



Parliament of New South Wales

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1995

First Session

# REPORT

BY THE

COMMITTEE ON THE INDEPENDENT  
COMMISSION AGAINST CORRUPTION  
ON THE VISIT TO BRISBANE  
22–23 JUNE 1995

DATED OCTOBER 1995

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*Ordered to be printed 26 October 1995*

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**PARLIAMENT OF NEW SOUTH WALES**

**COMMITTEE ON THE ICAC**

**REPORT ON**

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**VISIT TO BRISBANE**

**22 - 23 JUNE 1995**

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**OCTOBER 1995**

***COMMITTEE ON THE ICAC***

***COMMITTEE MEMBERSHIP AND STAFF***

**MEMBERS**

Mr P R Nagle MP, Chairman  
Ms M T Andrews MP  
Ms K A Chikarovski MP  
Mr P G Lynch MP  
Dr P A C Macdonald MP  
Ms R P Meagher MP  
Mr J H Turner MP  
Mr J A Watkins MP  
The Hon D J Gay MLC  
The Hon I M Macdonald MLC, Vice-Chairman  
The Hon B H Vaughan MLC

**STAFF**

Ms R Miller, Clerk to the Committee  
Mr D Wright, Project Officer  
Ms F Gow, Assistant Committee Officer

**COMMITTEE FUNCTIONS**  
**INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988**

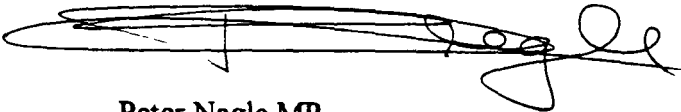
- 64 (1) The functions of the joint Committee are as follows:
- (a) to monitor and to review the exercise by the Commission of its functions;
  - (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or connected with the exercise of its functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed;
  - (c) to examine each annual and other report of the Commission and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report;
  - (d) to examine trends and changes in corrupt conduct, and practices and methods relating to corrupt conduct, and report to both Houses of Parliament any change which the Joint Committee thinks desirable to the functions, structures and procedures of the Commission;
  - (e) to inquire into any question in connection with its functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.
- (2) Nothing in this Part authorises the Joint Committee -
- (a) to investigate a matter relating to particular conduct; or
  - (b) to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint; or
  - (c) to reconsider the findings, recommendations, determinations or other decisions of the Commission in relation to a particular investigation or complaint."

## **CHAIRMAN'S FOREWORD**

The aim of this report is to provide an account of the Committee's visit to Brisbane to gather information on the operations of the Queensland Criminal Justice Commission (CJC) in June 1995.

The Committee received substantial, informative briefings from the CJC on its functions and operations. I would like to offer thanks to the acting Chairperson of the Commission, Mr Lewis Wyvill QC, and Commissioners Mr Barrie Ffrench and Professor Ross Homel for meeting informally with the Committee. The Committee also extends its gratitude to Mr Graham Brighton, the Executive Director of the CJC for organising the briefing and other senior Commission officers including Mr David Bevan, Detective Inspector George Moczynski, Dr David Brereton, Mr Paul Roger and Mr Robert Hailstone.

The Committee also met with representatives from the Bar Association; the Queensland Police Union; Chief Justice Macrossan of the Queensland Supreme Court; Deputy Commissioner Bill Aldrich; and the Chairman, Mr Ken Davies MLA and members, Mr Darryl Briskey MLA, Mr Tom Barton MLA and Dr David Watson MLA, of the Queensland Parliamentary Criminal Justice Committee. All these meetings provided the Committee with valuable information.



**Peter Nagle MP**  
**Chairman**

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## **1. PURPOSE OF THE VISIT**

- 1.1 With the appointment of the Committee after the March 1995 election, there was a need to brief new members of the Committee on the operations of the Independent Commission Against Corruption (ICAC). As the ICAC is a body that has few comparable bodies in other jurisdictions, the Committee thought it worthwhile to travel to Brisbane to visit the Queensland Criminal Justice Commission (CJC). This is an independent government body which is relatively similar to the ICAC. However it is important to note that there are many fundamental differences between the two bodies which will be discussed in the body of this report.
- 1.2 The previous Committee on the ICAC visited the Criminal Justice Commission in November 1992. This Committee, therefore, thought it important not only to obtain general information on the CJC's operations, but also information on developments and changes to those operations since 1992. It should be noted that all members of the Committee were not able to attend the visit.
- 1.3 The Committee's visit fell, like in 1992, in a period of transition for the CJC. The second full-time Chairperson of the Commission, Mr Robin O'Reagan QC, had just completed his two year term with the Commission. The nominated successor to Mr O'Reagan, Mr Frank Clair QC, had not commenced his term and would not do so until December of this year. The acting Chairperson of the CJC until then was Mr Lewis Wyvill. The Committee was able to meet informally and formally with Mr Wyvill QC, and is thankful to him for giving his valuable time so freely. At the informal meeting with the Committee, two of the part-time CJC Commissioners, Mr Barrie Ffrench and Professor Ross Homel were also able to attend.
- 1.4 Formal briefings on 22 June were received from the Chairperson and the Directors of each of the separate divisions of the CJC. Specifically, the Committee was briefed by Mr Graham Brighton, Executive Director; Mr David Bevan, Deputy Director Official Misconduct Division; Detective Inspector George Moczynski, Witness Protection Division; Dr David Brereton, Director Research and Co-ordination Division; Mr Paul Roger, Director Intelligence Division; and Mr Robert Hailstone, Director Corruption Prevention Division.

## 2. CRIMINAL JUSTICE COMMISSION

### 2.1 General Overview

The establishment of a Criminal Justice Commission in Queensland was one of the major recommendations of the Commission of Inquiry chaired by Mr G E Fitzgerald QC. Mr Fitzgerald in his report stated that:

*“the administration of criminal justice should be independent of Executive controls. It is an apolitical public function. Such administration must be accountable for its activities and should be open to public review and accountable to the Parliament.”*  
(p 307).

- 2.2 After revealing serious corruption in the Queensland Police Force, Mr Fitzgerald recommended that a body should be established with the aim of acting as a mechanism of external overview and critical assessment for the Police Force. That body is the Criminal Justice Commission.
- 2.3 The Commission is permanently charged with monitoring, reviewing, co-ordinating and initiating reform of the administration of criminal justice. The CJC also has the function of discharging those criminal justice functions not appropriately or effectively carried out by the Queensland Police Service or other agencies.
- 2.4 The *Criminal Justice Act 1989-1994* establishes the Commission in a structure consistent with the recommendations of the Fitzgerald Report. A structure headed by a full-time Chairperson and four part-time Commissioners. An executive director is appointed to co-ordinate the activities of each of the Divisions of the Commission, which are headed by a Director. Section 19(1) of the *Criminal Justice Act* provides for the following Divisions within the Commission:
- Official Misconduct Division;
  - Misconduct Tribunals;
  - Witness Protection Division;
  - Research and Co-ordination Division; and
  - Intelligence Division.

The Act also allows the Commission to establish new organisational units or terminate existing units. The following additional Divisions of the CJC have been formalised since its inception:

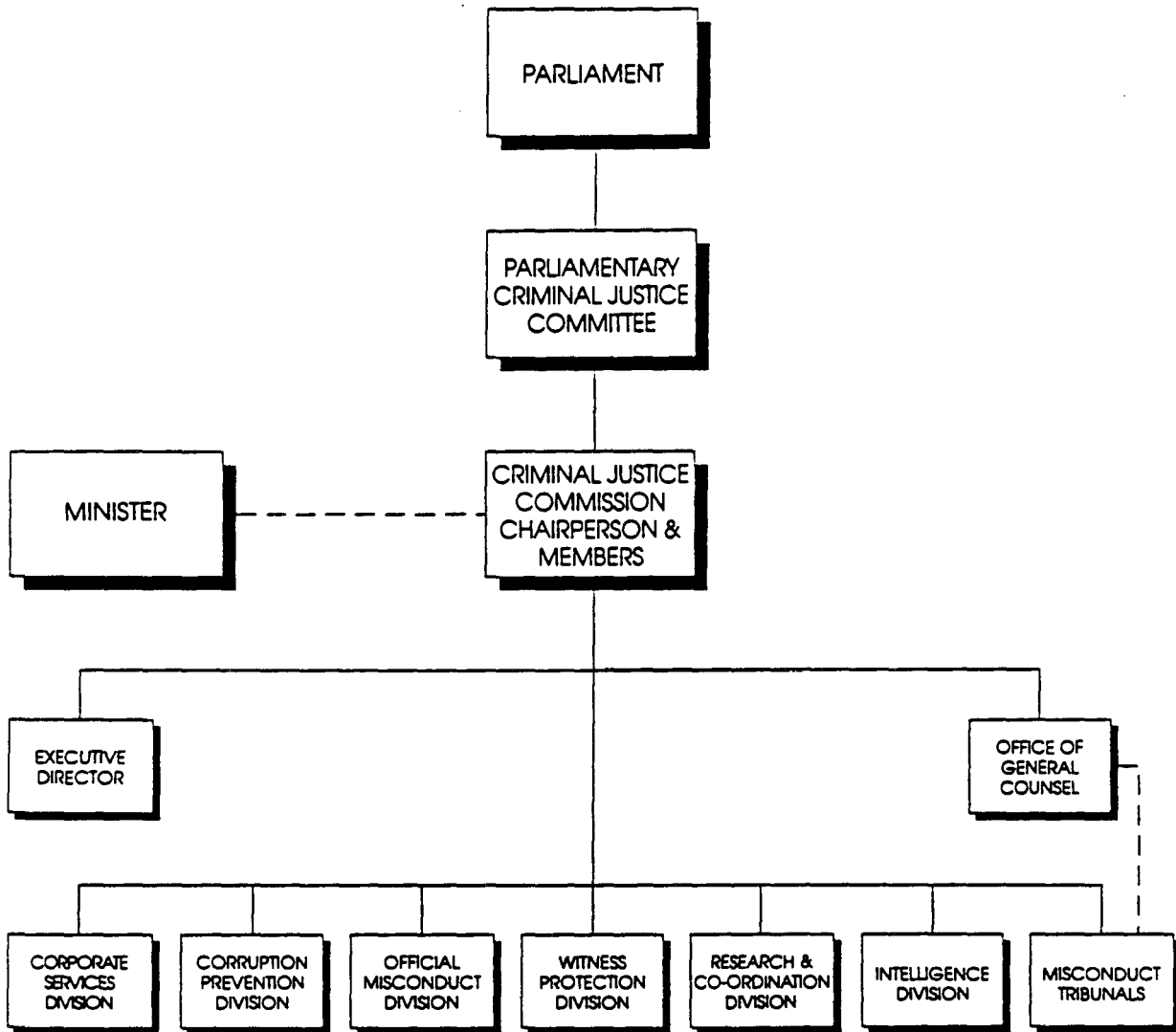
- Office of General Counsel;



