

Crime and Misconduct Commission



Public Report to the Parliamentary Crime and Misconduct Committee

1 November 2013 to 28 February 2014

The CMC fights crime and promotes integrity in Queensland

Purpose of the report

This report has been prepared by the Crime and Misconduct Commission (CMC) for discussion at its public meeting with the Parliamentary Crime and Misconduct Committee on 3 March 2014. It aims to put the work of the CMC in context for the wider Queensland community.

About this report

Some investigations undertaken by the CMC cannot be reported on publicly until they are finalised. There would be a significant risk of compromising a current investigation, causing reputational damage to those persons who are under investigation or a risk of breaching legislation. Discussing the progress of an investigation also carries with it a risk that persons who are assisting by confidentially providing information to the CMC could be identified.

Similarly, it is not possible to include detailed reports on short-term or recent performance from the CMC's witness protection program.

The CMC acknowledges there is a public interest in our business and we need to report publicly to our parliamentary oversight committee, the Parliamentary Crime and Misconduct Committee. The information in this report strikes a balance between providing information to the public and protecting confidential CMC processes.

More general information about our jurisdiction, work areas, roles and responsibilities can be found at www.cmc.qld.gov.au

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Chairperson's report

I am pleased to report on the Crime and Misconduct Commission's (CMC) activities for the period of 1 November 2013 to 28 February 2014 to the Parliamentary Crime and Misconduct Committee (PCMC).

This report outlines the key activities undertaken by the CMC across the breadth of the organisation.

Acting Chairperson activity during this period

The following liaison meetings were undertaken with the following persons:

General

- On 26 and 27 November I attended the APSAC Conference in Sydney.

Liaison meetings

- On 4 and 12 November, 9 December 2013 and 3, 10 and 17 February 2014, I provided a briefing to Cabinet regarding a number of Criminal Motor Cycle Gangs hearings and resourcing requirements.
- On 13 November, and 17 February 2014 I met with the Commissioner of Police for our monthly briefing.
- On 14 November, I attended a CMC/QPS/DPC Liaison meeting. Brigadier Mellor and Deputy Commissioner Pointing attended from their respective departments.
- On 14 November I met with the Attorney-General to discuss the legislative review of the *Child Protection (Offender Prohibition Order) Act 2008*.
- On 14 November I, together with senior CMC staff, attended a Cabinet Budget Review Committee meeting.
- On 12 December 2013 I attended a Queensland Police Service Induction Parade.
- On 13 December 2013 and 30 January 2014 I, together with a senior CMC officer, attended an Implementation Panel Meeting.
- On 17 December 2013 I met with the Attorney-General to discuss CMC legislative amendments.
- On 19 December 2013 and 22 January 2014 I, together with Acting Assistant Commissioner Mahon, met with Deputy Commissioner Gollschewski to discuss the Keilty Review.
- On 19 December 2013 I met with Deputy Commissioner Pointing and Brigadier Mellor to discuss Criminal Motor Cycle Gang related matters.
- On 20 December 2013 I, together with Deputy Commissioner Pointing and Brigadier Mellor, met with Ms Genevieve Hussey, News Director with the ABC for background briefings on differing roles of DPC, QPS and CMC about Criminal Motor Cycle Gangs.
- On 8 January 2014 I, together with Deputy Commissioner Pointing, met with the Acting Attorney-General to provide a briefing on Criminal Motor Cycle Gang related matters.
- On 13 January 2014 I, together with Deputy Commissioner Pointing and Brigadier Mellor, met with Ms Angela Murphy, News Director of the 10 Network and Mr Ross Dagan, News Director for Channel 7 for background briefings on differing roles of DPC, QPS and CMC about Criminal Motor Cycle Gangs.
- On 3 February 2014 I met with Mr Mike Dalton, Channel 9 News Director for background briefings on differing roles of DPC, QPS and CMC about Criminal Motor Cycle Gangs.
- On 3 February 2014 I addressed the Chief Executive Group of Public Sector Departments regarding a draft Section 40 Direction.
- On 6 February 2014 I met with Mr Tony Moynihan QC, DPP.
- On 6 February 2014 I met with the Police Commissioner to discuss a complaint matter.
- On 13 December 2014 I met with Deputy Commissioner Pointing and Detective Superintendent Mick Niland to discuss Criminal Motor Cycle Gang matters.

Part-time Commissioners

- Newly appointed part-time Commissioners Sydney Williams QC and Mick Keelty AO APM have taken up their roles and attended a number of meetings.

Update on reviews and inquiries

- Action taken since the PCMC inquiry into the release and destruction of Fitzgerald Inquiry documents includes:
 - Determination of disciplinary action following an independent investigation into the release and destruction of Fitzgerald Inquiry documents.
 - Commission approval of the strategies and suggested timelines for completion of the project to manage the audit of the Fitzgerald Inquiry documents held by Queensland State Archives (QSA). The changes agreed to by the Commission were implemented by QSA on 14 February 2014 and included exhibits subject to non-publication orders to be extracted and held separately at QSA, increasing the RAPs of seven series to 100 years and eight series to retain the statutorily applied RAPs of 65 years. Further, transcripts of hearings and the public exhibits became publicly available on 14 February 2014.
 - Receipt of a consultant's report on the CMC's Records Management policies, procedures and work instructions. The report contains 35 recommendations, including nominating critical policies for immediate review, mandating one corporate information system across the Commission and the standardisation of naming conventions within that system. While management is still considering the Report, to date all suggested policies, procedures and work instructions have been reviewed and will be forwarded to the Commission for approval in March 2014.
 - Review and finalisation of our legislative and financial delegations.

- Callinan/Aroney: Implementation Panel

The panel met on 30 January 2014 and items for discussion included the outcome of the Keelty Report and other potential statutory amendments arising from the Callinan/Aroney review. The Commission provided the panel with an update of its consideration of the Keelty Report including discussions with the Queensland Police Service.

It is intended that the consideration of all recommendations will be finalised early in 2014.

Corporate activities and issues report

- The strategic planning process for 2014-18 is progressing.
- The process to review Service Delivery Standards for 2014-15 is progressing.
- A final report from PricewaterhouseCoopers for the CMC's Fraud Risks Assessment and Fraud and Corruption Control Plan was received on 9 December 2013. The report and management's consideration will be submitted to the Audit and Risk Management Committee meeting on 20 March 2014.

Matters arising out of previous public meeting on 1 November 2013

At the last meeting, the PCMC requested that I provide examples of former CMC Chairpersons offering opinion pieces, and advice on which statutory provision supports the CMC Chairperson to provide opinion pieces.

I am compiling a formal response to these matters which I will provide to the Committee as soon as possible.

Dr Ken Levy RFD
Acting Chairperson

Crime

In addition to specific referrals of major crime, the CMC currently has a mandate to investigate eight areas of major crime under general referrals: criminal motorcycle gang activity, established criminal networks, money laundering, terrorism, internet-related child sex offending, extra-familial child sex offending by networked or recidivist offenders, weapons and offences of extreme violence involving victims who are unborn, under the age of 16 years or over the age of 70 years, or in a position of particular vulnerability because of a physical disability or mental impairment.

This report on the Crime function emphasises the most current and/or critical information.

Activities and issues report

Overview

- In November further amendments were made to the Crime and Misconduct Act to enhance the CMC's ability to effectively deal with criminal organisations.
- Additional funding was also provided to the CMC for a range of CMG-related initiatives, including an additional Proceeds of Crime team, a Criminal Organisations Hearings team and a Criminal Organisations Investigations team, and recruitment against these new positions is almost completed.
- The CMC's Crime Reference Committee has authorised the conduct of four specific intelligence operations relating to criminal organisations and their participants under section 55A of the CM Act. 72 persons have since been called to CMG-related intelligence or CMG-related major crime hearings.
- Our Proceeds of Crime Team received 14 referrals from the QPS which are considered to have links to CMGs, 9 of which have been deemed suitable for confiscation action and involve property to the value of approximately \$2,900,000.
- Our Organised Crime team was engaged in 4 organised crime investigations of high-risk crime networks engaged in drug trafficking and other illegal activity.
- We received 5 new specific referrals, all being murder investigations. Hearings have already commenced in 2 of these matters.
- Our Crime hearings teams held a record total of 107 days of hearings involving 126 witnesses in support of 17 CMC or QPS investigations of organised and serious crime, or in support of our intelligence function.
- Our Proceeds of Crime team obtained 10 restraining orders over property valued in excess of \$1.337m. Also, the State was the recipient of 14 forfeitures of property totalling \$1.139m.
- Our Cerberus team charged 4 alleged child sex offenders with 62 offences, and disseminated evidence packages from 3 other investigations to Queensland and interstate law enforcement agencies.

