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MISSION STATEMENT

Our mission is to promote justice and integrity in Queensland.

Our values:

- Justice
- Integrity
- Accountability

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

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 care
- 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

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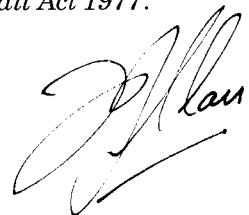
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To The Honourable Peter Beattie MLA, Premier of Queensland

Sir

We are pleased to present to Parliament the ninth Annual Report of the Criminal Justice Commission, which covers the 1997-98 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*.



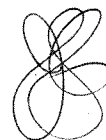
Mr Frank Clair
Chairperson



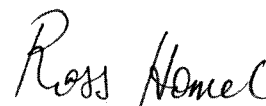
Mrs Kathryn Biggs
Commissioner



Mrs Dina Browne AO
Commissioner



Mr James Crowley QC
Commissioner



Professor Ross Homel
Commissioner

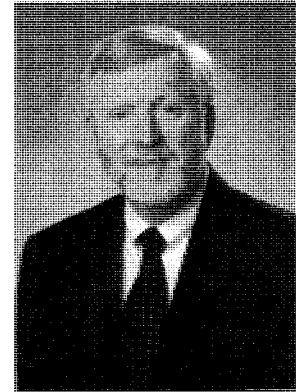
October 1998

ABBREVIATIONS

ABCI	Australian Bureau of Criminal Intelligence
AIC	Australian Institute of Criminology
A&TSI	Aboriginal and Torres Strait Islander
BCIQ	Bureau of Criminal Intelligence, Queensland
Bingham Review	Committee for the Review of the Queensland Police Service
Carter Report	<i>Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers (Carter Inquiry)</i>
CCC	Community Consultative Committee
CID	Criminal Intelligence Database
CJ Act	<i>Criminal Justice Act 1989</i>
CJC	Criminal Justice Commission
Connolly-Ryan Inquiry	Commission of Inquiry into the Effectiveness of the CJC
DPP	Director of Public Prosecutions
EEO	Equal Employment Opportunity
EEOCC	Equal Employment Opportunity Consultative Committee
ESC	Ethical Standards Command
Fitzgerald Report	<i>Report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry)</i>
FOI	Freedom of Information
HRM	Human Resource Management
JOCTF	Joint Organised Crime Task Force
Kimmins Report	<i>Inquiry into Allegations of Misconduct in the Investigation of Paedophilia in Queensland: Kimmins Report</i>
MDT	Multidisciplinary team
NAIDOC	National Aboriginal and Islander Day of Commemoration
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
PIM	Public Interest Monitor
PPO	Pecuniary Penalty Order
PSA Act	<i>Police Service Administration Act 1990</i>
QCC	Queensland Crime Commission
QCorr	Queensland Corrections
QCSC	Queensland Corrective Services Commission
QPS	Queensland Police Service
SIB	Security Intelligence Branch

**Demands of
Connolly-Ryan Inquiry**

The 1997-98 year commenced with the CJC's staff and finances under immense pressure resulting from the heavy demands of the continuing Connolly-Ryan Inquiry. That Inquiry was terminated by the Supreme Court in early August 1997 for apprehended bias. Nevertheless, ten months of constant demand and distraction took a heavy toll. Apart from the human cost, the Inquiry absorbed 17 000 hours of CJC staff time and \$1.5m in legal expenses.



Mr F J Clair, CJC Chairperson

**Amendments to
Criminal Justice Act**

In spite of the inconclusive and highly unsatisfactory outcome of the Inquiry, legislation was passed towards the end of 1997 which amended the *Criminal Justice Act 1989* in significant respects, including the removal of the CJC's jurisdiction to investigate organised and major crime. This legislative process was not informed by a careful review and rational analysis of the issues but stemmed, rather, from a somewhat precipitate decision to create a crime commission. That decision was made amidst high levels of unwarranted public concern created by allegations of official cover-up of paedophilia and related crime over many years. After a lengthy and exhaustive inquiry, retired District Court Judge Jack Kimmins recently found that not one of those allegations had substance in fact.

Kimmins Inquiry

This disturbing and somewhat bizarre sequence of events is but one illustration of the volatile environment in which the CJC has operated over recent times. The assertion, made publicly and sometimes repeated in the media, that the CJC in some way failed to meet its obligations in respect of paedophilia and organised crime is simply not supported by the evidence.

**Continued high levels of
achievement**

In spite of the many distractions, the organisation has continued to achieve at high levels in all areas of activity. This is a tribute to the energy and dedication of the staff, whose tireless efforts are driven by a firm belief in the inherent worth of the organisation and the importance of its role in the public life of Queensland.

The number of complaints received remains high — this year was the third highest yet. Response and finalisation times for complaints investigations have been excellent, particularly in light of the extraordinary demands on resources this year for the reasons mentioned earlier.

**Project Shield and
Carter Report**

While the processing of complaints continues as a top priority, the value of taking proactive steps to identify and deal with corruption and other serious misconduct was well and truly demonstrated through Project Shield, which culminated in the findings and recommendations of Mr W J Carter QC published in October 1997 in the CJC report *Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers*. I take this

• opportunity to acknowledge the considerable debt which the CJC, and the
• wider community, owes to Mr Carter for his practical, effective and very
• thorough approach. The report will stand as a beacon to guide the Queensland
• Police Service and the CJC in this area.

• Among other things, Mr Carter recognised the value of an intelligence-driven,
• multidisciplinary process in the identification and early investigation of public
• sector corruption. The CJC has already moved to ensure that strategic
• intelligence analysis plays a permanent role in the future targeting of problems
• of this kind.

Prevention Committee

• Project Shield has also reinforced the CJC's belief that investigation must go
• hand in hand with activities directed toward prevention. Accordingly, the CJC
• has been increasing its corporate focus on prevention. One step involves the
• creation of a Prevention Committee representing all relevant areas of the
• CJC. The Committee will identify specific areas of corruption and other
• misconduct and, adopting a prioritised problem-oriented approach, the CJC
• will establish an ad hoc task force to attack each problem area. Each task
• force will develop a strategic plan using investigation, intelligence, research
• and prevention resources to ensure the maximum preventive outcome.

**Research and Prevention
Division**

• Another means of supporting this strategy is the amalgamation of the Corruption
• Prevention Division with the Research Division, acknowledging the important
• role which the Research Division already fulfils in the field of prevention.

• The Research Division has had a highly productive year. There have been a
• number of useful reports and papers, plus the much respected *Criminal Justice
• System Monitor* which constitutes a significant source of independent data
• and information concerning the criminal justice system in Queensland. It is
• essential that the CJC does all in its power to generate and publicise accurate
• information about criminal justice issues so that public debate on such issues
• is well informed.

**Independent information
and analysis**

• It is very pleasing to me that the value of the CJC's capacity to provide
• independent information and analysis, and to make an objective critique of
• proposed legislation and policy, has recently been given clear recognition by
• the Government. The CJC has a great deal to offer in this regard. I look forward
• to seeing the CJC play an important role supporting the introduction of long-
• term measures which will achieve real crime prevention and provide a more
• palatable solution than simply putting more people in jail for longer periods.
• The current figures on imprisonment rates are frightening — we must as a
• community act urgently to keep more people, particularly young people, out
• of crime and out of jail.

**Whistleblower support
and witness protection**

• The CJC is blessed with a wide range of functions which blend well to achieve
• the common goal. Whistleblower support and witness protection both assist
• in effective investigation and prosecution — which in the end has its own
• preventive effect. The CJC has become very practised in these areas. It has
• been satisfying to receive a number of letters from protected witnesses praising
• the officers of the Witness Protection Division for their professionalism and
• sensitivity during what witnesses must find to be difficult times.

PCJC Report

Parliamentary Criminal Justice Committee, June 1998, A report of a review of the activities of the Criminal Justice Commission pursuant to s. 118(1)(f) of the Criminal Justice Act 1989, Report No. 45.

Additional accountability mechanisms

Organisational review and the future direction of the CJC

The PCJC, in its three-yearly review of the CJC, gave its support to the CJC's current approach and to the steps taken by the CJC to refine and refocus some of its activities — particularly those directed toward prevention and proactive strategies. Subject to two areas of disagreement, the CJC welcomes generally the constructive suggestions coming out of that review. The CJC regards the PCJC as an important part of the accountability process which is designed to make the CJC accountable to Parliament while allowing it to maintain the independence that is vital to its continued effectiveness.

Two other accountability measures have been put in place this year. The concept of the Parliamentary Criminal Justice Commissioner was suggested and supported by the CJC. It adds what could prove to be a very useful additional layer to the accountability process. I envisage a cooperative partnership with both sides working to ensure that the new layer fulfils a constructive, and not destructive, role in that process.

The other new office is that of the Public Interest Monitor. That office is intended to overview applications to the Supreme Court for the use of listening devices. There are legitimate grounds for questioning the necessity of this measure in the case of the CJC, which is already subject to additional checks and balances in the exercise of such a power, including the supervision of the Parliamentary Commissioner. The most pressing difficulty, as pointed out in this report, is the potential for conflict of interest when a practising member of the Private Bar is appointed to the post.

The CJC also conducted its own organisational review following the legislative adjustments to its jurisdiction this year. It was a great opportunity to put the organisation in the very best shape to face the future. The review focused the Commissioners and the Executive on the key emerging issues for the CJC — prevention, integration and communication. Those issues have been addressed through the revision of the corporate goals and strategies for the current year and through various initiatives, some of which I have already referred to.

As for myself, this is the last CJC annual report I will introduce. My term is almost over. I leave with some regrets — principally that the distractions caused by a range of external attacks on the CJC denied me the opportunity to achieve all that I had in mind when I assumed the post. My greatest comfort, through even the darkest days, has been the highly competent and very supportive body of people who make up the staff of the CJC.

My successor, Mr Brendan Butler SC, who will assume the chair in mid-November, is well qualified for the role. He has my best wishes.

The focus must not be lost. The true reform process never ends. It must continue — and so must an independent CJC as a vital part of that process.



Frank Clair

THE YEAR AT A GLANCE

THE COMMISSION

- Two new accountability mechanisms were introduced – the office of the Parliamentary Criminal Justice Commissioner and the position of Public Interest Monitor.
- In March 1998, external consultants conducted an organisational review of the CJC. Its main findings and recommendations supported the CJC's intention to move to a more integrated and prevention-oriented focus.
- In June 1998, the PCJC released its three-yearly review of the CJC, most of which was supportive of the work of the CJC.
- The Supreme Court terminated the Inquiry into the Future Role, Structure, Powers and Operations of the Criminal Justice Commission (known as the Connolly-Ryan Inquiry) for apprehended bias. (For details about the heavy toll the Inquiry exerted on CJC staff and resources, see our report *The Impact of the Connolly-Ryan Inquiry on the Criminal Justice Commission*, Sept. 1997.)
- Two subprogram evaluations were conducted, one of the Research subprogram (subprogram 1) and the other of the Misconduct Investigation and Review stream of subprogram 2.

POLICE AND CRIMINAL JUSTICE RESEARCH AND REFORM (SUBPROGRAM 1)

- Nine research publications were released, including a report on the impact of the Fitzgerald Inquiry reforms on police integrity and volume 3 of the *Criminal Justice System Monitor*.
- We worked with the QPS to produce three documents: (i) an examination of the physical requirements of general duties policing, (ii) an evaluation of the impact of organisational restructuring in the Metropolitan North region of the QPS, and (iii) a guide to problem-oriented and partnership policing.
- Research staff worked with PEAC to prepare a comprehensive review of the recruitment and selection process for the QPS.
- Review Commissioners heard 164 applications from police concerning promotions, transfers etc.

POLICE AND PUBLIC SECTOR INTEGRITY (SUBPROGRAM 2, STREAM 1)

- Well over 2000 complaints were registered, the third highest annual total in the CJC's history.
- More than 400 recommendations for charges were made, 163 of which related to criminal charges.
- Four matters concerning false complaints were completed and all persons charged were found guilty.
- The number of complaints about inappropriate contact between teachers and students rose as a result of media exposure to this issue.
- There was an increase in the proportion of minor complaints against police dealt with through informal resolution.
- We gained the right to appeal against decisions made by the QPS regarding the disciplining of police found guilty of misconduct.
- To simplify the complaints-handling process, we introduced a new class of matters – that is, matters that can be referred to the QPS or government departments without requiring further reporting to the CJC.
- To assist units of public administration deal with the complaints-handling process, we began work on a plain English 'Protocol on the Disciplinary Process'.
- We made 33 recommendations for procedural reforms within the public sector.
- We received approval from the Supreme Court to install listening devices on 18 occasions.
- In October 1997, Mr W J Carter QC presented his report of a CJC inquiry into police involvement in drugs.
- We continued to press for legislative protection for covert operatives and integrity tests.
- The *Criminal Justice Amendment Act 1997* gave the CJC jurisdiction over state-run correctional facilities and the QCSC and we received 88 related complaints during the period September 1997 to June 1998.

THE YEAR AT A GLANCE

- We launched Project Triton – a task force set up to examine allegations of police corruption in the investigation of paedophilia; the public inquiry was headed by retired judge Mr J P Kimmins.

ORGANISED AND MAJOR CRIME (SUBPROGRAM 2, STREAM II)

- We lost our jurisdiction to investigate organised and major crime on 14 May 1998. As a result, only two investigative hearings related to organised and major crime were held.

MISCONDUCT PREVENTION (SUBPROGRAM 3)

- Corruption Prevention officers gave 75 workshops or presentations to police and 46 to other public sector units. Almost 200 training and educational activities were delivered, including 40 to A&T&I communities, and 16 conference papers were presented in Brisbane and interstate. Three misconduct risk management projects were conducted resulting in over 100 recommendations.
- The Whistleblower Support Program received 30 new requests for assistance.

INTELLIGENCE (SUBPROGRAM 4)

- More than 700 new intelligence documents were entered into our Criminal Intelligence Database, bringing the total to 7658.

- Intelligence officers were involved in 40 CJC operations and produced 58 significant intelligence tactical and strategic reports in support of CJC investigations.

- Our direct oversight of the QPS intelligence function passed to the Parliamentary Commissioner.

WITNESS PROTECTION (SUBPROGRAM 5)

- As at 30 June 1998, we were providing witness protection to 59 persons in 21 operations. During the year, we provided protection for 118 persons in 53 operations, including security at court for 25 witnesses.
- We continued to press for complementary witness protection legislation.

CORPORATE SUPPORT (SUBPROGRAM 6)

- A CJC home page on the Internet was launched in November 1997.
- We introduced a new financial management system.
- We began work on a second Human Resource Management Plan and completed an EEO Management Plan.
- In December 1997, work commenced on the redevelopment of the six-year-old complaints-recording system.

FINANCIAL SUMMARY

Year ended 30 June 1998	1998	1997	Change	Change
	\$000s	\$000s	\$000s	(%)
For the year				
Queensland Government Grant	22 161	22 155	6	0
Operating revenue	174	211	(37)	(17)
Operating expenses	21 293	23 908	(2 615)	(11)
Operating surplus	1 042	(1 542)	2 584	168
Abnormal item	0	(915)	915	100
At year end				
Total assets	1 644	1 956	(124)	(6)
Total liabilities	2 320	3 486	(1 166)	(33)

History

The Criminal Justice Commission (CJC) was established by an Act of Parliament – the *Criminal Justice Act 1989* – on the recommendation of the Fitzgerald Inquiry.

Chaired by Mr Tony Fitzgerald QC, the Fitzgerald Inquiry was initiated in 1987 by the Coalition Government of the day in response to widespread community disquiet about corruption in the then Queensland Police Force. Mr Fitzgerald recommended the establishment of an independent body to play a pivotal role in restoring public confidence in Queensland's criminal justice system. As a result, the Criminal Justice Commission officially began operation on 22 April 1990 under the Chairmanship of Sir Max Bingham QC.

In accordance with the recommendations of the Fitzgerald Report, the newly formed CJC comprised the following organisational units – Official Misconduct Division, Misconduct Tribunals, Research and Coordination Division, Intelligence Division, Witness Protection Division, Corporate Services Division and Office of General Counsel. The Corruption Prevention Division was added in 1992 and the Misconduct Tribunals were removed in 1998.

Structure

The CJC is headed by the Commission led by the Chairperson, who is also the CJC's Chief Executive Officer. In 1997–98, there were five operational divisions, supported by the Corporate Services Division and Office of General Counsel, and, as at 30 June 1998, 262 employees, comprising police and civilians. Civilian staff come from a variety of disciplines including law, accountancy, social sciences, behavioural sciences and computing. The diagram on the next page illustrates the organisational structure of the CJC as at 30 June 1998.

Dual Role

The CJC works 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 corruption and misconduct in official places, and to reducing such activities and crime generally.

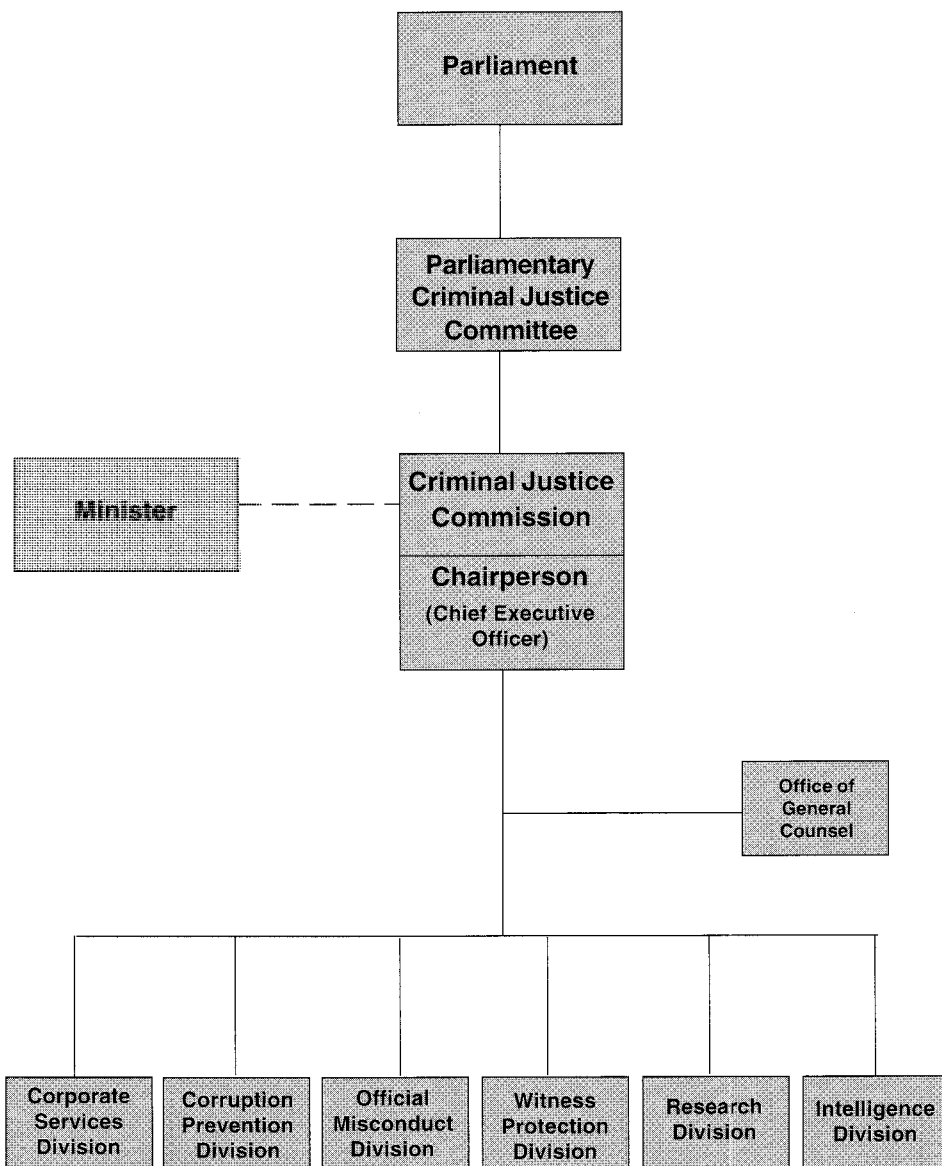
Under the *Criminal Justice Act*, we have a duty to monitor, review and initiate reform of the administration of criminal justice in Queensland. Our Act also requires us to undertake criminal justice functions that in our opinion cannot effectively or appropriately be carried out by the police or other agencies of the State.

Our statutory functions and responsibilities (set out in full in appendix A) are diverse, yet at the same time quite specific. The various divisions work closely together to realise the Commission's corporate goals and to fulfil their individual functions and responsibilities more effectively. Our success depends to a substantial degree upon this cooperation.

Powers and jurisdiction

- The *Criminal Justice Act* gives us the power to:
 - conduct hearings
 - require persons to give us information relevant to our investigations
 - compel the production of records and things relevant to our investigations
 - authorise our officers to enter and search public premises.
- Our jurisdiction covers the Queensland Police Service (QPS) and the public sector, including local authorities and, since May 1998, state-run correctional facilities. Until May 1998, we also had joint jurisdiction with the QPS to investigate organised crime.

**Reporting structure of the Criminal Justice Commission
as at 30 June 1998**



• For an explanation of the role of the Commission, see page 3; for the Executive, see page 5; for the organisational units, see page 7; and for the Parliamentary Criminal Justice Committee and the Minister, see pages 8 and 9.

The Commission is the policy-making body of the CJC. It is composed of a full-time Chairperson, who is also the Chief Executive Officer, and four part-time Commissioners, all appointed by the Governor-in-Council on the Minister's recommendation. In 1997-98, Commission members were: Mr Frank Clair (Chairperson), Mrs Kathryn Biggs, Mrs Dina Browne AO, Mr James Crowley QC, and Professor Ross Homel. (See page 4 for details on their backgrounds.)

The part-time Commissioners 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.

Commission meetings

During the year, the Commission met 52 times, an increase of 73 per cent on the previous year. Twenty-nine of those meetings were special meetings, only seven of which took place in the first five months of the year. The high number of special meetings in the latter part of the year can be attributed to action taken by the then State Government to amend the *Criminal Justice Act* in such a way as to reduce the functions and authorities of the position of Chairperson. The amendments, which became operative on 8 December 1997, proved counterproductive in that they caused considerable disruption to the operations of the CJC as well as increasing the workload of the part-time Commissioners and CJC personnel. These effects are evidenced by the fact that, since the introduction of the amendments, it has been necessary to convene 22 special meetings of the Commission, in addition to programmed fortnightly meetings.

A record of attendance by members of the Commission at Commission meetings and at meetings with the PCJC (see also page 8) is set out in table 1. As well as these formal meetings, the part-time Commissioners met informally with the Chairperson and senior staff. The Chairperson and part-time Commissioners also attended a three-day Strategic Planning Workshop in May.

TABLE 1

Attendance of Commissioners at meetings
(1997-98)

Name	Meetings with the PCJC (No. 5)	Commission Meetings*	
	No. attended	Ordinary meetings (No. 29)	Special meetings** (No. 23)
F. J. Clair	5	23	25
K. Biggs	5	20	19
D. Browne	5	22	22
J. Crowley QC	4	17	15
R. Homel	5	21	23

Notes:

* Commission members met 52 times during the year (compared to 30 times in 1996-97, six of which were special meetings).

** Seven of the special Commission meetings were held, as permitted by s. 10A(1) of the CJ Act by teleconference. For the purposes of these meetings, contact with Commissioners to participate in the meeting ceased once the number required to constitute a quorum was obtained.

The Commission as at 30 June 1998

Standing: Mrs Dina Browne AO and Professor Ross Homel. Seated: Mr Frank Clair (Chairperson) and Mrs Kathryn Biggs. Below: Mr James Crowley QC.



CHAIRPERSON

The current Chairperson, **MR FRANK CLAIR**, was appointed in May 1995 and took up duties in January 1996. As CJC Chairperson, Mr Clair follows Sir Max Bingham QC (1990–1992) and Mr Robin O'Regan QC (1992–1995). Mr Clair's legal career began when he 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. Mr Clair's term as CJC Chairperson expires in November 1998. [On 18 September 1998, the Premier, Mr Beattie, announced in Parliament the impending appointment of Mr Clair's successor, Mr Brendan Butler SC.]

COMMISSIONERS

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.

MRS DINA BROWNE AO (appointed September 1996) has a BA from the University of Natal, has taught in South Africa and Swaziland as well as Australia, and, from 1989 to 1993, was Director of Children's Television for the Seven Network. Mrs Browne 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. She was Manager of the Festival of Television for Australian Children in 1995 and 1996, is a recipient of the United Nations Media Peace Award, and has three personal Logies.

MR JAMES CROWLEY QC (appointed September 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, settlements, 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 a Defence Force Magistrate.

PROFESSOR ROSS HOMEL (appointed December 1994) is a criminologist and holds the Foundation Chair of Justice Administration at Griffith University. He has 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 a former Deputy Director of the NSW Bureau of Crime Statistics and Research.

***The Executive
as at 30 June 1998***

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



The Executive comprises the Chairperson as Chief Executive Officer, the directors of the five operational divisions — Official Misconduct, Research, Corruption Prevention, Witness Protection and Intelligence — and the Executive Director.

The Executive is responsible for implementing the decisions made by the Commission and for managing the Criminal Justice Program. See page 6 for a diagram setting out the various elements of the program.

While the Chairperson, in his capacity as Chief Executive Officer, is the overall manager of the Criminal Justice Program, the subprograms are each managed by a divisional director.

Organisational changes

In 1997–98, a new subprogram — Misconduct Prevention — was added to emphasise the Commission’s responsibility to educate the public sector on crime prevention in the workplace. As well, the two streams of the research subprogram were merged during the year to simplify resource allocation, prevent overlapping and improve general management of the subprogram.

Next year’s annual report will reflect further refinements in light of the adoption of a new program structure effective from 1 July 1998. The Chairperson will still be the overall manager of the Criminal Justice Program, but there will be only three subprograms — Investigations, Research and Prevention, and Witness Protection. In keeping with this new program structure, the two divisions of ‘Research’ and ‘Corruption Prevention’ will merge to form a new division, ‘Research and Prevention’, under the directorship of the Research Director. The Intelligence Division will continue to operate as before, but the current Intelligence subprogram will operate through the other subprograms.

PROGRAM MANAGER- CHAIRPERSON

SUBPROGRAM

STREAM

SUBPROGRAM MANAGER

1
Police and Criminal
Justice Research and
Reform

2
Police and Public Sector
Integrity and Organised
and Major Crime
Investigation

3
Misconduct Prevention

4
Intelligence

5
Witness Protection

6
Corporate Support

I
Misconduct
Investigation and
Review

II
Organised and
Major Crime
Investigation

Director,
Research

Director,
Official
Misconduct

Director,
Corruption
Prevention

Director,
Intelligence

Director,
Witness
Protection

Executive
Director

Director:
Mr Mark Le Grand

The CJC's largest division is the **Official Misconduct Division (OMD)**, which investigates allegations of misconduct against members of the QPS and of official misconduct against officers of other units of public administration. It can also investigate matters on its own initiative. Complaints requiring detailed investigation are referred to teams in the Complaints Section or, if particularly complex or prolonged, to the multidisciplinary teams known as MDTs, which comprise investigators, lawyers, accountants and intelligence analysts. *See subprogram 2.*

Director:
Dr David Brereton

The **Research Division** (originally called Research and Coordination) 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. *See subprogram 1.*

Director:
Mr Paul Roger

The **Intelligence Division** maintains a specialist intelligence storage, retrieval and analysis service for the CJC. *See subprogram 4.*

Director:
Assistant Commissioner
John McDonnell

The **Witness Protection Division** provides protection to people who are in need of it as a 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. *See subprogram 5.*

Acting Director:
Mr John Boyd

The **Corruption Prevention Division** works with police and managers of public sector agencies to prevent corruption in the workplace. *See subprogram 3.*

Executive Director:
Mr Graham Brighton

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. *See subprogram 6.*

Counsel:
Ms Theresa Hamilton

The **Office of General Counsel** provides legal advice to the CJC as required. *See appendix C for details of legal cases involving the CJC.*

In addition, a recommendation of the 1998 organisational review of the CJC was the creation of an _____, which would stand outside the divisions but be answerable to the Executive Director. The recommendation was accepted by the Commission for implementation early in the new financial year. The Office will coordinate accountability processes and corporate governance procedures as well as provide secretarial support to the Commission. The new position of Media and Communications Manager will also form part of the Office of the Commission.

No other public body in Queensland is subject to as extensive an accountability regime as the CJC.

We are conscious of the high level of accountability that we must maintain to ensure the continued confidence of the people of Queensland. Our Act makes us free from Executive Government control, but 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 link to the people of Queensland.

Role of the Parliamentary Criminal Justice Committee

The PCJC is a six-member, all-party committee of the Queensland Legislative Assembly, established under the *Criminal Justice Act 1989* 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 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.

Formal meetings between the CJC and the PCJC are usually held every two months. Before each meeting, the Committee is provided with a detailed report that includes an overview of our main 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 asked by members of the PCJC, both on and without notice.

In 1997–98, the CJC and the PCJC met formally five times. Attendances at the meetings by the Chairperson and Commissioners are shown in table 1 on page 3. In June 1998, the PCJC released its three-yearly review of the CJC. The report made constructive suggestions directed mainly at improving the CJC's prevention and proactive strategies. These are raised in the relevant sections throughout this report.

The PCJC as at 30 June 1998

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).



A 1997 amendment to our Act introduced a new accountability mechanism — the Parliamentary Criminal Justice Commissioner.

• Role of the Parliamentary Criminal Justice Commissioner

• A 1997 amendment to our Act widened the oversight powers of the PCJC and introduced a new accountability mechanism — the office of Parliamentary Criminal Justice Commissioner — which has wide-ranging powers to audit and review the activities of the CJC, and investigate complaints against us. • The Parliamentary Commissioner has the power to audit CJC records, including the registers kept in relation to listening device applications and any supporting material.

• Role of the Minister

• The Minister responsible for the CJC is the Premier, The Honourable Peter Beattie MLA. However, for most of 1997–98 our Minister was the former Attorney-General, The Honourable Denver Beanland MLA.

• The CJC has been constituted to reflect the ideal of freedom from Executive controls and primary accountability to Parliament. The Act does, however, provide a role for the Minister in relation to the development of the infrastructure of the Commission and an obligation on the part of the Commission to provide to the Minister certain information on its work.

• Role of the Public Interest Monitor

The position of Public Interest Monitor was created on 3 April 1998.