- Corporate Services Division;
- Corruption Prevention Division.

The reporting and organisational structure of the CJC appears on the following page.

# REPORTING STRUCTURE AND ORGANISATION OF THE CJC



2.5 The CJC kindly arranged for the Committee to receive briefings from each of the divisional Directors or their representatives. A substantial briefing was also received from the Acting Chairperson, Mr Wyvill QC, outlining in general terms the operations and major events in the recent history of the Commission.

**2.5.1 Mr Lewis Wyvill QC, Chairperson  
Mr Graham Brighton, Executive Director**

Firstly, Mr Wyvill and Mr Brighton gave a brief overview of the CJC. The Commission commenced operations in April 1990 as an independent body continuing the work in a number of areas of the Fitzgerald Royal Commission. The CJC is ultimately accountable to the Parliament, with Ministerial oversight limited to budgetary aspects. The Commission's budget is \$21 million which employs approximately 250 people. A great percentage of this budget is absorbed by the Official Misconduct Division.

The part-time Commissioners appointed to the CJC have an important role to play. This is an active role with each of the four Commissioners overseeing and working with a particular Division of the Commission, according to their expertise.

The principal method of Parliamentary accountability for the CJC is through a Standing Parliamentary Committee. Monthly meetings are held between the CJC and the Parliamentary Committee. Substantial briefing papers are prepared by the Commission for the Committee which cover most aspects of its operations. An open dialogue is possible between the two bodies on sensitive matters because of confidentiality provisions in the *Criminal Justice Act*. A copy of this monthly briefing is sent shortly after the meeting to the Attorney-General and the Leader of the Opposition. Three days after this, an edited copy is provided to the media.

The Commission's Corporate Plan and Code of Conduct were provided to the Committee and are reproduced in full in the following pages.

**CRIMINAL JUSTICE COMMISSION**

**CORPORATE PLAN**  
**1994 — 1997**

• • •

DECEMBER 1994

## FOREWORD

The Criminal Justice Commission is an independent body which acts under the authority of the *Criminal Justice Act 1989*. It is accountable to the people of Queensland through the Parliamentary Criminal Justice Committee, to which it reports regularly.

The Commission is required to:

- investigate allegations of misconduct by public sector employees and, where appropriate, recommend criminal or disciplinary action and/or administrative or procedural reform
- combat organised and major crime in cooperation with other law enforcement agencies in Queensland and elsewhere
- monitor and review Queensland's criminal justice system and, where appropriate, recommend reforms of laws, practices and procedures
- advise managers about strategies to prevent and detect incidents of official misconduct in units of public administration.

We inform the public of our activities through a variety of publications, the media and speaking engagements. In support of our prevention role, we hold training workshops, deliver lectures and assist in developing education packages for students and community groups.

This, our fourth corporate plan, presents a revised structure that reflects our current activities under four programs:

- Investigations
- Police Service Reform and Criminal Justice Research Reform
- Prevention
- Corporate Management and Accountability.

This new structure should make it easier for us to report in future on our work. We trust that this will, in turn, assist the people of Queensland to assess our performance.

**Robin O'Regan QC**  
Chairperson

# MISSION STATEMENT

## MISSION

To promote justice and integrity in Queensland

## GOALS

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

## OUR VALUES

Justice

Integrity

Accountability

## OPERATING PRINCIPLES

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

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# GOAL

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

## SUB-PROGRAM

• • •

Public Administration  
Integrity

# PROGRAM ONE

## STRATEGIES

• • •

## OBJECTIVE

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To ensure that public sector misconduct is effectively investigated and that appropriate action is taken against those engaged in such activities.

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

# INVESTIGATIONS

## STRATEGIES

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## OBJECTIVE

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### SUB-PROGRAM

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#### Organised and Major Crime

To ensure that organised and major crime are effectively investigated and that appropriate action is taken against those engaged in such activities.

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

# GOAL

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

## SUB-PROGRAM

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Police Service Reform and Monitoring

# PROGRAM TWO

## STRATEGIES

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## OBJECTIVE

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To promote the development of an effective and accountable Police Service that is responsive to the needs of the community.

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

# POLICE SERVICE REFORM AND CRIMINAL JUSTICE RESEARCH REFORM

## STRATEGIES

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### OBJECTIVE

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### SUB-PROGRAM

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#### Criminal Justice Research and Reform

To undertake research into aspects of criminal law and criminal justice administration with a view to identifying and recommending appropriate reforms.

- Research, and provide advice and make recommendations on:
  - law reform pertinent to criminal justice;
  - reform of processes of enforcement of the criminal law.
- Consult and liaise with agencies and others to coordinate activities, develop compatible systems and foster co-operation.
- Monitor and analyse trends in criminal activity and make recommendations to reduce the incidence of crime.
- Disseminate advice and information to relevant agencies and to the public on issues related to the administration of criminal justice.
- Participate in reviews of laws, practices and procedures.

## GOAL

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

### SUB-PROGRAM

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#### Public Sector Misconduct Prevention

## PROGRAM THREE

### STRATEGIES

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#### OBJECTIVE

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To develop and promote proactive strategies for units of public administration, organisations and other agencies which aim at detecting, and reducing the incidence of, and opportunity and motivation for, public sector misconduct.

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

# PREVENTION

## STRATEGIES

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### OBJECTIVE

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### SUB-PROGRAM

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#### Organised and Major Crime Prevention

To develop and maintain measures which will assist in preventing the emergence and growth of organised and major crime.

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

# GOAL

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

## SUB-PROGRAM

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Corporate Management

# PROGRAM FOUR

## STRATEGIES

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## OBJECTIVE

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To provide best corporate management practices.

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



# CORPORATE MANAGEMENT AND ACCOUNTABILITY

## STRATEGIES

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## OBJECTIVE

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To satisfy the accountability obligations of the Commission.

## SUB-PROGRAM

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Accountability

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

# CRIMINAL JUSTICE COMMISSION

## CODE OF CONDUCT

### Introduction

The Criminal Justice Commission is a unique organisation which possesses a wide range of functions and responsibilities. It has been invested with special powers to ensure the integrity of public administration and to promote a fair and effective criminal justice system in Queensland.

Given the Commission's role, the community is entitled to expect the staff of the Commission to adhere to high standards of ethical conduct in the course of carrying out their duties.

Accordingly, this Code of Conduct has been established. Its purpose is to inform the officers of the Commission of the principles which they are to uphold and the standard of conduct expected of them.

It is the responsibility of every officer of the Commission to familiarise himself or herself with this Code and observe its provisions.

The Code is to be read in conjunction with the Act, other relevant legislation, and the policies of the Commission.

In the case of conflict between legislative requirements and administrative policy or procedures of the Commission (including this Code of Conduct), the legislation will always be paramount.

### Definitions

In this Code of Conduct unless the context otherwise permits or requires:

- |                     |  |
|---------------------|--|
| "the Act"           | means the Criminal Justice Act 1989 and includes Regulations, Proclamations and Orders in Council made pursuant thereto; |
| "the Commission"    | means the Criminal Justice Commission;   |
| "the Commissioners" | means the members of the Commission including the Chairman as defined by the Act;  |

- "the Executive Director" means the Executive Director of the Commission;
- "misconduct" means conduct that is improper, disgraceful or unbecoming, or which tends to adversely affect the Commission's reputation, or shows unfitness to continue as an officer of the Commission, or that is in contravention of the standard of conduct imposed by this Code, and includes "official misconduct" as defined by the Act;
- "officer of the Commission" means a person who is employed by the Commission under section 2.53 of the Act or a person whose services are utilised by the Commission under section 2.54 of the Act [i.e. a person who is seconded to the Commission or whose services are otherwise used by the Commission (which term includes a police officer)], and the terms "officer" and "officers of the Commission" have analogous meanings;
- Following amendments to the Criminal Justice Act, assented to on 10 December 1993, and application of the Reprints Act 1992, sections 2.53 and 2.54 have been renumbered and are now numbered section 64 and 65 respectively.

