

justice | integrity | accountability

criminal **justice**  
commission

ANNUAL REPORT 1999 – 2000



## WHO TO CONTACT AT THE CJC

To make a complaint to the CJC, or give us information, phone:

**(07) 3360 6060**

*These lines are open 24 hours a day.*

If you live in Queensland but outside Brisbane, the call is free on:

**1 800 061 611**

Or write to us:

*(Applications made under the Freedom of Information Act 1994 must be in writing.)*

PO Box 137

Brisbane Albert Street 4002

fax us:

(07) 3360 6333

email us:

mailbox@cjc.qld.gov.au

visit us:

Level 3, Terrica Place,  
140 Creek Street, Brisbane

If you would like to speak with our **Complaints Liaison and Whistleblower Support Officer**, phone (during business hours):

3360 6323

Our **Corruption Prevention Officers** can be reached during business hours on:

3360 6300 (Local Government)

3360 6262 (Police)

3360 6396 (Public Sector)

and our **Aboriginal and Torres Strait Islander Liaison Officers** on

3360 6221 and 3360 6361

For 24-hour access to our publications and other information, visit:

**[www.cjc.qld.gov](http://www.cjc.qld.gov)**

To contact our oversight body, the **Parliamentary Criminal Justice Committee (PCJC)**, phone:

3406 7207

# A message from the Chairperson

This year the CJC celebrated its tenth anniversary. It is an appropriate time for the organisation to look to the future and focus on meeting the challenges of its second decade.

It is sometimes overlooked that the CJC delivers a range of services unequalled by any similar organisation. Only in Queensland do we find a single agency that each year receives and responds to thousands of public complaints about public sector misbehaviour, pursues major proactive covert investigations into serious corruption, conducts and reports on public hearings into significant issues, provides protection to those in danger because of their assistance to police, delivers corruption prevention advice to agencies and publishes nationally acclaimed research into important police and criminal justice issues. In recommending the formation of the CJC the authors of the Fitzgerald Report had the vision to group all these roles together in the one organisation. Considerable benefits flow from the ability to bring the combined skills and resources of the whole organisation to bear on any particular problem.

The challenge for the CJC as it enters its second decade is to ensure that in each of its roles it is focused on delivering outcomes of the highest quality and relevance.

The CJC is much more than just a law enforcement agency. It is the place to which Queenslanders can bring their concerns about breaches of trust by public officials. Those concerns will be heard and, where possible, resolved by the CJC. But the CJC is not merely a clearing house for complaints. Through proactive, sometimes covert, criminal investigations, it detects and prosecutes serious corruption. Through research and corruption

prevention activities, it minimises future corruption opportunities.

In performing these roles in the public interest, the CJC is committed to the fundamental values of independence, impartiality and fairness. This involves independently and impartially dealing with allegations, by giving fair regard to the interests of both the complainants and those who are the subject of complaints.

The need to foster a public sector of integrity is a continuing one. The protective and deterrent effect of a powerful investigative agency is necessary to achieving that. However, a truly ethical public sector is possible only if the hearts and minds of the vast majority of public employees are committed to that goal. In its second decade the CJC must reach out to public sector managers and employees to win their support. Our commitment is to building partnerships with agencies to achieve an ethical public workplace.

New strategies are now in place and the organisational changes to give effect to those strategies are largely implemented. But it is our staff who are responsible for the real transformation that is happening in the way the CJC serves the people of this State. Our staff know and believe in the importance of the work they do. Through their commitment and dedication the CJC provides outcomes which deliver real benefits for the Queensland public sector. It is to them, the hard-working staff of the CJC, that I express my thanks for the successes of the CJC this year.



**Brendan Butler SC**

# Abbreviations

AIC	Australian Institute of Criminology
ANZSOC	Australian and New Zealand Society of Criminology
CCC	Commission Consultative Committee
CEO	Chief Executive Officer
CID	Criminal Intelligence Database
CJC	Criminal Justice Commission
CLE	Continuing Legal Education
COMPASS	Complaints Management, Processing and Statistical System
COP	Committee for Operations and Projects
DCS	Department of Corrective Services
EAC	Executive Assessment Committee
EEO	Equal Employment Opportunity
FOI	Freedom of Information
IACOLE	International Association for Civilian Oversight of Law Enforcement
IIA	Institute of Internal Auditors
IRAS	Intelligence Recording and Analysis System
IT	Information technology
JOCTF	Joint Organised Crime Task Force
LGAQ	Local Government Association of Queensland
MDT	Multidisciplinary Team
MLA	Member of the Legislative Assembly
NCA	National Crime Authority
OMD	Official Misconduct Division
PCJC	Parliamentary Criminal Justice Committee
PEAC	Police Education Advisory Council
PID	Public interest disclosure
PSO	Peer Support Officer
QCC	Queensland Crime Commission
QPCU	Queensland Police Credit Union
QPS	Queensland Police Service
OPSC	Office of the Public Service Commissioner

# Financial summary

## REVENUE

The major source of our revenue each year is appropriation received from the State Government. In 1999–2000, this was \$24.548 million, representing 98.3 per cent of our revenue.

## EXPENSES

Most of our expenses for the year related to employees, supplies and services, and depreciation. Total expenses were \$25.307 million, compared to \$23.162 million in 1998–99. The increase was mainly due to higher salary and superannuation costs, and increases in computer expenses.

## ASSETS

Our total current and non-current assets increased by \$5.041 million to \$7.403 million in 1999–2000. Current assets increased by \$2.118 million, mainly

due to cash on hand from the receipt of a \$3.515 million lease incentive attached to the new premises at Terrica Place. Non-current assets increased by \$2.923 million, which includes \$2.524 million for leasehold improvements to the new premises.

## LIABILITIES

Our total liabilities as at 30 June 2000 were \$6.105 million. These included \$3.515 million for the lease incentive (borrowing) for Terrica Place, \$.735 million for employee leave entitlements not taken, and an increase of \$1.510 million in sundry creditors mainly relating to accrued expenditure on leasehold improvements.

## NET EQUITY

The year ended with an improvement in net equity from \$0.660 million in 1998–99 to \$1.297 million in 1999–2000.

**Table 1: Financial summary**

Year ended 30 June 2000	2000 \$000s	1999 \$000s	Change \$000s	Change* %
<b>For the year</b>				
Queensland Government Grant	24 548	23 731	817	3
Operating revenue	411	566	-155	-27
Operating expenses	25 307	23 162	2 145	9
Operating surplus	-348	1 136	-1 484	-131
<b>At year end</b>				
Total assets	7 403	2 362	5 041	213
Total liabilities	6 105	1 702	4 403	259
Net assets	1 297	660	637	97

\* These percentages have been rounded.

# About the CJC

The Criminal Justice Commission was established by the *Criminal Justice Act 1989* to restore confidence in our public institutions following the revelations of the 1987–89 Fitzgerald Inquiry into police corruption.

The CJC belongs to all Queenslanders. It serves the people in two ways: by exposing unethical conduct (watchdog role) and promoting ethical conduct (reformer role) in the Queensland public sector.

## MORE THAN JUST A COMPLAINTS-HANDLING BODY

The role of the CJC is to:

- investigate and report on official misconduct in the Queensland public sector and misconduct in the Queensland Police Service (QPS)
- monitor, review and report on the administration of criminal justice in Queensland
- manage the witness protection program on behalf of Queensland law enforcement agencies.

The CJC also undertakes proactive investigations, plays a key role in QPS and criminal justice reform, and promotes public sector ethics. In addition, we are required by the Criminal Justice Act to undertake criminal justice functions that cannot effectively or appropriately be carried out by the police or other agencies of the State.

## WHO WE WORK WITH

We work in partnership with the QPS, particularly its Ethical Standards Command, and state government departments and agencies through various liaison programs and cooperative ventures.

We also have cooperative arrangements with the Queensland Crime Commission (QCC), which investigates organised crime, and with the wider community through groups such as the Aboriginal and Torres Strait Islander Consultative Committee to increase the public's awareness of the effects of corrupt behaviour on our society.

The CJC's jurisdiction covers Queensland only, but our work brings us into contact with law enforcement agencies in other States, such as the Australian Federal Police, the National Crime Authority (NCA), the New South Wales Crime Commission, the New South Wales

Independent Commission Against Corruption (ICAC), the New South Wales Police Service, the New South Wales Police Integrity Commission, the Victoria Police Service Ethical Standards Department and the Western Australian Anti-Corruption Commission.

## WHEN DOES THE CJC BECOME INVOLVED IN A MATTER?

The CJC can become involved in a matter only when it relates to misconduct or official misconduct in the QPS or official misconduct in:

- state government departments
- state statutory bodies
- state-run schools, universities and TAFEs
- local government councils
- state-run prisons
- the Queensland Parliament and Executive Council.

**Misconduct**, as defined in the *Police Service Administration Act 1990*, is conduct that:

- (a) is disgraceful, improper or unbecoming an officer, or
- (b) shows unfitness to be or continue as an officer, or
- (c) does not meet the standard of conduct the community reasonably expects of a police officer.

**Official misconduct**, as defined in the Criminal Justice Act, is corrupt or other serious misconduct by a public sector officer relating to the performance of the officer's duties. The conduct must:

- be dishonest or lack impartiality, or
- involve a breach of trust, or
- be a misuse of officially obtained information.

To amount to official misconduct the conduct must also be serious enough to be a criminal offence or to justify dismissal. Official misconduct includes conduct by anyone who seeks to corrupt a public officer.

## Who may complain to the CJC?

Anyone may make a complaint to the CJC or give us information. If it relates to one of the above areas, we are obliged to respond. Under the Criminal Justice Act, all Chief Executive Officers (CEOs) of state government departments and agencies are required by law to refer to the CJC all cases of apparent official misconduct that come to their attention, and all police officers are required to report misconduct to the CJC.

## WHAT HAPPENS WHEN A COMPLAINT IS LODGED AT THE CJC?

Complaints are received by officers in the Complaints Section of the Official Misconduct Division. They may be lodged by telephone, in writing or in person.

All complaints, including anonymous complaints, are accepted, although anonymous complaints are not encouraged for the obvious reason that they are difficult to investigate.

When a complaint is received it is registered in a database. Each complaint is then assessed to see whether it is within the CJC's jurisdiction to investigate and is genuine and capable of investigation.

If a complaint is accepted as genuine and capable of investigation, it is handed over to one of the multidisciplinary investigation teams in the CJC, known as MDTs, or it is referred for investigation to another agency (i.e. the QPS or the relevant government body). When a matter is referred to another agency, the CJC takes an oversight role.

Often our investigations reveal poor practices rather than actual wrongdoing. Hence, we recommend strategies to prevent or minimise the conduct recurring.

### Can the CJC prosecute criminal offences?

The CJC cannot itself prosecute anyone on criminal charges. It may only recommend the laying of criminal charges to the Director of Public Prosecutions.

## WHO RUNS THE CJC?

The CJC is headed by a five-member Commission, which comprises the Chairperson and four Commissioners. See page 12 for details on the current Chairperson and Commissioners.

CJC policy, set by the Commission, is carried out by senior executives led by the Chairperson as Chief Executive Officer. The current membership of the Executive Management Group is set out on the next page.

## The major areas

The **Official Misconduct Division**, commonly referred to as 'OMD', receives, assesses and investigates allegations of official misconduct against the QPS and other units of public administration. It can also investigate matters on its own initiative.

The **Research and Prevention Division** monitors the QPS and the Queensland criminal justice system, and, at the same time, works to promote effective strategies to combat workplace corruption in the public sector.

The **Witness Protection Division** provides protection to people who are in need of it as a result of assisting the CJC or any other Queensland law enforcement agency in the discharge of its duty.

The **Intelligence and Information Division** is the name given to what are two separate divisions that operate in combination to advance all aspects of information management within the CJC. The division has responsibility for all the CJC's physical and electronic holdings and data sources, and the facilities and support services made available for utilising this information. These facilities and services include centralised registries and records management, dedicated information technology (IT) support, and specialised intelligence and information retrieval. The division also provides a multidisciplinary strategic and tactical analysis capability and manages the CJC's security responsibilities.

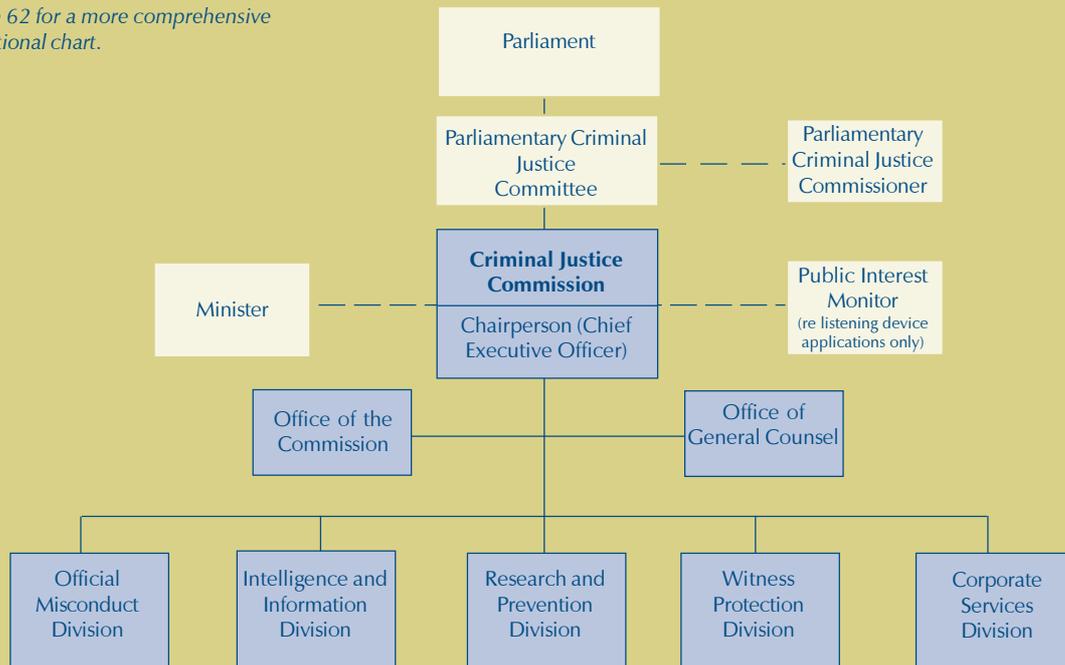
The **Corporate Services Division** supports the other divisions by providing financial, administrative and human resource services.

The **Office of the Commission** supports the Commission in meeting its strategic and corporate governance responsibilities. The office provides secretarial support for Commission meetings, manages the interaction between the CJC and the PCJC, manages the CJC's communications strategy and established procedures for external and internal accountability in compliance with legislation and standards.

The **Office of General Counsel** provides legal advice to the CJC as required.

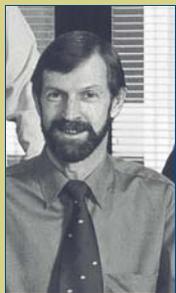
## REPORTING STRUCTURE OF THE CJC

See page 62 for a more comprehensive organisational chart.



## EXECUTIVE MANAGEMENT GROUP

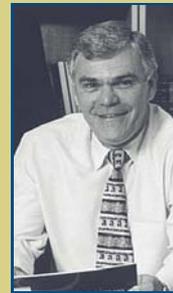
The current Executive Management Group, led by the Chairperson as CEO, comprises:



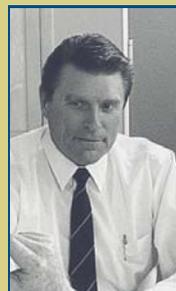
David Bevan, Director, Official Misconduct (manages the **Investigations** sub-output)



Dr David Brereton, Director, Research and Prevention (manages the **Research, prevention, reform** sub-output)



Graham Brighton, Executive Director (manages the Corporate Services Division and the Office of the Commission)



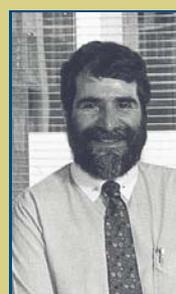
Assistant Commissioner Andrew Kidkaff, Director, Witness Protection, and Director, Operations (manages the **Witness protection** sub-output)



Paul Roger, Director, Intelligence and Information



Helen Couper, Deputy Director, Complaints Services, OMD



Steve Lambrides, Deputy Director, Major Projects, OMD



Greg Rigby, Deputy Director, Information Management



Forbes Smith, Deputy Director, Investigations, OMD

## WHO DOES THE CJC ANSWER TO?

In keeping with Fitzgerald's vision of an independent corruption-fighting body, the CJC is a statutory body, separate from the government of the day. However, we are accountable to the people of Queensland through the Parliamentary Criminal Justice Committee (PCJC), a six-member, all-party committee of the Queensland Legislative Assembly established to monitor and review our activities and to deal with complaints against our officers. Specifically the PCJC:

- receives and considers complaints against the CJC
- reviews CJC guidelines and makes suggestions for improvement of CJC practices
- reviews CJC reports including its annual report and research reports
- requests reports from the CJC on matters that have come to its attention through the media or by other means
- deals with issues concerning the CJC as they arise.

The appointment of each of the Chairperson and Commissioners may occur only with the support of a majority of the Committee.

The PCJC may direct the **Parliamentary Criminal Justice Commissioner** to audit and review our activities and to investigate complaints against us.

During the year, the PCJC conducted a public inquiry on the CJC's last annual report. It commended the report and expressed particular interest in the:

- trend to refer less serious complaints against police back to the QPS
- increased focus on long-term preventive measures in the fight against public sector corruption
- greater integration of the various organisational functions within the CJC to ensure that research and prevention perspectives complement traditional investigative methods

- proactive activities in the area of local government to raise the profile of the CJC's jurisdiction
- moves to increase the public profile of the CJC, such as participation in the Royal Queensland Show and visits by the Chairperson to major regional centres
- strategies to improve the CJC's internal governance, for example the creation of a staff consultative committee.

The PCJC also urged the CJC to hasten the launch of a Police Service Monitor series (see page 38 for our response), and gave its support to the introduction of witness protection legislation and hand-held tape recorders for use by police in the field.

In addition to the PCJC, the CJC is also accountable in differing ways to the Minister, the Supreme Court and the Public Interest Monitor.

### The Minister

The Honourable Peter Beattie MLA, Premier of Queensland, is the Minister currently responsible for the CJC. The Premier's role is limited to participation in the selection of Chairperson and Commissioners, the approval of staff remuneration conditions and the approval of the budget.

### The Supreme Court

Anyone who has a grievance against the CJC can appeal to the Supreme Court. In addition, we must apply to the Supreme Court for the exercise of some of our powers (see page 33).

### The Public Interest Monitor

The Public Interest Monitor is empowered by the *Police and Other Legislation (Miscellaneous Provisions) Act 1998* to monitor applications by state law enforcement agencies for listening devices, covert search warrants and surveillance warrants under several acts including the Criminal Justice Act.

## THE PCJC AS AT 30 JUNE 2000



**Back row:** I. to r. John Hegarty MLA (Member for Redlands); Bob Quinn MLA (Member for Merrimac); Geoff Wilson MLA (Member for Ferny Grove).

**Front row:** I. to r. Hon. Vince Lester MLA (Member for Keppel), Deputy Chairman; Paul Lucas MLA (Member for Lytton), Chairman; Karen Struthers MLA (Member for Archerfield).

# Corporate governance

Goal: To promote excellence in the management of the Commission

Corporate governance is about how an organisation manages and governs itself in order to achieve its goals and objectives. According to the Auditor-General's Report to Parliament No. 7 1998–99 (p. 3):

A sound control environment provides reliability to an organisation in achieving these goals and objectives and may be considered effective when the risks to the organisation are reduced to an acceptable level.

## THE COMMISSION

The CJC is led by a five-member Commission, comprising the Chairperson (who is also the Chief Executive Officer of the CJC) and four Commissioners, who are part time. The Commissioners help and advise the Chairperson and CJC officers.

The Criminal Justice Act requires that three of the Commissioners have an interest and ability in community affairs and the fourth is a practising lawyer with a demonstrated interest in civil liberties.

The Chairperson is appointed by the Governor-in-Council, with the support of the all-party PCJC, for a term not exceeding five years. The Commissioners are appointed by a similar process and receive an annual remuneration in keeping with the government standard for part-time Chairs and Members of Government Boards, Committees and Statutory Authorities. See page 12 for details on the current Chairperson and Commissioners.

The Commission meets formally each fortnight to consider issues affecting all areas of the organisation including financial, staffing and managerial issues,

**Table 2: Attendance of Commissioners at meetings (1999–2000)**

	PCJC	Ordinary meetings	Special meetings
B Butler	6	23	21
K Biggs*	4	17	18
D Browne†	4	17	14
J Crowley*	1	5	5
S Goold	4	18	15
R Rinaudo	4	19	12

\* Commissioners Biggs and Crowley left the Commission in June 2000 and September 1999 respectively.  
 † Commissioner Browne's term expired in September 1999 and she was reappointed in December 1999.

specific operations and corruption prevention activities. When urgent matters arise, special meetings are convened at short notice either in person or by telephone.

During 1999–2000, the Commission met 47 times, of which 22 were special meetings, and met six times with the PCJC (see table 2).

## THE COMMITTEES

CJC policy, set by the Commission, is carried out by the **Executive Management Group** comprising senior executives who manage the organisation within the parameters of delegations afforded by the Commission (see page 8).

In addition to the Executive Management Group, the CJC has a comprehensive committee structure:

**Audit Committee** — assists in ensuring that effective financial management and internal control systems are in place

**Finance Committee** — oversees the budget and financial management practices

**Information Steering Committee** — ensures effective use of information infrastructure and resources

**Legislation Committee** — ensures compliance with relevant legislation and reviews the applicability of the legislation governing the CJC

**Risk Management and Fraud Prevention Committee** — ensures risk is minimised and fraud prevented

**Equal Employment Opportunity Consultative Committee** — ensures administrative practices throughout are fair and equitable

**Workplace Health and Safety Committee** — monitors and implements strategies to safeguard health and safety

**Commission Consultative Committee** — provides a forum in which employees and senior management can exchange ideas, concerns and points of view.

To ensure these committees maintain a strategic focus, terms of reference, in the form of a charter, have been developed which define the roles and responsibilities of the committees and their members.

## STRATEGIC PLAN

In July 1999, the Commission adopted a new Strategic Plan for the years 1999–2002 on which this annual report is based. The new plan emphasises the need for the CJC to adopt a program of continuous improvement. This involves complementing investigation with prevention and taking a proactive approach in detecting official misconduct. It also means placing greater emphasis on customer service and client satisfaction.

To assist the Commission in achieving the new strategic goals, the **Strategic Implementation Group** (SIG) was formed to make recommendations on how these new goals could best be attained. In December 1999, the Commission approved the SIG report, *Continuing the Reform Process*. The report made 92 recommendations to improve the organisational structure and business processes of the CJC. These can be summarised as:

### **Improved business processes through:**

- the establishment of two new management committees within OMD — the **Committee for Operations and Projects** (COP) to approve and oversee projects conducted by the MDTs, and the **Executive Assessment Committee** (EAC) to assist the Chief Officer, Complaints Section, with the assessment and management of more sensitive and serious matters
- adoption over time of a project management system incorporating the use of IT
- a full review of complaints processing with the introduction of a new complaints database (COMPASS)
- the redesign of OMD to include a **Major Projects Unit**, a **Covert and Sensitive Investigations Unit** and a **Complex Investigations Unit**
- the redesign of the Office of the Commission to include marketing and publishing roles as well as media liaison.

### **Greater integration and proactivity through:**

- the merger of the Intelligence Division with the information management areas to form the **Intelligence and Information Division**
- the establishment of a **Proactive Assessment Unit**
- greater monitoring of the investigations conducted by other agencies through the **Review, Evaluation and Monitoring Unit**
- the permanent placement of operational intelligence analysts and temporary location of research and prevention officers within OMD.

Implementation of the recommendations is expected to be completed by the end of 2000.

## PERFORMANCE ASSESSMENT

### Financial

We again received an unqualified audit report on our financial statements for the year.

### Risk management and fraud prevention

The Risk Management and Fraud Prevention Committee published a Fraud Prevention and Control Plan in August 1999, which brought to the attention of staff their responsibility in preventing fraud within the CJC.

Risk management has now become an integral part of project planning and project management. During the year, many of the control improvements recommended in the 1999 Strategic Risk Assessment were implemented. Training has been included in the human resource training calendar and work has commenced on the development of an in-house fraud prevention training package for managers and supervisors.

### Program evaluation

The multidisciplinary teams in the Official Misconduct Division were evaluated during the year by a consultant, Mr Bill Coad, at a cost of \$22 382. (See also page 34.) A program to implement the findings of the evaluation is well under way in conjunction with the implementation of the SIG recommendations.

### Internal audit

All internal audits scheduled within the Audit Strategic Plan were achieved. The Audit Committee also closely monitored implementation of the recommendations of the respective audits.

### Ethical standards

After extensive consultations, a new code of conduct was developed. The code was approved by our Minister in June 2000 and copies will be provided to staff and anyone on request. All staff will attend a briefing on the new code.

We continued to run ethics training workshops for staff.

## THE COMMISSION AS AT 30 JUNE 2000

### The Chairperson

**Mr Brendan Butler SC** was appointed Chairperson of the CJC in November 1998.

An experienced lawyer, manager and investigator, Mr Butler holds Bachelor of Arts, Bachelor of Laws and Master of Laws degrees from the University of Queensland. He attained recognition as Senior Counsel in 1994.

Mr Butler practised as a criminal barrister in Queensland

for 23 years and was Counsel Assisting the Fitzgerald Inquiry from June 1987 to September 1989. He is, therefore, well acquainted with the events that led up to the formation of the CJC. From November 1989 to July 1996, he served as Deputy Director of Public Prosecutions including two periods as Acting Director. He is a co-author of the 10th and 11th editions of Carter's Criminal Law of Queensland.

*The Commission as at 30 June 2000: l to r. Mr Ray Rinaudo, Mr Brendan Butler SC (Chairperson), Mrs Sally Goold OAM and Mrs Dina Browne AO. Mrs Kathryn Biggs and Mr James Crowley QC also served during this reporting period. The vacancy left by Mrs Biggs's recent departure (June 2000) is yet to be filled.*



### The Commissioners

**Mrs Dina Browne AO** (September 1996 to September 1999; reappointed December 1999–) has a Bachelor of Arts from the University of Natal, has taught in South Africa and Swaziland as well as Australia, and was Director of Children's Television for the Seven Network from 1989 to 1993. 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.

**Mrs Sally Goold OAM** (July 1999–) has a Diploma in Nursing Education, a Bachelor of Applied Science (Nursing) and a Master of Nursing Studies. From 1991 to 1996 she was a lecturer at the Queensland University of Technology School of Nursing. She also brings to the Commission a lifetime of commitment to community needs in the areas of health education and Aboriginal health.

**Mr Ray Rinaudo** (September 1999–) has a Master of Laws and has practised as a solicitor for over twenty years. He has held many professional and statutory appointments including being a member of the Council of the Queensland Law Society, President of the Queensland Law Society in 1991–92, a Legal Aid Commissioner, and a member of various committees such as the National Legal Aid Advisory Committee, the Social Security Appeals Tribunal and the Appeals Costs Board of Queensland. He is also involved in many community and voluntary activities including being Alternate Chairman of the Judiciary Committee of the Queensland Rugby Union.

Mr Rinaudo has extensive involvement with Alternative Dispute Resolution, and holds mediator appointments under both the District and Supreme Courts, as well as for other professional bodies such as the Queensland Law Society, Queensland Building Services Tribunal, the Retail Shop Leases Tribunal and the Justice Department. He is currently Chairperson of the Professional Standards Tribunal for the Real Estate Institute of Queensland.

# Major initiatives of 1999–2000

As much of our work involves receiving, assessing and investigating complaints, we are continually refining these processes to ensure that our resources are being used efficiently and to best effect. Two examples of recent initiatives, detailed below, relate to:

- the better handling of minor complaints against police (Project Resolve), and
- ways to reduce misuse of the complaints process in the lead-up to the March 2000 Local Government elections.

## Complaints handling

### Improving the handling of minor complaints against police (Project Resolve)

#### The issue

This year about two-thirds of all complaints received by the CJC were against police — a figure comparable to previous years. About one-third of these complaints were assessed as not warranting further action and about 14 per cent were referred back to the QPS for informal resolution. In the remaining cases a formal investigation was conducted, either by the CJC or the QPS (with the CJC playing an overview role).

Where serious misconduct is alleged, an investigative response will almost always be warranted. However, for some time we have recognised that this may not be the best way to deal with less serious matters. This is because:

- The focus of a formal investigation is on determining whether or not disciplinary or criminal

action should be taken against an officer even though research shows that in many cases complainants do not necessarily want this to occur. Rather, their aim in complaining is often just to make sure that the officer is called to account for his or her behaviour and the same thing does not happen to someone else.

- Once a matter becomes the subject of a formal investigation, managers and supervisors have tended to abrogate responsibility for dealing with the behaviour that gave rise to a complaint. Because only a small proportion of complaints are substantiated — due to the need to satisfy high evidentiary standards — this has often meant that nothing else has been done to prevent the behaviour from recurring.
- Investigations are resource intensive and time consuming. Along with the QPS we have been concerned about the costs

associated with investigating a large number of relatively minor matters, especially where a more cost-effective alternative may be available.

#### What we have done

In 1999, we commenced discussions with the QPS to find a way to deal with complaints against police that would address the concerns outlined above. As a result, we agreed to conduct a joint trial (Project Resolve) of a new complaints-management system in two QPS regions.

The two most important aspects of the proposed system are:

- 1 the introduction of 'managerial resolution' as a response to complaints of less serious misconduct
- 2 a joint assessment process involving both the CJC and the QPS in identifying the matters that are suitable for referral to the QPS for investigation or managerial resolution.

Managerial resolution is intended to be a flexible

process for the efficient, effective and expeditious resolution of complaints. It is designed to encourage and empower managers and supervisors to deal effectively with a police officer's conduct, performance, competence or integrity through guidance, coaching, education, training and other structured managerial strategies.

A proposed new QPS Complaints Management Policy has been formulated by the CJC and the QPS to provide for managerial resolution and a protocol entered into to facilitate the joint assessment process. In addition, a comprehensive evaluation strategy has been developed.

