU. The CJC acted upon this advice, and the QPS is considering disciplinary action for the nominated officers.

Carter Inquiry

From 1993, the CJC has attempted to take a pro-active approach to the difficult area of police involvement in criminal activity, in particular the drug trade. During 1995 and early 1996, we conducted a number of long-term operations concerning the suspected involvement of serving Queensland police officers in protecting drug offenders from detection and prosecution. In addition, we received intelligence from several quarters of suspicious associations between QPS members and suspected drug offenders.

Although we had established a general operation to respond to specific complaints of this kind, the growing incidence of such allegations convinced us that a more pro-active response was required to investigate this difficult area of misconduct.

Accordingly, we sought an independent assessment of our intelligence holdings from a

former judge of the Supreme Court of Queensland, the Honourable W J Carter QC. He advised that there was sufficient evidence to justify a major investigation. He also advised that it might be necessary to conduct hearings to support those investigations. In October 1996, we engaged Mr Carter to conduct the investigation, to hold appropriate public or private hearings, and to report to us.

The CJC resolved in the following terms:

- (1) to conduct an investigation into cases of alleged or suspected misconduct or official misconduct by members of the QPS concerning those members:
 - (a) being in possession of, supplying, producing or trafficking in dangerous drugs
 - (b) associating with, and supplying official information to, persons possessing, supplying, producing or trafficking in dangerous drugs to assist them in avoiding apprehension or prosecution for such offences
 - (c) engaging in acts of official corruption, perversion of justice and like offences in connection with persons mentioned in paragraph (b) or associates of those persons during the period 22 April 1990 to the date of this resolution
- (2) as part of the investigation referred to in paragraph (1) hereof, to consider generally such cases and make such recommendations as may seem appropriate in light of the Commission's responsibilities under the Act with particular reference to ss. 23 and 29(3)(e)
- (3) to engage the services of an independent qualified person pursuant to ss. 25(2)(c) and 66 of the Act, that person being the Honourable William John Carter QC, to conduct the investigation, to hold such public or private hearings as may be appropriate and to report thereon to the Commission to enable the Commission, the Commissioners and officers of the Commission to discharge the functions and responsibilities imposed by the Act.



The Honourable W J Carter QC presiding at the inquiry into police involvement in the drug trade. The Carter Inquiry was continuing at the close of the financial year 1996–97.

At our invitation, the Police Commissioner immediately dedicated substantial human and capital resources to the operation, and gave the CJC the QPS's full cooperation.

As the investigations undertaken in conjunction with the Carter Inquiry included the use of pro-active investigative strategies, they have been included in strategy 2.

STRATEGY 8

Analyse complaints data to identify risk areas and pro-actively investigate those areas.

Complaints of assaults by police

Since the CJC first assumed responsibility for investigating complaints against public sector officials, more than 4000 allegations of assaults by police officers have been lodged with the Complaints Section. The sheer number of complaints has helped us to identify risk areas and to work out appropriate responses to reduce the likelihood of such incidents recurring.

Investigating these sorts of complaints is, however, notoriously difficult because:

- police officers frequently encounter violent resistance in the normal course of their work, necessitating a degree of force to terminate an incident and protect bystanders
- people involved in violent confrontations with police are often adversely affected by alcohol or other drugs, which hinders their capacity to recall what really happened
- people lodging complaints about excessive force or assaults by police often have criminal histories that can diminish their credibility

- many police officers are reluctant to give evidence against their colleagues. A matter that concluded recently in the Misconduct Tribunal graphically demonstrates the problem of proving that an offence has occurred:

A complaint was made by a police officer that while he was handcuffing a motorist who had been involved in a high-speed pursuit, both he and the motorist were kicked repeatedly by other police at the scene, who were angry at being led on a dangerous chase. Both the complaining officer and the motorist had injuries consistent with the alleged assaults, yet all of the other officers present denied seeing the use of any unnecessary force – including one officer who may not have taken part in the assault but was in a position to witness clearly what had occurred. We recommended that this officer be charged with official misconduct.

However, the Misconduct Tribunal member who heard the matter found that, while the alleged assaults had indeed taken place, he could not be satisfied to the necessary standard that the officer in question lied – he may simply have been distracted at the crucial time, or forgotten. The charge was therefore not proven.

Despite the difficulties mentioned above, our investigations of assault complaints during the year resulted in a number of recommendations for criminal or disciplinary action.

Assaults investigated productively this year included:

- two off-duty police officers charged after fighting with a number of civilians outside a hotel
- police officers charged following allegations by a civilian that he was punched and kicked by one officer in the presence of another during a formal record of interview
- two officers charged with assaulting a cyclist, who was caught twice for not wearing a helmet – the incident was corroborated by an independent witness.

The CJC study *Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police* (March 1997) identified a range of preventative strategies to complement the investigative role of the Complaints Section. The recommendations in this report are based on an analysis of more than 300 files involving allegations of assault by police. A Joint Working Group of CJC and

QPS personnel is now charged with the responsibility of developing pilot projects to reduce the number of assault complaints.

The characteristics of assault investigations, as discussed above, mean that, inevitably, many will be unsubstantiated. This causes exasperation both for the complainants, who feel they have not been believed, and the subject officers, who feel a question mark remains over their integrity. It is important, therefore, not to rely solely on investigative processes to modify undesirable behaviour by police officers. The examination of preventative measures such as those being considered by the Joint Working Group is a vital adjunct to those investigations.

STRATEGY 9

Assist units of public administration to develop effective internal disciplinary processes.

Draft protocol

Discussions in 1996 between departmental officers and officers of the CJC revealed concerns about the interaction between CJC and QPS investigations and departmental responsibility for internal disciplinary processes. Of principal concern was the impact (upon the department and the officer under investigation) of delays in embarking upon internal remedial action because of the need to await the results of protracted investigations by an external agency, such as the QPS or the CJC.

In response, in February 1997, the Chief Officer of the Complaints Section and other CJC officers met with representatives from all government departments and the Office of the Public Service to discuss the problem.

As a result of that meeting, a draft protocol between the CJC, government departments and agencies, and two local authorities was prepared for distribution to chief executive officers. The protocol, among other things, outlines an agreed framework concerning the many issues which confront a department or

agency in the disciplinary area, such as:

- addressing systemic management and administrative matters identified as a result of a complaint of misconduct
- responding to peripheral disciplinary issues
- dealing with the consequences of delay with preventative measures such as suspension and transfer.

The protocol also envisages an important modification to the method by which the CJC will oversee and review QPS and departmental investigations and disciplinary action, which it is hoped will alleviate many of the concerns associated with delay.

It is proposed that only significant matters would be reviewed individually. All other matters would be reviewed by means of regular audits, either through random selection of matters or by targeting certain types of conduct or a combination of both. The audits would be undertaken jointly by the Review Unit and the Corruption Prevention Division, with the assistance of the Research and Coordination Division. Such a change of focus would improve the speed and effectiveness of the review process to the benefit of the public sector.

Training courses

We also took part this year in discussions with the Office of the Public Service, the Department of Training and Industrial Relations and Crown Law about developing a consolidated approach to training in disciplinary processes. We are particularly interested in developing an investigator's training course and a course dealing with the interrelationship between the disciplinary and grievance processes and whistleblowers' protection.

For a variety of reasons, affecting both the CJC and government agencies, it was not possible to implement a joint training initiative this year. However, we intend to revive discussions with a view to introducing one in the latter half of 1997-98.

Strategy 10

Publish complaints statistics.

Subprogram 2
Stream I
Misconduct
Investigation and
Review

We publish complaints statistics every year in our Annual Report (see strategy 1) and in our regular reports to the PCJC. We also prepare sectional reports for the Corruption Prevention Division's work with the QPS, government departments and local authorities.

More formal dissemination of complaints statistics, together with an analysis of those figures, was not possible because of inadequate resources.

When the future direction of the CJC is decided, a new attempt may be made to enhance the dissemination of these statistics.

STREAM II

Misconduct Prevention

Objective

- ❖ To assist units of public administration to identify and reduce public sector misconduct

Performance indicators

- ❖ Clients' level of satisfaction
- ❖ Number of agencies that have requested or accepted assistance
- ❖ Number of recommendations arising from misconduct risk reviews accepted by the client groups

Projected activity	Outcome
Carry out a survey on public sector attitudes to workplace crime, and make the data available to senior managers.	Survey completed and data used as part of the liaison meetings with senior managers.
Analyse patterns of complaints made to the CJC to identify trends that may require risk management across a range of areas/agencies.	Analysed the pattern of allegations of a major agency and developed a strategic prevention approach.
Develop a 12-month work program for a minimum of 12 major misconduct risk management reviews.	Analysed a range of OMD files and developed a misconduct risk management review work program. Eight reviews conducted – see table 27 for feedback obtained from senior management. (Work program reduced because of budget cut.)
Monitor implementation of review recommendations by organisations we have reviewed.	Discussed with senior managers the practicality of recommendations contained in the review report; implementation time frames negotiated.
Prepare an issue paper on generic corruption prevention issues revealed through reviews.	Delayed because of CJC budget cut.
Provide a range of workshops on ethical decision making, risk management and corruption-prevention strategies, and participate in induction courses conducted by agencies.	Conducted 40 misconduct prevention training workshops with more than 800 people taking part. (See table 26 for feedback.)
Develop a corruption prevention training kit specifically to meet the needs of ATSI communities.	Developed kit and trialled it at two workshops conducted for ATSI communities and two for ATSI units in government departments.
Assist and advise the QPS on statewide ethical decision-making training for police.	Reviewed and made recommendations concerning QPS CAP Ethics module; assisted in developing the training modules for the Constables Development Program; liaised with, advised and contributed to staff of QPS Project Honour.
Publish a guidebook for whistleblowers.	Published <i>Exposing Corruption: A CJC Guide to Whistleblowing in Queensland</i> in September 1996, and obtained feedback.
Produce innovative corruption prevention training resources for use by agencies.	Produced draft document 'Ten Steps to Developing a Corruption Prevention Plan' and made it available to agencies for comment.

A STRATEGIC APPROACH TO CORRUPTION PREVENTION

The CJC's 'risk management' approach to corruption prevention was initiated in 1993 as the basis for its strategy of system review. This strategy has now gained widespread recognition and is used nationally and internationally. Since 1996, a similar approach has been taken by the Commonwealth Government.

Risk management has also recently emerged as a major internal audit strategy. The CJC is regarded as a leading agency in the field, with many interstate and Commonwealth agencies regularly contacting our corruption prevention officers for advice and assistance.

Because it costs far less to prevent corruption than to deal with it once it has taken control, we work with the QPS, government agencies, local authorities, public sector managers and universities to help them detect, control and prevent workplace crime. We also work with the wider community to increase the public's awareness of the effects of corrupt behaviour on our society.

The CJC's Corruption Prevention Division is small, but we are able to bring in a wide range of outside expertise to complement our work. Our approach is multifaceted:

❖ **We assist public sector managers.**

We maintain regular contact with the chief executive officers and senior staff of public sector organisations, mainly through each department's or local authority's appointed CJC Liaison Officer. Keeping managers informed of workplace crime trends is an important prevention function. These managers have the prime responsibility for reducing misconduct and preventing loss to their organisation, and so they need accurate and timely information to assist them.

❖ **We identify the risks.**

We help organisations assess their weak points and the system loopholes that could be exploited by those with criminal intent, and to correct the system weaknesses that have been detected through our investigations into allegations of official misconduct.

❖ **We offer education and training.**

We offer staff and management training in workplace corruption prevention, and give lectures on ethics to university, TAFE and high school students. Knowing how to make responsible decisions under pressure and how to report suspicious behaviour effectively are vital in the fight against workplace crime and to developing a more ethical public sector workforce.

❖ **We support whistleblowers.**

We offer a professional program to assist and support those responsible, and often courageous, people who speak up and report suspicious behaviour in the workplace. Every organisation needs whistleblowers if it is to fight workplace crime. Therefore, every organisation needs to create an atmosphere in which whistleblowers are valued, taken seriously and protected.

❖ **We contribute to the strategic corruption prevention debate.**

We regularly present papers at national and state conferences on fraud and workplace crime to raise public and professional awareness of the need for a strategic, proactive approach to corruption prevention (see appendix 1 for more details).

STRATEGY 1

Inform units of public administration of the incidence and causes of official misconduct, and liaise with senior administrators and agencies on the reporting and prevention of official misconduct.

Our educator role

During the year, corruption prevention officers held meetings with the Boards of Management of 15 agencies, three more than last year (see table 20). We met with nine public service departments and six local authorities.

At these meetings, we provided senior managers with a detailed analysis of the complaints and allegations made against their organisation. We also analysed the types of complaints we received and the outcomes of our investigations to assist managers to develop more effective prevention strategies.

Research data on why staff commit crime in the workplace were also presented and discussed. In addition, we distributed draft guidelines on accepting sponsorships, and a draft document 'Ten Steps to Developing a Corruption Prevention Plan'.

Our network of Liaison Officers was expanded this year to include more representatives from local authorities, reflecting an increase in the number of local government authorities attending our briefing sessions (see table 21). We gave a briefing specifically on the implications of the *Whistleblowers Protection Act 1994* and surveyed agencies to find out how many had instigated a system to simplify the reporting of suspected official misconduct.

Much of our regular communication with government departments and local authorities was, as usual, through the Liaison Officers' network. Liaison Officers also attended a formal briefing by corruption prevention staff.

As in previous years, public sector agencies and other organisations contacted us either to seek advice on developing corruption prevention strategies or to offer feedback on our initiatives. Table 22 shows the level of satisfaction with our liaison activities.

We contacted all public sector agencies and local governments about their whistleblower support policies, codes of conduct, and corruption prevention plans. Six public sector departments and 33 local governments asked for our help with developing such plans.

TABLE 20

Type of liaison activity (1995-96 to 1996-97)

Agency	1995-96	1996-97
Boards of Management meetings	12	15
CJC Liaison Officer meetings	1	1
Meetings with other agencies	25	15
Responding to requests for advice or assistance	83	61
Meetings with the QPS	not rec.	28

Subprogram 2
Stream II
Misconduct
Prevention

TABLE 21

Scope of liaison activities (1995-96 to 1996-97)

Agency	1995-96	1996-97
Government departments	25	25
Local government authorities	18	19
Other agencies	11	11
QPS (departments)	not rec.	13

TABLE 22

Client assessment of liaison activities

Activity	Criteria	Value rating ³ (%)
Senior Management meetings ¹	Level of assistance in formulating strategies	84
CJC Liaison Officers ²	Usefulness of the meeting in assisting with Liaison Officer duties	67

Notes:

¹ Principal Officers were sent the assessment form after the liaison meeting. Five out of a possible seven 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%.

STRATEGY 2

Offer a range of advice and training on corruption prevention.

Our activity in this area is summarised in table 23, which also compares 1996-97 figures with the previous year's figures.

QPS training

To improve communication between the CJC and the QPS regarding police training activities, one of our corruption prevention officers has specific responsibility for police liaison and training. This officer, who works with 'Project Honour' (established by the Police Commissioner to report on ways to improve integrity within the QPS) also

TABLE 23
Public education and communication outcomes (1995-96 to 1996-97)

Activity	1995-96	1996-97
Information sessions/presentations	28	55
ATSI information sessions/presentations	47	55
Articles/media interviews	5	11
Whistleblower presentations	not rec.	2
Total	80	123

TABLE 24
Training and education activities for police (1995-96 to 1996-97)

Activity	1995-96	1996-97
Workshops/presentations	13	50

TABLE 25
Client assessment of police liaison and training

Type of initiative	Criterion	Value rating (%)
Workshops	The level of practicality of the workshop	80

Note: Sample size was 362.

provides operational police officers with information about our work.

We gave 50 workshops or presentations to police throughout the year (see table 24), including workshops in ethical decision making for all levels of the QPS throughout the State. We also worked closely with QPS Academy staff on the Constable Development Program, which has ethics as an integral component. Our involvement included assessing and commenting on the proposed content of the program and in providing workshops in ethical decision making for participating constables. Similarly, we were involved in reviewing the ethics module and recommending improvements for the police training initiative known as CAP (Competency Acquisition Program). More recently, we have held meetings with staff of the Management Development Program regarding its ethics component.

Ethical decision making is now an integral element in the QPS Police Recruit Operational Vocational Education (PROVE) curriculum, which is the training program for recruits. We conducted 14 workshops with recruits, both

at the Police and Emergency Services Academy at Oxley and the Police Academy in Townsville. One workshop was also conducted for the Investigative Skills Course for operational police.

We also carried out workshops in the Central and Northern Police Regions and at centres at Biloela and Longreach, and for Police Liaison Officers in Townsville.

On 15 occasions, we addressed police recruits on the role and legislative functions of the CJC. We also gave briefing sessions to the Commissioned Officers Conferences in the Metro South and Central regions. Table 25 shows the level of satisfaction with our police liaison and training.

Public sector training

Some of our activities in this area had to be reduced because of budget cuts and staff reductions – for example, the information sessions for public sector organisations on the work and jurisdiction of the CJC. (See tables 26 and 27.)