#### **A. ETHICAL PRINCIPLES**

Every officer of the Commission must:

- (a) uphold the laws of the State and of the Commonwealth;
- (b) act with respect for the system of government;
- (c) treat all persons in whatever capacity honestly and fairly and with proper regard for their rights and obligations;
- (d) act responsibly in the performance of his or her functions;
- (e) seek to maintain and enhance public confidence in the integrity of the Commission;
- (f) refrain from engaging in behaviour which adversely affects or tends

to adversely affect the Commission's reputation;

- (g) act with integrity and properly use, or allow to be used, his or her power or authority or his or her position as an officer of the Commission;
- (h) ensure that any conflict that may arise between his or her personal interests and his or her function as an officer of the Commission is resolved in favour of the public interest;
- (i) exercise proper diligence, care and attention, and seek to achieve the highest standards practicable;
- (j) avoid waste, abuse and extravagance in the provision or use of the Commission's resources;
- (k) report fraud and corruption of which he or she becomes aware to the Chairman or the Executive Director.

## **B. CONDUCT**

### **1. *Personal Behaviour***

In relation to his or her personal and professional conduct, every officer must:

- (a) ensure that consumption of alcohol has no adverse effect on his or her work performance or behaviour;
- (b) abstain from consuming illegal drugs;
- (c) adopt a standard of dress commensurate with the duties of his or her position.

### **2. *Performance of duties***

On all occasions in the performance of his or her duties an officer of the Commission is obliged to:

- (a) obey any lawful direction of an officer who is empowered to give such direction;

- (b) carry out the obligations of his or her position in accordance with the Act and the policies and procedures of the Commission without regard to religious beliefs, political persuasion or other extraneous values;
- (c) comply with the Act, other relevant legislation and relevant Commission policy and procedure;
- (d) co-operate with and assist other officers of the Commission in the performance of their duties when reasonably necessary to do so;
- (e) refrain from distracting an officer of the Commission from carrying out his or her duties and from interfering with an officer carrying out his or her duties;
- (f) know and keep abreast with changes in the Act and the Commission's policies and procedures relevant to the discharge of his or her duties;
- (g) comply with the security procedures of the Commission.

### 3. *Public Comment*

It is essential for the protection of the integrity of the Commission that every officer of the Commission:

- (a) make official comment on matters relating to the Commission only when authorised by the Chairman to do so;
- (b) avoid airing in public personal views which adversely affect, or may adversely affect, the Commission's reputation or the exercise of its functions and responsibilities.

### 4. *Conflict of Interests*

In view of the Commission's role, every officer of the Commission must:

- (a) disclose in writing to the Director of his or her Division any, direct or indirect, personal interest in or association with any person, association, corporation, or activity involved in or related to a matter which he or she encounters in the course of carrying out his or her duties;
- (b) seek approval from his or her supervisor if he or she wishes to use

any of the Commission's equipment for private purposes;

- (c) refuse to accept any offer of money, and should never solicit money, a gift or benefit, or travel or hospitality, in any way related to carrying out his or her functions;
- (d) take all reasonable steps to ensure that his or her spouse, dependent children and other members of his or her family, and close personal associates refuse to accept any offer of money, and never solicit money, a gift or benefit, or travel or hospitality, in any way related to the carrying out the officer's functions;
- (e) ensure that approved outside employment or business activity in no way interferes or conflicts with his or her duties and obligations as an officer of the Commission.

5. *Accountability*

Given the nature of the Commission's functions and responsibilities, an officer of the Commission must:

- (a) notify the Executive Director of any complaint made to him or her against another officer of the Commission by any person either inside or outside the Commission;
- (b) report to the Executive Director any instance that he or she suspects involves or may involve misconduct of an officer of the Commission.

### **2.5.2 Mr David Bevan, Deputy Director, Official Misconduct Division**

Mr Bevan provided the Committee with a clear and concise overview of the Official Misconduct Division. Within this Division are the Complaints Section and Multi-disciplinary teams. Complaints made to the CJC are initially received and processed by an assessment unit. All complaints received are reviewed on a daily basis by an assessment Committee constituted by representatives of the Commission's senior management. Complaints that are outside the CJC's jurisdiction are eliminated and those remaining are then assigned to a specialist team to be assessed as to whether the complaint should receive full investigation or not.

If an assessment is made that an investigation of the complaint is required then this task is taken on by one of the two Complaints teams, which is headed by a senior officer of the Division. Complex matters requiring investigation are referred to one of the three multi-disciplinary teams. Two of these teams are headed by a lawyer and one by a police officer.

A great majority of the work undertaken by the Division relates to the Police Service. Matters of suspected minor police misconduct or possible breaches of discipline (eg. late for duty) are referred back to the Police Service for investigation. Once investigated by the Police Service, the matters are returned to the Complaints Section Review Unit, where a review is made to ensure that an appropriate investigation has been conducted and that any recommendations made are warranted in the circumstances.

The Complaints section has a heavy workload with 4,000 complaints received each year. Of these 4,000 complaints, 2,500 are received from the public and public service, while the remaining 1,500 are referrals from the Police Service. Principal officers of the public service are bound by the *Criminal Justice Act* to report official misconduct to the Commission. The Commissioner of the Police Service is also under a duty to report all misconduct to the CJC.

The Committee was also informed of the informal resolution program developed by the CJC to resolve allegations of minor misconduct against Police officers. This program brings the complainant and the police officer together to discuss and hopefully resolve their differences on a personal level. Presently, the Research Division is reviewing the informal resolution program.

### **2.5.3 Detective Inspector George Moczynski, Witness Protection Division**

Mr Moczynski informed the Committee that prior to the Fitzgerald Inquiry, protection for witnesses was not available in Queensland. The witness protection program came into force in November 1989 and is a separate division of the Commission. The Director of the division is Assistant Commissioner John McDonnell.

The division is staffed by 21 police officers, who are appointed to the division after rigorous selection. The Chairperson of the Commission has the sole responsibility for determining who is admitted to the witness protection program. However, the Chairperson receives advice from the CJC's Witness Protection Committee which is constituted by Detective Inspector George Moczynski, Assistant Commissioner John McDonnell, Graham Brighton, Executive Director and Mark Le Grand, Director Official Misconduct Division.

Mr Moczynski informed the Committee that the Witness Program is costly with 8% of the CJC's budget absorbed by the Division. This high cost is because of the great complexity involved in protecting witnesses and more so if relocation of the witness is required.

### **2.5.4 Dr David Brereton, Research and Co-ordination Division**

Dr Brereton explained to the Committee the CJC's specific function of conducting research into the criminal justice system. Under the *Criminal Justice Act*, the Commission has the responsibility for research, generating and reporting on proposals for reform of the criminal justice 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.

Dr Brereton told the Committee that the Division's first five years of work had mostly arisen out of the recommendations of the Fitzgerald Report. In that report, Mr Fitzgerald had recommended that many areas of the criminal law be reviewed, including those relating to prostitution, sp bookmaking, illegal drugs and illegal gambling.

Recent projects undertaken by the Division include a review of the current Queensland Police Service complaints and disciplinary system and surveying of police officers on ethical issues. The Division works in a co-operative manner with other government departments and with universities.



### 2.5.5 Mr Paul Roger, Intelligence Division

Mr Roger firstly outlined to the Committee the role and functions of the Intelligence Division. The Act defines the role of the Division "*as a professional and specialist criminal intelligence service as the hub about which an integrated approach to major crime, in particular:*

- (a) *organised crime; and*
  - (b) *criminal activity transcending the normal boundaries of criminal activity that is the subject of local police action;*
- may be structured."*

The main functions of the Division are:

- to build and maintain a data base of intelligence information concerning criminal activities;
- to assume possession and control of all data and records of the Fitzgerald Inquiry;
- to oversee the criminal intelligence work of the Police Service; and
- to report to the Minister on intelligence matters with the Commission's approval.

Mr Roger provided to the Committee a schematic diagram of Division's structure which appears on the following page.