The trial got under way in July 2000 and is scheduled to run for six months.

### What we are planning to do

At the end of the trial, consideration will be given to extending the new system to other areas of the State and, if so, whether it should be

modified in some ways. Issues to be considered will include whether the new system has led to increased complainant satisfaction and had a positive impact on officer behaviour enabling matters to be resolved more quickly and with fewer resources. During the trial, we will refine our strategies for monitoring and auditing how the QPS deals with matters that are handled through the managerial resolution process.

### Reducing misuse of the complaints process in Local Government election campaigns

#### The issue

In the 1997 Local Government elections, some candidates used the media and the CJC's name to damage the reputation of their political opponents. There was a concern that the same tactics might be used in the lead-up to the March 2000 Local Government elections.

#### What we did

Following representations by the

Local Government Association of Queensland (LGAQ) and individual councils, we adopted a strategy to minimise false, vexatious and frivolous complaints in the lead-up to the elections. The strategy included an extensive media campaign, letters to all councils and a brochure to all candidates informing them of the CJC's role and functions, how to make a complaint, and warning them not to use the CJC's name in any political slur campaigns.

#### Assessing the result

The result, from our own assessment and that of the LGAQ, was a cleaner campaign and very few media reports involving the CJC. The Executive Director of the LGAQ commented in the *Courier-Mail* that the 2000 election had been 'remarkably cleaner' than the one in 1997 and credited the CJC's proactive role with discouraging candidates from making vexatious attacks.

We propose to use similar strategies for future Local Government elections.

**While responding to complaints on a case-by-case basis will continue to be an important focus of our activities, we are also seeking to adopt a more strategic approach to tackling problems of misconduct in the public sector. We are focusing more on *preventing* misconduct rather than just responding to it after the event. We are doing this by adopting a broad mix of strategies through an integrated, Commission-wide response. We also regularly monitor and review the effectiveness of these strategies. Below we highlight how we have used this strategic approach during the year to deal with:**

- **police involvement with drugs**
- **unauthorised release of confidential information by police**
- **police use of force**
- **misuse of the Internet and email by public sector employees.**

## Police and drugs

### The issue

Corrupt involvement by police with illicit drugs or drug criminals is understandably an area of great public concern. Where such corruption is widespread, or occurs in key organisational units, it can seriously undermine the effectiveness of police enforcement activities.

Police who use illicit drugs, or who are otherwise associated with the illicit drug trade, also expose themselves to the risk of blackmail and can endanger their own safety and that of other officers and members of the public.

While the vast majority of Queensland police officers have no involvement with drugs and regard the illicit drug trade with abhorrence, the evidence available to the CJC indicates that the risk of *some* officers becoming involved in these activities is considerable.

In recent years, a number of current and former Queensland police officers have been charged with criminal or disciplinary offences relating to this matter.

The CJC also continues to receive a steady flow of complaints and other information alleging that some Queensland police are involved in using or dealing with illicit drugs, or have improper associations with people involved in the drug trade (just under 300 allegations were received in 1999–2000).

### What we are doing

Tackling the problem of police

and drugs has been a high priority for the CJC since 1996 when we set up a multidisciplinary team, Project Shield, to conduct proactive investigations in this area. As a result, six police and 35 civilians have been charged and convicted with criminal offences so far. With the success of Project Shield, we have established a permanent team with responsibility for all covert and sensitive operations.

Several covert investigations were conducted this year, using a variety of surveillance techniques. One of these investigations (Operation Craven) resulted in the charging of three police officers for drug-related and corruption offences.

We have continued to devote substantial resources to intelligence gathering, using this information to identify possible future targets for investigation and to build up as complete a picture as possible of the nature and extent of police involvement in the illicit drug trade.

We also have sought to reduce the opportunities for police to act corruptly by urging changes to legislation, policies and organisational practices.

Also in 1999–2000, we:

- tabled a follow-up report to *Police and Drugs* (prepared in 1997 by the Honourable W J Carter QC), outlining the action taken to date by the QPS to implement the report's recommendations
- participated in the QPS Working Party on Drug and

Alcohol Policy and contributed substantially to the Working Party's final report, which is currently being considered by the Minister for Police and Corrective Services

- provided advice to the QPS on the development of a comprehensive policy to regulate police use of informants
- assisted in the formulation of QPS policies and procedures relating to the management of covert police operatives.

### Assessing progress

It is extremely difficult to determine the extent of, or trends in, drug-related corruption in the QPS because such activities, by their very nature, are covert and consensual. However, on the basis of the work done so far it would seem that police involvement in illicit drugs has been restricted to isolated individuals and small groups — mostly of relatively junior rank — rather than being systemic or occurring at the higher levels of the organisation.

We are also reassured by the findings from our regular 'ethics surveys' of first year constables (see page 36), which indicate that most police officers regard police involvement with illicit drugs very seriously and believe that there is a high probability that police who engage in such activities will be detected.

In our 1999 follow-up to *Police and Drugs*, we said we were generally encouraged by the response of the QPS to the

problem of drug-related corruption. However, since then progress appears to have slowed, particularly with those recommendations relating to drug and alcohol testing of police, the storage and handling of drug exhibits, and the rotation of officers working in high-risk areas and work units. The slow progress with some matters may be due, in part, to factors beyond the control of the Service. However, overall there needs to be a more vigorous approach by the Service to tackling the concerns identified by Mr Carter. In particular, it needs to expedite the implementation of the recommendations of its own

report (Project Alchemy) on the handling of high-risk property.

### What we are planning to do

We will continue to gather intelligence and conduct covert investigations with the aim of ensuring that an effective deterrent is maintained and that corrupt officers are exposed. We will also press the QPS to address the outstanding recommendations of *Police and Drugs*. If we consider it necessary, we will submit a further report to Parliament on the implementation of these recommendations. In addition, we will seek out opportunities to work with the QPS to develop new strategies to deal

with the problem of police involvement with illicit drugs.

We will know that there has been an effective response to this problem if:

- the QPS implements improved system controls, broadly along the lines that we have advocated
- we continue, through our proactive investigative initiatives, to identify cases of police involvement with illicit drugs that would not have come to attention by other means
- no evidence comes to light to indicate that police involvement with the illicit drug trade is widespread.

## Police misuse of information

### The issue

Police officers, by virtue of their positions, are able to access a good deal of confidential information about individuals (such as records of charges and details about offences, and personal information such as addresses and telephone numbers). The public is entitled to expect that this information will be closely guarded by police and used only for official police purposes. Unauthorised access to, or release of, personal details can cause embarrassment, economic damage and sometimes physical harm to individuals, as well as jeopardising police investigations.

On average, the CJC receives about 100 complaints a year relating to alleged misuse of information by police. However, the number of complaints

received is not a good measure of the extent of the problem, as the person who may be disadvantaged by the improper release of information will often be unaware of it, or may be unable to make a complaint. The 1997 Police and Drugs Inquiry (see above) revealed that some police were apparently using QPS databases for questionable, even corrupt, reasons. The inquiry also identified some substantial shortcomings in the controls that the QPS had in place to guard against improper use of the information in these databases.

### What we have done

In August 1998, we received information that officers stationed at a regional police station may have been unlawfully disclosing confidential police information to a cleaner who was employed

at that station. During the course of the investigation (Operation Heron), we received other allegations of police officers unlawfully disseminating information. In addition, there was a steady flow of similar complaints, which were incapable of being productively investigated because of inadequacies in the QPS computer system and other deficiencies.

A common feature in several of the investigations was an apparent preparedness on the part of some police under investigation to lie to CJC officers. Hence, we decided to commence Operation Piper under which all of these matters could be investigated.

A public hearing was called at which evidence confirmed that:

- police officers at the regional police station under

investigation had provided information to a private investigator

- a police officer used the QPS database to assist him in locating debtors on behalf of a debt-recovery agency
- a police officer had provided the silent telephone number of a woman to a man who she said had been stalking her over many years
- a police officer conducted hundreds of searches on the QPS database for purely personal reasons
- a police officer provided confidential information concerning a QPS investigation to a person who was a potential suspect in that investigation.

The hearing was conducted in two stages. The first was investigative to uncover what was going on, and the second a public forum to which stakeholders, interested organisations and relevant experts were invited to make practical recommendations designed to tackle the problems disclosed during the investigation.

We also conducted research into information security procedures and practices in the QPS and other police organisations, the nature of the market for police information, the regulation of commercial agents and private investigators, and the law relating to privacy and the protection of confidential information.

### Assessing progress

Our regular ethics surveys of police indicate that the public hearing has already had a positive effect — even before the report has been published — by heightening police awareness of the consequences of misusing confidential information. In the longer term, if the initiatives we are taking are effective, we would expect to see:

- improved information security controls being adopted within the QPS and elsewhere in government, broadly along the lines to be recommended in our report
- a sustained increase in awareness among police officers of the need to deal properly with confidential information.

As control systems improve and awareness increases, we anticipate a greater rate of detection of inappropriate use, followed by a gradual reduction in the number of breaches occurring.

### What we are planning to do

We will release a public report on Operation Piper in late 2000, which will contain recommendations to the QPS and the Government. We will then monitor the implementation of the recommendations and provide any necessary assistance to the QPS and other agencies. We will also widely disseminate the report, as it is likely that many of the issues that the report canvasses are applicable to other government agencies. If there is an unsatisfactory response to the recommendations, we may prepare a further report to Parliament.

We will continue to investigate vigorously those cases where QPS personnel appear to have been involved in serious and deliberate breaches of the rules governing the release of confidential information.

## Police use of force

### The issue

The police are in a unique position in our society in that they have been empowered by law to use force, including lethal force in exceptional circumstances, to carry out their duties. It is very important to ensure that these powers are used only where appropriate. Misuse of force by police causes unjustified harm to individuals,

undermines public confidence in the police and, in some circumstances, provokes wider social conflict.

There were 644 complaints of assault and excessive force received by the CJC in 1999–2000, which accounted for around 20 per cent of all complaints against police. Although most of these complaints were not

substantiated, due to insufficient evidence, the large number remains a concern. In addition, our Defendants Surveys indicate that many people who claim to have been assaulted by police never make a formal complaint.

### What we are doing

During 1999–2000, we continued to receive, assess and, where appropriate,

investigate complaints of assault and excessive force by police. As a result of our investigations, disciplinary or criminal charges were recommended against several officers. In addition, we took a number of proactive measures to reduce complaints in this area.

- Following on from the joint evaluation undertaken with the QPS in 1998–99 of the capsicum spray trial, we worked with the QPS to ensure that appropriate control and accountability procedures were in place prior to the statewide deployment of the spray.
- We conducted research into the causes of a significant increase in the number of complaints about tight handcuffs. Based on this research, we then made recommendations to the QPS concerning strategies for reducing the number of such complaints. We are confident that these recommendations will be adopted.
- We published and disseminated findings from our 1999 Defendants Survey relating to police use of force. These data will provide a valuable baseline for assessing future trends in the use of force. The survey also highlighted some regional differences that warrant further investigation.
- In response to a marked increase in the number of people complaining about having been bitten by a police dog, we undertook a research project on the causes of this increase and initiated discussions with the QPS about reviewing Dog

Squad policies and procedures. Again, we are confident that the initiatives we are taking in relation to this issue will receive a favourable response from the QPS.

- Under the auspices of the Police Education Advisory Council (PEAC) we have initiated a joint review with the QPS of the delivery of training in tactical communications and conflict management to recruits and operational officers. We expect that one of the outcomes of this review will be a greater emphasis in QPS training on providing officers with these skills.
- We worked with the QPS on refining procedures for identifying officers whose complaints profiles indicate an overly aggressive policing style. The QPS is now using the profiling methodology to facilitate improved supervision and management practices — an initiative we strongly support.

### Assessing progress

The number of assault/excessive force complaints per thousand officers has remained fairly stable in recent years.

Our ethics surveys indicate that many police remain reluctant to report the use of excessive force by fellow officers or to testify against them — a finding consistent with our experience in investigating use of force complaints.

However, our 1999 Defendants Survey found that the proportion of respondents who claimed to have been assaulted by police was significantly less

than indicated by the previous survey in 1996 (4 per cent in 1999 compared with 8 per cent in 1996). The 1999 survey also confirmed that in most cases where police used force it was of a relatively minor nature. Our interpretation of these data is that police are tending to become more circumspect in their use of force, but more research is required to confirm this.

We will know that progress is being made in this area if:

- there is a positive response by the Service to the outcome of the PEAC review
- our complaints data and future surveys of defendants indicate a decline in the number and seriousness of assault/excessive force allegations made against police
- our regular ethics surveys of first year constables show a greater stated willingness by respondents to report fellow officers who use excessive force
- we see evidence that effective managerial action is being taken to deal with officers who are identified as having been the subject of a large number of excessive force complaints.

### What we are planning to do

Apart from continuing to receive, assess and investigate complaints, in the upcoming year we will:

- continue to monitor the use of capsicum spray and draw any problems to the attention of the QPS
- regularly scan our complaints data to identify any trends in

police use of force that may warrant further investigation and possible remedial action

- finalise the PEAC review of tactical communications training and work to have its recommendations implemented

- continue to urge and assist the QPS to adopt a proper 'use of force' recording system.

## Misuse of the Internet and email

### The issue

In recent years, more and more public sector agencies are giving their staff access to the Internet. For many, email is rapidly replacing regular mail, and even the phone and fax, as the main means for communicating with people in different workplaces. For staff involved in information-gathering and research, Internet access is now an essential 'tool of the trade'.

But along with this dramatic increase in use has come a corresponding increase in complaints of employee *misuse* of the Internet and email. Even though most public servants use these facilities responsibly, reports in the media of some public servants receiving and disseminating pornography and other undesirable material, or otherwise spending a large amount of work time on private interests, have caused considerable embarrassment to some agencies and individuals.

### What we have done

In addition to investigating complaints of misuse of the Internet and email by public officers, we have taken the following proactive measures to combat this problem:

- 1 During 1999, we provided advice to the Department of Communication and Information, Local Government and Planning on the development of an

'Information Standard' covering the use of communication and information devices. The Standard, which is binding on all public sector agencies, was disseminated by the department to agency heads in March 2000, accompanied by a letter from our Chairperson. The Standard requires agencies to develop their own guidelines on the use of communication and information devices and to take steps to reduce the risk of employee misuse.

- 2 At the same time as the Standard was promulgated, we disseminated a Prevention Pointer, *Preventing Misuse of the Internet and Email*, to all public sector agencies and Queensland local councils. The Pointer contains some brief case studies of where misuse had resulted in a public sector employee being dismissed and provides clear guidelines to employees on how they can avoid becoming the subject of a complaint. Many agencies have placed the Pointer on their Intranet sites.
- 3 We developed a comprehensive internal policy on the use of electronic devices, both to provide guidance to CJC staff and as a possible model for

agencies to use in developing their own policies. This policy has been placed on our website, along with 'good practice' examples from other agencies.

- 4 Preventing Internet and email misuse was the main theme of our biannual meeting with departmental CJC Liaison Officers in February 2000. Speakers on the topic included senior CJC officers and senior representatives from the Department of Communication and Information, Local Government and Planning and the Department of Health. Over fifty agency representatives attended the meeting and the feedback we received was appreciative.
- 5 The lead story in our first edition of *Prevention Pays!*, released in July 1999, dealt with the issue of Internet misuse. This publication has been widely disseminated within the public sector and the community.

### Assessing progress

If these strategies — and those being implemented by other agencies — are effective, in the next 12 months we would expect to see more and more agencies implementing effective controls to reduce opportunities for misuse, as well as taking

steps to raise staff awareness about the issue. Over the longer term we would hope to see fewer cases of misuse coming to the attention of the CJC and other agencies (although we expect the increased focus on this issue will lead initially to an upsurge in complaints).

### What we are planning to do

In 2000–2001, we will maintain our focus on the issue by:

- investigating serious instances of misuse where these matters cannot be dealt with effectively by another agency
- monitoring and, if necessary, reporting on agency compliance with the new Information Standard
- using such forums as meetings with local government representatives and information managers to raise awareness of the problem and encourage agencies to introduce stronger preventive measures
- ensuring that our Prevention Pointer, *Preventing Misuse of the Internet and Email*, and other relevant information receives the widest possible dissemination
- identifying and publicising examples of ‘best preventive practice’ in the area.

**Finally, the next section highlights a major research project we completed during the year into the dramatic increase in prisoner numbers since 1993.**

## Growth in prisoner numbers

### The issue

Between 1993 and 1998 the population of Queensland’s prisons increased by 116 per cent, giving it the highest imprisonment rate of any State in Australia. This rapid growth contributed to overcrowding in the prisons and made them more difficult to manage. It also made the system much more expensive to run because of the need to build new prisons and look after more prisoners.

Our initial research into this issue, undertaken in the course of preparing our annual *Criminal Justice System Monitor*, indicated that relatively little was known about the causes of this dramatic increase in the prisoner population. Various individuals and organisations within the criminal justice system had their own views as to why the growth had occurred, but none of these theories had been tested. Consequently, some key policy

decisions about how to respond to the rapid growth in the population were being made on a very limited information base.

### What we have done

In early 1999, in response to a request from the Director-General of the then Queensland Corrective Services Commission, we commenced the ‘Prisoner Numbers in Queensland’ research project with the primary objective of finding out the reasons for the rapid growth in Queensland’s prisoner population since 1993.

A preliminary report was circulated to key stakeholders in March 1999 and helped to inform government budgetary decisions for the upcoming year. Our research staff continued to work on the project throughout 1999 and into early 2000, compiling and analysing a large amount of data about the operations of different parts of the criminal justice system.

Throughout this period our research staff liaised closely with the government taskforce set up in early 1999 to address the issue of rising prisoner numbers. The taskforce was kept informed of key findings emerging from the research. In addition, presentations were made to the Chief Executive Officers’ Steering Committee on Prisoner Numbers (established by the Department of Premier and Cabinet) and to a conference of magistrates. The report itself, *Prisoner Numbers in Queensland: An Examination of Population Trends in Queensland’s Correctional Institutions*, was released in March 2000 and received extensive media coverage.

We were also instrumental in the initiation of a cross-agency project to develop a statistical model of the criminal justice system. This project, which is being managed by Treasury’s Office of Economic and Social

Research, is designed to improve the capacity of government to assess the impact of possible policy changes on different parts of the criminal justice system. The project has the potential to remedy one of the major problems in the management of the criminal justice system: the tendency for changes to be introduced into one part of the criminal justice system with little consideration being given to their 'downstream' impact.

### **Assessing progress**

In recent months there has been a stabilisation of the prisoner population in Queensland. Several factors appear to have contributed to this, but we are confident that our research played a role by helping to focus attention on the issue and highlighting the

potential impact of different policy interventions.

There has been some increased focus on system-wide management and planning, but the coordinating mechanisms that we have advocated have yet to be put in place.

There is a danger that attention to the issue will diminish now that the situation in the prison system has eased for the time being. For this reason, we consider it very important that the situation continues to be closely monitored.

### **What we are planning to do**

Our role in this area is to provide legislators, policy makers and administrators with information to help them make decisions. It is not our role to press for particular policy outcomes, such as tougher or

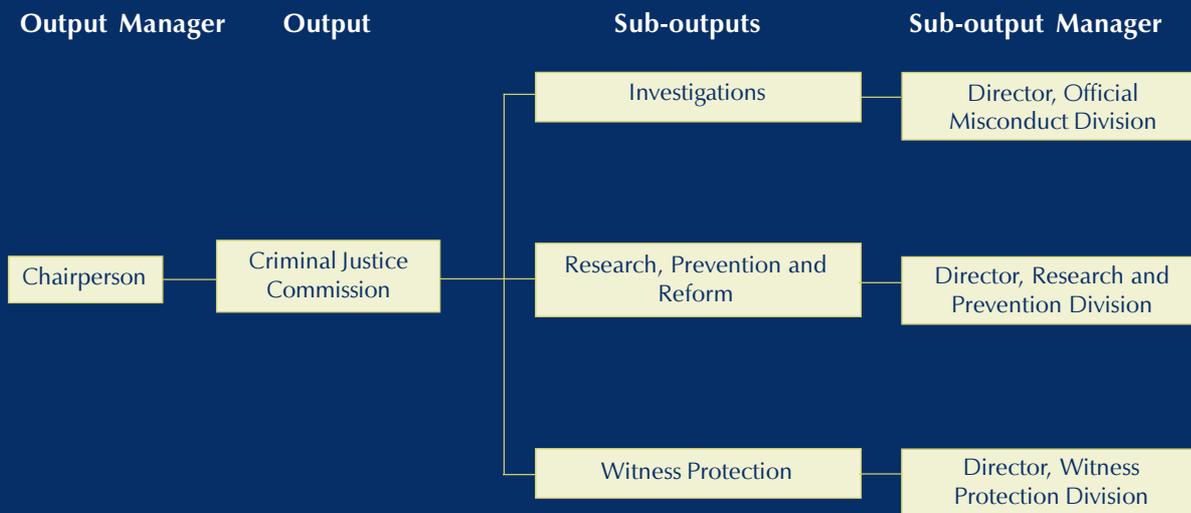
more lenient laws. However, in accordance with our statutory responsibilities, we will continue to advocate for changes aimed at improving the management of the criminal justice system, such as better coordination and planning mechanisms and improved data-collection processes.

On the specific issue of prisoner numbers, we will continue to monitor trends in this area and produce a short update report during 2000–2001.

In addition, we have agreed to participate in the Forecasting Project Group being established by the Department of Corrective Services (DCS). We will also initiate a cross-agency project to develop better ways of measuring the incidence of recidivism — one of the serious data gaps exposed by our research.

# CJC Output Structure

from the Strategic Plan 1999–2002



# Investigations

Goal: To reduce the incidence of misconduct and official misconduct in the QPS and official misconduct in the public sector

This sub-output is managed by the Director, Official Misconduct, with the support of the Intelligence and Information Division and the Surveillance and Technical Section.

There is a close interrelationship also with the Research and Prevention Division. Investigations frequently reveal areas that require systematic research, or expose deficiencies in public sector practices that can be remedied with corruption prevention advice. Conversely, research and corruption prevention activity may reveal areas requiring investigation.

## Performance indicators:

- ▶ number of standard complaints assessed and finalised
- ▶ number of investigations conducted or reviewed
- ▶ percentage and number of complainants and subject officers satisfied with the process
- ▶ qualitative evaluation using interviews with CEOs
- ▶ substantiation rate
- ▶ ratio of prevention recommendations/initiatives to investigations undertaken, categorised by type of complaint
- ▶ percentage and number of standard complaints finalised within 12 weeks
- ▶ median time taken to finalise investigations
- ▶ cost per complaint assessed
- ▶ average annual cost per investigation



David Bevan, Director OMD (seated, centre) with (l. to r. standing) Chief Superintendent George Stolz, Steven Lambrides (Deputy Director, Major Projects), Dianne McFarlane (Executive Manager, OMD); seated: Forbes Smith (Deputy Director, Investigations) and Helen Couper, (Deputy Director, Complaints Services, and Chief Officer, Complaints Section).

The Director of Intelligence and Information, Paul Roger, (right) with Deputy Directors Greg Rigby (left) and Chris Keen.



### OUTCOMES FROM LAST YEAR'S PROJECTED ACTIVITIES

PROJECTED ACTIVITY	OUTCOME
Complete the redevelopment of the complaints database.	Completed 22 May 2000 — see below.
Complete the upgrade of the intelligence database.	Completed 17 April 2000 — see page 33.
Conduct strategic intelligence assessments.	See page 34.
Obtain an independent evaluation of the workings of the multidisciplinary team structure.	Consultant engaged to conduct the evaluation and completed his report in September 1999 — see page 34.
Obtain an independent evaluation of the activities and organisation of support officers.	Consultants engaged to conduct the evaluation; they produced their report in September 1999 — see page 34.
Review and change the way work is selected.	This has been facilitated through the creation of EAC and COP, see pages 25 and 28.
Develop new methods for the proactive investigation of corruption and other official misconduct.	A Proactive Assessment Unit was created as a result of the SIG Report. See page 28.
Develop ways of resolving complaints in a more constructive and timely manner.	See below.
Continue proactive targeted integrity testing of police.	See page 34.
Work with councils to further their understanding of the complaints-handling process, the protocol for referring issues to the CJC, and whistleblower support.	See 'Major Initiatives of 1999–2000'.
Continue implementing cross-divisional initiatives.	The establishment of EAC and COP will facilitate cross-divisional initiatives.

### COMPLAINTS TO THE CJC: HOW THEY ARE HANDLED

Assessing and investigating complaints — which come to us from many different sources, including the general public — are among the core activities of the CJC. The Complaints Section and MDTs within OMD perform these functions.

As in previous years, we continued to implement strategies to improve the way we handle complaints.

Chief among these were the introduction of a new complaints database and the development of a more client-focused vision for the Complaints Section.

#### A new database

The introduction of COMPASS (Complaints Management, Processing and Statistical System) marked the culmination of a complex process of upgrading and refining our Complaints Register, which had served us for 10 years.

*Some members of the Complaints Section: standing l. to r. Des Roffey, Acting Superintendent Gavin Radford, David Jones, Gina Look; seated l. to r. Russell Pearce, Helen Couper (Chief Officer) and Warren Strange.*



With COMPASS we are able to record information about complaints far more comprehensively and clearly than ever before. Not only does this improve management and tracking of complaints, it also means that we are able to provide research officers and others with far better quality data for reporting purposes and statistical analysis.

We have also taken the opportunity presented by the introduction of COMPASS to review the coding of some information such as allegation types. Although this has had the unfortunate side effect of making comparative analysis of data from previous years less exact, the benefits gained in higher quality data make it well worth while.

### A client-focused vision

The SIG report pointed out that the Complaints Section needed to focus more on service to clients, which largely means offering a broader range of responses to complaints beyond the traditional investigative response.

This new vision for the Complaints Section is reflected in the redesignation of the position of manager as Deputy Director (Complaints Services), with the incumbent also filling the statutory position of Chief Officer, Complaints Section.

The Assessment Unit has also been revamped and is now known as the **Receivals and Assessment Unit**. The unit will focus on finding ways to resolve complaints other than by investigation so that fewer matters progress to the **Complaints Resolution Team** (the Section's investigative unit).

The investigation of corrupt public sector officers will, of course, remain an important function of the Complaints Section. But, by choosing investigations more strategically, the Complaints Resolution Team will also be able to focus on:

- the wider implications of alleged misconduct
- outcomes other than solely criminal prosecution or disciplinary action, and
- prevention, risk management and other procedural and systemic implications.

We believe agencies will find the outcomes of these investigations more useful.

As detailed in 'Major Initiatives of 1999–2000', we have also been working closely with the QPS to find ways to improve the handling of complaints against police (see page 13). This initiative will have a profound impact on the work of the Section.

In support of the new vision, and in recognition of the

long-term advantages of agencies accepting responsibility for dealing with complaints of misconduct against their employees, the Complaints Section has over the last 12 months referred more matters back to the QPS, departments and public sector agencies. As a result, it now has the flexibility to develop its client services and its range of responses to the best advantage of all clients, including complainants, subject officers, the public sector and the public.

### Timely resolution of complaints

More matters this year were completed within the desired 12 weeks than ever before, a major achievement considering we received more complaints than ever before. We also made a concerted effort to complete some long-standing investigations. In future, the enhanced capability for case management provided by COMPASS will make the resolution of complaints much faster.

Efficiency will also be improved by the creation of EAC, a cross-divisional committee comprising the Chairperson, the Directors of OMD, Research and Prevention, Intelligence and Information, and the Chief Officer, Complaints, that has been established mainly to assist the Chief Officer with the assessment and management of more sensitive and serious matters.

### Dealing with false complaints

We have this year supported the prosecution of two people for making false complaints (that is, complaints they knew to be false at the time of making them).

### Whistleblower support

The transfer of the whistleblower support function to the Complaints Section last year proved to be a successful initiative. The officer has performed an extremely useful function in helping whistleblowers understand what is involved in making a public interest disclosure and the possible ramifications. The officer also explains to current, future or potential complainants and/or whistleblowers the CJC's complaints process and jurisdiction.

Under the *Whistleblowers Protection Act 1994*, we are required to report annually on the number of public interest disclosures (PIDs) we receive. Table 3 (next page) provides an analysis within the relevant sections of the Act. The table shows that no PIDs were substantiated (i.e. 'not verified') by the CJC during 1999–2000, 83 matters were found to be not capable of investigation or were unsubstantiated, and 30 matters were under consideration at 30 June 2000.

Table 3: Analysis of PIDs received by the CJC in 1999–2000

Section of <i>Whistleblowers Protection Act 1994</i>	Verified (by CJC)	Not verified (by CJC)	Referred to other agency	Under consideration (by CJC)	Total referred and not verified	Total referred and verified	Totals
15: Public officer complaining of official misconduct	–	54	38*	20	17	6	135
16: Public officer complaining of maladministration	–	5	–	–	–	–	5
17: Public officer complaining of improper management	–	–	–	–	–	–	nil
18: Public officer complaining re health/environment matter	–	–	–	–	–	–	nil
19: Any person complaining re public health or safety matter	–	–	–	–	–	–	nil
20: Any person complaining re reprisal	–	24	15	10	–	–	49
<b>Totals</b>	<b>nil</b>	<b>83</b>	<b>53</b>	<b>30</b>	<b>17</b>	<b>6</b>	<b>189</b>

\* The outcomes of the allegations in this category may not be known at this stage, or alternatively may never be known as they were referred to another agency with no need for review by the CJC.

## REVIEW AND EVALUATION

When we refer a complaint to an external agency for handling, we review the outcome of the agency's investigation. The **Review, Evaluation and Monitoring Unit**:

- reviews matters referred to the QPS for investigation, such as possible misconduct by police officers (e.g. assault) or alleged criminal conduct by public officials
- monitors the QPS's handling of major incidents, such as police shootings or high-speed pursuits
- reviews matters referred to departments, local authorities or other public sector agencies for investigation and/or disciplinary action.

The unit plays an important role in the detection of ineffective or inappropriate processes and systems employed by units of public administration. The unit frequently refers such matters to the Research and Prevention Division for assistance in recommending remedial action by the agency concerned.