Organised crime

In combating organised crime, the CMC focuses on investigations calculated to dismantle or significantly disrupt the criminal identities and networks engaged in the illicit commodity markets of greatest harm to Queenslanders. In making these assessments, we heavily rely upon our specialist strategic intelligence expertise. To maximise the law enforcement response, our operations are often conducted jointly with other State and Commonwealth law enforcement agencies.

Activities/outcomes

- Financial investigations and brief preparation continued in Operation Lithium, with a financial brief of evidence due to be filed in March. Lithium was a joint investigation undertaken by the CMC with the New South Wales Police Force targeting a Queensland-based crime network allegedly responsible for distributing precursor chemicals used in the production of methylamphetamine within New South Wales. It resulted in the arrest of 5 persons (see the following table).
- All other investigations are in a covert/sensitive phase and no further information can be published at this time.

Table: Use of CMC powers and results of investigations

	Operation LITHIUM – commenced 23 August 2012
Arrests	5
Charges laid	32
Drug seizures	\$358,750
Investigative hearings (days)	–
Notices to produce	94
Warrants	9
Value of assets seized	–
Value of assets restrained	\$1,008,079
Witnesses giving evidence	–

Update: Criminal motorcycle gangs

In November further amendments were made to the Crime and Misconduct Act to enhance the CMC’s ability to effectively deal with criminal organisations. These included:

- Providing that a “participant” in a criminal organisation includes a person who was a participant at any time in the previous two years;
- Clarifying that the CMC may continue to investigate the affairs of a person, including by calling the person to a hearing, when that person has been charged with a criminal offence;
- Increasing statutory penalties for non-compliance by witnesses at hearings with requirements to attend, take an oath, produce documents or give answers; and
- Maintaining confidentiality of material filed in the Supreme Court in contempt and other hearings-related proceedings.

During the reporting period additional funding was also provided to the CMC for a range of CMG-related initiatives. For Crime these include:

- The establishment of a fourth Proceeds of Crime team;
- The establishment of an additional Criminal Organisations Hearings team dedicated to the conduct of high-volume intelligence or major crime hearings focussed upon CMG activity in Queensland; and
- The establishment of a multi-disciplinary Criminal Organisations Investigations team.

Recruitment activity in relation to these initiatives occurred throughout the reporting period and is now almost completed.

During the reporting period the Crime Reference Committee authorised the conduct of four specific intelligence operations relating to criminal organisations and their participants under section 55A of the CM Act, thereby enabling the CMC to hold intelligence hearings in relation to the subject matter of the authorisations. Further authorisations are likely to be sought at coming CRC meetings.

Extensive CMG-related intelligence hearings have been held pursuant to these authorisations. In addition the Criminal Organisations Hearings team has conducted CMG-related major crime hearings where it is assessed that the investigations in question are likely to yield valuable intelligence concerning CMG activities in Queensland.

Since the commencement of this initiative in early October 2013 a hearings program has been undertaken, exploring a range of CMG-related themes and issues identified by the CMC and QPS Task Force Maxima. To date a total of 39 witnesses have been called to intelligence hearings and 33 witnesses to CMG-related major crime hearings.

During the reporting period the Proceeds of Crime Team received 14 referrals from the QPS which are considered to have links to CMGs, 9 of which have been deemed suitable for confiscation action and involve property to the value of approximately \$2,900,000.

Proceeds of crime

The CMC administers the non-conviction-based civil confiscation scheme (Chapter 2) under the *Criminal Proceeds Confiscation Act 2002* (CPCA). Under Chapter 2, property is liable to be restrained if it belongs to, or is under the effective control of, someone who is suspected of having engaged in serious criminal activity in the past six years. Restrained property is liable to be forfeited unless a person proves, on the balance of probabilities, that it was lawfully acquired. The CMC is also responsible for administering Chapter 2A of the CPCA which contains the recently introduced Serious Drug Offender Confiscation Order Scheme. Under Chapter 2A, property of a person is liable to forfeiture upon conviction for qualifying serious drug offences.

Our Proceeds of Crime staff work closely with the Queensland Police Service (QPS) and the Director of Public Prosecutions (DPP) in identifying and litigating proceeds of crime matters, as well as with the Public Trustee of Queensland, who is responsible for the property restrained and held by the state.

Activities/outcomes

In September 2013 Queensland's new unexplained wealth and serious drug offender legislation was proclaimed. This provides additional avenues for the confiscation of proceeds of crime, and the CMC is responsible for administering these schemes. The CMC has integrated these regimes into the existing Proceeds of Crime recovery framework.

As at 19 February 2014, our work in progress was as follows:

- 84 current civil confiscation matters involving restrained property valued at \$52.709m
- 39 referred matters awaiting restraint involving property valued at \$15.519m.

Since the last report we achieved the following results:

- 10 restraining orders were obtained over property valued in excess of \$1.337m
- The State was the recipient of fourteen forfeitures of property totalling \$1.139m.

Settlement negotiations were being undertaken in 41 matters involving property valued at \$18.807m.

Proceeds of crime results since 2002

Since the *Criminal Proceeds Confiscation Act 2002* came into operation, our team has been instrumental in delivering to the state:

- \$167.922m in assets restrained
- \$57.427m in assets forfeited.

For the period 1 July 2013 – 10 February 2014, 68 referrals have been received. This exceeds the number of referrals received for the entire 12/13 financial year. The number of matters awaiting restraint has increased due to the increase in referrals. Further, a number of matters are awaiting the closure of covert police operations prior to the commencement of proceeds of crime action.

Value of restraints

The amendments to the *Criminal Proceeds Confiscation Act 2002* have provided the State with new tools in which to confiscate proceeds of crime. The strategy which has the best outcome of success and will provide the best return to the State is to be elected prior to commencing restraint. For this reason additional enquiries are being conducted prior to restraint to ensure the best possible confiscation strategy is employed. As a result this has caused a delay in obtaining restraining orders. As at the time of writing 6 applications for restraining orders relating to property worth approximately \$1.2 million have been filed in the Supreme Court and will be heard in coming weeks.

Value of forfeitures

The annual target for the number of forfeitures has already been exceeded, although these forfeitures were of low value, therefore having a minimal effect on the value of forfeitures target. There are currently applications before the Supreme Court for forfeitures of approximately \$4.5 million. It is therefore anticipated that the annual forfeiture target of \$7 million will be reached as at 30 June 2014.