**Intelligence Division**

**Director**

**Executive Secretary**

**Intelligence Teams**

**Data Management**

Principal Analyst  
Analyst Quality Control  
Systems Admin  
2 x Info Retrieval Offrs  
3 x Registry Offrs  
2 x Data Entry Offrs

**Intel 1**

Principal Analyst  
3 x Analysts  
Support Officer

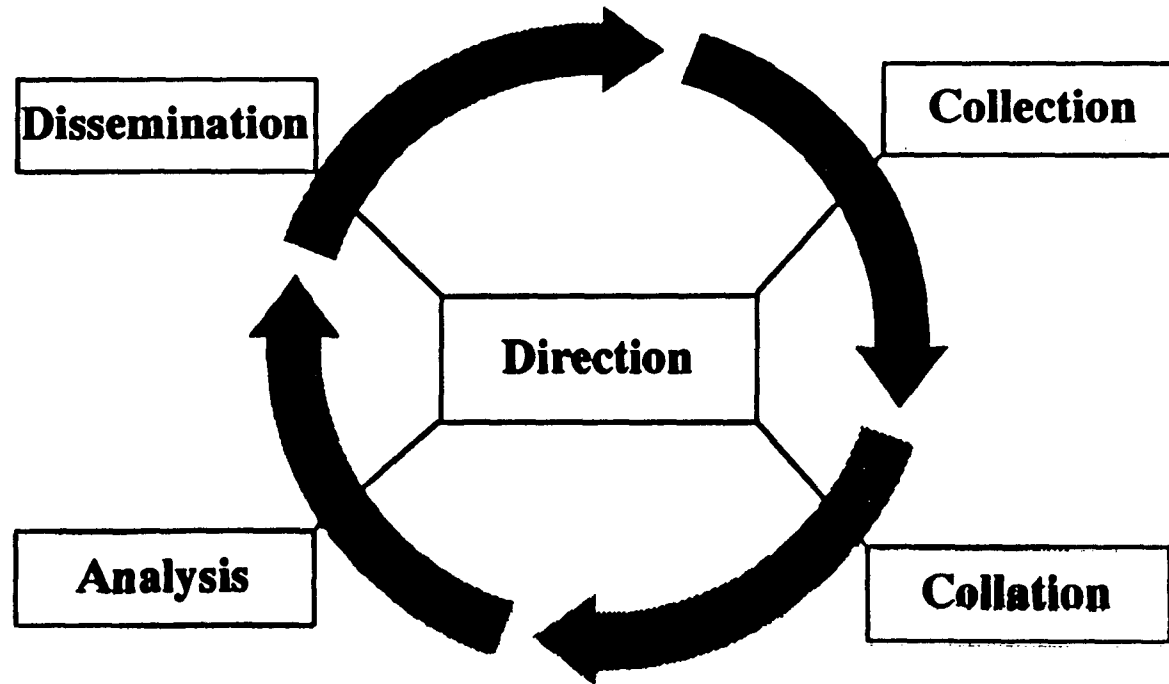
**Intel 2**

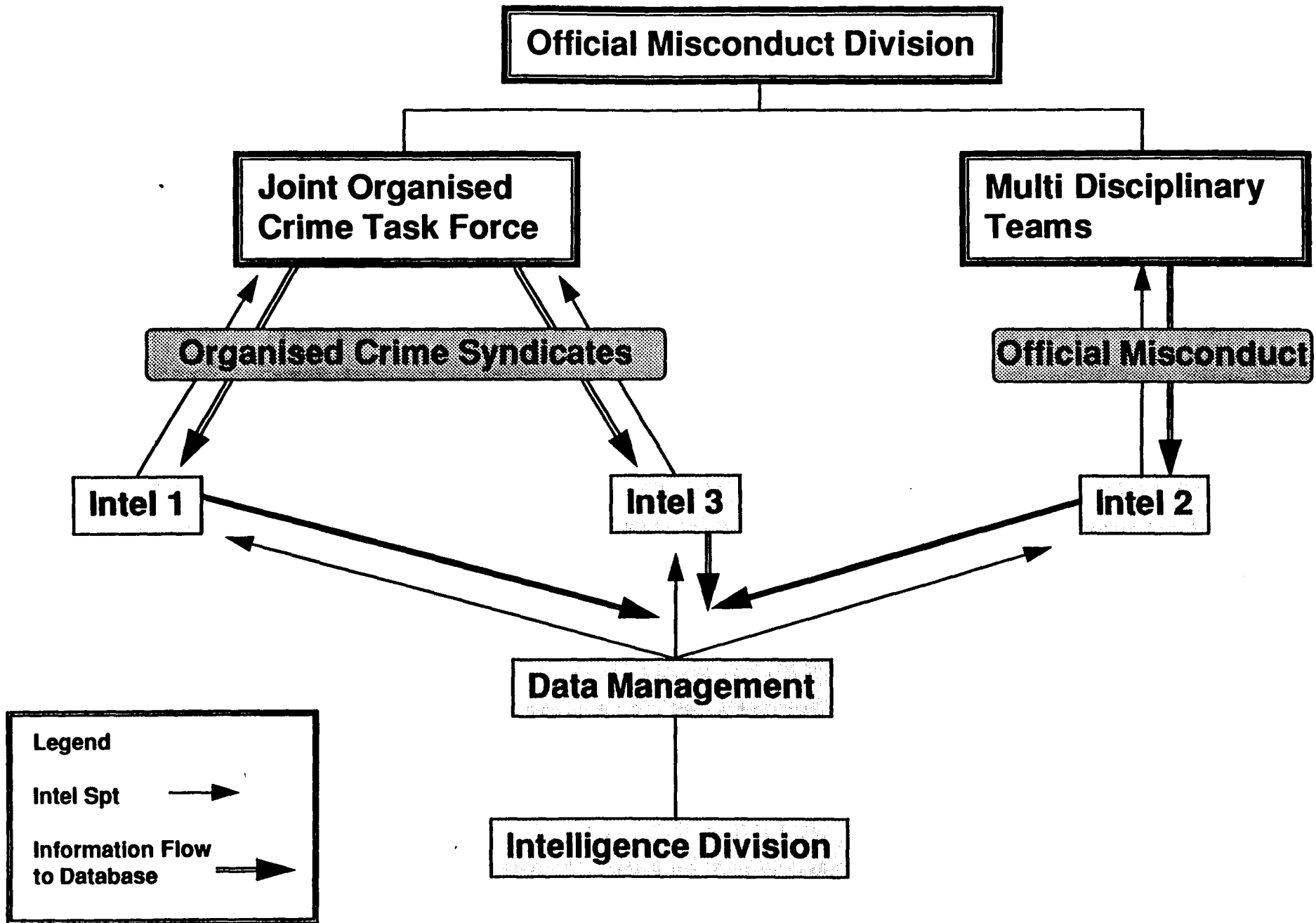
Principal Analyst  
3 x Analysts  
Support Officer

**Intel 3**

Principal Analyst  
3 x Analysts  
Support Officer

# The Intelligence Cycle





### **2.5.6 Mr Robert Hailstone, Corruption Prevention Division**

Mr Hailstone outlined to the Committee the origins of the Division. This division of the Commission was not originally created by the Act. After the CJC had been operating for sometime, it became apparent that to deal properly with corruption, investigation alone was insufficient. The Commission had the power to create new Divisions if needed, so the Corruption Prevention Division came into being.

The Division has four main programs and absorbs 2% of the CJC's budget. The programs run by the Corruption Prevention Division are:

- *Public Section Liaison*

The Director and staff of the Division meet with government agencies to discuss corruption prevention cases.

- *Management Systems Review*

Recommendations made by the Official Misconduct Division are developed in consultation with the Chief Executive. Part-time consultants with substantial experience in specific areas assist with this work.

- *Education and Training*

In this area the Division aims to provide a de-motivating force to counter the impetus to engage in corrupt activity. To achieve this end a practical rather than a theoretical approach is taken.

- *Whistleblower Protection*

This program was established because of a concern that there was no or little support for complainants. The CJC, therefore, appointed a full-time counsellor for complainants.

Following is material provided to the Committee by Mr Hailstone.

# CRIMINAL JUSTICE COMMISSION

## CORRUPTION PREVENTION DIVISION

# **CRIMINAL JUSTICE COMMISSION**

## **CORRUPTION PREVENTION DIVISION**

### **THE LEGAL CONTEXT**

The principal function of the Criminal Justice Commission (CJC) in relation to corruption prevention is contained in Section 2.29(3)(e) of the Criminal Justice Act (CJ Act).

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

### **CORRUPTION PREVENTION PRINCIPLES**

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

#### **1. PREVENTION IS BETTER THAN CURE**

There is no one cure but there is four part process in seeking to control it -

- the identification and description of the corrupt practises
- an analysis of the systems that allowed the corruption to flourish
- providing a range of consultancy services that assists agencies develop and implement more effective management systems to control and prevent official misconduct
- prevention through education and training programs which motivate people and reduce the potential for corruption to take place.

#### **2. CORRUPTION PREVENTION IS A MANAGERIAL FUNCTION**

- Administrative and managerial failures are exploited by those with a corrupt intent and while corruption flourishes in an atmosphere of ignorance and management neglect, it is not the Commission's role to manage on behalf of public sector administrators.
- The Corruption Prevention Divisions function is to act as a consultant and resource for public sector administrators

### 3. ACCOUNTABILITY MAKES FOR COMMITTED MANAGEMENT

- Public sector managers are held responsible for the activity of staff under their supervision. The Corruption Prevention Division assists managers to develop corruption strategies and establish effective reporting mechanisms.
- The Corruption Prevention Division assists managers develop accountable systems and makes recommendations on preventive systems that take into account -
  - identifying high risk areas and personnel
  - the legal and ethical obligations under the provisions of the CJ Act
  - best practice preventive strategies.
- The Corruption Prevention Division assist managers develop an accountable management system by assisting them to carry out corruption risk assessments.

