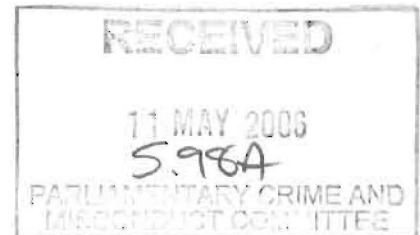


Ref: H01227/06

Department of
Housing

09 MAY 2006

Mr G Wilson MP
Chairman
Parliamentary Crime and Misconduct Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr Wilson

I refer to your letter of 7 March 2006 inviting the Department of Housing to make a submission in relation to the *Crime and Misconduct Act 2001* (the Act) and any aspects of the functions, powers and operations of the Crime and Misconduct Commission (CMC), and provide comments in response.

I note that the requirement for all matters of potential official misconduct to be referred to the CMC in accordance with s.38 of the Act for assessment and determination of appropriate management may, on occasion, cause delays in the commencement of investigations or other appropriate action, which at times impacts on the gathering of evidence.

I also note the recent proposal from the CMC to issue a direction under s.40 of the Act to a number of units of public administration (UPA), including the department, to provide regular reports of certain matters of potential official misconduct allowing the UPA to immediately commence management action for those matters.

The devolution of responsibility indicated by the CMC's proposed issuing of such a direction under s.40 of the Act is supported by the department, particularly due to the expected reduction of delays in commencing appropriate management action in response to an issue.

I am aware that the CMC has engaged in some capacity building in the prevention of misconduct through the release of various publications including 'Facing the Facts: a CMC guide for dealing with suspected official misconduct in Queensland public sector agencies'. I am also aware of occasional training opportunities offered by the CMC in relation to such publications, including annual regional visits.

The department has had involvement with the CMC through either CMC-led investigations or jointly conducted investigations and found the experience to be beneficial in terms of capacity development for the department's investigation processes.

The department has not had cause to engage with the CMC in relation to its witness protection function or prevention of major crime and is therefore unable to offer relevant comment on these areas.

The department has experienced no issues with the CMC's general corporate governance and performance of functions that would indicate the existence of systemic concerns.

I trust this information is of assistance. If you require further information, please telephone Ms Karen See, Acting Manager Ethical Standards Unit, on 3225 1762, who will be happy to assist.

Yours sincerely

[Original Signed]

Natalie MacDonald
Director-General
Department of Housing