Figure: Estimated net value of criminal proceeds restrained (target compared with actual), 2002–03 to 2013–14

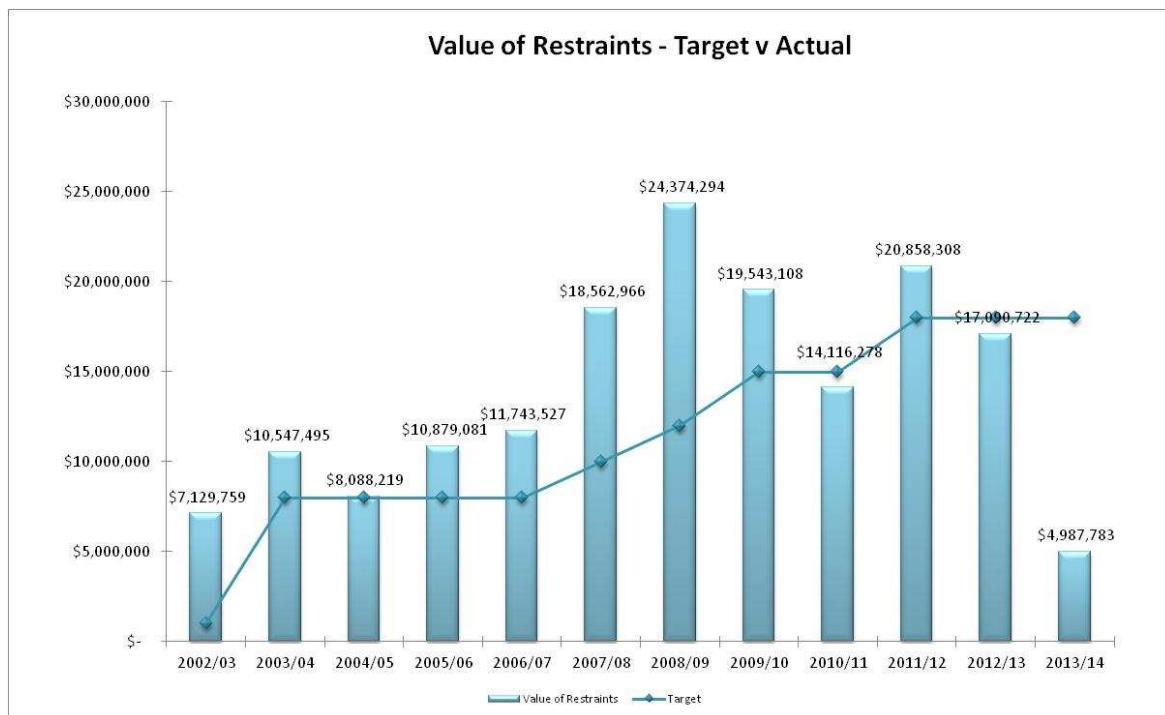
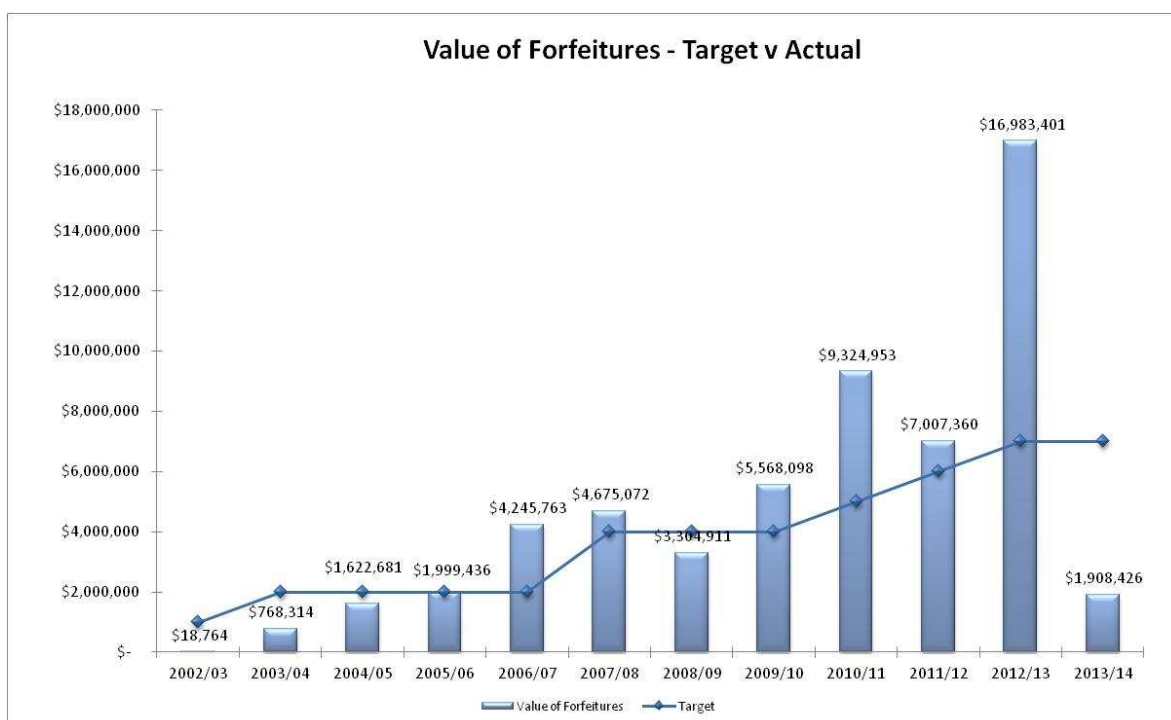


Figure: Net value of assets forfeited (target compared with actual), 2002–03 to 2013–14



Criminal paedophilia

Although our jurisdiction relates to all child sex offending, the CMC focuses on internet-based offending and networked, recidivist extra-familial offending. This ensures that our work complements, rather than duplicates, the work of others. The CMC works closely with QPS Task Force Argos, regional Child Protection Investigation Units, Offices of the Commonwealth and Queensland Director of Public Prosecutions, and interstate and foreign law enforcement agencies.

Activities/outcomes

As a result of our ongoing internet-based investigations pursuant to our Atrax general referral, we charged four alleged child sex offenders from Brisbane, Bundaberg and Rockhampton with a total of 62 offences under Queensland and Commonwealth law, including:

- knowing possession of child exploitation material
- making available child exploitation material
- distributing child exploitation material
- using a carriage service to access child exploitation material.

One of the targets was on bail at the time in relation to an alleged child sex offence from 2010.

Three information and evidence packages were also disseminated to local and interstate law enforcement agencies as part of current online investigations. This included the dissemination to the Townsville Child Protection Investigation Unit of an evidence package from a CMC online investigation resulting in the arrest of a Townsville man on 6 counts of Distributing Child Exploitation Material and one count of Possession of Child Exploitation Material.

Coercive hearings

Activities/outcomes

With the advent of legislative changes enabling the holding of intelligence hearings relating to criminal organisations, coupled with a spike in QPS requests for hearings assistance in major crime investigations (primarily murder investigations), the CMC has held an unprecedented number of hearings during the reporting period. With the additional resources provided by government for our intelligence hearing function, we are now typically conducting three concurrent streams of hearings at any given time. One stream is dedicated to conducting high-volume CMG-related hearings, being either intelligence hearings or major crime hearings relating to suspected CMG activity. The other two streams focus upon the wide range of other major crime investigations referred to the CMC for investigation, such as murders, child abuse or weapons trafficking.

As at the time of writing, our Crime Hearings team had held a record total of 107 days of hearings in Brisbane, Hervey Bay, Yeppoon, Rockhampton, Mackay, Townsville and Cairns in support of 17 CMC or QPS investigations of organised and serious crime, or in support of our intelligence function. By the end of the reporting period, hearings will also have been held in Noosa and Proserpine. A total of 126 witnesses were called to these hearings.

Major crime hearings were held in support of a range of investigations. They include the following:

- Criminal activity by members and associates of Criminal Motorcycle Gangs, including an attempted murder and associated home invasions, and organised fraud
- 7 homicide investigations (including the suspected murder of a baby)
- 1 armed robbery investigation
- 1 drug trafficking/money laundering investigation
- 2 weapons-related investigations, one of which also involved offences of serious violence
- A fraud investigation
- A criminal paedophilia investigation.

Significant outcomes from hearings held during the reporting period include:-

- In the aftermath of hearings held in November and December, 2 persons have been charged with a range of offences including torture, assault occasioning bodily harm whilst armed in company and acts intended to maim as a result of a shooting and serious assault on the Gold Coast in 2013.
- In February we held hearings under our Cronos general referral in relation to the death of a 4 week old baby girl. Following the hearings, a man was charged by police with murder, torture and a failure to provide necessities to the child.
- 10 persons were certified as being in contempt of the CMC for either refusing to be sworn at a hearing or refusing to answer questions. 5 of these contempts occurred in CMG-related intelligence hearings and the remaining 5 in hearings relating to 2 murder investigations. The Supreme Court has imposed penalties ranging from 28 days to 7 months imprisonment.

In January a female pleaded guilty to a charge of publishing to a third party information given by her in a closed CMC hearing about a series of armed robberies, contrary to section 202 of the CM Act. The witness was fined \$700.