### 4. AWARENESS AND STRATEGIC PROCESS TRAINING IS AN INDISPENSABLE PART OF CORRUPTION PREVENTION

#### AWARENESS PRINCIPLES

The Corruption Prevention Division contributes to the education and training of staff in enforcement agencies, units of public administration, companies and institutions, auditors and other persons concerned with the detection and prevention of official misconduct. The education and training strategy is based on two principles.

#### 1. Knowledge Empowers

Public sector organisations that come under the jurisdiction of the Commission are assisted by the Corruption Prevention Division to become aware of general and agency specific corruption prevention issues, effective reporting mechanisms and how and what to report to the Commission.

#### 2. Permanent Organisational Cultural Change

The Corruption Prevention Division assists managers develop effective and continuous improvement in corruption prevention through advice and training on methods to facilitate changes in the culture of public sector agencies and through encouraging an attitudinal shift in public sector employees. This is achieved by providing consultations, workshops and seminars and contributing to staff training initiatives.



# THE CORRUPTION PREVENTION DIVISION PROGRAMS

The Corruption Prevention Division has five sub programs -

## 1. HIGH LEVEL LIAISON

- Working with other principal officers and their boards of management to identify management system weaknesses and encouraging the development of administrative procedures designed to minimise the opportunity for corruption.
- Encouraging chief executives to establish effective whistleblowing mechanisms and encouraging them to seek advice about situations susceptible to exploitation.

## 2. MANAGEMENT SYSTEMS REVIEWS

- Providing a consultancy service that works in association with agencies to carry out management systems reviews of areas that have been identified as carrying a high risk for corruption to take place.

## 3. EDUCATION AND TRAINING

- Coordinating seminars and workshops that focus on corruption prevention strategies, accountability and ethics training to assist those in managerial and supervisory positions.
- Provide lectures to schools, TAFE Colleges and Universities on the role and function of the Commission and on specific corruption prevention issues.

## 4. ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES LIAISON

- The Division provides a constant liaison function that allows for a two way free flow of information between ATSI Communities and the Commission.
- Minority groups and those people who are not fluent in English have special needs. From time to time special programs focus on these groups.

## **5. THE WHISTLEBLOWER SUPPORT PROGRAM**

- Persons who provide information to assist the Commission sometimes find themselves disadvantaged as a result. This program offers a counselling and referral service whereby whistleblowers are able to seek confidential advice and professional support to assist them during times of crisis.

## **CORRUPTION PREVENTION DIVISION ACHIEVEMENTS**

### **1. CORRUPTION PREVENTION MANUAL**

Published 1993. 1200 copies have been purchased by every Police Service, Treasury, Auditor General's Office and Premier's Departments in every state, to seven universities and most of the large accountancy firms in Australia and to five countries internationally.

### **2. MANAGEMENT SYSTEMS REVIEWS**

The Division acts in a proactive consultancy role, and is invited by agencies to conduct management systems reviews which analyse the effectiveness of the management controls which are in place and to identify system weaknesses and loop holes that could be exploited by people with a criminal intent.

Achievements -

- 13 management systems reviews conducted - Feedback indicates greater than 85% client satisfaction.
- Systems reviews conducted at 50-60% less than of the cost of similar reviews by private sector organisations.
- Guidelines on the Corruption Risks in Tendering and Purchasing.

Review recommendations have led to -

- The introduction of financial policy and procedures controls in a major educational institution.
- Greater security measures to counter theft in drug clinics.
- The elimination of false invoicing, dubious rostering and call-out procedures and weak security procedures at a council depot.
- Greater security procedures for irreplaceable legal exhibits, files and documents.
- Fair and efficient tendering systems where previously there had been collusion with suppliers and corrupt payments.

### **3. PUBLIC SECTOR LIAISON**

CFOs and Boards of Management of Public Sector agencies have welcomed the opportunity to meet on a regular basis with the Corruption Prevention Division to be

briefed and updated on the current status of complaints and allegations, to be provided with an analysis of the matters reported to the CJC relating to their agency, and assisted to develop a corruption prevention strategy that meets their specific needs.

Achievements -

- 50 Agencies regularly assisted - client feedback indicates 75-100% satisfaction rate.
- A booklet on constructing a Corruption Prevention Strategy.
- Regular lectures in the faculties of Master of Business Administration, Criminal Justice Studies, Public Sector Administration, International Business, Accountancy, Applied Ethics, Quality Management.
- 90 hours of ethics workshops provided for middle and senior managers.
- 32 Corruption Prevention Seminars for middle and senior managers.
- 18 conference papers presented at state and national conferences conducted by professional associations.

#### **4. WHISTLEBLOWER ADVICE AND SUPPORT PROGRAM**

The CJC recognises the importance of whistleblowers and the stress that some people experience because they have reported suspected corrupt behaviour. An experienced psychologist was appointed to the Division in 1994 to offer advice, support and referral for people who have made a complaint to the Commission and are experiencing harassment or added stress as a result.

Achievements -

- 57 whistleblowers assisted.
- 2 publications produced to assist whistleblowers.
- 3 conference papers on whistleblowers support.
- Workshop on Managing the Impact of Investigations in the Workplace.

#### **5. ABORIGINAL AND TORRES STRAIT ISLAND LIAISON PROGRAM**

The Division appointed an Aboriginal and Torres Strait Islander Liaison in 1993

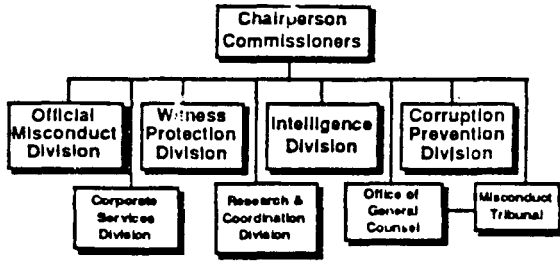
Achievements -

- 94 ATSI groups and community councils contacted.

- 3 field trips to remote communities to explain the work of the CJC and to assist them to report suspected corrupt activities.
- An ATSI/CJC Advisory Committee established.
- An easy to read brochure for ATSI people.
- An issues paper which explained in simple terms the results of CJC investigations into ATSI Councils in 1994.
- Advised in the CJC Police Powers Report.

Regular lectures at Universities and TAFE colleges on ATSI Criminal Justice issues.

# Criminal Justice Commission



# The Criminal Justice Act

- Offer advice and assistance through liaison, management reviews, training and education to units of public administration, professional organisations, educational institutions, auditors and other persons concerned with the detection and prevention of official misconduct. {S29 (3) (e)}

"Proactive fraud prevention makes eminently more sense than reactive approaches relying on investigation, detection and the recovery of funds.

By actively trying to identify fraud problems, agencies can not only uncover a higher proportion of existing fraud cases but also locate and correct problems in program design and implementation which facilitates fraud in the first place".

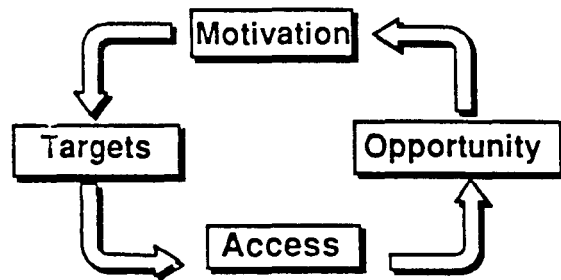
*US National Institute of Justice Report*

# Corruption Prevention Program

## The CJC Corruption Prevention Program

- Is a four pronged approach
  - Management advice and liaison
  - Management systems reviews
  - Education and training
  - Whistleblowers support and counselling
- Flows on from the receiving, assessing, and investigating of allegations of corrupt behaviour by the Official Misconduct Division
- Provides a pro-active model to complement the policing approach of OMD

## A Corruption Equation



## A Corruption Equation Based Approach to Prevention

### ○ Motivation

- > Based on the CJC data base determine the major motivators for corrupt behaviour
- > Develop demotivating programs involving senior management advice, ethics training, system reviews

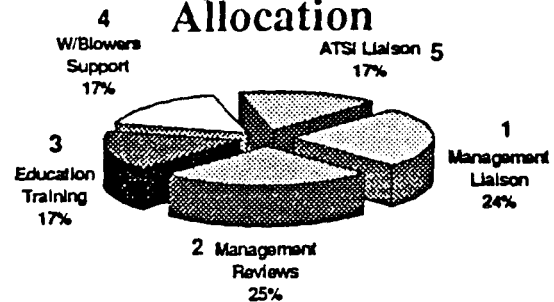
### □ Targets

- > Assist agencies carry out risk assessments to determine high risk target

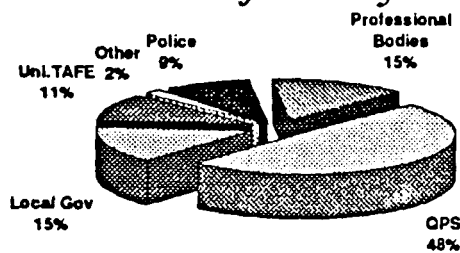
### □ Access & Opportunity

- > Provide cost free management systems reviews to evaluate controls and recommend systemic changes