• The position of Public Interest Monitor (PIM), created by the *Police and Other Legislation (Miscellaneous Provisions) Act 1998*, is a new accountability mechanism for the CJC. The PIM has responsibility for monitoring applications by state law enforcement agencies for listening devices, surveillance warrants and covert search warrants under several Acts, including the *Criminal Justice Act*.

• The CJC has general concerns about the role of the PIM as it relates to the CJC. See appendix B for more details about this and other legislative issues.

• Other accountability mechanisms

• As well as the abovementioned mechanisms, we must apply to a judge of the Supreme Court for approval to exercise a number of our powers, and we are subject to the courts in relation to the fairness of our procedures and the extent of our powers.

• Our Act also requires us to respond to all complaints lodged with us, and to report the results of our investigations.

• Complaints against CJC staff

From the beginning we have had a formal process for the handling of complaints against the CJC and its officers.

• Every complaint against the CJC or any of its officers is examined rigorously and independently.

• When an allegation is made that reasonably raises a suspicion of misconduct against a CJC officer it is referred to the Director of Public Prosecutions (DPP) who appoints a Senior Crown Prosecutor to supervise the investigation of the matter by an officer from the Professional Standards Unit. The report on the investigation is given to the DPP, who advises the CJC and the Minister of the result of the investigation and the recommendations of the DPP.

• In the case of an allegation of the release of confidential information, the CJC
• Chairperson refers the matter to a retired judge or a person of similar standing
• for a decision about whether the allegation warrants further investigation
• and, if so, to conduct that investigation. If this process is adopted, the matter
• is not referred to the DPP. Under the agreed reporting arrangement with the
• PCJC, we advise the Committee of any need to conduct an investigation
• against a CJC staff member.

• With the establishment of the office of Parliamentary Criminal Justice
• Commissioner, the PCJC now has the power to require the Parliamentary
• Commissioner to investigate complaints against officers of the CJC, including
• allegations concerning unauthorised release of confidential information.



Projected activity

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 on Aboriginal witnesses and police watchhouses.

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 an evaluation of Community Consultative Committees (CCCs).

Develop strategies for monitoring the new police powers legislation.

Initiate research on the dimensions of the heroin problem in Queensland.

Undertake research into the factors that have contributed to the increase in the imprisonment rate in Queensland.

Outcome

The Joint CJC-QPS Working Group on Reducing Assault Complaints against Police developed a range of recommendations for incorporation into a final report to the Commissioner of Police. (Report submitted September 1998.)

In November 1997, we tabled a report on the status of the recommendations.

Published a paper, *The Cost of First Response Policing*, in December 1997 and the main report in February 1998.

Delayed due to other commitments.

Published in April 1998.

Delayed, but marked by the PCJC as a priority.

We were represented on the Implementation Working Group and various other working groups. Responsibility for the monitoring of outstanding recommendations was transferred to us in March 1998.

We published the evaluation in September 1997.

Completed formulation of strategy in April 1998 and commenced monitoring projects.

Presented paper at QPS Illicit Market Scan Workshop and held discussions with QPS re a collaborative project. Assisted Australian Institute of Criminology in the selection of Queensland as a site for the Drug Use Monitoring Australia project.

Published initial analysis in volume 3 of the *Criminal Justice System Monitor* and prepared a proposal for a joint project to expand this research.

Subprogram Evaluation, PCJC Review and Organisational Review

Subprogram Evaluation

An independent evaluation of the subprogram found:

- the research output was prolific
- all users contacted by the consultants had consistent praise for the quality of the research
- there was unanimous support from other agency representatives for the research function and frequent acknowledgment of its objectivity, independence and jurisdiction-wide view
- the Division's working relationships with the QPS were well regarded by the QPS officers contacted.

Recommendations included broadening the scope of the subprogram's objectives and strategies, refining project planning and management processes, reinforcing program integration to promote increased preventive initiatives, and developing an enhanced strategy for communicating activities and findings.

PCJC Review

In its recent review of the CJC, the PCJC said that it supported the Fitzgerald Report findings that Queensland 'needs an independent body charged with performing the functions of conducting research into and monitoring the criminal justice system and reporting publicly' (Conclusion 45).

It also recommended that the Division should make research into misconduct prevention a priority (Recommendation 28).

Organisational Review

Our decision to merge 'Research' and 'Corruption Prevention' (as of July 1998) into a new subprogram 'Research and Prevention' is in keeping with the recommendations of both the subprogram evaluation and the PCJC review, and reflects the greater emphasis the CJC wishes to place on its prevention function.

Goal

- To promote an effective, fair and accessible criminal justice system.

Objectives

- To monitor and enhance the professionalism, effectiveness and responsiveness of the QPS.
- To contribute to the development of appropriate criminal justice policies.
- To contribute to informed public discussion on policing issues.

Strategies

- Conduct independent research into policing and criminal justice issues and problems.
- Together with the QPS, design, implement and evaluate projects to improve policing methods and crime prevention strategies.
- Participate in, and contribute to, the Police Education Advisory Council and other working groups and advisory bodies.
- Monitor and report on key trends and developments within the QPS, and in crime and the criminal justice system.
- Make recommendations arising from the work of the Review Commissioners.
- Respond to, and recommend proposals for, reform of the criminal law and criminal justice processes.
- Consult and liaise with other criminal justice agencies.

Independent research on policing and criminal justice

Research output

In 1997–98, we released six publications specifically on policing issues (volume 3 of the *Criminal Justice System Monitor* also contained policing-related material) and three on criminal justice reform issues. As well, we presented 12 papers on policing and criminal justice issues to academic conferences, had three papers published in independent journals, and joined with the QPS to publish three reports. Over and above this, we produced nine detailed submissions on behalf of the CJC on various issues relating to criminal law and criminal justice in Queensland.

Publications on policing issues

AUGUST *Queensland Police Service Academy Training: The Views of Recruits at Oxley and Townsville Campuses:* This project was undertaken to assess how well the quality of training provided at the new Townsville Police Academy campus compared with that provided at Oxley. The report found few differences between the two institutions.

SEPTEMBER *Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms:* This comprehensive report on the progress made in reforming the police complaints and discipline process and the impact of the reforms on the Police Service has provided a 'baseline' for future assessments of the impact of reform and identified issues that need to be addressed by the QPS.

SEPTEMBER *Community Consultative Committees and the Queensland Police Service: An Evaluation:* This evaluation sought to find out when and under what circumstances Community Consultative Committees (CCCs) are an effective link between the QPS and the public. The project employed several data sources to analyse the effectiveness of CCCs and concluded with a set of recommendations aimed at improving their effectiveness. The QPS has accepted the bulk of the recommendations.

DECEMBER *The Cost of First Response Policing:* This study, which arose from the Beenleigh Calls for Service Project, assessed the cost of first response policing in relation to different types of calls for service. It provided a model by which such services can be costed and highlighted the potential benefit in utilising problem-oriented policing approaches.

FEBRUARY *Beenleigh Calls for Service Project: Evaluation Report:* This report evaluated a joint CJC–QPS project that sought to reduce the number of times police officers were called out to the same place to deliver the same service. More broadly, the project aimed to improve the use of information by police and to assess the effectiveness of the problem-solving method. The project demonstrated the reasonable effectiveness of the problem-solving approach to deal with repeat calls for service while the evaluation report suggested ways for aiding the future expansion of the approach.

APRIL *Police Pursuits in Queensland Resulting in Death or Injury:* This report analysed vehicle pursuits by police that resulted in death or injury and discussed the policy implications.

Performance indicators

- Number and type of initiatives and recommendations adopted by the QPS.
- Progress made by the QPS in addressing key issues identified in CJC reports.
- The action taken in response to reports and submissions on criminal law and criminal justice processes.
- Independent expert assessment of research output.
- Reader assessment of research issue papers.

• Publications on criminal justice reform issues

• NOVEMBER *Reports on Aboriginal Witnesses and Police Watchhouses: Status of Recommendations*: This report assessed the progress towards implementation of recommendations made in two earlier CJC reports — *Aboriginal Witnesses in Queensland's Criminal Courts* and *Report on Police Watchhouses in Queensland*. The report noted there was support from several key agencies for the recommendations, and that some initiatives had been implemented, particularly relating to police watchhouses; however, noted that many recommendations in the Aboriginal witnesses report remained outstanding.

• APRIL *Criminal Justice System Monitor*, vol. 3: The *Monitor* examines trends in the criminal justice system, noting in particular where they appear to be changing. Volume 3 included a more complete analysis of trends in the court system and of the performance of the corrections system. Areas of concern, such as rising imprisonment rates, were identified and suggestions made about issues for further research.

• JUNE *Recent Changes to Police Powers Legislation in Queensland: A Comparison with the Recommendations of the Criminal Justice Commission*: This report compared the recommendations made by the CJC in the six volumes of its report on police powers (published 1993 to 1995) with the new legislation. To a substantial extent, the CJC recommendations were adopted in the legislation, but the report noted that some recommendations had not been acted upon and some safeguards were lacking.

• Conference papers presented

- 'Assault Complaints against Police', Sixth Annual Australasian Internal Investigations Conference, Brisbane.
- 'Assault Complaints against Police: Why are they so hard to substantiate and what should be done about it?', ANZ Society of Criminology Conference, Brisbane.
- 'Challenging Appointment Decisions': Public Sector Appeals Conference, Adelaide.
- 'Community Consultative Committees': Partnerships in Crime Prevention Conference, AIC/National Campaign Against Violence and Crime, Hobart.
- 'Defendants' Perceptions of the Investigation and Arrest Process: Findings and Reflections', ANZ Society of Criminology Conference, Brisbane.
- 'Drug Laws and Australian Democracy': Conference on Drug Trafficking and Australian Democracy, Brisbane.
- 'Overview of the CJC's Recommendations on Prostitution': Forum on Prostitution Law Reform, Parliament House, Brisbane.
- 'Police Calls for Service Data: Research and Operational Applications': National Researchers' Symposium, National Centre for Crime and Justice Studies, Australian Bureau of Statistics, Brisbane.
- 'The Police Powers and Responsibilities Act and the CJC's Monitoring Role': Youth Affairs Network Seminar, Brisbane.
- 'Privacy Regulation and the Criminal Law': Seminar on Privacy in Queensland, Parliament House, Brisbane.
- 'The Queensland Criminal Justice System: Key Trends and Issues': General Meeting of Queensland Coalition for Criminal Justice, Brisbane.

We released nine publications, presented 12 conference papers, prepared nine submissions, and had three papers published.

- 'Subsidiary Criminality as an Indicator of Drug Market Activity', QPS Illicit Market Scan Workshop, QPS, Brisbane.

Published papers

Research staff had the following papers published during the year:

- 'Beat Policing: A Case Study', published in *What Works in Policing*, edited by D H Bayley, Oxford University Press, New York.
- 'Policing the Beat: The Experience in Toowoomba, Queensland', by Christine Bond and David Gow, published in *Policing for Prevention: Reducing Crime*, edited by R Homel, Crime Prevention Studies, Vol. 7, Criminal Justice Press, New York.
- 'What Has Reform Wrought? The Impact of the Fitzgerald Inquiry on Police Integrity in Queensland' by David Brereton and Andrew Ede, published in *Queensland Review*, University of Queensland Press, Brisbane.

Joint CJC-QPS publications

From time to time, we produce publications jointly with the QPS. In 1997-98 we worked together on the following reports:

FEBRUARY *The Physical Requirements of General Duties Policing*: 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 report formed the basis of recommendations regarding the physical competency test made in the PEAC report *Police for the Future* published September 1998.] It will be considered in the review of the Physical Skills Education Program in the Recruit Training Program for the QPS (to be conducted late in 1998).

JUNE *Clustering Evaluation*: This evaluation compared Metropolitan North Region of the QPS with Metro South Region to assess whether there were any strong differences between the regions on key policing indicators. (Metropolitan North takes a 'clustering' approach to the geographic organisation of its resources, as opposed to the district and divisional structures in place elsewhere.) Some differences were noted in the report, but it was not possible to attribute these differences to clustering.

JUNE *Guide to Problem-Oriented and Partnership Policing*: The Guide describes an innovative approach to police work aimed at using information to identify and define problems, then identifying and implementing solutions, usually in cooperation with other community agencies. [The implementation strategy commenced with the official launch of the Guide by the Commissioner of Police in September 1998.]

Submissions on reform of criminal law and criminal justice processes

During the year, research staff were heavily involved in the preparation of submissions to Parliament on various pieces of legislation, including:

AUGUST Submission in Response to the Queensland Government's Discussion Paper on the Review of Police Powers.

AUGUST Submission to the Parliamentary Legal, Constitutional and Administrative Review Committee's Discussion Paper on Privacy in Queensland.

- SEPTEMBER Submission on the Draft Criminal Justice Legislation Amendment Bill 1997 and the Draft Misconduct Tribunals Bill 1997.
- SEPTEMBER Submission in Response to the Discussion Paper on the Proposal to Establish the Queensland Crime Commission.
- OCTOBER Submission to the Department of Justice on the *Evidence Act 1977* and the *Evidence Act 1995* (Commonwealth and NSW).
- OCTOBER Submission on the Queensland Government's Information Paper on the Crime Commission Bill.
- NOVEMBER Submission in Response to the Police Powers and Responsibilities Bill 1997.
- NOVEMBER Submission on the Crime Commission Bill 1997.
- FEBRUARY Confidential Submission to the Minister for Police and Corrective Services on the draft Responsibilities Code under the *Police Powers and Responsibilities Act 1997*.
- MARCH Submission to the QPS Committee Reviewing the *Police Service Administration Act 1990* (PSA Act).

• In September 1997, the Research Division also prepared a report to Parliament, *The Impact of the Connolly–Ryan Inquiry on the Criminal Justice Commission*.

• Ongoing research projects

Significant policing research projects:

• Information Technology and Policing

• This project is being conducted in conjunction with the University of New South Wales, which is funded through an Australian Collaborative Industry Research Council grant. The project will examine the impact of information technology on policing, with a view to developing a better understanding of how information technology can be used to enhance police effectiveness and accountability.

• Profiles of QPS Divisions

• We are developing statistical profiles of Police Divisions that include data on complaints, offence levels, and police numbers, to assist in the proactive identification of areas with a heightened risk of police misconduct.

Significant criminal justice research projects:

• Monitoring the new police powers legislation

• Since this legislation came into effect on 6 April 1998, we have been closely involved in the QPS's implementation of the major legislative reforms under the *Police Powers and Responsibilities Act 1997* and the accompanying Responsibilities Code. In consultation with the QPS Ethical Standards Command (ESC), we developed a strategy for monitoring the use of the new powers and officers' compliance with their new obligations. Major aspects are:

- the production of regular statistics
- the auditing of registers required to be kept under the legislation
- examination of the use of Notices to Appear, move-on powers and the operation of the scheme of detention for questioning and investigation
- monitoring of problems arising from the legislation.

• We also liaised with relevant agencies, such as Legal Aid Queensland and the
• Youth Affairs Network, about important changes introduced by the legislation,
• and the establishment of reporting arrangements with those groups on how the
• new provisions are operating. The strategy will account for a significant amount
• of our work over the next 12 to 18 months.

• The Research Director has been appointed to the Reference Group on Police
• Powers established by the Minister for Police and Corrective Services to
• oversee the review of the legislation within the next three years.

• **Factors influencing the growth in prisoner numbers in Queensland**

• We prepared a proposal to conduct a project on this issue in collaboration
• with the Queensland Corrective Services Commission (QCSC).

• **Monitoring complaints about misconduct within correctional services**

• We commenced a monitoring strategy designed to reveal 'at risk' areas within
• the QCSC and Queensland Corrections (QCorr).

• **Assisting the 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 also p. 17).

• In addition, we provided a submission to the QPS review of the PSA Act and
• commented on the revision of the QPS *Human Resource Management Manual*
• and *Annual Report 1996-97*.

• We assisted with the evaluation of the 'Out of the Blues' stress reduction program
• by helping prepare the Project Horizon Steering Committee report, which
• evaluated the QPS investigation of child sexual abuse. We also assisted in
• evaluating and preparing a report on the QPS Aboriginal and Torres Strait
• Islander Youth Drug and Alcohol Diversion Project, funded through the
• National Drug Strategy.

• We gave three presentations to the QPS Senior Executive Conference, on
• 'Community Policing and Clustering', 'The Cost of First Response Policing',
• and 'Evaluation of Community Consultative Committees', as well as two
• presentations to the QPS Partnership Policing conference, one on 'The Cost
• of First Response Policing' and the other on 'Problem-Oriented Policing'. We
• addressed Logan District Neighbourhood Watch Coordinators on repeat break
• and enter victimisation.

• We advised staff of the QPS on the design of the 1998 QPS Victims Survey. In
• addition, we provided advice on various legal requirements, including
• development of new forms and processes for monitoring the exercise of powers
• under the new police powers legislation, through participation in the QPS
• Police Powers Implementation Steering Committee.

• The Director of the Research Division participated in the QPS selection
• committee for the Commissioner's Lantern awards, given to police officers
• responsible for innovative community policing projects.

•

• **Contributing to PEAC and other 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 ones are the Police Education Advisory Council (PEAC) and the
• Committee for the Review of the Queensland Police Service (QPS Review
• Committee or, as it is often referred to, '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: the
• Chairperson, a part-time Commissioner and the Research Director. We provide
• PEAC with reports on our research relating to recruitment, selection, training
• and education, and participate in PEAC subcommittees (e.g. the subcommittee
• set up to review the entire QPS recruitment and selection process).

• **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 Research and Official Misconduct. Much
• of the extensive material provided to the Review came from the CJC's research
• program.

• The Committee's report, released in July 1996, contained 197
• recommendations relating to organisational and resource management,
• human resources management, education and training, police and indigenous/
• ethnic relations, policing strategies, criminal investigation, discipline, and
• accountability, 21 of which the CJC has direct or joint responsibility for
• implementing. We were involved in the implementation of many of the others.

• The QPS Implementation Working Group was established to oversee and
• coordinate work on all recommendations, the CJC being represented by the
• Research Director. The Group met on several occasions in 1997-98. The last
• meeting was held on 24 February 1998, at which it was resolved that future
• meetings would be dependent on significant progress being made towards
• implementation of the outstanding recommendations.

• On 12 March 1998, the QPS Review Overview Committee, chaired by Sir
• Max Bingham QC, reported that the implementation of the Review
• Committee's recommendations was substantially complete with the exception
• of a few listed recommendations requiring specific ongoing attention. The
• CJC has taken responsibility for monitoring progress on these outstanding
• recommendations, particularly those relating to policing strategies.

**CJC now has
responsibility for the
monitoring of QPS
Review
recommendations.**

• Other committees

• We were represented on the following QPS working groups and committees:

- • Policing Strategies Steering Committee
- • Project Horizon Steering Committee
- • Volunteers in Policing Steering Committee
- • Community Consultative Steering Committee
- • Steering Committee, Physical Skills Education Consultancy Working Group
- • PSA Act Review Working Group
- • Assessment Centre Advisory Group, QPS Academy
- • Police Powers Implementation Steering Committee
- • Transfer Policy Working Group
- • Drugs and Alcohol Policy Working Group.

• Improving 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.

• Publications completed on this theme were: *Beenleigh Calls for Service Project: Evaluation Report* and *Guide to Problem-Oriented and Partnership Policing* (see descriptions pp. 12-14).

• Recruitment and selection review

• The PEAC recruitment and selection subcommittee completed its draft report in April 1998 for consideration by PEAC. It is expected that the report will result in major reforms to the recruitment and selection process for general duties police officers. [Report published in September 1998 under title *Police for the Future: Review of Recruitment and Selection for the Queensland Police Service.*]

• Reducing assault complaints against police

• We continued to participate in the Joint Working Group to develop initiatives to reduce complaints of assault against police. The Group has a fourfold role:

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

• [The Working Group submitted its report to the Commissioner of Police in September 1998.]

• Evaluation of the trial introduction of Oleoresin Capsicum defensive spray

• We are represented on a joint QPS-CJC Working Group responsible for the implementation and monitoring of defensive spray as a 'use of force' option for

Research staff contributed substantially to the preparation of the PEAC report on QPS recruitment and selection processes.

The PCJC supported the CJC retaining the police research, reform and monitoring function (Recommendation 18).

• police. The trial will run in three South-East Queensland police districts
• for 12 months, after which an evaluation report will be prepared for the
• Minister for Police.

• **Monitoring key trends and developments**

• Under the *Criminal Justice 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.

• **Within the QPS**

• In August 1997, we published a report on the views of QPS recruits at Oxley
• and Townsville campuses (see p. 12 for full description).

• In April 1998, we released the third volume of the *Criminal Justice System
• Monitor*, which reported on trends in reported crime, clearance rates, and
• workload measures. We also compared crime levels in Queensland with
• national averages.

• As in previous years, we prepared the quarterly *Briefing Paper on Police
• Service 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.

• We are currently evaluating the QPS promotion and transfer system. In
• response to Recommendation 56 of the Report of the QPS Review, we have, in
• conjunction with the QPS and in consultation with the Queensland Police
• Union of Employees and the Commissioned Officers Union, undertaken two
• baseline surveys, in late 1997 and early 1998. A report containing the results
• of the survey will be released later in the year and further research and surveys
• will follow.

• A report on policing in the community was in press as at 30 June 1998.
• [Released in August under title *Policing and the Community in Brisbane*.]
• The report describes and assesses the extent of partnership policing activities
• in Brisbane and aims to provide a framework for a comprehensive monitoring
• of the implementation of partnership policing in the future.

• **Within the criminal justice system**

• The *Criminal Justice System Monitor* (produced annually) 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 volume 3,
• 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
- the capacity of the courts to cope with their criminal workload in key areas of the legal system such as legal aid
- factors contributing to the increasing prison population
- the performance of the correctional system.

The PCJC gave its support to our decision to concentrate on monitoring key developments in the criminal justice system and reporting on these developments 'in an annual Criminal Justice Monitor' (Conclusion 49).

Review Commissioners heard a total of 164 applications in 1997-98.

As at June 1997, former part-time Commissioners may act as Review Commissioners.

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

Review Commissioners

As in previous years, we were involved in the QPS reform process through the Commissioners for Police Service Reviews (Review Commissioners). Review Commissioners hear applications under the PSA Act from police wishing to review decisions on promotions, transfers, suspensions, dismissals and disciplinary action (other than those arising from misconduct findings). Data on matters heard during 1997-98 are shown in tables 2 to 4.

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 or other qualified people. In 1997-98, five persons acted as Review Commissioners. Former CJC part-time Commissioners Mr Barrie Ffrench and Mr Bob Bleakley were reappointed by the Governor-in-Council. In November 1997, newly appointed Commissioner Mrs Kathryn Biggs joined Mrs Dina Browne in hearing promotion and transfer matters. Mr James Crowley QC continued to hear disciplinary-type review applications.

The Review Commissioners continued to identify problems occurring in the QPS Promotions and Transfer and Discipline Systems through hearing applications in 1997-98. In addition to raising these matters in individual recommendations to the Commissioner of Police, the Review Commissioners have raised awareness of common problems encountered through periodic correspondence with the Commissioner of Police and a series of articles published in the *QPS Bulletin* and the *Police Union Journal*.

Over the past year, the Review Commissioners liaised regularly with QPS Management, and lobbied for various changes to be made to the promotion and transfer system and policy. They were consulted at various stages of the redraft of section 16 of the QPS HRM Manual, and most of their submissions and suggestions were incorporated in the new version released on 1 May 1998.

Application type	Affirmed	Varied	Set aside	Out of time	No jurisdiction	Total
Promotion	102	15	2	2	-	121
Transfer	22	5	-	-	-	27
Suspension	-	-	3	-	-	3
Disciplinary sanction	5	2	4	-	-	11
Unapplied for transfer	1	-	1	-	-	2

The Review Commissioners also made a valuable contribution to the QPS Panel Convenor Training Course through their attendance at training sessions in December and January.

In December 1997, the Review Commissioners instigated an Annual Meeting with representatives of the QPS Human Resources Division, the Queensland Police Union of Employees and the Commissioned Officers Union. This inaugural meeting established a dialogue between the various agencies and the Commissioners with a view to improving QPS administrative decisions.

The CJC and Review Commissioners also made submissions in the areas of merit-based selection and reviews to the QPS working party reviewing the PSA Act. The Review Commissioners will continue to 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.

Liaison with other criminal justice agencies

Our Act requires us to coordinate our research activities with other agencies 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 inter-agency forums and committees.

In 1997-98, the Research Director participated as a member of the Chief Executive Officers Steering Committee, which oversees the Criminal Justice Information Integration Strategy (CJIIS) and the work of the Crime Statistics Unit of the Government Statistician's Office.

The Director also participated as a member of the Criminal Justice Coordination Committee, convened by the Justice Department. In addition, research staff participated in the Crime Statistics Users' Network and continued liaison with the Crime Statistics Unit in an effort to improve the quality of criminal justice data.

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

Research staff gave a presentation on the *Police Powers and Responsibilities Act 1997* to regional solicitors from Legal Aid Queensland.

TABLE 3
Types of applications lodged
(1997-98)

Type	Number
Promotion	248
Transfer	44
Stand down	1
Suspension	4
Disciplinary sanction	10
Unsuited for transfer	2

TABLE 4
Status of applications lodged
(1997-98)

Status	Number
Matters lodged	309
Matters heard*	122
Matters withdrawn	147
Matters out of time/no jurisdiction	6
Matters awaiting hearing	34

* Refers to only those matters lodged in the 1997-98 financial year.

• Use of our research

• We aim to produce high-quality research that is useful to police and policy-makers. The following are examples of the ways our research was used this year:

- the QPS accepted the recommendations of the CCC evaluation and is in the process of implementing them
- some initiatives from the Beenleigh Calls for Service Project were implemented on a wider scale, such as alternative procedures for dealing with petrol station 'drive-offs'
- information from the police pursuits study (see p. 12) was used by the QPS in the preparation of an internal report on the issue
- several issues identified in the Recruitment and Selection Review were acted upon by the QPS
- materials prepared by the division were used by the QPS in developing training and resource material for beat policing and problem-oriented policing.

• 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). To keep track of these recommendations and to identify instances where further action may be required, we have set up a register. Table 5 offers a brief summary of the responses to the various reports that we have produced since June 1993.

• Inform public debate and discussion

• We dealt with more than 250 requests for information from members of the public, the media, criminal justice agencies and other government departments. Our research staff participated in two press conferences and gave 42 interviews to the electronic and print media.

• Copies of our major publications were distributed widely throughout Queensland and interstate. For example, copies of volume 3 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* is intended to promote informed public debate about criminal justice issues in Queensland.

• We also made our publications available on the CJC's web site, which increased their public access and led to a surge of interest in the site. For example, 'page hits' doubled after volume 3 of the *Criminal Justice System Monitor* went on line.

• Independent expert review

• As in past years, we sent our research reports to expert external reviewers for an independent assessment of the quality of the work carried out by the division. Again, reviews were very favourable, with one reviewer stating that the particular report reviewed was 'part of a corpus of work emanating from the CJC which is all too rare — the scholarly but policy-aware evaluation of criminal justice'. Sample comments on specific reports are given on page 24.

Research staff dealt with more than 250 requests for information throughout the year.

Research reports were made available for the first time on the web:
www.cjc.qld.gov.au

TABLE 5

**Action taken in response to research reports tabled in Parliament
(Jan. 1993-June 1998)**

Report	Date(s) tabled	Action taken
<i>Review of Police Powers Volumes I-V</i>	Vols I & II, May 1993 Vol. III, Nov. 1993 Vol. IV, May 1994 Vol. V, Nov. 1995	The <i>Police Powers and Responsibilities Act 1997</i> , which came into effect in April 1996, implemented wholly or partly many of the recommendations of these reports. (See CJC report <i>Recent Changes to Police Powers in Queensland: A Comparison with the Recommendations of the Criminal Justice Commission</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 QPS Review recommendations.
<i>Telecommunications Interception and Criminal Investigation in Queensland. A Report</i>	January 1995	Recommendations broadly endorsed in a report by the PCJC in 1995, but no legislative action as yet. <i>Telecommunications (Interception) Qld Bill</i> introduced in March 1998 but lapsed with this change in government.
<i>Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions</i>	July 1996	Subject of a report by the PCJC. Updated data on funding, published in volume 3 of the <i>Criminal Justice System Monitor</i> show that real per capita funding of Legal Aid Queensland has declined, despite substantial additional funding provided by the State Government. Recent funding increases to the ODPP raised real funding per deposition to around 1990-91 levels.
<i>Aboriginal Witnesses in Queensland's Criminal Courts</i>	July 1996	All recommendations have been drawn to the attention of relevant agencies and Ministers. A report on the status of recommendations was submitted to Parliament in January 1998.
<i>Report on Police Watchhouses in Queensland</i>	September 1997	All recommendations have been drawn to the attention of relevant agencies and Ministers. A report on the status of recommendations was submitted to Parliament in January 1998.

Reader response

Publications issued in our Research Paper series are intended for a general audience and are designed to be succinct, informative, and non-technical. Every publication includes 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 6 shows the overall ratings that were obtained for papers published in 1997-98.

TABLE 6

Overall ratings for research publications

Feature	Average score (max = 5)
Clarity of language	4.1
Data presentation	4.3
Usefulness	4.1

1 = not very good, 5 = very good

TABLE 7

Reviewer comments on research publications

Report	Comment
<i>Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms</i>	This report must be considered an important contribution to the evaluative literature not just in Australia, but elsewhere. The report has clearly striven to present some difficult material in a neutral and fair fashion, in this it has been highly successful.
<i>Community Consultative Committees and the Queensland Police Service: an Evaluation</i>	It is always hard to evaluate such initiatives long after they have started. The research design here seems the best given the circumstances. The writing and data presentation are mostly easy to follow.
<i>The Cost of First Response Policing, Research Paper Series</i>	This is an important piece of work. It sheds new light on the important subject of resource allocation. It merits the attention of police policy-makers and the public alike. One of the most significant contributions to Australian criminology in recent years.
<i>The Physical Requirements of General Duties Policing</i>	The report is a model for those concerned with presenting applied research to a mix of readers from different backgrounds. The researchers should be congratulated for the clarity of their expression and presentation. The report will provide a valuable resource.
<i>Beenleigh Calls for Service Project: Evaluation Report</i>	I found this study to be well designed and conducted, and the report to be a valuable resource for police officers interested in trying problem-solving techniques.
<i>Police Pursuits in Queensland Resulting in Injury or Death</i>	This report is very valuable to policy-makers, police management and researchers alike.
<i>Criminal Justice System Monitor, volume 3</i>	A very good 'snapshot' of the Queensland criminal justice system. Good use of comparison over time. A nice overview. Every Australian State and Territory should do this.