New Major Crime referrals

During the reporting period we received five new specific referrals, all being murder investigations, including a “cold case” referral. Hearings have already commenced in two of these matters.

Four new investigations were also commenced under our Hydra general referral relating to Criminal Motorcycle Gangs, three new investigations commenced under our Freshnet organised crime general referral, and a further investigation commenced under our Weapons general referral. Three new investigations commenced under our Atrax general referral relating to Internet-based child sex offending.

Intelligence

The CMC’s work in major crime is largely shaped by our strategic intelligence activity. This informs our understanding of organised crime markets, identifies the priority markets and syndicates, and helps to ensure that resources are allocated towards those areas that pose the highest risk. In this way, strategic intelligence products inform and drive our investigative activities. Our intelligence staff engages with a wide range of clients, stakeholders and partners to ensure the CMC maintains a strategic awareness of developments in the crime environment in Queensland and other jurisdictions.

Activities/outcomes

- We are preparing a series of papers on issues associated with Criminal Motorcycle Gangs (CMGs) in Queensland.
- We are continuing to collaborate with the Australian Crime Commission (ACC) and the National Research Centre for Environmental Toxicology (Entox) on the wastewater project. An intelligence brief on the use of wastewater analysis for law enforcement is currently being edited for dissemination to law enforcement agencies. This product aims to raise the profile of wastewater analysis and highlight its potential, as the project is dependent on increased law enforcement support.
- We recently commenced a project on the new and emerging psychoactive substances (NPS) market. The NPS market in Queensland is rapidly developing and there is no current risk assessment for the market. The project aims to examine trends in the market, key drivers, the level of involvement of organised crime groups in the market, marketing techniques, sources (e.g. online drug marketplaces and regional supply chains) and the implications for law enforcement.
- Our target development program has continued to identify significant organised crime groups and networks for referral to the CMC’s Organised Crime team and partner agencies for further investigation.

Research

Legislative review of the *Child Protection (Offender Prohibition Order) Act 2008*

The CMC's review of the *Child Protection (Offender Prohibition Order) Act 2008* is in progress. This legislation allows police officers to apply to a Magistrate for an order prohibiting certain previously convicted child sex offenders from engaging in certain conduct that poses a risk to the lives or sexual safety of one or more children, or of children generally.

As required by the Act, the review commenced in June 2013 (five years after the Act commenced). The expected completion date of the project is June 2014, when a report will be tabled in Parliament.

Misconduct

The role of the CMC's Misconduct function is to promote a trustworthy public sector in Queensland and reduce the incidence of misconduct. Our wide-ranging jurisdiction includes all state government departments, the QPS, local governments, public sector agencies and statutory bodies, government-owned corporations, universities, prisons, courts, tribunals and elected officials.

This report on the Misconduct function emphasises the most current and/or critical information.

Activities and issues report

Overview

- The CMC substantiated a total of 79 disciplinary offences and referred them back to the QPS or public sector agencies for the purpose of disciplinary action. With a partner agency we have also charged 2 persons with 21 criminal offences and referred 25 criminal charges to the Director of Public Prosecutions (DPP) for consideration.
- A Police and Public Sector Corruption team was established in January 2014 and are currently undertaking 10 investigations focussing on allegations of police and public sector corruption involving criminal motorcycle gangs (see page 16).
- The CMC co-hosted the 4th Australian Public Sector Anti-Corruption Conference (APSACC) in Sydney in November 2013, which was attended by 551 delegates.
- In relation to the investigation into the \$16.69 million fraud on Queensland Health, the final advice in relation to disciplinary recommendations made by the CMC was received. All nine subject officers have now been dealt with, receiving disciplinary outcomes ranging from termination and demotion to managerial guidance.
- A senior QPS officer has been suspended pending the outcome of a CMC investigation into the release of confidential information.
- Following a joint CMC-QPS investigation concerning alleged official misconduct against the former State Member for Redcliffe, Scott Driscoll, Mrs Emma Driscoll has been charged with offences of perjury, fraudulent falsification of records and offences under the Industrial Relations Act. An associate of Mr Driscoll's, Mr Bruce Mills, has been charged with offences of fraudulent falsification of records and offences under the Industrial Relations Act. A brief of evidence in relation to Mr Scott Driscoll is under consideration.
- A senior manager in the university sector has been dismissed as a result of a CMC investigation into allegations of corruption, favouritism and misappropriation (see page 19).
- In relation to an investigation into allegations concerning a serving QPS officer's interactions with members of the public, in addition to criminal charges, we have forwarded a disciplinary brief to the QPS for consideration of disciplinary action against the primary subject officer for 56 disciplinary offences, and 5 further subject officers for a total of 9 disciplinary offences (see page 17).
- We completed a reopened investigation into an allegation that an inducement was offered to Dr Bruce Flegg to vacate his seat of Moggill. The reopened investigation found no evidence that a criminal offence of electoral bribery was committed within the meaning of Section 98C of the Queensland Criminal Code. A brief of evidence in relation to the provision of false evidence to the CMC is under consideration.
- An investigation into allegations of official misconduct in relation to the process surrounding the appointment of a departmental officer by the former Director-General of the Department of Transport and Main Roads, Mr Michael Caltabiano, has been closed. As a result of advice received from the DPP that any prosecution of Mr Caltabiano would not have reasonable prospects of success, criminal charges will not be progressed.

Statistics for the period 1 November 2013 to 31 January 2014

- Received 891 complaints of official misconduct
- Assessed 894 complaints
- Closely monitored and reviewed 77 Public sector and Police matters
- Oversighted 2 police-related deaths and received notification of 4 significant events
- Currently investigating 39 serious misconduct matters
- Commenced 15 new investigations
- Finalised 12 investigations
- Conducted coercive hearings in relation to 3 investigations that involved 8 sitting days and 13 witnesses.

Preparation for changes to the CMC's jurisdiction

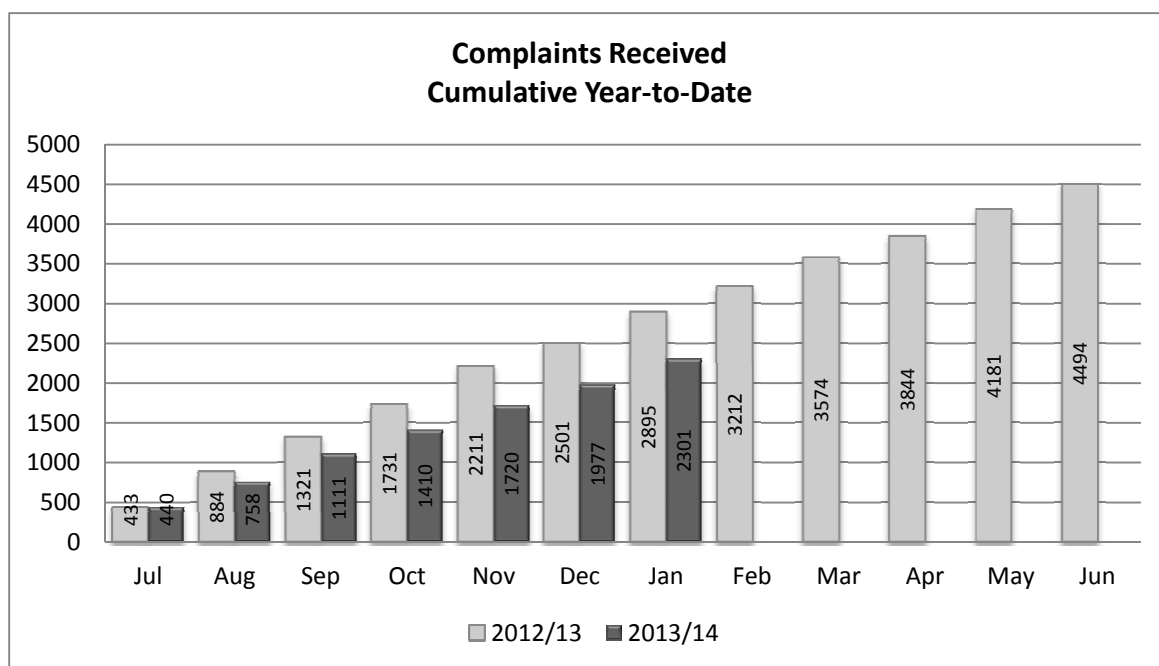
Preparations have commenced to support anticipated changes to the Commission's jurisdiction arising out of the Independent Advisory Panel's "Review of the Crime and Misconduct Act and Related Matters". A working party has been established to consider and implement the legislative and jurisdictional changes once known and includes developing a communication strategy and information sessions for public sector agencies to explain the future work and focus of the CMC, and revising and updating Commission materials and publications including the investigative resource "Facing the Facts".