However, the workshops in ethical decision making for public sector agencies were maintained at last year's level – 19 three-hour workshops were conducted for seven public sector agencies and departments. We

TABLE 26
Training and education activities for groups other than police (1995-96 to 1996-97)

Activity	1995-96	1996-97
Conference papers	20	11
Lectures: Universities and TAFE Colleges	11	14
Presentations to Years 11 and 12	42	5
Workshops for public sector agencies	76	40
Presentations to TAFE and state school staff	13	2
Total	142	72

TABLE 27
Client assessment of education and training initiatives

Type of initiative	Criterion	Value rating (%)
Workshops	The level of practicality of the workshop	84

Note: Sample size was 817

also provided 17 workshops for 13 local government authorities, with administrative personnel and elected officials attending. Recently, we gave workshops to community and custodial corrections staff of the Queensland Corrective Services Commission (QCSC) with four workshops conducted for combined staff.

ATSI liaison

(See next page for a report from the Chairperson of the Aboriginal and Torres Strait Islander Liaison Committee on its relationship throughout the year with the CJC.)

As in previous years, our ATSI Liaison Officer worked with the leaders of the Aboriginal and Torres Strait Islander communities to improve the often sensitive relationship between the communities and the criminal justice system. The Officer visited remote and regional areas to discuss concerns and to disseminate accurate information about the CJC's role and functions. He gave a total of 55 information sessions or presentations (included in table 23).

ATSI community organisations involved with the Aboriginal and Torres Strait Islander Liaison Program during the year were: Woodridge, Kingston, Logan, Cherbourg, Woorabinda, Hopevale, Murgon, Yarrabah, and Cairns together with the Tharpuntoo Legal Service Aboriginal Corporation, Yumba Meta Housing Association Ltd, Palm Island organisations, Kozan Cooperative Society Ltd, Yindinji ATSI Youth Welfare Co Ltd, the Aboriginal Coordinating Council and the staff of the Office of Aboriginal and Torres Strait Islander Affairs.

In addition, our ATSI Liaison Officer lectured and held tutorials with Justice Studies staff and students of universities and TAFE Colleges. We believe that educating the next generation of community managers is an important part of the bridge-building process.

The Officer also attended meetings and conferences such as:

- The 6th National Torres Strait Islander Conference organised by IINA Torres Strait Islander Corporation (Brisbane).
- The National Summit of Aboriginal Deaths in Custody hosted mainly by ATSIC (Canberra)
- Council for Aboriginal Reconciliation Conference, Brisbane City Hall.

He co-presented corruption prevention workshops for the staff of the Department of Natural Resources in Cairns and the Department of Public Works and Housing, Aboriginal Housing Branch in Brisbane.

To assist managers who are responsible for the administration of large amounts of money and other resources, and to assist them to recognise and deal with conflict of interest, accountability and favouritism, we developed a corruption prevention training session and successfully trialled it with members of the CJC-ATSI Advisory Committee. The first training session was conducted with the Aboriginal Councils, Council nominees and other interested members of the Hopevale Aboriginal community.

We have also developed a corruption-prevention training kit that recognises cultural differences, for use by the managers of the Aboriginal and Torres Strait Islander organisations to help them develop risk management analysis skills. This material was workshopped with senior staff and management committees of ATSI organisations by the CJC-ATSI Liaison officer and will be a major part of his strategic corruption prevention focus in the coming year.

STRATEGY 3

To make recommendations to assist agencies to prevent official misconduct, and to assist agencies to carry out misconduct risk management reviews.

Risk management reviews

As part of our 'reformer/educator' role, we carry out a program of planned reviews for those units of public administration that request assistance. These reviews generally follow an investigation of allegations of official misconduct by the CJC. Sometimes these investigations reveal that there were procedural or administrative breakdowns and that the organisation was vulnerable to exploitation. The investigation report frequently advises the organisation that it is at risk and recommends that it seek help from the Corruption Prevention Division.

This help is given through risk management reviews, which are an important part of a strategic approach to corruption prevention. Experience has shown that workplace crime often flourishes in organisations that have poor internal controls or inadequate reporting procedures, as these help to conceal corrupt

A Report from the Chairperson of the Aboriginal and Torres Strait Islander Liaison Committee

The Aboriginal and Torres Strait Islander Liaison Committee, formed four years ago, meets regularly each year with CJC officers to discuss criminal justice issues of concern to the Aboriginal and Torres Strait Islander communities. The Committee was selected and endorsed by the Aboriginal and Torres Strait Islander communities to provide a vital link between the communities and the CJC, a link facilitated by the CJC's Aboriginal and Torres Strait Islander Liaison Officer.

In 1996-97, the Committee met twice. One of the matters discussed was 'the Ipswich incident', namely a confrontation between police officers and Aboriginal youths in the Ipswich Mall, which was caught on a security camera. Allegations were made that the police concerned had used unnecessary force amounting to assault on the Aboriginal youths. The incident was later broadcast through the media, leading to a CJC investigation. All aspects of this investigation were discussed by the Committee with the Chairperson of the CJC, who informed us that one of the major coordinated prevention projects in the coming year would be to reduce the incidence of police assaults. CJC officers also briefed us on a research project it had undertaken on police-civilian conflict. The report, entitled *Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police*, was published in March 1997.

The Committee also discussed concerns that the communities have with the current Aboriginal and Torres Strait Islander Police Liaison Officer System. Members of the Committee undertook to raise these concerns also with the Cultural Advisory Unit. We are particularly concerned about the effectiveness of the cultural awareness training provided to Police Officers and about what cultural awareness training is being provided for police officers from other States who are re-entering the QPS in greater numbers.

The ongoing problem of the level and quality of counselling available for Aboriginal and Torres Strait Islander prisoners was also a matter of concern.

CJC officers briefed the Committee on the report *Defendants' Perceptions of the Investigation and Arrest Process* and discussed the incident between the Police Service and the Woorabinda Community.

We are convinced that these liaison meetings make a worthwhile contribution to a greater understanding of Aboriginal and Torres Strait Islander concerns in the area of criminal justice. In particular, we appreciate the efforts of the CJC's staff in keeping the lines of communication open. We especially thank Frank Clair, Bob Hailstone, David Brereton, Ian Robinson, Louise Gell, Kathryn Milczewski and Daniel Abednego.

We look forward to continuing our working relationship with the CJC.



Netta Tyson
Chairperson

Members of the current Committee

Florence Trinkoon	Matilda Bani
Charlie Daylight	Carol Dagley
Olive Murphy	Sam Watson
Thomas Sebasio	Rita Nona
Norma James	Nako Namok

activities, protect wrongdoers from exposure and lead to the victimisation or harassment of whistleblowers.

The risk management reviews, which range from the simple to the complex, are designed to help agencies analyse how they control workplace crime and to identify the weak points and loopholes that might be exploited. These reviews go beyond financial audits to examine management or administrative system deficiencies that can allow official misconduct to flourish, such as:

- corrupt practices
- neglect of duty
- criminal acts and omissions
- favouritism
- harassment and victimisation
- information breaches
- misuse of power.

Our assistance is offered free of charge under the provisions of section 29(3)(e) of our 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.

After the review, a confidential report is given to the chief executive officer, who is asked to indicate what action the agency plans to take as a result of the report. Because system changes have resource implications, we ask which recommendations can be implemented at once, and which will require more time. We then monitor the process.

We take care to ensure that these reviews are not regarded as CJC investigations but as part of a confidential consultancy service. Many agencies are now requesting reviews of 'at risk' areas, even where no allegation of corruption has been made to the CJC.

We also assist agencies to develop:

- strategic management policies for preventing corruption
- policy guidelines for reporting official misconduct
- risk assessment training.

Eight misconduct risk management reviews were conducted this year, resulting in more than 120 recommendations. The number of reviews completed was less than previous years because of the cut to our budget. The

range of agency management or administrative systems reviewed included:

- approval of benefits/assistance to clients
- information storage security
- revenue and expenditure control systems
- office and staff security
- travel allowance approvals
- overtime authorisation
- staff recruitment, selection and appointment practices
- resource control systems
- stores inventory monitoring and security
- controls on use of government resources for private usage
- conflict of interest issues and guidelines
- purchasing and tendering
- asset monitoring and control
- codes of conduct.

The case studies at the end of this section (page 48) highlight two risk management reviews conducted this year. These reviews have now become well accepted as an effective aid in corruption prevention within State Government departments, local authorities and statutory authorities. Part of our current strategic plan is to extend this service to the QPS.

This year we continued to analyse patterns of allegations within organisations to identify possible generic areas for risk management reviews. For example, we analysed all complaints and allegations made to us over a six-year period about a major public sector agency. Our report contained recommendations which were discussed with that agency's senior management.

Clients' level of satisfaction

It is important to ensure that the advice and assistance provided by this program are timely and practical. Accordingly, client groups were asked to give detailed feedback on the effectiveness and assistance these reviews provided. Table 28 indicates the level of client satisfaction and response to recommendations made in the reviews.

These reviews have been welcomed by the agencies because they are initially discussed with the agency's principal officer and conducted in an informal, non-intrusive manner, working closely with agency staff whenever possible.

TABLE 28
Client response to official misconduct risk management systems reviews (1995-96 to 1996-97)

Criteria	1995-96	1996-97
	%	%
Quality satisfaction	84	78
Value	84	80
Helpfulness of staff	96	81
Acceptance of findings	86	87
Acceptance of recommendations	86	84
Recommendations implemented	78	52
Projected implementation of recommendations	86	92

STRATEGY 4

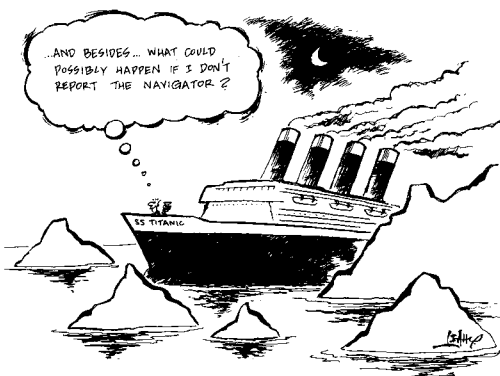
Assist and advise whistleblowers.

The CJC relies heavily on concerned and responsible citizens reporting suspected official misconduct in the public sector.

In some circumstances, the decision to report wrongdoing to an authority can be difficult. People may be concerned about how, when, and where to make a report, and the consequences for themselves and others of speaking up.

Because 'blowing the whistle' can be a stressful experience, we offer the Whistleblower Support Program. In October 1996, this program published guidelines for potential whistleblowers, called *Exposing Corruption: A CJC Guide to Whistleblowing in Queensland*.

The book contains important information for people who know about serious wrongdoing affecting the public sector and wish to speak up. It assists them to report the wrongdoing to



Cartoon by Sean Leahy, taken from *Exposing Corruption: A CJC Guide to Whistleblowing in Queensland*

an appropriate authority and at the same time protect their own interests. It also discusses the rights of people affected by a whistleblower report, and offers guidelines to managers for properly handling public interest disclosures.

The book was distributed to all Queensland units of public administration. It is available free of charge upon request and will soon be available on the Internet through the CJC home page.

Assisting managers

An essential element of misconduct prevention in the public sector is for managers to make it easier for staff to report suspicious behaviour. To do this, agencies must develop ways of protecting staff who have the courage to speak up.

In January 1997, we contacted all public sector agencies and offered to help them develop procedures to assist and protect whistleblowers. It is encouraging to note that an increasing number of public sector agencies are recognising that it is important to develop effective ways of responding to reports by whistleblowers of serious suspect behaviour that would have a detrimental effect on the organisation if not dealt with efficiently.

The Whistleblower Support Program has also developed a network of public officers who deal with whistleblowers' reports. This network is developing and refining the expertise needed to manage these complex matters.

Supporting individual whistleblowers

The major activity of the Whistleblower Support Program is to advise and support people who have blown the whistle or are considering doing so.

This year, 90 new requests for assistance were received by the Program.

These requests came from:

- 38 whistleblowers
- 28 potential whistleblowers
- 24 individuals (mostly public sector managers) seeking advice about whistleblower management and support.

Each referral was assigned to a category that described the major reason for requesting assistance:

- *requests for information and advice* about becoming a whistleblower or dealing with matters arising from whistleblowing (53 cases)
- *harassment – career/psychological/physical* where the person reports actions detrimental to his or her career, psychological well-being or personal safety because of whistleblowing (19 cases)

- *adjustment or organisation problems* where the person reports difficulty dealing with an issue related to whistleblowing which is not caused by harassment (18 cases)

Whistleblowers are referred to the program from internal (CJC) or external sources, or come to us directly (self-referred). See table 29 for a breakdown of numbers.

Type of referral	Total no. of referrals
Self-referred	48
Internally referred (CJC)	33
Externally referred	10

Case Study 1

The CJC investigated a series of allegations occurring within a regional office of a government business enterprise. These allegations included purchasing and tendering irregularities, manipulation of contracts, breaches of the State Government Purchasing Policy, manipulation of funding, delaying payments to contractors, order splitting, manipulation of staff time sheets, and false claims for travel allowances.

As a result of our investigations, one staff member was charged with criminal offences, and various system deficiencies were revealed including:

- few internal controls
- ease of system manipulation with low risk of detection
- irregular audits
- easy abuse of the 'invitation to tender' system
- easily undetected diversion of funds between allocations
- potential for abuse of high-volume lower-value contracts involving only oral quotes.

After a risk assessment, we recommended:

- amending and updating the Delegations Manual and reviewing accountability gaps
- improving supervision and making regular random site checks by management to balance widespread discretionary powers of decentralised field staff
- enhancing and concentrating the role of 'purchasing officer'
- issuing guidelines on the appropriate use of purchase orders, requisition books, direct payments, corporate cards and charge account purchase methods
- separating the functions in the purchasing process
- monitoring the calling and recalling of quotations for contractor services
- improving the process of monitoring travel allowance approvals.

Case Study 2

The Chairman of a Promotions and Appeals Board for a large agency employing more than 7000 staff referred a series of allegations to us concerning evidence given by members of certain promotion panels.

The allegations included:

- perjury
- fabrication of evidence by the selection panel to support recommended appointees
- non-adherence to relevant legislation
- panel untrained in personnel selection
- displays of bias, incompetence and cronyism in the evaluation of applicants.

The agency developed a new recruitment, selection and promotion system. We gave detailed feedback on this new system and provided a 97-point risk-based, self-assessment, which became widely used. Sixteen months after the implementation of the new system, we were invited to do an on-site, follow-up risk assessment. This revealed that the new recruitment and selection system:

- was consistent with open, fair and equitable work practices
- emphasised equity and merit
- had a clear statement of principles, standards and definitions
- was generally 'user-friendly' and self-explanatory
- was detailed sequentially in an appropriate order
- was comparable with other accepted public sector recruitment and selection standards.

To deal with residual risks we recommended:

- more transparent reviewing of position role statements and classification levels
- weighting of selection criteria
- refresher training for those involved in selections
- classification of equitable short-listing process
- more effective agency communications to staff in process, effectiveness and outcomes of the new appeals process.

STREAM III

Organised and Major Crime Investigation

Objective

- ❖ To investigate organised and major crime where, in the Commission's opinion, the investigation cannot be appropriately or effectively discharged by the QPS or other agencies of the State

Performance indicators

- ❖ Prosecutions leading to the conviction of members of organised crime groups or persons involved in major crime
- ❖ Confiscation of proceeds of organised crime

Projected activity	Outcome
Review areas being investigated by JOCTF to ascertain whether they should remain the focus of attention.	Established a joint CJC-QPS Committee to review the JOCTF, including its areas of investigation.

STRATEGY I

Engage in operations with the QPS or other agencies.

Jurisdiction

The scope of the CJC's jurisdiction to investigate organised and major crime is limited by section 23(f) of our Act to matters which:

in the CJC's opinion, are not appropriate to be discharged, or cannot effectively be discharged, by the Police Service or other agencies of the State.

In section 3, where the objects of the Act are stated, there is a clear statement of legislative intention that one of the purposes of the CJC is:

to take measures to combat organised or major crime for an interim period.

The Act does not provide specific guidance as to the duration of that period or the test to be applied in determining when that period has concluded. In our view, the legislature used the term 'interim period' in the expectation that the QPS or another agency would develop the skills and resources to combat organised and major crime. It is a period of uncertain length which comes to a complete end only if there is nothing for the CJC to do, either because there is no organised or major crime or because, in our opinion, the QPS or another agency has developed the skills and resources to combat it. Understood in that

way, the 'interim period' has no single cut-off point. However, as the QPS or another agency develops the necessary skills, we will find it less necessary to conduct investigations of organised or major crime, although we will retain our reserve role. In other words, the test is a functional one, not a chronological one.

In seeking to fulfil our responsibilities in this area, we act as far as possible in cooperation with the QPS to develop the QPS's investigative skills and expertise. The establishment of the Joint Organised Crime Task Force (JOCTF) is just one expression of this approach.

The CJC's approach to organised crime

The philosophy adopted by the CJC in fulfilling its statutory charter on organised crime has been:

- to undertake this function as far as possible in cooperation with the QPS or other investigative agencies so as to enhance the capacity of law enforcement to deal with the challenge of organised or major crime
- to act as an 'ice breaker' and a catalyst to the undertaking of more sophisticated investigations, using surveillance, electronic interception, undercover agents, cooperating witnesses and the long-term commitment of resources in an attempt to ascend the ladder of organised criminal activity.

The need for such an approach was taken into account by the CJC in deciding on the four areas of investigative activity of the JOCTF, namely Japanese Organised Crime, Chinese Organised Crime, Italian Organised Crime and Outlaw Motor Cycle Gangs.

For example, for one of those four areas – Japanese Organised Crime – only two agencies in Australia have a continuous commitment to its investigation. They are the Australian Federal Police (AFP), and the JOCTF. However, the AFP does not have officers dedicated to investigating Japanese organised crime on a day-to-day basis; therefore, the JOCTF is the only state-based (and Australian-based) law enforcement unit with such a commitment.