In accordance with the new vision for the Complaints Section, the unit is also to give more attention to auditing and monitoring agency investigations and evaluating the complaints-handling and investigative capabilities of agencies.

## Case studies

The following case studies highlight the work of the unit during the year.

### Watchhouse injury

A woman was detained in a watchhouse after being arrested for a minor drug offence and unpaid fines. While there, she said she suffered serious injuries when she fell heavily during a convulsive fit. The fit, she said, was caused by the failure of watchhouse police to dispense to her the necessary medication that was in their possession.

The QPS investigation into the matter found that there was insufficient evidence to substantiate any negligence by police or even that the woman had sustained her injuries while in custody at the watchhouse.

Upon review of the QPS investigation, our concerns were raised when we realised that the QPS investigator was the officer-in-charge of the watchhouse and the brother of the officer who had released the woman from custody when she was allegedly suffering serious injury.

Our attempt to examine videotapes of the woman's movements during the 24-hour period she was in the watchhouse was thwarted by the outdated equipment at the watchhouse. Although unable to establish when or where the woman was injured, watchhouse records revealed that she had not been given the necessary dosages of medication.

We recommended to the QPS that disciplinary action be considered against two officers and managerial guidance for two other officers for their failure towards the woman. We also recommended that all officers at the watchhouse receive additional training regarding the safe custody of people with medical conditions.

We were concerned that the appointment of the original investigator and the standard of his investigation may give the perception that an independent and impartial investigation had not been conducted.

We also recommended that the QPS replace the outdated electronic recording equipment still in use at several watchhouses with a system that would permit forensic investigation of alleged incidents. As at 30 June 2000, we were awaiting the QPS's response.

### Review of Q Health Investigations Unit

An Executive Legal Officer from the Complaints Section and a Senior Corruption Prevention Officer from the Research and Prevention Division, together with an officer of the Australian Federal Police, conducted a quality assurance review of the Investigations and Project Group of the Audit and Operational Review Branch of Q Health.

Q Health met the Commonwealth Investigation Standards and are to be complimented on their initiative in establishing an Investigations and Project Group.

Our next step is to repeat the evaluation process with another agency with less developed capabilities to enable refinement of the process, and then to produce a policy and procedures and promulgate them throughout the public sector. This will assist departments and agencies to gain capabilities that will meet the standards identified.

## COMPLAINTS STATISTICS

See *appendix B* for detailed complaints statistics.

In just over 10 years, the CJC has handled 24 904 standard complaints involving 54 500 separate allegations. By 'standard complaints', we mean those complaints involving misconduct by police or other public officers. A standard complaint often includes more than one allegation — for example, an officer may be accused of unlawfully arresting a person and also using excessive force in making the arrest — and may be made against more than one person.

This year, 2861 standard complaints (two-thirds of them against police officers) were registered, the highest annual total recorded in the CJC's history, clearly demonstrating the continued public confidence in, and high profile of, the CJC. The number is an increase on 1998–99 (2768), which was the previous highest total.

One major area of improvement was the increase in the number of matters finalised, which was due to finalising complaints more quickly, completing some long-standing investigations, and a 13 per cent drop

in current complaints (i.e. matters still being assessed and/or investigated) as at June 2000.

### Referrals to the QPS

In keeping with our commitment to give the QPS greater responsibility for investigating misconduct, 1010 such allegations (approximately a quarter of all QPS allegations) were referred to the Service, a considerable increase on the previous year. We reviewed all these investigations to ensure that they were thorough and that the conclusions were warranted. As well, we referred 589 allegations to the QPS for informal resolution.

## CJC INVESTIGATIONS

CJC investigations are of two types: reactive (complaint-driven) and proactive (intelligence-driven). Many investigations are both in that they are prompted by a complaint but proceed by way of proactive strategies.

*Reactive investigations* occur in response to complaints of wrongdoing in the QPS or the state public sector. Complaints may come from any person or organisation.

*Proactive investigations* are commenced after analysis of intelligence and complaints data. These investigations are conducted by the MDTs, which are made up of police and civilian investigators, financial and intelligence analysts, lawyers and support staff.

### SIG changes affecting Investigations

Three MDTs operated during the year — Project Shield, the Corrective Services Team and the Public Sector Team. Towards the end of the year, as a result of the SIG recommendations, Project Shield was renamed the **Covert and Sensitive Investigations Unit** and its brief expanded to include all highly sensitive investigations (which may or may not require a covert capability) related to misconduct in the public sector,



*Investigations Team I. to r.: Peter Lyons, Superintendent Peter Barron, Forbes Smith (Deputy Director) and Steve Hardy.*

not just police misconduct. The other two MDTs were brought together under the name **Complex Investigations Unit**. Both units are headed by the Deputy Director, Investigations, with COP assuming the role of approving and overseeing projects conducted by the teams.

At the same time, the Commission established the **Major Projects Unit**, headed by the Deputy Director, Major Projects, to undertake public hearings and other major projects. This unit, which had not yet begun operating as at 30 June 2000, will draw its personnel from across the CJC as appropriate to the particular project being undertaken.

To build on the success of the proactive strategies employed by the MDTs, the Commission also established the **Proactive Assessment Unit**. This unit, located within the Intelligence and Information Division, incorporates the CJC's proactive assessment, strategic intelligence and target development capabilities. The unit:

- seeks information from appropriate sources about serious corrupt practices
- develops and analyses information received through the use of collection plans, indicators of corruption, investigation techniques (both overt and covert), and various analytical methodologies
- distributes projects to other divisions of the CJC (besides OMD) where appropriate, especially to Research and Prevention
- collates relevant material to the Intelligence Recording and Analysis System (IRAS) database.

## Project Shield MDT

Project Shield arose from a series of proactive investigations conducted by the CJC into possible police involvement in drug-related official misconduct.

The Honourable W J Carter QC, a retired Supreme Court judge, was engaged to supervise and direct our operations under Project Shield in 1996 and 1997. He headed the Police and Drugs Inquiry and published a report, *Police and Drugs: A Report of an Investigation of Cases Involving Queensland Police Officers* in 1997.

Since its inception, 54 proactive operations have been conducted by Shield, 14 of which are still in progress. In addition, Shield has investigated scores of individual complaints of police misconduct throughout the State.

### Results in 1999–2000

- A lengthy covert investigation into allegations of police protection led to three police officers being charged with official corruption and supplying a

dangerous drug. Three civilians were also charged with trafficking in dangerous drugs and supplying a dangerous drug; two pleaded guilty and one was sentenced to a term of imprisonment.

- Investigations commenced during the Police and Drugs Inquiry led to four defendants including two former Victorian police officers being successfully prosecuted in the District Court for offences of extortion and assault occasioning bodily harm. Each defendant was sentenced to a term of imprisonment with that sentence wholly suspended.
- A report was sent to the Director of Public Prosecutions recommending prosecution of a former employee from the Department of Transport who was suspected of issuing false learners' permits and motor vehicle registrations.
- Staff from Shield and the Research and Prevention Division conducted an extensive investigation of police officers unlawfully accessing and disclosing confidential information from the QPS database (Operation Piper). To date one civilian employee has been dismissed and disciplinary reports compiled on 17 officers.

### Case studies

The following case studies highlight the work of the Project Shield MDT during the year.

#### Operation Craven

This covert investigation began in late 1998 after we received allegations that police officers in a regional Queensland town were involved in the protection of drug offenders.

The investigation, which closed in February 2000, resulted in the arrest of three police officers on drug and corruption charges. Three civilians were also charged with serious drug offences. One of those men pleaded guilty to trafficking in dangerous drugs and was sentenced to a term of imprisonment; the remainder await trial.

#### Operation Jetski

This operation targeted a corrupt police officer stationed at the Whitsunday Police Station. The investigation led to:

- the police officer pleading guilty to official corruption, trafficking in dangerous drugs, breaking into the watchhouse and stealing cannabis, and one other offence; he was sentenced to eight years' imprisonment with no recommendation for parole
- the businessman with whom he stole the cannabis pleading guilty to similar offences and being sentenced to six years' imprisonment
- another police officer being dismissed from the QPS as a result of disciplinary proceedings concerning his failure to take action over a proposal by the corrupt police officer to commit serious criminal offences
- during this reporting period, a civilian was sentenced

to seven years' imprisonment for trafficking in dangerous drugs and six years' imprisonment for official corruption; he was also ordered to pay a pecuniary penalty order in the sum of \$71 565, the amount the civilian admitted to receiving from the sale of dangerous drugs.

#### Police officer's association with a criminal

In 1997, the CJC had investigated the circumstances of a Detective Sergeant's personal relationship with a known criminal. When interviewed, the police officer — who claimed ignorance of the person's criminal history — was told to end the association. However, subsequent complaints indicated that the officer had continued the association. It was alleged that the officer was obsessed with the other person (now serving a lengthy term of imprisonment), and had been involved in criminal activity with the person.

Our investigation this year confirmed that an association had remained but revealed no evidence of criminal activity by the officer. Further investigation revealed that the officer had lied to investigators about the nature of the relationship and had caused other officers to become involved in a domestic violence complaint arising out of the relationship.

As a result of disciplinary proceedings, the Detective Sergeant was reduced in rank to Senior Constable and returned to a uniformed position.

#### Cloncurry watchhouse fire

On the evening of 15 October 1998, an Aboriginal man was arrested at Cloncurry. After decamping and then struggling violently with police officers, the prisoner was handcuffed from behind and placed in a padded cell in the watchhouse.

The police officers responsible for the arrest say the prisoner was thoroughly searched before being placed in the cell. It was their intention for the prisoner to remain in the watchhouse for only a short time before being transferred to Mount Isa.

A little while later, it was discovered that the padded cell was on fire. Police officers attempted unsuccessfully to extinguish the fire and rescue the prisoner. Entry to the cell was finally made at about the same time the Fire Service arrived and too late to save the prisoner.

After the fire, a cigarette lighter was discovered near the prisoner, who had apparently managed to 'step through' the handcuffs.

The CJC took charge of the investigation into this matter. A report has been tendered to the State Coroner, who is conducting the inquest into the prisoner's death.

#### Operation Tuskar

Operation Tuskar started out in 1998 as an investigation of anomalies detected at the police armoury and expanded into an investigation into the Queensland Firearms Compensation Scheme. The operation concluded last year and the prosecutions arising from it concluded this year. In all, five people have been convicted in the

criminal courts — two were employees of the Firearms Compensation Scheme who had stolen surrendered weapons; two were convicted of unlawfully being in possession of weapons stolen from Firearms Compensation Centres; the fifth, a police officer employed as the armourer for the QPS, was convicted of stealing ammunition returned during the Firearms Compensation Scheme and of stealing a rifle and rifle parts. He was ordered to perform 240 hours' community service and resigned from the QPS.

#### Operation Spot II

On 31 March 2000, the last of the prosecutions that arose from this investigation, which began back in June 1992, was finalised. One of the prosecutions, however, is now the subject of an appeal to the Court of Criminal Appeal on the basis of the leniency of the sentence.

The investigation related to the payment of 'spot fees' to police by people engaged in the smash repair and towing industries, in contravention of the *Tow Truck Act 1973*.

'Spot fees' is the term given to payments made by tow truck operators or tow truck drivers to people who provide traffic accident information early enough to ensure that the person making the payment obtains the towage.

As part of the investigation, we analysed TAB Telebet accounts held by police officers stationed at the Police Communications Centre. The analysis revealed that several police officers held accounts in the period 1987 to 1989, and that there seemed to be some association between payments in multiples of \$30 made into their accounts and deposits or withdrawals in multiples of \$30 made to or from the TAB Telebet account of the wife of a prominent tow truck operator.

The discovery of this association led us to interview scores of witnesses and summons many people to investigative hearings to give evidence of their knowledge of the industry and, in particular, the prevalence of the payment of 'spot fees'. As a result, charges were laid against two police officers for receiving corrupt payments in exchange for traffic information. One police officer and a tow truck operator were also charged with perjury.

Two other police officers resigned from the QPS in relation to their involvement in the matter. One further officer died before any action could be instituted against him.

One of the police officers pleaded guilty to nine counts of official corruption and was sentenced to 18 months' imprisonment wholly suspended on the basis that he assist the Crown in any subsequent prosecutions, which he did.

The other police officer pleaded guilty to 17 counts of official corruption and perjury. He was sentenced to 13 months' imprisonment, totally suspended, in relation to the corruption offences, and two years' imprisonment for the perjury, suspended for three years after he had served two months.

The tow truck operator was convicted in March 2000 of 20 counts of official corruption and sentenced to 18 months' imprisonment on each count, but suspended for three years after he had served three months of the term.

## Corrective Services MDT

The CJC received special funding of \$1 273 725 for the 1999–2000 financial year to operate the Corrective Services MDT. Throughout the year, the team investigated 14 standard complaints and provided proactive investigative and preventive services. For example, it completed a complex fraud investigation that resulted in a brief of evidence being referred to the Director of Public Prosecutions recommending charges be laid for misappropriation, official corruption and receiving a secret commission.

As at 30 June, the team was working on two other complex investigations, one involving drugs in prison and one the receipt of secret commissions by an employee of the DCS.

In collaboration with the Research and Prevention Division, the team worked to identify the nature, cause and extent of official misconduct and corruption within state correctional services and to develop and assist with the implementation of suitable corruption prevention strategies and programs. See also page 45.

### Case study

The following case study highlights the work of the Corrective Services MDT during the year.

#### Alleged inappropriate relationships

In early 1999, the CJC received information from a long-term inmate at a correctional centre that for some time earlier he had been involved in a sexual relationship with a prison psychologist. He also alleged that this person had supplied him with marijuana, alcohol and other gifts.

As our investigations into these allegations commenced, further information suggested an inappropriate relationship between the psychologist and another inmate.

Immediately after our investigation the psychologist resigned from the department. We are currently considering further action.

This case is a good example of an investigation into a specific matter that revealed the need for corruption prevention education in the area. It highlights the extent and nature of the official misconduct risks associated with the provision of services to inmates by professional DCS staff. Guidance is clearly required to minimise the potential for these vulnerable officers to be placed in a position where their professional integrity may be compromised. We intend to furnish a report to Parliament at the conclusion of the project.

## Public sector MDT

The team investigated more than fifty complaints, focusing mainly on cases concerning politicians, public servants and local authority officers. The investigative resources of the team were strengthened with the addition of several police officers.

## Case studies

The following case studies highlight the work of the Public Sector MDT during the year.

### Two questionable appointments

This investigation began after concerns were raised in Parliament about the way a Director-General and a Deputy Director-General had been appointed to their positions. The suggestion was that the advertised remunerations for the positions had been set at a level to favour the two appointees by discouraging more highly credentialled applicants from applying.

The CJC investigation found no evidence that there was favouritism of the appointees in the selection process. The investigation established that, after the initial advertisements, the Public Service Commissioner issued directives permitting the positions to be filled without further advertisement at a higher level than that originally advertised. This action was lawful and did not amount to official misconduct. However, the CJC considered the guidelines for making such decisions and the documentation required to support such decisions to be inadequate. Hence, we recommended:

- that detailed guidelines be formulated to assist the Public Service Commissioner (and departments) in deciding when it is appropriate to appoint on a contract made under section 70 of the Public Service Act — these guidelines should be published to all departments
- that detailed guidelines be formulated to assist the Public Service Commissioner (and departments) in determining when it is appropriate to issue a directive under sections 77(2)(a) and 78(3) of the Public Service Act that the requirements to advertise a position and to appoint on the basis of merit alone not apply to appointments to particular positions — these guidelines should also be published to all departments
- that detailed submissions addressing the guidelines be required to be furnished when seeking a directive for a section 70 contract or exemption from the requirements to advertise a position or appoint on the basis of merit alone
- that detailed records be kept which fully document the reasons for the issue of all such directives by the Public Service Commissioner
- that detailed records be kept which fully document reasons when submissions for a directive for a section 70 contract or exemption from the requirements to advertise positions or appoint on the basis of merit alone are rejected
- that advertisements calling for applications for positions accurately reflect the remuneration options for the position. For example, if a position is classified as CEO2 but with scope for negotiation with the successful candidate, any advertisements seeking applicants for the position should reflect that fact. This could be reflected by advising of a salary package range or, alternatively, nominating a specific level and indicating that it is subject to variation depending on the applicant's qualifications and experience.

Similar recommendations were independently advanced by the Auditor-General. The Department of Premier and Cabinet has said it will act on the recommendations.

### Alleged sexual harassment by a senior officer

We received an anonymous complaint making serious allegations against two senior public servants. One of these officers was accused of sexually harassing young Indigenous female public servants at a conference. The other, his CEO, was accused of 'covering up' the behaviour.

The alleged sexual harassment and cover-up quickly became a matter of public knowledge and the subject of much speculation within the public sector agency concerned and the public sector as a whole. It was also widely reported in the media.

Our extensive investigation into the matter did not establish the cover-up allegation against the CEO, but led to recommendations to the Premier to consider disciplinary action against the CEO on other grounds (under s. 87 of the Public Service Act). We also recommended that disciplinary action be considered against the senior executive for misconduct and/or a breach of the agency's code of conduct.

### Alleged political interference

In Rockhampton, on Labor Day, a government Minister allegedly assaulted a person but was not charged with assault. There was speculation in the press that political interference lay behind the decision not to press charges.

The CJC was called in, not to investigate the allegation of assault, but to ascertain whether there had indeed been any political interference in the matter.

We assessed material provided to us by the QPS and independently conducted interviews with the investigating police officer, the person alleged to have been assaulted and the barrister who had facilitated mediation between the parties. We concluded that there was no reasonable suspicion of any improper influence or interference, either from within the QPS or by way of any political action. Accordingly, we considered that there was no justification for conducting further inquiries into the matter.

Our conclusions were provided in detail to the Premier, the Leader of the Opposition and the Commissioner of Police.

### Gocorp investigation

In July 1999, the State Treasurer and a Labor parliamentarian came under attack in the media for allegedly giving unfair advantage to Gocorp Limited in the issuing of an Internet casino licence.

We had already started to assess whether there was a reasonable suspicion of official misconduct when we received a letter from the Leader of the Opposition raising his concerns about the matter.

In August 1999, we asked Mr R W Gotterson QC to conduct independent preliminary inquiries. Mr Gotterson and an MDT formed under his direction interviewed 17 staff of the Queensland Office of Gaming Regulation, Queensland Treasury and the Premier's Department, as well as the Treasurer, his Parliamentary Secretary and the Under-Treasurer. Each interview involved an examination of the individual's conduct against the relevant contemporaneous documents.

Mr Gotterson's advice to the CJC was that there was no reasonable suspicion of official misconduct on the part of any person, including the Treasurer or the parliamentarian who had a financial involvement in Gocorp.

Mr Gotterson concluded that there was no deliberate attempt to advantage Gocorp in consideration of its licence application. He also concluded that there was no evidence that any gifts or promises of money, property or other benefits were offered or given to any person to influence any decision in the process of granting the licence.

Mr Gotterson made recommendations concerning the probity investigation process within the Office of Gaming Regulation with particular reference to the lack of adequately trained and experienced personnel and suitable investigation techniques and procedures for recording relevant information and transmitting it to probity investigators.

Mr Gotterson referred to the participation of MLAs in lobbying activities and warned that such activities were a matter of public interest when the MLA who may be lobbying has a direct or indirect financial interest in the outcome. He noted that the responsible authority governing such activities of MLAs (the Members' Ethics and Parliamentary Privileges Committee) had circulated a draft code of conduct. He stated that it was desirable that a code of conduct that takes account of ethical issues such as those raised by the Gocorp matter be adopted as soon as possible. This has not yet happened.

### Inappropriate appointment

A complaint relating to the restructure of a government department led to another matter coming to light concerning a senior appointment.

The Director-General of the department had put pressure on one of his senior officers to appoint to a key position in the department the son of a friend of his. The senior officer resisted the pressure because he did not believe the person to be suitable for the job, but the situation created an impasse between him and his superior. To break the impasse, the senior officer suggested the creation of a new (and unnecessary) senior position for the Director-General's preferred candidate. The Director-General agreed and the man was appointed.

The senior officer did not contest a charge of official misconduct concerning the events. He was dismissed, but, given his full cooperation in the matter and clear regret, the sanction was suspended on the condition that he pay a fine of \$9000. The Director-General resigned from the public sector and was therefore no longer under the jurisdiction of the Misconduct Tribunals.

### Operation Vesta

This operation began when we received a complaint from Education Queensland alleging misappropriation of departmental funds at a school.

A Social Club bank account for teachers at the school had been in existence for some years. Analysis of financial records from early 1991 until the closure of the account in 1996 indicated that over that period funds intended

as payment to the department for the hire of school equipment and facilities had been deposited into the account — and then used for Christmas functions, staff lunches and gifts for departing staff. The evidence further suggested that the account had been mainly operated by two senior teachers with the lesser involvement of a third teacher. We sent a brief of evidence to the Director of Public Prosecutions who advised that the three teachers should be charged with stealing as a public servant. Committal proceedings are now pending.

### Operation Aubrey

This covert investigation concerned allegations that an officer in Queensland Transport was issuing false learners' permits and falsely registering stolen motor vehicles in return for corrupt cash payments. Our investigations to date suggest that the officer issued at least fifty learners' permits and registered more than twenty stolen vehicles over a two-year period.

The learners' permits could be used as false identities, which, in turn, could be used for unlawful purposes including to establish bank accounts. (False-name accounts enable criminals to launder the proceeds of crime without risking detection.)

Evidence was also obtained that many of the vehicles that the officer registered had been stolen by members of an outlaw motorcycle gang operating in several States.

The Queensland and New South Wales Police Services assisted us in the closure of the operation during which stolen motors, a stolen boat and several false learners' permits were seized. Extensive analysis of information derived from several sources was required to identify the owners of false licences uncovered during this operation.

### Alleged preferential treatment

The CEO of a department referred a complaint to us concerning alleged preferential treatment given by a statutory committee to a relative of a former member of that committee. We received further related complaints alleging improper interference in the matter before the committee by the CEO and the Minister, and improper conduct by members of the committee and officers of the relevant department. The matter received considerable media publicity as 'the rusty ute affair' and was the subject of questions in Parliament.

After a thorough investigation involving interviewing 17 witnesses and considering a large volume of documentation, we concluded that the available evidence did not support the allegations. A copy of our report was provided to all interested parties.

### Operation Mangrove

This operation began in late 1998 as an investigation into allegations of official misconduct against the then Queensland Children's Commissioner and a junior member of his staff. (See last year's annual report.) The Commissioner was also accused of misusing a government-issued credit card. In August 1999, we sent a brief of evidence to the Director of Public Prosecutions who advised that two counts of fraud should be preferred. The former Children's Commission has consented to the committal of these charges to the District Court.

## THE MISCONDUCT TRIBUNALS

The Misconduct Tribunals, as established under the *Misconduct Tribunals Act 1997*, have both an original and appellate jurisdiction relating to official misconduct and misconduct respectively. The CJC, as well as the person disciplined for misconduct, is given a right of appeal to the Tribunals against a reviewable decision.

In their original jurisdiction, the Tribunals this year handed down five decisions related to official misconduct. The matters involved seven people, six of whom were police officers. Of the five cases considered, official misconduct was established in three.

### Case studies

The following case studies show how the CJC and the Misconduct Tribunals interact.

#### Sexual assault leads to dismissal

A woman complained to the CJC that a police officer called to assist her after a domestic violence incident had sexually assaulted her. We investigated the matter but found very little independent evidence to support the allegation. However, we discovered that a similar complaint had been made against the officer before, which had not been prosecuted because of a lack of independent evidence.

We instituted proceedings in the Misconduct Tribunals using the first allegation as evidence to support the second allegation. Evidence from both complainants was heard as well as other witnesses, and official misconduct was established. The police officer was dismissed.

#### Failure to breathalyse a colleague's brother

We received information from a police officer that his partner, a more senior officer, had failed to breathalyse a man when he discovered that the man was the brother of another officer.

As a result of our investigation the police officer was charged with attempting to pervert the course of justice. However, the District Court judge ruled that while the officer's failure to perform the test may have been a breach of his duty, it was not a positive act and did not therefore amount to a criminal offence as a matter of law. We then instituted proceedings in the Misconduct Tribunals where official misconduct was established. The officer was ordered to pay \$1250, to be deducted from his pay in periodic instalments.

## PROCEDURAL RECOMMENDATIONS

The CJC's responsibility for promoting proper conduct by public officials is not limited to the investigation of complaints. We also identify flaws in systems and procedures and frequently make recommendations designed to correct those deficiencies. In 1999–2000, we made 37 procedural recommendations, some of

which recommended procedural reform. An example of the latter is set out on page 46 (Operation Grotto).

## HEARINGS

Hearings are an effective means by which to gather evidence that cannot be secured through more traditional investigative methods.

Two public hearings were held in 1999–2000 — one was an inquiry into the police power to conduct strip searches and the other an inquiry into allegations of misuse of police information (Operation Piper). There were also eight closed hearings.

**Table 4: Hearings 1999–2000**

	No.	Sittings	Witnesses
Public	2	14	77*
Closed	8	14	22

\* Includes persons who made submissions

## PROCEEDS OF CRIME

The CJC has always believed strongly in the deterrent effect of depriving criminals of the profits from their crimes. Accordingly, we use the legal process contained in the *Crimes (Confiscation) Act 1989* to restrain assets and obtain forfeiture or pecuniary penalty orders against persons who have benefited financially from criminal activity.

Since 1990, \$1 888 059.61 has been forfeited to the Crown as a result of CJC operations and \$588 059.44 is outstanding in respect of pecuniary penalty orders. As well, we hold restraining orders against criminals to the value of \$354 639.26.

Most of these amounts resulted from the CJC's organised crime operations including the operations conducted by the CJC–QPS Joint Organised Crime Task Force (JOCTF). The CJC lost its jurisdiction to investigate organised crime in 1998 and its jurisdiction is now limited to the investigation of corruption and other official misconduct in the public sector and misconduct by police officers. These investigations offer far less opportunity to apply pecuniary penalty orders concerning proceeds of crime, although we continue to pursue such opportunities whenever they arise.

In 1999–2000, pecuniary penalty orders totalling \$79 065 were made as a result of official misconduct investigations.

## USE OF CJC POWERS

CJC powers are essential information-gathering tools used to combat official misconduct in the public sector. They can be exercised by the Commission in the course of investigating matters.

In addition to powers available to QPS officers under the *Police Powers and Responsibilities Act 1997*, we can:

- **compel anyone to give us anything relevant to a CJC investigation** (Criminal Justice Act, s. 69 — issued on Chairperson's authority)

*In 1999–2000, 273 notices to produce records or things and two notices to furnish information were issued.*

- **summons a person to attend a CJC hearing to give evidence and produce anything referred to in the summons** (Criminal Justice Act, s. 74 — issued on Chairperson's authority after the CJC has authorised that a hearing be held).

*During 1999–2000, 56 witnesses were summonsed to give evidence at CJC hearings.*

- **direct a prisoner to appear before the CJC** (Criminal Justice Act, s. 81 — issued on Chairperson's authority).

*Two prisoners were directed to appear before the CJC during 1999–2000.*

- **apply to the Supreme Court for a warrant to enter and search premises** (Criminal Justice Act, s. 71).

*No applications to the Supreme Court were made in 1999–2000. However, we obtained 47 search warrants under the Police Powers and Responsibilities Act 1997 and the Weapons Act 1990.*

- **apply to the Supreme Court for listening devices** (Criminal Justice Act, s. 82).

*In 1999–2000, the use of listening devices was approved by the Supreme Court on eight occasions.*

## INTELLIGENCE SUPPORT

The success of CJC investigations depends very much on the quality of the information investigators receive from intelligence analysts. The extensive use of intelligence analysts in Operations Craven, Aubrey and Piper, for example, enabled the investigations to remain focused.

As well during the year, the division:

- Upgraded CID to ensure the high standard of CJC data, and established a committee to monitor the effectiveness of the new database, IRAS.
- As part of Project Indigo, worked with the Corrective Services MDT and the DCS to develop and conduct three intensive intelligence collection plans. These plans involved interviewing 1093 staff and inmates from three correctional centres and collecting information on allegations of official misconduct within correctional centres.
- As part of Project Sunbeam, prepared three papers covering indicators of corruption in the police, corrections and public sector areas for use internally to help in the early identification of corruption; some of the less sensitive material in these papers is used by prevention officers for education and training purposes.
- Proactively identified individual targets or areas of corruption to provide Project Shield with well-defined targets where a clear outcome is achievable.
- Identified nine targets suitable for integrity testing. Owing to other operational priorities, the CJC did not conduct any integrity tests of police this year. The Controlled Operations Legislation (1 July 2000), may allow for more sophisticated targeted tests to be conducted in the future.
- Devoted more time to the development of proactive initiatives to identify matters worthy of investigation that do not necessarily arise as a result of complaints.
- Disseminated 182 matters of intelligence value to various law enforcement agencies; 100 in response to requests from those agencies and 82 on our own initiative.

## SURVEILLANCE AND TECHNICAL SUPPORT

The Surveillance and Technical Unit makes an essential contribution to the CJC's proactive investigations into serious corruption. During the year, in accordance with a SIG recommendation, the unit was placed under the direction of Assistant Commissioner Andrew Kidcaff.

## INDEPENDENT EVALUATIONS

### Evaluation of the MDTs: The Coad report

In September 1999, the CJC's multidisciplinary teams were evaluated by independent consultant Mr Bill Coad. Mr Coad's conclusions were that the teams

needed to focus more on achieving outcomes from the cases under investigation. He recommended that one overall management committee should govern the operations of the MDTs and that, while each of the teams should be maintained, their resources should be viewed as a part of one resource. The Commission has accepted Mr Coad's recommendations, which accorded with the SIG recommendations.

### Review of support services: Street Ryan report

OMD's support services were reviewed by Street Ryan and Associates in late 1999. The recommendations, which focused on:

- the need to develop a more systematic approach to training of support staff
- a review of the ability of allocating support staff to teams
- clarifying the functions and responsibilities of Administration, Support and Information Officers
- reviewing the numbers of support staff on temporary or short-term contracts

are expected to be implemented by November 2000.