Complaints

The CMC currently receives and assesses all complaints alleging misconduct in Queensland's public sector agencies. For the reporting period 1 November 2013 to 31 January 2014, the CMC received 891 complaints. The number of complaints received represents a 23% decrease compared to the same period in the previous year. For the financial year to date, the CMC has received 2,301 complaints. This compares to 2,895 for the same time last year and continues the downward trend.

The 891 complaints received in the reporting period contain a total of 1,922 allegations of misconduct. (A complaint may contain multiple allegations.) Of these allegations:

- 52 per cent (1,009) related to police
- 37 per cent (707) related to public sector agencies (including Government-Owned Corporations)
- 10 per cent (192) related to local government
- 1 per cent (14) related to other agencies (mainly involving members of parliament).



The CMC has assessed 894¹ complaints in the reporting period:

- 733² (82%) were referred to the appropriate agency to deal with, subject to the CMC's monitoring
- 15 (2%) were retained for investigation by the CMC (including investigations conducted cooperatively with agencies)
- 146 (16%) were assessed as requiring no further action.

How the CMC monitors complaints³

The CMC adopts different levels of monitoring depending on:

- the seriousness of the allegations to be investigated;
- the capacity of the originating agency to undertake the investigation independently and
- the public interest.

The CMC's monitoring function also includes random audit activities focussed on high risk activities or agencies.

Examples of audits commenced by the CMC in the reporting period include:

- A compliance and integrity audit of the way in which complaints related to inappropriate associations between public service officers and Criminal Motorcycle Gangs (CMGs) have been dealt with by the Queensland Police Service and other public sector agencies;
- An audit of matters referred to public sector agencies and reviewed by the CMC in the 2012/13 financial year that were outsourced to an external investigator by the agency dealing with the matter. The purpose of this audit is to comment on whether the outsourcing of investigations by agencies is an efficient use of resources and to determine under what circumstances an agency might use the services of an external consultant/investigator;
- An audit to determine the number of outstanding matters referred to public sector agencies to deal with (not including the Queensland Police Service), with a focus on matters that are older than 12 months, to identify why matters have not been resolved.

1 The number of complaints assessed differs slightly from the number received because somewhat different time periods apply.

2 Of the 733 complaints referred to the appropriate agency to deal with, 100 (11%) were subject to close monitoring.

3 The CMC's monitoring role is set out in sections 35, 47 and 48 of the Crime and Misconduct Act.

Misconduct Investigations

The CMC investigates only the most serious or sensitive allegations of misconduct. Investigations undertaken in Misconduct Operations are generally not reported on publicly until finalised. There would be a significant risk of either compromising a current investigation or causing reputational damage to those persons who are under investigation otherwise. Discussing the progress of an investigation also carries with it a risk that persons who are assisting by confidentially providing information to the CMC would be identified.

As at 17 February 2014, Misconduct Operations has 39 matters under investigation (including 5 cooperative investigations). The full breakdown for the 39 investigations outstanding, and a guide as to the duration of the investigation, is as follows:

7	(18%)	< 3 months
10	(26%)	3–6 months
8	(20%)	6–9 months
5	(13%)	9–12 months
9	(23%)	> 12 months
39	(100%)	

Establishment of new Police and Public Sector Corruption Investigative Team

As a result of additional government funding to tackle the activities of criminal motorcycle gangs, the Misconduct unit has established a Police and Public Sector Corruption Team to conduct protracted investigations and intelligence probes into potential inappropriate associations and corruption between Criminal Motorcycle Gangs (CMGs) and police and public sector agencies. Three areas of interest have been identified:

1. Reactive investigations in response to complaints received;
2. Proactive investigations in response to intelligence development; and
3. Development of policy initiatives that may assist to make the Police Service and public sector more resistant to CMG infiltration and corruption.

The team is currently investigating 10 matters and conducting proactive target development strategies with a view to identifying future investigations. These investigations relate to police officers, civilian police employees and employees of public sector agencies. One of the investigations is being conducted jointly with the QPS.

Oversight of the Queensland Police Service

QPS complaints

During the reporting period, the CMC received 448 complaints containing 1,009 allegations against police. This represents a 27% decrease when compared with the same period last year. For the financial year to date, the CMC has received 1,093 complaints against police, compared to 1,382 in the corresponding period in 2012-13.

Indigenous complaints remain steady for the reporting period, comprising 7 per cent of the total complaints made against police.

Reviews of matters dealt with by the QPS

For the reporting period 1 November 2013 to 31 January 2014, 30 police matters have been the subject of close monitoring through a case review. The CMC was satisfied with the way in which the QPS dealt with matters in 97 per cent of the cases.

Other, more specific concerns identified by the CMC have been referred back to the QPS to be addressed through either individual case management or broader training programs, as appropriate. Some of the CMC's concerns related to unexplained delays in completing inquiries/investigations.

Discipline reviews and appeals

In the reporting period, we examined 11 'reviewable decisions'. We also had five ongoing QCAT review applications. Two of these matters finalised during the reporting period. We did not file any new review applications in QCAT in the reporting period.

There were also two ongoing appeals in QCAT relating to discipline matters, and one ongoing discipline matter in the Court of Appeal.

Taking into account the above, the CMC currently has six discipline matters in QCAT or the Court of Appeal.

Oversight of police-related deaths and 'significant events'

The CMC is informed of all police-related deaths and also of 'significant events' involving police. It may elect to attend an incident if there is concern regarding the public interest (for example, where a police officer has shot at someone, regardless of whether there have been injuries or deaths).

In the reporting period the CMC has responded to two police-related deaths and received notification in relation to four other significant events across the state. The two police-related deaths responded to in the reporting period include:

- the death of a male person who had been restrained by members of the public during their intervention in a domestic violence dispute. The male was found to be not breathing and unresponsive after police arrived and applied handcuffs. He was later pronounced dead at the hospital; and
- the death of a male person who had been holding a woman and her daughter hostage during a siege in north Brisbane.

Investigating allegations of serious misconduct

For the reporting period 1 November 2013 to 31 January 2014, the CMC has finalised eight investigations into 74 serious allegations of police or official misconduct. As a result of these investigations, we recommended that 71 disciplinary charges be instituted against 10 officers.

For the financial year to date, the CMC has commenced 16 new investigations (including 3 co-operative investigations) and finalised 13 investigations in to allegations against police.

Operation Quince

Operation Quince was an investigation into allegations concerning a serving QPS officer's interactions with members of the public. The subject officer was stood down by the QPS pending the final outcome of the CMC investigation.

As reported in the last report, in November 2013, the subject officer was charged with offences of assault, deprivation of liberty, misconduct in public office, three counts of perjury, and damaging evidence with intent (alternatively misconduct in public office).

During the current reporting period, an investigation report and disciplinary brief was forwarded to the QPS in February 2014 for consideration of disciplinary action against the primary subject officer for 56 disciplinary offences, and 5 further subject officers for a total of 9 disciplinary offences.

Operation Redbrick

In September 2013 the CMC commenced an investigation into an allegation that a serving senior QPS officer had released confidential information to a member of the public compromising a law enforcement operation.

In February 2014, the QPS has suspended the officer pending the outcome of the CMC investigation. This investigation is ongoing.

Research

Police use of force monitoring program

In January 2013, the CMC improved its capacity to monitor aggregate trends in Queensland Police Service use of force incidents. The CMC established an ongoing use of force monitoring program, which monitors the type, frequency and basic characteristics of recorded QPS use of force incidents over time, to:

- identify any notable trends in police use of force to inform possible further work by the CMC
- enable timely internal advice about the frequency of police use of force.