The Japanese Organised Crime team within the JOCTF consists of three dedicated officers – a police investigator, a civilian investigative/interpreter, and a civilian intelligence analyst. In addition, the team has daily access to financial analysts and legal expertise within the JOCTF.

The team monitors the activities of Japanese organised criminal syndicates (and/or their members) to provide an ongoing assessment of the threat they pose to Queensland.

Disruptions to operations in 1996–97

The current policy debate on the future responsibilities of the CJC, and what the best arrangements for the investigation of organised crime in Queensland might be, disrupted the operations of the JOCTF this year. In response to this debate, the CJC, in conjunction with senior officers of QPS's State Crime Operations Command, began an ongoing assessment of the future of the JOCTF. The CJC and the QPS also began an assessment of the capacity of the QPS to conduct organised crime investigations. The methodology involves examining a cross-section of QPS organised crime investigations and assessing those investigations in accordance with settled criteria.

The uncertainty about the JOCTF's future reduced the amount of new work taken on by the task force during the year, our efforts concentrating on core, ongoing investigations. The collection plan strategies, which were employed so successfully up to now, were

largely held over while our continued participation in the JOCTF was discussed. Hence, this limited the number of significant targets identified as warranting investigation.

In January 1997, after a period of uncertainty over funding, necessitating staff redundancies, the State Government provided special funding to allow us to continue the operations of the JOCTF until 30 June 1997. We had to again seek supplementary funding to continue the operations of the task force beyond that date. This funding was provided as part of the 1997–98 state budget process.

Although funding has been maintained for the operations of the task force, the uncertainty about future funding and the extent of that funding had a deleterious effect on the operations of the JOCTF. It has also served to reduce our resources further by deterring officers from applying for vacancies within the task force.

Some of the operations conducted during 1996–97 are referred to later in this section.

We also made extensive submissions on the subject of organised crime to the Bingham Review of the QPS and to the Connolly–Ryan Inquiry.

Performance of the CJC

In addition to the review undertaken as part of the Connolly–Ryan Inquiry, the CJC's role in the investigation of organised crime has been reviewed on two prior occasions by our Parliamentary Committee, the PCJC. Both times the PCJC gave unanimous support to the organised crime function of the CJC.

The first PCJC in its review of our activities recommended as follows:

The Committee endorses the recommendation of the Criminal Justice Commission that s. 2.20(2) of the *Criminal Justice Act 1989* be amended by adding to the functions of the Official Misconduct Division the function 'to investigate organised and major crime'

The Committee further recommends that the name of the division be changed to the 'Investigations Division'. (p. 21)

The second PCJC in its review made the following findings:

The fight against organised crime has improved since the establishment of the multidisciplinary teams within the CJC. (p. 40)

The involvement of the Joint Organised Crime Task Force in the investigation of major and organised crime is a positive development – it assists the efforts of the Police Service. (p. 40)

The creation of an Organised and Major Crime Division 'will recognise that the CJC has the primary role in the investigation of organised and major crime'. (p. 49)

The then Chairperson of the NCA, Mr Tom Sherman, has endorsed the positive results being achieved by current arrangements ... and has indicated support for the CJC's involvement in organised crime. (p. 47)

The PCJC found that the CJC had made significant inroads in the fight against organised crime. Further, the Committee found that the Commission, particularly through the establishment of the JOCTF, had assisted the Police Service to adapt to new methods of fighting organised and major crime. The Committee did not believe that the CJC had exceeded its role as intended either by the Fitzgerald Report or the *Criminal Justice Act*, nor was the Committee convinced that it was presently appropriate for the CJC to withdraw from the area of investigating organised and major crime.

Since that time, the finalisation of Operation Jethro and the finalisation of court proceedings in relation to Operation Harrier – operations that snared significant Italian Organised Crime targets – have added substantial weight to the view that our approach to the investigation of organised crime is an effective one.

The emerging picture regarding the impact of organised criminal activity in Australia confirms that we are not isolated from the most serious international crime problems. The second PCJC found in its review of the CJC that:

the capacity established at the CJC is at a point of consolidation where useful results have manifested and many more are reasonably predicted.

The CJC's organised and major crime intelligence, investigation and surveillance capability was developed because of the absence of this capacity in Queensland, as identified by the Fitzgerald Report in 1989. The Queensland Police Force lacked the capacity to undertake such activities, and the level of trust and cooperation with federal

agencies was such that little effective work was possible. In the early days, the work was clearly necessary to supplement the growing capacities of the QPS. The point has now been reached where there are obvious signs of progress in this area.

STRATEGY 2

Identify and help confiscate the proceeds of organised and major crime.

Most people involved in organised or major crime share the same motivation – profit. Many have served lengthy prison terms comforted in the knowledge that, upon release, they can access their illegally accumulated assets.

Our proceeds of crime investigations have achieved substantial success in bringing about the confiscation of unlawfully acquired assets. CJC financial analysts work closely with investigative teams to find out what assets various targets possess. Up to 48 hours before the target's arrest, an application is lodged through the DPP to freeze all assets. If those arrested are ultimately convicted, we then apply to the court, again through the DPP, to confiscate the frozen assets.

This approach is complemented by our examination of data provided to the CJC by the Australian Transaction Reports and Analysis Centre (AUSTRAC). Currently, all cash transactions of \$10 000 and over are reported to AUSTRAC by financial institutions.

CASE STUDIES: PROCEEDS OF CRIME

Operation Bandicoot

On 26 September 1996, an offender pleaded guilty to trafficking in cannabis over a 12-month period and offering to supply heroin. He offered to pay \$70 000, representing profits he had derived from trafficking. The DPP rejected this offer and later obtained from the Supreme Court a pecuniary penalty order for \$80 000.

Operation Jethro

A farmer pleaded guilty to trafficking in a dangerous drug and profiting to the extent of \$200 000. He agreed to repay the money by selling his farm, which was restrained. Accordingly, the DPP obtained a pecuniary penalty order in the sum of \$200 000. The

funds were received and paid into consolidated revenue.

Another member of the same syndicate pleaded guilty to two counts of production of a dangerous drug and consented to an order for the forfeiture of \$75 000 in cash on the proviso that the restraining order over his property be set aside. The DPP agreed.

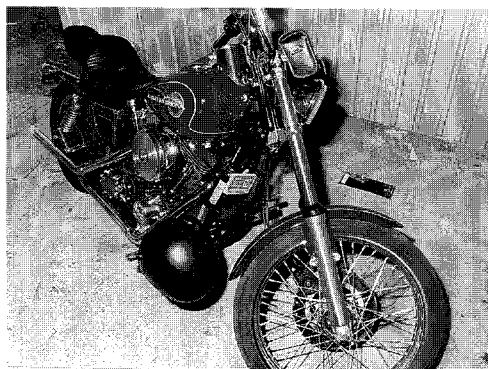
Two other men were convicted of trafficking in cannabis as part of the same operation, each attracting pecuniary penalty orders of \$200 000. One of the offenders did not have any assets; the other forfeited property valued at \$181 701. Additional property was found and will be auctioned to recover the balance.

Another offender pleaded guilty to possession of tainted property, namely a Harley Davidson motorcycle, which he purchased for \$24 000. He admitted that all but \$8600 of this was unlawfully obtained. The motorcycle was sold at public auction in July 1996 for \$19 950, of which \$11 350 was forfeited to the Crown. The remainder is being held in trust for the offender. As a result of Operation Jethro, \$641 950.36 was forfeited and a further \$285 280 is subject to a restraining order.

Operation Zigzag

Two people were charged with trafficking in a restricted drug, which was then used in the production of amphetamines. It was alleged that monies derived from this activity were laundered by structuring cash deposits to avoid the requirement on banks to notify AUSTRAC of cash transactions greater than \$10 000. It was also alleged that cash was used to buy motor vehicles and a residential property. This property was later sold, but the DPP obtained from the Supreme Court a restraining order over the net proceeds. The matter is still before the courts.

Harley Davidson motorcycle sold at public auction (see Operation Jethro)



Proceeds of Crime Unit: Summary

1. **Total net value of currently restrained assets** (or assets subject to an administrative advice): \$456 080

2. **Forfeitures since 30 September 1990**

Total of forfeited/pecuniary penalty order assets:

\$ 288 000.00 (Operation Favour – drugs)

\$ 355 000.00 (Operation Aztec – SP bookmaking)

\$ 106 971.00 (Operation Whitewash – drugs)

\$ 149 000.00 (Operation Dingo – corruption) (Stream 1)

\$ 11 000.00 (Operation Virgin – drugs)

\$ 70 000.00 (Operation Fantail – drugs)

\$ 75 000.00 (Operation Jethro – drugs)

\$ 200 000.00 (Operation Jethro – drugs)

\$ 11 350.00 (Operation Jethro – drugs)

\$ 173 898.92 (Operation Jethro – drugs)

\$ 181 701.44 (Operation Jethro – drugs)

\$ 10 953.90 (Operation Cobolt – corruption) (Stream 1)

\$1 632 875.26

Total of restrained assets expended in legal expenses by defendants:

\$ 321 000 (Operation Aztec – SP bookmaking)

\$ 214 000 (Operation Whitewash – drugs)

\$ 70 000 (Operation Whitewash – drugs)

\$ 10 000 (Operation Fantail – drugs)

\$ 10 000 (Operation Bandicoot – drugs)

\$ 47 000 (Operation Chestnut – drugs)

\$ 10 000 (Operation Jethro – drugs)

\$ 682 000

3. **Total of assets removed from criminals by CJC operations**

\$1 632 875.26 (Forfeited/PPO)

\$ 682 000.00 (Legal expenses)

\$2 314 875.26

STRATEGY 3

Provide briefs of evidence to prosecution agencies.

During the year the JOCTF compiled five briefs of evidence in three operations comprising 98 charges. The break-up of these charges is detailed in table 30.

CASE STUDIES: JOCTF INVESTIGATIONS

Operation Zigzag

After a sophisticated and protracted investigation by the JOCTF, the two targets of this operation were charged with one count of trafficking in a dangerous drug and one count of money laundering and are to face committal hearings. The investigation was complicated by the fact that these people had access to more than 60 bank accounts and significant unexplained wealth. The final brief of evidence for the matter contained statements from 147 witnesses and more than 500 exhibits. A fuller description of the circumstances of this matter cannot be given until the charges before the courts have been determined.

Operation Jethro

Over the past year, more of the charges arising out of the successful JOCTF investigation into an Italian Organised Crime syndicate involved in drug cultivations and distribution were dealt with by the courts.

As a result of the investigation, 18 people were charged with 99 charges related to serious drug offences including trafficking. So far, 15 of those charged have either pleaded guilty or been found guilty and sentenced to terms of imprisonment ranging from six months to eight years.

The investigation was a prime example of the use of sophisticated investigative methods in conjunction with asset forfeiture action. The JOCTF investigated the syndicate's methods of distribution and money-laundering techniques. Financial analysts attached to the JOCTF were able to obtain extensive information by exercising the notice to produce power (see page 55), and this enabled them to identify the assets of the group.

The effectiveness of the coordinated investigation and asset forfeiture action is highlighted by the fact that, as a result of the convictions so far, \$641 950 has been paid into consolidated revenue to satisfy pecuniary penalty orders. In addition, assets valued at about \$285 280 are currently restrained and may be forfeited if the remaining people are convicted.

Operation Doric

This operation concerned the alleged attempted extortion of \$3600 from two Chinese students of Bond University by two suspected Triad members. The targets based their threats on a purported association with a Triad gang. The operation commenced when the frightened students approached the JOCTF's Chinese interpreter. The subsequent arrest of the targets was done as a 'sting operation'.

In November 1996, one of the targets pleaded guilty to one count of extortion in the Southport Magistrates Court and was sentenced to four years' imprisonment (with a recommendation for parole after 18 months). This case was reported on the front page of the local Chinese newspaper, which may act

TABLE 30

Types of criminal charges recommended 1996-97 by description (as a result of organised and major crime investigations)

Charge description	Total charges	Number of cases
Breaking and entering with intent to commit an indictable offence	1	1
False pretences with intent to defraud	32	2
Wilful damage	1	2
Forgery	32	2
Uttering	28	2
Money laundering	2	2
Drug trafficking	2	2
Total	98	

to deter others in the community from contemplating similar criminal activity. In March 1997, his co-accused also pleaded guilty to one count of extortion in the Southport District Court and was sentenced to three years' imprisonment (with a recommendation for parole after 12 months).

Drug seizures

As a result of the JOCTF's reduced activity and its focus on the preparation of several significant briefs of evidence as distinct from investigative field work, there was only one seizure of drugs during this period.

Officers observed an offender attempting to hide an amount of the illegal drug amphetamine while search warrants were being executed. This person was later charged with possession of that drug.

CASE STUDIES: OTHER MAJOR CRIME INVESTIGATIONS

Operation Titan

This was a complex and protracted investigation. A person who had been ordered to stand trial on dishonesty offences threatened and attempted to bribe witnesses to dissuade them from giving evidence. It was alleged that he had arranged for 'heavies' to come from interstate to assault a witness.

We sent a brief of evidence to the DPP recommending that six people be charged with conspiracy to pervert the course of justice and other related offences. The DPP advised that they should be so charged and five of these people were extradited from New South Wales. All were committed for trial to the Southport District Court.

Two people pleaded guilty to the charge of attempting to corrupt a witness and were sentenced to terms of nine months' imprisonment, suspended for three years.

One other person pleaded guilty to a charge of attempting to corrupt a witness and was sentenced to three and a half years' imprisonment with eligibility for parole after 15 months. A further two people pleaded guilty to a charge of attempting to corrupt a witness. One was sentenced to four years' imprisonment, suspended for five years; the other, to two years' imprisonment, suspended for three

years. These two people agreed to give evidence for the prosecution against the remaining person who was considered to be the main offender. That person was later found guilty and sentenced to five years' imprisonment.

Operation Sparrow

A large-scale investigation of the building industry was conducted in New South Wales by the Giles Royal Commission and the Building Industry Task Force, which was established following the inquiry.

We commenced Operation Sparrow after a complaint by the then Minister for Administrative Services. The complaint was supplemented by information provided by the Task Force to the effect that certain building companies were paying 'special fees' to the Australian Federation of Construction Contractors (AFCC). These payments were not disclosed to the government bodies that were considering the tenders for large construction projects. All suspect tenderers in Queensland were identified and a preliminary investigation by the CJC targeted one of six building projects as associated with the imposition of 'special fees'. This project was chosen because it was a public sector project, and our jurisdiction to investigate possible official corruption would also have been enlivened by the available evidence.

Our preliminary investigation was recently completed. However, we found that there was insufficient evidence to draw any conclusions as to the legality of any payment by way of 'special fees' because of:

- the destruction of documents in the normal course of business
- the difficulty in locating anyone who was involved in the matter, which occurred almost a decade ago
- the dissolution of relevant entities, including the AFCC
- the lack of any informant (as was available in New South Wales).

We reconsidered whether there was likely to be a successful prosecution in relation to the first targeted project or any other. In reconsidering the matter, we were strongly influenced by the recent experience of the New South Wales Task Force set up to

prosecute matters arising from the New South Wales Inquiry. Despite the many millions of dollars spent in New South Wales, only a small number of convictions resulted and, even then, only where there was a plea of guilty. Small fines were imposed in each case.

We concluded that it was better to spend our limited resources where there was a greater possibility of a beneficial outcome, and, accordingly, terminated the operation.

STRATEGY 4

Identify and use the best combination of operational strategies in investigations, including the use of compulsory powers.

MDTs

The CJC has adopted the use of fully integrated multidisciplinary teams (MDTs) to conduct major and organised crime investigations. The JOCTF is run on these lines. The characteristics of the organised crime groups demand that an MDT be used to investigate them. Our approach differs markedly from other multidisciplinary models where one profession dominates decision making and others are used as detached service providers.

Each MDT is either headed by or has the services of an experienced lawyer, who is involved in directing the team's investigations and is constantly available to offer up-to-date technical legal advice. In the role of manager, a lawyer is able to bring a different perspective to the investigation. A lawyer's expert advice is important in the consideration of innovative techniques, in seeking approvals from the Supreme Court for the use of listening devices and in conducting hearings.

Listening devices

Three listening devices were used in conjunction with organised and major crime investigations during the year. These devices are included in the schedule of 20 devices reported earlier (see tables 12 and 13).

Hearings

There were two private hearings held in support of organised crime investigations in 1996-97.

Notices to produce documents

Financial analysts are greatly assisted by the CJC's power to obtain information by issuing compulsory notices to produce. These notices are critical in achieving successful prosecution action and the confiscation of the profits of crime. (For a fuller explanation of this power, see page 27.)

During 1996-97, 184 notices to produce were prepared for organised and major crime investigations (see table 31).

Subprogram 2
Stream III
Organised and Major
Crime Investigation

TABLE 31
Use of *Criminal Justice Act* powers in organised and major crime investigations (1996-97)¹

Powers	Section	No.
Notice to furnish a statement	69(a)	3
Notice to produce records or things	69(b)	184
Authority to enter public premises	70	0
Warrant to enter, search and seize	71	0
Summons to procure evidence	74	2
Direction for attendance of a prisoner	81	0
Applications for listening devices	82	1 ²

¹ The extent to which these powers have been used in the course of misconduct investigations is detailed separately in Stream I.

² Also two authorities granted under the *Drugs Misuse Act*.