FUTURE DIRECTIONS

Within the Research and Prevention subprogram for 1998-99, we propose to:

- publish volume 4 of the *Criminal Justice System Monitor*
- publish the first issue in a *Police Service Monitor* series (marked as a priority by the PCJC in its three-yearly review — Conclusion 38)
- continue to monitor the operation of the police powers legislation
- conduct a second survey of defendants' perceptions of the investigative and arrest process
- publish the findings of research into the factors that have contributed to the increase in the imprisonment rate in Queensland
- complete the review of the QPS recruit selection procedures and commence implementation of the recommendations
- with the QPS, implement the Beenleigh Burglary Reduction Pilot Project
- finalise the report on the reduction of assault complaints against police and monitor the implementation of initiatives to reduce such complaints
- enhance the utilisation of CJC complaints data for preventive purposes.

Projected activity

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.

Implement changes in the role and responsibilities of the CJC in accordance with the amendments to the CJ Act.

With available resources, incorporate responsibility for QCorr as a unit of public administration into our complaints handling process.

Establish effective working relationships with the proposed Ethical Standards Command.

Outcome

We did this by introducing classes of matters that can be referred to departments or the QPS without requiring any further report to the CJC.

Redevelopment began with the involvement of all divisions in the specification of the project.

Internal procedures were developed to ensure that this occurs.

We established weekly liaison meetings to examine complaints against prison officers under CJC jurisdiction, and engaged additional staff in the Complaints Section to receive and assess complaints. In addition, the decision was made to establish an MDI to investigate complex matters.

We consulted informally (daily) and formally (each week) with the newly formed ESC. The cooperation fostered is reflected in a number of CJC-ESC operations conducted during the year.

Subprogram Evaluation and PCJC Review

Subprogram Evaluation

During the year, an external consultant evaluated the Misconduct Investigation and Review Stream, reporting to the Commission in March. The evaluation found that the Complaints Section had performed well over the three years reviewed. In particular, it found that:

- the Section had coped well with a high intake of complaints, keeping finalisation times within an acceptable level
- there were few long-running complaints, with most incomplete matters coming from the current year
- the use of informal resolution was steadily increasing and proving to be very successful
- the process for managing complaints was sound, especially the way in which matters requiring further investigation were identified early on in the process, thus ensuring the cost-effectiveness of the way complaints were handled at the CJC.

Through interviews with senior officers of other agencies, the consultant also found that the CJC worked hard to gain credibility with those agencies and their cooperation, especially through its liaison officers and meetings.

The evaluation supported the ongoing Complaints Database Redevelopment Project as essential to improving, among other things, the management of case work within the Complaints Section. Improved information systems are required to support the establishment of clear standards and improved work practices in the investigating teams.

As a result of the evaluation, we have established a number of subcommittees to implement those recommendations that we have not already dealt with. For example, one of the key recommendations of the evaluation was for the Commission to establish an inter-divisional Prevention Committee to develop and implement preventive strategies within the QPS and the public sector.

The Prevention Committee will provide the focus for identifying trends in improper behaviour in particular agencies and weaknesses in whole-of-government policies and practices. It will enable the CJC to present sector-wide proposals for preventive strategies.

PCJC Review

In its recent three-yearly review of the CJC, the PCJC recognised that the investigation of complaints of misconduct and official misconduct against police and public officials was a core function of the CJC (Conclusion 3). The PCJC also concluded that an organisation independent of the Police Service with a role to investigate complaints against police is an essential element of an effective criminal justice system (Conclusion 19). The review found that, despite competing factors, the Complaints Section had performed well (Conclusion 34). Additionally, the review acknowledged that the CJC had implemented a range of strategies to overcome concerns about delays in completing investigations.

We accept the recommendation of the Committee to make the timely investigation of complaints a high priority (Recommendation 16). (See also p. 46 'Assist units of public administration'.)

Goal

- To reduce the incidence of misconduct in the QPS and official misconduct in other units of public administration.

Objectives

- Ensure that public sector misconduct is effectively investigated and that remedial and preventive action is taken by appropriate authorities.
- Promote public confidence in the complaints process.

Strategies

- Assess and, where appropriate, investigate complaints in a timely, consistent and fair manner.
- Conduct proactive misconduct investigations.
- Monitor and review investigations conducted by other agencies.
- Make recommendations for procedural reforms to units of public administration based on investigations.
- Develop and monitor informal complaint-resolution procedures.
- Identify and help confiscate the proceeds of corruption affecting the public sector.
- Hold public inquiries and report to Parliament on matters of serious concern.
- Analyse complaints data to identify risk areas and proactively investigate those areas.

Assessment and investigation of complaints

One of the core functions of the CJC is to assess and investigate complaints. The Complaints Section and multidisciplinary investigating teams within OMD perform this function.

In just over eight years, we have received 19 272 standard complaints involving 41 703 separate allegations.

Standard complaints are complaints or information received about misconduct by police or other public officers. We distinguish these complaints from other complaints against police involving breaches of discipline (i.e. inappropriate conduct of a less serious nature). Each complaint usually includes more than one allegation. For example, a complainant may allege that during an encounter with a police officer, the officer unlawfully arrested him/her and also used excessive force in making the arrest.

Complaints statistics

Although there was a decrease in the number of complaints received during 1997–98 (in comparison to the previous year), the number of standard complaints received — 2512 — was the third highest annual total in the CJC's eight completed years of operation (see figure 1 and table 8). Combined with the less serious breach-of-discipline matters, 3243 matters were received during the year. The strong inflow of standard complaints reflects the confidence members of the public have in bringing matters to the CJC for assessment and, where appropriate, investigation.

In contrast to 1996–97 when key staff were distracted on other matters (in particular, the Connolly–Ryan Inquiry), the CJC was able to keep the resources of OMD strongly focused on core functions. As a result, we were able to complete 31 more matters than in the previous year. Moreover, the 360 matters still on hand at the end of the current year represented the lowest number of matters on hand since November 1994.

The year saw the continuation of our strong performance in completing matters expeditiously — the median time for completion of matters was 12 days compared with 13 days in the previous year. Twenty-five per cent of matters were finalised within five days of registration, 50 per cent in under a fortnight, and only 12.4 per cent took longer than six months. A number of very old matters were completed during the year, with a reduction by 13 in the number of matters over 12 months old. There are no matters unfinished from before 1996 and only 20 matters from 1996.

Factors that cause files to remain incomplete for periods of up to two and a half years include:

- waiting for the completion of court proceedings and other action before a complaint can be properly finalised, and
- holding matters for long-term proactive investigation.

As well, some complaints were delayed this year owing to the temporary closure of the MDT dealing with complex public sector investigations.

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

- Publish statistics on the number and type of complaints.

Performance indicators

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

FIGURE 1

**Complaints received
(1995-96 to 1997-98)**

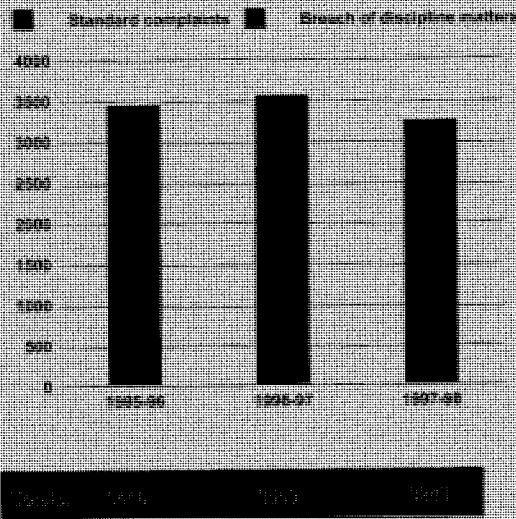


TABLE 8

Complaints statistics

	1996-97	1997-98	% change
Standard complaints registered	2673	2512	(- 6.0%)
QPS breach of discipline matters	288	219	(- 23.9%)
Standard complaints finalised during year	2586	2617	+ 1.2%
Standard complaints current at end of year	465	350	(- 24.7%)

Statistical comparison

In general terms, the proportion of persons by categories making complaints to the CJC has remained stable (see figure 2, next page). Over the last three years complaints from the public have shown a steady increase as a proportion of the complaints received in each of those years. From last year, they increased from 59.8 to 61.1 per cent of standard complaints received.

The proportion of complaints from the prisoner/detainee category shows a decrease in the last two years. It should be noted that most of these complaints were made by people in police custody rather than prisoners in jails. An increase of complaints directly from prisoners about improper conduct of officers of QCSC and QCorr is expected in the coming year as our new jurisdiction in this area becomes more widely known.

Complaints originating from police officers other than the Commissioner have remained strong and have increased as a proportion of the standard complaints received from 12.0 to 13.6 per cent.

When a complaint is assessed, it may be found to consist of a number of separate allegations. The 2512 complaints registered during 1997-98 contained 5187 allegations (approximately two allegations per complaint). The three major subject areas — police, public service and local authorities — account for 93.1 per cent of

More than 2500 complaints were registered during the year, with about two allegations per complaint.

More than 400 recommendations for charges were made related to 167 matters.

those allegations (see figure 3). During 1997–98, there was a marked increase in the number of allegations relating to officers coming within the CJC’s new corrective services jurisdiction. These now represent 3 per cent of all allegations compared to less than 1 per cent in previous years.

The year saw a fall-off in the proportion of drug allegations recorded in comparison to the previous year when hearings were proceeding at full pace in relation to the CJC’s Carter Inquiry (headed by former Supreme Court Judge Mr W J Carter QC). However, drug allegations against police continued to be recorded at a higher level than previous years. This insidious and deeply hidden problem threatens to compromise the fight against drugs and the legitimacy of the QPS, unless tackled effectively.

Allegations of assault have increased slightly over last year’s low figure, but remain under the high figure recorded in 1995–96. The other major types of allegation made were of criminal acts and of failure on the part of police and public officers to perform their duty (see figure 4).

Charges recommended

Since the CJC began, more than 2100 cases of criminal and disciplinary action have been recommended against people as a result of our investigations. (See table 9 for a breakdown of the major categories of people charged since 1995–96.) This year, 167 matters resulted in recommendations for charges. The total number of recommendations was 410 (see figure 5), 163 of which related to criminal charges (see table 10 on page 30).

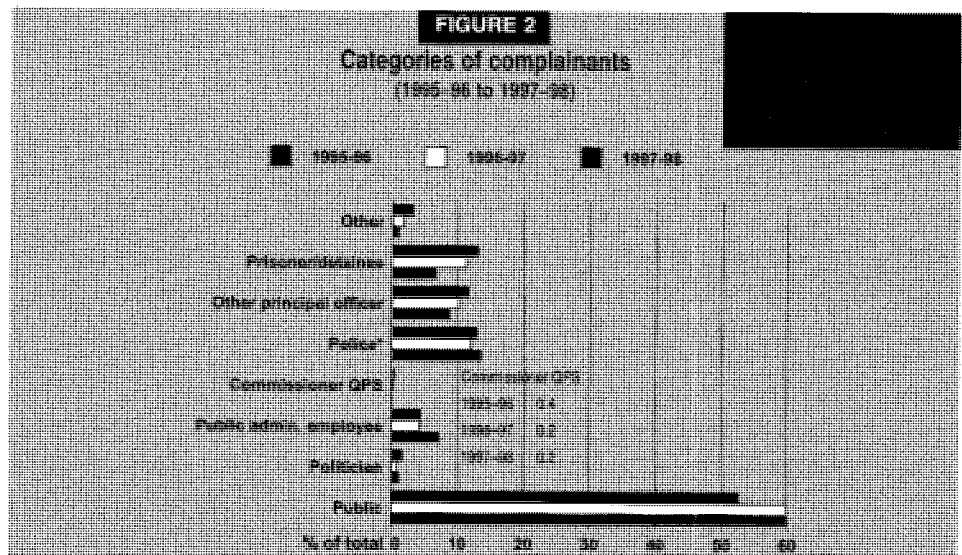


TABLE 9
Persons charged as a result of misconduct investigations, by category (1995–96 to 1997–98)

Category	1995–96	1996–97	1997–98
Police Service	157	153	99
Public Service	77	75	46
Other	34	8	20
Total	268	236	165

Note: This table counts the number of cases recommended as a result of investigations during the year. Particular year figures have been adjusted to account for subsequent changes to case data in the irregular occurrence where a person is the subject of two or more cases. This is reflected in these figures.

FIGURE 3
Subjects of allegations
(1995-96 to 1997-98)

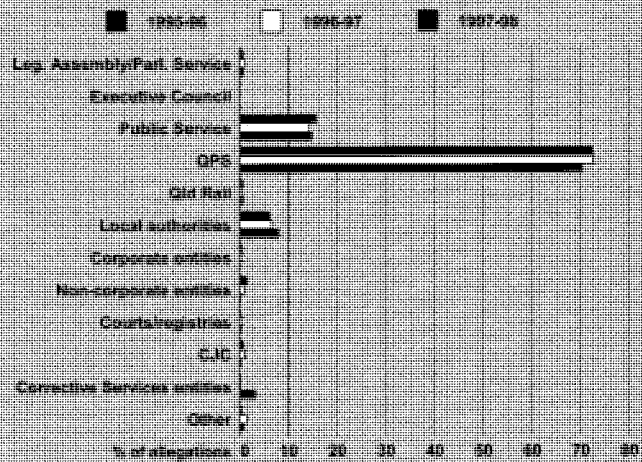


FIGURE 4
Major types of allegations
(1995-96 to 1997-98)

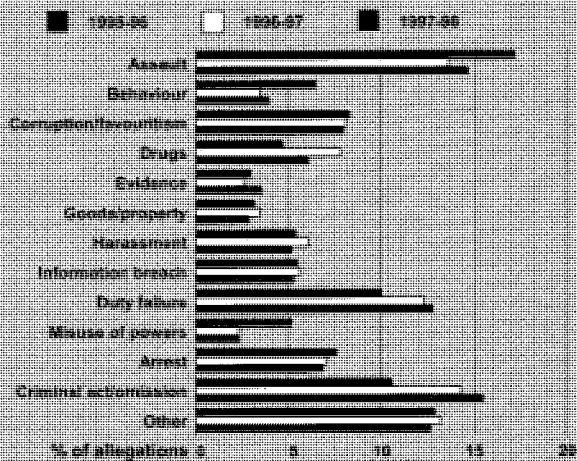


FIGURE 5
Nature of charges recommended as a result of misconduct investigations
(1997-98)

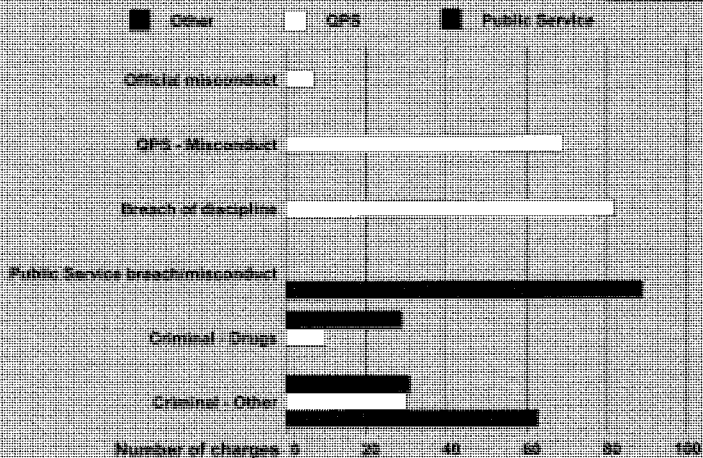


TABLE 10

**Types of criminal charges recommended by description
as a result of misconduct investigations
(1991-98)**

Charge description	Total charges	No. cases
Impersonating an Officer of the Commission	2	1
Official Corruption	18	13
Perjury	15	8
Attempt to Pervert the Course of Justice	2	2
Indecent Treatment of Children under 16	8	2
Indecent Acts including relating to Indecent Assault	14	3
Unlawful Assaults and Assaults Occasioning Bodily Harm	4	3
Stealing/Stealing as a Servant	4	4
Misappropriation	6	2
Unlawful Entry of a Motor Vehicle	1	1
Fraudulent False Accounting	38	2
Conspiracy to Commit a Crime	2	2
Drug Trafficking	4	4
Drug Supply	9	6
Drug Production	6	4
Drug Possession	12	10
Other Drugs Misuse Act offences	6	8
Traffic Act offences	5	6
Weapons Act offences	4	3

Misconduct Investigations of QPS officers

In addition to the proactive misconduct investigations detailed on pages 37 to 39, the following matters are a few examples of the types of investigations of QPS officers.

**Case Studies:
QPS Officers**

Misappropriation of money by a police officer

In June 1994, the Police Service alerted us to the possible loss or theft of \$9160 in cash found during a March 1992 police raid upon a suspected brothel. Inquiries established that the missing money had definitely been seized by police at the time because the counting of the money at the scene had been videotaped, and the seizure of the money was also referred to in documentation for the laying of criminal charges against a person found at the premises.

The matter was investigated by the QPS and overviewed by the CJC. When evidence came to light suggesting that the money may have been misappropriated by the Detective Sergeant who was in charge of the police raid, the DPP recommended that the officer be charged with misappropriation. Proceedings began in October 1995.

When the matter first proceeded to trial in the District Court Brisbane, the jury was unable to reach a verdict. Finally, in February 1998, the officer was found guilty by a District Court jury and sentenced to two and a half years' imprisonment, to be suspended after six months. The officer was dismissed from the Police Service.

The sentencing judge remarked that, although the Crown case was a circumstantial one, it was in his opinion a strong one. He said, 'I think it fair to pay a compliment to the police investigation and to acknowledge the methodical and thorough prosecution of the case. Every possible aspect was covered.'

Involvement of off-duty police officers in hotel brawl

In September 1995, the CJC received complaints from a number of members of the public about the alleged involvement of two off-duty police officers in a pub brawl at a Northern Queensland town. As a result of the brawl, the two subject officers preferred a number of criminal charges against three civilians.

When some of those charges came on for hearing, one of the officers refused to give evidence for the prosecution on the grounds that it might incriminate him in possible criminal offences. As a result, the charges were dismissed and a substantial costs order was made against the Police Service.

As a result of a CJC investigation, both officers were charged with a number of offences of unlawful assault and one count of attempting to pervert the course of justice. The officer who had initially refused to give evidence at the hearing was found guilty of one charge of assault occasioning bodily harm and one of attempting to pervert the course of justice. He was sentenced to 12 months' imprisonment and has been dismissed from the Police Service. The sentencing judge commented that the officer's conduct in charging a person with something he had not done in order to cover-up for the violence inflicted upon that person by the police officer was 'serious and disturbing' and represented a clear abuse of the officer's authority, position and power.

The other officer has been committed for trial on one charge of assault occasioning bodily harm.

Misconduct by a police officer

In October 1996, we received a complaint about money that had gone missing from a purse that had been handed to a Gold Coast Police Constable as lost property. As a result of our investigation, the Constable was charged with an offence of stealing as a public servant. The matter proceeded to trial in the Magistrates Court where the officer was found not guilty of the charge.

We then examined the transcript of the trial and also evidence of another witness who contacted us with further relevant information about the officer's conduct. As a result, we determined that the Police Service should consider charging the officer with a number of counts of misconduct.

At a disciplinary hearing in February 1998, the Deputy Commissioner of the Police Service found three charges of misconduct against the officer to be proved and ordered her dismissal from the Service.

This investigation demonstrates the difference between criminal proceedings and disciplinary proceedings.

Despite the fact that the officer had been found not guilty of a criminal offence, double jeopardy did not apply. The disciplinary charges eventually preferred against the Constable relied upon all the evidence obtained during the Commission's investigation, both before and after the laying of criminal charges. One of the misconduct charges was in part based upon discrepancies in the various versions of events provided by the subject officer as to her handling of the property in question, in that there was a discrepancy between the version initially advanced by the subject officer when interviewed by the Commission officers before her trial, and that advanced on oath when she gave evidence on her own behalf. At the disciplinary hearing, the officer offered no excuse for lying during the investigation.

The case also demonstrates the differing objectives of criminal and disciplinary proceedings in that the purpose of disciplinary proceedings is not so much to punish

the offender as to protect the public and the reputation and efficiency of the Police Service, and to maintain proper standards of conduct by its members.

Assault by a police officer

In September 1995, a plain clothes Constable was charged with an offence of unlawful assault. It was alleged that this officer had assaulted a civilian at a police station by pushing him off a chair and striking him in the face. The officer was found guilty by a jury in the District Court. The trial judge imposed a fine of \$1500, without recording a conviction. However, an appeal by the Attorney-General resulted in the Court of Appeal ordering that a conviction be recorded against the officer.

Afterwards, we referred the relevant material to what was then the Professional Standards Command of the QPS, recommending that disciplinary action be instituted. In due course, an Assistant Commissioner of Police found that a charge of misconduct against the officer was proved and imposed a reprimand.

We considered that such a sanction was manifestly inadequate. However, independent legal advice suggested that, in the circumstances, it was unlikely that the CJC had the legal right to appeal the decision.

Since then, the *Misconduct Tribunals Act 1997* has come into operation. The Act disbanded the former Misconduct Tribunals as they existed under the *CJ Act*.

Under the former provisions of the *CJ Act*, a Misconduct Tribunal in its appellate jurisdiction had power to hear an appeal against disciplinary sanctions imposed upon a police officer under the *PSA Act*. However, that right of appeal did not extend to the CJC.

Under the new *Misconduct Tribunals Act*, the CJC now has a right of appeal against decisions where officers are found guilty of disciplinary charges of misconduct.

Public sector misconduct investigations

The following cases illustrate misconduct matters concerning public officials.

Alleged sexual relationships between teachers and students

At any one time, the CJC may have several matters under investigation arising from alleged improper contact between teachers and students. These investigations concern serious allegations of physical assault or sexual activity that could amount to official misconduct.

The number of matters referred to the CJC increased markedly this year as a result of the media exposure given to these issues. In late March 1998, Queensland Education established a 'phone-in hot line', inviting members of the public to lodge any complaints of improper relationships between teachers and school students. Approximately 30 responses were received.

Queensland Education referred these matters to us in early April 1998. Some of the allegations dated back to the early 1980s. We assessed each one to determine what action should be taken, but it was a difficult task as the information accompanying many of the allegations was inadequate. Therefore, we:

- asked Queensland Education to secure all relevant information and forward it to us as soon as possible
- provided guidelines to Queensland Education to assist them in improving the quality of information elicited from complainants
- assigned two experienced investigators on a full-time basis to conduct inquiries

Case Studies: Public Officials

into all the matters referred, and to investigate those matters warranting further investigation by the Commission

- promptly forwarded matters not to be investigated by the Commission to the QPS or back to Queensland Education for further action.

Since April 1988, 46 allegations of this type have been referred to us. We have identified seven as warranting further investigation by the CJC. Another four matters have been referred to the QPS for investigation of possible criminal offences. So far, eight matters have been referred back to Queensland Education for investigation with a view to the department taking disciplinary action against the subject officer. The balance of the allegations have been assessed as not warranting any further investigation.

On 20 April 1998, Queensland Education implemented a new Child Protection Policy providing for mandatory reporting by school principals and staff of allegations or information regarding students' welfare, including information about relationships between students and teachers. This policy was a culmination of consultation between Queensland Education and corresponding agencies in other States and was in response to the National Strategy in Schooling to Prevent Paedophilia and Other Forms of Child Abuse.

Operation Harmony

We investigated an allegation that two senior local government employees had systematically misappropriated Council property over a period of several years. The employees operated a fictitious company for the purpose of engaging in the private sale of gravel that belonged to the Council or local landholders.

One of the employees also used Council labour, equipment and materials for conducting privately remunerated construction work without accounting to the Council for their use. On one occasion, a gang of Council road workers was diverted from their duties to construct a private, 400 metre long bitumen driveway. Other private works constructed using Council equipment included a tennis court and a number of concrete building foundations.

The investigation proved difficult because of the general reluctance by some co-workers and local residents to implicate the two employees. Fortunately, our financial analysts were able to trace cheques made payable to the fictitious company that were cashed by the employees at a local hotel. Council records and cadastral plans were also utilised by investigators to identify misappropriated property.

Both employees appeared before the District Court this year and entered pleas of guilty to criminal charges of misappropriating Council property. They were convicted and fined. One employee was dismissed and the other resigned.

Criminal conduct by a senior Local Government Officer

In September 1996, the Fraud Prevention Officer employed by a large Council advised that information in his possession indicated that a senior officer of the Council had fraudulently organised for the Council to pay the airfare expenses for a person who had no legitimate association with the Council. Further inquiries indicated that this person had an interest in purchasing a motor vehicle from the Councillor, and was travelling only for the purpose of inspecting that vehicle.

After our investigation of the matter, the Councillor was charged with an offence of obtaining a benefit by making a false pretence. He pleaded guilty and was dealt with by the District Court. He was also dismissed from his position with the Council.

As a result of an amendment to the CJ Act, the CJC now has jurisdiction over state-run correctional facilities.

From September 1997 to June 1998, 88 corrective services complaints were registered.

Implementation of Corrective Services jurisdiction

In the early years of the CJC, we received independent legal advice from a Queen's Counsel that we did not have jurisdiction over the QCSC, which is a statutory corporation, because the QCSC did not fall within that part of the definition of 'unit of public administration' that relates to corporate entities.

The issue of jurisdiction over the QCSC was resolved in 1997 following an amendment to our Act which brought the QCSC under our jurisdiction. QCorr also came within the CJC's jurisdiction because of certain provisions in the *Government Owned Corporations Act 1998* (Qld).

However, the amendment to the *Criminal Justice Act* does not give the CJC jurisdiction over misconduct by prison officers employed by privately run correctional facilities. (See appendix B for a discussion of the implications of this anomaly.)

An initial delay in providing funding for this new area of jurisdiction and the temporary nature of the funding that was approved in the former Coalition Government's budget for 1998–99 prevented us from fully implementing and promoting our jurisdiction. Consequently, we registered fewer matters in the period than we might otherwise have expected – 88 in the period from 1 September 1997 to 30 June 1998 (see table 11).

While initial funding was provided by the former Government for 1997–98 and partial funding for 1998–99, there was no long-term commitment of resources to the investigation of official misconduct within the prison system. With guaranteed funding to 30 June 1999 provided by the current Government, we can exercise this new jurisdiction effectively.

Deeply hidden corruption cannot be investigated by standard techniques. Sophisticated proactive and long-term investigations, which are resource-intensive and expensive, are required.

Category of improper behaviour	No.	%
Assault	21	23.9
Behaviour	3	3.4
Corruption/Favouritism	3	3.4
Drugs	14	15.9
Goods or Property	2	2.3
Harassment	3	3.4
Information Breaches	6	6.8
Failure to Perform Duties	10	11.4
Misuse of Powers	1	1.1
Arrest/Detention	1	1.1
Prostitution	1	1.1
Criminal Act or Omission	19	21.6
Searches	3	3.4
Other	1	1.2

• Drug seizures

• The CJC no longer has joint responsibility with the QPS for the investigation of major and organised crime, including drug offences. This is now the joint responsibility of the QPS and the Queensland Crime Commission (QCC) at a state law enforcement level. However, there have been a number of seizures of drugs by the CJC in connection with our official misconduct investigations (see table 12).

Drug type	Quantity
Methyl-amphetamine	21.57 g
Cannabis Sativa	1.031 kg
Testosterone	10 ml

• Use of Commission powers

• The most commonly used power granted to us by our Act is the power to issue notices requiring the production of a record or thing relevant to the subject matter of a CJC investigation (see table 13).

• We have repeatedly requested an amendment to our Act to give us the power to direct the recipients of a notice to produce not to disclose that they have been served with that notice. (See appendix B for a fuller discussion.)

The CJC issued 303 notices to produce in 1997-98.

Powers	Section	No.
Notice to furnish a statement	59(a)	19
Notice to produce records or things ¹	59(b)	303
Authority to enter public premises	70	4
Warrant to enter, search and seize ²	71	0
Summons to procure evidence	74	59
Direction for attendance of a prisoner	81	3
Applications for listening devices	82	11

¹ Includes six notices requiring both the furnishing of a statement and the production of a record or thing
² However, the CJC obtained 9 search warrants under the Criminal Code provisions, 2 under the new police powers legislation, and 10 under the Drugs Abuse Act 1988 provisions

• False complaints

• Making a complaint to the CJC is a very serious matter. We will take action against anyone who deliberately makes a false complaint.

• False complaints not only cause distress to the person who is the subject of the complaint, but also involve the CJC and others in unnecessary costs. Failing to take action would damage the integrity of the complaints process.

• During the year, we commenced two new investigations into matters where it was suspected that the complainants may have made their complaints falsely. However, it was decided not to recommend charges in the circumstances of those cases.

• Four matters commenced in previous years are still not completed mainly due to difficulties in finding the complainants to bring them before the courts (see table 14). Four further matters were completed during the year and in all instances the persons charged were found guilty (see table 15). The courts made significant orders for the reimbursement of the costs of investigations.

Four matters concerning false complaints were completed and all persons charged were found guilty.

TABLE 14**False complaints — current
(1997–98)**

Complainant	Allegations made	Outcome
A	Two complainants alleged that police officers attending at a domestic dispute used excessive force in making an arrest.	A charge of wilfully making a false complaint under s. 10.21 of the PSA Act was initiated against each complainant. Complainants failed to appear when summonsed and are still to be located.
B	A complainant alleged that police officers used excessive force in arresting him.	A charge of wilfully making a false complaint under s. 10.21 of the PSA Act was initiated. The complainant has not yet been located.
C	A complainant 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 PSA Act was initiated. The complainant has not yet been located.

TABLE 15**Successful prosecutions for the making of false complaints
(1997–98)**

Complainant	Allegations made	Outcome
Andrew Guthrie	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 PSA Act. Guthrie was convicted and fined \$1000 and ordered to pay \$2061 in costs.
Lyndell Storey	Alleged that police assaulted her by punching her in the mouth and otherwise while arresting her for drunk and disorderly conduct outside a hotel.	A charge of wilfully making a false complaint under s. 137(1) of the CJ Act. Security cameras showed the assault did not happen. Storey was convicted and fined \$100 and ordered to pay \$1510 in costs.
Jennifer Catherine Martin	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 pursuant to s. 137(1) of the CJ Act. Martin was dealt with after a summons was served interstate. She was convicted and fined \$300.
Jason Shaw	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 making a false complaint under s. 137(1) of the CJ Act. Another person has admitted to causing the injuries. Shaw was convicted and sentenced to six months' imprisonment which was suspended for two years on the basis that he be of good behaviour during that time. He was ordered to pay \$4758 in costs.