The data is analysed biannually and two internal reports are prepared. Report 1 was completed in October 2013 and Report 2 is due for completion in April 2014.

Inventory of QPS use of force monitoring and review processes

The CMC has consistently raised concerns about the effectiveness of the QPS's use of force monitoring and review processes. In 2011, and again in 2013, the CMC committed to examining these processes in a further research project. Recent changes within the QPS have altered use of force monitoring and review processes. It is important that we improve our understanding of these processes (phase one) before attempting to evaluate the effectiveness of these mechanisms (phase two).

This project (phase one) will determine what use of force monitoring and review processes are currently in place, and what factors have driven changes to these processes over time. This project will also benchmark the current processes in Queensland against best practice. The information gathered during this phase will inform the development and focus of phase two.

Phase one commenced in July 2013 and was completed in January 2014.

Audit of community safety plans in discrete Indigenous communities (Action 49 of Restoring order)

The CMC's Restoring Order report recommended that efforts to reduce crime and violence in remote and other discrete Indigenous communities must be guided by strong local-level planning. Previous government arrangements required the development of a community safety plan in each discrete Indigenous community and in the Torres Strait. Action 49 of Restoring Order requires the CMC to audit the crime prevention and community justice (including policing) component of the plans in 2013 with a focus on their potential to reduce and prevent crime and violence, and improve the relationship between police and the communities.

The audit commenced in May 2013 with an expected completion date of March 2014.

Police interviewing police

This project will examine the extent of compliance with the QPS investigative interviewing model when police interview police subject officers. This project seeks to measure the nature and extent of non-compliance in police interviews of police subject officers, and assess whether any non-compliance may be explained by bias, or other factors such as training or operational issues. Findings from this review will inform the debate about the appropriateness of internal investigations and may assist the QPS in the development of policies, procedures and training in investigative interviewing of police subject officers and generally.

The project commenced in August 2013 with an expected completion date of June 2014.

Public Sector (including Local Government)

Complaints

During the reporting period, the CMC received 404 complaints containing 721 allegations related to public sector and other agencies (including government-owned corporations and members of Parliament). The number of complaints received is 17 per cent lower than the same period last year and continues the downward trend of 2012-13.

For the financial year to date, the CMC has received 1,083 complaints related to public sector and other agencies, compared to 1,328 in the corresponding period in 2012-13.

In the local government sector, for the reporting period we have received 66 complaints (containing 192 allegations) of official misconduct involving local governments, which is a decrease when compared to the same period last year. For the financial year to date, the CMC has received 183 complaints about local governments, compared to 257 in the corresponding period in 2012-13.

Monitoring

For the reporting period 1 November 2013 to 31 January 2013, the CMC has reviewed 47 complaints investigated and or dealt with by public sector agencies (including local governments). The CMC was satisfied with the way in which agencies dealt with matters in the majority of cases.

As a result of our reviews, 25 procedural recommendations to agencies were made. Recommendations focussed on areas such as record keeping, staff training, reviews or amendments of policies and procedures and deficiencies in approval processes in relation to procurement.

Investigating allegations of serious misconduct

For the reporting period 1 November 2013 to 31 January 2014, the CMC finalised 4 investigations into 31 serious allegations of official misconduct in the public sector. As a result of these investigations, we recommended that 8 disciplinary charges be instituted against 1 person and have referred 25 possible criminal offences to the Office of the Director of Public Prosecutions for their consideration.

For the financial year to date, the CMC has commenced 14 new investigations and finalised 15 investigations in to allegations against public sector employees.

Noteworthy outcomes of investigations finalised in the period include:

- Charges of perjury, fraudulent falsification of records and offences under the Industrial Relations Act against Mrs Emma Driscoll following a joint CMC-QPS investigation concerning alleged official misconduct against the former State Member for Redcliffe, Mr Scott Driscoll. An associate of Mr Driscoll's, Mr Bruce Mills, has also been charged with offences of fraudulent falsification of records and offences under the Industrial Relations Act. A brief of evidence in relation to Mr Scott Driscoll is under consideration.
- The completion of a reopened investigation into an allegation that an inducement was offered to Dr Bruce Flegg to vacate his seat of Moggill. The reopened investigation found no evidence that a criminal offence of electoral bribery was committed within the meaning of Section 98C of the Queensland Criminal Code. A brief of evidence in relation to the provision of false evidence to the CMC is under consideration.
- The closure of an investigation into allegations of official misconduct in relation to the process surrounding the appointment of a departmental officer by Mr Michael Caltabiano, the former Director-General of the Department of Transport and Main Roads. As a result of advice received from the Director of Public Prosecutions (DPP) that any prosecution of Mr Caltabiano would not have reasonable prospects of success, criminal charges have not been progressed.

Allegations of official misconduct at a university

In July 2012 the CMC commenced an investigation into allegations of corruption, favouritism and misappropriation by a senior manager in the university sector. The allegations related to the senior manager receiving significant undeclared gifts and benefits from private contractors engaged by the university.

The CMC substantiated eight allegations and referred them to the university for the purposes of disciplinary action. The officer has now been dismissed.

Misconduct prevention and anti-corruption activities

Under its legislation the CMC has a function of helping to prevent misconduct. Prevention officers are attached to investigation teams, enabling ongoing reviews of the systems, policies, procedures and work practices relevant to the matter under investigation. Prevention officers focus on the systemic causes of misconduct, rather than the individual who has been involved, to identify weaknesses and gaps and make recommendations to reduce opportunities for misconduct within the agency and, where relevant, across the public sector.

Agencies responded to 72 of our recommendations within the reporting period and they accepted/implemented 92 per cent of them. Recommendations related to sufficient controls and risk mitigation strategies in relation to conflicts of interest and gifts and benefits, reviews or amendments of policies and procedures, improvements to record-keeping practices, reviews of organisational structures to ensure clear lines of approval authority and development of internal control mechanisms in relation to information security.

Response to CMC public report

February 2014 was Fraud Awareness Month. On 3 February 2014 the Honourable Scott Emerson as the Acting Minister for Health commented in his media release on some of the key messages from the Crime and Misconduct Commission's public report *Fraud, financial management and accountability in the Queensland public sector: An examination of how a \$16.69 million fraud was committed on Queensland Health*. Mr Emerson stated that the report had identified five main areas in which agencies should be vigilant: "These included financial management, managerial standards and accountability, acceptance of gifts and benefits, managing risk in a context of organisational change and fraud awareness and prevention."

Following the investigation and the CMC's public report into the conduct of Barlow and other officers at QHealth, QHealth has introduced a number of important fraud awareness initiatives which are outlined in Mr Emerson's media statement.

Presentations

Presentations provided in the period November to February included the following:

- Information sessions to the Metro North and Gold Coast Hospital and Health Service (HHS) Boards designed to educate senior executives and board members of HHS's of their obligations under the *Crime and Misconduct Act 2001*. Topics covered during the sessions are:
 - Dealing with suspected official misconduct;
 - Misconduct Risks: Awareness and management;
 - Ethical Issues.

The motivation to deliver these sessions arose from two factors observed by the CMC. Firstly, a small number of complaints that indicated a lack of compliance with policies and procedures by senior executives and a steady decline in the number of matters that were being reported to CMC following the restructure of the Department of Health into 17 individual HHS.

Australian Public Sector Anti-Corruption Conference 2013

The fourth Australian Public Sector Anti-Corruption Conference (APSACC) was held in Sydney in November 2013 and was attended by 551 delegates from Australia and the South Pacific, Asia, Europe and the USA.

The conference included keynote addresses by Dr Peter Eigen, founder of Transparency International and a current member of Kofi Annan's Africa Progress Panel; Rose Gill Hearn, the current and longest serving Commissioner of the New York City Department of Investigation; and the Hon James Wood AO QC, former Justice of the Supreme Court of NSW and Royal Commissioner into Corruption within the NSW Police Service. The conference program featured a

variety of national and international speakers including a mix of police, public servants, local government officers and academics.

A list of the presentations given by CMC officers at APSACC can be found on pages 30 –31. Selected papers from APSACC conferences are available on the APSACC website www.apsacc.com.au

Witness protection

For reasons that include preserving the safety of witnesses it is not possible to include reports on short-term or recent Witness Protection performance.