Investigative interpreters

Another important aspect of our multi-disciplinary approach is the employment of investigative interpreters.

Investigative interpreters are officers skilled in a particular language and culture, such as Chinese or Japanese, who are able to provide a link between our general investigators and the ethnic groups we come into contact with through our investigations.

The use of investigative interpreters, coupled with the broad knowledge of experienced investigators, both police and civilian, and backed by intelligence, surveillance and technical support, provides the necessary platform for investigating organised crime groups. As the groups become more sophisticated, so too must our response.

SUBPROGRAM OUTLOOK

In 1997-98, we propose to:

- ❖ complete and implement a protocol concerning the disciplinary process between the CJC, government departments and local authorities
- ❖ modify the method by which the CJC oversees and reviews QPS and departmental investigations and disciplinary action
- ❖ participate with other divisions in developing a new complaints database
- ❖ develop a database of misconduct prevention initiatives undertaken by units of public administration
- ❖ expand corruption prevention training and ethical decision-making training for elected and appointed local government officials
- ❖ develop ethical decision-making training that is culturally appropriate for the elected officials of the Aboriginal and Torres Strait Islander Community Councils
- ❖ participate in QPS Regional Training Programs and provide a range of training inputs
- ❖ provide information and corruption prevention training for the QCSC, if jurisdiction is established
- ❖ develop a 12-month program of misconduct risk management reviews and liaise with reviewed agencies on the implementation of review recommendations
- ❖ provide advice and comment to public sector units on risk management and corruption prevention initiatives
- ❖ prepare issue papers on aspects of corruption prevention in various management systems
- ❖ implement changes in the role and responsibilities of the CJC in accordance with any amendments to the *Criminal Justice Act 1989*
- ❖ within available resources, incorporate responsibility for Queensland Corrections as a unit of public administration into our complaints handling process
- ❖ establish effective working relationships with the proposed Ethical Standards Command in the QPS.

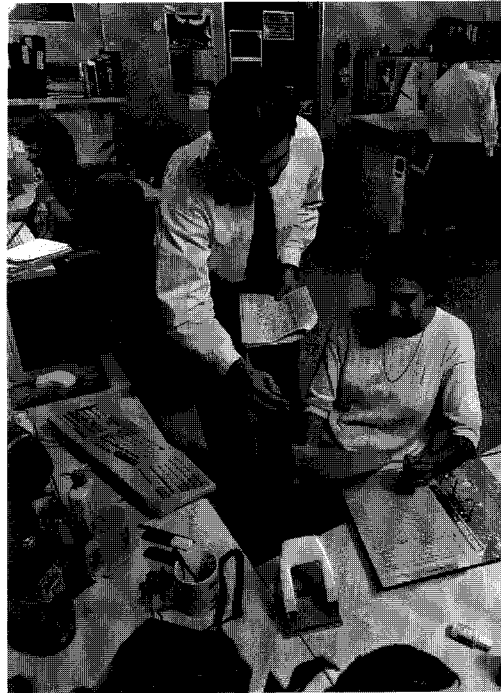
Subprogram 3 Intelligence

Objectives

- ❖ To facilitate an integrated approach to the investigation of organised crime, major crime and official misconduct through the management of criminal intelligence
- ❖ To ensure the efficiency, accountability and integrity of the QPS intelligence function

Performance indicators

- ❖ Quality, accountability and usefulness of intelligence database and information retrieval service
- ❖ Availability of reports which have assisted in the investigation and assessment of organised crime, major crime and official misconduct
- ❖ Enhanced intelligence knowledge and skills and increased community awareness of organised crime issues
- ❖ Provision of advice regarding the QPS intelligence function and actions taken in response



Projected activity

Assist with the development of the QPS intelligence function through the participation in appropriate committees and project boards.

Ensure that the QPS intelligence function remains accountable through overseeing the BCIQ and the conduct of regular audits.

Monitor developments in other parts of Australia and overseas to identify emerging crime groups and changing trends and provide assessments as appropriate.

Maintain close liaison with other law enforcement agencies and contribute to the national picture of organised crime through cooperation and mutual assistance.

Publish an article in our Issue Paper series designed to raise public awareness of the intelligence function within the CJC.

Prepare paper on nexus between corruption/official misconduct and organised crime.

Outcome

Participated in the QPS Information Security Project Board and the QPS Intelligence Management Board.

Met frequently with BCIQ management; conducted annual audit of Security Intelligence Branch in October 1996.

Intelligence Director spoke at the 5th International Symposium on Global Security and Global Competitiveness in the United States with the theme 'Open Source Solutions'.

Co-hosted with the QPS the 1997 National Telecommunications Interception Conference.

Published *Intelligence at Work inside the CJC* in July 1996.

Completed first phase of report.

Subprogram evaluation

During the second half of 1996, the Intelligence subprogram was reviewed, in line with the Commission's ongoing schedule to review its various subprograms.

The review was conducted by an independent consultant and overseen by a steering committee comprising part-time Commissioner Bob Bleakley, Director of Intelligence Paul Roger, and Deputy Director of OMD David Bevan.

The purpose of the evaluation was to assess past performance, identify any deficiencies, consider future demands and resource needs, identify opportunities for improvements and assist in the planning of future strategies.

The final report of the review was accepted by the Commission on 21 February 1997. Its main conclusion was that we are performing efficiently and effectively and that the priorities and targets set by the Commission are being met. We are now moving towards implementing a number of the report's recommendations to ensure our continued effectiveness.

We have formed two subcommittees which have two main objectives:

- to set benchmarks for measuring the performance of the QPS intelligence function
- to develop and introduce refined methods of measuring our service to clients.

Impact of budget cut

As a result of the cut in the CJC's budget in the first half of the financial year, the number of people working in the division declined. There were three redundancies and several vacancies were not filled.

To minimise the impact of these losses, our three operational teams were merged into two — one has responsibility for the four distinct long-term project areas which target crime syndicates of Italian, Japanese and Chinese ethnicity and members of Outlaw Motor Cycle Gangs, while the other is mainly involved in the investigation of corruption and official misconduct and organised crime outside the realm of the JOCTF.

Through this reorganisation, we have been able to continue to provide analytical support to the Commission, if at a reduced capacity.

The reorganisation also saw the creation of the position of Policy Analyst to concentrate on strategic and policy work. A number of tasks previously allocated among the original three operational teams have now been allocated to the Policy Analyst.

STRATEGY I

Build up and maintain a secure database of intelligence information concerning organised crime and major crime and official misconduct.

CID

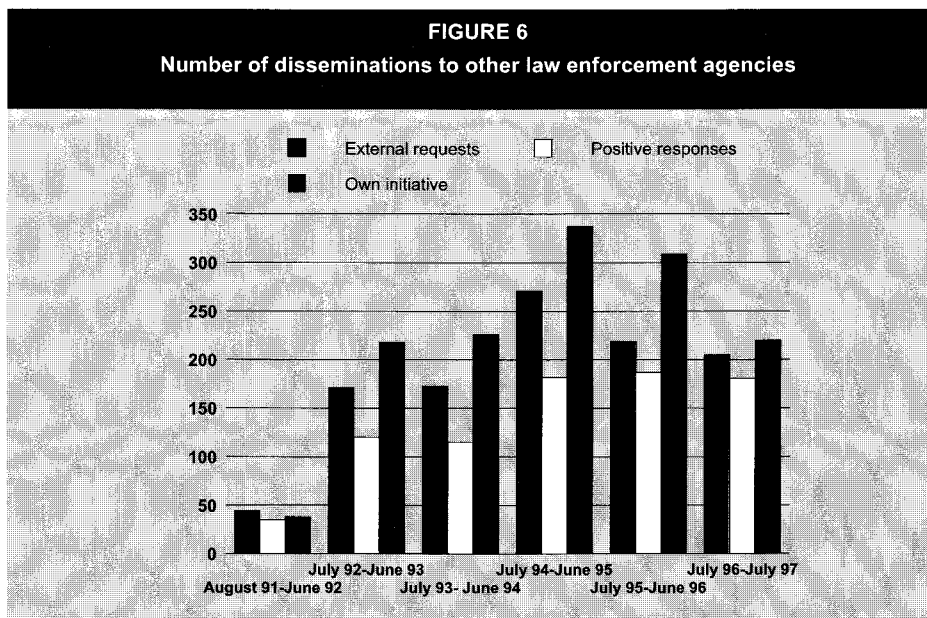
Since its beginnings in 1991, our criminal intelligence database (CID) has come to hold a substantial amount of information on official misconduct, corruption and organised and major crime within Queensland. In 1996-97, we entered 1193 new intelligence documents onto CID, bringing the total number of documents on the system to 7264, with the total number of linked entities now 55 872.

Access to CID is on a strict need and right to know basis, for both internal and external requests. During the year, we received 205 requests for information, 181 of which we were able to respond to positively. We disseminated intelligence to external bodies on our own initiative 220 times. (See figure 6 for number of disseminations since 1991.)

With the cooperation of the Australian Bureau of Criminal Intelligence (ABCI), we completed upgrading CID during the year to ensure its ongoing compatibility with the ABCI's Australian Criminal Intelligence Database (ACID), of which CID is a clone. CID is now operating on a new platform which allows a quicker response time and a greater storage capacity. Quality control measures were also upgraded.

As well as CID, we maintain a number of other electronic databases which complement the holdings on CID. These databases contain supplementary information relevant to our investigations, and are specifically designed to produce various comprehensive reports and statistics.

The databases are valuable tools which allow intelligence analysts to cross-check and match information across all investigations and operations, thus facilitating analysis and assessment.



STRATEGY 2

Provide information and analytical assistance to investigations.

Work of intelligence analysts

Throughout the year, CJC investigations relied on the support of intelligence analysts, either directly (with analysts forming an integral part of the MDTs) or indirectly (when analytical assistance or data were provided upon request).

Our intelligence analysts examine complex and diverse information, putting it into context with other relevant information and deriving meaning. They are then able to draw conclusions and make recommendations. The product of their work is given to the investigative teams through either written reports and assessments or briefings and formal presentations.

In 1996-97, we were involved in 42 CJC operations, 27 of which were JOCTF operations and the remaining 15 corruption investigations. Our main focus was on police involvement in the drug trade (the Carter Inquiry) and the JOCTF's four long-term operations that target crime syndicates of Italian, Japanese and Chinese ethnicity and those comprising members of Outlaw Motor Cycle Gangs.

In addition, the division gave analytical support to OMD for 52 investigations into official misconduct. We were also able to provide information to the Inquiry into Drugs in Queensland Prisons, and a number of overseas law enforcement agencies.

STRATEGY 3

Monitor and analyse trends in organised crime and conduct intelligence operations to identify threats, trends and/or patterns.

Intelligence collection plans

The underlying strategies of the CJC's organised crime investigations all centre on long-term intelligence collection plans. These plans are specifically designed to collect information that will assist our analysts to assess threats posed by particular organised crime groups. Such information is collected from our intelligence operations, from law enforcement journals and from other law enforcement agency reports.

The law enforcement journals provide insight into criminal trends overseas as well as into the operating characteristics of international organised crime groups. This, combined with the intelligence gained during operations, allows our analysts to better assess the methods of operation of the targeted organised crime groups and predict their future courses of action.

A significant development from a CJC intelligence operation in 1996-97 was the confirmation of triad activity in South-East Queensland. JOCTF Operation Doric led to the arrest and successful prosecution of two Chinese males on extortion charges. The two defendants, who had demanded money from students on the Gold Coast, claimed to be members of the San Yee On triad society. Video footage of the extortion attempt was sent for assessment to the Hong Kong Police triad Expert Evidence Unit, which concluded

that the modus operandi and language used by the two defendants strongly suggested they were bona fide members of the San Yee On triad society.

During the year, we also undertook an intelligence-gathering exercise in the Cairns area, as part of JOCTF operations, to examine the nature and extent of Japanese organised criminal activity in the region. We found no indications of ongoing or structured criminal activity.

Participation in international conferences is another important way that we keep up to date with global trends in organised crime, as such forums foster cooperation and facilitate the exchange of ideas and the development of strategies. In September, the Director was the keynote law enforcement speaker at the 5th International Symposium on Global Security and Global Competitiveness – Open Source Solutions, and presented a paper entitled 'Open Source Strategies for Law Enforcement'.

STRATEGY 4

Provide reports and, as required, education and training on matters relating to organised crime and major crime.

Publications

In 1996–97, we produced 85 significant tactical and strategic intelligence reports in support of CJC investigations and those of other agencies. Of these, 26 related to JOCTF operations and were disseminated to law enforcement agencies with whom the CJC is cooperating in the National Crime Authority (NCA) coordinated projects Blade, Panzer and Cerberus. The majority of the remaining reports were on police corruption matters relevant to the Carter Inquiry.

We finalised a report on the proceedings of the 18th International Asian Organised Crime Conference, which was held in the United States in March 1996 and attended by one of our analysts. The conference provided a useful forum for the acquisition of knowledge on developing trends in Asian Organised Crime. The report ensures that this information is available for our future use.

We completed the first phase of a report examining the nexus between organised crime and corruption/official misconduct. This is an ongoing project that has been delayed because of budget restrictions and

other priorities. However, even in its preliminary stage, the report has been of value to the CJC's Carter Inquiry.

In July, we published a paper explaining the importance of the intelligence role and its use by the CJC. The paper, entitled *Intelligence at Work inside the CJC*, was published as part of the Commission's In Brief series. It was specifically produced to give the public a greater appreciation of the nature of intelligence work and its importance to the development of appropriate strategies to combat corruption and organised crime. As an educational document, the paper was widely distributed to a number of libraries and educational institutions, as well as within the intelligence community. We have received favourable feedback from several law enforcement agencies and academics.

During the year, we also gave a number of presentations on intelligence matters. In August, the Director was invited to talk to the staff of the Queensland Police and Emergency Services Academy about developments within the intelligence community in Australia in the 1990s. The talk entitled 'Intelligence – The Servant of Strategy for Law Enforcement in the 90s' was well received. Other members of the division provided briefings to various law enforcement agencies on aspects of organised crime and related trends.

STRATEGY 5

Foster and participate in the exchange of information and intelligence expertise and engage in joint operations with other agencies.

Joint operations

We continued to participate in three NCA projects, Project Blade (into Chinese Organised Crime), Project Panzer (into Outlaw Motor Cycle Gangs), and Project Cerberus (into Italian Organised Crime).

Senior staff of the Intelligence Division continued to meet monthly with representatives of other law enforcement agencies to exchange information on operations with a view to avoiding duplication and the inadvertent compromise of another agency's investigations.

We also participated in the Heads of Criminal Intelligence Agencies Conferences held biannually and hosted by the ABCI in Canberra. At one of the conferences, our

representative proposed the establishment of a central dedicated research point for law enforcement agencies, accessing open source data through mediums such as the Internet, a theme explored at the US International Symposium attended by the Director. Agencies in support of this concept agreed to meet formally to discuss the practicalities.

In addition, on behalf of the CJC, the Intelligence Division co-hosted the 1997 National Telecommunications Interception Conference with the QPS. This conference is a valuable forum for the annual bringing together of Commonwealth and State departments, law enforcement agencies and telecommunications carriers to discuss the latest developments and future strategies for the legal interception of telecommunications.

We also gave the Children's Commission of Queensland information to assist it compile a report on paedophile activity in the State.

STRATEGY 6

Oversee and monitor the QPS intelligence function.

QPS intelligence function

We took part in a number of management-level committees which dealt with the various elements of the QPS intelligence function. One of these forums was the QPS Intelligence Management Board, which met six times in 1996-97. Board members were involved in implementing the various recommendations from the 1995 Review of Intelligence Management in the QPS. Considerable progress was made, particularly with professional intelligence training.

The Intelligence Training and Education Program (ITEP) commenced in early 1997. ITEP, which provides for the centralised co-ordination of intelligence training, has two separate components. One is directed to the needs of specialist intelligence officers and analysts accessing the Queensland Police Intelligence Network. The other is designed to provide all QPS members with an understanding of intelligence theory and practice.

We liaised with management and staff of the Bureau of Criminal Intelligence (BCIQ) regarding the Bureau's role and functions. Periodic meetings were held to discuss policy issues and operational matters pertaining specifically to the Bureau, and on areas of joint activity between the BCIQ and the CJC.

As part of our overseeing role, the division also conducted an audit of the Security Intelligence Branch in October 1996. The audit was ratified by the Control Committee for the Security Intelligence Branch when it met in January to review its targeting arrangements.

Four meetings of the QPS Information Security Project Board were held. The principal function of the Board is to develop a policy framework for information security within the QPS. A new Information Security Policy Framework was developed to replace the initial Information Security Policy Document produced in November 1995.

We were also involved in reviewing a report on the QPS response to Child Protection Issues. Our particular contribution related to the use of information and intelligence and related systems.

SUBPROGRAM OUTLOOK

In 1997-98, we propose to:

- ❖ prepare an assessment of the organised criminal environment in Queensland, with a view to identifying the areas still requiring the CJC's attention, particularly from an intelligence perspective – the assessment will form the basis on which to advise Government
- ❖ conduct pro-active financial investigations with a view to identifying criminal activity relevant to the CJC's jurisdiction – it is expected that a dedicated Financial Intelligence Analyst will be employed within the Intelligence Division to undertake such investigations
- ❖ complete the project to upgrade the current database of telephone-call-charge-record data to an Oracle relational database which is compatible with CID – the upgrade will enable greater efficiency in the input, manipulation and retrieval of the data, and cross-linking to data across all databases
- ❖ implement the recommendations arising from the review of the Intelligence subprogram.

