



PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

Members present:

Mr SW Davies MP (Chair)
Mrs JR Miller MP (Deputy Chair)
Miss VM Barton MP
Ms YM D'Ath MP
Mr MJ Pucci MP
Mr IP Rickuss MP
Mr PW Wellington MP

Staff present:

Ms A Honeyman (Research Director)
Ms K Christensen (Principal Research Officer)

PUBLIC HEARING—MEETING WITH CRIME AND MISCONDUCT COMMISSION

TRANSCRIPT OF PROCEEDINGS

MONDAY, 5 MAY 2014

Brisbane

MONDAY, 5 MAY 2014

Committee met at 11.06 am

BOOTH, Mr Paxton, Acting Assistant Commissioner, Misconduct, Crime and Misconduct Commission

FLORIAN, Ms Kathleen, Assistant Commissioner, Crime, Crime and Misconduct Commission

FOX, Mr George, Part-time Commissioner, Crime and Misconduct Commission

KEELTY, Mr Mick, Acting Part-time Commissioner, Crime and Misconduct Commission

LEVY, Dr Ken, Acting Chairperson, Crime and Misconduct Commission

McFARLANE, Ms Dianne, Acting Executive General Manager, Crime and Misconduct Commission

WILLIAMS, Mr Sydney, Acting Part-time Commissioner, Crime and Misconduct Commission

CHAIR: Good morning, ladies and gentlemen. I declare this public hearing of the Parliamentary Crime and Misconduct Committee open. I am Steve Davies MP, the member for Capalaba and the chair of the committee. To my left is Mrs Jo-Ann Miller MP, the member for Bundamba and the deputy chair. Other committee members are Miss Verity Barton MP, member for Broadwater; Mr Michael Pucci MP, member for Logan; Mr Ian Rickuss MP, member for Lockyer; Ms Yvette D'Ath MP, member for Redcliffe; and Mr Peter Wellington MP, member for Nicklin. I remind all of those participating today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard, I remind all members of the public that under standing orders the public may be admitted to or excluded from the hearing at the discretion of the chair. The proceedings of the committee will be broadcast online and the media may attend and comply with the conditions for broadcasters and guidelines for camera operators, which are available in the room.

I ask that all mobile phones or pagers be either switched off or switched to silent. I welcome CMC commissioners and staff and thank Dr Levy for the public report on the CMC's activities during this period. In attendance today we have Dr Levy, Acting Chairperson; Mr George Fox, Part-time Commissioner; Mr Michael Keelty, Part-time Commissioner; Mr Sydney Williams, Part-time Commissioner; Ms Kathleen Florian, Acting Assistant Commissioner, Crime; Mr Paxton Booth, Acting Assistant Commissioner, Misconduct; and Ms Dianne McFarlane, Acting Executive General Manager. Welcome to all of you today. Dr Levy, I invite you to make some opening comments.

Dr Levy: The Crime and Misconduct Commission is pleased to be here today to discuss matters in our public report, which has been submitted to the committee, for the period 1 March to 31 March 2014. As the chairman has already noted, the commission is represented today by myself and also the commissioners—Mr Syd Williams QC, Mr George Fox and Mr Mick Keelty. In addition, there is the senior staff, whom the chairman has also announced—Ms Di McFarlane, Ms Kathleen Florian and Mr Paxton Booth.

Before I make comments about the commission's work for the last period, I just note that the commission is at an important stage in its history and development. The CMC and its predecessors, for that matter, have been a creature of legislation and the legislation governs the way in which we do business. Ultimately, it is the legislation that underpins what this agency does and why we do it. The proposed legislation, which we expect will create the Queensland Crime and Corruption Commission or the QCCC, will underpin how this agency will tackle serious and organised crime, serious corruption and police misconduct in the future. As you are aware, the commission was

represented on an implementation panel which was established to progress the recommendations of various reviews into this agency. The CMC also made a written submission to the Legal Affairs and Community Safety Committee and we appeared at that committee recently to assist it in its deliberations. The proposed legislation is now a matter for parliament and the commission awaits parliament's deliberations and the decision on the proposed changes.