• **Proactive misconduct investigations**

• **Background**

• Proactive investigations into corruption have been conducted by the CJC since shortly after its establishment in 1990. As distinct from reactive investigations, which are commenced as a result of a specific allegation or event, proactive investigations are those which are commenced following long-term analysis of intelligence and other information or upon receipt of material which indicates that the matters complained of are continuing. These investigations are usually concerned with ongoing corrupt activity.

• In more recent years, several proactive investigations into drug-related corrupt activity have been conducted by means of covert police operatives, the use of listening devices and surveillance. As a result of these operations, a number of police officers and civilians have been convicted of official corruption and drug-related offences.

• By mid-1996, these operations had revealed sufficient evidence of involvement in the drug trade by corrupt police to warrant the CJC engaging retired Supreme Court Judge Mr W J Carter QC to review current operations and make recommendations as to the future direction of investigations.

• Acting on Mr Carter's advice, in October 1996 we launched an investigation into cases of alleged or suspected drug-related misconduct by members of the QPS. This investigation was overseen by Mr Carter and encompassed all of the CJC's investigations into police involvement in drugs. The investigation was codenamed Project Shield.

• Project Shield (conducted by CJC personnel) continued the proactive operations which were already under way, as well as developing a number of others. The Commissioner of Police provided additional officers and resources to assist with these operations.

• **Carter Report and proactive investigations**

• Mr Carter presented his report, *Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers*, in October 1997. The report contained 14 recommendations, which the CJC and QPS have sought to implement through a joint committee.

• At the time the Carter Report was delivered, the CJC was conducting a number of operations involving suspected drug-related misconduct by members of the QPS. Many others have come to notice since the report was presented. These operations were taken forward by a substantially reduced team comprising only CJC staff (the additional QPS members having returned to the Service).

• The CJC has maintained an MDT exclusively devoted to the investigation of drug-related allegations against police and to the preparation of briefs of evidence arising from operations conducted under Mr Carter's supervision. We remain committed to proactive investigations in this area, and a number are under way, but the resources available to us necessitate that we also conduct reactive investigations into complaints of drug-related misconduct.

The Carter Report made 14 recommendations for reform of the QPS.

As a result of proactive Project Shield investigations, 44 persons, including 15 police officers, have faced 141 criminal and disciplinary charges. As at 30 June 1998, six officers had been dismissed and two had resigned.

The PCJC has endorsed our proactive approach to investigations of police misconduct, and also of public sector and local government misconduct (Conclusions 21 and 28, Recommendation 10).

Integrity testing

The PCJC's three-yearly review of the CJC also provided support, in principle, for our proposed integrity-testing strategy.

Integrity testing involves creating a situation that enables the investigating authority to observe whether the subject of the test reacts appropriately. This strategy was used successfully in one operation in 1997 (see Operation Lime, below) and is extensively used by the New South Wales Police Service as well as overseas law enforcement agencies.

However, even the most simple integrity test is resource-intensive, and we are presently severely restricted by law in the types of tests we can conduct. (See appendix B for a fuller discussion.)

Case Studies: Proactive Investigations

Operation Lime

This operation commenced in June 1997 as a result of information received from an informant that a police Constable was using the informant to obtain dangerous drugs and was interested in obtaining an Uzi submachine gun.

The officer was fed false information that a drug dealer was staying at certain premises and that drugs and firearms were on the premises. The Constable and another police officer conspired to break into the premises in which they believed there were drugs and a gun. However, they did not go through with their plan as they suspected that the occupier of the premises was under police investigation.

Hearings were conducted to determine the nature and extent of police involvement in these matters. Both officers were dismissed from the QPS as a result of their actions.

In April 1998, one officer pleaded guilty to conspiring to break into the premises and to a number of drug-related offences. He was sentenced to a total of five years' imprisonment with no recommendation for parole. His appeal against the severity of the sentence was dismissed. The other officer is awaiting trial.

Operation Jetski

In July 1996, a large quantity of cannabis was stolen from the Finch Hatten Police watchhouse.

Following extensive CJC investigations, a civilian and a police officer confessed to breaking into the watchhouse and stealing the cannabis, which was later sold by a third party. All three offenders also admitted to being involved in a conspiracy to protect drug offenders in the area from prosecution.

In February 1998, the police officer pleaded guilty to official corruption, trafficking in dangerous drugs, breaking into the watchhouse and stealing the cannabis, and one other offence. He was sentenced to a total of eight years' imprisonment with no recommendation for parole. The civilian with whom he stole the cannabis pleaded guilty to similar offences and was sentenced to a total of six years' imprisonment.

Another QPS officer was dismissed in March 1993 as a result of disciplinary proceedings concerning his failure to take any action over a proposal by the corrupt officer to commit serious criminal offences.

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 cannabis from her. Arrangements were made through the drug dealer to be introduced to a former police officer to whom payments were made for police protection for the informant. As a result of this operation, two serving officers and one former police officer were charged with official corruption and perjury. Another serving police officer has been charged with official misconduct in relation to the alleged unlawful dissemination of confidential police information to the former officer.

In February 1998, one of the serving officers pleaded guilty to the offences and was sentenced to four years' imprisonment with a recommendation for parole after 15 months. Also in February, the drug dealer pleaded guilty to official corruption, trafficking in dangerous drugs, perjury and a number of drug-related offences for which she was sentenced to five years' imprisonment with a recommendation for parole after 15 months. She was ordered to pay a pecuniary penalty order (PPO) in the sum of \$7250.

Operation Monument

This operation concerned a suspected corrupt relationship between a serving police officer and two suspected drug offenders. The operation culminated in one of the suspected drug offenders being charged with trafficking in dangerous drugs, other drug-related offences and perjury. He and the police officer, who has since been dismissed from the QPS, have also been charged with official corruption relating to a corrupt payment alleged to have been made to the officer in order to avoid prosecution of a third person.

Operation Hermit

In mid-1997, the CJC commenced a covert investigation into an allegation that a serving police officer was involved in trafficking in dangerous drugs. As a result of this operation the officer was charged with three counts of supplying the dangerous drug amphetamine.

Operation Orion

A serving police officer was charged with official misconduct over an allegation that the officer stole a significant sum of money discovered during a search of premises by police. It is suspected that the money was the proceeds from drug trafficking.

Operation Mosaic

This operation concerned allegations that a serving police officer stole dangerous drugs seized during the course of his official police duties. The investigation established that the officer was a regular user of dangerous drugs.

Owing to a number of evidentiary difficulties, the CJC was not satisfied that it could prove unlawful conduct on the part of the officer to the criminal standard. However, a number of disciplinary charges were recommended including possession of and supplying dangerous drugs and supplying a dangerous drug to a minor. Following this recommendation, the officer resigned from the QPS.

The installation of listening devices was approved by the Supreme Court on 18 occasions.

Listening devices

In all but one of the case studies referred to above, we made use of listening devices authorised by the Supreme Court under either the provisions of the *Drugs Misuse Act 1986* or the *Criminal Justice Act 1989* (see table 16). These proved to be an invaluable tool in the investigation of

drug-related corruption,

which is notoriously difficult to investigate. In fact, 11 of the 18 listening device applications for 1997-98 related to the investigation of possible official misconduct related to police and drugs (see table 17).

TABLE 16

Act authorising listening devices (1989-90 to 1997-98)

Year	Drugs Misuse Act	CJ Act	Total
1989-90	1	0	1
1990-91	0	0	0
1991-92	3	4	7
1992-93	7	3	10
1993-94	1	9	10
1994-95	7	2	9
1995-96	2	4	6
1996-97	3	17	20
1997-98	7	11	18

TABLE 17

Listening device applications (1997-98)

No.	Date of authority	Authorising statute	Duration of use	Basis of investigation
1*	04.08.97	Drugs Misuse Act	12 weeks	Drug trafficking
2*	12.08.97	Drugs Misuse Act	14 weeks	Drug trafficking
3	25.08.97	CJ Act	4.5 weeks	Possible official misconduct relating to police and drugs
4*	25.08.97	CJ Act	4.5 weeks	Possible official misconduct relating to police and drugs
5	09.09.97	CJ Act	7.5 weeks	Possible official misconduct relating to police and drugs
6	16.10.97	Drugs Misuse Act	4 weeks	Drug trafficking
7	12.11.97	Drugs Misuse Act	4 weeks	Drug trafficking
8	20.11.97	Drugs Misuse Act	4 weeks	Drug trafficking
9*	06.03.98	CJ Act	8 weeks	Possible official misconduct relating to police and drugs
10*	15.03.98	CJ Act	3.5 weeks	Possible official misconduct relating to police and drugs
11	16.03.98	CJ Act	7 weeks	Possible official misconduct relating to police and drugs
12	16.03.98	CJ Act	3 weeks	Possible official misconduct relating to police and drugs
13	24.03.98	Drugs Misuse Act	4 weeks	Drug trafficking
14*	07.04.98	CJ Act	8 weeks	Possible official misconduct relating to police and drugs
15	14.05.98	Drugs Misuse Act	4 weeks	Drug trafficking
16*	26.05.98	CJ Act	7 weeks	Possible official misconduct relating to police and drugs
17	29.05.98	CJ Act	7 weeks	Possible official misconduct relating to police and drugs
18	05.06.98	CJ Act	11 weeks	Possible official misconduct relating to police and drugs

* Represents a subsequent successful application for an extension of the device used.

• **Monitor and review investigations by other agencies**

• **Role of the Review Unit**

• OMD's Review Unit reviews matters the CJC has referred to external agencies for investigation – such as alleged minor misconduct by police officers, QPS investigations of alleged criminal conduct by public officers (other than police officers), and departmental investigations of alleged official misconduct (see tables 18 to 20).

• The unit is also responsible for the review of major incidents such as police shootings, attempted suicides in police custody, and police pursuits, and deals with a miscellany of other matters such as further submissions by complainants following their receipt of the Commission's response to their initial complaint.

• During 1997–98, a change in the scope of the Review Unit's functions was implemented. Previously, we reviewed all matters in the following categories:

- • matters referred to the QPS for investigation of possible minor misconduct by police officers
- • matters referred to the QPS for investigation of possible criminal conduct by public officers
- • matters referred by government departments, local authorities or other public sector agencies for investigation and/or disciplinary action
- • matters relating to major incidents involving police, such as high-speed pursuits, police shootings, serious injury or attempted suicides in custody.

To improve the efficiency of the review process, a new category of matters was introduced.

TABLE 18
Types of matters reviewed (1997–98)

Type of matter	No.	%
Referral to QPS for investigation of minor misconduct of QPS officers	167	23.6
Referral to QPS for investigation of possible criminal activity by other public officers	160	20.2
Referral to Principal Officer of a unit of public administration for disciplinary investigation/other action	111	14.0
Referral to QPS for report on major incident or significant matter	38	4.8
Other, including review of disciplinary sanctions	295	37.4

TABLE 19
Minor misconduct matters referred to QPS (as percentage of all complaints against police)

Year	No. complaints against QPS	No. referred to QPS	%
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	246*	13.2*
1997–98	1677	167	11.1

* The figure in the 1996–97 annual report included three minor misconduct incidents which were noted by internal discipline or subject to a reprimand which were referred to the QPS for investigation.

TABLE 20
Review Unit workload figures (1997–98)

Category	External agencies	Disciplinary sanctions only	Total
Matters brought forward as at 1.7.97	551*	50	607
New matters 1997–98	748	29	777
Finalised matters 1997–98	762	66	828
Carried forward matters	517	17	534

* "Brought forward" matters differ from figures reported last year as a result of a increase of report submissions.

• In many cases, it was found that the allegations did not warrant proceedings
• for official misconduct or any criminal offence even if substantiated.
• Accordingly, the expenditure of resources involved in the Review Unit
• reviewing all of these matters was not warranted. Hence, the CJC modified
• its method of overview by introducing a new category comprising matters
• that may be referred to the QPS or a government department but without
• requiring any further report to the CJC.

• To ensure we continue to monitor such matters, we propose to implement an
• audit program. This program will review the operations and output of the
• internal investigation section of departments and local governments in order
• to make an assessment of each unit's adherence to appropriate investigative
• strategies and procedures.

• With the proclamation of the *Misconduct Tribunals Act* on 8 December 1997,
• we gained a right of appeal in relation to charges of misconduct dealt with by
• the QPS. As at 30 June 1998, four appeals had been lodged against orders
• made by prescribed officers within the QPS. In each case, the appeal was
• lodged against the inadequacy of the sanction imposed on the subject officer.
• None of the matters has yet been heard.

• It is difficult at this stage to gauge the additional workload this right of appeal
• may bring to the Commission. However, as most of the appeal matters will
• originate from the Review Unit, it will be ideally placed to monitor the situation.

• **Procedural recommendations**

• The CJC's 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. In 1997-98, we made 33
• recommendations for procedural reforms (see table 21 on p. 44). Descriptions
• of a few are given below.

• **Unauthorised release of confidential information**
• The Director-General, Department of Tourism, Small Business and Industry
• referred to the CJC suspicions that one or more departmental officers was releasing
• confidential information. However, we could not effectively investigate the matter
• because the department lacked an appropriate system of document classification
• or security. In accordance with our recommendation, the department conducted a review
• of its information security and adopted a range of measures designed to address
• such matters as physical security, staff education and document classification.

• **Youth Detention Centre Policy**
• We investigated an allegation that a manager of Sir Leslie Wilson Youth Detention
• Centre was attempting to persuade an employee, under threat to her future
• employment, to withdraw her complaint to police of an assault upon her by a
• detainee. The alleged threat could not be substantiated. The manager admitted to
• a policy of discouraging employees from making such complaints to police in favour
• of an internally managed investigation, but ultimately left individual staff members
• to choose which course of action to follow. Concerned that such a policy may be
• seen to be contrary to the public interest, and that dealing with such incidents
• internally may lead to a perception of matters not being properly investigated,
• covered up or condoned by management, we recommended that the policy be reviewed.

The CJC gained the right to appeal against decisions made by the QPS over the disciplining of officers found guilty of misconduct.

Thirty-three recommendations for procedural reforms were made.

Case Studies: Units of Public Administration

Assault upon resident

We investigated a complaint that a resident of an Alternative Living Service (ALS) house, administered by staff of the Department of Families, Youth and Community Care, was unlawfully assaulted by a Residential Care Officer. (We had investigated a similar complaint arising out of injuries to the same resident two years earlier.) The evidence was insufficient to establish to the criminal or disciplinary standard any offence by the Residential Care Officer. We noted, however, that the departmental staffing policy that required only one staff member to supervise residents contributed to an inability both to prevent the incident occurring and to identify the assailant. Accordingly, we recommended that further consideration be given to improving staffing levels at ALS houses to avoid similar complaints arising in the future.

Police crowd-control methods

We investigated numerous complaints arising out of events at a music festival known as the 'Market Day function' hosted by Radio Station 4ZZZ at Musgrave Park in 1996. Although some specific allegations against police were made (e.g. use of excessive or unnecessary force), the complaints were not so much against individual officers as against the nature of police methods used on the night against a background of alleged police harassment at other 4ZZZ events. While our investigation did not substantiate any specific allegation, we urged the QPS to adopt the following recommendations designed to improve crowd-control techniques at major events (in addition to a range of recommendations made by the Assistant Commissioner, Metropolitan South Region):

- Event organiser be asked to nominate a liaison officer with whom the commissioned police officer-in-charge is able to liaise at all times.
- Sufficient exits be planned for to allow rapid, safe and peaceful egress of patrons.
- Sufficient police be available to ensure people arrested at such major functions are not detained for extended periods in unsuitable conditions.
- Megaphones or similar equipment be available to communicate with patrons if it becomes necessary to evacuate a venue.
- Wherever possible, a memorandum of understanding be entered into between the QPS and function organisers spelling out responsibilities of organisers and the police role.

'Exonerated' outcome following a complaint investigation

Before April 1997, all unsubstantiated complaints against police officers — including those which were determined after investigation to be completely without substance — were finalised and recorded on the subject officer's personnel file simply as 'Not substantiated'.

Recognising that police officers who are the subject of complaints face an additional burden by the very nature of the complaint process, the CJC and QPS decided in April 1998 to divide unsubstantiated complaints into two categories:

1. Unsubstantiated — when it is determined that there is insufficient evidence to establish the allegations; and
2. Exonerated — when it is determined that:
 - there is sufficient evidence to prove against the complainant a charge of willfully making a false complaint under section 10.21 of the PSA Act or section 132 of the CJ Act; or
 - it is proven that the officer complained about was not the relevant officer; or
 - the incident complained of did not, in fact, occur.

More recently, the CJC and QPS agreed to expand the 'exonerated' outcome classification to include circumstances in which:

- the acts as alleged by the complainant are substantially agreed, and
- the officers' conduct is found to be lawful and reasonable.

Inappropriate use of police power of arrest

As a result of investigating a complaint alleging that two men were seriously assaulted by police officers at Doomadgee, we concluded that the incident out of which the complaint arose could probably have been avoided. It was yet another example of the inappropriate use by a police officer of the power of arrest for a minor offence – in this case, using insulting language – which was the catalyst for an otherwise unnecessary escalation of the incident. To avoid a recurrence of such an incident, the relevant regional Assistant Commissioner adopted our recommendation for a managerial response by directing all operational police to be conversant with section 3.59 of the Operational Procedures Manual, which adopts the principle of arrest being the option of last resort to be used only where proceedings by way of complaint and summons would not be effective.

TABLE 21

Procedural recommendations by departmental/public sector area

Departmental/public sector area	1997-98	Total since April 1996
Administrative Services/Public Works, Housing and Local Government		12
Education		12
Employment, Vocational Education Training and Industrial Relations		11
Environment and Heritage		5
Families, Youth and Community Care (formerly Family Services & Aboriginal and Islander Affairs)		9
Health		13
Mines and Energy		2
Transport/Main Roads/QRail	1	23
Justice/Courts/Commissioners/Public Trustee		12
Queensland Police Service	9	224
Local Authorities/Local Government Association		24
Other	3	16

Informal complaint resolution

The year continued to see a rise in the proportion of complaints dealt with through informal resolution.

The CJC has always sought to promote the most effective and cost-efficient ways of dealing with minor complaints against police officers. One major initiative in this area has been the implementation of informal resolution techniques to settle complaints between complainants and police officers at a local level without formal investigation. The

outcomes of these activities, which are overseen by a trained senior officer, are reported to the CJC. Complaints handled properly in this way do not result in a CJC investigation. See table 22 for a breakdown of figures since informal resolution was introduced in 1993.

TABLE 22

Informal resolution matters

(as percentage of all police misconduct complaints)

Year	No. 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	1689	157	9.4
1997-98	1677	172	10.3

• Recommendation 159 of the Bingham Review stated 'The Committee recommends that the desktop informal resolution process be redeveloped, implemented and promoted within the QPS as a matter of urgency.' Desktop informal resolution involves complaints being dealt with at the counter (or desk) at the time they are made by members of the public.

• On 23 April 1997, the ESC issued a directive to all regions and directorates outlining policy and procedures for desktop informal resolution together with a summary of the authorised members' responsibilities. The policy also gave the authority to authorised members to delegate the task to an appropriate non-commissioned officer or staff member with the authorised members supervising the process.

• On 29 April 1998, the ESC issued a further directive to all regions and directorates reinforcing the use of desktop informal resolution and advising that when desktop informal resolution was used, a QP307 (the standard complaints form) was not required and that the Desktop Informal Resolution report QP307A could be used. Before that directive was issued, both forms had to be completed. This additional paperwork discouraged officers from recommending that complaints be dealt with by informal resolution.

• On 19 June 1998, the Senior Executive Conference of the QPS resolved to support a proposal that Sergeants be permitted to resolve complaints against officers of lower rank by informal resolution (including desktop informal resolution).

• **Proceeds of public sector corruption**

• **Background**

• The CJC checks whether any tainted property or benefit derived by police officers and other public officials as a result of serious criminal activity should be forfeited by those officers under the *Crimes (Confiscation) Act 1989*. Although most commonly applied to drug-related cases, the legislation also applies to other serious offences and is designed to stop wrongdoers profiting from their crimes.

• We have had some major successes using the legislation in relation to our public sector investigations. In a prior year, the DPP successfully applied for \$149 000 to be forfeited as a result of Operation Dingo where a senior public servant received substantial kickbacks for favouring certain contractors.

• Our major focus in the confiscation of the proceeds of crime has so far related to our organised and major crime investigations. (An overall summary of the amounts forfeited in that area and in the public sector area is given at page 53 of this report.) Now that the CJC no longer has jurisdiction over the investigation of major and organised crime, we will focus on pursuing the proceeds of crime components of investigations relating to police officers and public officials, although the amounts likely to be recovered are much less than in the organised crime investigations.

• The conjunction of proceeds of crime actions and proactive investigations pursued as part of Project Shield illustrates the appropriateness and

effectiveness of the CJC's efforts in this area. While the individual amounts which could be forfeited by individuals on conviction of serious offences investigated as part of Project Shield are fairly small, cumulatively the amount is quite significant.

To date in those matters which are concluded, the courts have made three PPOs for a total value of \$11 800. If all orders are made in relation to other matters still to be concluded, property valued at up to \$270 000 could be confiscated from people participating in corrupt activities involving police officers. These orders would deprive those convicted of the benefits of their crimes and would provide a general benefit to the community when the amounts are paid back into State Government revenue, offsetting in a general way the cost to the community of carrying out these investigations.

Particularly in relation to our organised and major crime jurisdiction, we have developed considerable expertise in assessing selected reports that raised a suspicion of money-laundering activities. These reports are forwarded to the Commission from the Australian Transaction Reports and Analysis Centre (AUSTRAC).

In the coming year this expertise will be focused on assessing reports and other information provided to the CJC by AUSTRAC with a view to identifying suspicious financial transactions which fall within the CJC's current jurisdiction.

Assist units of public administration

During the early part of the year, we completed a preliminary draft of the proposed 'Protocol on the Disciplinary Process'.

The Protocol is intended to address various issues which have been raised from time to time concerning the interrelationship between the CJC's jurisdiction and that of departments, agencies and local authorities within the public sector disciplinary system. In particular, the Protocol will meet the concerns expressed about the consequences of delay in conducting internal disciplinary investigations of allegations against a member of staff, and taking appropriate disciplinary action, as a result of awaiting the outcome of investigations by an external agency, such as the QPS or the CJC.

To ensure that the document will be accessible to its audience, it has been written in plain English. There has also been an extensive consultation process. In late 1997, as part of that process, the CJC delivered a copy of the draft to all departments, a number of public sector agencies with which it deals regularly, the Brisbane City Council, the Gold Coast City Council and the Local Government Association. Afterwards, a meeting was held at the CJC for all interested parties to discuss the draft and suggest any amendments. Time was also allowed after the meeting for the submission of further suggestions. As a result of the suggestions received and of legislative changes to the *Criminal Justice Act*, the draft was further amended.

It is hoped that the final form of the Protocol will be promulgated in the near future. So that it remains dynamic and relevant, provision has been made for it to be varied as necessary in consultation with all parties.

We began work on a plain English 'Protocol on the Disciplinary Process'.

**Complaints Database
Redevelopment Project
commenced.**

• The Protocol also gives effect to the PCJC's Conclusion 24 in its three-yearly
• review of the CJC:

• The Committee supports the Commission issuing guidelines, to modify the
• responsibility of principal officers of some departments to report suspected official
• misconduct, pursuant to section 37(5) of the *Criminal Justice Act* in situations
• where it is considered appropriate. The Committee considers that the guidelines
• should be strictly drafted and carefully monitored.

• **Publish statistics on the number and types of complaints**

• The subprogram evaluation mentioned earlier (p. 25) recommended that:

• in the redevelopment of the complaints database regard be had to the need to
• provide Section managers with more information pertinent to the management
• of ongoing files, and the need to keep public sector agencies better informed on
• the progress of matters.

• The PCJC in its recent review concluded that the information available from the
• complaints database is critical to an effective research capacity. The CJC's
• educative responsibility to ensure that the QPS learns and improves in response
• to recurring substantiated complaints is an ongoing requirement (Conclusion 44).
• It recommended that the CJC should continue to make increasing use of its
• redesigned complaints database to identify trends in police misconduct
• (Recommendation 25). It also recommended that the CJC should continue to
• monitor these trends and the effectiveness of its complaints database and take
• whatever steps are necessary to further refine its database (Recommendation 26).

• These issues are being addressed in the Complaints Database Redevelopment
• Project which has now commenced. We have had the benefit of nearly eight
• years of handling complaints and over six years of using the current system to
• assist us in redefining what a better system should do.

• The current complaints database system was developed in 1991 during the
• formative days of the CJC when the methods for processing complaints were
• still evolving. While the deficiencies now apparent in the system need to be
• remedied urgently, the system has served us well as a source of statistical
• information on over 25 000 matters. However, the continual improvements in
• the system over the years to reflect coding and functional changes have strained
• the software environment and the hardware used for running the application.

• The new complaints system will be implemented in an enhanced and more
• reliable desktop environment. It will be developed in a leading large system
• general database product, and will feature revised standardised coding and
• improved process control functions. The new system will also enhance
• management control, offer more efficient processing, and refine statistical
• reporting and research support.

In August 1997, the CJC announced the establishment of a special investigation into allegations of police corruption in the investigation of paedophilia — the task force became known as Project Triton.

• **Public inquiries**

• Two public inquiries were held — one in relation to Project Shield (Carter Inquiry) and the other in relation to Project Triton (Kimmins Inquiry) — as well as seven private hearings in relation to misconduct matters (see table 23).
 • The Carter Inquiry concluded in October 1997, although Project Shield continues its investigations into police and drugs.

• **Background to Project Triton**

• In August 1997, a number of Queensland newspapers and other media published allegations of cover-ups and other impropriety by police officers and others in the investigation of paedophilia, or sex crimes against children.

• The published allegations touched upon matters both historical and contemporary. Some claims were quite extraordinary — for example, that a ‘snuff movie’ showing the death and dismemberment of a child was made on the banks of the Brisbane River.

• At about the same time, a report by the Children’s Commissioner was tabled in the Queensland Parliament, which purported to identify the incidence of paedophilia within the State and a perceived ineffectiveness by law enforcement agencies in the investigation and prosecution of offenders. A degree of public debate and disquiet followed.

• On 21 August 1997, the CJC Chairperson informed the Police Commissioner that the CJC would commence an investigation into the allegations which, if substantiated, might involve misconduct on the part of current or former members of the QPS (or its predecessor, the Queensland Police Department). The Police Commissioner agreed to provide two experienced investigators to assist with the investigation.

• From September, a small team of investigators (which included three Detective Inspectors, two Senior Detectives, and a former Senior Detective and was supported by one of the CJC’s Executive Legal Officers) was engaged in formulating and pursuing lines of inquiry. The team was supervised by Mr Ralph Devlin, a member of the private bar.

• The Honourable R A Mulholland QC was authorised to conduct the investigation and to preside at hearings to be convened pursuant to Part 3 of the *Criminal Justice Act*. Mr Devlin was appointed as Counsel Assisting. However, on 5 November, two days after the public hearing began, the *Courier-Mail* published an article suggesting that Mr Mulholland should resign from Project Triton on the grounds of a conflict of interest between his role as Senior Counsel for the CJC in legal proceedings that were still current, on the one

TABLE 23
Hearings held for misconduct investigations
 (1997–98)

Type of hearing	No. of matters	Days sat	Witnesses	Transcript pages
Public inquiries*	2	41	69	2181
Private Hearings	7	20	27	1089

* Comprises Operations in Project Shield and Project Triton.

• hand, and his engagement by the CJC to act as an independent qualified person
• for Project Triton, on the other.

• Mr Mulholland obtained independent legal advice that there was no legitimate
• reason for him to decline the Project Triton appointment. Notwithstanding
• this, on the afternoon of 5 November 1997, he reconvened the public hearing,
• and read a letter he had just sent to the CJC, setting out his reasons for
• resigning the appointment:

• However misconceived the basis for publicly expressed concerns may be, the
• cooperation of police officers and public confidence are vital if the investigation
• is to succeed and the report accepted. I am not prepared to see these outcomes
• jeopardised. Reluctant though I am to take a course which I know will give comfort
• to those who wish to further destabilise the Commission and to others who have
• an interest in frustrating the success of the present investigation, I feel that I
• have no alternative.

• On 18 November, Mr J P Kimmins, a retired District Court Judge, was
• authorised by the CJC Chairperson to take over the Inquiry. Specifically, he
• was authorised to conduct a hearing to investigate allegations of official
• misconduct or misconduct on the part of police officers and/or official
• misconduct on the part of other public officials relevant to five terms of
• reference, set out in full on page 50.

• In relation to References 1 to 4, Mr Kimmins heard evidence from 43 witnesses
• over 27 days between 20 November 1997 and 23 June 1998. At his direction,
• many dozens of people were interviewed by Project Triton personnel.

• As at 30 June 1998, Mr Kimmins was preparing a report to the CJC detailing
• his findings on References 1 to 4. [Report entitled *Inquiry into Allegations of
• Misconduct in the Investigation of Paedophilia in Queensland: Kimmins Report*
• was published August 1998.]

• Regarding Reference 5, from the time of his appointment, Mr Kimmins
• reviewed the steps taken by the CJC to investigate the various individual
• complaints, which numbered more than 50. Reference 5 requires Mr Kimmins
• to consider every complaint 'made publicly, or directly or indirectly to the
• CJC' in respect of issues concerning paedophilia. Mr Kimmins proposed that
• his examination of matters relevant to Reference 5 will conclude after his
• report on References 1 to 4 is complete. Mr Kimmins's consideration of those
• matters is not yet complete and remains subject to some ongoing inquiries. In
• due course, he will report to the CJC on Reference 5.

• **Scope of Project Triton**

• Project Triton has not been concerned with the question of whether there is
• substance in any particular allegation concerning paedophilia. As a statutory
• body, the CJC has only those powers bestowed on it by statute — in this case,
• the *Criminal Justice Act*. The CJC's powers can only be exercised in relation
• to criminal matters which, 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. Allegations of paedophilia are, in normal
• circumstances, able to be investigated by the Police Service. Therefore, the
• CJC does not have jurisdiction in this area.

The CJC's power does extend to the investigation of allegations of official misconduct and misconduct on the part of police officers, and of official misconduct on the part of other public officials. In other words, the action of a police officer or other public official in attempting to thwart the proper investigation of a criminal offence would constitute official misconduct, and thus allegations of that type attract the jurisdiction of the CJC.

Project Triton has been concerned with the question of whether persons holding appointments in units of public administration (including, but not restricted to, members of the Police Service) failed to investigate certain allegations of paedophilia, or covered them up.