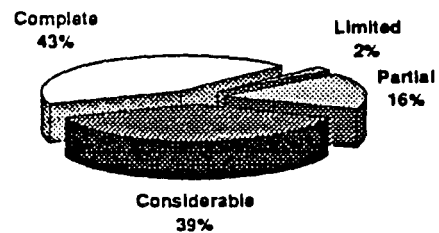
## Corruption Prevention Sub-Programs Resource Allocation



## Sub Program 1 Public Sector Liaison Areas of Activity



## Liaison Feedback Level of Assistance



## Fundamental Pro-active Prevention Principles

Matters covered in Public sector Liaison:

- ◆ Effective coordination of procedures to ensure detection, investigation and reporting of corruption
- ◆ Adopting a realistic risk-level approach to corruption control
- ◆ Control systems that identify those who will be responsible for risk assessment and corruption control

## Fundamental Pro-active Prevention Management Principles

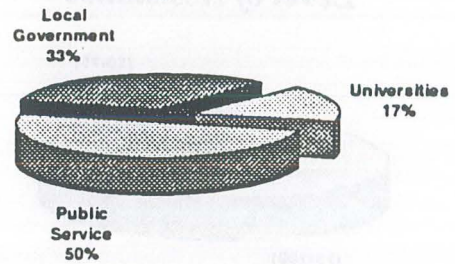
- ◆ Sensitivity in introducing checks and balances to encourage personal integrity
- ◆ Developing a corporate ethical climate which discourages corruption and rewards integrity

## Subprogram 2 Management Systems Reviews

Advice on the effective management of corruption risks and process accountability through:

- ◆ Management systems reviews
- ◆ Consultant advice on developing and enhancing corruption prevention techniques
- ◆ Providing resource material to assist risk assessment and accountability

## Management Systems Reviews Areas of Activity



### Questions for Pro-active Program Design

Management Systems Reviews ask:

- ◆ Does the program have a clear organisation chart?
- ◆ Do personnel have clear responsibilities and have they been trained in what is expected of them in the exercise of their authority?
- ◆ Are staff adequately resourced, supported and supervised?

### Questions for Pro-active Program Design

- ◆ Do program guidelines give adequate criteria for decisions?
- ◆ Do decision makers have adequate time and resources to evaluate results and determine any adjustments that may be called for?
- ◆ Are there proper authorisation procedures and clear audit trails?
- ◆ Are there independent performance checks?

### Questions for Pro-active Program Design

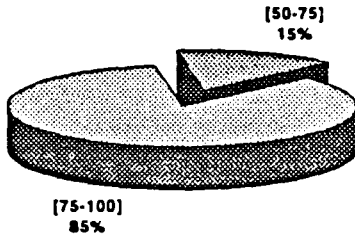
- ◆ Is there adequate separation of asset custody from asset accounting?
- ◆ Are there clear lines of responsibility and accountability?

### Risk Assessment

IDENTIFICATION		EVALUATION		CONTROLS
Assessment Area	Associated Risks	Risk Level	Identified Controls	Control Improvement
Workshop	Theft of Stock	H	Deadlocks	Key Register Restricted Vehicle Access
	Mis-use of Equipment	M	Asset Register	Policy for Equipment Loans  Random Asset check



## Management Systems Reviews Feedback *Level of Assistance*



## Subprogram 3 Education & Training

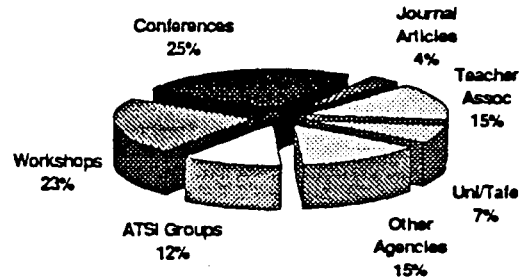
Raises the level of awareness of official misconduct and encourage reporting of official misconduct through:

- ◆ Workshops, speeches and presentations
- ◆ Raise public awareness of public sector corruption through the production of corruption prevention resource material
- ◆ The publication and distribution of information about corruption prevention to client organisations, educational institutions and community based agencies

## Corruption Prevention Education Principles

- Knowledge and transparency empowers both management and staff
- Corruption prevention is a management responsibility
- Permanent change through an attitudinal shift
- Accountability is a major motivator in corruption prevention

## Education & Training *Areas of Activity*



## Management Systems Reviews

1	Risk assessment and review of a university's internal control and management practises in dealing with suppliers and accepting gifts
2	Review of accountability and the resource management of a unit within a tertiary institution
3	Risk assessment and review of theft and misuse of equipment in a workshop facility within a government agency
4	Risk assessment of information breaches of legal documents in a government agency

## Management Systems Reviews

5	Review and analysis security and the potential for information breaches of a government funded community based agency
6	Risk assessment and review of the security arrangements of a community drug clinic
7	Review of tendering procedures in local government
8	Review of misuse or misappropriation of dangerous drugs from a government agency

## Management Systems Reviews

9	Risk assessment and analysis of the procedures for hiring of contractors by a local authority
10	Review of the procedures to control conflict of interest in a local authority
11	Risk assessment and review of purchasing procedures and security in a shire council's equipment depot
12	Risk assessment and analysis of tendering procedures and dealing with suppliers in a large government agency

## Management Systems Reviews

13	Risk assessment and review of procedures and accountability for the use of credit cards within a local authority
14	Risk assessment and review of procedures for the maintenance of vehicles in a local authority
15	Review of the proposed deeds of agreement transferring control of the Queensland Racing Incentive Scheme
16	Review of potential conflicts between the Returning Officer and Chief Executive Officer roles within local authorities.

## **The Corruption Prevention Program**

### **Goal**

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

### **Objectives**

- To offer advice and assistance to units of public administration, professional organisations, educational institutions, auditors and other persons concerned with the detection and prevention of official misconduct.
- To assist the public sector administrators develop effective corruption prevention management strategies
- To develop pro-active corruption prevention techniques and strategies for use in the public sector
- To promote the benefits of comprehensive proactive corruption prevention strategies and measures designed to reduce the opportunity for corruption to take place
- To assist in the development of corruption prevention training programs and educational curricula material for teaching institutions
- To provide a Whistleblowers Support Program to support through counselling and referral people who provide assistance to the Commission

### The Corruption Prevention Program

Sub Program	Strategies	Performance Indicators	Outcomes 1993/94	Client Assessment
<p><b>Public Sector Liaison</b></p> <p><i>To assist the public sector administrators develop effective corruption prevention management strategies</i></p>	<ul style="list-style-type: none"> <li>• Liaise with senior public administrators on corruption prevention strategies.</li> <li>• Lecture at tertiary institutions on ethics and corruption prevention.</li> <li>• Present papers and lectures, and publish information on corruption prevention at the national and state level.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of principal officers and senior executive boards of units of public administration liaised with.</li> <li>• The number of tertiary institutions lectures incorporated into relevant courses.</li> <li>• The number of papers and lectures presented and information published.</li> </ul>	<ul style="list-style-type: none"> <li>• The division liaised with 29 units of public administration.</li> <li>• Eighteen tertiary institutions incorporated lectures into their courses.</li> <li>• Ten papers were presented at conferences, five workshops were conducted, three conferences were held and three articles were written for journals.</li> </ul>	<p>80% rated the assistance provided by the Division as at least considerable.</p>

Sub Program	Strategies	Performance Indicators	Outcomes 1993/94	Client Assessment
<p><b>Management Systems Review</b></p> <p><i>To develop pro-active corruption prevention techniques and strategies for use in public sector administration</i></p>	<ul style="list-style-type: none"> <li>• Carry out management systems reviews.</li> <li>• Advise and assist units of public administration to develop effective corruption prevention controls.</li> <li>• Provide resource material to assist in risk assessment and accountability.</li> <li>• Develop and enhance corruption prevention identification techniques.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of management systems reviews completed.</li> <li>• The number of client contacts where advice on management systems advice was sought or given.</li> <li>• The number of risk assessment training sessions and workshops provided.</li> <li>• The number of corruption prevention techniques developed and disseminated</li> </ul>	<ul style="list-style-type: none"> <li>• Six management system reviews have been completed.</li> <li>• Approximately 200 client contacts sought advice.</li> <li>• One workshop and seven training sessions have been conducted.</li> <li>• See Corruption Prevention Manual.</li> </ul>	<p>An 85% acceptance of review recommendations has been recorded together with an 88% projected implementation of review recommendations.</p> <p>75% of participants rated the workshop's usefulness as high.</p>

Sub Program	Strategies	Performance Indicators	Outcomes 1993/94	Client Assessment
<p><b>Education and Training</b></p> <p><i>To promote the benefits of comprehensive proactive corruption prevention strategies and measures designed to reduce the opportunity for corruption to take place</i></p> <p><i>To assist in the development of corruption prevention training programs and educational curricula material for teaching institutions</i></p>	<ul style="list-style-type: none"> <li>• Help develop curricula resources for primary and secondary educational institutions and for public sector training units.</li> <li>• Help develop educational and training programs in ethics and accountability</li> <li>• Provide lectures on the role and function of the Commission and information on how to make a complaint.</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate curricula resources available for educational institutions and public sector training unit.</li> <li>• The number of educational and training programs developed and co-ordinated.</li> <li>• The number of lectures and presentations provided per year.</li> </ul>	<ul style="list-style-type: none"> <li>• 18 tertiary institutions incorporated lectures into their courses.</li> <li>• Six workshops have been conducted.</li> <li>• 41 lectures and presentations have been conducted this year.</li> </ul>	<p>85% rated the assistance provided by the workshops as at least considerable.</p>