I will now turn to some of the items which were outlined in our public report. It is important to note that the CMC cannot comment publicly whether any potential matter is before the CMC, unless of course that matter is already on the public record. It is the CMC's position that it is not appropriate to discuss in public the specifics of any operational matter by identifying matters which are not already on the public record or discussing the specifics of matters which are under consideration. The CMC risks causing reputational damage to individuals and may even compromise the outcome of an investigation. Generally, the information in the public report is the limit of what we can say without prejudicing the outcomes of investigations or potential court proceedings.

In the month of March the CMC has been very active in both our Crime and the Misconduct portfolios. The Crime function continued its fight against organised and serious crime in March and has achieved some significant outcomes. Police recovered 17 unlicensed firearms, including two submachine guns, as a result of a CMC weapons trafficking hearing. The removal of these firearms from the community was an important result. During the reporting period, the CMC hearings unit were able to gain valuable evidence to progress a further four serious crime investigations. These investigations comprised three alleged homicides and two attempted murders, all occurring in Brisbane or on the Gold Coast in 2013.

The Organised Crime Investigations team was engaged in four investigations of high-risk crime networks who were engaged in drug trafficking and other illegal activity in Queensland. These investigations remain ongoing. Some 28 witnesses attended crime hearings in support of 12 CMC or Queensland Police Service investigations of organised and serious crime or in support of our intelligence function. Some 14 people were called to criminal motorcycle gang related hearings in March. The CMC Proceeds of Crime team continues to produce outstanding results on behalf of the state of Queensland. In March the CMC obtained 10 restraining orders over property which were valued in excess of \$3 million. Also in March the state was the recipient of over \$4.87 million from forfeiture orders secured by the CMC. This included the largest ever single cash forfeiture in the sum of \$4.3 million. This was all due to the combined work of the CMC's Proceeds of Crime team and officers of the Queensland Police Service, the Director of Public Prosecutions and the Public Trustee—all of which resulted in ill-gotten gains of criminal activity being returned to the state of Queensland.

An area of vast improvement at the CMC is the timeliness of our investigations in the Misconduct portfolio. In July 2013 the CMC reported to the PCMC that we had implemented a number of initiatives to reduce the number of matters that were under investigation for longer than 12 months. At the end of this reporting period, the CMC had only five investigations which exceeded 12 months. This is a considerable improvement from the same time last year when the agency had 15 investigations exceeding 12 months. The commission also monitored this and agreed to a new monitoring point in which two officers recommended an improvement to our systems after consulting with like agencies interstate. The CMC is working towards the goal of having no investigations exceeding 12 months by about the end of the current financial year. The CMC finalised 11 Misconduct investigations in the month of March and included the referral of 13 criminal charges to the DPP for their consideration. The possible charges involved misconduct in public office and fraud related offences. The CMC awaits advice from the DPP as to whether they will proceed with criminal charges in relation to those matters.

The CMC is currently investigating 32 serious misconduct matters and commenced four new investigations in the month of March. As I outlined at the last PCMC meeting, the CMC has a number of active investigations into possible links between organised crime and the public sector. Those investigations also are ongoing.

I might just mention also that, as a result of the changes that have been occurring at the CMC or are about to occur, the police establishment also will be restructured. As a result of that, we will have a new chief of police at the CMC, who will be Chief Superintendent Maurice Carless, who is presently on the north coast, but he should be with us within a relatively short period of time. My colleagues and I are happy to take any questions from the committee. Thank you.

CHAIR: Thank you, Dr Levy.

Mr PUCCI: Dr Levy, I note that the CMC has been given specific funding for crime-fighting organisations. Can you expand or give us any information on how or if that funding has benefited the CMC in this area of criminal organisations or motorcycle gangs?

Dr Levy: The funding that we have received is both for the Crime function and also for the Misconduct function. I might ask Ms Florian perhaps to talk about the allocation of those funds to the Crime function and then I might ask Mr Booth to comment on Misconduct.