TERMS OF REFERENCE FOR KIMMINS INQUIRY

Reference 1

1.1 That in the period to July 1985, then Commissioner of Police Terence Lewis kept files on suspected paedophile activity for blackmail purposes, and that these files reveal that subsequently such activity had not been subject to full investigation by the Queensland Police, or that any proper investigation of the files by police had been frustrated by other police or persons holding appointments in units of public administration.

1.2 That in the period September 1987 to July 1989, a police officer attached to the police task force of the Fitzgerald Commission of Inquiry, being not authorised to do so, removed from secure custody and copied files previously seized by Commission of Inquiry staff from safes then controlled by Mr Lewis.

That a police officer then either copied the files and replaced them, or that he failed to replace them.

Reference 2

2.1 That in 1965, police investigations into the possible filming, in Brisbane, and distribution, in Brisbane, of a 'snuff movie' by a group of alleged paedophiles, were closed down improperly.

That in 1965, police investigations into the possible importation into Queensland of Filipino boys, by a group of alleged paedophiles, for criminal purposes, were closed down improperly.

That in the period 1975 to 1978, police investigations into the alleged paedophile activities of an individual were closed down improperly.

2.2 That in the period 1983 to 1985, police investigations into claims by prisoners that one Sam Pandeli had participated in the making of a number of 'snuff movies' in Queensland were not properly investigated due to the interference of senior police officers.

2.3 Whether in the period 1996-97, the GPS did properly investigate written claims by a prisoner that in 1992 he and other persons had filmed the rape and murder of a young girl.

Reference 3

3.1 That in the period 1 January 1989 to 31 December 1993, police impeded investigations into allegations of paedophilia.

3.2 That in the years 1989 and 1990, a person holding an appointment in a unit of public administration obstructed a police officer in his investigation of another person holding an appointment in the same unit of public administration, in relation to paedophilia.

3.3 That in the period 17 December 1984 to 28 November 1985, police impeded an inquiry by Mr D G Sturges QC into the sexual exploitation of children, which was the subject of a Report published on 26 November 1985.

Reference 4

That since the early 1990s, in the Whitsunday area, police have protected paedophiles from detection and punishment.

Reference 5

5.1 Allegations or complaints by individuals made publicly, or directly or indirectly to the CJC, involving Official Misconduct in respect of investigations which relate to alleged paedophile activity by public officials.

5.2 Allegations or complaints made publicly, or directly or indirectly to the CJC, that in some individual cases, police and other persons holding appointments in units of public administration failed to adequately investigate, or covered-up, allegations of paedophilia.

Goal

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

Objectives

- Engage in operations with the QPS or other agencies.
- Identify and help confiscate the proceeds of organised and major crime.
- Provide briefs of evidence to prosecution agencies.
- Identify and use the best combination of operational strategies in investigations, including the use of compulsory powers.

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.

Engaging in operations with the QPS or other agencies

In mid-1997, the former Coalition Government announced its decision to establish a crime commission with the express intention of removing from the CJC any responsibility for the investigation of organised and major crime. The justification given for this decision was the alleged failure of the CJC to address paedophilia, an activity outside the CJC's jurisdiction (see also p. 48–49).

For much of this reporting period, therefore, there were not any major new initiatives. We concentrated instead on managing existing projects (to the extent allowed by budget cuts) with a view to handing them over to the newly established QCC. The CJC's jurisdiction to investigate organised and major crime ceased on 14 May 1998.

The JOCTF

The CJC and the QPS joined together in the fight against organised crime in December 1992 when they established the Joint Organised Crime Task Force.

The CJC's involvement in the JOCTF resulted in a new and effective approach to organised crime investigations in Queensland. The new approach was assessed and supported by an international expert on organised crime investigations and was favourably reviewed by successive PCJCs in their reviews of the CJC. Heads of other Australian law enforcement agencies praised the work of the JOCTF during the course of its five and a half years of operation. The JOCTF conducted many joint operations with various agencies and assisted those agencies in the conduct of their own operations.

The JOCTF adopted the CJC's philosophy on the investigation of organised crime by going after the entire criminal enterprise rather than individuals. Teams of intelligence analysts and financial analysts, specialist interpreters, experienced police investigators, lawyers and other experts worked together to identify the full extent of the criminal activity. The JOCTF operated in accordance with the CJC's belief that the successful investigation of organised crime requires:

- placing organised crime groups under sustained investigation, exposing their structure, personnel, activities, assets, locations and contacts
- dedicated intelligence support
- a multidisciplinary approach
- the use of investigative hearings to examine people under oath
- expert financial analysis to follow the money trail, accompanied by the coercive power to require the production of financial records
- the seizure and confiscation of the profits of crime and criminal assets
- a concentration upon the criminal enterprise — the organisation rather than the individual
- proactive investigative strategies such as the use of electronic interception of conversations and communications, intensive informant development, undercover penetration and close surveillance.

• The second PCJC found that the CJC had made significant inroads in the
• fight against organised crime and that, through the establishment of the
• JOCTF, had assisted the QPS to adapt to new methods of fighting organised
• and major crime. In establishing the QCC with similar special powers to
• investigate organised and major crime, the Government sought to adopt the
• approach proven successful by the JOCTF, although some aspects of the QCC's
• legislation do not facilitate the strategies and methodology of the JOCTF.

• Some of the experience gained by the JOCTF was transferred to the QCC
• through the movement of some staff and the transfer of information systems
• and investigative strategies. We devoted considerable resources to the sensitive
• task of transferring live investigations to the new body so as to protect the
• integrity of those investigations and the evidence already collected.

• From the JOCTF's inception until the beginning of 1997, it demonstrated
• significant success in pursuing its innovative investigative strategies. However,
• a series of factors, commencing with funding cuts to the 1996-97 CJC budget
• and culminating in the loss of jurisdiction, resulted in reduced performance
• over the last 18 months of operation. The resourcing constraints in particular
• had a debilitating effect on the pursuit of proactive investigative strategies.
• Uncertainty over the future of the task force in the face of possible
• recommendations for change from the Connolly-Ryan Inquiry meant that
• JOCTF officers who left the CJC were not easily replaced.

The CJC lost its jurisdiction to investigate organised and major crime on 14 May 1998.

• There was a long and equally debilitating transition period from the passing
• of the *Crime Commission Act* in 1997 to the cessation of the CJC's organised
• crime jurisdiction in May 1998. We hope that some of the ground lost during
• this difficult period will be recovered by the QCC as it becomes fully operational.

• Money-laundering investigations

Draft operational plans for five money-laundering investigations completed.

• At the time of the transfer of organised crime functions to the QCC, the JOCTF
• had completed draft operational plans for five money-laundering
• investigations. The primary purpose of these investigations was to assist the
• JOCTF in assessing the nature and extent of Japanese organised crime in
• Queensland. It is suspected that the funds expended by the targets in
• Queensland are the proceeds of crime brought into Australia from overseas,
• most likely Japan. Accordingly, we briefed the Australian Federal Police, which
• has an interest in determining whether any of the targets have committed
• any offences under section 82 of the *Proceeds of Crime Act 1987* (Cwlth), and
• other agencies, and made the information available to the QCC for its
• consideration of what action might be taken with these plans.

**Case Study:
Money laundering**

• **Operation Granite**
• Investigators with the JOCTF monitored a Japanese visitor, reported to be a senior
• Yakuza figure, who visited the Gold Coast each year to gamble large amounts of
• money at Jupiters Casino. Investigators believed that the money used was derived
• from criminal activities in Japan and that his possession of it would constitute the
• offence of possession of tainted property contrary to section 83 of the *Proceeds of
• Crime Act 1987* (Cwlth). JOCTF investigators were able to interview the suspect
• who admitted he had previously belonged to a Yakuza gang. He denied any current
• involvement in illegal activities. The matter was referred to the QCC.

• Proceeds of organised and major crime

• We have always promoted the use of proceeds of crime initiatives as an integral part of organised crime investigations, believing strongly in the deterrent effect of stripping wealth illegally accumulated by those involved in such activity.

• Until budget cuts forced its disbanding, we had a Proceeds of Crime Team to undertake the effective assessment and confiscation of the proceeds of crime as a component of the investigation of serious criminal offences. The success of the team's endeavours is reflected in the figures below. They reveal that the proceeds of crime action taken in relation to matters investigated under the CJC's jurisdiction has resulted in property valued at more than \$2.6 million (comprising forfeited/PPO assets, outstanding PPOs and legal expenses) being forfeited or currently the subject of action. More than \$1 million of that amount arose from investigations by the JOCTF.

PROCEEDS OF CRIME SUMMARY	
1. Total net value of currently restrained assets (or assets subject to an administrative advice) \$429,847.77	Total of outstanding PPOs: Operation Bandsoot 90,000.00 Operation Jethro 26,101.08 Operation Jethro 18,298.56 Operation Jethro 200,000.00 Project Shield 7,450.00 (Operation Caesar II) Project Shield 1,850.00 (Operation Caye) <u>333,699.54</u>
2. Forfeitures since 30.9.1990	Total of restrained assets expended in legal expenses: Operation Aztec 321,000.00 Operation Whisewash 214,000.00 Operation Whisewash 70,000.00 Operation Fantal 10,000.00 Operation Bandsoot 10,000.00 Operation Chestnut 47,000.00 Operation Jethro 10,000.00 Operation Aramac 5,850.00 <u>567,850.00</u>
Total of included PPO assets (5): Operation Favour 388,000.00 Operation Aztec 360,000.00 Operation Whisewash 106,971.00 Operation Dingo (corruption) 149,000.00 Operation Virgin 11,000.00 Operation Fantal 70,000.00 Operation Jethro 75,000.00 Operation Jethro 200,000.00 Operation Jethro 11,350.00 Operation Jethro 173,608.92 Operation Jethro 161,701.44 Operation Cobalt (corruption) 10,933.90 Operation Aramac (corruption) 14,950.00 Operation Caesar II (corruption) <u>2,500.00</u> <u>31,550,325.26</u>	3. Total assets removed from or owing by criminals pursuant to CJC operations: Forfeited/PPO 1,656,375.26 Outstanding PPOs 333,699.54 Legal Expenses <u>667,850.00</u> <u>\$2,657,924.80</u>

• Operation Zigzag

• Following an extensive investigation by financial analysts in the JOCTF, resulting in the charging of two persons with drug trafficking and money-laundering offences, the DPP restrained the net proceeds of the sale of a residential property believed to have been purchased from cash obtained from drug-related criminal activity. Further, large amounts of cash were used to undertake improvements to that property and to purchase motor vehicles. It is alleged that monies derived from the above activity were laundered by structuring cash deposits into the targets' personal and business bank accounts in order to avoid the reporting of cash transactions greater than \$10,000 by the banks pursuant to the *Financial Transaction Reports Act 1992*.

• The matter is awaiting a trial date. If the defendants are found guilty of a serious criminal offence, then the prosecution could apply for a substantial PPO to be made against them for any benefit they may have derived from that criminal activity.

Case Study: Proceeds of crime

Thirteen briefs of evidence covering 29 charges were prepared.

Briefs of evidence to prosecution agencies

As the operations of the JOCTF proceeded at a reduced level (due to budget cuts) up to its cessation, only 13 briefs of evidence covering 29 charges were prepared for consideration for prosecution.

In the period of its involvement in organised and major crime investigations both on its own and jointly with the QPS through the JOCTF, the CJC prepared over 260 cases covering more than 1150 criminal charges. Successful convictions arising from these investigations led to the imposition of the maximum term of imprisonment in one case (i.e. 20 years with no recommendation for parole) for drug offences. These prosecutions targeted the major players in drug-producing syndicates and were successful in placing in prison entire groups involved in the production and trafficking of illegal drugs. The CJC and JOCTF operations did not target low-end possession and street seller offenders.

Case Study: Briefs of evidence

Operation Skill

A Japanese family in Japan sent their son to Queensland to study. They paid several large sums of money to a Japanese couple in Queensland after a series of false pretences and threats to their son. Following previous investigations, where there was evidence of the involvement of ethnic organised crime groups in stand-over extortion rackets, the JOCTF took responsibility for this investigation. The couple has been charged with 46 charges of false pretences, forgery and uttering. They have pleaded guilty but have not yet been sentenced. During the course of the investigation, the JOCTF made use of its multidisciplinary investigative resources, particularly its Japanese-speaking investigator and its financial analysts. Contacts built up with Japanese law enforcement agencies were also helpful in finalising the investigation of this matter effectively.

Two investigative hearings were held in support of major and organised crime investigations.

Use of compulsory powers

Only two investigative hearings were held in 1997-98 in support of major and organised crime investigations. This low level of activity reflects the concentration within the JOCTF on support for existing prosecution action (because of the transfer of ongoing investigations to the QCC). It also reflects the budget uncertainty we have experienced recently.

In the course of the two hearings, the CJC examined three witnesses and produced 157 pages of transcript.

Throughout this period, the Commission used other special powers in support of its organised and major crime investigations (see table 24).

TABLE 24
Use of C.J Act powers in organised and major crime investigations (1997-98)

Powers	Section	No.
Notice to furnish a statement	63(a)	0
Notice to produce records or things	63(b)	107
Authority to enter public premises	70	0
Warrant to enter search and seize ¹	71	0
Summons to procure evidence	74	3
Direction for attendance of a prisoner	81	3
Applications for listening devices ²	82	0

¹ CJC obtained one search warrant under the Drugs Misuse Act 1986.
² While no applications were made under the C.J Act, six were made under the Drugs Misuse Act 1986.

FUTURE DIRECTIONS

In 1998–99, we propose to:

- implement the recommendations adopted from the subprogram evaluation of the Misconduct Investigation and Review stream
 - implement the recommendations adopted from the PCJC’s review of the CJC as they affect the Misconduct Investigation and Review stream
 - complete the Complaints Database Redevelopment Project
 - undertake proactive targeted integrity testing as part of investigations into serious police corruption
- undertake investigations into allegations of official misconduct by prison officers.

Projected activity

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.

Outcome

Training provided for representatives of 15 local authorities.

Training sessions developed and conducted for 15 A&TSI community councils and 11 A&TSI community organisations in Brisbane and South-West Queensland regions.

Presentations conducted on the CJC and the Complaints Process in 16 QPS centres, in addition to ongoing liaison with Regional Training Officers.

Jurisdiction only recently established, hence training has yet to begin within the QCSC.

Three projects were undertaken, generating over 100 recommendations. Agency-projected implementation of recommendations was more than 90 per cent. (Review program reduced due to staff shortages.)

Advice provided to a wide range of agencies, including QPS, state government departments, local authorities and other community and public sector units.

Papers on the effective application of risk management to corporate governance prepared.

PCJC Review and Organisational Review

PCJC Review

In its three-yearly review of the CJC, the PCJC said that there was a need to maintain a comprehensive and effective corruption prevention program and that it supported the general direction taken by the CJC's Corruption Prevention Division (Conclusions 57 and 58).

The Committee said that it considered the Commission played an important role in the area of corruption prevention, 'as it can utilise information arising from complaints investigations to identify and respond to systemic and organisational factors which contribute to corrupt or otherwise improper behaviour' (Conclusion 59).

While the Committee was of the opinion that the educational and training function of the Division could more appropriately be undertaken by State Government departments, the Committee

nonetheless came to the conclusion that the only entity that could comprehensively provide an integrated and coordinated corruption prevention strategy was the CJC (Conclusion 62), and that it should continue with its public sector liaison, misconduct risk and systems review and whistleblower support functions (Conclusion 60).

Organisational Review

The Commission's decision to amalgamate the CJC's research and corruption prevention functions (to take effect in July 1998) reflects its desire to achieve greater synergy in these areas and enhance opportunities for research into corruption prevention needs and strategies, particularly in the state and local authority public sector areas. It also accords well with the recommendations of the PCJC.

The Commission has established a Prevention Committee, with representation from all CJC operational areas, to ensure a well-integrated and greater prevention orientation and emphasis for the CJC's major activities and initiatives.

Goal

- To reduce the incidence of misconduct in the QPS and official misconduct in other units of public administration.

Objective

- Our objective is to assist units of public administration to identify and reduce public sector misconduct.

Strategies

- 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.
- Offer a range of advice and training on corruption prevention.
- To make recommendations to assist agencies to prevent official misconduct, and to assist agencies to carry out misconduct risk management reviews.
- Assist and advise whistleblowers.

Performance indicators

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

Keeping units of public administration informed

Our educator role

● During the year, we met with the Boards of Management of 27 agencies, 12 more than last year (see table 25), comprising 15 public service departments and 12 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. We briefed management on current trends and published guidelines on a range of common elements that should be considered for inclusion when developing an integrated corruption prevention strategy.

● Additionally, management were briefed on the draft Australian Control Criteria aimed at providing effective internal control to achieve business/organisational objectives within an acceptable degree of risk. We have observed an incremental increase in recent years from reliance on results monitoring and internal audit, to risk management, control self-assessments and self-committed control, where management, particularly senior management, 'sign off' for the existence, monitoring and effectiveness of internal controls in their respective areas. Table 26 shows the level of client satisfaction with our liaison activities.

● Much of our regular communication with government departments and local authorities was, as usual, through the Liaison Officers' network. The network was updated and expanded this year to include more representatives from local authorities. Table 27 shows the scope of liaison activities throughout the year.

● One formal briefing of Liaison Officers was organised by the CJC, where officers of the Complaints Section discussed a draft Protocol that potentially could clarify for public sector agencies those circumstances requiring referral of issues to the CJC, effective communication channels and opportunities for more timely processing of matters (see also p. 46).

TABLE 25
Type of liaison activity
(1996-97 to 1997-98)

Agency	1996-97	1997-98
Boards of Management meetings	15	27
CJC Liaison Officer meetings	1	1
Meetings with other agencies	15	12
Responding to requests for advice or assistance	61	57
Meetings with the QPS	26	21

TABLE 26
Client assessment of liaison activities
(1997-98)

Activity	Criterion	Value rating (in %)
Senior Management Meetings	Level of assistance provided to senior management in formulating strategies	60

At 27 Principals Officers were sent the assessment form after the liaison meeting. All responded.

TABLE 27
Scope of liaison activities
(1996-97 to 1997-98)

Agency	1996-97	1997-98
Government departments/subdepartments	25	26
Local government authorities	19	20
Other agencies	11	12
QPS (units)	13	25

Advice and training on corruption prevention

Our activity in this area is summarised in table 28, which also compares this year's figures with the previous year's figures. Client assessment of these activities is summarised in table 29.

QPS training and liaison

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 worked with 'Project Honour' (established by the Police Commissioner to report on ways to improve integrity within the QPS) also provides operational police officers with information about our work.

We gave 75 workshops or presentations to police and 46 to other public sector units.

We gave 75 workshops or presentations to police throughout the year (see table 28), including workshops in ethical decision making for all levels of the QPS throughout the State. 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 40 workshops for recruits at the QPS Academies in Oxley and Townsville. Five workshops were also conducted for the Investigative Skills and Detective Training Courses for operational police.

We had ongoing liaison with the QPS Academy and training staff on ethical decision-making modules of the Constable Development Program, the Competency Acquisition Program and the Management Development Program.

During 1997-98, the ESC was established within the QPS. Considerable liaison occurred with ESC staff as well as staff on QPS working parties involving:

- joint presentations to the QPS on ethical decision making, the complaints investigation process and whistleblowing

TABLE 28			TABLE 29		
Training and education activities (1996-97 to 1997-98)			Client assessment of initiatives (1997-98)		
Activity	1996-97	1997-98	Type of initiative	Criterion	Value rating (%)
QPS workshops/presentations	50	75	QPS workshops/presentations (sample size: 727)	Level of practicality	75
Public sector workshops/presentations	40	46	Public sector workshops/presentations (sample size: 251)	Level of practicality	90
A&TSI information sessions/presentations	55	40	A&TSI information sessions/presentations (sample size: 18 workshops)	Value of workshops	80
Conference papers	11	16			
Lectures					
Universities and TAFE Colleges	14	8			
Presentations to Years 11 and 12	5	1			
Presentations to TAFE and state school staff	2	0			
Articles/media interviews	11	2			
Total	188	190			

- implementation of recommendations arising from the Carter Inquiry and Bingham Review
- protection for staff making public interest disclosures
- integrity testing
- Reduction of Assault Complaints Against Police (RACAP).

• We carried out workshops in seven QPS regions in Queensland, including centres such as Mount Isa, Innisfail, Cairns, Rockhampton, Bundaberg, Gladstone and Maryborough. We also gave briefings to the Commissioned Officers Conferences in the Metropolitan South and Central regions. Table 29 shows the level of satisfaction with our police liaison and training.

• Public sector training

• Although some of our activities in this area had to be reduced because of budget cuts and staff reductions, 46 presentations were delivered, six more than the previous year. The level of client satisfaction with our public sector training activities is also shown in table 29.

• There continued to be strong interest in our ethical decision-making workshops, which were presented to representatives of 15 local authorities, as well as other public sector agencies such as Q-Build and the Queensland Ambulance Service. Assistance was also offered to public sector agencies with their own training staff in the development of training materials and presentations on corruption prevention, ethical decision making and risk management. Some agencies sought presentations tailored to their particular circumstances, such as major organisational change, creation of new functional units, or where new responsibilities were being assumed.

• A&TSI liaison

• As in previous years, our A&TSI 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 40 information sessions or presentations (included in table 28), using a specially developed training kit (designed by Corruption Prevention staff) that recognises cultural differences and can be used by the managers of A&TSI organisations to help them develop risk management analysis skills.

• As initial feedback indicated a concern that the title 'Corruption Prevention Training Sessions' could be misinterpreted to imply that corruption was actually occurring, it was decided to call the sessions 'Proactive Measures Reinforce Good Management Information Sessions'. These sessions were primarily directed at the senior staff and Management Committees of Community Councils. The A&TSI Liaison Officer also continued to inform the A&TSI community on the CJC's role and function.

• The Officer visited and conducted 11 sessions in towns and centres in South-West Queensland at Goondiwindi, St George, Cunnamulla, Dirranbandi, Quilpie, Charleville, Mitchell, Roma, Chinchilla, Dalby and Toowoomba. He visited

A report from the Chairperson of the Aboriginal and Torres Strait Islander Liaison Committee on its relationship with the CJC is given on page 61.

We delivered 188 training and education activities including 40 to A&TSI communities.

and conducted 15 similar sessions for the Chairpersons, Councillors and senior staff of Palm Island and Woorabinda Aboriginal Community Councils and Hammond, Saibai, Duaun, Boigu, Kubin, Badu and Thursday Islands Torres Strait Community Councils. These Community Councils and Management Committees fall within the CJC's jurisdiction and it is proposed to continue to work closely with them in a facilitative manner.

In addition, the Officer visited and conducted similar sessions for:

- the Council of Management and senior staff of the Aboriginal and Islander Community Health Services at Woolloongabba
- A&TSI students undertaking Justice Studies at the Southbank Institute of TAFE, Kangaroo Point, on three occasions
- representatives from the Aboriginal and Torres Strait Islander organisations at Cherbourg attending the session at the Nurunderi College of TAFE.

He also attended the ongoing A&TSI Community-QPS Forum at the Murri Mura Aboriginal Corporation, South Brisbane, and the Aboriginal and Torres Strait Islander cross-cultural awareness days for police recruits at the Aboriginal and Islander Cultural Studies Centre, Inala. He facilitated two CJC-A&TSI Advisory Committee meetings, with the CJC part-time Commissioners attending one of those meetings. These forums are seen as important as they allow the A&TSI community and the CJC to exchange information and address certain criminal justice issues which are relevant to the A&TSI communities.

Corruption prevention advice sought

As in previous years, public sector agencies and other organisations contacted us either to seek advice on developing corruption prevention strategies or on specific preventive policies and procedures. We have found an increasing openness of public sector agencies seeking an independent assessment and input to documents such as corruption prevention organisation policies, codes of conduct, agency policies on reporting misconduct and protecting those making public interest disclosures.

Other areas where agencies sought advice included:

- guidelines on receipt of gifts and sponsorship policies
- revision of composition and operations of audit committees
- QPS On-the-Spot Property Receipt system
- QPS risk management reporting program and procedures
- procedures for effectively handling public interest disclosures
- increased integrity of recruitment and selection practices
- corporate governance issues
- internal control guidelines
- accountability guidelines for elected officials' allowances.

**A REPORT FROM THE CHAIRPERSON OF THE
ABORIGINAL AND TORRES STRAIT ISLANDER LIAISON COMMITTEE
1997-98**

We, the members of the Aboriginal and Torres Strait Islander Liaison Committee, continued to meet with the Chairperson and officers of the CJC, usually on a quarterly basis, to share knowledge on criminal justice issues affecting Aboriginal and Torres Strait Islander communities in Queensland.

This sharing of knowledge helps the CJC's Aboriginal and Torres Strait Islander Liaison Officer to develop appropriate educational and awareness programs.

We were always given the opportunity to share our experience and knowledge to enhance relevant projects and activities of the CJC. Some of the issues discussed in 1997-98 were:

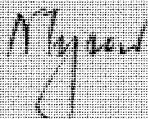
- *the Connolly-Ryan Inquiry and its impact on the CJC*
- *the investigation into the police operation at the Woorabinda Community*
- *the new police powers legislation (we were briefed on 'hold for questioning', 'notice to appear', 'move on' and 'obligation to advise')*
- *CJC participation during NAIDOC Week (stalls displaying information).*

We recognise the work of the Aboriginal and Torres Strait Islander Liaison Officer regarding the delivery of the CJC's risk management / ethical decision-making kit to Aboriginal and Torres Strait communities, and support the CJC's stance on equity through its Equal Employment Opportunity Policy.

Finally, we will continue to share our experience and knowledge with the CJC, which we believe enhances their role in the reform process in the criminal justice system.

We extend our appreciation to Charlie Daylight and Nako Nanko, who resigned from the Committee during the year, and to the outgoing CJC Chairperson, Mr Frank Clair, who has always led by example. Our appreciation also to the efforts of the CJC staff who continually have worthwhile discussions and input during our meetings and share their knowledge and experience with us.

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



Netta Tyson
Chairperson

Members of the Committee

Florence Trankoon	Olive Murphy	Thomas Sebasio
Norms James	Matilda Bari	Carol Dagley
Sam Watson	Rita Nona	Lorraine Robinson
Marcus Pedro	Ken Jurotta	

We presented 16 conference papers in Brisbane and interstate during the year.

• **Contributing to the corruption and crime prevention debate**

• We regularly present papers at national and state conferences on fraud and workplace corruption to raise public and professional awareness for the need for a strategic, proactive approach to corruption prevention.

• Sixteen conference papers were given in Brisbane and interstate in 1997–98, the costs associated with these mainly borne by the conference organisers. Some took the form of issue papers on aspects of corruption prevention which were later distributed as advisory material.

• In the early to mid-1990s, the CJC presented papers on the use and application of risk management as a corruption prevention strategy. That strategy has since gained widespread recognition nationally and internationally in both public and private sector application (see page 67 for details).

• In March 1997, we presented a major paper on the importance of effective corporate governance with respect to an agency's internal controls. During 1997–98, we have received numerous requests to repeat this presentation and the issue of corporate governance has become the most prominent issue currently being addressed in state and national seminars and conferences dealing with accountable management of organisations. The practical application of 'control self-assessment' checklists developed in association with these papers has proved most popular.

• **Risk management reviews**

• **Background**

• 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 they reveal procedural or administrative breakdowns that are exposing the organisation 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 because these help to conceal corrupt 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 the *Criminal Justice Act*:

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

• After the review, a confidential report is normally 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. Where possible 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.

• **1997-98**

We conducted three misconduct risk management projects, resulting in more than 100 recommendations.

• Three misconduct risk management projects were conducted this year, resulting in more than 100 recommendations. The number of reviews completed was less than previous years due to review staff relieving in other critical vacant positions.

• Client groups were asked to give detailed feedback on the effectiveness and assistance these reviews provided. Table 30 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 30
Client response to reviews
(1995-97 to 1997-98)

Criteria	1995-97 %	1997-98 %
Quality satisfaction	78	87
Value	80	93
Helpfulness of staff	81	87
Acceptance of findings	87	87
Acceptance of recommendations	94	90
Recommendations implemented	52	60
Projected implementation of recommendations	92	87

• The PCJC in its recent three-yearly review recommended that the Division concentrate its resources in this area of misconduct risk and systems reviews, 'particularly preventive strategies to identify weaknesses in existing controls and to recommend changes to prevent or discourage corrupt behaviour' (Recommendation 39).

Case Study

The case study below highlights examples of management and administrative systems reviewed.

The CJC investigated a series of allegations in adjacent rural local authorities. These allegations included manipulation of payroll records, unauthorised reductions of private works accounts, conflict of interest, manipulation of contracts, purchasing and tendering irregularities, using positions to gain unfair advantage and irregularities in financial management practices.

As a result of these investigations, some staff were dismissed by their agencies and various system deficiencies were revealed. A neighbouring local authority, conscious of its vulnerability too, requested assistance with a systems risk review. After an assessment, some risks identified for attention included:

- the need for up-to-date administrative and procedural documentation to prevent administrative practice corporate memory loss, particularly in the event of a loss of a number of senior shire administrative staff
- possible bias in the tendering process
- conflict of interest situations involving local procurement
- security of plant, equipment and camp accommodation
- security and access to fuel supplies
- general security for materials in depot yards and ancillary stores
- effective staff supervision with geographical spread
- that issues of corporate governance may not be addressed due to the shire size and perceived relevance.

We recommended:

- increased accuracy and transparency in the establishment and calculation of plant and equipment hire rates
- increased security in cash handling
- revising and updating the purchasing and tendering policy
- increased independent assessment against pre-established criteria in purchasing
- improved transparency of procedures to handle potential conflicts of interest in small communities
- more rigorous internal controls for payroll procedures
- increased security procedures for depots, fuel stores and general assets
- increased staff training, multi-skilling and succession planning.

The Chief Executive Officer of the local authority reported, 'This is one of the most useful and valuable projects the Council has been involved in.'

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, and to continue to analyse patterns of allegations within organisations to identify possible generic areas for risk management reviews.

• Assist and advise whistleblowers

• Background

• Experience shows that workplace corruption is more likely to occur in an atmosphere of fear and secrecy. Therefore, an important element of a corruption prevention strategy for any organisation is to establish an environment in which employees feel free to raise genuine concerns about suspected workplace corruption or unethical conduct through proper channels without fear of reprisal. Hence, all organisations need a complaint-handling process, an effective investigative function, and appropriate mechanisms to protect the rights of staff who make disclosures or who are the subject of disclosures. Whistleblowers need to be valued, taken seriously by managers, and protected from those people who want the truth to remain undiscovered.