### PROJECTED ACTIVITIES FOR 2000–2001

- ▶ Conduct evaluations of public sector agencies, using the information gathered to determine the level of seriousness and complexity of matters that may be referred to agencies for investigation.
- ▶ Develop a Charter of Service for the Complaints Section, which will address the issues, concerns and expectations of all the stakeholders, including complainants and subject officers, and outline the obligations of the Section.
- ▶ Travel to regional centres outside the south-east corner to receive complaints and provide information about the jurisdiction of the CJC and the role and functions of the Complaints Section.
- ▶ Promote more cost-effective methods of dealing with less serious complaints against police in a way that will benefit the managerial processes of the Service and enhance complainant satisfaction.
- ▶ Refer more matters back to the QPS for investigation while at the same time increasing our oversight role.
- ▶ Encourage public sector agencies to take greater responsibility for disciplinary matters.
- ▶ Review, monitor and audit complaints investigated by the QPS and other public sector agencies.
- ▶ Develop complaints-handling and investigative standards for all departments and public sector agencies and local governments, and implement an evaluation methodology.

# Research, prevention, reform

## Goals:

- ▶ To contribute to the effectiveness and integrity of the criminal justice system
- ▶ To increase the level of public awareness of the role and services of the Commission

This sub-output is managed by the Director, Research and Prevention, with contributions from other divisions, especially Official Misconduct.

Divisional staff monitor the QPS and the Queensland criminal justice system, and, at the same time, work to promote effective strategies to combat workplace corruption in the public sector.

The following section examines the work of the sub-output over the year. See also 'Major Initiatives of 1999–2000'.

## Performance indicators:

- ▶ number of reports
- ▶ number of presentations
- ▶ percentage and number of clients who rate assistance as useful and credible
- ▶ number and significance of instances in which agencies adopt changes
- ▶ qualitative evaluation using peer review
- ▶ percentage and number of projects delivered by the required time, categorised according to priority
- ▶ cost per project

## OUTCOMES FROM LAST YEAR'S PROJECTED ACTIVITIES

### PROJECTED ACTIVITY

Publish an evaluation report on the Beenleigh Break and Enter Reduction Project.

Publish a report on prisoner numbers in Queensland.

Publish the findings of the 1999 Defendants Survey.

Publish volume 5 of the *Criminal Justice System Monitor*.

Conduct, and publish the findings of, the 1999 Public Attitude Survey.

Continue monitoring police powers legislation including the issue of strip searches.

Publish a Prevention Pointer on Internet misuse.

Publish Prevention Pointers on topics of specific interest to police, councillors and public sector employees.

Publish two issues of *Prevention Pays!*.

Continue publishing fact sheets on complaints data.

Conduct research into teacher–student misconduct and complaints involving children.

Expand our Aboriginal and Torres Strait Islander liaison function to address issues specific to Indigenous women.

Continue to participate in committees, seminars and conferences on criminal justice issues.

Report on the CJC's first representation at the 1999 Royal Queensland Show in the Government Pavilion.

Produce a kit on the role and functions of the CJC for use in TAFE colleges.

Increase the level of corruption prevention involvement in investigations.

Enhance liaison with public sector agencies and local government, and continue liaison with the QPS.

Prepare an update of our 1995 *Report on the Sufficiency of Funding of the Legal Aid Commission Queensland and the Office of the Director of Public Prosecutions*.

### OUTCOME

Report given to the National Crime Prevention in June; public report due for release later in the year. See page 36.

Report published March 2000. See page 20.

Published in March, April and May 2000. See page 37.

Due for release in late 2000.

Survey conducted in 1999 and findings published in January, February and June 2000. See page 47.

A public inquiry into the police power of strip searching was held in 1999 and a report published in June 2000. See page 37.

Published March 2000.

Produced a kit for councillors to coincide with the council elections. See also page 43.

Issues published in February and August 1999 and a third imminent. See page 47.

See page 45.

Research begun and final report due for release in November 2000; see page 45.

A female liaison officer was appointed in July 1999. See page 40.

See page 42.

See page 47.

The kit is currently being prepared. See page 47.

See page 46.

See page 42.

Update being prepared.

## MONITORING THE QPS

### Finding better ways to handle minor complaints against police

The QPS and the CJC are in agreement that there are better ways to handle minor complaints against police officers than to undertake cumbersome and costly investigations. Together we've set up a six-month trial in two QPS regions (Southern and South Eastern) of a new method of dealing with these matters. See 'Major Initiatives of 1999–2000' for details about Project Resolve.

### Conducting ethics surveys

As part of our commitment to monitoring the impact of both the good and bad aspects of police culture, each year we survey QPS recruits, first year constables and other officers training at the Academy on:

- their knowledge of the disciplinary and complaints process
- their reactions to scenarios of unethical conduct
- their views on the police culture and organisation.

The information gathered is used to monitor any shifts in the attitudes or views of QPS officers on ethical matters.

In November 1999, we released *Ethics Surveys of First Year Constables: Summary of Findings 1995–1998*, which showed that since 1995 there had been an increase in respondents' knowledge of how to deal with ethical problems, the disciplinary and complaints process, and the CJC's role in investigating complaints. There were also signs that officers were taking a more serious attitude to unethical conduct on the part of their fellow officers and were more willing to report such conduct.

In May 2000, the paper was updated to include analyses of the results of a survey of the 1999 first year constables. The findings were similar, apart from an encouraging increase in the constables' knowledge of the informal resolution procedure, and in the seriousness ratings they were prepared to give to some of the ethical scenarios.

### Promoting improved policing strategies

#### Beenleigh Break and Enter Reduction Project

In November 1998, the CJC and the QPS established the Beenleigh Break and Enter Reduction Project, which is partially funded by National Crime Prevention.

The project was established as a 12-month pilot to evaluate the effectiveness of police using a problem-oriented approach to the crime of break and enter. In particular, it looked at ways to reduce the risk of the people being victimised again. A report was provided to National Crime Prevention in June, and a public report will be released later this year.

Outcome: Through targeting 'hot spots', the Beenleigh Project successfully reduced repeat victimisation and victimisation (although the overall number of break and enters did not decrease due to the criminal activities during the trial of one highly prolific offender). The evaluation found also that the project:

- greatly improved the quality of initial police response to break and enters and motivated victims to improve their home security
- increased our knowledge about the phenomena of repeat victimisation and hot spots in Australian suburbia
- demonstrated the strengths and weaknesses of using these concepts to deal with the crime of break and enter.

On the strength of the Beenleigh research, in December 1999, the QPS initiated 'The At Risk Premises Project' (TARP) in eight project sites.



Senior staff of the Research and Prevention Division: standing l. to r. Mary Burgess, Mark Lynch, Wayne Briscoe; seated l. to r. John Boyd, David Brereton (Director) and Mark Pathe.

Variations of the Beenleigh project are in operation in New South Wales and Tasmania. Project materials have also been requested by other jurisdictions in Australia and New Zealand.

### Problem-oriented and partnership policing

Since 1995, we have encouraged police to take a problem-oriented approach to the delivery of policing services to the community. This entails police pinpointing the underlying causes of problems and working with the community to overcome them.

Outcome: In 1999, the Minister for Police and Corrective Services and the QPS launched the Problem Oriented and Partnership Policing (POPP) program. This initiative was developed in consultation with CJC staff, who are currently assisting the QPS to evaluate the program. We will also continue to promote POPP through a joint CJC–QPS project designed to encourage its use by detectives and other police in specialist areas.

### Monitoring police powers

We continued to participate in the Police Powers Review Committee, which was established to monitor the operation of the *Police Powers and Responsibilities Act 1997* and advise the Minister for Police and Corrective Services on potential problems and issues arising from the Act.

This year the committee commented on proposed amendments to the Act as well as oversaw the consolidation of the remaining myriad police powers into the *Police Powers and Responsibilities Act 2000*.

The CJC is also represented on the QPS Police Powers Implementation Steering Committee, which is responsible for overseeing the implementation and continuing evaluation of the new police powers legislation.

### Defendants Survey

In 1999, we completed a follow-up to the first Defendants Survey (which was conducted in 1996) to help with the evaluation of the Police Powers and Responsibilities Act. The survey used face-to-face structured interviews with defendants appearing before eight magistrates courts. A research report and two research papers were released in 2000 on the findings.

In comparing the two surveys, we found that in 1999:

- more defendants were receiving a ‘right to silence’ warning at the outset of questioning
- many more were being told of their right to have a solicitor or friend present during questioning
- defendants had a clearer understanding of the arrest and questioning process.

The 1999 survey also found considerable compliance with the four-hour limit on questioning imposed by the legislation and continuing high-level compliance with provisions relating to juveniles.

The research did, however, reveal that police needed to:

- ensure that the information they are required by law to give to suspects is provided in every case
- encourage greater use of ‘notices to appear’ as a genuine alternative to arrest
- ensure that they comply with legislative and procedural requirements governing searches, particularly the requirement to provide a receipt for seized property.

Outcome: Our research identified areas warranting attention through training and the tightening of procedures. This information was provided to the QPS through the Implementation Steering Committee.

### Strip Searches Inquiry

In response to public concerns about the police power to conduct strip searches, in 1999 we undertook an inquiry into the laws, policies and procedures relating to strip searches by QPS officers. As almost all strip searches are conducted in watchhouses, the inquiry was limited to watchhouses. The inquiry involved:

- reviewing submissions to an Issues Paper published in December 1999
- community consultation meetings chaired by Brendan Butler SC in Cairns and Townsville
- extensive consultation with the QPS (e.g. Commissioner’s Inspectorate, watchhouse managers)
- public hearings held in Brisbane presided over by all CJC Commissioners
- a survey of all strip searches conducted at 10 watchhouses throughout Queensland for one week.

The inquiry found that, on the whole, QPS officers were exercising their powers properly, often in very difficult circumstances. Inadequate recording of relevant information and inconsistent practices relating to strip searches of certain categories of detainees were two of the main problem areas raised during the consultation process. As a result of the inquiry, the CJC made 66 recommendations to amend QPS procedures and certain legislative provisions. As at 30 June 2000, release of the inquiry’s report was imminent.

Expected outcome: If the QPS implements our recommendations, the changes in police practices and procedures should lead to fewer complaints and increased public confidence in police practices.

## Monitoring watchhouses

Monitoring of prisoner numbers and lengths of stay in police watchhouses has continued since our report to Parliament in 1997. During 1999–2000:

- the number of prisoners held at the State's busiest watchhouses increased, but there were only occasional instances of overcrowding due to the increased capacity achieved by the QPS watchhouse upgrade and replacement program
- according to QPS data from the busiest watchhouses, the duration of stay generally remained at under seven days.

## Organisational issues

### Impact of information technology

We continued the collaborative project begun in 1998 with Associate Professor Janet Chan of the University of New South Wales to collect information on the impact of information technology on policing.

Funded by the Australian Research Council, the project has so far involved the collection of information from several focus groups, interviews, observations and a survey of more than 500 police statewide. Completion of the project is expected by the end of 2000.

Expected outcome: The project will inform police managers and policy makers of the extent to which information technology is improving efficiency and accountability, the extent of acceptance among its users, the level and nature of any resistance to its use, its impact on police culture and practices, and any unintended consequences.

### Promotion and transfer

In May 2000, shortly after the introduction of a new selection panel system, we surveyed about 700 police to find out how fair and efficient they thought the new system was, and to compare their views with a similar survey conducted in 1998 of the old system. This research arose from a recommendation of the 1996 'Bingham Review' of the QPS.

The first survey found that officers generally had negative views about the selection process. The results of the second survey are currently being compiled.

Expected outcome: The results of the survey will help with the evaluation of the new selection panel system.

### Recruitment and selection

Our participation in PEAC helps us to meet our statutory obligation (under section 56 of the Act) to review matters affecting the recruitment, selection and training of members of the QPS.

As well as overseeing the delivery of police training and monitoring police recruitment and selection, PEAC undertakes projects on matters of major concern to it. The CJC has always contributed to such projects and often takes on the responsibility for project management.

This year PEAC committed itself to a review of tactical communications and conflict management in the QPS training programs delivered to recruits and operational police. The steering committee for this review comprises members of the QPS and CJC and is chaired by Mr W J Carter QC. The resulting report will make recommendations to the QPS and the Minister for Police about the delivery of training to QPS officers to improve tactical communication and conflict management skills.

PEAC also remained active in the reform of the recruitment and selection process of QPS officers. An officer from the Research and Prevention Division is a member of the Implementation Committee for recommendations from the 1998 PEAC report *Police for the Future*.

This report contained 87 recommendations, which ranged from developing a comprehensive marketing strategy to changes to the final selection process. Implementation of the recommendations has progressed quickly with the QPS adopting effective strategies to ensure implementation is thorough and complete for the majority of recommendations.

Expected outcome: All the recommendations of *Police for the Future* should be implemented by the end of 2000.

### Queensland Police Service Monitor

Preparation is currently under way on the first issue of this new series. The Queensland Police Service Monitor will be an independent assessment of the performance of the QPS in such areas as strategic management, policing strategies and initiatives, allocation of resources, recruit selection, training and ethical conduct.

Expected outcome: The Monitor will be released in the second half of 2000.

### Other work related to the QPS

- We developed recommendations on ways to reduce complaints about tight handcuffs.
- We worked with the QPS to refine strategies for identifying officers with extensive complaints records.
- We offered prevention advice to OMD investigators; for example, on the unauthorised

release of confidential information, and conflict of interest issues for police officers who also hold Private Inquiry Agent licences.

- We assisted with the development of the QPS Covert Police Reintegration Manual to establish better practices for dealing with the management and reintegration of Covert Police Officers.
- We assisted with the development of QPS Informant Management procedures to ensure police have a useful guide to dealing with informants.
- We took an active role in the QPS Drug and Alcohol Working Party and continued our involvement with the QPS Safe Driving Committee, and Capsicum Spray Steering Committee.
- We gave 31 presentations or workshops to 1245 participants in QPS Recruit Training, Constable Development Program, Operational Reorientation Course, Detective Training and Management Development Program (see table 8). Most of these were on the role and functions of the CJC and the complaints process.

## MONITORING THE CRIMINAL JUSTICE SYSTEM

### Analysing reasons for the rise in the prisoner population

In 1998, the CJC was approached by the Director-General of the then Queensland Corrective Services Commission (now the DCS) for help in finding out why prisoner numbers in Queensland had risen by 116 per cent since 1993. See 'Major Initiatives of 1999–2000' (pages 20–21) for details of our response.

#### External review

Our report on this project, *Prisoner Numbers in Queensland: An Examination of Population Trends in Queensland's Correctional Institutions*, published March 2000, was sent out to an external reviewer for evaluation. A sample of the comments are given below:

#### Suitability of research design

This is a very well designed, state of the art analysis and represents a model of how such investigations should be conducted. The report achieves the right balance between technical detail and useful policy guidance.

#### Use and interpretation of data

Extensive use and interpretation of existing databases was undertaken showing considerable sophistication in these areas ... The case for more enhanced data systems that can be interrogated will be substantially boosted through this publication.

#### Awareness of relevant literature and research

Very well informed regarding criminal justice processes and databases. More on the national and international criminological literature in this area would be helpful.

#### Clarity of writing and data presentation

Very well written in a clear and easy to follow manner. The report sets a standard in attractive useful and helpful graphs and charts.

#### Suitability for target audience

The report should satisfy the broad range of policy makers and research academics it is designed for.

#### Value of publication to other researchers in field

Very useful to other researchers in the field as it represents extensive primary analysis of data using all the data extraction and analysis technology currently available.

#### General

Highlights very dramatically the urgency with which reforms need to be undertaken within the information base of the criminal justice system.

### Crime prevention evaluation strategy

We provided substantial assistance to the State Government Crime Prevention Strategy this year by helping design its evaluation strategy. We also helped design and analyse a telephone survey of 1882 residents in the Logan area (Kingston, Loganlea and Woodridge). The survey will help identify perceptions and experiences of safety, school bullying and crime victimisation in those neighbourhoods, as well as use of crime prevention services currently provided.

The CJC is represented on the Taskforce and the Director of Research and Prevention chairs the Research and Evaluation Group.

Outcome: Our evaluation framework was adopted. The survey findings will be used to inform current crime prevention initiatives in the Logan area and provide a baseline against which improvements at follow-up may be detected when the survey is readministered in 2001.

### Analysis of sexual assault data

This project began when we received two separate requests, one from the QCC and the other from the Taskforce on Women and the Criminal Code, to document and interpret the current status of sexual assault data in the Queensland criminal justice system.

Data on all reported sexual offences between the years 1994 and 1998 were provided by the QPS, the magistrates and higher courts, and the Office of the Director of Public Prosecutions. The analysis provided data on the rate of offending statewide, the nature of the offences, a description of the demographic characteristics of complainants and offenders and the relationship between the two, as well as reasons for

delays in reporting. It also highlighted the proportion of offences that result in a conviction and called for improvements in the quality of data collected by agencies.

Outcome: The data have been extensively used and reported by the QCC (through Project Axis) and the Taskforce in their public reports.

## Diversions of drug offenders

In April 1999, we published a briefing paper on adult-cautioning programs that target drug offenders. Following on from that paper, in August 1999 we published *Diversions of Drug Offenders and Drug Dependent Offenders from the Criminal Justice System*, which reviewed 13 different drug-diversion programs currently operating or being trialled, or proposed, in various parts of Australia.

At the time the paper was written, the State Government was considering trialling a court program for serious drug-dependent offenders. The briefing paper suggested that a range of programs needed to be considered if Queensland was to develop an overall drug-diversion strategy that targets all categories of drug offenders and drug-dependent offenders.

Outcome: The Queensland Government has since established a trial court program for drug-dependent offenders. We were consulted on some aspects of this program and have also been invited to be a member of the Queensland Illicit Drug Diversion Reference Group. This group is responsible for developing and monitoring Commonwealth-funded drug-diversion initiatives.

## Criminal justice agency liaison

The Criminal Justice Act requires us to coordinate our research activities with other agencies concerned with the administration of criminal justice in Queensland. We do this by developing and consolidating links with similar research units in other Australian jurisdictions and by developing effective working relations with the core agencies in Queensland, in particular the Department of Premier and Cabinet, Office of Economic and Statistical Research and research arms of the DCS, Department of Justice and Attorney General, Department of Families, Youth and Community Care, and the QPS.

## ABORIGINAL AND TORRES STRAIT ISLANDER LIAISON

Two important developments in this function occurred during the year with the appointment of a second officer (to focus on the needs of Indigenous women), and the development of a strategic plan.



Aboriginal and Torres Strait Islander Liaison Officers Dan Abednego (standing) and Lyn Booth with Senior Research Officer Mark Pathe.

The aims of the plan are to:

- maintain or improve the integrity of the management and operations of community councils and other Indigenous organisations within the CJC's jurisdiction
- improve the quality of information provided by Indigenous complainants to the CJC and their understanding of the complaints process
- increase the rate of satisfactory outcomes of complaints
- raise the knowledge and understanding of Indigenous culture among CJC staff
- enhance the effectiveness of the CJC–Aboriginal and Torres Strait Islander Consultative Committee.

As part of the implementation of the plan, the liaison officers prepared an information package for the recently elected Deed of Grant in Trust (DOGIT) community councillors. The information included the role and functions of the CJC, the complaints process, risk management, conflicts of interest, and codes of conduct.

In May 2000, the liaison officers visited Aboriginal communities at Cherbourg, Woorabinda, Palm Island, Hopevale, Wujal Wujal and Lockhart River to present this information. In all, they conducted 21 presentations on the role and functions of the CJC to Aboriginal and Torres Strait Islander organisations throughout the State, including Community Councils and women's groups, and TAFE Colleges, the Police Liaison Officer training course, the Fifth National Indigenous Management and Directors Training Conference, and the University of Queensland. They also participated in the State Conference for Aboriginal and Torres Strait Islander Public Sector Employees, delivering a paper entitled *Ethical Decision Making in Serving the Public*.

The CJC Chairperson, two Commissioners, senior staff and a liaison officer met staff of the Aboriginal and

Torres Strait Islander Legal Service Ipswich and community members to discuss the investigation into the Ipswich Mall incident.

The new operating guidelines for the revamped CJC–Aboriginal and Torres Strait Islander Consultative Committee clarify the committee’s role, procedures and protocol. Six meetings and workshops were held, providing a forum for the exchange of information and addressing relevant criminal justice issues.

One of the liaison officers and a member of the committee visited towns in western Queensland to attend local meetings on the interaction between the Aboriginal and Torres Strait Islander community, government agencies and the QPS. Both officers provided advice to the QPS through the Cultural Advisory Unit, the Equity and Diversity Branch, and the Assessment and Development Unit, and assisted with cross-cultural awareness training for recruits and former police officers recommencing police careers.

### COMMISSIONERS FOR POLICE SERVICE REVIEWS

Our involvement in the QPS reform process continued through the Office of the Commissioners for Police Service Reviews.

Under the *Police Service Administration Act 1990*, police may appeal against decisions on promotions, transfers, suspensions, stand-downs, dismissals and disciplinary matters (other than misconduct).

The review process provides for an independent review of decisions and is an administrative review — not the selection process revisited. Proceedings are informal and non-adversarial. Legal counsel is not permitted, although the Review Commissioners welcome union representatives as observers to the process.

The Review Commissioners, who are serving or past CJC Commissioners, may only make recommendations to the QPS, but if the recommendation is not accepted a written reason must be given to the Review Commissioner concerned.

In 1999–2000, Mrs Kathryn Biggs, Mr Bob Bleakley, Mrs Dina Browne AO and Mr Barrie Ffrench heard

promotion and transfer review matters and Mr James Crowley QC and Mr Ray Rinaudo heard disciplinary-type review matters.

Review Commissioners also played an educative role by attending panel convenor workshops in December 1999 and again in March, April and May 2000. Commissioners Browne and Rinaudo spoke to the Executive Meeting of the Queensland Police Union of Employees in May 2000, and Commissioners Biggs and Browne attended the Public Sector Appeals Conference in Sydney in May 2000 where they discussed the role of Review Commissioners and the review process in Queensland with their counterparts from other States in Australia.

The Review Commissioners continued to identify problems occurring within the QPS promotions and transfers system. An innovative way in which the QPS is advising its panel convenors of matters raised by Review Commissioners in their reports is by way of Process Issues for Panel Convenors. Three process issues were released for the 1999–2000 year.

**Table 5: Types of applications lodged (1999–2000)**

Type	No.
Promotion	139
Transfer	30
Stand-down	0
Suspension	3
Disciplinary sanction	6
Unapplied transfer	4
No jurisdiction (misconduct only)	3
<b>Total</b>	<b>185</b>

**Table 6: Status of applications lodged (1999–2000)**

Status	No.
Matters lodged	185
Matters heard*	58
Matters withdrawn	99
Matters out of time/no jurisdiction	11
Matters awaiting hearing	17

\* Refers only to those matters lodged in the 1999–2000 financial year.

**Table 7: Results of all matters heard by Review Commissioners (1999–2000)**

Application type	Affirmed	Varied	Set aside	Out of time	Totals
Promotion	56	7	3	2	68
Transfer	10	0	1	0	11
Suspension	0	1	0	0	1
Disciplinary sanction	4	1	1	0	6
Lateral transfer	1	0	0	0	1
<b>Totals</b>	<b>71</b>	<b>9</b>	<b>5</b>	<b>2</b>	<b>87</b>

## PREVENTING MISCONDUCT IN THE PUBLIC SECTOR

As research indicates that ethical behaviour and integrity are products of the corporate culture, one of the main tasks of the CJC is to help administrators combat workplace misconduct. We do this by adopting a strategic corruption prevention approach based on the following principles:

- proactive prevention is more cost-effective than reactive measures
- corruption prevention is the responsibility of senior management
- internal and external reporting mechanisms, effective internal control systems and accountability are essential
- strategic awareness and effective training in corruption prevention are an indispensable part of a corruption prevention strategy.

### Liaison work

We regularly liaise with principal officers, boards of management and key public sector groups to discuss effective ways of preventing official misconduct.

During 1999–2000, we participated in 56 general meetings with officers from public sector agencies (see table 8). We also met frequently with QPS representatives. We expect that the advice and assistance from these meetings will lead to greater capacity building of organisations to further address corruption prevention issues within their agencies.

### Liaison Officers' Network

Much of our regular communication with government departments and local governments was, as usual, through the Liaison Officers' Network.

Two formal meetings were organised to address the complaints-handling process, whistleblower support and the protocol for referring issues to the CJC.

The first meeting, held in July 1999, was specifically for Local Government representatives and was attended by over twenty people. The first complaints fact sheet on Local Government issues was circulated at this meeting and participants were given an update on the CJC's corruption prevention initiatives. Councils were able to raise their concerns about the upcoming Local Government elections

and the mandatory obligation on CEOs to report official misconduct.

At our second meeting, held in February 2000, we invited a policy development manager from the Department of Communication, Information, Local Government Planning and Sport to speak on the use of communication and information devices.

The meeting was followed by a panel of representatives from the CJC and government departments. Over fifty liaison officers attended. At 30 June, arrangements were under way to hold another such meeting in September 2000 (which will be reported on in next year's report).

### Corruption Prevention Network

Acting on suggestions from staff in various public sector agencies, we have initiated a Corruption Prevention Network and arranged an inaugural meeting.

The intention of this network is to allow those with an interest or responsibility in the prevention of corruption the opportunity to meet, share ideas, establish contacts and to keep abreast of developments in the field. Over time, the network should become self-managed and self-supporting.

A similar network has been established and operates effectively in New South Wales. We invited its current Chairperson to be a guest presenter at the inaugural meeting of the Corruption Prevention Network.

### Training and advice

The offering of advice and training on corruption prevention strategies is an important part of the CJC's work because experience has shown that workplace crime often flourishes in organisations that have poor



Four of the CJC's six corruption prevention officers: l. to r. John Boyd (Manager, Corruption Prevention), Michelle Clarke (Local Government), Andre Legosz (Police), and Rhyl Hurley (Education and Information). The other two officers (not pictured) are Dorretti de Graaff (systems analysis) and Gary Adams (Public Sector).

internal controls or inadequate reporting procedures. Such deficiencies, often born out of ignorance, help to conceal corrupt activities, protect wrongdoers from exposure and lead to the victimisation of whistleblowers.

During the year we found a continued willingness for agencies to seek our advice on such matters as:

- fraud and corruption prevention policies
- policies on reporting misconduct and protecting those making public interest disclosures
- corporate governance
- the development and content of effective purchasing and tendering policies
- the contents of codes of conduct
- declaring material personal interests and conflict of interest guidelines.

In most advisory projects we use a risk management strategy consistent with the Australian and New Zealand Standard on Risk Management. These risk assessments are designed to help agencies analyse the 'at risk' factors contributing to workplace corruption, identifying the weak points and loopholes that might be exploited. The reviews go beyond financial audits to examine management or administrative system deficiencies that can allow official misconduct to flourish.

A good recent example of a CJC misconduct-risk review is the review of prison industries we conducted during this year. (See page 45.)

### Workshops

This year, we delivered 59 public sector workshops or presentations during the year (see table 8). In keeping with last year's refocus, we concentrated less on training individuals and more on 'training the trainer' as we are convinced that this is a more effective and less costly approach to take.

We also conducted a joint training program with the Misconduct Prevention Unit of the Department of Families, Youth and Community Care, which focused on the department's Basil Stafford Centre (see below). The program was aimed at all staff in the facility.

Divisional staff assisted OMD staff in delivering presentations to Corrective Services recruits, Custodial Correction Officers and prisoners on the role and functions of the CJC. We provided corruption prevention advice, with the most significant project being the misconduct-risk review of prison industries discussed below.

### Local Government

We continued with strategies to promote corruption prevention and enhance relationships with Local Government councils and their liaison officers, the LGAQ and the Department of Information and Communication, Local Government and Planning. See also 'Major Initiatives of 1999–2000' (page 14).

#### Councillor Information Kit

After the March 2000 Local Government elections, we released the Councillor Information Kit, comprising 10 Prevention Pointers, to help newly elected and continuing councillors understand their role, obligations and responsibilities under the *Local Government Act 1993*.

The Pointers contain legal facts and practical tips on specific topics to encourage ethical behaviour of elected members and prevent official misconduct. Collectively, the Pointers explained:

- what is meant by a material personal interest
- how codes of conduct can promote ethics
- how to report official misconduct
- what is involved in making statements of interests
- how to keep reliable minutes
- the different types of conflicts of interest
- how to avoid conflicts of interest
- the importance of keeping information confidential
- the rules regarding dealing with council staff
- the need to set ethical standards.

All 1250 councillors received a copy of the kit. In response to requests from many individual councils for information sessions for their council, we visited several regional groups.

**Table 8: Corruption prevention liaison, training and advisory activities (1998–99 and 1999–2000)**

Activity	1998–99	1999–2000
Public sector workshops/presentations	38	59
QPS workshops/presentations	64	31
Aboriginal and Torres Strait Islander information presentations	62	21
University/TAFE presentations	10	10
CJC Liaison Officer meetings	1	2
Meetings with other agencies	42	56
Responding for requests for advice or assistance	55	88
Conference papers	3	3

The kit was officially launched in June 2000 at the Gold Coast, Toowoomba, Cairns, Mackay and Rockhampton City Councils. The contribution of these councils was another step towards building partnerships to promote integrity in Local Government.

A Prevention Pointer is an A4 or A3 double-sided sheet of concise information with suggested practical preventive action, usually designed for a specific target group (that is, the QPS, Local Government, Public Sector) on a clearly defined topic. Since their launch in 1999, the Pointers have proved popular and effective in simply and clearly communicating prevention messages to public sector staff. There have been requests for further copies of the Pointers. Word-of-mouth feedback has been positive, and 12 agencies have contacted us concerning dissemination of this information.



Corruption Prevention Officer Dorretti de Graaff with Bob McDonald (left), from the Department of Natural Resources, and Howard Johnson, International Chairman of the Institute of Internal Auditors, at the SOPAC 2000 Conference, Brisbane, in March. The CJC was a sponsor of the conference and hosted a Chief Executive Officers' breakfast, which was addressed by the International President of the Institute of Internal Audit on the topic 'How Internal Audit Can Best Assist Public Sector Chief Executives in the 21st Century'.