Subprogram 4 Witness Protection

Objective

- ❖ To provide witness protection to persons who are in need of it and who have assisted the CJC or any other Queensland law enforcement agency in the discharge of its functions and responsibilities

Performance indicators

- ❖ No person on the program comes to harm while complying with security arrangements
- ❖ Number and nature of training programs provided for staff
- ❖ Persons protected for the purpose of providing evidence to the courts fulfil their evidentiary obligations

Projected activity	Outcome
Review our methods and procedures.	Began an evaluation of the Witness Protection subprogram.
Complete the computerisation of our records.	Completed computerisation of records.

STRATEGY I

Conduct threat assessments and risk analyses as required by the CJC or any other Queensland law enforcement agency.

During 1996-97, the CJC and Queensland law enforcement agencies referred 114 persons to the Witness Protection Division, 62 of whom accepted an offer of protection.

We also gave support and protection to 190 persons in 72 operations, including 126 persons in 46 operations carried over from 1995-96. We concluded protection arrangements with 114 persons in 47 operations.

At 30 June 1997, we were providing protection to 64 persons in 26 operations.

The sources of operations and persons referred during 1996-97 are shown in figure 7. The sources of current operations and persons (as at 30 June 1997) are shown in figure 8.

Since our establishment, 937 persons have been referred to us. See figure 9 for a comparison of the number of operations and persons referred each year since 1989.

FIGURE 7
Operations and persons referred during 1996-97, by source

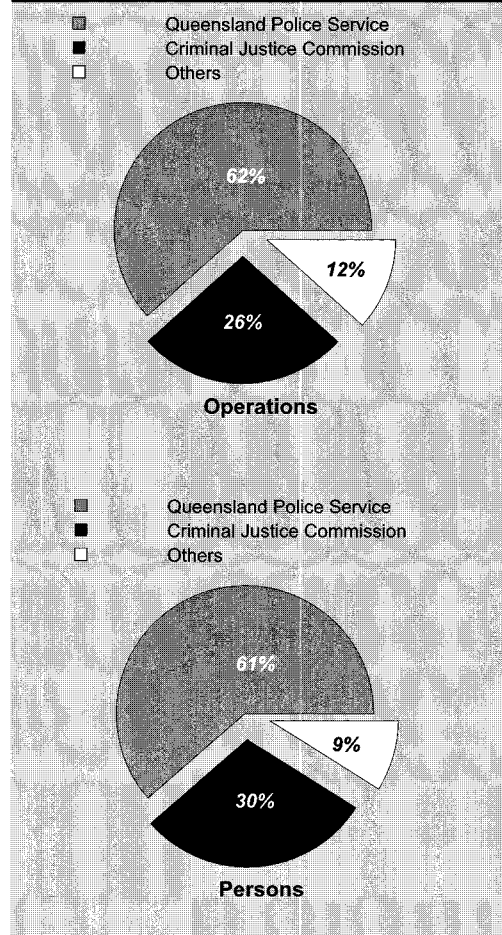


FIGURE 8
Current operations and persons as at 30 June 1997, by source

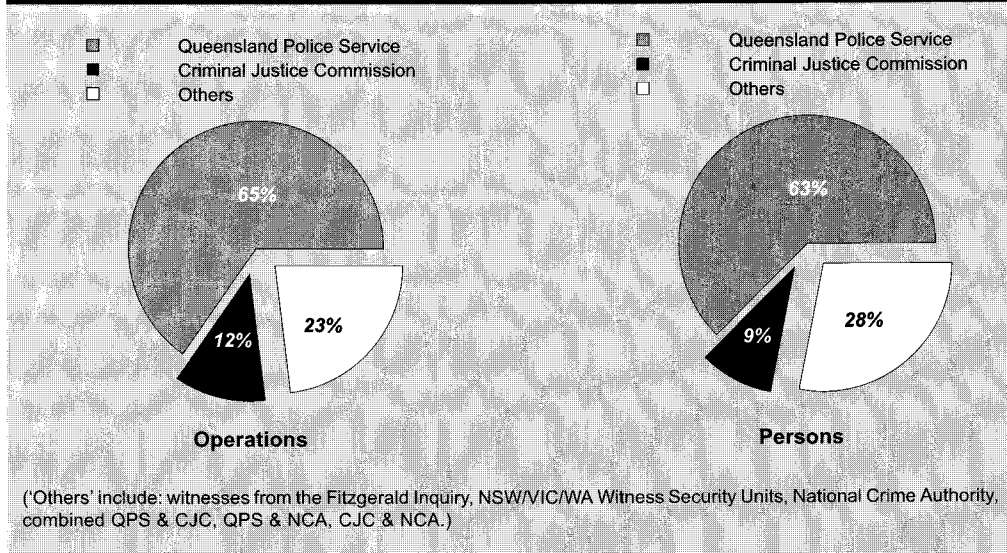
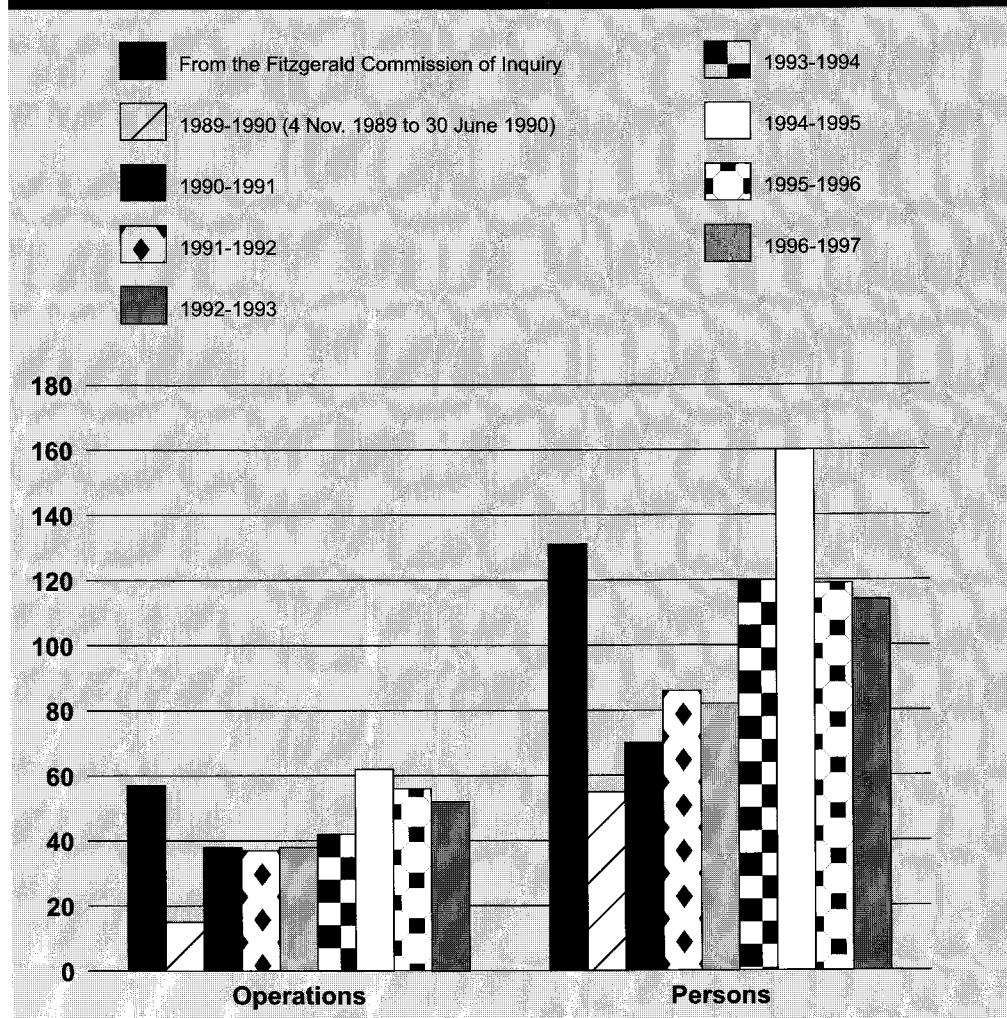


FIGURE 9
Operations and persons referred since 1989



STRATEGY 2

Design and provide appropriate training programs for witness protection staff.

Throughout the year, staff received on-the-job training in the diverse aspects of witness protection, complementing the mandatory training for police officers required by the QPS. Our Training Officer received authority to deliver recognised 'Category 1 Workplace Training' and 'Category 1 Workplace Assessor Training' to divisional supervisors.

We began taking part in the development of National Competency Standards for witness protection officers, as part of a Police Agencies National Competency Standards Project conducted under the auspices of the National Police Education Standards Council. Further involvement in the development of Assessment Criteria and a National Witness Protection Training Program is envisaged.

STRATEGY 3

Facilitate relocations and new identities as appropriate.

We conducted 152 relocations during the year. To extend the scope of our activities in this area, we continued to press for the enactment of complementary state legislation to the federal *Witness Protection Act 1994*, which came into effect on 18 April 1995.

The federal Act prevents the issue of Commonwealth identity documents to anyone on a witness protection program in a State that does not have complementary legislation. Advice received from the Department of Justice in early August 1996 indicated that the State Government has yet to make a decision on whether to proceed. Queensland is now the only mainland State without such legislation.

STRATEGY 4

Consult and liaise with relevant external agencies.

We continued to liaise with state and national law enforcement agencies and to maintain reciprocal arrangements with other witness protection agencies. Requests for our assistance continued at the same level as last year.

In June, two representatives of the division attended the National Witness Protection Conference in Canberra. Delegates discussed such matters as the National Witness Protection Program, interstate liaison, and development of National Witness Protection Competency Standards and a National Witness Protection Training Program. The conference was addressed by private and public sector representatives.

STRATEGY 5

Appropriate and effective methods and procedures for the provision of witness protection are maintained and regularly reviewed.

We began reviewing our Policy and Procedures Manual, a major task because of substantial changes since the last review in 1993. We also completed transferring our records of non-current operations to a secure computer-based registry.

Subprogram evaluation

The CJC Chairperson, as Program Manager, initiated an evaluation of the subprogram during the year. The steering committee, chaired by a part-time Commissioner and assisted by an external Consultant, conducted the evaluation and delivered its report on 30 June 1997. We will work towards implementing the recommendations during the next financial year.

SUBPROGRAM OUTLOOK

In 1997-98, we propose to:

- ❖ continue our involvement in the development of a National Witness Protection Training Program
- ❖ continue to press for the enactment of complementary state legislation to the federal *Witness Protection Act 1994*
- ❖ continue to review our procedures to ensure that high standards are maintained and the community receives the best possible witness protection service
- ❖ implement the recommendations of the subprogram's evaluation.

Subprogram 5

Corporate Support

This subprogram incorporates the **Executive**, the **Corporate Services Division**, the **Office of General Counsel**, the **Library**, and the **Misconduct Tribunals**.

Objectives

- ❖ To provide efficient and effective support services to the Commission and its staff
- ❖ To ensure the discharge of the accountability obligations of the CJC

Performance indicators

- ❖ Compliance of corporate systems and procedures with best practice and with applicable statutory requirements
- ❖ Development and implementation of a strategic plan for the effective management of our human resources
- ❖ Outcomes of advisory and support services
- ❖ Use of media outlets and presentations by CJC officers to community groups and public forums for the dissemination of information and advice to the public
- ❖ Annual review of the suitability of security policies and practices
- ❖ Number of meetings with, and reports supplied to, our Parliamentary Committee

Projected activity	Outcome
Test and begin using our upgraded Criminal Intelligence Database (CID), and purchase the analytical tools for use in conjunction with CID and other Commission applications.	Transferred CID to a new hardware platform in July 1996 and at the same time upgraded it to an enhanced browser-based version developed by the ABCI.
Commence the redevelopment of the OMD complaints recording system.	Delayed because of resource constraints; however, initial phases of the project commenced late in the year.
Introduce program budgeting.	Introduced program budgeting for 1996-97 financial year.
Build new storerooms and transfer archival material in August or September 1996.	Completed new basement storage rooms in September 1996, giving additional and improved archive storage facilities.
Train staff in computer security.	Began a staff training program in computer security.
Continue to review and enhance our vehicle management system.	Delayed because of other priorities.
Complete the full State Archives-approved Commission schedule covering all categories of material.	Delayed because of the impact of additional work generated by the Connolly-Ryan Inquiry.
Commence satisfying specific strategies in the Human Resource Management Plan.	Completed a number of significant strategies.

STRATEGY 1

Conduct regular reviews of management strategies and systems to monitor their quality, effectiveness, and compliance with legislative requirements and standards.

Corporate planning

This year's Annual Report is based on our sixth Corporate Plan, covering the period 1996 to 1999 (see program structure on page 6).

In accordance with our commitment to rigorous planning and review, our seventh Corporate Plan (covering the period 1997 to 2000) was completed in January. Essentially a refinement of the sixth, it contains some important changes to the program structure.

There is still only one program – the Criminal Justice Program – with the Chairperson, in the capacity of Chief Executive Officer, as its manager. However, there are now six sub-programs instead of five, each managed by a divisional director. Our next Annual Report will reflect this change.

The new subprogram, Misconduct Prevention, appears in this report as one of three streams of Subprogram 2. The refinement emphasises the Commission's responsibility to educate the public sector on workplace crime prevention.

Further, we have merged the two streams of Subprogram 1 so as to simplify resource allocation, prevent overlapping and improve general management of the subprogram.

We believe the refined Corporate Plan reflects our dual role of 'watchdog' and 'educator/reformer', and will enable us to plan and manage our activities even more efficiently.

In addition, the Corporate Plan for 1997-2000 has, for the first time, a Physical Asset Strategic Plan, which covers the financial year 1997-98. Such plans will be part of all future Corporate Plans.

Subprogram evaluation

Two further subprogram evaluations were undertaken during the year – the Intelligence subprogram (see page 58) and the Witness Protection subprogram (see page 64). The plan we have adopted for the proposed timing of future program evaluations will ensure that all seven components of the Criminal Justice Program will be evaluated in

accordance with the Public Finance Standards by June 1999. (Details of the current evaluation plan are shown in the Corporate Plan for 1997-2000.)

Internal audit

Three internal audits were completed during the year by our Internal Auditor, who left the Commission in November 1996. The three audits completed related to asset control, the engagement of contractors, and the Intelligence Division's information systems.

We propose to satisfy our future internal audit obligations through the use of external contractors, in accordance with an annual internal audit program, having had to abolish the internal auditor position as part of the forced redundancy program. To this end, we have commenced action to introduce a Preferred Supplier Arrangement for certain projects including internal audits.

Finance

Appraisals of revenue, expenditure, assets and liabilities systems were carried out in accordance with the Public Finance Standards. The financial records of the Commission are audited annually by officers of the Queensland Audit Office.

Administration

Controls over assets and attractive items were again reviewed, resulting in enhanced policies and practices relating to their nature, accountability, movement, repair and disposal. ('Attractive items' are items between \$200 and \$1000 in value that would be easy to remove, e.g. a mobile phone; items over \$1000 in value are 'assets'.)

Assets and attractive items were more clearly and appropriately defined, enabling the asset base to be rationalised and to be managed more cost-effectively.

STRATEGY 2

Provide advice, representation, information and administrative support.

Legal services

The Office of General Counsel:

- instructed Senior and Junior Counsel before the Supreme Court, Court of Appeal and High Court

- instructed Counsel Assisting in public and private hearings of any CJC inquiry
- provided Junior Counsel Assisting the Carruthers Inquiry into the circumstances of a Memorandum of Understanding between the then Opposition and the Queensland Police Union
- instructed Counsel in all jurisdictions to resist subpoenas served on the CJC seeking the production of CJC documents in cases where the disclosure of such documents was protected by public interest immunity
- assisted solicitors and instructed counsel acting on behalf of the CJC before the Connolly-Ryan Inquiry, including various applications arising out of the conduct of this Inquiry.

See appendix 2 for details of legal cases.

Finance

To improve reporting on expenditure, we introduced a system of program budgeting, which we will refine during 1997-98.

Program budgeting has enabled us to integrate our program management structure into the budget process, which allows us to allocate funds to subprogram areas and to record expenditure according to subprogram areas. For example, whereas motor vehicle costs for the whole Commission would once have come from the budget for Corporate Support, now those costs come out of each subprogram's budget, thus more accurately reflecting levels of expenditure.

Our accounting software package was upgraded to permit more flexibility in the recording and reporting of financial information, and internal financial reporting was improved generally, giving more usable information on expenditure.

Purchasing

Standing Offer Arrangements: During the year, a new security-guard service was introduced to patrol the Toowong premises. This service was engaged under a Standing Offer Arrangement that has resulted in a saving of almost \$100 000 in guarding costs during 1996-97. This saving was achieved despite the arrangement having been in effect for only half the year and the increased costs caused by the need to provide additional security for the Carruthers and Carter Inquiries.

A recently introduced Standing Offer Arrangement to print our research and issue papers has reduced administrative processes while still providing a timely, efficient and cost-effective printing service.

Preferred Supplier Arrangements: Steps were taken to introduce a Preferred Supplier Arrangement for specific projects relating to internal audits, program evaluations and misconduct risk management reviews. Under the Arrangement, a panel of preferred suppliers will be selected to provide professional services for the various activities as demand requires.