Sub Program	Strategies	Performance Indicators	Outcomes 1993/94
<p><b>Education and Training – Aboriginal and Torres Strait Islander Liaison</b></p> <p><i>To offer advice and assistance to Aboriginal and Torres Strait Island Councils and organisations through liaison, training and education regarding the role and function of the Criminal Justice Commission and the detection and prevention and reporting of official misconduct</i></p>	<ul style="list-style-type: none"> <li>• Pro-actively liaise with the ATSI Communities to assist them identify high risk corruption areas, and assist in the development of corruption prevention strategies that are culturally appropriate.</li> <li>• Advise the ATSI administrators on administrative performance and management accountability.</li> <li>• Provide ATSI communities with culturally appropriate resource material to assist in the education and training in risk assessment and accountability.</li> <li>• Encourage reporting of official misconduct through workshops, seminars and speeches.</li> <li>• Develop and enhance corruption identification techniques that take account of cultural protocols of the ATSI communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Co-ordinate 4 ATSI Advisory Committee Meetings per year.</li> <li>• Conduct 2 field trips to remote ATSI communities per year to develop a network of community bodies who can be kept informed about the CJC's activities.</li> <li>• Develop appropriate material on how to make a complaint on official misconduct.</li> <li>• Contact ATSI community organisations to seek opportunities for adding appropriate corruption prevention units to training courses.</li> <li>• Set a target of addressing at least 2 community based or professional organisations per month.</li> </ul>	<ul style="list-style-type: none"> <li>• Number of ATSI Advisory Committee Meetings held – 3</li> <li>• Number of Field Trips – 3</li> <li>• Developed ATSI information kit. ATSI complaints brochure in final draft stage.</li> <li>• Number of ATSI community based and professional organisations visited – 59</li> <li>• Number of public sector organisations visited – 6</li> <li>• Number of local government authorities visited – 3</li> </ul>

Sub Program	Strategies	Performance Indicators	Outcomes 1993/94
<p><b>Education and Training - Aboriginal and Torres Strait Islander Liaison</b></p> <p><i>To offer advice and assistance to Aboriginal and Torres Strait Island Councils and organisations through liaison, training and education regarding the role and function of the Criminal Justice Commission and the detection and prevention and reporting of official misconduct</i></p>	<ul style="list-style-type: none"> <li>• Raise public awareness of the role and function of the Commission by visiting ATSI communities throughout Queensland.</li> <li>• Produce and distribute to the ATSI communities appropriate information about corruption prevention.</li> <li>• Develop an ATSI Educational and Communications Advisory Committee.</li> <li>• Develop and co-ordinate liaison programs for Aboriginal and Torres Strait Islander communities, and non-English speaking communities</li> </ul>	<ul style="list-style-type: none"> <li>• Co-ordinate 2 visits per year by ATSI Justice Studies students.</li> <li>• Conduct one attitudinal survey with ATSI communities to determine and improve the level of understanding of the role and function of the CJC within the ATSI community.</li> <li>• Liaise on a monthly basis with key ATSI community leaders.</li> <li>• The number of ATSI people who contact the ATSI Liaison Program seeking advice or assistance.</li> <li>• The number of liaison meetings held with Aboriginal and Torres Strait Islander communities and non-English speaking communities</li> </ul>	<ul style="list-style-type: none"> <li>• Number of lectures to students and visits arranged - 5</li> <li>• Survey in progress.</li> <li>• Ongoing consultation with community leaders.</li> <li>• Number of people who have contacted the ATSI Liaison Program - 12</li> <li>• Thirteen liaison meetings have been held with ATSI community organisations, four ATSI Advisory Committee Meetings have been held, three presentations have been made to students of TAFE colleges and Universities and two papers have been given to remote community conferences.</li> </ul>



Sub Program	Strategies	Performance Indicators	Outcomes 1993/94
<p><b>Whistleblower Support Program</b></p> <p><i>To implement reactive and proactive strategies to promote the welfare of CJC whistleblowers.</i></p>	<ul style="list-style-type: none"> <li>• Provide information, advice, counselling and advocacy to CJC whistleblowers who experience any difficulties because provision of assistance to the Commission</li> <li>• Provide information, advice and counselling to potential CJC whistleblowers who are considering making a disclosure to the Commission.</li> <li>• Provide education and consultancy advice on whistleblowing to Queensland units of public administration.</li> <li>• Develop resource materials on whistleblowing and related issues for dissemination.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of CJC whistleblowers who receive assistance.</li> <li>• The number of potential CJC whistleblowers who receive assistance.</li> <li>• The number of educational forums conducted and the number of persons who receive information and consultancy advice.</li> <li>• The number of resource materials produced for dissemination.</li> </ul>	

### **3. QUEENSLAND BAR ASSOCIATION**

After meeting with the CJC, the Committee met with representatives from the Queensland Bar Association to discuss aspects of the CJC's operations. Members of the Association who met with the Committee were Mr Russell Hanson QC, Mr Tony Glynn and Mr Dan O'Conner, the Executive Director of the Association.

In general, the Bar Association supported the existence and continued operation of the Criminal Justice Commission. Comment was made that the Commission was working well with the Police Force and had been necessary after the revelations of the Fitzgerald inquiry.

The Bar Association saw the CJC as having a continuing role in the investigation of complaints against the Police Service. Other areas of the Commission's work were also supported, including: criminal intelligence; corruption prevention and aspects of the research work carried out by the CJC. However, a view was put forward that organised crime investigations should no longer be conducted by the CJC, but by the Police Service.

### **4. QUEENSLAND POLICE UNION**

The last meeting on 22 June, was with Mr Gary Wilkinson of the Queensland Police Union. The Committee wished to obtain a view from the Union on police officers experience of the CJC.

Mr Wilkinson conveyed to the Committee a mostly favourable opinion of the CJC. A good working relationship had been established between the Union and the Commission. This relationship is based upon the CJC's control of police misconduct and oversight of police discipline.

Mr Wilkinson when questioned on the effect of the CJC on police morale expressed the opinion that there had been a drop of morale because of the CJC's work. Another area of concern to the Union was the secondment of Queensland Service officers to the Commission.

### **5. CHIEF JUSTICE MACROSSAN QUEENSLAND SUPREME COURT**

The Committee was fortunate to have the opportunity to meet with the Chief Justice of the Queensland Supreme Court. Generally, the Committee sought to obtain information on the Courts relationship and involvement with the Criminal Justice Commission.

The Chief Justice stated that the Court and the CJC have not had much impact upon each other. The Court liaises exclusively through the Attorney General and has only minimal dealings with Parliament. Opportunities for the Court to exercise its traditional supervisory role over the CJC have been few. Other aspects of the CJC's work were discussed in confidence with the Chief Justice. The Chief Justice also undertook to provide the Committee with a list of all Supreme Court cases involving the CJC. This material follows.

## Criminal Justice Commission judgments

as at 14 July 1995

- Behrens v. Criminal Justice Commission Queensland & Ors** [1994]2 Qd.R. 578 (93/0149) CA Davies JA. Pincus JA. Moynihan SJA. 93.08.20 [93.306] 7p
- Boe v. Criminal Justice Commission** (93/0319) SC de Jersey J. 93.06.10 [93.186] 13p
- Criminal Justice Commission v. Collins** (93/0033) CA Macrossan CJ. McPherson JA. Pincus JA. 94.02.18 [94.010] 19p
- Criminal Justice Commission v. Council of the Shire of Whitsunday** (94/0027) CA Fitzgerald P. McPherson JA. Pincus JA. 95.03.08 [95.050] 26p
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- Criminal Justice Commission v. News Ltd & Anor** (94/0027) SC Dowsett J. 94.01.21 [94.007] 36p
- Criminal Justice Commission & Public Trustee of Queensland v. Queensland Advocacy Incorporated** (94/0090) CA Macrossan CJ. Davies JA. Demack J. 95.03.08 [95.051] 54p
- Queensland Advocacy Incorporated v. Criminal Justice Commission** (94/0211) SC White J. 94.04.27 [94.091] 24p
- R v. Brisbane TV Ltd & Ors; Ex parte Criminal Justice Commission** (95/0187) SC Dowsett J. 95.05.03 [95.074] 10p
- R v. Criminal Justice Commission, ex parte Ainsworth & Anor** (90/0028) FC McPherson J. Lee J. Mackenzie J. 90.09.05 [90.061] 63p
- Walker v. Criminal Justice Commission** [1993]2 Qd.R. 467 (92/0002) SC Cairns White J. 92.12.23 [92.439] 9p

O.S.594/94 Re: Mullen

Writ 1291/92 Re: Early v. Bingham and Criminal Justice Commission.

Writ 1536/94 Re: Saunders v. Matthews and The Criminal Justice Commission - Claim for various declarations by the Plaintiff, a police officer, that investigations carried out by the Criminal Justice Commission were in such a way to deny the Applicant natural justice, that the Applicant was reported to adversely, that a resolution of the Criminal Justice Commission was invalid because an investigation carried out pursuant to the resolution would be in breach of the rules of natural justice and a declaration that no person involved in an investigation carried out pursuant to a resolution of the Criminal Justice Commission should be involved in any manner whatsoever in any further investigation carried out in relation to various matters.