### Unauthorised release of confidential information

The CJC received several complaints from councils regarding the premature release of council budget papers and other confidential documents. To help councils deal with the problem, the Prevention Pointer *Confidential Information: How to keep it Confidential* (prepared for the Councillor Information Kit) was redistributed to all councils. In addition, we responded to an invitation from one shire council to present preventative measures to the council, including the mayor, councillors and finance staff. The council was then given a report outlining some preventive

measures they could take to secure information. Criminal or disciplinary action is difficult in this area due to the surreptitious nature of improper use or unauthorised release of information.

### Leading with integrity: Ethics in Local Government

The CJC and the LGAQ presented a one-day joint seminar to Local Government representatives in June 2000. The seminar provided the 70 delegates who attended with information on the importance of leading with integrity and the positive effect it may have on their council. It also raised awareness of the integrity issues identified in Local Government and suggested solutions for improved accountability.

CJC Chairperson Brendan Butler (centre) and Corruption Prevention Officer Michelle Clarke (third from left) at Cairns City Council with Deputy Mayor Margaret Gill (fifth from left), Acting CEO John Howard (fourth from right), Mayor of Eacham Shire Council, Mary Lyle (fourth from left), and councillors of the Cairns City Council in June 2000 for the official launch of the Councillor Information Kit.



Further seminars are planned in association with the LGAQ.

### 1999 LGAQ Annual Conference

At the annual conference, we presented a workshop on *Managing Interests and Ethics* and an information display. All attendees rated the workshop as good or very good and almost all (98%) considered it relevant to their position. Our involvement put delegates from the remote and rural local government areas in touch with the CJC.

Enquiries for advice on policies and procedures showed a steady increase, while workshops on ethical decision making are regularly requested. A 'train the trainer' kit in this area will be developed for use in councils.

### Complaints Fact Sheets

We are committed to integrating and coordinating our activities to maximise prevention of public sector misconduct. To this end, the division has developed a series of Complaints Fact Sheets to provide government departments and local government authorities with user-friendly statistics relating to their agency. These statistics cover areas such as the rate of complaints, the types of matters, who makes the complaints, the outcomes, and the time taken to resolve the matters.

## REPORTS AND REVIEWS

### Review of Basil Stafford Inquiry recommendations

In early 2000, we returned to the Basil Stafford Centre to see if the recommendations of the 1994–95 inquiry had been carried out and to assess their impact.

The Basil Stafford Inquiry investigated complaints of abuse and neglect of intellectually disabled people at the Basil Stafford Centre. The complaints were found to be valid and the report of the inquiry made recommendations designed to ensure the misconduct did not recur.

CJC staff worked with a consultant, Mr W J Carter QC, to conduct interviews, surveys, site visits and document analysis. The review found improvements at the Centre in areas such as family involvement, recruitment of staff, reporting requirements, and medical and hygiene matters. However, it also found that the following concerns remain unresolved:

- a client:staff ratio that is still too high
- inadequate staff training and appraisal mechanisms
- heavy workloads and high stress levels among staff

- the retention of the so-called Basil Stafford culture among a minority of staff
- continuing reports of official misconduct by staff.

A report to the Department of Families, Youth and Community Care on the review and a public report were produced in May 2000.

Expected outcome: We understand the department will continue implementing improvements at the Centre. We will continue to monitor this implementation.

### Report on sexual misconduct by Education Queensland employees

The CJC assesses all allegations made to it of behaviour of public servants that could amount to official misconduct or criminality. In 1998, the number of allegations we received of inappropriate behaviour of a sexual nature on the part of Education Queensland employees towards students rose following a departmental telephone 'hotline'.

We assessed all those allegations and, where appropriate, investigated them for criminal offences or disciplinary action. We commenced preparation of a public report that will focus on prevention of future inappropriate behaviour of a sexual nature by Education Queensland employees. The report will include recommendations that might assist the department to develop policies and procedures to minimise the risk of such behaviour occurring in the future. The report will be released later in 2000.

Expected outcome: If our recommendations are implemented, Education Queensland will be in a better position to prevent inappropriate behaviour occurring or, should it occur, to manage its impact.

### Review of prison industries

As a result of investigations into allegations of long-standing misconduct in two prison industries, the CJC and the DCS decided on a joint initiative to discover how widespread was the risk. Together we gathered descriptive information on prison industries, reviewed older incident and investigation files, and visited all state-operated prisons.

As at 30 June 2000, the report of the project was being written. (It was published in August 2000.)

Expected outcome: If the report's recommendations are adopted, the DCS will develop an integrated corruption prevention strategy for all its corporate governance activities as well as effective internal reporting mechanisms.

## PREVENTION FOLLOW-UPS TO CJC INVESTIGATIONS

CJC investigations of alleged public sector misconduct often reveal areas where systems could be improved. When this happens, investigators call in corruption prevention officers to advise senior management of the agencies concerned. This interaction between investigators and corruption prevention staff is steadily increasing in line with the CJC's commitment to a multidisciplinary approach to fighting corruption. This year, for example, several investigative reports to agencies included strategies to prevent the recurrence of the initial problem.

The response to the CJC's advice was largely favourable, typical responses being the initiation of corporate governance training, the introduction of safer decision-making processes, and the pursuit of opportunities for structural changes to lessen the risk of abuse.

### Case studies

The following case studies highlight examples of management and administrative systems reviewed.

#### Operation Grotto

This operation is an example of the CJC providing a valuable non-investigative response to overcoming an area of risk.

The operation began with a complaint of official misconduct in a government licensing agency. The complaint was unsubstantiated but the investigation revealed some questionable practices in the agency, which investigators brought to the attention of corruption prevention officers who, in turn, brought them to the attention of the agency's Director-General. The Director-General asked us to examine the licensing function from a corruption prevention perspective, which we did.

We recommended strategies to help reduce the risks to which the agency and the Director-General, as the principal decision maker, were exposed.

Most of the recommendations related to procedural and processing matters, but we also referred to the potential benefits of a more integrated regulation of licensing activities.

We recommended that the agency:

- develop practices and a code of conduct to reduce the potential for fraud and conflicts of interest
- improve the quality of ethical decision making by employees
- track contacts between staff and clients
- plan, focus, evaluate and regularise industry liaison
- improve decision making by:
  - instituting a means to review decisions
  - revising delegations

- publishing decision-making criteria
- distributing responsibility between staff levels
- avoiding reliance on one-person operations
- rotating staff
- instituting a system for complaints management
- exchanging staff with related agencies
- dealing decisively with staff-performance issues
- exploring the more efficient licensing of operators where clients are shared between agencies.

In response, the agency has already taken steps to implement the recommendations and to bring matters of corporate governance and ethical decision making to the attention of all its staff.

#### Operation Pilgrim

A major health institution was found to be mismanaging client trust monies. Over time practices had developed that allowed staff to act in a way that was not in the best financial interests of patients.

For example, there was often no requirement to produce receipts for expenditure, no procedures to balance the cash held in various areas, inconsistency in the recording of financial transactions, limited exposure of financial transactions to scrutiny, poor staff training, inadequate attention of trust account management in job descriptions and a lack of management involvement and monitoring. It was possible, too, for different areas in the same institution to have different policies, making the tracking of expenditure difficult.

Our recommendations called for:

- standard procedures for managing trust accounts
- standardised financial transaction record books in each area
- procedures to handle and balance trust monies
- receipts for expenditure
- monthly statements for clients, their family or their advocates
- a trust account monitoring system
- better training of staff
- reconciled trust account balances.

These recommendations received the full support of the Public Trustee.

### Current matters

As at June 2000, we were reviewing:

- the policies and procedures associated with a university research centre in relation to personal conduct, staff and management practice, accountability systems, conflict of interest and organisational culture
- systems associated with protecting confidential information and the legitimate issuing of drivers' licences and vehicle registrations.

## KEEPING THE PUBLIC INFORMED

We sought to improve public knowledge of the CJC in the following ways:

### We surveyed the community

In July 1999, the CJC engaged AC Nielsen Market Research to conduct a telephone survey of 1502 people throughout Queensland. The survey measured public attitudes towards the QPS, as well as public confidence, knowledge, and satisfaction regarding making complaints about the police, public servants and local government employees. Questions aimed at obtaining information about public knowledge of, and confidence in, the CJC were also included in this survey.

The findings were published in three documents, one on public attitudes towards the CJC, one on public attitudes to employee behaviour in the QPS and local councils, and one on public attitudes towards the QPS in general.

The survey was the fourth in a series of public attitude surveys. The earlier ones were held in 1991, 1993 and 1995.

Outcome: These types of surveys enable the CJC to measure public confidence in public officials, including the CJC itself, and to identify gaps in public knowledge and understanding. This, in turn, helps us to develop strategies for disseminating the right sort of information to the public and to the agencies concerned.

### We had a stand at the Show

In August 1999, the CJC had a presence for the first time at the Royal Queensland Show. The stand consisted of a video wall, an interactive touch-screen display, and a staffed information point where CJC brochures and the first edition of our corruption prevention newspaper *Prevention Pays!* were distributed.

Outcome: The role, function and services of the CJC were conveyed to the general public and other government agencies.

### We published *Prevention Pays!*

Two editions of this newspaper were published and a third is in production. The paper's purpose is to raise awareness of the role the CJC plays in preventing and combating public sector corruption and in contributing to

debate on criminal justice issues. The second edition focused on local government. The theme for the third edition is *10 Years On: Changes to the Queensland integrity and public life scene* to mark the tenth anniversary of the establishment of the CJC. The paper was distributed to government departments, local government councils, Aboriginal and Torres Strait Islander councils, universities and public libraries.

Outcomes: Hard and electronic copies are available to all public sector officers. Several agencies have printed excerpts from it in their newspapers. Requests have been received for extra copies and 20 agencies responded with positive comments to our requests for feedback.

### We wrote advisory columns

We had five articles published in consecutive issues of *Education Views* — the newspaper of Education Queensland. Further columns will be written during the remainder of 2000.

Outcome: The many employees of one of the largest government departments have been provided with accurate information regarding our processes and where the department fits into our work. We believe the potential to communicate corruption prevention information with public sector staff through their agency publications is great and so hope to extend this practice beyond Education Queensland.

### We decided to develop a kit to help students

We are often asked to deliver presentation to TAFE colleges and secondary schools teaching Justice Studies. As resources do not allow the servicing of all these requests throughout Queensland, we started work on a kit designed to provide this information about the CJC to these centres.



At the CJC stand in the Government Pavilion at the Royal Queensland Show 1999, l. to. r.: Paul Lucas (Chair of the PCJC) and Vince Lester (Deputy Chair of the PCJC), with CJC Commissioner Kathryn Biggs, Chairperson Brendan Butler, Commissioner James Crowley, and Commissioner Sally Goold.

The kit's contents centre around the CJC corporate video and will also include a disk containing a Powerpoint presentation, leaflets, research papers, complaints facts sheets, and an educator's guide. It should be available early in the 2000–2001 financial year.

Expected outcome: This kit will help satisfy the demand for such resources in Diplomas of Justice Studies and Aboriginal and Torres Strait Islander Studies in TAFEs and in the Legal Studies Course of the Board of Senior Secondary School Studies.

## RESEARCH ON OFFICIAL MISCONDUCT

For the CJC to respond effectively to the problem of official misconduct, it is very important to have a clear understanding of when, how and why it occurs. In 1999–2000, we began two research projects aimed at tackling these important questions.

## Corruption in Corrections

In late 1999, we obtained a collaborative research grant with Griffith University to undertake a major project on 'Corruption in Correctional Institutions'. Work has now commenced on this project. Its purpose is to identify the different forms of corrupt behaviour that occur in correctional institutions and develop a better understanding of the factors that give rise to this behaviour. We intend the results of this research to be used to inform the development of targeted corruption prevention strategies. We also intend that the project will provide the CJC with a methodology for monitoring trends within the correctional system.

## Conflicts of interest in Local Government

As many of the complaints the CJC receives about Local Government relate to alleged conflicts of interest, during the year we reviewed a large number of these complaints to identify the circumstances in which conflicts of interest (real or perceived) are most likely to arise. This information will be used to develop preventive strategies. A report on the research will be released later this year.

## PROJECTED ACTIVITIES FOR 2000–2001

- ▶ Report on corruption prevention strategies for prison industries.
- ▶ Publish first issue of the Police Service Monitor series.
- ▶ Publish the fifth issue of the Criminal Justice System Monitor series.
- ▶ Publish an update on our Prisoner Numbers report.
- ▶ Complete the project on the impact of information technology on policing.
- ▶ Publish the evaluation of the Beenleigh Break and Enter Reduction Project.
- ▶ Publish results of survey of perceptions held by police officers about the fairness and efficiency of the QPS promotion and transfer system.
- ▶ Continue to increase the level of corruption prevention involvement in investigations and continue to develop strategies to focus on key corruption prevention issues.
- ▶ Develop an audit process to identify the adequacy of agencies' integrity controls in the Queensland public sector.
- ▶ Prepare and publish corruption prevention case study reports based on significant CJC investigations.
- ▶ Continue the strong liaison with public sector agencies, local government and the QPS, including providing support to the new Corruption Prevention Network.
- ▶ Publish Prevention Pointers on topics of specific interest to police, Local Government councillors and public sector employees.
- ▶ Publish two issues of the corruption prevention newspaper *Prevention Pays!*.
- ▶ Complete the report on sexual misconduct of Education Queensland staff towards students.
- ▶ Publish guidelines on how to manage the effects of a CJC investigation.
- ▶ Have a CJC representation at the 2000 Royal Queensland Show in the Government Pavilion.
- ▶ Launch and distribute a kit on the role and functions of the CJC for use in TAFE colleges and secondary schools teaching Justice Studies.
- ▶ Explore ways in which organisational climates can be made more conducive in public sector bodies to the reporting of official misconduct.
- ▶ Continue publishing fact sheets on complaints data.

# Witness protection

Goal: To contribute to the effectiveness and integrity of the criminal justice system

This sub-output is managed by the Director, Witness Protection, who is an Assistant Commissioner of Police.

The decision to admit a person to the witness protection program is made by the CJC Chairperson on the advice of the Director, who takes advice from the Witness Protection Advisory Committee. The committee comprises the Director and Officer-in-

Charge of the Witness Protection Division, the Executive Director and the Official Solicitor.

It may take up to eight weeks for a person to be formally admitted to the program, but interim protection is usually offered within 36 hours of an application being received.

Given the nature of this work, only general information about the activities of witness protection officers can be disclosed here.

## OUTCOMES FROM LAST YEAR'S PROJECTED ACTIVITIES

PROJECTED ACTIVITY	OUTCOME
Work with Department of Premier and Cabinet to draft complementary state legislation to the federal <i>Witness Protection Act 1994</i> .	Discussions were held between CJC officers, officers from the department and other relevant stakeholders. See page 50.
Continue to review our policies and procedures to ensure that high standards are maintained and the community receives the best possible witness protection service.	This activity is ongoing.
Continue our involvement in the development of National Competency Standards for witness protection officers.	The QPS has approved a witness protection course developed by us and based on the National Competency Standards. See page 50.

### Performance indicators:

- ▶ number of persons admitted to the Witness Protection program
- ▶ percentage and number of persons admitted to the program whose safety is preserved
- ▶ percentage and number of witnesses who meet court commitments
- ▶ percentage and number of clients satisfied with quality of protection
- ▶ qualitative evaluation using interviews and focus groups with agencies
- ▶ percentage and number of threat assessments completed within eight weeks
- ▶ average time taken to place identified witness in interim protection
- ▶ average annual cost per person protected



Senior staff of the Witness Protection Division: l. to r.: Chief Superintendent George Stolz, Assistant Commissioner Andrew Kidcaff (Director) and Inspector John Richter, meeting with the Officer-in-Charge, Witness Protection (back to camera).

## WHAT IS 'WITNESS PROTECTION'?

The Criminal Justice Act defines witness protection as:

Protection of the personal safety of a person who has assisted the Commission, or any law enforcement agency of the State, in the discharge of its functions and responsibilities and who, in the opinion of the Chairperson, is in need of protection.

Witness protection has been offered in Queensland since the years of the Fitzgerald Inquiry when some witnesses to the Inquiry needed to be protected. Before then, Queensland, like other Australian States, had no formalised witness protection program nor was there any witness protection legislation. Fitzgerald recommended the establishment of a permanent facility, and so the Witness Protection Division was established as a separate organisational unit within the CJC. In all, the division has assessed close to 1400 applications for protection and protected more than 800 people.

## WHO MAY APPLY FOR PROTECTION?

Anyone who is exposed to danger through helping the CJC, or another Queensland law enforcement agency, do its job may apply for witness protection. The decision is a totally voluntary one. Anyone who is offered protection may decline it or discontinue it and, if discontinued, resume it, if necessary.

Witnesses are usually people who have inside information about criminal or corrupt activity, generally because they are themselves associated with crime or corruption. They do not have to appear as witnesses in court to be eligible for protection.

## STATISTICS FOR THE YEAR

During 1999–2000, we provided protection to 133 people in 76 operations, including 55 people in 26 operations carried over from 1998–99. No-one on the program came to harm. We concluded arrangements with 69 people in 49 operations. As at 30 June 2000, 65 people in 24 operations were under the program.

### Referrals

A total of 126 people were referred to the division, 78 of whom accepted an offer of protection. As shown in figure 1, most of these people (84%) were referred to us by the QPS with 12 per cent referred from the CJC and the balance referred from other sources. Figure 2 shows that 77 per cent of the people referred to us as at 30 June 2000 were referred by the QPS, 12 per cent by the CJC and 11 per cent by other sources.

## Threat assessments

Before a person can be admitted to the program, a threat assessment is conducted to determine if the person fulfils the eligibility criteria contained in section 61 of the Criminal Justice Act. Some 61 threat assessments were conducted this year, all of which were completed within eight weeks.

## Security at court

We provided security at courts for 49 witnesses who were required to give evidence.

## LEGISLATIVE CHANGES

The CJC has long held the conviction that extensive change to current legislative provisions is required to prescribe the role and processes of the Witness Protection Division more clearly and specifically. Our position on this is supported by the PCJC.

In June 2000, our unremitting efforts since 1993 to press for the enactment of Queensland witness protection legislation (complementary to the federal legislation) were rewarded when the Premier introduced the Witness Protection Bill into Parliament. The Bill will be debated in Parliament later this year.

## TRAINING PROGRAMS

The training of witness protection officers is a high priority because witness protection places major psychological demands on both the protectors and those protected. As in previous years, staff received on-the-job training in the many diverse aspects of witness protection, complementing the mandatory training requirements for QPS officers.

We continued to assist in the development of National Competencies for Witness Protection, as part of a Police Agencies National Competency Standards Project conducted through the National Police Education Standards Council. In early 2000, our proposed Witness Protection Course, drafted in compliance with the National Competencies, was approved by the QPS.

As in previous years, one of our officers was accepted to attend the United States Marshal Service Basic Witness Protection course in Georgia, USA, conducted at the Glynco Training Facility in August 2000. Regular attendance at the course enables us to gauge our policies and procedures against those used by the Marshal Service and other representatives. This ensures that our current and future procedures remain in line with world best practice.

## MARKETING/EDUCATION

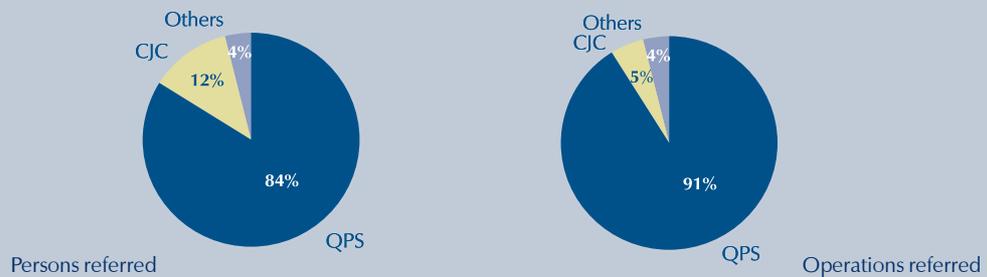
In recognition of the need to be more proactive in marketing ourselves to our clients — principally the QPS — we embarked this year on a statewide education and marketing exercise. Since then there has been a large increase in applications for protection (some 25 per cent over that same period for the previous year).

The success of the initiative will encourage us to continue our efforts in the coming year.

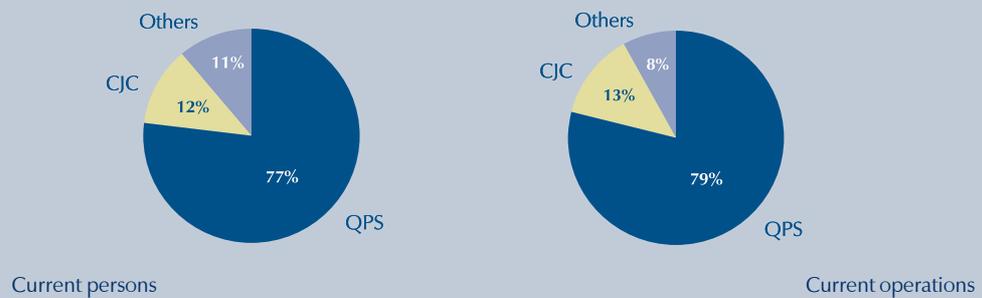
## PROJECTED ACTIVITIES FOR 2000–2001

- ▶ Pursue the enactment of the Witness Protection Bill 2000.
- ▶ Continue to review and develop our policy and procedures, consistent with the Witness Protection Bill, while ensuring that high standards are maintained and the community receives the best possible professional and efficient service.
- ▶ Implement the QPS-approved witness protection course in line with the National Competency Standards for Witness Protection.
- ▶ Embark on a statewide exercise to increase the education and marketing of the witness protection service to its client agencies, especially the QPS.

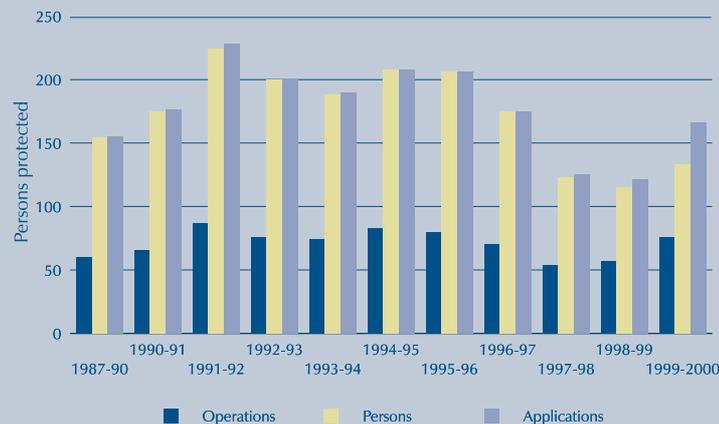
**Figure 1: Persons and operations referred, by source (1999–2000)**



**Figure 2: Current persons and operations referred, by source (as at 30 June 2000)**



**Figure 3: Persons and operations protected since 1987**



# Corporate support

**Goals:**

- ▶ To promote excellence in the management of the Commission
- ▶ To increase the level of public awareness of the role and services of the Commission
- ▶ To provide a safe, fair, productive and satisfying workplace

The corporate support functions of the CJC are carried out mainly by the Corporate Services Division and the Office of the Commission, which are headed by the Executive Director. However, some corporate-wide services are carried out in other areas as shown

in the table below. During the year, the corporate support areas introduced a service-level agreement with their client divisions to ensure efficient and effective service. Other CJC areas will also adopt this strategy.

Administration	Corporate Services Division
Consultancies	Corporate Services Division
Finance	Corporate Services Division
Human resources	Corporate Services Division
Equal Employment Opportunity	EEO Consultative Committee
Workplace Health and Safety	Workplace Health and Safety Committee
Media and communications	Office of the Commission
Publications	Office of the Commission
Legal counsel	Office of General Counsel
Freedom of information	Office of General Counsel
Information management	Intelligence and Information Division
Security	Intelligence and Information Division
Library	Research and Prevention Division

## OUTCOMES FROM LAST YEAR'S PROJECTED ACTIVITIES

PROJECTED ACTIVITY	OUTCOME
Implement recommendations of evaluation of Corporate Support subprogram.	Implementation of recommendations was completed by 7 February 2000.
Organise new or refurbished accommodation for the CJC.	At 30 June 2000, the CJC was poised to move to new premises at Terrica Place, Brisbane CBD. The move was achieved on 8 July 2000 on time and within budget.
Finalise initiatives in current enterprise bargaining agreement and develop new agreement.	The final wage increase was paid on time as a result of the progress made towards the implementation of all initiatives; a negotiating framework for a new agreement was developed.
Develop and implement a training plan for all staff.	A new performance management and development system was developed and introduced which provides supervisors and staff the opportunity to agree on training and development needs; a training needs analysis was conducted.
Undertake internal audits in accordance with the Audit Strategic Plan 1999–2002.	All audits scheduled under the Audit Strategic Plan were completed on schedule.
Implement a revised Code of Conduct.	A revised Code of Conduct received approval for implementation in June 2000.
Develop and implement a fraud control plan.	A Fraud Prevention and Control Plan was endorsed by the Commission on 13 August 1999.
Launch an internal staff magazine.	The first edition of <i>CJC Insider</i> was distributed in July 1999.

## ADMINISTRATION

### New premises

After considering the rival merits of refurbishing the existing premises to moving to new premises, the Commission decided the CJC should move from 557 Coronation Drive, Toowong, where it had been housed since 1990, to Terrica Place, 140 Creek Street, Brisbane. At 30 June 1999, the move was scheduled to take place over a nine-day period in early July.

The main reasons behind the decision to move were:

- to make the CJC more accessible to its clients
- to enable CJC staff to interact more easily with government agencies
- to reject the 'bunker mentality' image that the Coronation Drive location tended to attract.

Other incentives were:

- the lease on the Coronation Drive building was due to expire in August 2000
- a refurbishment, given that the building was 10 years old, would have been major and costly
- the relative newness of Terrica Place (five years) and its reputation as one of Brisbane's more modern buildings



Freelance Indigenous artist **John Smith Gumbula** was commissioned to design the glass panels in the CJC's new foyer.



Senior staff of the Corporate Services Division and the Office of the Commission, standing l. to r.: Bob Dowling (Human Resources), Linda Waugh (Corporate Governance), Don Jeppesen (Administration); seated l. to r.: Helen Bennett (Finance), Graham Brighton (Executive Director), Alex Smith (Media and Communications).

- the more suitable fit-out at Terrica Place (in tune with the recently restructured CJC) was funded by the building owner to the extent of \$3.5 million, which was ample to meet all costs associated with the move including the 'make good' of the Coronation Drive premises
- the rent charges for Terrica Place were only marginally higher than at Coronation Drive
- the Department of Public Works recommended the move, having regard to financial considerations, available building services, security and technical reasons.

### Motor vehicle fleet management

In last year's annual report we foreshadowed that a new computer-based management system was to be implemented for the motor vehicle fleet.

After initial difficulties with the software, the system is now operational. Improved management data are available from the new system, which increases our capacity to monitor vehicle performance and track replacement requirements.

### Stationery and IT consumable system

A Standing Offer Arrangement was entered into with a company to provide direct supply of stationery and IT consumable items to the various work units within the CJC.

The system, implemented in May, will alleviate the need for the double handling of stock and remove the need for a central storeroom to hold our stationery requirements.

## CONSULTANCIES

The total amount spent on consultancies for the year was \$477 309, significantly more than that spent last

year. However, the fees paid to Project Services, a business unit of the Department of Public Works, to manage the accommodation change to Terrica Place represented \$388 984 of this expenditure. See table 9.

**Table 9: Consultants engaged by the CJC (1999–2000)**

Name	Description	Cost (\$)
<b>Management</b>		
Mr W Coad	Program evaluation of the MDTs in OMD	22 382
Street Ryan	Review of support services in OMD	3 900
Hon. W J Carter QC	Review of Basil Stafford Centre Report	9 000
<b>Human resources</b>		
Mercer Cullen Egan Dell	Job evaluations	16 818
<b>Information technology</b>		
ICC Pty Ltd	Internet Connectivity Design Options	5 000
Com Tech Communications	Internet Connectivity Design Options	7 500
<b>Internal audit</b>		
BDO Kendalls	Internal audit	4 875
Bentleys MRI	Internal Audit	8 500
<b>Research</b>		
Dr David Gow	Beenleigh Break & Enter Project	10 350
<b>Move to Terrica Place</b>		
Project Services, Dept. Public Works	Professional/technical services	388 984
<b>Total</b>		<b>\$477 309</b>

## FINANCE

### Financial system

The Queensland Government Corporate Administration Agency, which has maintained the CJC's financial system since July 1998, obtained approval from Queensland Treasury to change from the SAP financial system to a new system, called Finance One. We will commence using Finance One in November 2000.

### External audit

Once again, the Queensland Audit Office gave our accounts an unqualified audit report, certifying that our financial statements presented a true and fair view of our financial position, in accordance with prescribed accounting standards.

## HUMAN RESOURCES

### Staffing

Staffing levels remained constant throughout the year at 263 established positions and about 245 actual staff. See tables 10 and 11.

### Policies

The review of human resource management policies continued and consultation with the Executive Management Group was almost completed. Additional policies were developed covering diversity management, rehabilitation, use of official resources, and recognition of staff achievements.

### Performance management

A new system for assessing and managing the

**Table 10: Staff establishment  
(as at 30 June 2000)**

	Positions*	Actual staff		
		Male	Female	Totals
Executive†	10	7	8	15
Official Misconduct	109	56.9	32.1	89
Operations and Witness Protection	55	40	10.4	50.4
Research and Prevention	29	11	18	29
Intelligence and Information	46	23	23.8	46.8
Corporate Services	14	4	11	15
<b>Totals</b>	<b>263</b>	<b>141.9</b>	<b>103.3</b>	<b>245.2</b>

\* Refers to established positions, i.e. some of these positions are not currently filled. Since 30 June 2000, the number of established positions has been reduced to 248.

† Includes temporary and casual staff.

‡ Executive includes Office of the Commission and Office of General Counsel.

performance of staff was introduced during the year. The Performance Management and Development scheme provides for a simplified paper trail, while maintaining the opportunity for formal feedback between supervisors and staff twice a year. All staff involved in the process attended training early in the year.