However, in the reporting period all witnesses in our program were kept safe and were able to give their evidence in court.

Additionally, the target for performance against the witness protection service standard in the CMC's Service Delivery Statement is currently exceeded with the median time taken to conduct an initial witness protection assessment at 7 hours against a target of 48 hours for the period 1 July to 31 December 2013.

General Counsel and Legal Services

Significant issues

The CMC has a number of QCAT reviews in relation to police discipline in progress at present. These cover a range of different aspects of police misconduct. One matter in particular raised a new question of law regarding the CMC's power to review decisions not to take disciplinary action (i.e. Arndt).

In total, over the relevant period the CMC was involved in six police disciplinary reviews before QCAT (i.e. Francis, Baldock, Arndt, Lee, Moran, Majewski) and two appeals in relation to disciplinary matters before QCATA, namely Arndt and Francis – the latter of which is ongoing. The ninth matter is a Court of Appeal matter with respect to sanction (i.e. Flegg).

Police ACDP Appeals to QCAT

It has become apparent that a number of appeals to QCAT by the CMC in complex matters relating to police discipline have been unsuccessful. The relevant outcomes have, it appears, been determined as having very little chance of success on appeal for the following reasons:

1. A summary of evidence is placed before the presiding officer of the Administrative Consensual Disciplinary Process (ACDP); and
2. The hearing of an appeal before QCAT is similarly defective as the same minimal evidence only is available to the QCAT member.

Consequently the process used by QCAT for appeals against Police discipline decisions requires overhaul. This is because the hearing on appeal is not really a hearing *de novo* because the only evidence considered at QCAT is the summary of evidence considered by the officer hearing the ACDP matter (see for example the recent case of Baldock). The evidence of this form and extent is inadequate on appeal (and, in truth, at the original hearing of the ACDP matter) as:

- a. The original statements of witnesses and other evidence are not the formal evidence considered by the decision maker as far as can be ascertained; and
- b. Witnesses are not called and examined or cross-examined. Even if this aspect is regarded as sufficient for most summary hearings under the ACDP system, it cannot be sufficient or adequate for a proper hearing on appeal of disciplinary matters, which generally will not be taken on appeal for minor matters.

The Acting Chairperson is writing to the Attorney-General to bring this issue to his attention and to recommend a change of the law or practice of QCAT to overcome this unsatisfactory practice.

Judicial Reviews

The CMC has been involved in four judicial review matters over the relevant period, three of which are ongoing and one is awaiting decision after proceeding to hearing late last year. Of these, three involve witnesses who have been required to attend at Crime hearings and the final matter relates to an official misconduct investigation conducted by a unit of public administration.

Section 195 appeals

The CMC has been involved in two appeals pursuant to s 195 of the CM Act, relating to witness' claims of "reasonable excuse" in relation to requirements to answer questions at CMC hearings. One of these matters is currently before the High Court.

Contempt Applications

There have been 10 contempt applications brought by the CMC over the relevant period, some of which are still ongoing. Some of these relate to criminal motorcycle gang (CMG) matters arising from CMC intelligence hearings.

Telecommunications (Interception and Access) Act 1979 (Cth)

The Crime and Misconduct Commission (CMC) became an “enforcement agency” after the enactment of the *Telecommunications (Interception and Access) Amendment Act 2007* (Cth) in November 2007. Until the enactment of the *Telecommunications Interception Act 2009* (Qld) (Qld TI Act) in June 2009, the CMC utilised telecommunications data and stored communications information as part of its investigative strategies.

Under the Qld TI Act, the CMC was declared to be an interception agency for the purposes of the *Telecommunications Interception and Access Act 1979* (Cth) (TIA Act) on 8 June 2009. From this point, CMC investigative teams have increasingly used TI capabilities as part of their investigative strategies, to great effect. The TI regime imposes a number of stringent obligations upon the CMC; accordingly, the agency has developed formal policies and procedures and provides ongoing TI training to assist relevant CMC officers in appropriately discharging those obligations.

A new TI policy framework, incorporating updated forms and work instructions developed by GC and the Legal Services Unit (LSU) in consultation with the Telecommunications Working Group was approved by the Commission in June 2013, with refresher training being offered to relevant CMC officers.

TI warrant powers are utilised regularly, adopting the compliance procedures established by GC & LSU and approved by the Commission. The updated procedures adopted in relation to using, communicating and destroying lawfully intercepted information are subject to ongoing review to ensure compliance with legislative requirements.

TIA Act reform

It has been recognised that the TI landscape is constantly changing and that the interception of data has become increasingly important in the management of criminal and misconduct operations. Given the complexity of the TIA Act and its inability to keep pace with technological advances in telecommunications, the former Commonwealth Government sought to embark upon TIA Act reform — in particular, principles-based TI legislation that would be flexible enough to encompass new technologies and provide a more streamlined approach for agencies who use TI as an investigative tool.

To this end, the then Commonwealth Attorney-General, the Hon Nicola Roxon, sought a review by the Parliamentary Joint Committee of Intelligence and Security (PJCIS) of a number of proposals (the Inquiry into Potential Reforms of National Security Legislation). The PJCIS was provided with terms of reference by the Commonwealth Attorney-General to consider as part of their review. The terms of reference did not include an exposure draft for the PJCIS to consider.

Submissions to the PJCIS review closed on Monday 20 August 2012. The PJCIS published its first 177 submissions on Friday 24 August, of which the CMC’s submission was number 147.

The PJCIS held public hearings in September and November 2012 to hear from a vast number of stakeholders in relation to TI Act reform including law enforcement agencies, industry and community groups. The CMC attended a hearing in September 2012 to elucidate further on issues outlined in the public submission.

The PJCIS final report was released on 25 June 2013. Inter alia, the report contains a number of recommendations aimed at protecting the privacy of communications and enabling interception and access to communications in order to investigate serious crime and threats to national security. Importantly, the PJCIS recommended that Exposure Draft legislation be released for public and stakeholder comment, however, an expected release date was not provided.

A formal response to the PJCIS Report was delayed, on the election of a new Government in August 2013.

On 16 December 2013, the CMC was invited by the Senate Legal and Constitutional Affairs Reference Committee to lodge a submission to the Inquiry into Comprehensive Revision of the TIA Act, with specific regard to:

- (a) The recommendations of the Australian Law Reform Commission *For your Information: Australian Privacy Law and Practice* report, dated May 2008, particularly recommendation 71.2; and
- (b) Recommendations relating to the TIA Act from the PJCIS *Inquiry into the potential reforms of Australia’s National Security Legislation* report, dated May 2013.

The CMC is in the process of preparing a submission to the Inquiry, which is due by 27 February 2014.

Reporting and Compliance Obligations

The Parliamentary Crime and Misconduct Commissioner has in the past reported favourably in relation to the CMC's procedure on obtaining TI warrants and managing TI warrant information. The CMC has also been assessed as compliant by the Commonwealth Ombudsman with regard to stored communications and Commonwealth surveillance device obligations under the TIA Act.

Our people

The CMC recognises that committed and capable employees are central to our success in achieving our goals and objectives. We continue to review, develop and implement human resource management practices and programs to provide a supportive and stimulating environment for all staff.

CMC Establishment

(as at 3 February 2013)

People

Functional Area	Data	Employment type				Oct-13	Differential
		Permanent	Temporary	Casual	Grand Total		
Executive, Office of the Commission	Headcount	15	5		20	15	5
	FTE	14.8	5		19.8	14.8	5
Strategy & Service	Headcount	46	15		61	61	0
	FTE	43.9	13.1		57	57.6	-0.6
Crime	Headcount	47	12	3	62	57	5
	FTE	46.8	12		58.8	54.8	4
Intelligence	Headcount	35	0	19	54	45	9
	FTE	32.6	0		32.6	29.8	2.8
Misconduct	Headcount	83	8	1	92	93	-1
	FTE	81.4	7.6		89	90.1	-1.1
Research	Headcount	14	4		18	18	0
	FTE	13.6	4		17.6	15.6	2
Witness Protection & Operations Support	Headcount	52	0		52	54	-2
	FTE	51	0		51	53.2	-2.2
Total Count of Actual Staff		292	44	23	359	343	16
Total Sum of Staff FTE		284.1	41.7	0	325.8	315.9	9.90

Notes:

- Thirty temporary positions were created in the reporting period to support CMG initiatives. Some of these positions were filled by existing temporary or permanent staff.
- Nine CMG temporary positions remain unfilled, two non-CMG temporary positions are unfilled and nine permanent positions are vacant.
- The FTE differential from October to February is accounted for in part by a combination of the change in temporary positions and vacant positions.