Office accommodation

We continued to have serious concerns about the state of the air-conditioning system, water and heat penetration and inadequate storage space at our Toowong premises. The Department of Works and Housing and the landlord engaged specialist firms to evaluate and recommend action to rectify these problems, some of which had existed since we moved into the building in 1990.

Major repair work on the air-conditioning system was completed, although at the time of preparing this report problems still existed, mainly extreme temperature fluctuations. All air-conditioning plant rooms, ducting systems and ceilings were cleaned.

Extensive work by the landlord's contractors eliminated the problem of water leaking into the building, and water-damaged carpet was replaced. The shortage of storage space was eased by the construction of new basement storerooms.

Consultancies

We engaged external consultants to carry out projects in various subprogram areas, as shown below in table 32.

Category	Expenditure (\$)
Management	43 382
Human Resource Management	4 000
Finance/Accounting	11 165
Professional/Technical	208 683
Total	\$267 230

Personnel

As a result of the cut in our budget for 1996-97, we were required to make difficult decisions about staffing levels across the Commission. Initial projections indicated that we would need to reduce our permanent staffing establishment by 28 civilian positions. In addition, 14 police positions would need to be returned to the QPS. All civilian staff were given the opportunity to volunteer for a retrenchment package.

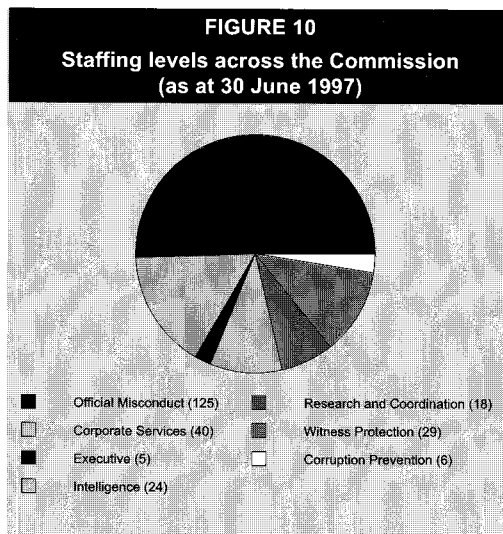
However, because of the Government's decision to provide an additional budget allocation to fund the JOCTF and the Carter Inquiry, it was eventually decided that no police positions would need to be returned to the QPS and that only 20 civilian positions would need to be made redundant. These redundancies affected staff across all divisions.

The staffing establishment of the CJC is now 247 (see table 33). Of these positions, 155 are occupied by civilians and 92 by police officers under the command of an Assistant Commissioner of the QPS. Figure 10 shows the breakdown according to divisions.



Photo courtesy of Queensland Newspapers Pty Ltd

Budget cuts, staff reductions, the establishment of the Connolly-Ryan Inquiry and the end of the Carruthers Inquiry served to keep the CJC a focus of media attention throughout the year.



Information technology

Although a number of planned projects were suspended or cancelled because of budget cuts and staff reductions, several major projects that had commenced in 1995-96 were successfully completed in 1996-97.

In July 1996, CID was transferred to a new hardware platform and at the same time upgraded to an enhanced browser-based version developed by the ABCI.

By October 1996, we had implemented a new network communications infrastructure, together with improved communications

TABLE 33
Staff establishment (as at 30 June 1997)

	Approved establishment	Actual staff (includes all permanent, temporary and casual staff, expressed as full-time equivalents)		
		Male	Female	Total
Executive (incl. the Office of General Counsel)	5	2	2	4
Official Misconduct	125	95	38.1	133.1 ¹
Operations and Witness Protection	29	20	4.4	24.4
Research and Coordination	18	6	12.2	18.2
Corruption Prevention	6	5	1	6
Intelligence	24	13	10	23
Corporate Services	40	21	17.8	38.8
Total	247	162	85.5	247.5

Note:

¹ Includes 3 police officers seconded to the JOCTF for 12 months, and 15 police officers seconded to Project Shield.

facilities to the QPS. Our Intranet, developed wholly in house, was made available to staff progressively during the year, giving everyone ready access to a range of information.

Development of an advanced application for analysing call charge records moved to the testing stage, although acquisition of associated charting facilities was suspended. Redevelopment of our aging complaints recording system was again delayed because of resource constraints. However, initial phases of the project commenced recently.

Support resources were heavily taxed during the year through the consistent demands of the Carruthers, Carter and Connolly-Ryan Inquiries. To meet the requirements of the Connolly-Ryan Inquiry in particular, it was necessary to divert the Information Manager to almost full-time coordination duties.

Records management

Records management was dominated by the demands of the Connolly-Ryan Inquiry. In particular, a significant portion of resources was dedicated to the location, extraction, scheduling and copying of material relevant to more than 200 summonses issued progressively by the Inquiry since late October.

The impact of the Connolly-Ryan Inquiry was felt in planned projects that had to be largely suspended. New basement storage rooms were completed in September (providing better storage facilities for archival material). However, no work was done on an archival/disposal schedule for CJC material, and several projects involving RecFind (our records management software) were postponed.

The RecFind databases grew to more than 425 000 items. New registrations included:

- 1100 notices, authorities and certifications
- 4300 tapes
- 800 investigative hearing exhibits
- 4500 pages of transcripts.

The Connolly-Ryan Inquiry also had a heavy impact on the return of material acquired from external sources. After the advances made in 1995-96, which saw outstanding items for return reduced from 4579 to 3667, items rose to 4869 by 30 June 1997. The increase was also affected by 2347 new items being registered during the year, well above the 1738 additional items in 1995-96.

Library

The CJC library, managed on a daily basis by the Research and Coordination Division, is an important resource for all CJC staff. It supports the work of the Commission by providing appropriate material in-house, obtaining material from other libraries as required, and bringing significant material to the attention of staff through a bimonthly Current Awareness Service that 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 and to 37 libraries.

The library has an on-line catalogue and on-line connections to a number of other library catalogues, and it is a participant of an AIC project to make Australian criminal justice documents available on CD-ROM.

Library holdings as at 30 June 1997		Library transactions during 1996-97	
❖ Monographs (including books, reports and legal opinions)	8918	❖ Items lent to CJC staff	2095
❖ Subscriptions/periodicals	294	❖ Journal articles indexed and listed in the Current Awareness Service	491
❖ Loose-leaf services	29	❖ Items listed in the Hansard Service	210
❖ Pamphlets	460	❖ Items borrowed and photocopies provided from other libraries	220
❖ Annual reports	157	❖ Items lent and photocopies provided to other libraries	167
❖ A substantial collection of legislation and subordinate legislation		❖ General information inquiries answered (approx.)	1500
❖ A substantial news-clipping-service collection			

Misconduct Tribunals

The Misconduct Tribunals, established under our Act, review decisions on disciplinary matters within the QPS and make original administrative decisions on allegations of official misconduct by police and other officials. They are independent of the QPS and other units of public administration.

During 1996-97, the Misconduct Tribunals heard and determined five matters in its original jurisdiction. In a sixth matter, the Tribunal gave its decision having heard the matter in the previous period.

Ten appeals were heard and determined, and there were two appeals (one by a police officer and one by the CJC) to the Supreme Court from decisions of the Tribunal. In each case the appeal was dismissed.

The panel of part-time members retired on 13 March 1997 on completion of the statutory maximum term of six years. The Governor-in-Council appointed the following persons for a term of three years from April 1997:

Peter James Alcorn, Barrister-at-Law
Peter John Baston, Barrister-at-Law
Kerry Francis Boulton, Barrister-at-Law
Ross Michael Bourke, Barrister-at-Law
John David Callanan, Barrister-at-Law
Nelson Marshall Cooke, QC
James Sholto Douglas, QC
Robert Ramsey Douglas, QC
Anne Frances Forbes, Barrister-at-Law
Robert Martin Needhan, Barrister-at-Law

STRATEGY 3

Recruit and develop an appropriate mix of human resources in a safe and healthy work environment which recognises the rights and responsibilities of employees.

Human Resource Management Plan

Steps were taken to achieve the strategies identified in our inaugural Plan. Significant achievements included:

- the completion of the review into the standard form of employment contracts and conditions of employment (the new form of contract was entered into by all civilian staff on 1 October 1996)
- the development of a structured induction package, which has been used to facilitate

the induction of all permanent staff appointed since September 1996.

We also continued to work on a major review of our human resource management policies.

Performance appraisal

Twelve months after the implementation of the revised Performance Planning and Review Scheme, 23.7 per cent of staff have completed an appraisal cycle, with many more nearing completion.

A performance appraisal process was adopted for staff at the senior executive level from October 1996.

Staff development and training

One of the effects of the reduction to our 1996-97 budget was to restrict the amount of money that could be made available for training and development. Accordingly, we were unable to continue our structured management development program. However, staff attended relevant training programs when necessary. Specific training needs were identified through the Performance Planning and Review Scheme and progress was made towards satisfying these needs.

Also during the year, the categories of assistance provided to staff under the Study Assistance Scheme were reviewed. We continued to offer assistance to staff wishing to undertake further tertiary and post-secondary studies, with 11 per cent of civilian staff given assistance this year, but, on account of budgetary restrictions, staff were offered financial assistance only for studies undertaken during semester two, 1996. With the implementation of the revised categories of assistance, it is hoped that some level of financial assistance will be made available to staff for both semesters in 1997-98.

Equal Employment Opportunity (EEO)

No grievances relating to EEO or discriminatory practices were lodged during the year, nor any cases of sexual harassment reported.

In April 1997, a new EEO Consultative Committee was formed to develop an EEO Management Plan for the three-year period 1997 to 2000. To obtain contributions from staff, a focus group was formed and a confidential audit undertaken of incidents of harassment and discrimination.

Slightly more than 50 per cent of staff responded to this survey, the results of which were taken into account in the development of the new EEO Management Plan, the first draft of which is presently being considered.

In March, six sexual harassment referral officers were appointed. These officers attended a two-day training course conducted by an external consultant and have since been involved in the development and presentation of sexual harassment awareness information sessions for all staff. For further details on EEO matters, see appendix 3.

Enterprise Agreement

Our first Enterprise Agreement concluded in October. Since then, we have continued to consult with the Department of Training and Industrial Relations and to monitor the activities taking place in the Queensland public sector regarding enterprise bargaining.

After the formal start of negotiations in the public service, we began in April to develop a second enterprise agreement for the CJC.

Workplace health and safety

The wellbeing of all staff continued to be a high priority, with the Workplace Health and Safety Committee meeting regularly to deal with any health and safety concerns.

An officer was accredited as a Rehabilitation Coordinator in accordance with the *Workcover Queensland Act 1996*, and has since developed a draft Rehabilitation Policy.

There were 15 reported accidents, eight of which occurred while officers were travelling to or from work. Action was taken where possible to rectify or eliminate the causes of the accidents. There was no marked increase in the cost of claims made to Workcover.

As stated earlier, problems arose with the air-conditioning system and water penetration to the building. After action by the Department of Works and Housing and the landlord, the problems were largely remedied.

STRATEGY 4

Ensure the security of property and information.

As in previous years, security policies, standards and procedures, together with protective security risk assessments, were reviewed and updated where necessary.

A program designed to train staff in computer security was begun during the year. The program uses a training package, purchased by the Commission, called Systems Security Video.

To improve computer security further, floppy disk drives on staff computers were removed or disabled wherever there was not a clear need for them.

Security auditing within the CJC premises continued, providing both a deterrent and a method for measuring breaches. Staff satisfactorily applied the relevant security policies and procedures for the protection of classified material. New staff continued to receive a security briefing.

STRATEGY 5

Facilitate the Commission's accountability to the Parliament and the people of Queensland.

Accountability

In accordance with the Fitzgerald Report, our Act makes us free of Executive Government control. However, we are fully accountable to Parliament, the courts and the community. We report, in writing and in person, to our Parliamentary Committee and provide numerous other written reports. Thus, the PCJC is our direct link to Parliament and, ultimately, to the people of Queensland.

Contact with the PCJC

Formal meetings between the CJC and the PCJC are usually held every two months. Before each meeting, the PCJC is provided with a detailed report that includes an overview of our significant activities and operations. The meetings are attended by the Chairperson, Commissioners, divisional directors and the Chief Officer, Complaints Section, who are required to elaborate on information contained in the report and also to respond to any questions, both on and without notice, asked by members of the PCJC.

In 1996-97, the CJC and the PCJC met formally six times. A record of attendances is set out in table 34.

Meetings of the Commission

The Commission met 30 times during the year, six occasions being special meetings. A record of attendance is set out in table 34. As well as these formal meetings, the part-time

TABLE 34
Attendance at meetings (1996-97)

Name	Meetings of the Commission		Meetings with the PCJC	
	Possible meetings	No. attended	Possible meetings	No. attended
F J Clair	30	27	6	6
L Wyvill QC ¹	4	4	1	1
R Homel	20	18	6	5
R Bleakley ²	20	17	4	3
B Ffrench ³	1	1	1	1
D Browne	23	20	4	3
J Crowley QC	25	19	4	4
K Biggs ⁴	-	-	-	-

Note:

1	Term expired 26 August 1996	3	Term expired 31 July 1996
2	Term expired 7 March 1997	4	Appointed 27 June 1997

TABLE 35
Analysis of public interest disclosures received by the CJC in 1996-97

Category	Verified	Not verified	Referred to other agency	Under consideration	Total
Section 15	4	21	28	11	64
Section 16	-	1	1	1	3
Section 17	-	1	-	-	1
Section 18	-	-	-	-	-
Section 19	-	1	-	-	1
Section 20	1	5	1	1	8
Totals	5	29	30	13	77

Commissioners often met informally with the Chairperson and senior staff.

Whistleblower protection

Under the *Whistleblowers Protection Act 1994*, we are required to report annually on the number of public interest disclosures (PIDs) we receive. During 1996-97, we received 77 such matters, details of which are shown within the relevant sections of that Act in table 35.

Complaints against CJC staff

Under the agreed reporting arrangement with the PCJC, we advise the Committee of any need to conduct an investigation against a CJC staff member. At the same time, we refer the matter to the DPP.

From the beginning, we have had a formal process for the handling of complaints against the CJC and its officers. When a complaint occurs, it is examined by a senior Crown Prosecutor, nominated by the DPP, and a

senior police officer, nominated by the Police Commissioner. Their report is given to the DPP, who advises the CJC and the Attorney-General of the result of the investigation and the recommendations of the DPP.

Every complaint is examined rigorously and independently. A retired judge or a person of similar standing may 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 pursue inquiries.

Freedom of Information

We received 61 applications under the *Freedom of Information Act 1992* (FOI Act) during the year, including four for internal review of decisions and four for external review. Tables 36 and 37 set out statistics on applications made under the FOI Act to or concerning the CJC.

TABLE 36
Freedom of Information statistics — applications and reviews (1996-97)

Type	Applications			Reviews	
	Total applications	Decisions made*	Still under consideration	Internal review	External review
Personal	35	40	1	1	1
Non-personal	26	25	2	3	3
Total	61	65	3	4	4

Note: * Some decisions made on applications were carried over from 1995-96.

Subprogram 5
Corporate Support

TABLE 37
Freedom of Information statistics — decisions (1996-97)

Type	Full access	Partial access	Full denial ¹	Refused ²	Withdrawn/lapsed
Personal	19	13	3	2	3
Non-personal	4	6	6	9	—
Total	23	19	9	11	3

Notes:
 1 Access to documents denied in full on account of exemptions applied.
 2 Applications refused on grounds of nonpayment of fees; noncompliance with Act; no documents located etc. (refer to sections 21, 22, 24, 28 and 35 of the FOI Act).

Code of Conduct

Our revised Code of Conduct was issued last year and all staff were provided with relevant ethics training during 1996. Similar training will be undertaken later this year. Every officer of the CJC received a copy of the Code of Conduct on commencement of employment.

During 1996-97, copies were made available to staff and others upon request.

STRATEGY 6

Promote a greater community understanding of the Commission's broad range of activities and responsibilities.

Community presentations

We continued to respond to invitations to address community groups and explain the role and functions of the CJC, as time permitted.

This year's highlight was the invitation by Rotary International to the Chairperson to deliver the keynote address at the District 9600 Conference held at Caloundra in March.

The theme of the address was Truth and Ethics in the Community.

Commissioners and senior officers gave presentations to 24 other groups, including Probus, Rotary, Mt Gravatt Men's Society and the Institute of Marine Engineers.

The Public Information Committee, established in 1994 under the guidance of two former part-time Commissioners, was largely inactive as a result of staff cuts. Coordination of the CJC's public information work is now the responsibility of the Media Liaison Officer.



To increase the public's accessibility to the CJC, including our publications, we began work to develop a CJC home page, which we hope to have operational by October 1997.

Publications

To improve production efficiency, we introduced a Standing Offer Arrangement for the printing of our Research Paper, Issue Paper and Criminal Justice System Monitor series.

The following publications were completed during the year. (See appendix 4 for a complete list of our publications.)

Assault in Queensland, Research Paper Series, April 1997.

Assault-Related Injuries Reported by Queensland Police Officers, December 1996.

Beenleigh Calls for Service Project: Mid-term Progress Report, January 1997.

Briefing Note: Key Findings of Pre-Training Survey (May 1996 Recruit Intake), August 1996.

Criminal Justice Commission Annual Report 1995-96, September 1996.

Criminal Justice Commission Corporate Plan 1997-2000, January 1997.

Criminal Justice System Monitor, Vol. 2, June 1997.

Defendants' Perceptions of the Investigation and Arrest Process, November 1996.