• 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. The CJC's published guidelines for potential whistleblowers, called *Exposing Corruption: A CJC Guide to Whistleblowing in Queensland*, continues to be in strong demand. It is available free of charge upon request and is available along with other whistleblower information material on the Internet through the CJC home page.

• 1997-98

• Debate about whistleblowing

• Contributions to the debate about whistleblowing were made through a number of conference papers as well as the completion of a survey of attitudes towards reporting misconduct of police recruits and police with previous policing experience (Police Operational Conversion Course trainees).

• 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. During the year, many public sector agencies developed policies and procedures for responding to reports by whistleblowers of serious suspect behaviour that would have a detrimental effect on the organisation if not dealt with efficiently. We were asked to give objective comment on many of these.

• The Whistleblower Support Program has also developed a network of public officers who deal with whistleblowers' reports. This network is continuing to develop and refine 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 who are considering doing so.

The Whistleblower Support Program received 30 new requests for assistance.

This year, 30 new requests for assistance were received by the Program. These requests came from:

- 16 whistleblowers
- 5 potential whistleblowers
- 9 individuals (mostly public sector managers) seeking advice about whistleblower management and support.

In total, 62 contacts were made with these people, representing two contacts per referral on average. The sources of referral are shown in table 31.

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 (19 cases)
- *harassment – career/psychological/physical* where the person reports treatment detrimental to his or her career, psychological wellbeing or personal safety because of whistleblowing (8 cases)
- *adjustment or organisational problems* where the person reports difficulty dealing with an issue related to whistleblowing which is not caused by harassment (10 cases).

Type of referral	Total no. referrals
Self-referred	23
Internally referred (CJC)	1
Externally referred	6

FUTURE DIRECTIONS

In 1998-99, we propose to:

- develop a revised corruption prevention strategic program and range of activities utilising the combined research and prevention functions
- develop a range of corruption prevention information publications for QPS, government departments and local authorities
- provide an integrated corruption prevention program targeting the QCSC
- provide advice and comment to public sector units on risk management, good corporate governance and corruption prevention initiatives.

THE CJC'S STRATEGIC APPROACH TO CORRUPTION PREVENTION

Strategic corruption prevention adopted by the Corruption Prevention Division is based on the following principles:

- Proactive prevention is more cost-effective than reactive measures in reducing corruption and official misconduct.
- Corruption prevention is a managerial function. It is the responsibility of principal officers, with the Corruption Prevention Division acting as a consultancy service to assist them fulfil this function.
- Strategic reporting mechanisms, effective internal control systems and accountability are essential elements in a corruption prevention strategy.
- Strategic awareness and prevention process training are an indispensable part of a corruption prevention strategy.

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 has maintained a multifaceted approach as set out below.

We assist public sector managers

We maintain regular contact with the chief executive officers and senior staff of public sector organisations, mainly through regular briefings with each department's or local authority's appointed CJC Liaison Officer. Keeping managers informed of workplace corruption 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 develop and implement prevention strategies.

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.

The CJC's 'risk management' approach to corruption prevention as the basis for its strategy of system reviews has gained widespread recognition nationally and internationally. The CJC is regarded as a leading agency in the field, with many interstate and Commonwealth agencies regularly contacting us for advice and assistance.

We offer education and training

We offer staff and management training in workplace corruption prevention, ethical decision making and risk management. 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 and a range of effective methodologies.

Projected activity

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.

Conduct proactive 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.

Implement the recommendations arising from the review of the Intelligence subprogram.

Outcome

Unable to be implemented due to cuts to the CJC's budget.

Unable to be implemented due to cuts to the CJC's budget.

Successfully completed. We now have a centralised Windows-based database, with global searching facility and notification capacity.

Benchmarks were set for measuring the performance of the QPS intelligence function (note: the CJC's oversight role of the QPS intelligence function ceased with the changes to the Act in early 1998), and refined methods for measuring our service to clients were developed and introduced. We also introduced a number of measures aimed at evaluating and improving the effectiveness and efficiency of work practices and conserving resources.

Legislative Change, PCJC Review and Organisational Review

Legislative change

On 15 May 1998, with the proclamation of the *Crime Commission Act 1997*, the CJC lost its jurisdiction to investigate organised and major crime and the Intelligence Division lost its specific responsibility to oversee the role of the QPS Bureau of Criminal Intelligence (BCIQ). At the same time, the CJC received jurisdiction for QCSC and QCorr.

PCJC Review

In its three-yearly review of the CJC (published March 1998), the PCJC stated that

the Commission must retain a separate intelligence function to support its investigations and to conduct its own research and analysis of relevant emerging patterns and trends (Conclusion 54).

The report went on to say that it was essential the CJC retained its own confidential intelligence database separate from other law enforcement agencies such as the QPS and QCC (Conclusion 55).

Hence, the PCJC recommended that the Commission retain the Intelligence Division as a professional and specialist criminal intelligence unit independent of other law enforcement agencies and its own independent intelligence database which is not accessible by other law enforcement authorities (Recommendations 34 and 35).

Organisational Review

After an independent organisational restructure of the CJC, it was decided that the intelligence function would remain as a separate division but operate (as from July 1998) through the subprograms 'investigation' and 'research and prevention' rather than as a separate subprogram.

Goal

- To provide an effective, professional and specialist criminal intelligence service

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.

Strategies

- Build up and maintain a secure database of intelligence information concerning organised crime and major crime and official misconduct.
- Provide information and analytical assistance to investigations
- Monitor and analyse trends in organised crime and conduct intelligence operations to identify threats, trends and/or patterns.
- Provide reports and, as required, education and training on matters relating to organised crime and major crime.
- Foster and participate in the exchange of information and intelligence expertise and engage in joint operations with other agencies.
- Oversee and monitor the QPS intelligence function.

continued next page

● Intelligence database

- The CJC's Criminal Intelligence Database (CID), which was set up in 1991, today holds a substantial and growing amount of information on official misconduct, corruption and organised and major crime within Queensland.
- Access to our database holdings is on a strict need and right to know basis, both for internal and external requests.

- During the year, 725 new intelligence documents were entered onto CID, bringing the total number of intelligence documents now on the system to 7658. There are 61 607 entities linked to these documents.

- The database is a valuable source of information which analysts use to support CJC tactical operations and to predict emerging trends and potential threats of a strategic nature. The information contained on CID is also of value to other law enforcement agencies. During the year, we disseminated intelligence on our own initiative 161 times to external bodies, and responded positively to 200 of the total 203 requests for information.

- In 1997-98, we upgraded our existing telephone call-charge record database system into a centralised database with a global searching facility and notification capacity. The most significant benefit was the integration of an electronic transfer system designed to download records from service providers electronically, alleviating the need for manual data entry, thus increasing efficiency.

- Following on from the implementation of recommendations from the review of the Intelligence subprogram, we implemented a system to measure our success in fulfilling the intelligence role. Measures are now in place to record and monitor activities within the Intelligence Division, such as:

- the quantity of material received
- the amount of data entered into the intelligence database
- material disseminated
- feedback from external clients.

- We expect the eventual electronic upgrade of this hard-copy system will enhance its usefulness.

- In line with the cessation of the CJC's organised and major crime jurisdiction, we arranged for all database holdings relevant to organised and major crime to be made available to the QCC to enable it to continue the CJC's organised crime investigations and to utilise the extensive background information held in the database. To achieve this aim in the most timely and efficient way, the CJC and QCC agreed that the CJC should transfer the data electronically to ACID (the database of the Australian Bureau of Criminal Intelligence). This was successfully achieved with the assistance of the ABCI in June 1998.

- We still retain related hard copy material, which is accessible to QCC officers upon request. Further consideration will be given to the material in 1998-99 when the QCC is fully operational.

Performance indicators

- The quality, accountability and usefulness of intelligence database and information retrieval service.
- The 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.

• Assistance to CJC investigations

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

• In 1997-98, the Intelligence Division was involved in 40 CJC operations, 33 of which commenced during the year, with the remainder ongoing from the previous year. Of these, 16 were finalised this year. The main focus of analytical support was for official misconduct investigations, mainly in the police and corrective services areas. Of the 40 operations, 38 related to official misconduct and the remainder to organised crime.

• In relation to the investigation of official misconduct within the QPS, the CJC continued its proactive strategies, incorporating an intelligence-led approach to developing and prioritising targets in the area of serious police corruption. This was a natural progression from the recommendations contained in the report by Mr W J Carter QC (see subprogram 2 for more details on Mr Carter's report). Budget restrictions, however, have meant that the Intelligence Division's staffing capacity in this area has been reduced. Tactical support for investigations has been scaled down with the streamlining of three multidisciplinary teams into two, with one analyst being redeployed to target development work and another to focus on providing assistance to the complaints assessment role, including analytical assistance to complaint investigations.

• In line with the CJC's new jurisdiction for the investigation of complaints of official misconduct against officers of the QCSC and QCorr, one of our analysts was assigned to the multidisciplinary team for this area. Apart from providing tactical support to the team, the analyst will monitor trends within the corrective services area, within the State, nationally, and overseas.

• Up until 15 May 1998, two divisional analysts continued to provide support for investigations into organised crime. Given the lack of funding for organised crime investigations, our efforts in this area were severely curtailed. Only two operations were undertaken during the year. These were carried out under the auspices of the JOCTF, and related to Chinese organised criminal activity and the activities of outlaw motorcycle gangs. Both operations were transferred to the QCC.

• Intelligence collection plans

• Background

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

Enhanced knowledge of triad activity with two members prosecuted.

• **Triad society**

• An organised crime investigation pursued by the CJC during the year provided a further insight into activities in Queensland of suspected triad society members. The operation, which targeted people involved in illegal prostitution, was successfully closed down in October 1997 with the arrest of all the nominated targets. It was confirmed that the targets were involved in organised illegal prostitution in Brisbane using females from Thailand and Malaysia.

• Participation in international conferences is seen as an important way to keep up to date with global trends in organised crime. In this regard, one of our senior analysts made a self-funded trip to the United Kingdom in March 1998 to attend the 1st International Conference for Intelligence Analysts. This proved to be an extremely worthwhile venture in gaining new perspectives on challenges facing criminal intelligence personnel as we move into the new millennium.

• The analyst responsible for Asian organised crime investigations attended a course in New Zealand on Asian Investigation and Intelligence organised by New Zealand Police. The analyst presented a case study from one of the JOCTF investigations dealing with extortion and triad society activity on the Gold Coast.

• Keeping abreast of international trends in organised crime is also achieved through direct contact with officials of overseas law enforcement agencies. For example, in the area of Japanese organised crime (one of the four JOCTF project areas) we arranged for a member of the Japanese National Police Agency attached to the Japanese Embassy in Canberra to visit the Intelligence Division and meet with members of the Project Tara team. The official was also introduced to senior officers of the QPS.

• **Reports, education and training**

Fifty-eight tactical and strategic reports produced in support of CJC investigations.

• The Intelligence Division produced 58 significant intelligence tactical and strategic reports during the year in support of CJC investigations.

• These reports were supplemented with various graphic charts and link diagrams. Of these, 52 related to official misconduct investigations concerning both the police and corrective services areas. The remaining six related to JOCTF operations and were disseminated to law enforcement agencies in the NCA-coordinated projects with which we have been cooperating.

• **Cessation of organised crime and major crime jurisdiction**

• Early this year, in preparation for the cessation of the CJC's jurisdiction for the investigation of organised and major crime, intelligence analysts assigned to the JOCTF provided formal briefings to the Chairperson and senior staff of the QCC on the status of the four major projects targeting organised criminal activity in Queensland — i.e. Japanese organised crime, Chinese organised crime, Italian organised crime, and outlaw motorcycle gangs.

• These briefings were designed to facilitate the continuity of current investigations and to minimise the loss of expertise with the transfer of this jurisdiction to the QCC.

The CJC received the 1997 Professional Service Award for excellence in law enforcement intelligence publications at a state level.

• Award

• In recognition of our paper *Intelligence at Work inside the CJC*, published in July 1996 to explain the importance of the intelligence role and its use by the CJC, we received the 1997 Professional Service Award for excellence in law enforcement intelligence publications at a state level. This award was granted by the International Association of Law Enforcement Intelligence Analysts as part of their annual awards to individuals and organisations for their contribution to the intelligence profession.

• Exchange of information and engage in joint operations

• Up until the end of our organised crime jurisdiction, the Intelligence Division continued to participate in three national projects coordinated by the NCA:

- Project Blade into Chinese organised crime
- Project Panzer into outlaw motorcycle gangs
- Project Cerberus into Italian organised crime.

• We also contributed to the national project, Project Freshnet, which pertained to the investigation of organised criminals who are not aligned with any particular ethnic or otherwise identifiable crime group, commonly referred to as the 'East Coast Criminal Milieu'. An intelligence officer attended the periodic coordination meetings for this project and submitted a report examining the link between targets of police official misconduct investigations and Project Freshnet targets.

• We continued to meet monthly with representatives of other law enforcement agencies to exchange information on operations and to avoid duplication and the inadvertent compromise of another agency's investigations. We also liaised with agencies such as the BCIQ, the Australian Federal Police and the NCA in relation to their respective intelligence projects for which we provided support. Additionally, we once again provided input to the Illicit Drug Report produced annually by the ABCI.

• Intelligence staff were involved in organising this year's annual conference of the Australian Institute of Professional Intelligence Officers held in Brisbane in October 1997. Each year the conference adopts a central theme to examine different aspects of the intelligence and security professions, with this year's theme being 'Security through Intelligence'.

• The QPS intelligence function

• Over the years, we have fulfilled our oversight and monitoring role of the QPS intelligence function through participation in a number of management-level committees, regular liaison with senior officials of the BCIQ, and the annual audit of the Security Intelligence Branch (SIB). However, in line with changes to the *Criminal Justice Act*, our direct oversight role has now ceased, being taken over by the Parliamentary Commissioner. We conducted our ninth and final audit of the SIB in September–October 1997. A report was prepared and submitted to the SIB Control Committee for consideration.

• During the year, the Intelligence Director participated in two management-level committees dealing with the various elements of the QPS intelligence function. One of these was the QPS Intelligence Management Board, which

The CJC's direct oversight of the QPS intelligence function passed to the Parliamentary Commissioner.

- met four times in 1997–98. The other was the QPS Information Security Project Board, which met eight times. The principal function of the latter, which concluded its work in May 1998, was to develop a policy framework for information security within the QPS.

FUTURE DIRECTIONS

In 1998–99, we propose to:

- monitor developments in corruption/official misconduct in other parts of Australia and overseas to identify emerging trends and assess any potential impact of such activity on Queensland
- provide specialist intelligence support as an integral part of the CJC's multidisciplinary approach to investigations
- maintain close liaison with other intelligence agencies to ensure appropriate sharing of information
- participate in joint projects with other CJC divisions to assist in the planning of appropriate strategies to prevent and deter corruption or official misconduct
- complete an upgrade of the intelligence database in order to maintain its compatibility with the ABCI's ACID database.

Projected activity

Review our methods and procedures.

Implement the recommendations of the evaluation of Witness Protection Subprogram.

Outcome

Completed review and redraft of Witness Protection Policies and Procedures Manual.

Began implementation of recommendations.

Goal

- To provide a professional and efficient witness protection service.

Objective

- To provide witness protection to people who are in need of it as a result of having assisted the CJC or any other Queensland law enforcement agency in the discharge of its functions and responsibilities.

Strategies

- Conduct threat assessments and risk analyses as requested by the CJC or any other Queensland law enforcement agency.
- Maintain and regularly review appropriate and effective methods and procedures for the provision of witness protection.
- Provide adequate protection and support to persons who are accepted into the witness protection program, including facilitating relocations and new identities as appropriate.
- Consult and liaise with relevant external agencies.
- Design and provide appropriate training programs for witness protection staff.

PCJC Review

In its three-yearly review of the CJC, the PCJC stated its conviction that a Queensland-based witness protection service was essential to an efficient and effective law enforcement system and that the Division was fulfilling its functions as set out in the *Criminal Justice Act* (Conclusions 65–67). Accordingly, the Committee recommended that a state-based witness protection program be retained in Queensland and that the Witness Protection Division be retained as a separate division within the CJC, and that it continue to be staffed by police officers 'to the extent considered necessary' (Recommendations 42 and 43).

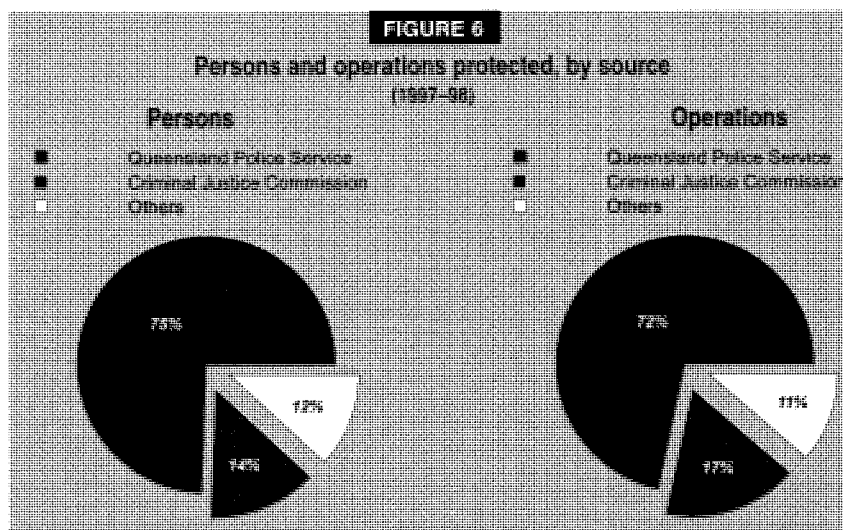
Threat assessments, risk analyses and protection

During 1997–98, the CJC and Queensland law enforcement agencies referred 92 people to the Witness Protection Division, 55 of whom accepted an offer of protection. We provided protection to a total of 118 persons in 53 operations, including 63 persons in 26 operations carried over from the previous year.

Protection arrangements were concluded with 60 persons in 31 operations. At 30 June 1998, we were providing protection to 59 persons in 26 operations.

As shown in figure 6 below, 75 per cent of persons protected during the year originated from the QPS, 14 per cent from the CJC and 12 per cent from other sources. Figure 7 shows that 69 per cent of current persons receiving protection as at 30 June 1998 were referred by the QPS, 17 per cent by the CJC and 14 per cent by other sources.

Since our establishment, we have provided protection to 694 persons, including those carried over from the Fitzgerald Inquiry. See figure 8 for a comparison of the number of persons and operations protected each year since 1989.

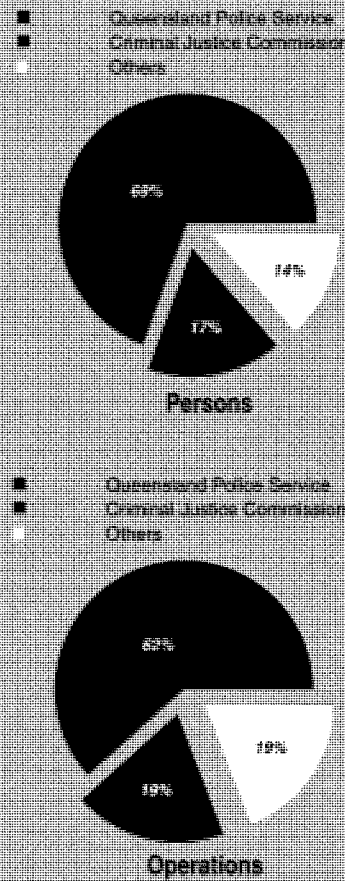


Performance indicators

- No person on the program who complies with security arrangements coming to harm because of his or her assistance to the Commission or any other Queensland law enforcement agency.
- The number of risk assessments undertaken and persons accepted into the program.
- The number of requests for assistance received from law enforcement agencies within the State.
- The number and nature of training programs provided for witness protection staff.

FIGURE 7

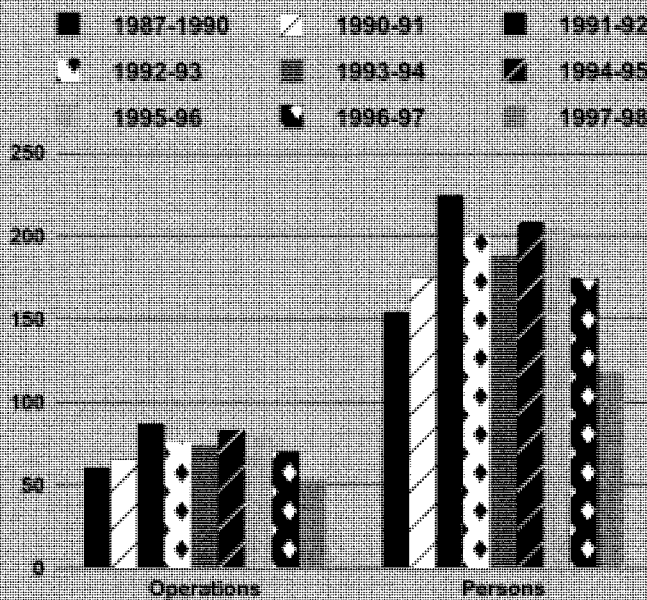
Current persons and operations, by source
(as at 30 June 1995)



(Others include: witnesses from combined QPS & CJC, QPS & NCA, CJC & NCA operators.)

FIGURE 8

Persons and operations protected since 1989



We provided protection for a total of 118 persons in 53 operations, including security at court for 25 witnesses.

• **Court security**

• During 1997–98, we provided security at courts for a total of 25 witnesses who were required to give evidence. All witnesses were able to safely fulfil their obligation to give evidence because of this protection.

• **Witness protection methods**

• We completed reviewing and redrafting our Policy and Procedures Manual, a major task because of substantial improvements to our methods since the last review in 1993.

• In April 1998, two representatives of the Division attended the National Witness Protection Conference in Melbourne. Delegates addressed matters of national importance to Witness Protection Units, including complementary legislation, National Competency Standards for Witness Protection, a National Witness Protection Training Program and Federal Agency changes affecting witness security.

• **Required legislative changes**

We continued to press for complementary witness protection legislation.

• As in previous years, we continued to press for complementary witness protection legislation — that is, state legislation that complements the Commonwealth *Witness Protection Act 1994*. (See appendix B for fuller discussion of this and other legislative concerns relating to the Division and to other aspects of the CJC’s work.)

• The PCJC in its three-yearly review supported our efforts in this area (Conclusion 70):

• The Committee is of the view that a comprehensive review of both the legislation and policies governing witness protection in Queensland should be conducted in the near future.

• Further, the Committee considers that Queensland should participate in the scheme of complementary witness protection legislation established under the *Witness Protection Act 1994* (Cwth). The Committee considers that a review of the legislation provides the ideal opportunity for the inclusion of legislative provisions necessary for participation in the complementary scheme.

• **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. Four staff members qualified as Firearms Training Officers and one staff member began formal training towards an Advanced Diploma of Intelligence Practice.

• We continued to assist with 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. Our training program has been developed in line with these national standards. It is expected that a Certificate in Witness Protection will be introduced to give due recognition to the special needs of this function and the special studies required.

FUTURE DIRECTIONS

In 1998–99, we will:

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

The Corporate Support Subprogram incorporates the Executive, the Corporate Services Division, the Office of General Counsel and the Library.

Subprogram 6 Corporate Support

Projected activity

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.

Outcome

Preparations completed for the introduction of the SAP Asset Management System on 1 July 1998.

Deferred till 1998-99.

Second plan developed and good progress made in its implementation.

CJC web page launched in November 1997.

Review conducted.

Goal

- To discharge the functions and responsibilities of the CJC effectively and efficiently.

Objectives

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

Strategies

- Conduct regular reviews of management strategies and systems to monitor their quality, effectiveness, and compliance with legislative requirements and standards.
- Provide advice, representation, information and administrative support.
- Recruit and develop an appropriate mix of human resources in a safe, healthy work environment which recognises the rights and responsibilities of employees.

PCJC Review and Subprogram Evaluation

PCJC Review

In its three-yearly review of the CJC, the PCJC said that it was 'not appropriate that outside agencies perform support tasks for the Commission':

The Committee believes that it would be counterproductive, inefficient and produce no actual cost benefit to transfer tasks undertaken by the Corporate Services Division to other public sector bodies. (Conclusion 77)

Subprogram Evaluation

In the program structure reflected in this annual report, the corporate support subprogram is the only one of its six subprograms not yet evaluated. Although in the new program structure (reflected in our Strategic Plan 1998-2001), the corporate support subprogram is not retained, the decision was made to go ahead with the evaluation by June 1999.

Reviews of management strategies and systems

This year's annual report is based on our seventh Corporate Plan, covering the period 1997 to 2000 (see program structure on page 6), which was prepared during the financial year 1996-97. According to that plan, the CJC had one program (the Criminal Justice Program) and five subprograms, as shown in this report. During the year we prepared an eighth plan (now called a 'Strategic Plan') covering the period 1998 to 2001, which, prepared in conjunction with a major review by external consultants of our program and organisational structures, contains some important changes to our 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 only three subprograms, each managed by a divisional director — Investigations, Research and Prevention, and Witness Protection.

The changes made to the program structure resulted from the transfer of the responsibility for major and organised crime investigation to a new body, the QCC, and the decision to amalgamate our research and misconduct prevention activities. In addition, the corporate support and intelligence subprograms were eliminated; however, the divisions of Intelligence and Corporate Services remain as before.

- Ensure the security of property and information.
- Facilitate the Commission's accountability to Parliament and the people of Queensland (see section *How accountable are we?*, pages 8–10).
- Promote a greater community understanding of the Commission's broad range of activities and responsibilities.

Performance indicators

- Compliance of corporate systems and procedures with best practice and with applicable statutory requirements.
- Outcomes of advisory and support services.
- Annual review of the suitability of security policies and practices.
- Number of meetings with and reports supplied to the PCJC.
- Development and implementation of a strategic plan for the effective management of our human resources.
- 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.

• Subprogram evaluations completed

• Two of our subprograms were evaluated during the year by independent consultants:

- the Police and Criminal Justice Research and Reform subprogram (see p. 11)
- the Misconduct Investigation and Review stream of the Police and Public Sector Integrity and Organised and Major Crime Investigation subprogram (see p. 25).

• The current evaluation plan appears in the Strategic Plan for 1998–2001.

• Internal audit

• No internal audits were conducted in 1997–98. However, to facilitate future audits, we established an Audit Committee, which will:

- take a leading role in the development of strategic and annual audit plans to ensure optimum, cost-effective internal audit coverage of operations
- monitor, and report on, the adequacy of internal audit planning and the performance of the internal audit function.

• Future internal audits will be conducted by external contractors through a Preferred Supplier Arrangement.

• Finance

• Appraisals of revenue, expenditure, assets and liabilities systems were carried out in accordance with the *Financial Management Standard 1977*. The financial records of the CJC are audited annually by the Queensland Audit Office.

• Program budgeting, introduced in 1995–96, was refined during the year to the extent possible under the existing financial information system. These refinements enabled some upgrading of the current accounting software package. However, the obvious limitations on the current system necessitated a review of the area to identify our future financial management needs.

• As a result, the Commission decided to implement the Treasury-preferred SAP R/3 Financials package, and an agreement was entered into with the Corporate Administration Agency to provide the systems management function for the package on a bureau basis. This will be supplemented by a front-end package, which will allow for greatly improved reporting capabilities. Work commenced in the second half of the financial year on the implementation of the packages.

• Administration

• We enhanced controls over our assets and attractive items by taking steps to introduce the SAP R/3 Asset Management System early in the new financial year. The need for any further refinements of the controls will be assessed after the new system is fully operational.

• The need to divert limited resources to the development and implementation of the SAP system caused the deferral of a proposed review of the software supporting our fleet management system. This software, which is not 2000 compliant, will be reviewed next year to take advantage of emerging technology.

Staff numbers at the CJC reached 262. The pie chart shows at a glance the staffing levels across the Commission.

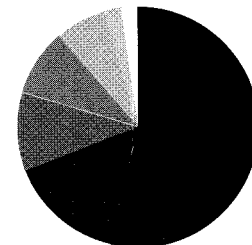
Purchasing

A Preferred Supplier Arrangement for specific projects relating to internal audits, program evaluations and misconduct risk management reviews was introduced during the year. Under the Arrangement, contractors are selected from a panel of preferred suppliers to provide professional services for the various activities, as demand requires.

The processing of engagements of a range of external contractors who are called upon to provide other services from time to time was improved through the introduction of standard contract documentation.

Personnel

The staffing establishment increased in 1997-98 from 247 to 262 positions (see table 32). The additional positions were created as a result of the CJC acquiring the jurisdiction of the QCSC and the establishment of a permanent multidisciplinary team to investigate police corruption. As at 30 June 1998, there were 92 police officers employed at the CJC, under the command of an Assistant Commissioner of the QPS.



Corruption Prevention (6) Witness Protection (28)
 Executive (6) Corporate Services (40)
 Research (18) Official Misconduct (141)
 Intelligence (23)

Employees of the CJC come from a variety of disciplines including law, accountancy, social sciences, behavioural sciences and computing. Table 32 shows the number of staff presently employed in each discipline and table 33 shows both the number in each operational area and the gender breakdown.

TABLE 32

Number of established positions within each discipline (as at 30 June 1998)

Designation	No.	Designation	No.
Complaints Officers	6	Investigators	14
Legal Officers	24	Intelligence Analysts	10
Financial Analysts	7	Technical Officers	2
Research Officers	13	Computing Officers	10
Librarians	1	Administrative Officers	70
Managers	13	Police Officers	92

TABLE 33

Staff establishment (as at 30 June 1998)

	Approved establishment	Actual staff (includes all permanent, temporary and casual staff, regardless of full-time equivalent)		
		Male	Female	Total
Executive (incl. Office of General Counsel)	6	2	3	5
Official Misconduct	141	74	33.3	107.3
Witness Protection	28	21	6.4	27.4
Research	18	6	12.4	17.4
Corruption Prevention	6	3	1	4
Intelligence	23	9	8	17
Corporate Services	40	19	15.8	35.8

The Connolly-Ryan Inquiry, Project Triton and the QCC transfer placed heavy demands on the CJC's resources.

Our web site (www.cjc.qld.gov.au) was launched in November 1997.

• Information technology

• As in the previous year, operational support demands were again substantial, most notably the Connolly-Ryan Inquiry (July to September), Project Triton (November-December) and the transfer of functions to the QCC (April-May).