### Enterprise bargaining

Staff received a 4 per cent pay rise as from 1 December 1999, thanks to the efforts of staff and management to implement cost-saving measures and productivity initiatives. This is the final wage increase due under the Enterprise Agreement 1998. A negotiating framework for a new agreement was developed during the year, and consultation is under way with the central agencies of government.

### Staff training and development

Most of the year's training activities were in the information technology area. With the move to Windows NT and Microsoft Office, all staff received training in the basics of this software, with training in advanced topics given to those who needed it. Over a four-month period, 76 training days were provided.

Eighty staff were trained in COMPASS, an in-house developed database for recording complaints received at the CJC (see page 24).

Other significant training provided included:

- client service training for Corporate Services staff
- writing for Research and Prevention staff
- continuation of ethics training for all staff.

**Table 11: Established positions within each discipline (as at 30 June 2000)**

Discipline	No.
Legal officers	23
Financial analysts	6
Complaints officers	6
Investigators	12
Research officers	13
Corruption prevention officers	9
Police officers	92
Librarian	1
Intelligence analysts	10
Technical Officers	2
Computer systems officers	10
Administrative officers	79
<b>Total</b>	<b>263</b>

**Note:** Since 30 June 2000, the number of established positions has been reduced to 248.

Three one-day induction courses were conducted and 40 staff attended.

### EQUAL EMPLOYMENT OPPORTUNITY

The CJC is committed to providing a workplace free from harassment and discrimination.

The EEO Consultative Committee spent the year continuing the implementation of the *EEO Management Plan 1998–2000*.

During the year, a number of new human resource management policies were developed and all existing policies were reviewed. Part of this review included ensuring that all policies reflected the principles of EEO and facilitated implementation of the strategies contained in the *EEO Management Plan 1998–2000*.

As a result of this review, policies relating to: sexual harassment, EEO, anti-discrimination, reasonable adjustment, grievance management, redeployment, transfer and secondment, recruitment and selection, leave, hours of duty, recognition of staff achievements, study assistance and training and development, were either developed or improved during the year. Table 12 and figures 4–6 (next page) give the EEO statistics for the year.

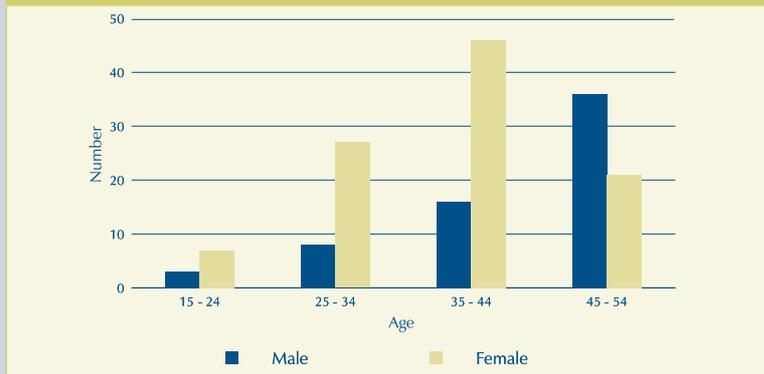
### Harassment and Discrimination Audit

This audit is conducted in May each year by the EEO Consultative Committee and is a key tool for the measurement of staff satisfaction with EEO initiatives. It is a voluntary and anonymous survey which asks staff questions about their experiences in the

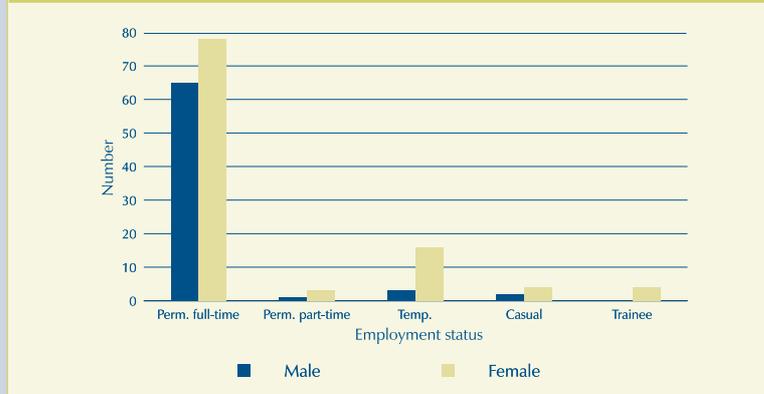
**Table 12: Membership of EEO target groups (1996–97 to 1999–2000)**

Target group	1996–97		1997–98		1998–99		1999–2000	
	No.	%	No.	%	No.	%	No.	%
Women	77	49.7	80	53.0	110	55.0	105	59.7
Aboriginal and Torres Strait Islanders	1	0.6	1	1.0	2	1.0	2	1.1
Non-English-speaking background	9	5.8	8	5.0	5	2.5	7	3.9
People with disability	3	0.9	2	1.0	2	1.0	1	0.6

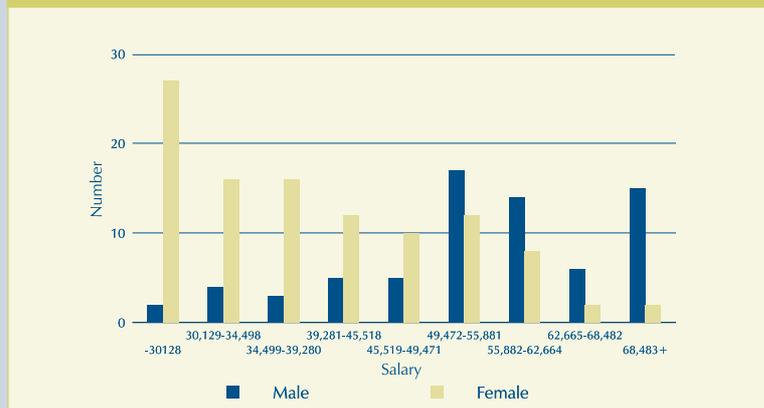
**Figure 4: Employees by gender and age (as at 30 June 2000)**



**Figure 5: Employees by gender and employment status (as at 30 June 2000)**



**Figure 6: Employees by gender and salary level (as at 30 June 2000)**



workplace, and seeks their views about the success of strategies aimed at minimising harassment and discrimination. The results of the audit were still being collated at 30 June 2000.

### Female representation at the CJC

As at 30 June 2000, there were 103 women at the CJC and 141 men.

The CJC currently has two female Commissioners — Mrs Dina Browne AO and Mrs Sally Goold OAM — out of a total of three Commissioners (one position is not filled). For most of the reporting period — until 27 June 2000, when Mrs Kathryn Biggs's appointment at the Commission expired — there were three female Commissioners from a total of four.

The Executive Management Group of the CJC, which comprises nine people, includes one woman, the Deputy Director, Complaints Services. Women also occupy the following senior officer positions:

- General Counsel
- Finance Manager
- Manager, Corporate Governance
- Executive Manager, OMD
- Complaints Liaison and Whistleblower Support Officer
- Senior Corruption Prevention Officer
- Senior Financial Analyst (two positions)
- Senior Legal Officer
- Senior Research Officer.

As at 30 June 2000, the divisions with the highest representation of women were Corporate Services (11 out of 15) and Research and Prevention (18 out of 29). The division with the lowest representation was OMD with 32 out of 109.

In recognition of the difficulties many women face with balancing work and home commitments, the CJC is committed to the following policies:

- flexible working hours
- temporary and casual appointments
- anti-discrimination
- job sharing
- study assistance
- job training.

### WORKPLACE HEALTH AND SAFETY

During the year, the Workplace Health and Safety Committee met on seven occasions to address workplace health and safety issues, including safety

audits, rehabilitation, first aid training and evacuation procedures.

An audit was conducted on the consultative structure and the existing health and safety management systems within the CJC to ensure legislative compliance. Further audits will be conducted on other areas of workplace health and safety following the move to our new premises in July 2000.

The Workplace Health and Safety policy was developed and is being considered by the Executive Management Group.

During the year the Workplace Health and Safety Officer, seven Workplace Health and Safety Representatives and two additional Senior First Aid Officers were formally trained.

The Workplace Rehabilitation Policy was accredited by WorkCover and a qualified Rehabilitation Coordinator was appointed.

In preparation for the move to Terrica Place, the Committee appointed new evacuation teams and organised fire extinguisher and emergency training.

## MEDIA AND COMMUNICATIONS

### Media liaison

In striving for openness and accessibility to the extent permissible under the Criminal Justice Act, we continued to develop a positive relationship with the media and to raise the CJC's profile in the Queensland public sector and the general community.

The extensive media coverage the CJC received during a visit to northern and central centres promoting the Councillor Information Kit highlighted the enormous interest in CJC activities in the regions.

The Commission strongly promotes its achievements in the media and seeks opportunities to raise public awareness of important issues. This proactive approach has extended to examining better ways of distributing media releases and the installation of improved facilities for the electronic media in the new hearing room at Terrica Place.

During 1999–2000, the CJC issued 97 media releases and conducted 35 media conferences or individual media interviews.

### Internal communications

The first edition of the staff magazine, *CJC Insider*, was issued in July 1999 and four more throughout the year. Wholly produced in-house, the 4–12 page colour

magazine is designed to inform and entertain. It contains a blend of serious, informative articles about the CJC's work and other matters of interest to staff, alongside news and features designed to entertain and build goodwill. The magazine has been well received by staff.

### External publications

From 1 July 1999 to 30 June 2000, the Commission produced 11 research reports and papers, two reports to Parliament, an information kit comprising ten Prevention Pointers, two editions of the corruption prevention newspaper *Prevention Pays!*, and one briefing paper, as well as the annual report and the strategic plan. See appendix F for a list of CJC publications produced during 1999–2000.

All these publications were made available on the CJC website.

In June 1999, we also produced brochures to highlight our new jurisdiction over corrective services. One was designed for prison staff and the other for prisoners. In similar vein, we produced brochures highlighting our Local Government jurisdiction to coincide with the March 2000 Local Government elections — one for Local Government candidates and the other for Aboriginal and Torres Strait Islander community council candidates. We also produced a new edition of our 'How to report corruption to the CJC' brochure, a Pointer on Internet misuse, and redesigned the Ethics Card.

As at 30 June, the third issue of *Prevention Pays!* and a revised code of conduct for the CJC were close to release, and two major public reports (one on prison industries and the other on Operation Piper) were 'in the pipeline', as well as this annual report.

The publications function operated for most of the year from within the Research and Prevention Division. In accordance with a SIG recommendation, towards the end of the financial year it merged with the media function to form a single unit within the Office of the Commission.

### CJC website: [www.cjc.gov.qld](http://www.cjc.gov.qld)

Our website, designed wholly in-house and launched in late 1997, has become an important means of disseminating material. Most of our publications are posted on our website, as well as:

- media releases
- information about current inquiries

*A more light-hearted activity of the media function this year was organising a celebration for the CJC's 10th birthday. Here the Media Manager and Commissioners light the birthday cake.*



- information about how to make a complaint
- information about how to apply for material under the *Freedom of Information Act 1992*
- *Protocol on the Disciplinary Process*
- *Exposing Corruption: A Guide to Whistleblowing in Queensland*
- positions vacant at the CJC.

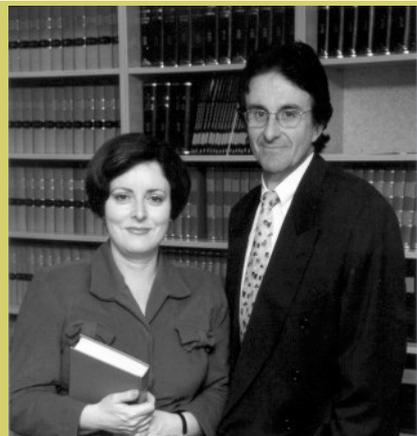
Feedback we have received indicates that the site is well regarded for its solid content.

The decision was made during the year to allocate funds in the next financial year to revamp the site to increase both its usefulness and its ease of use.

### LEGAL COUNSEL

The **Office of General Counsel** is responsible for providing independent legal advice and legal representation for the CJC and the various divisions within the CJC. The Office also arranges external legal advice and representation for the more serious and sensitive legal matters that arise out of the CJC's operations.

*The Office of General Counsel comprises General Counsel Theresa Hamilton and Official Solicitor Robert Evans.*



During 1999–2000, the Office:

- appeared to instruct senior and junior counsel before various courts including the Supreme Court and the Court of Appeal
- instructed counsel to appear at private hearings
- appeared or instructed counsel to appear in all jurisdictions to respond to subpoenas and other legal process served on the CJC, to ensure that confidentiality was maintained where appropriate in respect of CJC information and operations
- provided legal advice to the CJC on various matters involving criminal law, administrative law, contract law and personal injuries claims
- coordinated the CJC's response to various external accountability bodies including the Parliamentary Criminal Justice Commissioner and the PCJC.

Legal cases involving the CJC during the year were:

- Heery v. CJC
- CJC v. Dick
- CJC v. Channel 7 and Others.

For details, see appendix C.

## FREEDOM OF INFORMATION

The CJC is subject to the *Freedom of Information Act 1992*, which means members of the public are entitled to make application for access to its documents under that Act. The CJC's FOI Coordinator takes care of all matters relating to freedom of information.

Certain documents (for example, those subject to legal privilege or relating to personal affairs of parties other than the applicant) may be exempt from access.

If applicants are aggrieved by a decision to refuse or limit access, they may request an internal review by a more senior CJC officer than the FOI Coordinator (usually the Official Solicitor). If still unhappy with the decision, applicants may request an external review, which means the matter will go to the Information Commissioner.

Applications under the FOI Act must be in writing (PO Box 137, Brisbane Albert Street 4002). No charge applies to applications that seek access to documents relating to the personal affairs of the applicant. Charges apply to non-personal requests.

During 1999–2000, we received 63 applications (32 personal and 31 non-personal). See table 13.

**Table 13: FOI applications and reviews (1998–99 to 1999–2000)**

	1998–99	1999–2000
Personal applications received	24	32
Non-personal applications received	48	31
Full access granted (personal)	14	13
Full access granted (non-personal)	7	9
Partial access granted (personal)	9	8
Partial access granted (non-personal)	12	10
Full denial (matter exempt)	3	2
Access refused*	19	3
Outstanding as at 30 June	8	4
Withdrawn/lapsed	4	12
Internal reviews of decisions	23	7
External reviews	18	6

\* Refused under relevant section of the FOI Act, including ss. 21, 22, 25, 26, 28, 29 and 35.

## INFORMATION MANAGEMENT

### Information technology

The year was the busiest yet for information technology, with a number of major projects greatly enhancing facilities.

From September to November 1999, we successfully implemented a new Windows NT/Microsoft Office environment across more than 300 newly leased desktop and notebook computers. Extensive, tailored training was a key element of the changeover. The implementation capped an exhaustive preparation by the Information Technology Section and CITEC, the importance of which has been confirmed by the stability and positive performance of the new environment.

We also successfully negotiated concerns surrounding the Year 2000 issue. The lengthy Y2K project was completed on schedule, with the year change seeing no operational disruptions.

### New databases

Two important new databases were launched in 2000, COMPASS in May and IRAS in April.

COMPASS commenced operation in the Complaints Section after a complex 18-month development phase including a month of user training and the conversion of nearly 25 000 complaints registered since 1990. The database provides enhanced facilities to over 100 users for managing complaints.

A second development phase of COMPASS will continue next year, improving the system still further.

In time, the database will be available for use across the CJC, not just the Complaints Section.

IRAS replaced CID, which had operated since 1992. It was developed using a product called InterQuest, modified to suit our specific needs.

All Intelligence staff received trained in the use of IRAS and a committee was formed (the IRAS Change Control Committee) to monitor the database's effectiveness.

### Printers

After a public tender process, we selected Kyocera laser printers to replace our ageing printer fleet. We expect the A4 and A3 printers will cope with our printing demands for the next four to five years. The new printers will be installed directly into our new premises following the move in July 2000.

### The move to Terrica Place

An enormous amount of preparation was involved in designing and readying the crucial technical infrastructure at Terrica Place for the early July move. By the end of June new switch equipment was being installed.

During the nine-day move, dual interconnected networks and PABXs will be maintained at both Toowong and Terrica Place to limit the impact of the move on operational areas.

With reduced storage at Terrica Place, archival material was removed to off-site premises. Review and preparation of our extensive physical holdings was completed.

## Records management

### Centralisation of registries

As a result of the SIG process, management of all registry areas was centralised in the Records Management Section. This restructuring addressed issues of resourcing and consistency while maintaining outposted registries in key operational areas.

### RecWin software

Our records-management software accessed by nearly 150 users was upgraded and moved to a new hardware platform during the year. RecWin now contains details of over 560 000 documents on 120 000 files covering not only correspondence, but all physical holdings including property and tapes. Holdings registered during the year were:

- 400 notices, warrants, authorities and certifications
- 1000 items of property acquired from external sources
- 4100 audio and video tapes.

The coming year will see further RecWin activity including database reorganisation and security revamping.

### Parliamentary Criminal Justice Commissioner

Liaison with the Office of the Parliamentary Commissioner continued throughout the year, particularly in response to notices and other requests.

### External property

Progress was made during the year in returning external property despite the demands made by the move to Terrica Place. The items on hand were at the lowest level for four years after a 10 per cent reduction during the year to under 3800 items.



IT staff preparing for the move to Terrica Place.

## SECURITY

Surveys of our security arrangements at Toowong over the past 12 months convinced us of the need to overhaul our outdated technology. The decision to relocate to Terrica Place provided us with an ideal opportunity to conduct this overhaul.

The new state-of-the-art security system we designed in preparation for the move will far better protect the CJC's resources (both people and information) and will continue to prove effective for many years to come. At the same time, the security system will contribute to the safety of other tenants at Terrica Place.

As well as preparing for the move, we have worked to increase security awareness among staff through formal training, detailed briefings for all new staff, irrespective of their tenure of employment, and the development of new policies and procedures. The cumulative effect of these factors, and, more importantly, the excellent response by staff, was an unprecedented period of nearly six months during which no security infringements were recorded.

## LIBRARY

The CJC library currently holds approximately 10 750 titles, as well as a range of serial publications including journals, law reports and loose-leaf services, and incorporates a strong legislation collection, all of which are supplemented by Internet and CD-ROM services.

The growing demand for support and training in the use of the library's electronic resources shows that users are becoming more aware of the benefits of such resources.

Over the past year, use of the library increased substantially. Loans from the collection increased by more than 25 per cent on the 1998–99 year and general inquiries increased by more than 10 per cent. Interlibrary loan requests to other libraries increased by 65 per cent.

The greatest challenge for the library in the past year was the preparation and planning for the relocation of the collection to the new library in Terrica Place. The library is now housed in a larger area, which allows for desk space for users and will enable future expansion of the collection.



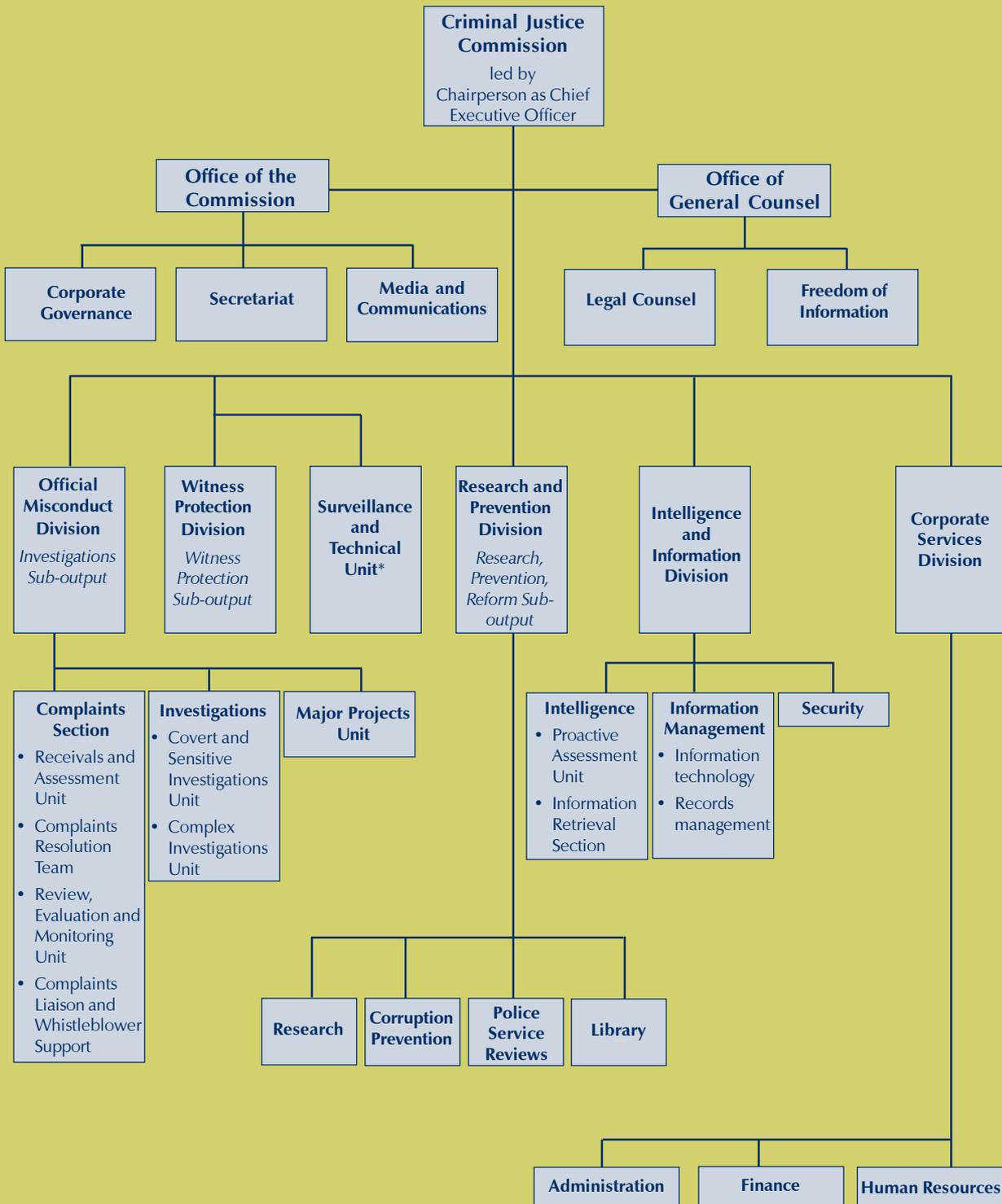
*Librarian Susan Oag unpacks the CJC's collection.*

## PROJECTED ACTIVITIES FOR 2000–2001

- ▶ Continue negotiating a new enterprise bargaining agreement.
- ▶ Implement a new financial system, Finance One, by November 2000.
- ▶ Continue with the second development stage of COMPASS.
- ▶ Install new printers throughout the CJC.
- ▶ Reorganise the RecWin database.
- ▶ Revise the corporate support service-level agreement with client divisions to ensure it continues to meet their requirements.
- ▶ Enhance our external and internal communications through a project to redevelop our Internet and Intranet sites.

# Organisational structure of the CJC

This chart represents the structure of the CJC following implementation of the SIG recommendations. The recommendations have been progressively implemented since May 2000 with completion due in July 2000 after the move to the CBD.



\* The Surveillance and Technical Unit answers to the Director, Operations, who is also the Director, Witness Protection.

# Our people

As at 30 June 2000, there were 245 people working at the CJC from a variety of disciplines including the law, police, intelligence, accountancy, social sciences and computing. See tables 10 and 11 on page 55.

## COMINGS AND GOINGS

In addition to two new Commissioners, Mr Ray Rinaudo and Mrs Sally Goold OAM, and the reappointment of Mrs Dina Browne AO for a second term, the following major appointments were made or announced this year:

- two new Deputy Directors in OMD
- a Deputy Director in Intelligence and Information.

Four trainees were appointed during the year in Corporate Services Division and Intelligence and Information Division.

The year also saw the departure of people who had made valuable contributions to the work of the CJC. They were:

### From the Commission

- Kathryn Biggs (1997–2000)
- James Crowley QC (1996–99)

### From the Office of the Commission

- John Barton (1998–99)

### From Research and Prevention

- Avril Alley (1990–99)
- Erica Bolto (1990–99)
- Fofoa Ryan-Southward (1999–2000)

### From Intelligence and Information

- Geoff Ingram (1991–99)
- Ian Wells (1999–2000)

### From Official Misconduct

- Ursula Anderson (1998–99)
- Michael Barnes (1990–2000)
- Vicki Campbell (1995–99)
- Tim McGrath (1990–99)
- Tony McMenamin (1990–99)

### From Witness Protection

- Michelle Bray (1993–2000)

## AWARDS AND RECOGNITIONS

The CJC received an award of Excellence for its 1998–99 annual report from the Queensland Institute of Internal Auditors.

Mr Paul Roger, Director of Intelligence and Information Division, was appointed to the Board of Governors of the Society of Certified Criminal Analysts in July 1999, for a three-year term.



*The staff in this photograph are mainly from the Research and Prevention Division.*

Mrs Sally Goold, CJC Commissioner, received two honours this year associated with the Olympic Games. She was appointed a 'Mayor for a Day' of the Olympic Village — her 'day' being 5 September 2000 when she will welcome the Finnish team to Australia — and was selected to run in the torch relay.

## COMMISSION CONSULTATIVE COMMITTEE

The Commission Consultative Committee (CCC) held its first meeting on 1 July 1999. The CCC's purpose is to provide a forum in which employees are able to raise any concerns, express points of view and make recommendations to the management of the Commission. Similarly, the CCC provides a forum for management to disseminate information to staff.

The CCC has 13 members comprising:

- three management representatives (the Chairperson, the Human Resources Manager and one director)
- ten staff representatives, democratically elected by their peers and drawn from every major occupational group: police, investigators, research officers, intelligence analysts, financial analysts, lawyers, complaints officers, administration, information technology and support staff.

The CCC met nine times during the year and discussed issues such as: the relocation of the CJC's premises, the employment of temporary staff, variable working hours arrangements, revised Code of Conduct, and various human resource management policies.

The inaugural CCC served for a 12-month period. A new committee has been elected for 2000–2001.

## PEER SUPPORT PROGRAM

Last year the Commission introduced the Peer Support Program, which was already in operation in the QPS.

The program is designed to provide immediate assistance to any staff member who may be showing signs and symptoms of distress or who requests assistance.

Peer Support Officers (PSOs) are expected to maintain a high standard of ethical behaviour and respect for their colleagues as outlined in their code of ethics. Their brief is to listen, provide support, and respect the confidentiality of information obtained in the course of their duties. They are not professional counsellors, nor are they expected to replace the help provided by psychologists or other professional health

workers. They are staff who volunteer their time to provide assistance to their colleagues.

PSOs are trained through an accredited training program by a QPS Human Services Officer. They also receive ongoing training through the QPS's PSO Network. There are currently four civilian and six police PSOs within the CJC.

## PROFESSIONAL INTEREST GROUPS

The Continuing Legal Education Committee, which is designed to further the professional development of the CJC's lawyers, is the only professional interest group currently operating at the CJC. This year, 17 lawyers attended a training course on legal research skills organised by the committee. It is expected that, with the Commission's encouragement and support, similar committees will be established, catering for other disciplines.

CJC Commissioner Sally Goold carries the Olympic torch on Day 9 of the relay (16 June 2000). She ran a segment between Caloundra and Noosaville.



[www.newsphotos.com.au](http://www.newsphotos.com.au)

1990

90

- The CJC, as we know it today, became fully operational in April 1990 with an inaugural Commission comprising Sir Max Bingham QC (Chairperson), Mr Jim Barbeler, Dr Janet Irwin, Mr John Kelly and Professor John Western. Dr Irwin was also appointed the first Commissioner for Police Service Reviews. There were five operational areas: Official Misconduct, Operations and Witness Protection, Research and Coordination, Intelligence, and Misconduct Tribunals.
- Among the first publications released by the new organisation were an examination of SP bookmaking in Queensland and an information paper on the laws relating to homosexuality. The first annual report appeared in September 1990.
- In late 1990, the CJC moved from the City to 557 Coronation Drive, Toowong.

1991

91

- The Office of General Counsel was set up to formalise the provision of legal advice to the Commission.
- Reports were tabled in Parliament on:
  - prostitution in Queensland
  - allegations of misconduct against prison employees
  - complaints against Brisbane City Council
  - payments made by land developers to Gold Coast aldermen and candidates for election
  - complaints against local councils
  - alleged misuse of travel entitlements by State Members of Parliament
  - alleged police misconduct at Inala
  - alleged jury interference in two Queensland trials.
- A Crime Victims Survey was undertaken in conjunction with the Government Statistician's Office.

1992

92

- A new division was created — the Corruption Prevention Division.
- An Aboriginal and Torres Strait Islander Liaison Officer was appointed.
- The JOCTF was established in cooperation with the QPS.
- Informal resolution was introduced as an alternative to investigating minor complaints against police.
- Two public inquiries were held that generated wide community interest: the inquiry into the jury selection process in the trial of Sir Johannes Bjelke-Petersen, and the Lorrelle Anne Saunders inquiry. Reports of the inquiries were published in 1993 and 1994 respectively.
- The Intelligence Division established the CJC's criminal intelligence database, CID.
- *Youth, Crime and Justice in Queensland* was published.
- Following on from the paper on SP bookmaking, a report was published that included options for reform of the law related to SP bookmaking.



Sir Max Bingham QC



Coronation Drive Office



Mr Robin O'Regan QC

- Mr Robin O'Regan QC appointed Chairperson in December.

1995

95

- Mr Frank Clair was officially appointed Chairperson in May 1995, taking up the position in January 1996. Mr Lew Wyvill QC acted as Chairperson in the interim.