Ms Florian: Thank you, Mr Pucci, member for Logan, for your question. The funding that the Crime and Misconduct Commission has received in relation to CMGs and the Crime function has been allocated to assign a specific hearings team to look at criminal motorcycle gangs. That team has been very active since that funding came into place and continues to examine criminal motorcycle gang members to get a better understanding of the nature and extent of their criminality in this state and the extent to which the recent legislation is impacting on those gangs.

Furthermore, we also received funding to undertake additional investigative work in relation to CMG matters. The CMC is currently undertaking a number of prolonged investigations focusing on criminal motorcycle gangs. Furthermore, the CMC has been able to obtain an additional proceeds of crime team specifically looking at criminal motorcycle gangs. This time last year, there were some 17 staff in our Proceeds of Crime section. As of today—with a new member starting today—we have 23 staff in the Proceeds of Crime section and those staff are looking at proceeds of crime outcomes across-the-board but additionally in relation to criminal motorcycle gangs. Over the current reporting period in particular, the CMC has received a number of referrals from the QPS, six which are considered to have links to criminal motorcycle gangs, three of which were deemed suitable for confiscation action and have involved property to the value of just over \$2 million. Thank you.

Mr Booth: Thank you for the question, Mr Pucci. As previously reported, the CMC has established in Misconduct a specific investigation team utilising that funding. I can indicate that the CMC continues to investigate a number of matters where allegations relate to the involvement of organised crime, including criminal motorcycle gangs. Some of those investigations have been finalised. Others continue to be investigated. To date, five matters have been finalised.

In addition, the CMC is also producing a number of strategic intelligence reports that will provide a better insight into how that type of corruption occurs and what public sector agencies can do to better resist such corruption in the future.

Mr PUCCI: Thank you.

CHAIR: Thank you. I have a question regarding the proceeds of crime. Obviously, there has been a huge spike in the referrals and investigations into the proceeds of crime and, in fact, the funds that the referrals have received. Do you imagine that these will taper off? Obviously, there has been this huge increase. Will that taper off or are you expecting that that is the level that we are going to be staying at?

Ms Florian: Thank you for your question. I would expect that we would probably see it staying at that level, because although there has been a focus on criminal motorcycle gangs, one of the impetus behind this has been legislation that has introduced what we call the SDOCO provisions—the serious drug offender provisions—but also the unexplained wealth provisions. The serious drug offender provisions are now starting to make an impact. The legislation was introduced in September of last year. We are starting to see an increasing number of matters restrained pursuant to that legislation. So for anyone who is convicted of a drug trafficking offence, provisions now kick into place in relation to confiscation of those assets.

Mrs MILLER: I have a question to Mr Keelty. At the meeting on 3 March you agreed to take on notice the question of how much you were paid to conduct the Keelty review. I am just intrigued by the response, because the response says that it will be in the Public Service Commission's annual report. That does not really satisfy the public interest in this matter. So I am wondering why you are being so secretive about it. Surely, you must know what you were being paid.

Mr RICKUSS: That has hardly been secretive if it is in a public report.

Mrs MILLER: It is not reported yet.

CHAIR: Has the report come out?

Mrs MILLER: The question was to Mr Keelty at the last hearing and he said that he would tell us, but we do not know.

CHAIR: In the last hearing he said that it is going—

Mrs MILLER: He took it on notice, but we still do not have the answer to the question. So in the public interest, Mr Keelty, I am asking you again: can you tell us, please, what you were paid?

CHAIR: I think you have answered the question.

Mr Keelty: The question can be answered. It will be public in the cycle of reports of the Public Service Commission.

Mrs MILLER: So you are not prepared to tell the PCMC committee what you were paid at this point in time for the work that was undertaken?

Mr Keelty: It was a private contract between me and the Public Service Commission and I am just falling into line with the protocols that the Public Service Commission and Queensland government use.

Mrs MILLER: So we are not to be told, in other words.

