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Our ref: CSU/0007

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Mr Paul Hoolihan MP  
Chairman  
Parliamentary Crime and Misconduct Committee  
Parliament House  
George Street  
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Dear Mr Hoolihan

**RE: THREE YEAR REVIEW OF THE CRIME AND MISCONDUCT COMMISSION**

Thank you for the invitation to make a submission for the purpose of the Committee's three-year review of the Crime and Misconduct Commission (CMC).

My submission addresses issues relating to the CMC's liaison with my Office to avoid duplication of investigative activity.

Under the *Crime and Misconduct Act 2001*, the CMC has:

- the obligation (under s.59) to work co-operatively with units of public administration and to liaise and co-ordinate activities to avoid duplication; and
- the authority (under s.62(2)) to give information to another unit of public administration if the CMC considers that the unit has a proper interest in the information for the performance of its functions.

The Ombudsman has a similar obligation and authority under s.15 of the *Ombudsman Act 2001* to:

- liaise with complaints entities (such as the CMC) about their respective functions for investigating administrative actions; and
- enter into arrangements to avoid duplication of investigative activity.

Arrangements have been put in place by the CMC and the Ombudsman to avoid duplication of activity. Liaison arrangements that have been in place for some time are:

- The Chairperson of the CMC and the Ombudsman are both members of the Integrity Committee that also comprises the Integrity Commissioner, the Auditor-General, the Information Commissioner and the Public Service Commissioner. This Committee meets approximately every three months to discuss current projects, identify any opportunities for joint projects and ensure activities are co-ordinated.

- Senior officers of the Ombudsman and the CMC meet regularly to discuss a range of strategic and operational issues, incorporating both investigation and administrative improvement activities.

The main topics discussed are local government issues, regional visits, prevention activities and training programs. In relation to operational issues, reports are exchanged on complaints being referred by one agency to the other and officers are briefed on major investigations proposed or underway, and any other issues considered to be of mutual interest.

- As the need arises, senior officers of the Ombudsman's Assessment and Resolution Team liaise with senior officers of the CMC's Complaints Services on specific complaints. Contact for this purpose occurs regularly, particularly where officers of one agency believe a complaint received by that agency would be more appropriately dealt with by the other agency or may also have been made to that agency.
- Officers from the CMC meet regularly with officers of the Ombudsman who specialise in local government matters to discuss activities in that area of jurisdiction. Officers from the Queensland Audit Office and the Department of Local Government, Sport and Recreation also attend these meetings.

In April 2008, the CMC and the former Ombudsman entered into a liaison agreement, which formally documents the commitment of our agencies to the above arrangements.

The benefit of the exchange of information is mutual awareness of major (systemic) investigations, agreement on the management of complaints received by both agencies or potentially suitable for referral, co-operation on other issues of mutual interest, and in particular training and education activities.

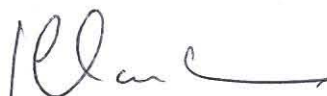
I am confident that the arrangements in place effectively facilitate the sharing of information on issues of mutual interest to the two organisations and avoid unnecessary duplication of investigative work.

The next review of the Ombudsman Office is scheduled for later this year, at which time the on-going relationship with other integrity bodies may well be addressed again.

At various times, the CMC has employed Aboriginal or Torres Strait Islander officers with the intention of engaging more proactively with Aboriginal councils. This office raised the prospect of joint activities. I remain eager to investigate opportunities of mutual benefit for enhancing engagement and services to indigenous councils and citizens and would welcome any developments in this area.

I trust this submission assists the Committee in its review.

Yours sincerely



Phil Clarke  
Queensland Ombudsman