Evaluation of Brisbane Central Committals Project, August 1996.

Exposing Corruption: A CJC Guide to Whistleblowing, August 1996.

Gender and Ethics in Policing, Research Paper Series, October 1996.

Gold Coast District Negotiated Response Trial: Survey Findings, February 1997.

Intelligence at Work inside the CJC, Issue Paper, July 1996.

Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police, March 1997.

Repeat Break and Enter Crimes: An Analysis of Police Calls for Service Data, June 1997.

Report on Police Watchhouses in Queensland, August 1996.

Review of Complaints and Disciplinary Process, June 1997.

SUBPROGRAM OUTLOOK

In 1997-98, we propose to:

- ❖ further refine controls over our assets and attractive items, with particular emphasis on their distribution and accountability
- ❖ review and assess the functionality, efficiency and effectiveness of the software supporting our fleet and asset management systems
- ❖ develop and commence the implementation of a second Human Resource Management Plan
- ❖ launch a CJC home page on the Internet
- ❖ review the Financial Management Accounting System with a view to:
 - improving the timeliness and presentation of internal financial management reporting
 - considering further upgrades to the accounting software package
 - further finetuning procedures for program budgeting
 - instigating a system for monthly expenditure projections.

Appendix 1

Significant Lectures, Addresses and Presentations

Major Conferences, Seminars and Workshops

Subject	Venue	Officer
Business Ethics and White Collar Crime – Fad or Footprint for the Nineties?	Twentieth Annual Conference of the Association of Risk and Insurance Managers of Australasia	Robert Hailstone
Ethical Decision Making in Local Government	North Queensland Institute of Municipal Management Conference, Townsville	Robert Hailstone
Ethical Decision Making in Local Government	Institute of Municipal Management Conference, Coolum	Robert Hailstone
Fraud Prevention and Accountability	Interdepartmental Accounting Group State Conference	John Boyd
Global Security and Global Competitiveness: Open Source Solutions	Fifth International Symposium OSS 1996, Washington DC	Paul Roger
The IAA and the CJC: Issues of Common Interest	Institute of Internal Auditors, Queensland Chapter	John Boyd
Insights into Workplace Crime in Queensland Local Government	Conference on Issues Associated with Local Government Investigations	Robert Hailstone
Lessons from CJC Whistleblower Support	Conference on <i>Whistleblowers Protection Act 1994</i>	Peter Anderson
The Police Culture, Women Police and Attitudes towards Misconduct	First Australasian Women Police Conference, Australian Institute of Criminology, Sydney	Avril Alley and Linda Waugh
The Practice of Adjudication adopted by the Commissioners for Police Service Reviews: Problems with the test of 'Unreasonableness'	National Public Sector Appeals Conference, Melbourne	Michael Ries
Prison Overcrowding: The Result of Our Criminal Justice System or Poor Planning?	Corrections Forum 1996, Prisoners' Legal Service, Brisbane	David Brereton
Problem Solving	Workshop for QPS Crime Prevention Unit, QPS South-Eastern Region, Surfers Paradise	Dennis Budz
Problem Solving	Workshop – Tacticians, Metro North Region	Dennis Budz

Professional Perspectives	Inaugural Queensland Nurses Union Professional Conference, Park Royal Hotel	Michael Barnes
Public and Professional Accountability	Business Educators Queensland Annual Conference	Sally Edwards
Public Servants and Public Scrutiny – Direct and Individual Accountability of Public Servants	IIR/RIPAA National Seminar on Public Sector Accountability and Corporate Governance	John Boyd
Research for Policy	Second National Outlook Symposium on Violent Crime, Property Crime and Public Policy, Australian Institute of Criminology, Canberra	David Brereton
Risk Management's Role in Corporate Governance	Public Sector Risk Management Interest Group Seminar, Queensland Treasury	John Boyd
Risk Management's Role in Corporate Governance	Association of Risk and Insurance Managers of Australasia, Annual State Conference	John Boyd
The Role of Research in the Work of Standing Commissions of Inquiry	Caxton Legal Centre and Australian Council for Civil Liberties Conference on Standing Commissions on Crime and Corruption in Australia: A Failed Experiment?, Brisbane	David Brereton
Sponsorship in the Public Sector	Queensland Emergency Services Training Officers Annual Conference	John Boyd
Solutions and Prospects	Caxton Legal Centre and Australian Council for Civil Liberties Conference on Standing Commissions on Crime and Corruption in Australia: A Failed Experiment?, Brisbane	Frank Clair
Do They Have Too Much Power – Bulls in a China Shop?	Caxton Legal Centre and Australian Council for Civil Liberties Conference on Standing Commissions on Crime and Corruption in Australia: A Failed Experiment?, Brisbane	Mark Le Grand
Truth and Ethics in the Community	Rotary District 9600 Annual Conference	Frank Clair
Why Whistleblowing has an Image Problem and What to do about It	5th International Conference on Public Sector Ethics	Peter Anderson

Presentations to Students

Subject	Venue	Officer
Accountability in the Public Sector and the Role of the CJC	Justice Administration students, Griffith University, Nathan Campus	Robert Hailstone
Chinese Organised Crime	Justice Studies students, University of Queensland	Paul Roger
Corruption and Society	Justice Studies students, Bayside Community TAFE College	Sally Edwards
Ethics in the Criminal Justice System	La Trobe University Graduate School of Management Lunchtime Seminar	Robert Hailstone
Ethics in the Criminal Justice System	Queensland University of Technology, Carseldine Campus	Robert Hailstone
The Ethical Paradox of the Criminal Justice System	Senior Police Masters Program, Queensland University of Technology, Kelvin Grove Campus	Robert Hailstone
Extent of Organised Crime	Criminology and Criminal Justice students, University of Queensland	Paul Roger
Fraud Prevention and Control: The Role of the CJC	MBA Business Ethics students, Griffith University, Gold Coast Campus	Robert Hailstone
Graduation Speech	Sunshine Coast University	Robert Hailstone
Monitoring Police Attitudes and Behaviour in Queensland: A Research Strategy	1996 Colloquium Series, School of Justice Administration, Griffith University	David Brereton
Organisational Ethics and Criminal Justice Ethics	Public and Professional Ethics Course, Queensland University of Technology	Robert Hailstone
Preventing White Collar Crime	International Business students, La Trobe University	Robert Hailstone
Role and Functions of the CJC	Law Students, University of Queensland	Dennis Budz
Role and Functions of the CJC	Postgraduate students, University of Queensland	Sally Edwards
Role and Functions of the CJC	Media and Journalism students, Queensland University of Technology	Sally Edwards
Role and Functions of the CJC	Welfare students, Northpoint TAFE College	Sally Edwards
Role and Functions of the CJC	Welfare students, Cooloola Sunshine Institute of TAFE	Sally Edwards
Role and Functions of the CJC	Justice Systems students, Gold Coast College of TAFE	Michael Barnes
Why People Lie, Cheat and Steal at Work: Insights into Occupational and Executive Crime	Dean's Inaugural Address, The Graduate School of Management, La Trobe University	Robert Hailstone

Appendix 1
Significant Lectures,
Addresses and
Presentations

Appendix 2

Legal Issues

Wilkinson and Others v. CJC

During the Carruthers Inquiry, the Queensland Police Union sought to prevent the Inquiry from publishing a report, citing comments made on two occasions by the CJC Chairperson. The Union alleged that the comments gave rise to a reasonable apprehension that the Honourable K J Carruthers might have prejudged the outcome of his investigation.

The application was heard by the Honourable Justice Byrne, who, on 7 August 1996, held that, as Mr Carruthers was not and never had been an employee of the CJC, he had nothing to fear from publishing a report that contradicted the views of the CJC's Chairperson. His Honour held that Mr Carruthers did not have any personal, professional or other association with the Chairperson, or any other member of the CJC, that might give rise to a doubt about his impartiality. Further, Mr Carruthers was not subject to direction from the Chairperson or any other person. There was no hint of any conduct that suggested Mr Carruthers might be deflected from the proper performance of his duty by any perception he may have held about the views of the CJC's Chairperson.

Brisbane TV and Others (Appellants) v. CJC [Court of Appeal]

The CJC commenced contempt proceedings against the appellants in relation to a television broadcast of 15 and 16 November 1994. On 12 October 1995, the appellants asked the Supreme Court to determine whether section 106(e) of the *Criminal Justice Act 1989 (Q)* was invalid because it infringed on the constitutional implication of free expression. The appellants filed a notice of appeal against the decision of the Supreme Court; the appeal was dismissed on 17 September.

Brisbane TV v. CJC [High Court]

On 7 October, the appellants applied for special leave to appeal to the High Court (on various grounds) against the decision of the Court of Appeal; on 2 December, the application was refused.

CJC and Pierre Mark Le Grand v. Peter David Connolly QC and Kevin William Ryan QC; Attorney-General intervening

Unreported Supreme Court, 3 March 1997, Thomas J, 10261 of 1996

On 20 November, the Connolly-Ryan Inquiry issued a summons to the CJC Chairperson to produce various documents relating to allegations made in Parliament by Allan Grice MLA (Hansard 13.9.96, 2915-2918).

The CJC resisted on the grounds that the documents were the subject of legal professional privilege, a claim rejected by Commissioners Connolly and Ryan. The CJC then sought a declaration in the Supreme Court.

The Commissioners of the Inquiry had accepted that legal professional privilege was a 'reasonable excuse' for the purposes of section 3 of the *Commissions of Inquiry Act*. It was accepted by the CJC and the Attorney-General that, for documents to be subject to legal professional privilege, they must have been brought into existence for the sole purpose of submission to legal advisers for advice or for use in legal proceedings. The CJC submitted that the disputed documents were brought into existence for the purpose of obtaining advice of counsel; but the Attorney-General argued that the documents were also brought into existence to conduct a 'preliminary' investigation into the Grice allegations.

His Honour Justice Thomas found that it was easily possible to distinguish between documents obtained for the purposes of an investigation and documents obtained for the purpose of briefing counsel. The Court held that, with the exception of some telephone call charge records, the disputed documents were prepared and obtained for the sole purpose of obtaining legal advice or for use in legal proceedings, and were, therefore, privileged. (The telephone call charge records were later provided to the Inquiry.) The Court observed that the CJC, as a statutory body, was entitled to the same protections as any other litigant.

Appendix 3

Equal Employment Opportunity Report

The strategies under our 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 CJC
- to ensure all recruitment and selection processes enable members of EEO target groups to enter and progress through the CJC on an equitable basis
- to ensure that Human Resource Management policies and practices reflect EEO principles
- to develop a training and development program that gives all staff equal access to developmental opportunities
- to provide a working environment free from all forms of unfair discrimination and sexual harassment.

Details of the membership of the four EEO target groups (as defined in the *Equal Opportunity in Public Employment Act 1991*) – in terms of sex, age, occupational stream and classification level – are shown in the following table and figures. (Data relate to civilian staff.)

TABLE 38
Membership of EEO target groups (1995–96 to 1996–97)

1995–96				1996–97			
Women	ATSI ¹	NESB ²	PWD ³	Women	ATSI ¹	NESB ²	PWD ³
92 (49.5%)	1 (0.5%)	10 (5.4%)	4 (2.2%)	77 (49.7%)	1 (0.6%)	9 (5.8%)	3 (1.9%)

Notes:
1 Persons who identify as Aboriginal or Torres Strait Islander; 2 Persons from a non-English-speaking background; 3 Persons with a disability

FIGURE 11
Employees by sex and age
(as at 30 June 1997)

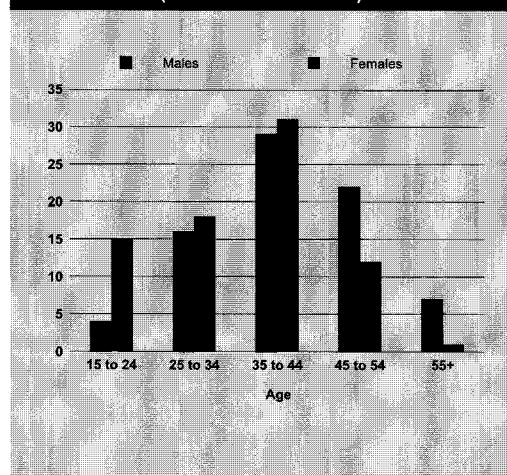


FIGURE 12
Employees by sex and employment status
(as at 30 June 1997)

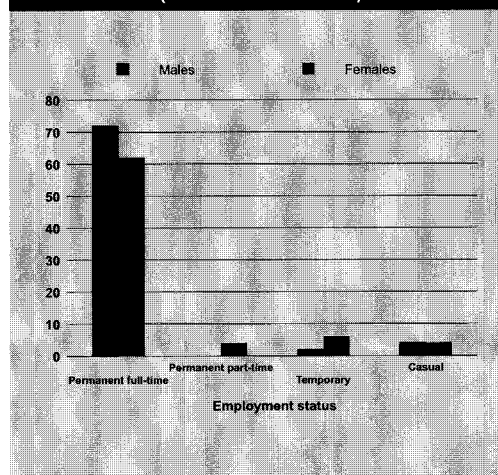


FIGURE 13
Employees by sex and occupational stream
 (as at 30 June 1997)

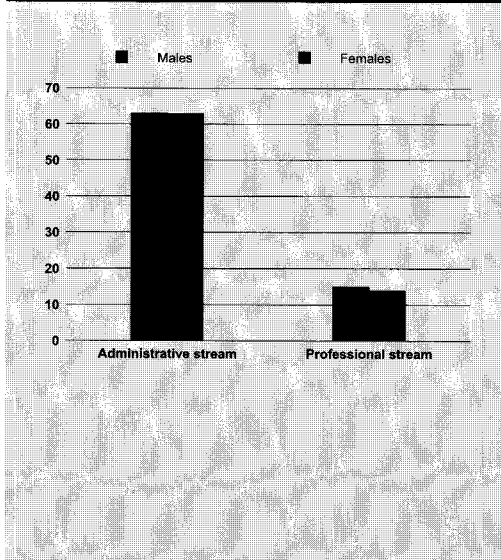
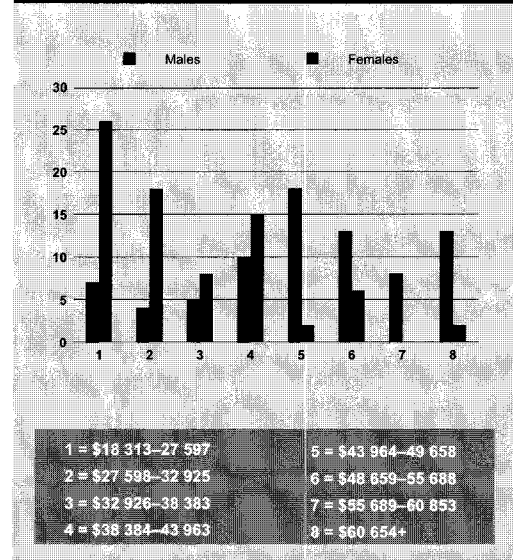


FIGURE 14
Employees by sex and salary level
 (as at 30 June 1997)



Appendix 4

Publications List

(as at 30 June 1997)

All documents published by the CJC (apart from confidential reports and advices to Government) are listed below. Copies that are still in stock are obtainable from us upon request. You may also be able to find them – as well as those that are out of print – at libraries throughout the State.

