



Hon. Paul Lucas MP



Queensland
Government

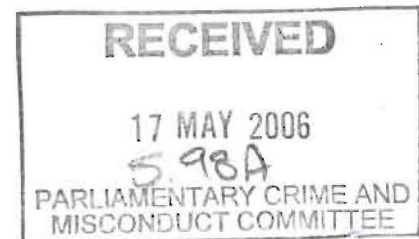
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Your ref: S98

Minister for
Transport and Main Roads

15 MAY 2006

Mr Geoff Wilson MP
Chairman
Parliamentary Crime and Misconduct Commission
Parliament House
George St
Brisbane Qld 4000



Dear Mr Wilson

Re: Three year review of the Crime and Misconduct Commission

I refer to your letter inviting submissions to assist the Parliamentary Crime and Misconduct Committee conduct its three year review of the Crime and Misconduct Commission (CMC) pursuant to section 292(f) of the *Crime and Misconduct Act 2001*.

The Department of Main Roads has appreciated the guidance and assistance provided by the Crime and Misconduct Commission regarding the investigation of misconduct and corruption prevention. In particular, the guidance provided by its publications titled "Facing the Facts - a CMC guide to dealing with suspected official misconduct in Queensland public sector agencies" and "Fraud and Corruption Control - guidelines for best practice" enabled Main Roads to enhance its capacity and ability to deal with suspected official misconduct.

The experience of Main Roads has shown that the provision of timely advice and/or assistance from the CMC has assisted the Office of the Director-General to effectively deal with investigations into new and complex matters containing suspected official misconduct.

Thank you for the opportunity to make submissions about two matters, namely: collaboration between Main Roads officers and CMC administrative staff and investigators including police officers attached to the commission during the course of investigations, and the threshold at which allegations of suspected official misconduct should be notified to the CMC.

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Investigators engaged by Main Roads to conduct internal investigations, principally in relation to ethical and governance issues, have very limited statutory powers to assist them in the performance of their functions.

The availability of CMC investigators who possess wide ranging powers is likely to be of benefit to Main Roads investigators in appropriate circumstances. Such circumstances will include inquiries into serious and complex matters including but not limited to conflicts of interest and abuse of office. This collaborative approach is likely to afford more appropriate outcomes to investigations into this type of serious misconduct through access to extended investigative powers and to confidential information which is available to CMC, and not generally to agencies.

Main Roads understands the need for, and adheres to, the administrative arrangement advising agencies that the threshold for reporting suspected official misconduct pursuant to section 38 of the *Crime and Misconduct Act 2001* is low. Further and more detailed guidance and directions from the CMC in that regard, however, would be of value to Main Roads by providing clearer criteria upon which the decision to notify can be made and to ensure a consistent approach to that issue by all agencies as to what constitutes suspected official misconduct.

I look forward to reviewing the outcomes achieved by the committee following the proposed review.

Yours sincerely

[Original Signed]

PAUL LUCAS MP
Minister for Transport and Main Roads