Mr Lew Wyvill QC



Mr Frank Clair

- Reports were released on:
  - the use of telecommunication devices in the conduct of criminal investigations
  - the funding of the Legal Aid Commission of Queensland and the Office of the Director of Public Prosecutions.
- We tabled the report of the Basil Stafford Inquiry, which resulted in charges of official misconduct and a host of recommendations to prevent similar abuse.
- We launched the Criminal Justice System Monitor series, a series designed to identify and analyse trends in the Queensland adult criminal justice system and to report on recent key events.
- We published an evaluation of the Toowoomba Beat Policing Project. This involved the CJC and the QPS working together to promote an alternative form of community-based policing with the twofold aim of reducing crime and increasing public confidence in the police. The project's success paved the way for similar projects in the ensuing years.
- An independent inquiry into the alleged leaking of information concerning Operation Wallah found no evidence of wrongdoing.
- Together with the QPS, the CJC assisted the NCA to expose the largest amphetamine manufacturing operation ever identified by law enforcement agencies in Australia.
- With the assistance of the NCA, the JOCTF conducted an intensive investigation into an Italian organised crime syndicate involved in drug cultivation and distribution (Operation Jethro), resulting in the seizure and destruction of two illegal drug crops, 18 people being charged with serious drug offences and property of a total value of \$782 230 being forfeited as a result of pecuniary penalty orders.
- Five people, including members of an outlaw motorcycle gang, were charged with drug and firearm offences (Operation Fantail).

1993

93

- The Research Paper series was launched with the first title being *Murder in Queensland*.
- The first three volumes of a five-volume review of police powers in Queensland were released, the final two volumes appearing in 1994.
- Other publications included a discussion paper on cannabis and the law in Queensland, a practical training manual on how to prevent, detect and deal with workplace corruption, a report on the implementation of the Fitzgerald recommendations relating to the CJC, and a review of recruitment and education in the QPS.
- The Toowoomba Beat Area Pilot Project was launched with the active support of the QPS.
- Two public inquiries were held: one into the arrest and death of Daniel Alfred Yock and one into complaints against six Aboriginal and Islander Councils.

1994

94

- An inquiry into environmental crime in Australia (the disposal of liquid waste in South-East Queensland) was held.
- Reports were tabled in Parliament on:
  - cannabis and the law in Queensland
  - corruption in the tow truck and smash repair industries.
- The Issue Paper series was launched with the first title being *Selling Your Secrets: Who's Selling What?*.
- Informal complaint resolution procedures in the QPS were evaluated.
- Nine people went to prison as a result of an extensive investigation into large-scale cannabis production in North Queensland (Operation Harrier).
- The CJC and the Royal Institute of Public Administration Queensland organised the whistleblowers' conference, 'Concerned Citizens or Disloyal Mates?'
- The Basil Stafford Inquiry began. The inquiry related to allegations of abuse and gross neglect of profoundly disabled patients.

# Ten years of the CJC

1996

96

- The year was largely dominated by the Carruthers Inquiry and the Connolly–Ryan Inquiry.
- Three reports were tabled in Parliament:
  - the treatment of Aboriginal witnesses in Queensland's criminal courts
  - the problem of overcrowding in police watchhouses
  - the findings from the first Defendants Survey.
- A comprehensive guide to whistleblowing in Queensland was produced.
- Together with the QPS, the CJC established the Beenleigh Calls for Service Project to focus on increasing the effectiveness and efficiency of police service delivery in the Beenleigh Police Division.
- A major proactive investigation into police involvement with drugs was begun (Project Shield), under the supervision of retired Supreme Court judge the Honourable WJ Carter QC.

1997

97

- Serious budgetary constraints during the year led to a number of staff redundancies and other resource cutbacks.
- The year also saw the transfer of the administrative responsibility for the Misconduct Tribunals to the Magistrates Court.
- Published Mr Carter's report, *Police and Drugs*, which contained 14 recommendations, one of which was the establishment of a permanent unit within the CJC, staffed by police and civilian investigators and analysts, to target police corruption.
- A Supreme Court injunction disbanded the Connolly–Ryan Inquiry for perceived bias.
- Project Triton began — a special investigation into allegations of police corruption in the investigation of paedophilia. The Inquiry established that there was no evidence of an official cover-up.
- A major report was released concerning those recommendations of the Fitzgerald Inquiry directed towards improving the police complaints and discipline process and enhancing police integrity in Queensland. The report found that much had been achieved since the Fitzgerald Inquiry, but that it was critical that the momentum of organisational reform in the QPS be maintained.
- An amendment to the Criminal Justice Act introduced a new accountability mechanism, the Office of the Parliamentary Criminal Justice Commissioner, which has wide-ranging powers to audit and review the activities of the CJC and investigate complaints against us.

- As a result of investigations under Project Shield, a number of police officers and civilians were convicted of serious drug offences, official corruption and perjury.
- Investigated allegations of inappropriate relationships between teachers and students, referred by Education Queensland.
- In September, we gained the Corrective Services jurisdiction
- The CJC website: [www.cjc.qld.gov.au](http://www.cjc.qld.gov.au) was launched.

1998

98

- The year saw the loss of the organised crime function to the newly created Queensland Crime Commission and the disbandment of the JOCTF.
- With PEAC, we helped produce a comprehensive report on recruitment and selection processes in the QPS entitled *Police for the Future*.
- The Beenleigh Break and Enter Reduction Project began as a joint project with the QPS and with the sponsorship of National Crime Prevention.
- Together with the QPS, we commenced Operation Tuskar, an investigation of anomalies in the police armoury at West End that grew into an investigation of the Queensland Firearms Compensation Scheme. As a result, five people were convicted in the criminal courts.
- After consultation with public sector agencies, we published *Protocol on the Disciplinary Process* to facilitate management of the disciplinary process when it involves the CJC.
- In June, two structural changes occurred: the Office of the Commissioner was established and two divisions (Research and Corruption Prevention) merged to form the Research and Prevention Division.
- Mr Brendan Butler SC was appointed Chairperson in December.



Mr Brendan Butler SC

1999

99

- First edition of the CJC newspaper *Prevention Pays!* was released to coincide with the Royal Queensland Show where, for the first time, the CJC had a stand in the government pavilion.

# Ten years of the CJC

- Launch of the Prevention Pointer series, with the first title being *False Complaints against Police*.
- Expansion of the Aboriginal and Torres Strait Islander liaison function with the appointment of an officer to focus on the needs of Indigenous women.
- Second Defendants Survey was conducted.
- Public attitudes to the CJC, the QPS and local government councils were surveyed and found to be improving.
- The trial of capsicum spray in Queensland and the State Government pilot program Crime Prevention Partnerships were evaluated.
- Commenced Operation Heron, a major investigation into allegations that police officers at a regional police station obtained confidential information from the QPS database and released it to a civilian employee who, in turn, passed it on to a private investigator.
- A new Strategic Plan was adopted for the years 1999–2002, which aims to move the CJC toward a fully integrated approach, improved business processes and better quality outcomes in the work it conducts.
- To assist in achieving the new strategic goals, SIG was formed to make recommendations on how these new goals could best be attained. In December, the Commission approved the SIG Report, *Continuing the Reform Process*, which contained 92 recommendations for organisational reform of the CJC.
- The Queensland and New South Wales Police Services assisted us in the closure of Operation Aubrey, a covert investigation into the issuing of false learners' permits and false registrations by an officer in Queensland Transport.
- We wrote and disseminated a Prevention Pointer on public sector misuse of the Internet and email.
- We launched the Councillor Kit to coincide with the March Local Government elections.
- With the QPS, we began Project Resolve.
- We introduced a new complaints database, COMPASS, and replaced CID with a new intelligence database, IRAS.
- The Witness Protection Bill was introduced into Parliament in June 2000 after years of work by the CJC to bring about state legislation complementary to the federal Witness Protection Act.
- The Intelligence Division merged with the information management sections of Corporate Services to create the Intelligence and Information Division.
- Towards the end of the financial year, the office of the CJC prepared for an early July move from Toowong to Terrica Place, the City.

To 30 June 2000

- So far the year has seen the release of the following major reports:
  - *Prisoner Numbers in Queensland: An Examination of Population Trends in Queensland's Correctional Institutions*
  - *Police Powers in Queensland: Findings from the 1999 Defendants Survey*
  - *Strip Searches in Queensland: An Inquiry into the Law and Practice*.
- We also reported on the status of the recommendations contained in our 1995 Basil Stafford Report.
- As a result of Operation Heron, a public inquiry on police misuse of information (Project Piper) was held. The report is due later in 2000.
- A misconduct-risk review was conducted of Queensland prison industries with a report due August 2000.
- Three police officers were arrested on drug and corruption charges as a result of our proactive investigation, Operation Craven. Three civilians were also charged with serious drug offences.



New foyer in Terrica Place

## What has been achieved?

In ten years of public service, the CJC has processed more than 24 000 complaints, conducted 19 public inquiries, tabled over 40 reports in Parliament and published more than 40 research reports and papers, made about 400 recommendations for procedural reform within the public sector, caused almost 600 people to be charged as the result of criminal and disciplinary investigations, made over 2000 recommendations for disciplinary action arising out of complaints, given more than 800 workshops/presentations on corruption prevention, entered over 8000 documents onto its intelligence database and protected 664 witnesses (with another 154 witnesses protected during the three years of the Fitzgerald Inquiry).

## Appendix A

# Functions and responsibilities of the CJC

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*.

### FUNCTIONS

**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.

# Appendix B

## Complaints statistics

### Complaints received and charges recommended

Figure B1: Standard complaints received (1990–91 to 1999–2000)

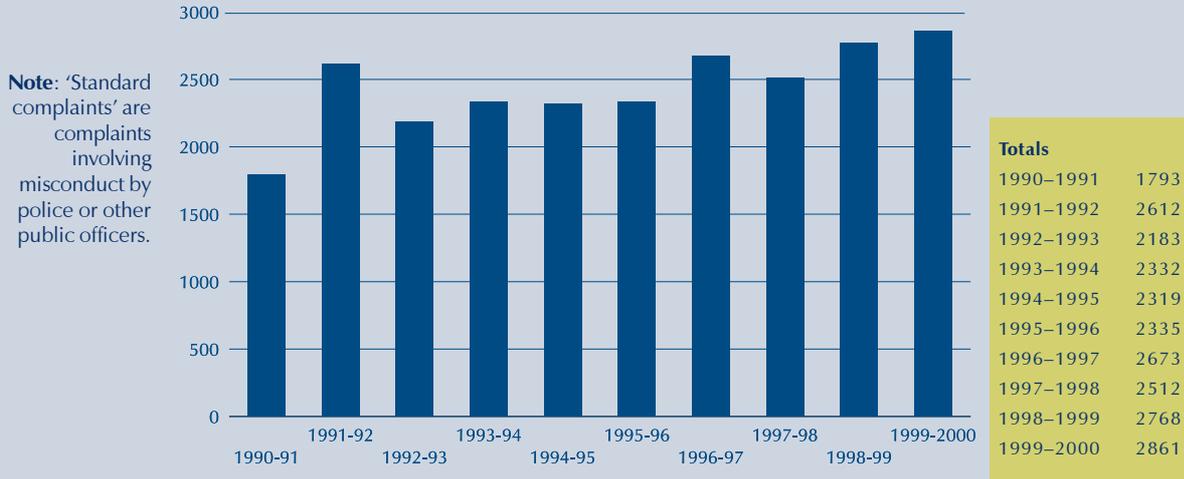
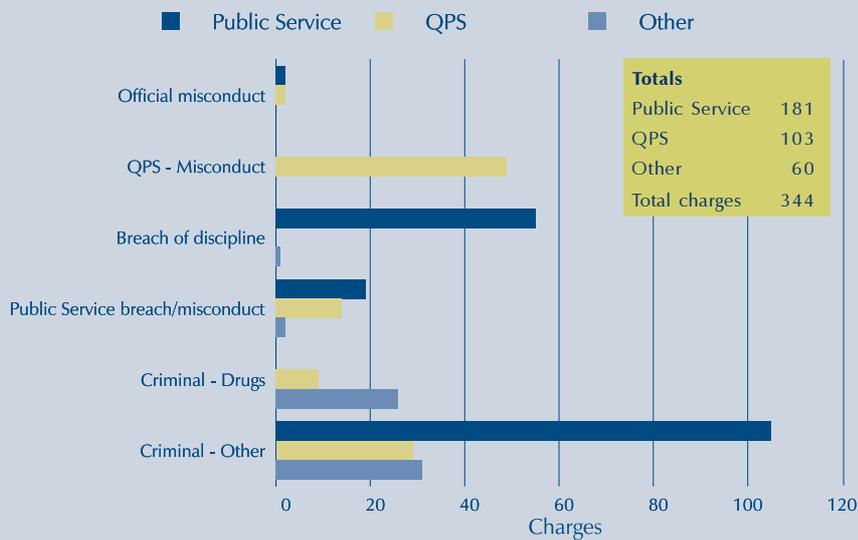


Table B1: Number of charges recommended as a result of misconduct investigations (1995–96 to 1999–2000)

Category	95–96	96–97	97–98	98–99	99–00	Total
Police Service	336	327	209	170	158	1200
Public Service	164	130	150	94	126	664
Other	59	74	60	94	60	347
<b>Total</b>	<b>559</b>	<b>531</b>	<b>419</b>	<b>358</b>	<b>344</b>	<b>2211</b>

Note: This table counts the number of charges recommended as a result of misconduct investigations during the year. Previous year figures have been adjusted to account for subsequent changes to data.

Figure B2: Nature of charges recommended as a result of misconduct investigations (1999–2000)



### Subjects of complaints and allegations (1999–2000)

Figure B3: Subjects of complaints

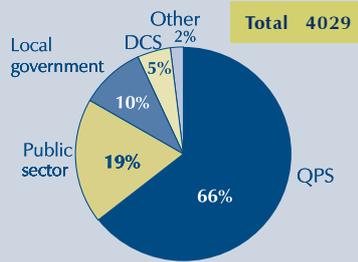
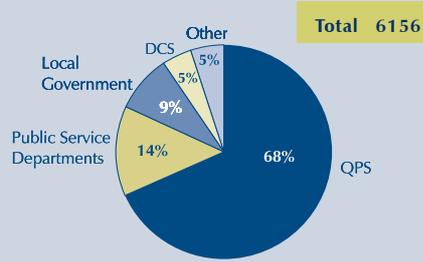


Figure B4: Subjects of allegations



**Note:** The totals above exceed the total of standard complaints received (2861) because a complaint may be made against more than one person and often includes more than one allegation (for example, an officer or officers may be accused of unlawfully arresting a person and also of using excessive force in making the arrest).

### Types of allegations and categories of complainants for each CJC jurisdiction (1999–2000)

Figure B5: Types of allegations for the Corrective Services jurisdiction

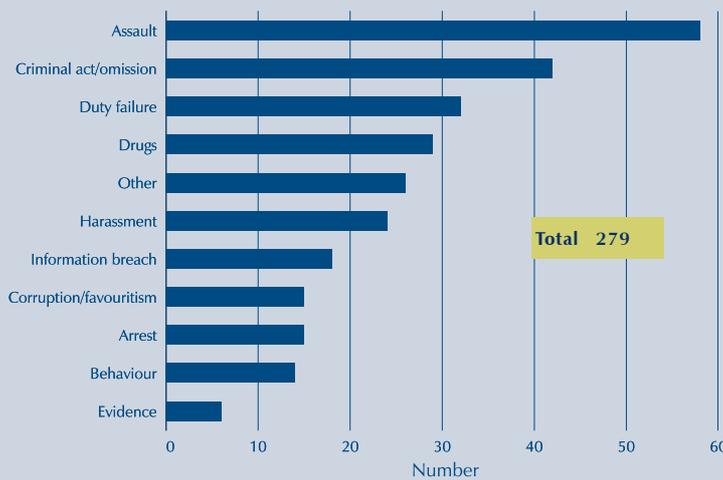


Figure B6: Categories of complainants for the Corrective Services jurisdiction

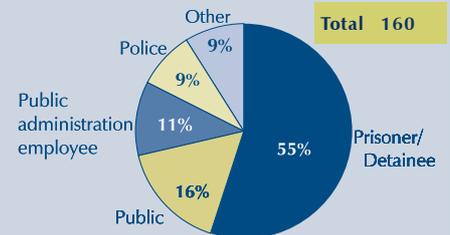


Figure B7: Types of allegations for the QPS jurisdiction

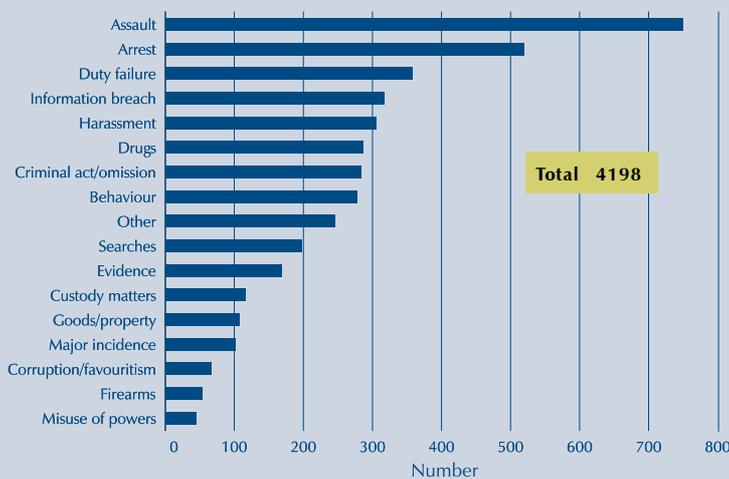
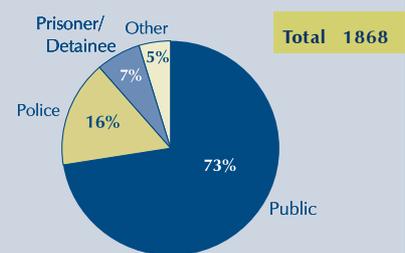
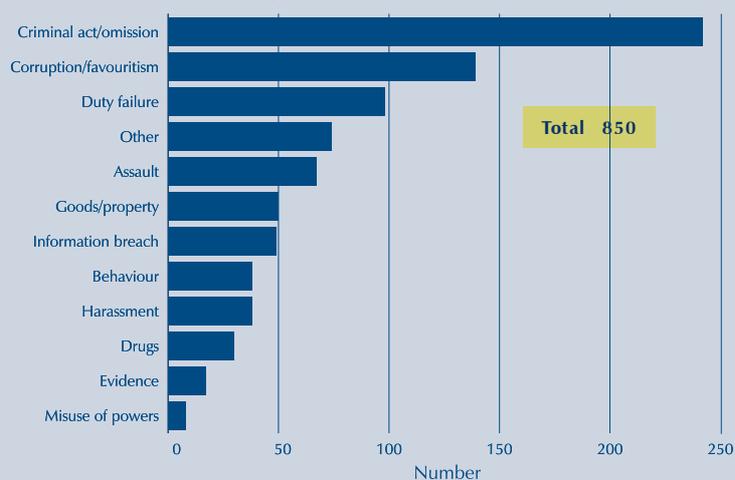


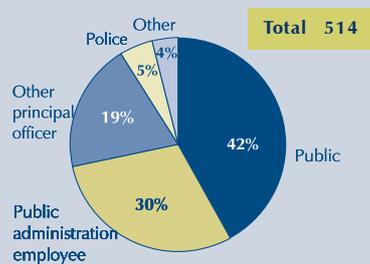
Figure B8: Categories of complainants for the QPS jurisdiction



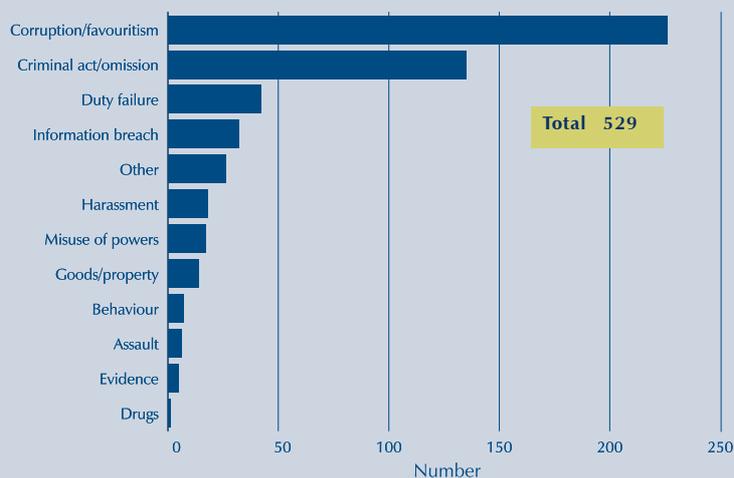
**Figure B9: Types of allegations for the Public Sector jurisdiction**



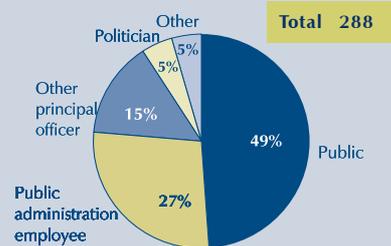
**Figure B10: Categories of complainants for the Public Sector jurisdiction**



**Figure B11: Types of allegations for the Local Government jurisdiction**



**Figure B12: Categories of complainants for the Local Government jurisdiction**



### Reviews of investigations

**Table B2: Matters reviewed by CJC (1999–2000)**

Type of matter	No.	%
Referral to QPS for investigation of minor misconduct of QPS officers	404	38.8
Referral to QPS for investigation of possible criminal activity by other public officers	95	9.11
Referral to Principal Officer of a unit of public administration for investigation/other action	140	13.44
Referral to QPS for report on major incident/significant matter	27	2.6
Other, including review of disciplinary sanctions	376	36.08
<b>Total</b>	<b>1042</b>	<b>100.0</b>

**Table B3: Investigation and review of police complaints by CJC (1996–97 to 1999–2000)**

Description	96–97	97–98	98–99	99–00
Total investigated in each year	1696	1506	1398	1611
Total referred to QPS for determination	330	283	393	607
Number finalised by assessment unit	1083	962	864	894
Number finalised by investigative teams	283	261	141	149

## Appendix C

# Legal cases

### HEERY V. CJC

Mr Matthew Heery brought an action against the CJC for using listening devices to monitor and record private conversations in his home. On 24 March 2000, Justice White found that the use of such listening devices was not authorised or approved in accordance with section 82 of the *Criminal Justice Act 1989*. However, White J refused to grant the mandatory injunction that Mr Heery had sought to require the CJC to deliver up to his solicitors all video and audio tapes, notes, transcripts or other records whatsoever (including copies) of conversations recorded by the listening devices. Instead she ordered the CJC to destroy this material.

Specifically, the declarations made by White J were as follows:

1. That the monitoring and recording of conversations by the use of listening devices at 22 Kitchener Road, Pimlico, Townsville, between 3 July 1996 and 22 August 1996 by officers of the CJC were breaches of confidences.
2. That the use of listening devices at 22 Kitchener Road, Pimlico, Townsville, between 3 July 1996 and 22 August 1996 by officers of the CJC were not approved or authorised in accordance with the terms of section 82 of the *Criminal Justice Act*.

White J found that both the order made by Derrington J and the authorisation signed by the former Chairperson of the CJC did not sufficiently specify the subject matter of the investigation to comply with section 82 of the Act, which operates to permit the use of a listening device 'in relation to a particular matter specified in the approval'.

However, the judgment acknowledged that the CJC had offered to destroy the tapes and transcripts obtained from Mr Heery's premises more than two years before, and that Mr Heery had refused to consent to their destruction.

It was also made clear in the judgment that CJC officers had acted in good faith in accordance with the judge's order for the listening device, and no civil liability would be incurred by any CJC officer.

The CJC and Mr Heery have both filed appeals regarding certain of the orders made by White J, and these matters will now be considered in the Court of Appeal.

### CJC V. DICK

On 23 December 1999, the CJC sought declarations in the Supreme Court regarding a report to Parliament made by the Parliamentary Criminal Justice Commissioner, Ms J Dick SC. The report resulted from an investigation conducted by Ms Dick into allegations that the CJC or an officer of the CJC had wrongly released information about a CJC investigation of Mr Jack Paff MLA.

The CJC sought declarations from the Supreme Court that:

- Ms Dick's August 1999 report to the PCJC was outside her powers
- Ms Dick, when investigating allegations of possible unauthorised disclosure under section 118R(2)(c) of the *Criminal Justice Act* and in reporting to the PCJC on the results of carrying out her investigation, was not entitled to make findings of guilt
- in reporting adversely to the CJC in this report, Ms Dick failed to observe the requirements of procedural fairness.

Counsel for the Parliamentary Commissioner and Counsel for the Speaker of the Legislative Assembly argued that Ms Dick's actions in investigating and preparing a report for the PCJC could not be examined in any court, as they were protected by parliamentary privilege.

On 20 July 2000, Helman J delivered his judgment, which concluded that, whatever complaints may have existed regarding the preparation and making of Ms Dick's report, the applicants had no legal remedy because of the operation of parliamentary privilege.

On 18 August 2000, the CJC, acting on the advice of senior counsel, filed an appeal based on the contention that His Honour erred in finding that parliamentary privilege prevented the Supreme Court making the declarations sought. This appeal is yet to be listed for hearing.

### CJC V. CHANNEL 7 AND OTHERS

In January 2000, a contempt action against Channel 7 and others, which had been commenced by the CJC in 1994, was finalised. The action had been instituted because Channel 7 had published false and defamatory allegations against the CJC and officers of the CJC.

The respondents had made various preliminary applications to the Court and had unsuccessfully appealed orders made by the Court, including making an application for special leave to appeal to the High Court.

Late last year, the respondents asked whether this matter could be settled through publication of an apology. We responded by outlining the terms of an apology that would be acceptable to us and the conditions under which such an apology would have to be published. Following further negotiation, an agreement was reached about the terms and conditions of a public apology that was acceptable to the CJC and the respondents.

An apology was broadcast by Channel 7 during its evening news program on Friday, 28 January 2000. The terms of the apology made it clear that Channel 7 accepted that the serious allegations made against the CJC and its officers in the broadcast were entirely without foundation and that Channel 7 regretted having published the allegations without providing the CJC with an opportunity to respond to them.

## Appendix D

# External presentations by staff

Date	Presentation	Officer
7.7.99	'Vigilance: The Continuing Threat of Corruption', Cairns Community Luncheon	Brendan Butler SC
7.7.99	'Gender and policing styles', Australasian Women in Policing Conference, University of Queensland, Brisbane.	Dr David Brereton
7.7.99	'Gender and selection in policing', Australasian Women in Policing Conference, University of Queensland, Brisbane	Anne Edwards and Linda Waugh
8.7.99	'A New Partnership', Yeppoon Community Dinner	Brendan Butler SC
8.7.99	'The importance of sound research for policing and criminal justice', Drug Use Monitoring Australia Conference, Police Headquarters	Dr David Brereton
9.7.99	'Ten Years On: Fitzgerald Vision Today', Rockhampton Community Luncheon	Brendan Butler SC
5-7.9.00	IACOLE 15th World Conference, A Global Perspective on Civilian Oversight of Law Enforcement: 'Evaluating external oversight bodies: What impact have they had and how can they be made more effective?' 'The Criminal Justice Commission: The Reform Process Ten Years On'	Dr David Brereton Brendan Butler SC
8.9.99	'Managing interests and ethics', Local Government Association Queensland Annual Conference, Toowoomba	Michelle Clarke
27-30.9.99	ANZSOC Conference, Perth: 'Making police more effective: A critical review of zero tolerance policing and other crime reduction strategies' 'The 1999 Queensland Defendants Survey' 'Modelling the criminal justice system: An integrated but sharply focused approach' 'Towards a rational crime policy'	Dr David Brereton Anne Edwards Mark Lynch Mark Lynch
28.9.- 6.10.99	'Corruption: What it is and how to prevent it', CJC-OPSC Managing for Integrity Seminar, Brisbane	John Boyd
17-20.10.99	'Police and crime prevention in Australia: Which way forward?', Australian Crime Prevention Council 19th Biennial International Conference, Melbourne	Dr David Brereton
12.11.99	'Neglect and fraud in audit', CPA Annual Audit Day, Brisbane	John Boyd
1.12.99	'Why are prisoner numbers growing in Queensland?', Queensland Magistrates Conference, Brisbane	Dr David Brereton
10.12.99	'To report or not to report', Local Government Auditors Conference, Brisbane	Dorretti de Graaff
28.12.99	'Improving standards of integrity in the public sector: The Queensland Experience', Korean Association for Corruption Studies 7th National Conference and 1st International Conference, Seoul, Korea	Dr David Brereton
2.2.00	'The nature and extent of Indigenous over-representation in the criminal justice system', Department of Aboriginal and Torres Strait Islander Policy Development, Brisbane	Mark Pathe and Mark Lynch
28.3.00	'The profiling and behaviour of a liar', SOPAC 2000, Brisbane	John Boyd
2.4.00	'Research activities of the CJC', Australasian Law Reform Agencies Conference and Commonwealth Law Reform Agencies Conference, Perth	Wayne Briscoe
8.4.00	'The CJC and contract auditors: An alliance against corruption', Queensland Audit Office	Dorretti de Graaff
9.5.00	'Using research to monitor and improve police behaviour', Office of the New South Wales Ombudsman, Sydney	Dr David Brereton
14.5.00	'Police power to conduct strip searches', Watchhouse Managers Conference, Brisbane	Wayne Briscoe
1.6.00	'Preventing corruption', Senior Managers Development Program, Queensland University of Technology	David Bevan and Dorretti de Graaff
8.6.00	'Prisoner numbers in Queensland' 'Strip Searching of Watchhouse Prisoners', Corrections Forum 2000, Brisbane	Dr David Brereton Brendan Butler SC
26.6.00	'Why Promoting Integrity is Important', Leading with Integrity: Ethics in Local Government Seminar, Brisbane	Brendan Butler SC

## Appendix E

# Overseas travel and overseas visitors

### OVERSEAS TRAVEL

In January 2000, the Director of the Research and Prevention Division, Dr David Brereton, was invited by the Korean Association for Corruption Studies to be a keynote speaker at the 7th National Conference and 1st International Conference on 'A New Paradigm for Preventing Corruption in the 2000 Years: A comparative Perspective' in Seoul, South Korea.

The cost of this trip came to \$757.70. The airfares and one night's accommodation were met by the Association.

In March–April 2000, Brendan Butler attended the Board Meeting of the International Association for Civilian Oversight of Law Enforcement in Madrid, Spain. Mr Butler is an international director of IACOLE, an association of civilian oversight agencies. Mr Butler met all the costs of his attendance at the meeting.