CHAIR: We will be told when the report comes out. That is appropriate, surely.

Mrs MILLER: No, I would like to know now. I wanted to know beforehand and I do not believe that it is in line with this government's apparent openness and transparency. Anyway, I will just go on. I just want to continue. Just to get a handle on what you were doing at the time, on or around 23 July 2013, Mr Keelty, you were employed by the Public Service Commission as a consultant to work on the review of police and community safety together with Alison Spruce and Iain MacKenzie. That continued until 28 October. On 1 August, the Public Service Commissioner tells us that you were appointed to undertake the CMC review. On 29 August 2013 your report on police and community safety was handed to the government. On 5 November, you were appointed to undertake an investigation into the missing votes in Western Australia and on 19 November you presented your report on the CMC review. Then on 5 December you were appointed as a part-time commissioner of the CMC and on 6 December you handed down the Western Australian report. It appears to me that you were doing two jobs for the Public Service Commissioner at the one time, certainly between 1 August until 28 October, which is a period of three months. So were you being paid two separate consultancy fees?

Mr Keelty: I think the community safety report was actually not the Public Service Commissioner; it was the Department of Community Safety that I was employed by, but what happened was the reports were delivered and then I moved on to the next inquiry, so to speak.

CHAIR: Again, Mrs Miller, I do not know what this has to do with the PCMC investigation into the report.

Mrs MILLER: It has a lot to do with it in my view and it is in the public interest. So you finished the first job and then you went on to the second job; is that right? So you were not being paid twice?

Mr Keelty: No.

CHAIR: Thank you. Does anyone else have a question now? Mr Rickuss?

Mr RICKUSS: I was reading here of the reviews of matters dealt with by the police—disciplinary reviews, oversight of police, significant events. Dr Levy—and it might be referred to someone else who is involved in this—there have been a lot of police chases and some of them have been quite dangerous and quite damaging. There were three on the weekend. In one the police car rolled over and a policeman was injured. Are they referred to the CMC to review the accidents that have happened?

Dr Levy: Perhaps Mr Paxton Booth would care to respond to that one.

Mr Booth: We get referred most of those to the commission through what we call a significant event by the police. It depends on the exact circumstances—as to whether someone is seriously injured or whether there is perhaps a death involved. So it depends on how serious the matter is and the outcome of that and the consequence—whether someone was seriously injured or perhaps, as I said, someone was killed and the circumstances in which and how that is referred to us and then what our response is in terms of oversight of that matter.

Mr RICKUSS: In that are you reviewing the process that is involved with the police chases? Does that come up as well? There was one up in the Lockyer area recently where the policeman almost got assaulted as he was trying to apprehend the fellow hopping through the fence. I think there must have been a news crew or a police helicopter there, because there was quite vivid footage of that. I think it was Sergeant Harm who was trying to grab an offender through the fence and the offender is trying to grab his gun and those sorts of things. Even though no-one was critically hurt in that sort of situation, it could have turned nasty very quickly. Are those sorts of things then reviewed?

Mr Booth: Our response to those incidents is to look at how the matter is investigated by the Police Service. We are not independently conducting our own investigation initially about those matters unless we identify that it falls within our jurisdiction and then we exercise our ability to investigate as a matter of official misconduct.

Mr RICKUSS: These police chases are now complex. Anyone seems to be able to drive automatic cars and, of course, most of them are very fast. So whether they are 15-year-olds or 25-year-olds, it is creating some real angst in the community for the fact that people are driving down the wrong side of the roads. So the police have this situation of whether to chase or not to chase, spikes and all of that sort of stuff. So it is an interesting conundrum.

Mr Booth: You are right. It is. It is something that the Police Service does have a policy on and I am sure that—

Mr RICKUSS: Would the CMC review that policy after a death or do you just—

Mr Booth: We would review it in context to see whether or not the police had followed that policy.

CHAIR: Thank you.