Date of issue	Title	Availability
1990		
May 1990	Reforms in Laws Relating to Homosexuality – An Information Paper	Out of print
May 1990	Report on Gaming Machine Concerns and Regulations	Out of print
Sept. 1990	Criminal Justice Commission Queensland Annual Report 1989-1990	Out of print
Nov. 1990	SP Bookmaking and Other Aspects of Criminal Activity in the Racing Industry – An Issue Paper	Out of print
Nov. 1990	Corporate Plan	Out of print
1991		
Feb. 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 Issue Paper	Out of print
March 1991	The Jury System in Criminal Trials in Queensland – An Issue 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
August 1991	Crime and Justice in Queensland	In stock
Sept. 1991	Regulating Morality? An Inquiry into Prostitution in Queensland	In stock
Sept. 1991	Police Powers in Queensland – An Issue Paper	In stock
Sept. 1991	Criminal Justice Commission Annual Report 1990-91	Out of print
Nov. 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
Nov. 1991	Report on an Inquiry into Allegations of Police Misconduct at Inala in Nov. 1990	In stock
Nov. 1991	Corporate Plan 1991-1993	Out of print
Dec. 1991	Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements by Members of the 1986-1989 Queensland Legislative Assembly	Out of print

	Date of issue	Title	Availability
Appendix 4 Publications List	1992		
	Jan. 1992	Report of the Committee to Review the Queensland Police Service Information Bureau	Out of print
	Feb. 1992	Queensland Police Recruit Study, Summary Report #1	Out of print
	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 Issue Paper	Out of print
	March 1992	Crime Victims Survey – Queensland 1991, A joint publication produced by	

	Date of issue	Title	Availability
Appendix 4 Publications List	Dec. 1995	Corporate Plan 1995-1998	In stock
	Dec. 1995	Report on an Inquiry Conducted by Mr R V Hanson QC into the Alleged Unauthorised Dissemination of Information Concerning Operation Wallah	In stock
	Dec. 1995	Protecting Public Sector Whistleblowers: A Statutory Responsibility – An Issue Paper	In stock
	1996		
	Jan. 1996	Residential Burglary in Queensland – A Research Paper	In stock
	March 1996	Utilising Calls for Service Data	In stock
	March 1996	The West End Police Beat: An Evaluation	In stock
	April 1996	On the Record – The CJC Six Years On	Out of print
	April 1996	Informal Complaint Resolution in the Queensland Police Service: Follow-up Evaluation	In stock
	May 1996	Aboriginal Witnesses in Queensland Criminal Courts	In stock
	May 1996	The Nature of General Police Work	In stock
	July 1996	Corporate Plan 1996-1999	In stock
	July 1996	Intelligence at Work Inside the CJC	In stock
	August 1996	Report on Police Watchhouses in Queensland	In stock
	Sept. 1996	Criminal Justice Commission Annual Report 1995-96	In stock
	Sept. 1996	Criminal Justice Commission Annual Report Summary 1995-96	In stock
	Oct. 1996	Gender and Ethics in Policing	In stock
	Oct. 1996	Exposing Corruption – A CJC Guide to Whistleblowing in Queensland	In stock
	Nov. 1996	Defendants' Perceptions of the Investigation and Arrest Process	In stock
	Dec. 1996	Report on an Investigation into a Memorandum of Understanding between the Coalition and QPUE and an Investigation into an alleged deal between the ALP and the SSAA	In stock
	Dec. 1996	Assault-Related Injuries Reported by Queensland Police Officers	In stock
	1997		
	Jan. 1997	Beenleigh Calls for Service Project: Mid-term Progress Report	In stock
	Feb. 1997	Gold Coast District Negotiated Response Trial: Survey Findings	In stock
	March 1997	Reducing Police-Civilian Conflict: An Analysis of Assault Complaints against Queensland Police	In stock
	April 1997	Assault in Queensland – Research Paper Series	In stock
	June 1997	Criminal Justice System Monitor, Vol. 2	In stock
	June 1997	Hot Spots and Repeat Break and Enter Crime: An Analysis of Police Calls for Service Data	In stock

Date of issue	Title	Availability
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
May 1994	Report on a Review of Police Powers in Queensland Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention	In stock
June 1994	Report on an Investigation into Complaints against Six Aboriginal and Island Councils	In stock
June 1994	Report on Cannabis and the Law in Queensland	In stock
June 1994	Selling your Secrets: Who's Selling What? – An Issue Paper	In stock
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
July 1994	Submission to the Parliamentary Criminal Justice Committee on its Review of the Criminal Justice Commission's Activities	Out of print
August 1994	Implementation of Reform within the Queensland Police Service, the Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations	In stock
August 1994	Statement of Affairs	Out of print
Sept. 1994	A Report of an Investigation into the Cape Melville Incident	In stock
Oct. 1994	Criminal Justice Commission Annual Report 1993-94	In stock
Oct. 1994	Report on a Review of Police Powers in Queensland Volume V: Electronic Surveillance and Other Investigative Procedures	In stock
Oct. 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 and Disposal	In stock
Nov. 1994	Report on an Investigation into the Tow Truck and Smash Repair Industries	In stock
Nov. 1994	Informal Complaint Resolution in the Queensland Police Service: An Evaluation	Out of print
Dec. 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
Dec. 1994	Fear of Crime: A Research Paper	Out of print
Dec. 1994	Aboriginal and Islander Councils Investigations – An Issue Paper	In stock
1995		
Jan. 1995	Telecommunications Interception and Criminal Investigation in Queensland: A Report	Out of print
March 1995	Report on an Inquiry Conducted by the Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre	Out of print
April 1995	Corporate Plan 1994-1997	In stock
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
August 1995	Criminal Justice System Monitor, Vol. 1	In stock
Sept. 1995	Beat Policing: A Case Study – A Research Paper	In stock
Sept. 1995	Children, Crime and Justice in Queensland – A Research Paper	Out of print
Oct. 1995	Crime Victims Surveys in Australia – Conference Proceedings	In stock
Nov. 1995	Criminal Justice Commission Annual Report 1994-95	Out of print
Nov. 1995	Criminal Justice Commission Annual Report Summary 1994-95	Out of print

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Nov. 1996	Defendants' Perceptions of the Investigation and Arrest Process	In stock
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Feb. 1997	Gold Coast District Negotiated Response Trial: Survey Findings	In stock
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June 1997	Criminal Justice System Monitor, Vol. 2	In stock
June 1997	Hot Spots and Repeat Break and Enter Crime: An Analysis of Police Calls for Service Data	In stock

FINANCIAL STATEMENTS

Financial Statements of the Criminal Justice Commission for the year ended 30 June 1997

OPERATING STATEMENT

For the year ended 30 June 1997

	Notes	1997 \$	1996 \$
COST OF SERVICES			
Operating expenses			
Salaries and related expenses	1	13 769 948	13 872 120
Administration	2	5 500 197	4 322 330
Operational	3	555 313	496 366
Consulting	4	264 786	116 143
Accommodation	5	2 891 186	2 821 030
Transfers to provisions	6	700 160	964 138
Write-offs		226 365	15 038
Loss on sale of plant and equipment		-	10 715
Total operating expenses		23 907 955	22 617 880
Operating revenue from independent sources			
Interest		146 685	206 003
Other	7	34 129	77 803
Gain on sale of plant and equipment		30 234	-
Total operating revenue from independent sources		211 048	283 806
Net cost of services		23 696 907	22 334 074
REVENUE FROM GOVERNMENT			
Parliamentary appropriations received	8	22 155 000	21 614 000
Total revenue from government		22 155 000	21 614 000
Changes in net assets resulting from operations		(1 541 907)	(720 074)
Abnormal item	9	(915 275)	(900 009)
Changes in net assets resulting from operations and abnormal item		(2 457 182)	(1 620 083)

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 1997

	Notes	1997 \$	1996 \$
CURRENT ASSETS			
Cash	10	306 619	15 054
Receivables		4 203	20 061
Prepayments		<u>126 778</u>	<u>252 028</u>
Total current assets		<u>437 600</u>	<u>287 143</u>
NON-CURRENT ASSETS			
Plant and equipment	11	<u>1 530 624</u>	<u>2 336 673</u>
Total non-current assets		<u>1 530 624</u>	<u>2 336 673</u>
TOTAL ASSETS		<u>1 968 224</u>	<u>2 623 816</u>
CURRENT LIABILITIES			
Salaries payable		503 268	265 254
Sundry creditors	12	704 447	200 024
Provisions	13	621 613	570 108
Loan from Treasury	14	<u>195 333</u>	<u>-</u>
Total current liabilities		<u>2 024 661</u>	<u>1 035 386</u>
NON-CURRENT LIABILITIES			
Provisions	13	741 065	649 417
Loan from Treasury	14	<u>720 667</u>	<u>-</u>
Total non-current liabilities		<u>1 461 732</u>	<u>649 417</u>
Total liabilities		<u>3 486 393</u>	<u>1 684 803</u>
NET ASSETS		<u>(1 518 169)</u>	<u>939 013</u>
EQUITY			
Accumulated results from operations		<u>(1 518 169)</u>	<u>939 013</u>
TOTAL EQUITY		<u>(1 518 169)</u>	<u>939 013</u>

STATEMENT OF CASH FLOWS
FOR YEAR ENDED 30 JUNE 1997

	Notes	1997 \$	1996 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Inflows:			
Interest		151 777	208 126
Other		<u>44 895</u>	<u>83 504</u>
Total inflows		196 672	291 630
Outflows:			
Salaries and related expenses		(14 215 719)	(14 547 637)
Redundancy payments		(915 275)	-
Suppliers		<u>(7 725 736)</u>	<u>(7 059 880)</u>
Total outflows		(22 856 730)	(21 607 517)
Net cash used in operating activities	A	(22 660 058)	(21 315 887)
CASH FLOWS FROM INVESTING ACTIVITIES			
Inflows:			
Proceeds from sale of plant and equipment		<u>298 677</u>	<u>143 228</u>
Total inflows		298 677	143 228
Outflows:			
Payments for purchases of plant and equipment		<u>(418 054)</u>	<u>(831 667)</u>
Total outflows		(418 054)	(831 667)
Net cash used in investing activities		(119 377)	(688 439)
CASH FLOWS FROM GOVERNMENT			
Inflows:			
Parliamentary appropriations	B	<u>22 155 000</u>	<u>21 614 000</u>
Total inflows		22 155 000	21 614 000
Net cash provided by government		22 155 000	21 614 000
CASH FLOWS FROM FINANCING ACTIVITIES			
Inflows:			
Treasury loan		<u>916 000</u>	<u>-</u>
Total inflows		916 000	-
Net cash provided by financing activities		916 000	-
Net increase (decrease) in cash held		291 565	(390 326)
Cash at beginning of reporting period		15 054	405 380
Cash at end of reporting period	C	306 619	15 054

STATEMENT OF CASH FLOWS (continued)
FOR YEAR ENDED 30 JUNE 1997

Note A Reconciliation of change in net assets resulting from operations with net cash provided or used by operating activities

	1997	1996
	\$	\$
Change in net assets resulting from operations	(1 541 907)	(720 074)
Depreciation expense	729 295	740 884
Write-offs (non-cash)	226 365	15 038
(Gain) Loss on sale of plant and equipment	(30 234)	10 715
Decrease in accounts receivable	15 858	7 824
(Increase) Decrease in prepaid expenses	125 250	(235 796)
Increase in trade creditors	504 423	191 813
Increase in salaries payable	238 014	39 616
Provisions – recreation and long service leave	143 153	248 093
Extraordinary item – redundancy payments	(915 275)	-
Government revenues	<u>(22 155 000)</u>	<u>(21 614 000)</u>
Net cash used in operating activities	<u>(22 660 058)</u>	<u>(21 315 887)</u>

Note B Receipts from parliamentary appropriations

Parliamentary appropriations	20 111 000	21 614 000
Supplementation	<u>2 044 000</u>	<u>-</u>
Total received	22 155 000	21 614 000

Note C Reconciliation of cash

For the purposes of this statement of cash flows, cash includes cash on hand and in 'at call' deposits with banks or financial institutions.

Cash at the end of the period is shown in the statement of financial position as:

Cash at bank	286 219	(5 346)
Cash on hand	<u>20 400</u>	<u>20 400</u>
	<u>306 619</u>	<u>15 054</u>

Note D Tax status

The activities of the CJC 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, the Financial Management Standards, including professional Statements of Accounting Concepts and applicable Australian Accounting Standards.

(b) Plant and equipment

Plant and equipment is included in the accounts at historical 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 \$1000 in value. An asset revaluation threshold of \$200 000 has been set, and plant and equipment items over this value will be revalued every five years. Software is not capitalised.

(c) Employee leave entitlements

Provision has been made for annual leave and long service leave entitlements in accordance with Australian Accounting Standard AAS 30 'Accounting for Employee Entitlements'.

No amount has been recognised for non-vesting sick leave as this is not considered to be material. Sick leave is brought to account as incurred.

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	1997	1996
	\$	\$
Note 1 Salaries and related expenses		
Salaries, wages, and allowances	11 133 531	11 506 402
Overtime	713 254	420 905
Payroll and fringe benefits tax	853 882	846 925
Superannuation contribution	1 048 602	1 066 597
Workers compensation	20 679	31 291
	<u>13 769 948</u>	<u>13 872 120</u>
Note 2 Administration		
Airfares, taxis, hire cars, and travel allowances	607 566	421 125
Contractors	30 172	15 913
Telephones, pagers, facsimile	389 442	272 200
Postage	22 714	34 683
Advertising	8 288	46 860
Subscriptions, books	63 205	63 608
Stores and stationery	78 629	105 136
Printing and publications	79 977	116 455
Vehicle leasing	178 597	163 723
Petrol, maintenance, registration	257 790	260 413
Equipment – non-asset	60 515	165 224
Computing expenses and software	198 982	304 659
Witness fees and expenses	19 839	20 458
Transcription	74 235	103 910
Audit fees	12 600	12 600
Recruitment and training	70 604	226 556
Litigation costs	-	28 900
Information retrieval	119 532	88 243
Depreciation	729 295	740 884
Sundry costs of inquiries	454 781	135 065
Legal advice	1 812 311	692 619
[Includes legal costs for:		
• Commission of Inquiry into the Effectiveness of the CJC (Connolly-Ryan Inquiry): \$1 018 007		
• Inquiry into a Memorandum of Understanding between the Coalition and the QPUE (Carruthers Inquiry): \$546 018		
• Other: \$248 286]		
Interest – Treasury loan	18 824	-
Other	212 299	303 096
	<u>5 500 197</u>	<u>4 322 330</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	1997	1996
	\$	\$
Note 3 Operational		
This consists of expenditure incurred in the carrying out of operations relating to investigations.		
Note 4 Consulting		
Contracted research	14 900	26 208
Program evaluation	16 020	6 000
Corporate planning	-	17 187
Position evaluations	-	18 450
Corruption prevention	34 208	42 798
Structural review	-	5 500
Commission of Inquiry into the Effectiveness of the CJC	79 500	-
Financial management	4 440	-
Disciplinary sanctions – <i>Police Service Administration Act</i>	8 730	-
Inquiry into alleged police misconduct	106 988	-
	<u>264 786</u>	<u>116 143</u>
Note 5 Accommodation		
Lease	2 270 663	2 110 394
Security	291 904	344 054
Cleaning	143 199	143 147
Electricity	145 161	148 313
Refurbishment	16 402	39 005
Other	23 857	36 117
	<u>2 891 186</u>	<u>2 821 030</u>
Note 6 Transfer to provisions		
Current	597 898	731 354
Non-current	102 262	232 784
	<u>700 160</u>	<u>964 138</u>
Note 7 Other		
Sundry income	<u>34 129</u>	<u>77 803</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	1997	1996
	\$	\$
Note 8 Queensland Government appropriation		
Appropriation	20 111 000	21 614 000
Supplementary funding	<u>2 044 000</u>	<u>-</u>
	<u>22 155 000</u>	<u>21 614 000</u>
Note 9 Abnormal item		
Redundancy payments [Payments to staff made redundant as a result of a redundancy program undertaken by the CJC.]	(915 275)	
Adjustments to accumulated funds/investments [Equity in Q-Fleet leasing scheme]	-	(900 009)
	<u>(915 275)</u>	<u>(900 009)</u>
Note 10 Cash		
Cash at bank	286 219	(5 346)
Cash on hand	<u>20 400</u>	<u>20 400</u>
	<u>306 619</u>	<u>15 054</u>
Note 11 Plant and equipment (at cost)		
General equipment	377 757	507 369
Less accumulated depreciation	<u>189 264</u>	<u>265 517</u>
	188 493	241 852
Operations equipment	1 035 350	1 176 605
Less accumulated depreciation	<u>803 005</u>	<u>838 236</u>
	<u>232 345</u>	<u>338 369</u>
Furniture and fittings	21 401	152 934
Less accumulated depreciation	<u>10 788</u>	<u>58 973</u>
	10 613	93 961
Computer equipment	1 846 148	2 906 858
Less accumulated depreciation	<u>1 234 136</u>	<u>1 786 183</u>
	612 012	1 120 675
Motor vehicles	651 428	729 661
Less accumulated depreciation	<u>164 267</u>	<u>187 845</u>
	487 161	541 816
Total plant and equipment	<u>1 530 624</u>	<u>2 336 673</u>
Note 12 Sundry creditors		
Sundry creditors	685 623	200 024
Interest on Treasury loan	<u>18 824</u>	<u>-</u>
	<u>704 447</u>	<u>200 024</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	1997	1996
	\$	\$
Note 13 Provisions		
Current recreation leave	576 810	533 508
Current long service leave	<u>44 803</u>	<u>36 600</u>
	621 613	570 108
Non-current long service leave	<u>741 065</u>	<u>649 417</u>
	<u>1 362 678</u>	<u>1 219 525</u>

[The liabilities expected to arise in future in respect of service accrued at the reporting date have been calculated on the assumption that salaries will increase, on average, by 6% p.a. and also in line with age-based promotional salary scales appropriate to the employees. The expected cash flows have been discounted to present value, using a discount rate of 8.5% p.a. The assumed rates of salary inflation and discount rate are based on Commonwealth Government bond yields at the reporting date and the expected long-term gap between salary inflation and investment return. The weighted average term to settlement of the liabilities is approximately 14 years.]

Note 14 Loan from Treasury

As a result of budget cuts imposed upon the CJC, 20 civilians were made redundant. The redundancies were funded by a recoverable loan of \$916 000 from Queensland Treasury to be repaid over five years.

Note 15 Money held in trust

The CJC holds \$21 509 in trust for a number of people as a result of operational activities.

Note 16 Segment reporting

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

Note 17 Capital commitments

Capital commitments as at 30 June 1997 total \$6983, for computer assets.

Note 18 Lease commitments

The CJC leases motor vehicles from Q-Fleet Division of the Department of Public Works and Housing. These operating leases vary according to the timing of the replacement of the vehicle.

Note 19 Contingent assets/liabilities

There were no known significant contingent assets or liabilities as at 30 June 1997.

Note 20 Services provided below fair value

Services received –

Department of Justice (Crown Law) – legal services	<u>-</u>	<u>1 757</u>
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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 1997, and of the financial position as at 30 June 1997.

21/9/97

Date



F J CLAIR
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 1997 comprising the Operating Statement, Statement of Financial Position, Statement of Cash Flows, Notes To and Forming Part of the Accounts, and Certificates given by the Chairperson and person responsible for financial administration as required by the *Financial Administration and Audit Act 1977*.

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

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

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 1997 and of the financial position as at the end of that year.



V P MANERA

Deputy Auditor-General

(Delegate of the Auditor-General)

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