Writ 811/93 Re: Matthews v. Criminal Justice Commission - Claim by the Plaintiff for damages for personal injury. The action involves the issue of whether the Plaintiff contracted hepatitis C virus during the course of his employment. The Plaintiff, a police officer, alleges that various duties required him to engage in undercover detective work in the performance of which he was in close contact with persons engaged in the use and distribution of illegal drugs and that the Defendant, inter alia, failed to exercise reasonable care.

Writ 27/94 Re: Criminal Justice Commission v. News Limited and King - Claim against the Defendants to restrain them from publishing or any way disclosing contents of a report by the Plaintiff directed to the Parliamentary Criminal Justice Committee.

Apl 31/94 Re: Criminal Justice Commission v. The Council of the Shire of Whitsunday - Claim in relation to the court granting an injunction to prevent the council from dismissing one of its employees.

Apl 27/94 Re: Criminal Justice Commission v. The Council of the Shire of Whitsunday

Apl 90/94 Re: Criminal Justice Commission v. Queensland Advocacy Incorporated - Appeal in relation to the findings of a judge. The appeal relates to the general law which gave a person concerned in any proceedings a right to representation and also the lower Court not finding that the *Criminal Justice Act* gave the Queensland Advocacy Incorporated a right to represent residents of a centre, the residents being people with certain disabilities.

O.S. 757/93 Re: Kolvos - Application by a person charged with attempted murder and other offences claiming for relief that the Criminal Justice Commission be directed not to proceed with an investigation in the circumstances surrounding an attempted murder and theft and subsequent arson.

O.S. 651/94 Re: Bowen - Appeal in relation to the decision of the Misconduct Tribunal relating to the demotion in rank of the Applicant.

O.S 1324/93 Re: Ross

APN 211/94 Re: Queensland Advocacy Incorporated

APN 319/93 Re: Boe - Application by a solicitor to review the decision of the Criminal Justice Commission in refusing to conduct a hearing for the purpose of monitoring and reporting upon the sufficiency of funding for law enforcement and criminal justice agencies and the failure of the respondent to make a decision to monitor and report upon the sufficiency of such funding.

MOT 187/95 Re: Brisbane TV Limited - Application for orders that various people be punished for contempt of the Criminal Justice Commission as a result of words which were allegedly used were false and defamatory of the Criminal Justice Commission.

O.S. 598/92 Re: Hall

O.S. 280/92 Re: Webb

O.S. 469/92 Re: Whiting

APL 33/93 Criminal Justice Commission v. Collins

APL 149/93 Behrens v. Criminal Justice Commission and Ors. - Applicant sought extension of time to apply for leave to appeal against judge's dismissal of applications for review of respondent's decisions or failure to make decisions - whether time limited for seeking leave to appeal limited.

APL 120/92 Whiting v. Criminal Justice Commission and Anor - Whether person in proceedings of the Commission has an unqualified right to legal representation.

APN 846/92 Behrens v. Criminal Justice Commission and Ors

O.S. 770/92 Re: D'Allessandro - Application requesting that the Director of the Official Misconduct Division cease or alternatively not proceed with an investigation of persons and entities engaged in the smash repair and tow truck industries unless the applicant may appear by counsel or solicitor of the applicant's choice.

APL 221/93 Re: Criminal Justice Commission.

O.S. 758/92 Re: Bryant - Application for an order that the Director of the Official Misconduct Division cease or alternatively not proceed with an investigation into the activities of persons and entities engaged in the smash repair and tow truck industries.

O.S. 681/93 Re: Conway - File not searchable - particulars not known.

O.S. 894/92 Re: Ready

O.S. 290/93 - not searchable

O.S. 344/93 - not searchable

**APL 33/93 - Criminal Justice Commission -v- Colins - query whether a summons addressed to the Criminal Justice Commission for the production of documents be enforced.**

6. **QUEENSLAND POLICE SERVICE**  
**DEPUTY COMMISSIONER BILL ALDRICH**

The Committee considered it important to meet with the Queensland Police Service to discuss the impact of the CJC's work. Commissioner O'Sullivan was unable to attend the meeting due to prior commitments. However, the Committee was fortunate enough to have the opportunity to talk with Deputy Commissioner Bill Aldrich.

Originally with the Victorian Police Service, Deputy Commissioner Aldrich was appointed to the Queensland Police Service directly after the Fitzgerald inquiry. As Deputy Commissioner, Mr Aldrich is the senior officer responsible for supervision of police conduct and discipline. Due to the Deputy Commissioner's experience he was able to give a personal overview of the relationship between the CJC and the Police Service.

When the CJC was first set up, Mr Aldrich told the Committee that there was early hostility from the Police Service to the organisation. This early hostility has diminished over the last five years as the role of the CJC in investigating official police misconduct has come to be accepted. One reason for this resentment of the CJC's role came about because originally every officer suspected of official misconduct was automatically suspended. This is not done now and every case is examined on its merits. The officer is removed from his regular duties and put in a non-operational role. Police are more accepting of this procedure.

The recent co-operative development of informal resolution program with the CJC, has also been accepted and to date is working well. One exception is that the procedure takes time to implement and thereby loses some of its effect. Furthermore, police as a whole have not come to terms with the fact that every complaint made to the CJC must under the *Criminal Justice Act* have a full investigation. This is not the case under the ICAC Act.

Deputy Commissioner Aldrich informed the Committee that probably the most significant problem with the Police Service and the CJC has been with the promotions system. After the Fitzgerald inquiry, the promotions system was changed from a traditional seniority system to a merit based system. The consequence of this change meant that many officers could not obtain promotion because they were counting on the seniority system.



## **7. QUEENSLAND PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE**

The Committee's final meeting on 23 June was with the Chairman and three members of the Queensland Parliamentary Criminal Justice Committee. The Chairman of the Committee at that time was Mr Ken Davies MLA and members present at the meeting were Mr Darryl Briskey MLA, Mr Tom Barton MLA and Dr David Watson MLA.

The Queensland Committee had recently completed a comprehensive review of the operations and activities of the CJC. The role of the Committee on the ICAC and the Criminal Justice Committee are basically the same except for the express restrictions placed on the Committee on the ICAC in s.64(2) of the ICAC Act. The primary duty of both Committees is to monitor and review the discharge of the functions of their respective Commissions.

The Criminal Justice Committee fulfils the duty to monitor and review the CJC by:

- receiving monthly reports from the Commission in relation to its activities and the discharge of functions;
- holding regular monthly in-camera meetings with the CJC;
- receiving complaints against the CJC;
- conducting audits of various registers, sessions and divisions of the CJC;
- conducting particular inquiries into the actions of the CJC as those matters arise; and
- seeking independent advice of Queens Counsel, academics and persons with particular skills and expertise.

Of these activities, the major accountability mechanism of the CJC is the provision of monthly reports to the Committee and the examination of each report at a monthly hearing. The monthly report summarises the activities of the Commission for the previous month. Often confidential and sensitive material relating to operational matters and future legal proceedings are included. Material of this kind can be received by the Parliamentary Committee because members and staff of the Committee are covered by strict confidential provisions in the *Criminal Justice Act*. Material of this kind, is not, and cannot according to law, be received by the New South Wales Committee on the ICAC.

Monthly meetings of the Committee are held where members and officers of the Commission are invited to discuss the Commission's activities. Committee members are able to question either the Commissioners or Directors of the Commission on the monthly report and any

complaint the Committee may have received.

Complaints against the CJC are dealt with in a similar manner to the way the Committee on the ICAC handles complaints. The Criminal Justice Committee can only consider complaints about organisations or individuals to the extent that the receipt of those complaints is relevant to the Committee's function to monitor and review the discharge of the functions of the Commission, or relevant to its function of reporting to the Legislative Assembly on matters pertinent to the Commission, the discharge of the Commission's functions or the exercise of the powers of the Commission, a Commissioner or Officers of the Commission.

The Criminal Justice Committee like the Committee on the ICAC receives many complaints which do not come within their respective jurisdictions. These complaints express a general dissatisfaction with the legal and justice systems and approach the Committee for redress. Neither Committee has the jurisdiction to act on such complaints.

The procedure that the Criminal Justice Committee has adopted to address complaints is as follows:

*When a complaint is received, it is immediately forwarded to the CJC and a report is requested in relation to the matter before making a decision on it.*

*When the CJC's report is received, the complaint is assessed as follows:*

- If the complaint is unfounded, such as being outside the jurisdiction of the CJC, or if it is within the CJC's jurisdiction, is dismissed for some other reason within the responsibility of the CJC, the complainant is advised in writing that the Committee concurs with the CJC's decision.*
- When the matter is disputable, that is, the Committee is not satisfied with the advice of the CJC, the matter is discussed and the Committee's decision is communicated to the CJC and the complainant, requiring either further action by the Commission or that the Committee concurs with the Commission's decision.*

The Criminal Justice Committee also from time to time undertakes particular inquiries into the activities of the Commission. The most recent inquiry conducted by the Committee reviewed the CJC's report on police powers.