• Budgetary restrictions continued to delay the overdue replacement of equipment and other operating environment projects. Substantial progress was made, however, in the second half of the financial year.

• Our web site was launched in November 1997, providing public access to media releases, current publications, job vacancies and general information about the CJC, including a publications list. Visits to the site have increased steadily, with marked increases in 1998 as the word of our presence spread. Total number of hits reached 30 000 in June with a sudden rise in April-May partly attributable to the release of volume 3 of the *Criminal Justice System Monitor* and partly to our decision to place positions vacant on line.

• Three of the CJC's major software applications received considerable attention during the year. Implementation of an advanced application for analysing call charge records was completed in September 1997, although acquisition of the complementary charting facilities was postponed until 1998-99. Use of the SAP R/3 Financials package began in June, in preparation for a July implementation, after a lengthy project to replace existing software.

• Redevelopment of the six-year-old complaints-recording system commenced in December 1997. The technical acquisition phase of the project, covering server, database and workstation requirements, was completed in June. The most important and longest phase — preparation of the requirements specification — was suspended in April and recommenced in June because of the impact of the transfer of certain activities to the QCC. The project will continue in 1998-99 with planned completion by December 1998.

• The 'Year 2000' project progressed through the early inventory and resolution definition stages and will continue through 1998-99 to a target completion date of 30 June 1999. As well, several network infrastructure enhancements were achieved, the most important being the 18-month project to upgrade the network operating system (completed in December), and advanced 'firewall' security (implemented in June).

• Records management

• Considerable demands were generated by the Connolly-Ryan Inquiry, Project Shield, Project Triton and the transfer of material to the QCC.

• Provision of material in answer to summonses continued until the closure of the Connolly-Ryan Inquiry in August, to be followed by the return of original material to the Commission from the 250 summonses issued during the previous 10 months.

• After the Inquiry finished, we refocused our attention to the unavoidably neglected task of returning acquired material. With items in our possession having increased from 3667 in mid-1996 to a peak of almost 5000 in September 1997, concerted efforts were required in the last three-quarters of the year to

• reduce the number to 4350. Continued concentration on returning material
 • in 1998–99 will aim at achieving the desired target of 2500 items, reducing
 • outstanding items below 3000.

• Physical holdings registered during the year included:

- • 650 notices, authorities and certifications
- • 1000 items acquired from external sources
- • 200 investigative hearing exhibits.

• Our records-management software, RecWin, was updated in September and
 • now has recorded information on 450 000 items covering all types of holdings.
 • Testing has commenced on further upgrades and a restructuring of the current
 • databases to improve usage and security.

During the entire time of the Connolly–Ryan Inquiry's operation (from October 1995 to August 1997), CJC officers — not including the Chairperson or part-time Commissioners — expended over 17 000 hours dealing with its demands, the equivalent of 2377 working days or 12.6 persons working full time for that period (see CJC report *The Impact of the Connolly–Ryan Inquiry on the Criminal Justice Commission*, September 1997). Much of this extra workload was felt in the information technology and records management areas.

• The CJC Library

• Managed on a daily basis by the Research Division, the Library 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.

• An outline of our library holdings as at 30 June 1998 and transactions for the
 • year is given in table 34.

Holdings		Transactions	
• Monographs (including books, reports, and legal opinions)	2612	• Items lent to CJC staff	1517
• Subscriptions/periodicals	300	• Journal articles indexed and listed in the Current Awareness Service	504
• Loose-leaf services	30	• Items listed in the Hansard Service	153
• Pamphlets	466	• Items borrowed and photocopies provided from other libraries	106
• Annual reports	162	• Items lent and photocopies provided to other libraries	117
• A substantial collection of legislation and subordinate legislation		• General information inquiries	1000–2000
• A substantial news-clipping-service collection			

Second HRM Plan was developed.

Recruitment and development of staff

Human Resource Management (HRM) Plan

Our second HRM Plan was developed and its implementation begun. A revised plan will be developed for next year in line with the second enterprise bargaining process, which began in early 1998.

We also developed an information package for CJC job applicants, and a performance appraisal system for senior executives.

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

Although the budget provision for training remained low, training continued to be provided to staff on a needs basis and 227 staff attended relevant training courses and seminars and conferences during the year. Also, 69 staff attended word processing and spreadsheet training conducted in-house by a training provider. We continued to assist staff who wished to undertake further studies, with 25 per cent of civilian staff being provided with study assistance.

Equal Employment Opportunity (EEO)

Table 35 gives a breakdown of staff numbers according to the four EEO target groups of: women, Aboriginal and Torres Strait Islander peoples, non-English-speaking background people and persons with a disability.

TABLE 35
Membership of EEO target groups
(1996-97 and 1997-98)

1996-97				1997-98			
Women	A&TSI ¹	NESS ²	PWD ³	Women	A&TSI ¹	NESS ²	PWD ³
77	1	9	3	80	1	8	2
(49.7%)	(0.6%)	(5.8%)	(3%)	(53.0%)	(1.0%)	(5.0%)	(1.0%)

Notes:
¹ Persons who identify as Aboriginal or Torres Strait Islander
² Persons from a non-English speaking background
³ Persons with a disability

In early 1997, the CJC convened an EEO Consultative Committee (EEOCC) to:

- develop an EEO management plan for 1998-2000
- provide support to staff, especially members of target groups
- provide a forum for discussing EEO issues
- promote EEO strategies and objectives
- monitor the effectiveness of EEO strategies in achieving objectives.

EEO Management Plan for the years 1998 to 2000 completed and endorsed.

• Staff from all levels of the Commission (including a part-time Commissioner) were represented on the committee.

• The major achievements of the EEOCC in 1997–98 were:

- development of the 1998–2000 EEO Management Plan, which was endorsed by the Commission and officially adopted in June 1998
- establishment of the EEO Bulletin Board on the Intranet to provide all staff with relevant EEO information
- completion of the first annual Sexual Harassment and Discrimination Audit of all staff.

• No grievances relating to EEO or discriminatory practices were lodged during the year. Two sexual harassment issues were raised informally with our Sexual Harassment Referral Officers, but were not taken forward to an official level.

• **Management Plan**

• The 1998–2000 EEO Management Plan established 49 individual initiatives grouped under the six objectives given on the next page.

• **EEO Objectives**

1. Make EEO an integral part of the Commission's philosophy and practice.
2. Provide a working environment free from all forms of sexual harassment and unlawful discrimination.
3. Progress towards recruitment of Aboriginal and Torres Strait Islander staff and trainees to reflect Aboriginal and Torres Strait Islander numbers in the CJC's client group.
4. Minimise the effect of language and cultural differences in the recruitment of people with a non-English speaking background to the CJC and their progress within the CJC.
5. Enhance opportunities for people with a disability to compete on merit for recruitment, selection and promotion in the CJC.
6. Identify and overcome any barriers to the recruitment of women to the CJC and their progress within the CJC.

• The EEOCC widely consulted staff in the preparation of the Plan, including members of the four EEO target groups (people from non-English-speaking backgrounds, Aboriginal and Torres Strait Islanders, people with a disability and women), and the Plan has the vigorous support of the Executive. The Executive Director, who is the officer accountable for the success of the Management Plan, will give quarterly reports to EEOCC on the progress of the Plan.

• **Future directions for EEO**

• The major EEO projects for the CJC in 1998–99 will be the review of all relevant policies, in particular the grievance policy and the sexual harassment policy, and the provision of appropriate resources for the achievement of the objectives established in the Management Plan.

Figure Numbers in Figures 10-12 do not include public officers employed at the CJC.

FIGURE 10

Employees by sex and age
(as at 30 June 1998)

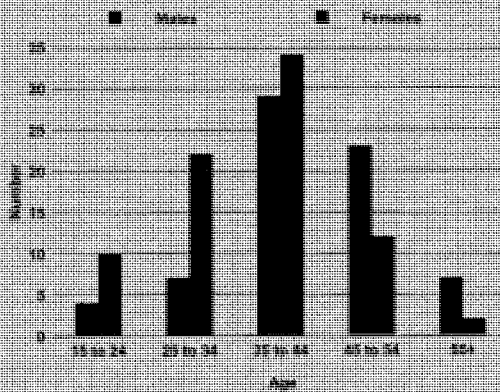


FIGURE 11

Employees by sex and employment status
(as at 30 June 1998)

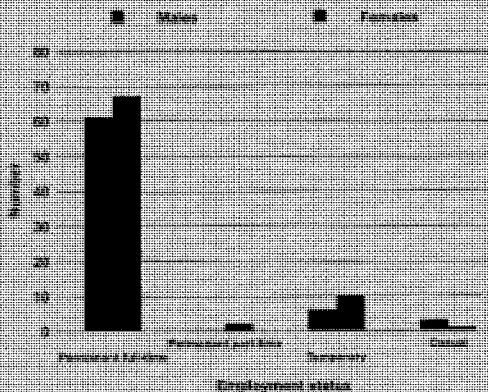
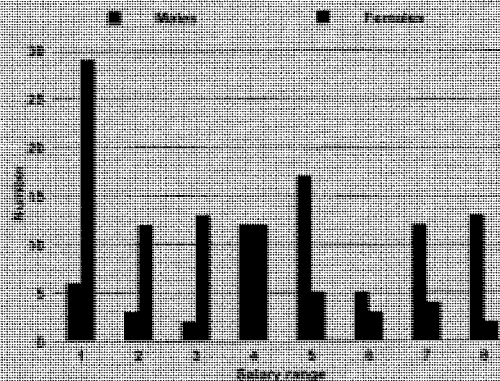


FIGURE 12

Employees by sex and salary level
(as at 30 June 1998)



1 - \$19 051 - 28 714	5 - \$45 741 - 51 655
2 - \$29 715 - 34 253	6 - \$51 656 - 57 937
3 - \$34 254 - 39 932	7 - \$57 938 - 63 314
4 - \$39 933 - 45 740	8 - \$63 315+

Enterprise bargaining

Development of our second Enterprise Agreement continued during the year. The Enterprise Bargaining Coordinating Committee met many times and, with the assistance of elected employee representatives, prepared an Enterprise Agreement which received the approval of the Minister in May. This Agreement will provide civilian staff with staged wage increases over the next two years in recognition of staff participation in a number of organisational reviews of work practices and procedures. These reviews will involve the establishment of working parties in which well over half the total number of civilian staff will participate.

Advice and administrative support

Legal services

In 1997-98, the Office of General Counsel:

- instructed senior and junior Counsel before various courts including the Supreme Court and the Court of Appeal
- instructed Counsel Assisting in public and private hearings of any CJC inquiry
- instructed Counsel and appeared 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 on various applications to the Supreme Court arising out of the conduct of the Inquiry
- provided legal advice to the Commission and its divisions on various matters involving criminal law, administrative law, contract law and personal injuries claims.

Consultancies

External consultants were engaged to carry out projects in various subprogram areas, as shown in table 36.

Category	Expenditure (\$)
Management	75 014
Professional/technical	72 543

Security

There were no serious breaches of security during the year. To maintain this record, we:

- arranged a screen display on all computer terminals reminding staff of their security responsibilities (this is the last screen displayed before shut down of the computer)
- improved security over the disposal of classified waste following the physical inspection of disposal sites
- upgraded the existing electronic security system to Year 2000 compatible standards.

As in previous years, all new staff received a short security briefing.

See appendix C for details of legal cases.

There were no security breaches reported.

Workplace health and safety

In accordance with a recommendation of the Workplace Health and Safety Committee, three employees were accredited in Senior First Aid to ensure a suitably qualified employee would be available to assist staff, if necessary.

The Committee began a project to enhance workplace health and safety rehabilitation policies and procedures, an initiative of the 1998 Enterprise Agreement.

The Safety Officer produced an Office Safety awareness program, which was shown to new staff members, and a Correct Lifting awareness program was begun to reduce the risk to employees when lifting or moving office equipment. Increased signage was placed in the basement car park to make driving and walking safer, and a program of regular inspection and cleaning was also enhanced to reduce the dangerous effects of oil leaks.

There were 17 reported accidents throughout the year, seven of which occurred off-site during travel to and from work. Five of the total number of reported accidents involved Workers' Compensation.

Whistleblower protection

Under the *Whistleblowers Protection Act 1994*, we are required to report each year the number of public interest disclosures (PIDs) we receive. This year, we received 63 disclosures, details of which are shown in table 37.

Advice about all aspects of whistleblowing was made available on our web page.

TABLE 37
Public interest disclosures received
(1997-98)

Category	Verified	Not verified	Referred to other agency	Under consideration	Total
Section 15	6	16	7	6	37
Section 16	—	—	—	—	—
Section 17	—	—	—	—	—
Section 18	—	—	—	—	—
Section 19	—	—	1	—	1
Section 20	1	20	1	3	25

Community understanding of the Commission's role

Senior officers and Commissioners continued to respond to invitations to address community groups and explain the role and functions of the CJC, as time permitted. Commissioners and senior officers gave presentations to various community groups, including Rotary and Probus. Corruption prevention staff presented 16 conference papers in Brisbane and interstate.

Twenty-four publications were completed during the year, most produced by the Research Division. Newly released publications, as well as standard publications such as the annual report, were made accessible through the CJC's newly developed web site.

See appendix D for a complete list of our publications.

• **Freedom of Information**

• We received 54 applications under the *Freedom of Information Act 1992* (FOI Act) during the year, including six for internal review of decisions and three for external review. Tables 38 and 39 set out statistics on applications made under the FOI Act to or concerning the CJC.

TABLE 38

Freedom of Information — Applications and Reviews
(1996-97 to 1997-98)

Type	Applications						Reviews			
	Total applications		Decisions made		Applications in progress		Internal review		External review	
	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Personal	35	31	40	29	1	3	1	3	1	2
Non-personal	26	23	25	21	2	4	3	3	3	1

TABLE 39

Freedom of Information — Decisions
(1997-98)

Type	Full access		Partial access		Full denial ¹		Refused ²		Withdrawn/lapsed	
	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Personal	19	10	13	14	3	2	2	2	3	1
Non-personal	4	5	6	6	6	3	9	4	-	3

Notes:

1. Access refused to exempt matter.

2. Refused under relevant section of the FOI Act, including ss. 21, 22, 25, 26, 26 and 35.

• **FUTURE DIRECTIONS**

• In 1998-99, we will:

- complete the redevelopment of the complaints-recording system
- complete the 'Year 2000' project
- reduce the outstanding acquired material items below 3000
- undertake a review and implement a new HR payroll system to replace the existing HRMS system
- review the software supporting our fleet management system
- review the implementation of the SAP R/3 Financials and Asset Management systems
- evaluate the Corporate Support subprogram
- enhance the Commission's corporate compliance processes through a dedicated resource in the Office of the Commission.

Functions

The functions and responsibilities of the CJC are a matter of law, as stated in sections 21 and 23 of the *Criminal Justice Act 1989*:

21.(1) The commission shall—

- (a) continually monitor, review, and, if the commission considers it necessary, initiate reform of the administration of criminal justice;
- (b) discharge other functions appropriate to the objects of this Act.

(2) In discharging its functions the commission shall—

- (a) wherever practicable, consult with persons or bodies of persons known to it to have special competence or knowledge in the area of the administration of criminal justice concerned, and seek submissions from the public; and
- (b) in its report present a fair view of all submissions and recommendations made to it on the matter in relation to which it is discharging its functions, whether such submissions and recommendations are supportive of, or contrary to, the commission's recommendations on the matter.

(3) Subject to section 26 [Commission's reports], the commission shall report to the parliamentary committee—

- (a) on a regular basis, in relation to the commission's activities;
- (b) in relation to a matter specified by the parliamentary committee concerning a function of the commission or the administration of criminal justice;
- (c) when the commission thinks it appropriate to do so with respect to that matter, in relation to any matter that concerns the administration of criminal justice.

(4) The commission shall monitor, review, coordinate and initiate implementation of the recommendations relating to the administration of criminal justice contained in the report of the commission of inquiry, and to that end, having regard to that report, shall prepare a program of priorities.

Responsibilities

23 The responsibilities of the commission include—

- (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 public prosecutions and the Legal Aid Commission (so far as its functions relate to prescribed criminal proceedings within the meaning of the *Legal Aid Act 1978*);

- (d) undertaking intelligence activities to support its responsibilities in relation to official misconduct or alleged or suspected misconduct by members of the police service;
- (e) researching, generating and reporting on proposals for reform of the criminal law and the law and practice relating to enforcement of, or administration of, criminal justice, including assessment of relevant initiatives and systems outside the State;
- (f) in discharge of such functions in the administration of criminal justice as, in the commission's opinion, are not appropriate to be discharged, or cannot be effectively discharged, by the police service or other agencies of the State, undertaking —
 - (i) research and coordination of the processes of criminal law reform
 - (ii) matters of witness protection;
 - (iii) investigation of official misconduct in units of public administration;
- (g) monitoring the performance of the police service with a view to ensuring that the most appropriate policing methods are being used, consistently with trends in the nature and incidence of crime, and to ensuring the ability of the police service to respond to those trends;
- (h) providing the commissioner of the police service with policy directives based on the commission's research, investigation and analysis, including, with respect to law enforcement priorities, education and training of police, revised methods of police operation, and the optimum use of law enforcement resources;
 - (i) overseeing reform of the police service;
- (j) reporting regularly on the effectiveness of the administration of criminal justice, with particular reference to the incidence and prevention of crime 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.

This section highlights the principal legislative amendments the CJC requires to enable it to operate at maximum effectiveness. They relate to:

- the role of the Public Interest Monitor (PIM)
- jurisdiction over corrective services
- notices to produce
- visual surveillance and tracking devices
- telephone interception
- integrity testing of police officers
- protection for covert operatives
- witness protection legislation.

Concerns about the role of the Public Interest Monitor

The Public Interest Monitor is a new accountability mechanism for the CJC, introduced by the *Police and Other Legislation (Miscellaneous Provisions) Act 1998*.

The PIM has responsibility for monitoring applications by state law enforcement agencies for listening devices, surveillance warrants and cover search warrants under several Acts, including the *Criminal Justice Act 1989*.

The CJC does not accept that it is necessary for the PIM to monitor applications by the CJC for listening devices, surveillance warrants and covert search warrants, which in effect means that the PIM has full access to confidential information on every major criminal investigation in the State where recourse to such powers becomes necessary. In relation to applications by the CJC, for example, the PIM may appear in the Supreme Court on any application made for a listening device, ask questions of the applicant and any witnesses, and make submissions on the appropriateness of the application.

We are already accountable to the PCJC, whose capacity to monitor and review the discharge of the CJC's functions has recently been enhanced by the creation of the position of Parliamentary Criminal Justice Commissioner. Imposing a further accountability measure on the CJC is an unnecessary duplication of effort and places the CJC under far greater scrutiny than either the QPS or the QCC.

Apart from the general objection to CJC applications being subject to additional scrutiny by the PIM, we also have the following specific concerns about the present method of appointment of the PIM and Deputy PIM:

- The PIM is appointed by the Government, with no necessity for nonpartisan support, which is inappropriate in view of its important and sensitive role. In respect of the CJC, for example, any relevant applications that the CJC makes will relate to official misconduct within units of public administration, which could include misconduct by parliamentarians, political staffers or senior public servants. It is essential that anybody appointed to a position that has access to such information should be seen to have nonpartisan support.

- The first two appointees to the positions of PIM and Deputy PIM are practising barristers. The barrister appointed as PIM has frequently acted for police officers under investigation by the CJC and continues to act in some cases for such officers, despite the clear potential for a conflict of interest. A barrister with a busy practice may also have problems making him/herself available to appear on such applications, which in some cases need to be made at an hour's notice. For these reasons, we consider that retired judicial officers would be more appropriate appointees for the positions of PIM and Deputy PIM.

Anomaly over corrective services jurisdiction

The CJC's new corrective services jurisdiction does not include privately run correctional facilities, an anomaly which we raised with the Connolly-Ryan Inquiry and again with the PCJC in its recent three-yearly review of the CJC, in the following terms:

It would be most unsatisfactory if the CJC had jurisdiction to investigate complaints against staff in a QCorr correctional centre, but did not have jurisdiction in respect of complaints from staff or prisoners at a privately managed correctional centre. It seems appropriate that a private company or group exercising the powers of a public authority ... pursuant to a contractual arrangement be subject to the same systems of accountability in its operations as the public authority ...

As documented in our working paper, 'Complaint Procedures in Public and Private Prisons — Is there any difference?', prisoners in other Australian jurisdictions have access to the same complaints mechanisms regardless of whether they are held in publicly or privately run correctional facilities.

The PCJC in its recent review agreed, in principle, that staff of privately managed correctional facilities should come within the jurisdiction of the CJC (Conclusion 33). It recommended that an assessment of the feasibility of including staff of privately managed correctional centres within the jurisdiction of the Commission be assessed as a matter of urgency. This should be undertaken with a view to enacting legislation which brings these staff within the Commission's jurisdiction, in the absence of insurmountable obstacles (Recommendation 17).

We stress that we would need additional funding and resources if given jurisdiction over private correctional facilities.

Need for special powers

These special powers relate to:

- notices to produce
- visual surveillance and tracking devices
- telephone interception.

Notices to produce

The *Crime Commission Act 1997* provides the QCC with similar powers to the CJC to enable it to carry out its responsibilities. In addition, the QCC has been given the power to direct the recipients of a notice to produce not to disclose that they have been served with that notice. Unfortunately, the *Criminal Justice Act 1989* was not similarly amended even though the issue was raised in the report of the CJC's Carter Inquiry as being an impediment to the effective investigation of police corruption. We have asked that a similar provision be included in our Act so that proactive

• investigations are given some protection. Premature disclosure of covert investigations
• can destroy their effectiveness and expose investigative personnel to greatly increased
• risks.

• **Visual surveillance and tracking devices**

• The *Crime Commission Act* also authorised the QCC to use visual surveillance and
• tracking devices. Similarly, the *Police Powers and Responsibilities Act 1997* authorises
• the use of visual surveillance and tracking devices by police. Given that these powers
• have been made available to these other bodies, there can be no justification for
• withholding them from the CJC.

• **Telephone interception**

• We have also pressed for telecommunications interception powers. Tele-
• communications interception is one of the few investigative strategies that provides
• for immediate and direct access to the targets of an investigation. Most other
• investigative strategies (such as visual surveillance or listening devices) are indirect
• and often require interpretation. As such, telecommunications interception is an
• extremely effective covert and safe strategy which provides for more informed and
• selective use of other surveillance strategies. Interception is also recognised as a
• cost-effective, secure investigative tool, which contributes significantly to the successful
• conduct of investigations in an increasingly demanding environment.

• **Integrity testing of police officers**

• The CJC seeks amendments to its Act to allow for the integrity testing of QPS officers.
• It is presently unlawful to possess dangerous drugs for the purpose of using them in
• an integrity test designed to observe how they are dealt with by the officer who is the
• subject of the test. For this reason, we made a submission to the PCJC and to the
• Government to enact legislation to provide for properly authorised and supervised
• integrity tests. Similar legislation currently exists in New South Wales where integrity
• testing has been highly successful in ridding the Police Service of dishonest officers.

• **Protection for covert operatives**

• Similarly, we seek legislative protection for covert operatives who engage in activity
• which, though technically of a criminal nature, is engaged in solely for the purpose of
• obtaining evidence against others suspected of serious criminal conduct. Without such
• techniques, serious criminal activities will remain undetected and will continue to
• grow in scope and virulence. The PCJC in its three-yearly review supported this
• recommendation (Conclusion 22, Recommendation 11).

• **Required legislative changes affecting witness protection**

• Since July 1995, the CJC has submitted that extensive change to current legislative
• provisions is required to prescribe the role and processes of the Witness Protection
• Division more specifically. The changes sought by the CJC, if implemented, would:

- • allow family members of a person who has assisted the CJC to receive protection
• also, even if they themselves have not assisted the CJC
- • include provisions dealing with documentation to be completed before a person is
• accepted into the witness protection program
- • include a specific provision dealing with when protection may be withdrawn,
• other than at the request of the protected person

- recognise that 'interim' protection may be required, pending a proper assessment of a threat to a witness
- where it becomes known that a witness on the CJC's witness protection program is under investigation for, or has been arrested or charged with certain types of offences, grant a discretion to the Chairperson of the CJC to disclose to the appropriate law enforcement body details of the witness's new identity or location and the criminal record and fingerprints of the witness
- include a provision similar, although not identical, to section 27 of the Commonwealth Act to allow a discretion to notify stated third parties of the criminal record of a witness or the defendant in criminal proceedings
- remove section 62(2)(f) in recognition of the fact that, with the establishment of the National Witness Protection Program, it is no longer relevant
- recognise that assistance, short of actual protection of a person, may be provided to other witness protection agencies
- give a statutory protection to public officers from criminal liability for actions involved in the issue of documentation which assists in the establishment of a new identity
- exclude decisions relating to witness protection issues from the *Judicial Review Act 1992 (Qld)*
- exclude witness protection documentation, whether in the possession of the CJC or some other Queensland government department or agency, from the *Freedom of Information Act 1992*.

Further, Queensland legislation which is a 'complementary witness protection law' within the meaning of the Commonwealth *Witness Protection Act 1994*, is required to be enacted as a matter of urgency to ensure that the Division's operations are not prejudiced because of the absence of such legislation.

The proposed legislation would also provide protection to third parties from illegal activities of witnesses and ensure that witnesses comply with their legal obligations. Advice received from the Department of Justice indicates that the State Government is yet to make a decision on whether to proceed.

We appealed against Justice Shepherdson's decision.

Details of legal cases involving the CJC throughout 1997–98 are set out below.

Queensland Police Credit Union (QPCU) v. Criminal Justice Commission

The QPCU issued a writ seeking a declaration from the Supreme Court that the Commission failed to provide the Union with procedural fairness in relation to comments made about the Union in the Carter Report. It also asked for an injunction to prevent the CJC from taking any action in furtherance of recommendations made in the Carter Report based on those comments.

The Carter Report had outlined some of the difficulties caused to CJC investigations by the Credit Union routinely advising its members (usually members of the QPS) of any CJC inquiries about their financial records.

The matter was heard on 28 January 1998 before The Honourable Justice Shepherdson.

On 19 February 1998, Justice Shepherdson handed down his decision, in which he made the declaration sought by the Credit Union but declined to grant the injunction. Costs were awarded against the Commission. His Honour indicated in his judgment that he was applying the decision of the High Court in *Ainsworth v. Criminal Justice Commission* (1992) 175 CLR 564. (The Commission had argued that *Ainsworth* was distinguishable in that no harm was done to the reputation of the Credit Union and on other grounds.)

We lodged an appeal against Justice Shepherdson's decision.¹

Heery v. Criminal Justice Commission

As part of the investigative process undertaken during the course of the Carruthers Inquiry, a listening device was installed in premises occupied by a witness named Matthew Heery.² The order of the Supreme Court, which authorised the use of a listening device, described the investigation to which the application related in non-specific terms.

Mr Heery issued a writ seeking a declaration from the Supreme Court that the Commission had acted without proper legal authority, because the investigation to which the application related was not sufficiently specified in the application. Mr Heery also sought the delivery to him of any tapes and transcripts obtained through use of a listening device.

Matter was heard in March 1998 and judgment reserved.

¹ The Court of Appeal delivered its judgment on 21 August 1998. The CJC's appeal was allowed to the extent of a technical amendment to the order made by Justice Shepherdson, but otherwise was dismissed. The Court found that the comments made about the QPCU in the Carter Report had a real potential to prejudice the QPCU's reputation, and that therefore the Union ought to have been given the opportunity to be heard before the comments were published.]

² The Carruthers Inquiry was an inquiry conducted by The Honourable Kenneth Carruthers QC into a Memorandum of Understanding signed by the then Leader of the Opposition, Robert Borbidge, the then Opposition Minister for Police, Russell Cooper, and the then President of the Queensland Police Union of Employees, Sergeant Gary Wilkinson.

• A notice of motion returnable to the Supreme Court on 9 December 1997 was issued
 • by Mr Heery. Mr Heery's Counsel argued that section 82 of the *Criminal Justice Act*
 • required the 'matter' in respect of which an order was sought to be specified with
 • more particularity than had been done in this case, where the Commission had entitled
 • its application 'In the Matter of the *Criminal Justice Act 1989* and In the Matter of an
 • application by Pierre Mark Le Grand'. Counsel for the Commission argued that the
 • application had sufficiently identified the matter to which it related, and that necessary
 • particulars had been provided in the affidavits filed in support of the application.
 • They also argued that if sufficient particulars had not been provided, that the matter
 • was a technical deficiency which could be amended by the Court under the 'slip rule'.
 • This matter was heard before The Honourable Justice Margaret White on 9 March
 • 1998 and judgment has been reserved.

• **Carruthers and Ors v. Connolly and Ors [1998] 1 Qd R 339**

• The Connolly-Ryan Inquiry was set up at a time when the Carruthers Inquiry was
 • still proceeding.

• During the course of the Carruthers Inquiry, Police Minister Russell Cooper had
 • obtained an opinion from The Honourable Peter Connolly QC that Mr Cooper had not
 • been guilty of any wrongdoing in negotiating or signing the Memorandum of
 • Understanding. This opinion was tendered to the Carruthers Inquiry in August 1996
 • by Mr Cooper's Counsel, following a submission by Counsel Assisting the Carruthers
 • Inquiry that it was open to the Inquiry to conclude that there was sufficient evidence
 • to support a charge against Mr Cooper and others.

• The subsequent events may best be described in chronological order.

September 1996

• The then Attorney-General, The Honourable Denver Beanland, announced that there
 • was to be an inquiry into the CJC.

13 September 1996

• Allegations were made in Parliament by Mr Allan Grice against the Director of the
 • Official Misconduct Division (the Grice allegations). Mr Grice suggested that the
 • allegations should be included in the terms of reference of an inquiry into the CJC.

17 September 1996

• Mr Borbidge, the then Premier, announced that the inquiry (which was to become
 • known as the Connolly-Ryan Inquiry) was to be 'brought forward' in part because of
 • the need to investigate the Grice allegations.

7 October 1996

• By Order-in-Council, a Commission of Inquiry in relation to the CJC was set up, with
 • Mr Connolly QC as the Chairman and The Honourable Dr Kevin Ryan QC as his
 • co-Commissioner. Messrs Connolly and Ryan were of the view that their terms of
 • reference required them to investigate the conduct of the Carruthers Inquiry. To that
 • end, Counsel Assisting the Connolly-Ryan Inquiry sought an undertaking from Mr
 • Carruthers in relation to the custody and disposition of the records of his Inquiry,
 • including an undertaking from him that no documents would be destroyed. Mr
 • Carruthers, who was occupied with finalising his report on his Inquiry, declined to
 • give such an undertaking. Counsel Assisting the Connolly-Ryan Inquiry also sought
 • Mr Carruthers's permission to inspect and possibly copy documents in his possession,
 • indicating that it would be regrettable if the Connolly-Ryan Inquiry had to exercise
 • its coercive powers against him to achieve its objectives.