### OVERSEAS VISITORS

- ▶ Mr James Harrison, Liberty, UK, met with CJC representatives on 13 September 2000 to discuss our police complaints role. The subsequent report prepared by Liberty, which proposed a revamped police complaints mechanism for the UK, highlighted the CJC as an example of best practice.
- ▶ Dr Gloria Laycock, UK Home Office, was a guest speaker at a seminar organised by the CJC in October 1999 on policing research and developments in criminal justice and policing.

- ▶ On 24 March 2000, Mr Zeng Qinghong of the Chinese Politburo (and other Chinese officials) met with David Brereton, David Bevan and Ray Rinaudo to discuss the CJC's anti-corruption role.
- ▶ Ms Suzanne Young, Audit and Systems Division Manager, Audit-Controller's Office, County of Santa Cruz, California, visited the CJC on 30 March 2000 to discuss fraud complaints investigations and corruption prevention strategies of the CJC, meeting with the CJC's Corruption Prevention Manager, John Boyd.
- ▶ Mr Vorapa Chailertvanitikul, Senior Human Resource Development Officer, Office of the Civil Service Commission Thailand, visited on 11 May 2000 to discuss the functions of the CJC and corruption prevention issues and strategies for the Senior Executive Service. Mr Chailertvanitikul met with the CJC's Corruption Prevention Manager, John Boyd.
- ▶ Suparaj Chotikajan, Deputy Secretary-General, Office of the Civil Service Commission, Thailand, and others visited the CJC on 27 June 2000 to discuss corruption prevention issues and strategies within the Queensland public sector, meeting with the CJC's Corruption Prevention Manager, John Boyd.
- ▶ Mr Zhang Huixin, Chief of the anti-corruption body Shanghai Supervisory Commission, and others, met on 27 June 2000 with Brendan Butler and David Brereton to discuss the CJC's anti-corruption role.



The visiting delegation from Shanghai with Brendan Butler and David Brereton.

## Appendix F Publications 1999–2000

### PUBLIC REPORTS

*The Basil Stafford Inquiry Report: Review of the Implementation of Recommendations: Key Findings*, May 2000.

*Defendants' Perceptions of Police Treatment: Findings from the 1999 Queensland Defendants Survey*, March 2000.

*Diversion of Drug Offenders and Drug Dependent Offenders from the Criminal Justice System*, Briefing Paper, August 1999.

*Ethics Surveys of First Year Constables 1995–1998: Summary of Findings*, November 1999.

*Gocorp Interactive Gambling Licence: Report on an Advice by R.W. Gotterson QC*, September 1999.

*Police Powers in Queensland: Findings from the 1999 Defendants Survey*, June 2000.

*Prisoner Numbers in Queensland: An Examination of Population Trends in Queensland's Correctional Institutions*, March 2000. (Carries a charge of \$30.)

*Prisoner Numbers in Queensland: A Summary*, March 2000.

*Public Attitudes to the CJC*, January 2000.

*Public Attitudes to the QPS*, June 2000.

*Reported Sexual Offences in Queensland*, December 1999.

*Reported Use of Force by Queensland Police: Findings from the 1999 Queensland Defendants Survey*, Research Paper Series, Vol. 6 No. 2, April 2000.

*Strip Searches in Queensland: An Inquiry into the Law and Practice*, June 2000.

*What the Public Thinks about Employee Behaviour in the Queensland Public Service and Local Councils*, February 2000.

### OTHER

*Councillor Information Kit*, May 2000, comprising 10 Prevention Pointers:

- *Disclosing a Material Personal Interest*
- *How Codes of Conduct Promote Ethics and Integrity*
- *Reporting Official Misconduct*
- *Making and Maintaining Statements of Interests*
- *Keeping Reliable Minutes of Council Meetings*
- *When Interests Conflict: Understanding the Terms*
- *Dealing with Conflicts of Interest*
- *Confidential Information: How to Keep it Confidential*
- *Observing the Rules in Your Dealings with Council Staff*
- *Setting Ethical Standards in Government.*

*Preventing Misuse of the Internet and Email*, Prevention Pointer, March 2000.

A Prevention Pointer is an A4 or A3 double-sided sheet of concise information with suggested practical preventive action, usually designed for a specific target group (for example, police, local government, public sector) on a clearly defined topic.

*Prevention Pays!*, two editions of newspaper on corruption prevention, February and August 1999.

*Ethics Card* (a card the size of a business card that, on one side, lists the six values from the *Public Sector Ethics Act 1994* and on the other side lists six questions to help a public servant make ethical decisions in the workplace.)

*Blowing the Whistle on Corruption: How the CJC Supports Whistleblowers and Complainants* (brochure)

*The CJC: Who We Are and What We Do* (brochure)

*The CJC Needs Your Help!* (brochure)

*A Message to Officers of the Department of Corrective Services from the CJC* (brochure)

*Reporting Corruption to the CJC* (brochure)

### DRAFT PUBLICATIONS CLOSE TO COMPLETION AS AT 30 JUNE 2000

- Queensland Prison Industries: A Review of Corruption Risks (published August 2000)
- Operation Piper report (due October/November 2000)
- Prevention Pays!, issue 3 (published August 2000)
- Code of Conduct (released September 2000)
- Sexual Misconduct of Education Queensland Employees (due November 2000).

### HOW TO RECEIVE CJC PUBLICATIONS

If you are not on our mailing list, you can request a publication by writing to us (PO Box 137, Brisbane Albert Street 4002) or ringing 3360 6060. Most of our publications are free. Out of print publications can usually be found in public libraries or on our website.

Since November 1997, all our publications (including our latest annual report and strategic plan) have been posted on our website: [www.cjc.qld.gov.au](http://www.cjc.qld.gov.au).

# Financial statements

of the Criminal Justice Commission for year ended 30 June 2000

## OPERATING STATEMENT

for year ended 30 June 2000

	Notes	2000 \$	1999 \$
<b>COST OF SERVICES</b>			
<b>Operating expenses</b>			
Salaries and related expenses	1	16 574 004	14 807 119
Administration	2	4 809 920	4 333 796
Operational	3	427 171	327 429
Consulting	4	76 725	55 066
Accommodation	5	2 808 980	2 740 048
Leave expense	6	610 028	898 048
<b>Total operating expenses</b>		<b>25 306 828</b>	<b>23 161 506</b>
<b>Operating revenue from independent sources</b>			
Interest		209 648	180 654
Other	7	125 066	295 431
Gain on sale of plant and equipment		75 876	90 241
<b>Total operating revenue from independent sources</b>		<b>410 590</b>	<b>566 326</b>
<b>Net cost of services</b>		<b>24 896 238</b>	<b>22 595 180</b>
<b>REVENUE FROM GOVERNMENT</b>			
Parliamentary appropriations received	8	24 548 000	23 731 000
<b>Total revenue from government</b>		<b>24 548 000</b>	<b>23 731 000</b>
<b>Change in net assets resulting from operations</b>		<b>(348 238)</b>	<b>1 135 820</b>

## STATEMENT OF FINANCIAL POSITION

as at 30 June 2000

	Notes	2000 \$	1999 \$
<b>CURRENT ASSETS</b>			
Cash	9	2 002 176	860 489
Investments		1 000 273	–
Receivables		78 635	33 935
Prepayments		79 587	148 346
<b>Total current assets</b>		<b>3 160 671</b>	<b>1 042 770</b>
<b>NON-CURRENT ASSETS</b>			
Plant and equipment	10	1 717 667	1 319 525
Leasehold improvements	11	2 524 291	–
<b>Total non-current assets</b>		<b>4 241 958</b>	<b>1 319 525</b>
<b>TOTAL ASSETS</b>		<b>7 402 629</b>	<b>2 362 295</b>
<b>CURRENT LIABILITIES</b>			
Salaries payable		301 370	–
Sundry creditors		1 553 589	43 962
Provisions	12	734 984	787 074
Lease incentive	13	453 594	–
<b>Total current liabilities</b>		<b>3 043 537</b>	<b>831 036</b>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	12	–	871 324
Lease incentive	13	3 061 763	–
<b>Total non-current liabilities</b>		<b>3 061 763</b>	<b>871 324</b>
<b>TOTAL LIABILITIES</b>		<b>6 105 300</b>	<b>1 702 360</b>
<b>NET ASSETS</b>		<b>1 297 329</b>	<b>659 935</b>
<b>EQUITY</b>			
Accumulated results from prior years	14	659 935	(475 885)
Equity adjustment		985 632	–
Current year results from operations		(348 238)	1 135 820
<b>TOTAL EQUITY</b>		<b>1 297 329</b>	<b>659 935</b>

**STATEMENT OF CASH FLOWS**

for year ended 30 June 2000

	Notes	2000 \$	1999 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Inflows:			
Interest		208 505	176 296
Other		<u>83 719</u>	<u>234 742</u>
Total inflows		292 224	411 038
Outflows:			
Salaries and related expenses		(16 770 990)	(15 560 892)
Suppliers		<u>(7 529 397)</u>	<u>(6 747 807)</u>
Total outflows		(24 300 387)	(22 308 699)
<b>Net cash used in operating activities</b>	<b>A</b>	<b>(24 008 163)</b>	<b>(21 897 661)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Inflows:			
Proceeds from sale of plant and equipment		<u>348 560</u>	<u>381 873</u>
Total inflows		348 560	381 873
Outflows:			
Payments for purchases of plant and equipment		(1 145 298)	(996 763)
Leasehold improvements		<u>(1 116 496)</u>	<u>–</u>
Total outflows		(2 261 794)	(996 763)
<b>Net cash used in investing activities</b>		<b>(1 913 234)</b>	<b>(614 890)</b>
<b>CASH FLOWS FROM GOVERNMENT</b>			
Inflows:			
Parliamentary appropriations	<b>B</b>	<u>24 548 000</u>	<u>23 731 000</u>
Total inflows		24 548 000	23 731 000
<b>Net cash provided by government</b>		<b>24 548 000</b>	<b>23 731 000</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Inflows:			
Lease incentive		<u>3 515 357</u>	<u>–</u>
Total inflows		3 515 357	–
Outflows:			
Payment of loan instalments		<u>–</u>	<u>(713 143)</u>
Total outflows		–	(713 143)
<b>Net cash used in financing activities</b>		<b>3 515 357</b>	<b>(713 143)</b>
<b>Net increase in cash held</b>		<b>2 141 960</b>	<b>505 306</b>
<b>Cash at beginning of reporting period</b>		<b>860 489</b>	<b>355 183</b>
<b>Cash at end of reporting period</b>	<b>C</b>	<b>3 002 449</b>	<b>860 489</b>

## STATEMENT OF CASH FLOWS (continued)

	2000 \$	1999 \$
<b>Note A Reconciliation of change in net assets resulting from operations with net cash provided or used by operating activities</b>		
Change in net assets resulting from operations	(348 238)	1 135 820
Depreciation expense	491 772	627 416
Gain on sale of plant and equipment	(75 876)	(90 241)
(Increase) Decrease in accounts receivable	(44 700)	4 953
(Increase) Decrease in prepaid expenses	68 759	59 998
(Decrease) Increase in trade creditors	84 535	39 787
(Decrease) Increase in salaries payable	301 370	(2 730)
(Decrease) Increase in income received in advance	–	(70 000)
Provisions — recreation and long service leave	44 721	128 336
Prior year operating result adjustment	17 494	–
Government revenues	<u>(24 548 000)</u>	<u>(23 731 000)</u>
<b>Net cash used in operating activities</b>	<b><u>(24 008 163)</u></b>	<b><u>(21 897 661)</u></b>
<b>Note B Receipts from parliamentary appropriations</b>		
Parliamentary appropriations	23 548 000	22 119 000
Supplementation	<u>1 000 000</u>	<u>1 612 000</u>
<b>Total received</b>	<b><u>24 548 000</u></b>	<b><u>23 731 000</u></b>
<b>Note C Reconciliation of cash</b>		
For the purposes of this statement of cash flows, cash includes cash on hand and in ‘at call’ deposits and investments with banks or financial institutions.		
Cash and investments at the end of the period are shown in the statement of financial position as:		
Cash at bank	1 981 576	840 089
Investments	1 000 273	–
Cash on hand	<u>20 600</u>	<u>20 400</u>
<b>Total</b>	<b><u>3 002 449</u></b>	<b><u>860 489</u></b>

**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. Because the assets of the Commission are replaced on a regular basis, this method of valuation is considered to approximate deprival value.

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.

The depreciation rate for each class of asset is as follows:

Class	Depreciation rate
General equipment	14.30%
– technical equipment sub-class	20%
Computer equipment	33.30%
Motor vehicles	20%

Plant and equipment includes those items over \$1000 in value.

Computer software is not capitalised because the future economic benefit cannot be reliably measured.

In December 1999, the Australian Accounting Standards Board issued two new accounting standards — AAS38: Revaluation of Non-Current Assets, and AAS10: Recoverable Amount of Non-Current Assets. These standards introduce the concept of valuing non-current assets at 'fair value'. At present, the CJC's non-current physical assets are valued in accordance with the deprival value methodology prescribed by the Financial Management Standard. Due to the uncertainty within the accounting profession of the impact of applying a valuation based on fair value in lieu of the deprival value methodology described, it is not possible at present to determine the consequential impact of the application of these standards (when prescribed) on asset values as reported in these financial statements.

**(c) Lease incentive and lease improvements**

In accordance with UIG Abstract 3 'Lessee Accounting for Lease Incentives under a Non-Cancellable Operating Lease', the lease incentive payment has been recognised as a borrowing (liability) and, from 2000–2001 onwards, part of the lease rental payments will be allocated as a reduction of the liability.

Costs relating to the fit-out of the leasehold premises are being capitalised as leasehold improvements and, in accordance with AAS4, the asset is being depreciated over the unexpired period of the lease.

(See notes 11 and 13 to the accounts for more detailed information relating to the 1999–2000 year.)

**(d) Employee leave entitlements**

Provision has been made for annual leave entitlements in accordance with Australian Accounting Standard AAS30 '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.

**(e) Comparative results**

The published results for the prior year have been included for comparative purposes but have been amended where necessary to allow valid comparisons with the current year.

## NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	2000 \$	1999 \$
<b>Note 1 Salaries and related expenses</b>		
Salaries, wages and allowances	13 082 022	12 242 595
Overtime	546 281	576 807
Payroll tax and fringe benefits tax	870 716	804 967
Superannuation contribution	1 778 394	1 080 916
Long service leave levy	198 745	–
Workers compensation	<u>97 846</u>	<u>101 834</u>
	<u>16 574 004</u>	<u>14 807 119</u>
<b>Note 2 Administration</b>		
Airfares, taxis, hire cars, and travel allowances	387 708	439 798
Contractors	19 395	38 998
Telephones, pagers, facsimile	449 089	364 914
Postage	23 650	19 959
SAP bureau service	33 996	34 000
Subscriptions, books	64 941	90 094
Stores and stationery	74 236	84 066
Printing and publications	92 234	75 769
Vehicle leasing	306 633	283 168
Petrol, maintenance, registration	280 954	282 603
Equipment — non-asset	126 040	249 697
Computing expenses and software	1 013 511	654 327
Computer rental leasing	282 821	–
Project costs	162 486	41 313
Transcription	23 919	19 149
External audit fees	13 750	13 500
Building maintenance/minor alterations	7 354	58 176
Litigation costs	8 000	16 496
Information retrieval	79 449	94 955
Depreciation	491 772	627 416
Sundry costs of inquiries	28 900	23 075
Legal advice	326 084	542 456
Interest — Treasury loan (refer note 15)	–	30 077
Losses		
Public monies (refer note 17)	56 498	–
Other	<u>456 500</u>	<u>249 790</u>
	<u>4 809 920</u>	<u>4 333 796</u>
<b>Note 3 Operational</b>		

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

## NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	2000	1999
	\$	\$
<b>Note 4 Consulting</b>		
Program evaluation	22 382	–
Research and prevention	19 350	8 093
Work value assessment of positions	21 618	–
Internal audit	13 375	–
Strategic directions	–	34 194
Performance management	–	9 279
Evaluation design	–	3 500
	<u>76 725</u>	<u>55 066</u>
<b>Note 5 Accommodation</b>		
Lease	2 288 447	2 249 322
Security	176 084	166 865
Cleaning	118 009	117 945
Electricity	135 063	139 033
Refurbishment	78 490	56 114
Other	12 887	10 769
	<u>2 808 980</u>	<u>2 740 048</u>
<b>Note 6 Leave expense</b>		
Leave expense for 1999–2000 relates to recreation leave only, whereas the 1998–99 expense also includes long service leave. The change in treatment is due to the new long service leave scheme (refer note 12).		
<b>Note 7 Other</b>		
Sundry income	<u>125 066</u>	<u>295 431</u>
Income for 1999–2000 includes \$102 000 from the Commonwealth for a research project.		
<b>Note 8 Queensland Government appropriation</b>		
Appropriation	23 548 000	22 119 000
Supplementary funding	<u>1 000 000</u>	<u>1 612 000</u>
	<u>24 548 000</u>	<u>23 731 000</u>
<b>Note 9 Cash</b>		
Cash at bank	1 981 576	840 089
Cash on hand	20 600	20 400
	<u>2 002 176</u>	<u>860 489</u>
<b>Note 10 Plant and equipment (at cost)</b>		
General equipment	2 241 292	1 817 827
Less accumulated depreciation	<u>1 359 532</u>	<u>1 294 471</u>
	<u>881 760</u>	<u>523 356</u>
Computer equipment	1 154 228	1 665 321
Less accumulated depreciation	<u>890 628</u>	<u>1 455 005</u>
	<u>263 600</u>	<u>210 316</u>
Motor vehicles	689 548	675 601
Less accumulated depreciation	<u>117 241</u>	<u>89 748</u>
	<u>572 307</u>	<u>585 853</u>
<b>Total plant and equipment</b>	<u>1 717 667</u>	<u>1 319 525</u>

## NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	2000	1999
	\$	\$
<b>Note 11 Leasehold improvements</b>		
During 1999–2000, the CJC incurred costs associated with the fit-out of leasehold premises at Terrica Place, Brisbane CBD. (The CJC moved into the new premises in July 2000.) The fit-out costs incurred to 30 June 2000 have been capitalised as leasehold improvements. Depreciation has been allocated over the unexpired period of the lease (in accordance with AAS4).		
Leasehold improvements (fit-out costs)	2 541 590	–
Less accumulated depreciation	17 299	–
	<u>2 524 291</u>	<u>–</u>
<b>Note 12 Provisions</b>		
<b>Employee entitlements</b>	734 984	787 074
Current leave	–	871 324
Non-current leave	<u>734 984</u>	<u>1 658 398</u>

In 1999–2000, a new long service leave scheme became operative whereby a levy is made on the CJC to cover this expense and amounts paid to employees for long service leave are claimed from the scheme as a reimbursement. The balance of the provision for long service leave that existed at 30 June 1999 (\$968 138) has been adjusted against general equity.

**Note 13 Lease incentive**

During the 1999–2000 year, the CJC received a total of \$3 515 357 as an incentive to lease premises at Terrica Place, Brisbane CBD. This amount is treated as a liability (borrowing) and will be reduced by the application of part of the lease payments, which will accrue from 1 September 2000. (Refer to Statement of Significant Accounting Policies.)

The current liability amount of \$453 594 represents that portion of the lease incentive that will be reduced by lease payments in the 2000–2001 year plus an adjustment for the ‘rent free’ period from July to August 2000. The non-current amount (\$3 061 763) is the balance of the lease incentive which will be reduced over the remaining period of the lease.

**Note 14 Changes in equity**

Accumulated results from prior years	659 935	(475 885)
Adjustment due to elimination of opening balance of provisions for long service leave (refer note 12)	968 138	–
Adjustment to prior year operating results	17 494	–
Current year results from operations	<u>(348 238)</u>	<u>1 135 820</u>
Closing balance	<u>1 297 329</u>	<u>659 935</u>

**Note 15 Interest on loan from Treasury**

During the 1998–99 year, the CJC paid out a loan from Treasury. Payment of loan instalments is shown in the Cashflow Statement.

**Note 16 Money held in trust**

The CJC holds \$20 615 in trust for a number of people as a result of operational activities.

**Note 17 Losses and special payments***Losses – public monies*

The CJC was the victim of internal fraud during 1999–2000. It is alleged that a temporary employee who was recruited by an employment agency misappropriated \$56 498.30 of the CJC’s funds. Prompt action by the CJC resulted in the detection of the fraudulent activity and the laying of criminal charges against the accused. At the time of printing this report, the criminal charges were yet to be considered by the courts and the amount of any restitution payable to the CJC cannot be reliably estimated. Internal controls have been further strengthened to prevent a recurrence of this situation.

*Special payments*

There were no special payments registered during the 1999–2000 year.

## NOTES TO AND FORMING PART OF THE ACCOUNTS (continued)

	2000	1999
	\$	\$
<b>Note 18 Segment reporting</b>		
The CJC is primarily associated with the administration of criminal justice in Queensland.		
<b>Note 19 Capital commitments</b>		
As at 30 June 2000, the capital commitment relating to fit-out costs (leasehold improvements) for the Terrica Place relocation project was \$837 820 (refer note 11). This capital commitment will be met in the early part of 2000–2001. The amount of GST input tax credits receivable in respect of this capital commitment cannot be reliably estimated.		
<b>Note 20 Lease commitments</b>		
The CJC leases motor vehicles from the Q-Fleet business unit of the Department of Public Works. These operating leases vary according to the timing of the replacement of the vehicle.		
At balance date, the CJC had the following obligations under non-cancellable operating leases for computer equipment, exclusive of GST input credits (these obligations are not recognised as liabilities):		
Not later than one year	341 822	–
Later than one year and not later than five years	<u>284 852</u>	<u>–</u>
	<u>626 674</u>	<u>–</u>

Lease payments for vehicles and computer equipment are charged to the operating statement over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

**Note 21 Contingent assets/liabilities***Litigation in progress*

As at 30 June 2000, there were five cases before the courts. The CJC's legal advisers and management believe that it would be misleading to estimate the final costs and damages (if any) payable in respect of the litigation before the courts at this time. The CJC has also received notification of one other case that is not yet subject to court action but may result in subsequent litigation.

**Note 22 Services provided below fair value**

The Department of Communication and Information, Local Government and Planning provided storage for records at the State Archives of a value of \$17 320 free of charge.

**Note 23 Financial instruments**

*Cash:* Cash includes cash on hand and held in 'at call' bank accounts. The average rate of return on cash held in bank accounts is 4.11%.

*Investments:* A number of investments (commercial bills) were held in the last few months of the 1999–2000 year to ensure a higher interest rate on funds held. The average rate of return was 5.64% and the investment periods ranged from one to two months. At 30 June 2000, a commercial bill with a face value of \$1 000 273 and maturity date of 13 July 2000 was held. The CJC takes a conservative approach to the investment of funds for short periods, and its exposure to interest rate risk is considered to be minimal.

*Receivables:* Receivables are carried at actual amounts with credit advanced on 30-day terms. The credit risk has been assessed as 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 1999–2000 financial year, and paid after balance date.

*Net Fair Values:* The carrying amount for cash, receivables and creditors approximates fair values.

## CERTIFICATE OF THE CRIMINAL JUSTICE COMMISSION

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

- (a) the foregoing financial statements and notes to and forming part thereof are in agreement with the accounts and records of the Criminal Justice Commission;
- (b) in our opinion:
  - (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
  - (ii) the foregoing statements have been drawn up in accordance with the Financial Management Standard 1997 so as to present a true and fair view of the transactions of the Criminal Justice Commission for the year ended 30 June 2000, and of the financial position as at 30 June 2000.

31 August 2000

  
**BRENDAN BUTLER SC**  
 Chairperson

  
**GRAHAM BRIGHTON**  
 Executive Director

## AUDIT CERTIFICATE

### Scope

I have audited the general purpose financial statements of the Criminal Justice Commission prepared by the statutory body for the year ended 30 June 2000 in terms of section 46F of the *Financial Administration and Audit Act 1977*. The financial statements comprise the Operating Statement, Statement of Financial Position, Statement of Cash Flows, Notes to and forming part of the financial statements and certificates given by the Chairperson and person responsible for financial administration.

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

The audit has been conducted in accordance with *QAO Auditing Standards*, which incorporate the Australian Auditing Standards, to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures 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 which include Australian Accounting Standards so as to present a view that is consistent with my understanding of the entity's financial position and the results of its operations and its cash flows.

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

### Audit opinion

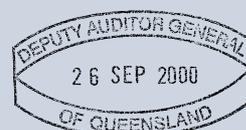
In accordance with section 46G of the *Financial Administration and Audit Act 1977*, I certify that I have received all the information and explanations I have required and, in my opinion:

- 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 1 July 1999 to 30 June 2000 and of the financial position as at the end of that year.



**V P Manera**

Deputy Auditor-General  
 (Delegate of the Auditor-General)



# INDEX

Aboriginal and Torres Strait Islander liaison	40	Consultants engaged by CJC	54	Information technology	59
Accountability	9	Commissioners for Police Service Reviews	41	Intelligence database	28, 34, 60
Administration	53	COP	11, 28	Intelligence support	33
Advisory columns	47	Corrective Services MDT	27, 30	Integrity testing	34
Analysis of sexual assault data	39	Corruption in Corrections	48	Internal audit	11
Awards and recognitions	63	Corruption Prevention Network	42	Internet and email misuse	19–20
Basil Stafford Centre	45, 66	Councillor Information Kit	43	Internet Pointer	19
Beenleigh Project	36	Covert and Sensitive Investigations Unit	11, 27	IRAS	28, 34, 60
Capsicum spray trial	18, 39	Covert police	39	JOCTF	66, 67
Case studies:		Crime prevention evaluation strategy	39	Justice and Legal Studies kit	47
Alleged inappropriate relationships	30	Criminal justice agency liaison	40	Legal counsel	58
Alleged political interference	31	Criminal Justice System Monitor	20, 35	LGAQ	14, 43
Alleged preferential treatment	32	Defendants Survey	17–18, 37	Liaison Officers	19
Alleged sexual harassment	31	Diversion of drug offenders	40	Liaison role	42
Cloncurry watchhouse fire	29	Divisions and major areas	7	Library	61
Failure to breathalyse	32	DOGIT	40	Listening device applications	9, 33
Gocorp investigation	31	EAC	11, 24, 25, 38	Local government	14, 43–45
Inappropriate appointment	31	EEO	55	Major Projects Unit	11, 28
Operation Aubrey	32	Enter and search premises	33	Making a complaint	2, 7–8
Operation Craven	15, 28	Enterprise bargaining	55	Marketing, witness protection	51
Operation Grotto	46	Ethical standards	11	Media and communications	57
Operation Jetski	28	Ethics surveys	15, 17–18, 36	Meetings of the Commission	10
Operation Mangrove	32	Executive Management Group	8	MDTs	27–32, 34
Operation Pilgrim	16, 46	External audit	54	Minister	9
Operation Spot II	29	False complaints	25	Misconduct definition	6
Operation Tuskar	29, 67	Finance	54	Misconduct Tribunals	32
Operation Vesta	31	Freedom of information	59	Monitoring the criminal justice system	39
Police officer's association with a criminal	29	Handcuffs	18, 38	Monitoring police powers	37
Q Health Investigations Unit	27	Handling complaints	13–14, 24–27	Monitoring the QPS	36
Rusty Ute affair	32	Harassment and Discrimination Audit	55	Monitoring watchhouses	38
Sexual assault leads to dismissal	32	Hearings	33	Motor vehicle fleet management	53
Two questionable appointments	30	Heery v. CJC	73	NCA	6, 66
Watchhouse injury	26	Human resources	54	Notices to furnish information	33
<i>CJC Insider</i>	57	ICAC	6	Notices to produce	33
CJC powers	33	Impact of IT on police	38	Official misconduct, definition	6
CJC v. Channel 7 and Others	73	Independent evaluations:		Operation Fantail	66
CJC v. Dick	73	Coad report	34	Operation Piper	16–17
Code of Conduct	11	Street Ryan report	34	Organisational chart	10, 62
Commission Consultative Committee	64	Informal resolution	27	Output structure	22
Commissioners	12	Information management	59	Overseas visitors	75
Committees	10	Information Standard	19, 20	Parliamentary Criminal Justice Commissioner	9, 60, 73
COMPASS	24–25, 59			PCJC	9
Complaints Fact Sheets	45				
Complaints statistics	27, 70				
Complex Investigations Unit	28				

PEAC	18, 38, 67	Project Resolve	13–14	Security	60
Pecuniary penalty orders	33	Project Shield	15, 27–28, 34	Security at court	50
Peer Support Program	64	Project Sunbeam	34	Sexual misconduct by Education Queensland employees	45
Performance management	54	Protocol on the disciplinary process	67	SIG	11, 27
PIDs	25–26	Publications	58, 76	Staffing	54, 55, 63
<i>Police and Drugs</i>	15–16	Public attitude survey	47	Stationery	53
<i>Police dogs</i>	18	Public interest disclosures	25–26	Strategic Plan	11
<i>Police for the Future</i>	38	Public Interest Monitor	9	Strip Searches Inquiry	37
Police misuse of information	16–17	Public Sector MDT	30	Summons to attend	33
Police Service Monitor	38	Receivals and Assessment Unit	25	Surveillance and Technical Unit	34
Police use of force	17–19	Records management	60	TARP	36
POPP	37	Recruitment and selection, QPS	38	Terrica Place	53
<i>Prevention Pays!</i>	47, 58, 76	Referrals to QPS	27	Threat assessments	50
Prevention Pointers	19, 43, 76	Referrals, witness protection	50	Training and advice	42
Prisoner numbers	20–21	Reporting structure	8	Watchhouses	28, 38
Prison industries review	45	Reports and reviews	45	Website	58
Proactive Assessment Unit	28	Research on official misconduct	48	Whistleblowing	25
Professional interest groups	64	Review and evaluation	26	Witness protection training programs	50
Procedural recommendations	32	Review, Evaluation and Monitoring Unit	11, 26	Workplace health and safety	57
Proceeds of crime	33	Risk management	11	Workshops	43
Program evaluation	11, 34	Royal Queensland Show	47	Year 2000	59
Project Alchemy	16				
Project Axis	40				
Project Indigo	34				



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