Permanent positions

Functional Area		Feb-14	Oct-13	Differential (Actual)	Differential (FTE)
Executive, Office of the Commission	Actual	15	15	0	
	FTE	15	15		0
Strategy & Services	Actual	56	56	0	
	FTE	55.4	55.4		0
Crime	Actual	51	51	0	
	FTE	51	51		0
Intelligence	Actual	35	35	0	
	FTE	33.8	33.8		0
Misconduct	Actual	88	88	0	
	FTE	87.8	87.8		0
Research	Actual	19	19	0	
	FTE	19	19		0
Witness Protection & Operations Support	Actual	52	53	-1	
	FTE	52	53		-1
Total	Actual	316	317	-1	
Total	FTE	314	315		-1

Note:

Witness Protection & Operations Support: one position disestablished after an internal review

Police Service Reviews

Commissioners for Police Service Reviews (Review Commissioners) arbitrate on any grievances that police officers may have about promotions, transfers or disciplinary action. To ensure the transparency and independence of the review process, Queensland Police Union of Employees representatives have a standing invitation to attend promotion, transfer and disciplinary review hearings as observers.

When a review matter progresses to a hearing, the Review Commissioner is empowered to consider the material presented and prepare written recommendations for the attention of the Commissioner of Police (Commissioner), who makes the final decision. If a recommendation is not accepted, the Commissioner must provide the Review Commissioner with a statement of reasons for this.

During the reporting period, the following statistical information applies:

Status	Promotion	Transfer	Unapplied Transfer	Disciplinary	Non-appointment
Matters lodged	11	2		1	2
Matters withdrawn before hearing	9	2			
Matters out of jurisdiction					
Matters awaiting hearing at 14/02/2014			1	1	2
Matters heard	1	1			
Matters progressing (awaiting papers)	1				
Matters referred for Judicial Review					
Matters lapsed	1				
Matters awaiting outcome from hearings held in previous reporting period					

Media

Media releases

- 17.02.2014 CMC charges 70-year-old man with 54 child exploitation offences – Statement outlining the arrest of a 70-year-old man by the CMC’s Cerberus Team for the alleged possession and transmission of online child abuse images.
- 23.12.2013 CMC completes investigation into allegation of electoral bribery – Statement announcing that the CMC’s reopened investigation into an allegation of electoral bribery has found there is no evidence that a criminal offence was committed within the meaning of Section 98C of the Queensland *Criminal Code*.
- 04.12.2013 No criminal charges against former Director-General – Statement announcing that, on advice from the Director of Public Prosecutions, the CMC has determined that it will not lay criminal charges against the former Director-General of the Department of Transport and Main Roads, Mr Michael Caltabiano.
- 20.11.2013 Statement in response to Keelty Review of CMC – Statement outlining that the CMC has noted the content and recommendations of Mr Mick Keelty’s administrative review of the CMC.
- 08.11.2013 Statement from Acting CMC Chairperson – Statement from Dr Ken Levy about the extension of his appointment and his decision to send comments to *The Courier-Mail*, which were published as an opinion piece on 31 October.

Media interviews

- 21.02.2014 Acting Chairperson, Dr Ken Levy with *The Courier-Mail* about the CMC’s recent focus on CMG-related activities. CMC media staff were present.
- 30.12.2013 Acting Chairperson, Dr Ken Levy, QPS Deputy Commissioner Brett Pointing and QPS detective Superintendent Mick Niland: Joint interview with *The Courier-Mail* about the joint-agency response to criminal motorcycle gangs.
- 22.11.2013 Acting Chairperson, Dr Ken Levy: Media conference about his intention to remain as CMC’s acting Chairperson. Journalists from the following media outlets were present: Channel 10, Channel 9, ABC, *The Courier-Mail*, *The Australian*, *The Brisbane Times*, AAP, 4BC. CMC media staff were present.

Communications

External presentations

PRESENTER AND TITLE		AUDIENCE	TOPIC
January 2014			
07/1/14	Det Insp Geoff Acreman Integrity Services	QPS Academy Recruits	Role and Functions of the CMC
December 2013			
18/12/13	David Honeyman Principal Prevention Adviser	QRail senior managers	The Fake Tahitian Prince Fraud
11/12/13	Paul Collings Misconduct Prevention Officer	Brisbane City Council (125 senior managers)	The Fake Tahitian Prince Fraud
04/12/13	Officer in Charge Witness Protection Unit and 1 Senior Witness Protection Officer	Gold Coast Detectives Conference	Witness protection – access to the program and benefits to justice and investigations
02/12/13	Angela Pyke, Director Financial Investigations; David Goody Manager, Proceeds of Crime	Proceeds of Crime Interagency meeting	Proceeds of crime recovery and recent amendments to the <i>Criminal Proceeds Confiscation Act 2002</i>
November 2013			
29/11/13	Helene Wells Senior Research Officer, Applied Research and Evaluation	Australasian Ethics Network Conference, Fremantle, WA.	Striking the right balance: Research governance within a law enforcement and integrity based-agency
28/11/13	David Goody Manager, Proceeds of Crime A/Assistant Commissioner Dan Mahon	Australian Public Sector Anti-Corruption Conference, Sydney.	The investigation of a former Qld politician – secret commissions, corruption and proceeds of crime
28/11/13	David Honeyman Principal Prevention Adviser		Who is being groomed in the lobby?
27/11/13	Chris Lee Indigenous Adviser		Improving Aboriginal and Torres Strait Islander identification and reporting of corruption and misconduct
27/11/13	Paxton Booth Director, Office of the Assistant Commissioner; David Honeyman Principal Prevention Adviser		CMC Case Study – The Prince of Thieves – Queensland Health Fraud investigation
27/11/13	Patricia Collingwood Principal Adviser, Applied Research and Evaluation		Improving misconduct reporting in the police
26/11/13	Paul Collings Misconduct Prevention Officer		Workshop: @#netnaughties – Managing misconduct risks in the social media
26/11/13	David Honeyman Principal Prevention Adviser		Workshop: Misconduct Investigations: How to maximise the output and produce lasting strategic change

	PRESENTER AND TITLE	AUDIENCE	TOPIC
26/11/13	Elske Shaw Misconduct Prevention Adviser		Workshop: Fraud-proofing: 10 steps to reduce your exposure
21/11/13	Katherine Pike, Research Officer	4 th Annual Australasian CEW Conference	Taser use in Queensland: an overview of key trends and issues
15/11/13	Dr Ken Levy Acting Chairperson	Staff at the Australian Crime Commission, Brisbane Office	Who we are and what we do
13/11/13	Officer in Charge Witness Protection Unit and 1 Senior Witness Protection Officer	Logan District Police information session	Witness protection – access to the program and benefits to justice and investigations
13/11/13	Angela Pyke Director, Financial Investigations; David Goody Manager, Proceeds of Crime	QPS Taskforce Maxima	Proceeds of crime recovery and recent amendments to the <i>Criminal Proceeds Confiscation Act 2002</i>
11/11/13	Angela Pyke Director, Financial Investigations; David Goody Manager, Proceeds of Crime	QPS Crime & Intelligence Legal Unit	Proceeds of crime recovery and recent amendments to the <i>Criminal Proceeds Confiscation Act 2002</i>
06/11/13	Kathleen Florian Assistant Commissioner, Misconduct	Australian National University (ANU) Legal Workshop	Open address forum about the CMC and the use of investigative powers
04 & 05/11/13	Kathleen Florian Assistant Commissioner, Misconduct	QPS Commissioned Officers Dinner	Change of Leadership