25 October 1996

• Counsel Assisting the Connolly-Ryan Inquiry indicated to Mr Carruthers's solicitor

- that he would 'get an order' if the cooperation sought was not forthcoming. Mr Carruthers's solicitor was also told that 'he should see him [Mr Carruthers] and tell him to do what he is told'.
-
- 29 October 1996 • Mr Carruthers resigned, stating as his reasons the interference with his Inquiry by the demands made by the Connolly–Ryan Inquiry, and the consequent loss of independence.
-
- 30 October 1996 • On the following day, Mr Connolly made disparaging comments about Mr Carruthers during the course of an ABC radio interview and also in a further interview conducted outside the ABC. On the same day, Messrs Connolly and Ryan convened their Inquiry and confirmed that they would be investigating the conduct of the Carruthers Inquiry. In a joint statement, Messrs Connolly and Ryan indicated that they rejected any claim that their request for various undertakings from Mr Carruthers had compromised the Inquiry which he had been conducting.
-
- 18 November 1996 • On the first hearing date of the Connolly–Ryan Inquiry, Counsel appearing for the Commission before the Connolly–Ryan Inquiry raised the issue of apprehended bias on the part of Mr Connolly. Mr Connolly indicated at that time that it might be better if he did not sit to hear evidence in respect of the Carruthers Inquiry.
-
- 28 November 1996 • The Governor-in-Council promulgated the *Commissions of Inquiry Regulation (No. 2) 1996*, which provided that either Commissioner appointed to the Connolly–Ryan Inquiry could constitute a quorum, and therefore sit alone.
-
- 22 January 1997 • While escorting one of the CJC's part-time Commissioners in to a private hearing, Mr Connolly made the comment, 'Now that our side of politics is back in power we can do a proper critique of the Fitzgerald experiment.'
-
- 10 March 1997 • Counsel for Mr Carruthers appeared before the Connolly–Ryan Inquiry, constituted by Dr Ryan sitting alone, and argued that apprehended bias on the part of both Commissioners disqualified them from inquiring into the Carruthers Inquiry and also that the regulation that allowed a Commissioner to sit alone did not avoid the consequences of that apprehended bias. It was submitted by Mr Carruthers's Counsel that Mr Connolly should be present to hear the submissions and the Inquiry was adjourned to request Mr Connolly to attend. Mr Connolly declined to attend and Dr Ryan proceeded to hear the argument alone.
-
- 30 April 1997 • Mr Cooper made a formal complaint to the Connolly–Ryan Inquiry about the conduct of the Carruthers Inquiry insofar as it related to its treatment of him.
-
- 27 May 1997 • Counsel Assisting the Connolly–Ryan Inquiry gave notice to Mr Carruthers that evidence was to be given in the following week which could reflect adversely on the conduct of his Inquiry.
-
- 2 June 1997 • Mr Carruthers's Counsel again appeared before the Connolly–Ryan Inquiry and reiterated their objections to the Inquiry proceeding in respect of Mr Carruthers on the grounds of apprehended bias. Again it was submitted that Mr Connolly should be present during argument on the application, but again Mr Connolly declined to attend. Dr Ryan delivered a ruling three days later in which he rejected the submission made on behalf of Mr Carruthers concerning apprehended bias.
-
- 3 June 1997 • Mr Carruthers commenced an action in the Supreme Court of Queensland to prevent the Connolly–Ryan Inquiry proceeding on the grounds of apprehended bias.

12 June 1997

- The CJC commenced a similar action. In the Supreme Court action, the CJC relied on various matters as being indicative of bias:
- adverse comments made by both Commissioners during the Inquiry to and about CJC witnesses;
- the refusal by the Commissioners of an application by the CJC to call certain witnesses relevant to issues before the Inquiry;
- repeated expressions of disapproval by Mr Connolly about the CJC's conduct in claiming legal professional privilege in respect of some material, even though the claim had been upheld in the Supreme Court;
- adverse comments by Mr Connolly about the conduct of the CJC's Counsel and solicitors;
- favourable treatment afforded to witnesses whose evidence was adverse to the CJC, compared with adverse treatment afforded to witnesses whose evidence was favourable to the CJC;
- the absence of intervention by the Commissioners when derogatory and inappropriate questions were put to CJC witnesses by Counsel, for example a reference by one Counsel to the CJC as 'Gestapo Headquarters at Toowong'.

5 August 1997

His Honour Justice Thomas delivered a judgment in which he concluded that:

... there is overwhelming evidence of ostensible bias against Mr Connolly with respect to matters that his Commission had to consider ... The picture would include all of the following perceptions in the mind of a fair-minded and informed member of the public:

- that shortly before the Commission was set up, Mr Connolly had given an opinion to Mr Cooper concerning the Memorandum of Understanding such that Mr Connolly's view might be thought to be that the Carruthers Inquiry (still running) was a waste of time and money;
- his acceptance of the commission to investigate the conduct of the CJC in circumstances where his former client Mr Cooper was sorely aggrieved by the CJC's conduct;
- his publicly insulting Mr Carruthers;
- his public reinforcement of his opinions;
- his expression of political alignment while the Commission was current;
- his participation in hearing, with a view to making final recommendations based thereon, numerous politically driven and politically sensitive complaints that the CJC was favouring one side of politics;
- his difficulty in effectively fencing himself off from what was called the 'Inquiry into the Carruthers Inquiry';
- his conduct of hearings in a manner apparently more supportive of witnesses adverse to the CJC than those favourable to it;
- his frequent display of rancour, without apparent cause, against the CJC and those representing it;
- his willingness to participate in determining the validity of complaints such as the two complaints of Mr Beanland and at least to some extent the wide-ranging complaints of his former client Mr Cooper and other politically contentious issues;
- his uneven conduct in relation to the important issue of alleged impropriety by Mr Le Grand, including a refusal to receive evidence that would support Mr Le Grand's defence; and ...

- the consistency of the above pattern and of the direction in which all these matters point.

The following principal findings and conclusions appeared in the judgment:

1. In view of the political controversy surrounding the creation of the Connolly–Ryan Inquiry and the issues which it examined, it was particularly important that the Commissioners be seen to be impartial and as not minded to serve the interests of one side or other of politics;
2. There was a strong case of ostensible bias on the part of Mr Connolly such as would give rise in the mind of a fair-minded and informed member of the public to a reasonable apprehension of a lack of impartiality on his part with respect to the subject matter of the Inquiry. A similar fear would also reasonably arise in the minds of the plaintiffs.
3. Mr Connolly was therefore disqualified from further participation in the Connolly–Ryan Inquiry.
4. In the absence of Mr Connolly, Dr Ryan lacked the power and authority to complete the work of the Commission. It was not possible for one person to discharge the obligations of a two-person Commission.
5. If Dr Ryan did have the power and authority to complete the work of the Commission alone and to deliver a sole report, it was unacceptable that he did so, in view of his extensive association with Mr Connolly in the work of the Commission to that time. Despite the perception of Dr Ryan as a person without personal predisposition to views that would disqualify him, his extensive association with Mr Connolly made a reasonable apprehension of unfairness and lack of impartiality inevitable in the circumstances.
6. Neither plaintiff had waived the right to bring his claims.
7. Neither Mr Connolly nor Dr Ryan was immune from the jurisdiction of the Supreme Court to review the question whether in the conduct of the Inquiry they had observed the principles of natural justice. In particular they were not immune from court review of the question whether either of them was disqualified because of ostensible bias.
8. The Commissioners had acted outside their terms of reference whilst Mr Carruthers’s Inquiry was still current, in the enforcement of their process upon Mr Carruthers and in determining to proceed with an examination touching his conduct. However, after Mr Carruthers’s resignation, it was within their terms of reference to investigate his conduct, at least incidentally to their duty to investigate the CJC’s conduct.
9. Both Mr Carruthers and the CJC stood to be adversely affected by the conduct of the commission, and each of them had the necessary standing to bring this action.

His Honour ordered:

... that there be a declaration that the Commissioners are disqualified from further proceeding with the subject Inquiry and an injunction should be granted restraining them forthwith from so proceeding.

Justice Thomas found ‘overwhelming evidence of bias’ and ordered the Connolly–Ryan Inquiry terminated.

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.

July 1997 to June 1998

June 1998	<i>Recent Changes to Police Powers Legislation in Queensland: A Comparison with the Recommendations of the Criminal Justice Commission</i>
April 1998	<i>Criminal Justice System Monitor, Vol. 3</i> <i>Police Pursuits in Queensland Resulting in Death or Injury</i>
Feb. 1998	<i>The Physical Requirements of General Duties Policing</i> <i>Beenleigh Calls for Service Project: Evaluation Report</i>
Dec. 1997	<i>The Cost of First Response Policing: Research Paper Series</i>
Nov. 1997	<i>Reports on Aboriginal Witnesses and Police Watchhouses: Status of Recommendations</i> <i>Submission in Response to the Police Powers and Responsibilities Bill 1997</i> <i>Submission on the Crime Commission Bill 1997</i>
Oct. 1997	<i>Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers</i> <i>Annual Report 1996-97 and Annual Report Summary</i> <i>Submission on the Queensland Government's Information Paper on the Crime Commission Bill</i> <i>Submission to the Department of Justice on the Evidence Act 1977</i>
Sept. 1997	<i>Submission in Response to the Discussion Paper on the Proposal to Establish the Queensland Crime Commission</i> <i>The Impact of the Connolly-Ryan Inquiry on the Criminal Justice Commission</i> <i>Community Consultative Committees and the Queensland Police Service: An Evaluation</i> <i>Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms</i> <i>Submission on the Draft Criminal Justice Legislation Amendment Bill 1997 and the Draft Misconduct Tribunals Bill 1997</i>
Aug. 1997	<i>Queensland Police Service Academy Training: The Views of Recruits at Oxley and Townsville Campuses</i> <i>Submission in Response to the Queensland Government's Discussion Paper on the Review of Police Powers</i> <i>Submission to the Parliamentary Legal, Constitutional and Administrative Review Committee's Discussion Paper on Privacy in Queensland</i>
July 1997	<i>Statement of Affairs 1997</i>

July 1996 to June 1997

- June 1997 *Criminal Justice System Monitor, Vol. 2*
- *Hot Spots and Repeat Break and Enter Crimes: An Analysis of Police Calls for Service Data*
- April 1997 *Assault in Queensland — Research Paper Series*
- Mar. 1997 *Reducing Police–Civilian Conflict: An Analysis of Assault Complaints against Queensland Police*
- Feb. 1997 *Gold Coast District Negotiated Response Trial: Survey Findings*
- Jan. 1997 *Beenleigh Calls for Service Project: Mid-term Progress Report*
- 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*
- *Assault-Related Injuries Reported by Queensland Police Officers*
- Nov. 1996 *Defendants' Perceptions of the Investigation and Arrest Process*
- Oct. 1996 *Gender and Ethics in Policing — Research Paper Series*
- *Exposing Corruption — A CJC Guide to Whistleblowing in Queensland*
- Sept. 1996 *Annual Report 1995–96 and Annual Report Summary*
- Aug. 1996 *Report on Police Watchhouses in Queensland*
- July 1996 *Corporate Plan 1996–1999*
- *Intelligence at Work Inside the CJC, An Issue Paper*

July 1995 to June 1996

- May 1996 *Aboriginal Witnesses in Queensland Criminal Courts*
- *The Nature of General Police Work*
- April 1996 *On the Record — The CJC Six Years On*
- *Informal Complaint Resolution in the Queensland Police Service: Follow-up Evaluation*
- Mar. 1996 *Utilising Calls for Service Data*
- *The West End Police Beat: An Evaluation*
- Jan. 1996 *Residential Burglary in Queensland — Research Paper Series*
- Dec. 1995 *Corporate Plan 1995–1998*
- *Report on an Inquiry Conducted by Mr R V Hanson QC into the Alleged Unauthorised Dissemination of Information Concerning Operation Wallah*
- *Protecting Public Sector Whistleblowers: A Statutory Responsibility — Issue Paper Series*
- Nov. 1995 *Annual Report 1994–95 and Annual Report Summary*
- Oct. 1995 *Crime Victims Surveys in Australia — Conference Proceedings*
- Sept. 1995 *Beat Policing: A Case Study — A Research Paper*
- *Children, Crime and Justice in Queensland — Research Paper Series*
- Aug. 1995 *Criminal Justice System Monitor, Vol. 1*

July 1994 to June 1995

- April 1995 *Corporate Plan 1994–1997*
- *Report on the Sufficiency of Funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions, Queensland*

- Mar. 1995 *Report on an Inquiry Conducted by The Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre*
- Jan. 1995 *Telecommunications Interception and Criminal Investigation in Queensland: A Report*
- Dec. 1994 *A Report into Allegations that the Private Telephone of Lorrelle Anne Saunders was 'Bugged' in 1982 by Persons Unknown, and Related Matters*
- *Fear of Crime — Research Paper Series*
- *Aboriginal and Islander Councils Investigations — An Issue Paper*
- Nov. 1994 *Report on an Investigation into the Tow Truck and Smash Repair Industries*
- *Informal Complaint Resolution in the Queensland Police Service: An Evaluation*
- Oct. 1994 *Annual Report 1993-94*
- *Report on a Review of Police Powers in Queensland Volume V: Electronic Surveillance and Other Investigative Procedures*
- *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*
- Sept. 1994 *A Report of an Investigation into the Cape Melville Incident*
- Aug. 1994 *Implementation of Reform within the Queensland Police Service, the Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations*
- *Statement of Affairs*
- 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*
- *Submission to the Parliamentary Criminal Justice Committee on its Review of the Criminal Justice Commission's Activities*
- **July 1993 to June 1994** June 1994 *Report on Cannabis and the Law in Queensland*
- *Selling your Secrets: Who's Selling What? — Issue Paper Series*
- *Report on an Investigation into Complaints against Six Aboriginal and Island Councils*
- May 1994 *Report on a Review of Police Powers in Queensland Volume IV: Suspects' Rights, Police Questioning and Pre-Charge Detention*
- 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*
- Mar. 1994 *Police Recruit Survey Summary Report #3*
- *A Report of an Investigation into the Arrest and Death of Daniel Alfred Yock*
- Feb. 1994 *Murder in Queensland — Research Paper Series*
- Dec. 1993 *Recruitment and Education in the Queensland Police Service: A Review*

- Corporate Plan 1993–1996
- Nov. 1993 *Corruption Prevention Manual*
- Report on a Review of Police Powers in Queensland Volume III: Arrest without Warrant, Demand Name and Address and Move-On Powers*
- Whistleblowers – Concerned Citizens or Disloyal Mates?*
- Oct. 1993 *Attitudes Towards Queensland Police Service – Second Survey*
(Survey by REARK)
- Sept. 1993 *Report on the Implementation of the Fitzgerald Recommendations Relating to the Criminal Justice Commission*
- Annual Report 1992–93*
- Selling Your Secrets – Proceedings of a Conference on the Unlawful Release of Government Information*
- Aug. 1993 *Report by The Honourable W J Carter QC on his Inquiry into the Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen*
- Statement of Affairs*
- July 1993 *Cannabis and the Law in Queensland: A Discussion Paper*
- May 1993 *Report on a Review of Police Powers in Queensland Volume I: An Overview*
- July 1992 to June 1993**
- Report on a Review of Police Powers in Queensland Volume II: Entry Search and Seizure*
- April 1993 *Submission to the Parliamentary Criminal Justice Committee on the Use of the Commission's Powers under Section 3.1 of the Criminal Justice Act 1989*
- Jan. 1993 *First Year Constable Study Summary Report No. 2*
- Nov. 1992 *Report on SP Bookmaking and Related Criminal Activities in Queensland (Originally produced in August 1991 as a confidential briefing paper to Government)*
- Report on an Investigation into the Complaints of Kelvin Ronald Condren and Others*
- Corporate Plan 1992–1995*
- Oct. 1992 *Pre-Evaluation Assessment of Police Recruit Certificate Course*
- Sept. 1992 *Annual Report 1991–1992*
- Beat Area Patrol – A Proposal for a Community Policing Project in Toowoomba*
- June 1992 *Register of Forensic Science Providers in Queensland*
- Mar. 1992 *Report on an Inquiry into Allegations Made by Terrance Michael Mackenroth MLA, the Former Minister for Police and Emergency Services, and Associated Matters*
- July 1991 to June 1992**
- Youth, Crime and Justice in Queensland – An Information and Issue Paper*
- Crime Victims Survey – Queensland 1991, A joint publication produced by Government Statistician's Office, Queensland, and the CJC*
- Feb. 1992 *Queensland Police Recruit Study, Summary Report No. 1*

- Jan. 1992 *Report of the Committee to Review the Queensland Police Service Information Bureau*
-
- Dec. 1991 *Report on an Investigation into Possible Misuse of Parliamentary Travel Entitlements by Members of the 1986–1989 Queensland Legislative Assembly*
-
- 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*
-
- *Report on an Inquiry into Allegations of Police Misconduct at Inala in November 1990*
-
- *Corporate Plan 1991–1993*
- Sept. 1991 *Regulating Morality? An Inquiry into Prostitution in Queensland*
- *Police Powers in Queensland – Issue Paper Series*
- *Annual Report 1990–91*
- Aug. 1991 *Crime and Justice in Queensland*
- 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*
-
- *Complaints against Local Government Authorities in Queensland – Six Case Studies*
-
- *Report on the Investigation into the Complaint of Mr T R Cooper MLA, Leader of the Opposition, against The Honourable T M Mackenroth MLA, Minister for Police and Emergency Services*
-
- **July 1990 to June 1991** 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*
-
- May 1991 *Report on the Investigation into the Complaints of James Gerrard Soorley against the Brisbane City Council*
-
- *Attitudes Toward Queensland Police Service – A Report (Survey by REARK)*
- April 1991 *Submission on Monitoring of the Functions of the Criminal Justice Commission*
-
- Mar. 1991 *Review of Prostitution-related Laws in Queensland – An Information and Issue Paper*
-
- *The Jury System in Criminal Trials in Queensland – An Issue Paper*
- *Report of an Investigative Hearing into Alleged Jury Interference*
- Feb. 1991 *Directory of Researchers of Crime and Criminal Justice – Prepared in conjunction with the Australian Institute of Criminology*
-
- Nov. 1990 *SP Bookmaking and Other Aspects of Criminal Activity in the Racing Industry – An Issue Paper*
-
- *Corporate Plan*
- Sept. 1990 *Criminal Justice Commission Queensland Annual Report 1989–1990*
-
- **July 1989 to June 1990** May 1990 *Reforms in Laws Relating to Homosexuality – An Information Paper*
- *Report on Gaming Machine Concerns and Regulations*

OPERATING STATEMENT

year ended 30 June 1998

	Notes	1998 \$	1997 \$
COST OF SERVICES			
Operating expenses			
Salaries and related expenses	1	12 846 852	13 769 948
Administration	2	4 104 256	5 500 197
Operational	3	453 305	555 313
Consulting	4	147 557	264 786
Accommodation	5	2 769 232	2 891 186
Transfers to provisions	6	967 177	700 160
Write-offs		4 757	226 365
Total operating expenses		21 292 143	23 907 955
Operating revenue from independent sources			
Interest		116 596	146 685
Other	7	41 023	34 129
Gain on sale of plant and equipment		16 806	30 234
Total operating revenue from independent sources		174 427	211 048
Net cost of services		21 118 716	23 696 907
REVENUE FROM GOVERNMENT			
Parliamentary appropriations received	8	22 161 000	22 155 000
Total revenue from government		22 161 000	22 155 000
Changes in net assets resulting from operations		1 042 284	(1 541 907)
Abnormal item	9	-	(915 275)
Changes in net assets resulting from operations and abnormal item		1 042 284	(2 457 182)

STATEMENT OF FINANCIAL POSITION

as at 30 June 1998

	Notes	1998 \$	1997 \$
CURRENT ASSETS			
Cash	10	355 183	305 619
Receivables		38 888	4 203
Prepayments		208 343	126 778
Total current assets		602 414	437 600
NON-CURRENT ASSETS			
Plant and equipment	11	1 241 811	1 530 624
Total non-current assets		1 241 811	1 530 624
TOTAL ASSETS		1 844 225	1 968 224
CURRENT LIABILITIES			
Salaries payable		2 730	503 266
Sundry creditors	12	4 175	704 447
Income received in advance		70 000	-
Provisions	13	657 193	621 613
Loan from Treasury	14	179 018	195 353
Total current liabilities		913 106	2 024 680
NON-CURRENT LIABILITIES			
Provisions	13	872 879	741 065
Loan from Treasury	14	534 125	720 667
Total non-current liabilities		1 407 004	1 461 732
TOTAL LIABILITIES		2 320 110	3 486 393
NET ASSETS		(475 885)	(1 518 169)
EQUITY			
Accumulated results from operations		(475 885)	(1 518 169)
TOTAL EQUITY		(475 885)	(1 518 169)

STATEMENT OF CASH FLOWS

for year ended 30 June 1998

	Notes	1998 \$	1997 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Inflows:			
Interest		112 851	151 777
Other		80 083	44 895
Total inflows		192 934	196 672
Outflows:			
Salaries and related expenses		(14 106 023)	(14 215 719)
Redundancy payments		—	(915 275)
Suppliers		(7 683 437)	(7 725 736)
Total outflows		(21 789 460)	(22 856 730)
Net cash used in operating activities	A	(21 596 526)	(22 660 058)
CASH FLOWS FROM INVESTING ACTIVITIES			
Inflows:			
Proceeds from sale of plant and equipment		259 688	298 677
Total inflows		259 688	298 677
Outflows:			
Payments for purchases of plant and equipment		(572 741)	(418 054)
Total outflows		(572 741)	(418 054)
Net cash used in investing activities		(313 053)	(119 377)
CASH FLOWS FROM GOVERNMENT			
Inflows:			
Parliamentary appropriations	B	22 161 000	22 155 000
Total inflows		22 161 000	22 155 000
Net cash provided by government		22 161 000	22 155 000
CASH FLOWS FROM FINANCING ACTIVITIES			
Inflows:			
Treasury loan		—	916 000
Total inflows		—	916 000
Outflows:			
Payment of loan instalments		(202 857)	—
Total outflows		(202 857)	—
Net cash provided by/used in financing activities		(202 857)	916 000
Net increase (decrease) in cash held		48 564	291 585
Cash at beginning of reporting period		306 619	15 054
Cash at end of reporting period	C	355 183	306 619

STATEMENT OF CASH FLOWS (continued)

Note A Reconciliation of change in net assets resulting from operations with net cash provided or used by operating activities.

	1996	1997
	\$	\$
Change in net assets resulting from operations	1 042 284	(1 541 907)
Depreciation expense	613 918	729 295
Write-offs (non-cash)	4 757	226 365
Gain on sale of plant and equipment	(16 608)	(30 234)
(Increase) Decrease in accounts receivable	(34 685)	15 858
(Increase) Decrease in prepaid expenses	(81 586)	123 230
(Decrease) Increase in trade creditors	(700 272)	604 423
(Decrease) Increase in salaries payable	(500 538)	238 014
Provisions — recreation and long service leave	167 384	143 153
Extraordinary item — redundancy payments	-	(915 275)
Income received in advance	70 000	-
Government revenues	(22 161 000)	(22 155 000)
Net cash used in operating activities	<u>(21 596 526)</u>	<u>(22 660 058)</u>

Note B Receipts from parliamentary appropriations

Parliamentary appropriations	20 208 000	20 111 000
Supplementation	1 952 000	2 044 000
Total received	<u>22 161 000</u>	<u>22 155 000</u>

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	334 763	286 218
Cash on hand	20 400	20 400
	<u>355 163</u>	<u>306 618</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 Financial Management Standards, 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, and the rates of depreciation are reviewed annually to ensure that they reflect the current useful life of the assets.

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)

	1998 \$	1997 \$
Note 1 Salaries and related expenses		
Salaries, wages, and allowances	10 388 921	11 133 531
Overtime	674 009	713 254
Payroll and fringe benefits tax	786 484	853 982
Superannuation contribution	974 845	1 046 602
Workers' compensation	20 593	20 679
	<u>12 846 652</u>	<u>13 768 948</u>
Note 2 Administration		
Airfares, taxis, hire cars, and travel allowances	385 462	607 566
Contractors	47 782	30 172
Telephones, pagers, facsimile	304 512	389 442
Postage	16 351	22 714
Advertising	19 581	8 289
Subscriptions, books	76 301	63 205
Stores and stationery	91 327	78 629
Printing and publications	51 288	79 977
Vehicle leasing	231 096	178 597
Petrol, maintenance, registration	236 454	257 790
Equipment -- non-asset	119 639	60 515
Computing expenses and software	373 842	198 982
Witness fees and expenses	11 941	19 839
Transcription	43 246	74 235
Audit fees	13 500	12 600
Recruitment and training	81 792	70 804
Litigation costs	294 460	-
Information retrieval	85 778	119 532
Depreciation	613 918	728 295
Sundry costs of inquiries	216 350	454 781
Legal advice	(a) 576 817	1 812 311
Interest -- Treasury loan	53 826	18 824
Other	161 303	212 299
	<u>4 104 256</u>	<u>5 500 197</u>

(a) Legal advice for 1997-98 included costs for advice and representation by Counsel for the Commission of Inquiry into the Effectiveness of the Criminal Justice Commission (Connolly-Ryan Inquiry), an application by the CJC to set aside the Connolly-Ryan Inquiry on the grounds of bias, matters involving the Queensland Police Credit Union, and other operational matters.

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

Note 3 Operational

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

1998
\$

1997
\$

Note 4 Consulting

Contracted research	21 800	14 900
Program evaluation	8 400	16 520
Corruption prevention	-	34 208
Organisational review	66 614	-
Commission of Inquiry into the Effectiveness of the CJC	-	79 500
Financial management	-	4 440
Disciplinary sanctions -- Police Service Administration Act	-	8 730
Inquiry into alleged police misconduct	50 743	106 888
	<u>147 557</u>	<u>264 786</u>

Note 5 Accommodation

Lease	2 239 061	2 270 663
Security	177 677	291 904
Cleaning	139 376	143 199
Electricity	146 464	145 161
Refurbishment	41 539	16 402
Other	25 100	23 857
	<u>2 769 239</u>	<u>2 891 186</u>

Note 6 Transfer to provisions

Current	762 603	597 898
Non-current	204 574	102 262
	<u>967 177</u>	<u>700 160</u>

Note 7 Other

Sundry income	41 023	34 129
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Note 8 Queensland Government appropriation

Appropriation	20 209 000	20 111 000
Supplementary funding	1 952 000	2 044 000
	<u>22 161 000</u>	<u>22 155 000</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	1998 \$	1997 \$
Note 9 Abnormal item		
Redundancy payments	-	(915 275)
Note 10 Cash		
Cash at bank	334 780	296 219
Cash on hand	20 400	20 400
	<u>355 183</u>	<u>306 619</u>
Note 11 Plant and equipment (at cost)		
General equipment	420 734	377 757
Less accumulated depreciation	193 261	189 264
	<u>227 453</u>	<u>188 493</u>
Operations equipment	1 061 134	1 035 350
Less accumulated depreciation	886 160	803 005
	<u>174 974</u>	<u>232 345</u>
Furniture and fittings	23 346	21 401
Less accumulated depreciation	14 536	10 788
	<u>8 810</u>	<u>10 613</u>
Computer equipment	1 853 662	1 846 146
Less accumulated depreciation	1 410 833	1 234 136
	<u>442 729</u>	<u>612 012</u>
Motor vehicles	558 213	651 428
Less accumulated depreciation	170 368	164 267
	<u>387 845</u>	<u>487 161</u>
Total plant and equipment	<u>1 241 811</u>	<u>1 530 624</u>
Note 12 Sundry creditors		
Sundry creditors	4 175	685 623
Interest on Treasury loan	-	18 624
	<u>4 175</u>	<u>704 447</u>
Note 13 Provisions		
Employee entitlements		
Current leave	657 163	621 613
Non-current leave	872 879	741 065
	<u>1 530 062</u>	<u>1 362 678</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.]

NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

Note 14 Loan from Treasury

As a result of budget cuts imposed upon the CJC, 20 civilians were made redundant in 1996-97. 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 \$4585 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 1998 total \$94 381 for motor vehicles, and \$16 704 for technical equipment.

Note 18 Lease commitments

The CJC leases motor vehicles from Q-Fleet business unit of the Department of Public Works. These operating leases vary according to the timing of the replacement of the vehicle.

Note 19 Contingent assets/liabilities

There were no known contingent assets or liabilities of a significant nature as at 30 June 1998.

Note 20 Services provided (to CJC) below fair value

No services were received at below fair value.

Note 21 Financial instruments

Cash

Cash includes cash on hand and held in bank accounts. Rate of return on cash held in bank accounts is approximately 4%.

Receivables

Receivables are carried at actual amounts with credit advanced on 30-day terms. The credit risk has been assessed as being immaterial. Accordingly, there has been no provision made for doubtful debts.

Creditors

Creditors are carried at actual amounts and represent accrued expenses applicable to the 1997-98 financial year, and paid after balance date.

Borrowings

The CJC currently has a loan with Queensland Treasury as disclosed in note 14 to the accounts. This loan attracts an interest rate of 6.4%.

Net Fair Values

The carrying amount for cash, receivables and creditors approximates fair values. The value of borrowings is recorded at book value.

Note 22 Year 2000 impact

The impact assessment phases of the CJC's 'Year 2000' Project have shown the CJC has low exposure to year 2000 problems. The major systems/facilities that have been identified as being non-year 2000 compliant are the subject of specific 'repair' or replacement projects. It is expected that the CJC will have reduced its exposure to year 2000 problems to an acceptable level by June 1999.

Certificate

The foregoing Financial Statements have been prepared pursuant to the provisions of the *Financial Administration and Audit Act 1997*. 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 Financial Management Standards, so as to present a true and fair view of the transactions of the Criminal Justice Commission for the year ended 30 June 1998, and of the financial position as at 30 June 1998.

7/8/98

Date

F J Clair

Chairperson

G M Brighton

Executive Director

Scope

I have audited the financial statements of the Criminal Justice Commission for the year ended 30 June 1998 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 Queensland Audit Office 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 1998 and of the financial position as at the end of that year.



V P Manera
Deputy Auditor-General
(Delegate of the Auditor-General)