Ms D'ATH: My question is to Dr Levy and it goes to the statement you made at the public hearing of the Legal Affairs and Community Safety Committee about whether you intended to stay on as chairperson until 31 October as provided for in the Crime and Misconduct and Other Legislation amendment Bill. You stated—

... I was originally asked to go there for six months. That is all I had intended being there for. Because of other events I was asked to stay for another six months, and I agreed to do that. There has been no request for me to stay any longer, and I have to say that it is not a health-enhancing position. When I saw that in the bill, it was quite clear what the government was trying to do.

Just to clarify, when you saw that in the bill, had anyone had any previous discussions with you about staying on after 22 May?

Dr Levy: No.

Ms D'ATH: Thank you. Can I now just take you to your report to the committee.

Dr Levy: Sorry, just before we go on: I probably had casual conversations—even people within the CMC—but I have not been approached by anybody officially about whether I would stay on. I have had general discussions with people after I saw that in the bill, but I have not been approached by the Premier or any minister or any formal offer about whether I would stay on. I clarify that to that degree: obviously I have had—

Ms D'ATH: Just to clarify from the comment that you just made, those conversations occurred before or after you saw it in the bill?

Dr Levy: I cannot recall, to be honest. There were policy officers in justice occasionally who would consult with me, but certainly nobody who was in any authority to offer me anything. I have had some general discussions about them, but not about asking me to give an answer whether I would stay on. There was nobody in authority who has ever done that.

Ms D'ATH: Thank you. Can I take you to the report to the PCMC that you have just referred to today. On page 4, in relation to liaison meetings, you refer to a meeting on 5 March saying that you attended a CMC cabinet subcommittee meeting to discuss the draft Crime and Misconduct and Other Legislation Amendment Bill. Are you able to tell the committee who else attended that meeting?

Dr Levy: It was really—I think that it might be better if that one was dealt with in the private session, perhaps. It is a policy matter of government.

CHAIR: Sure.

Ms D'ATH: If I can, Chair, it is a matter of public record that the ministers must produce their diaries showing meetings that they have had. It is a matter of record whether any ministers would have met with you on that date.

CHAIR: But it might not be only just ministers, Ms D'Ath.

Ms D'ATH: Can you advise of any ministers who attended?

Dr Levy: Mr Chairman, can I say, at that meeting ministers were there, yes, and there were a number of departmental officers, I think all from the Department of Justice. I think there may have been some other officers there. This was after the bill had been drafted and we had had no involvement with that for quite some time. They asked my view about various things and I gave my

opinion about a number of matters. It was a short meeting. It is in the context, of course, that, a number of agencies being involved in this. It has been a long gestation period. We thought it would be finished in January, but obviously the development of the consultation went on beyond that. We really were not involved with most of that recent consultation, but I was just asked whether I had any views about the draft that I had seen.

Ms D'ATH: Are you able to state which ministers actually attended that meeting?

Dr Levy: I think that is really a matter for the—rather than me speak for ministers, I think in this public forum perhaps that is all I prefer to say here now.

Mr RICKUSS: You did not organise the invitation list for this meeting?

Dr Levy: I never organise invitation with ministers.

Ms D'ATH: It is irrelevant who organised it and it is not speaking on behalf of the ministers. It is simply stating which ministers attended the meeting on that day.

Miss BARTON: Seeing as it is going to be dealt with in the private session—

CHAIR: I think Dr Levy has made it clear that he is happy, in the private session—

Dr Levy: I am happy to go into it further in the private session, certainly.

CHAIR: Thank you. Miss Barton?

Miss BARTON: I have a question for Ms Florian. You said in response to, I think, Mr Pucci's question that the serious drug offender provisions are really starting to come into effect and come to the fore now. I noticed in the public report that there was some detail about some of the increased drug trafficking investigations and the success of those. Obviously within the remit of what you can say, would you be able to give me more detail about how those new provisions, from September or October last year, are helping the CMC?

Ms Florian: The legislation which introduced the serious drug offender confiscation order scheme took effect or went live from early September last year. The scheme is dependent on there being a conviction for drug trafficking, so there will be some time lapse between the introduction of the scheme and when we start seeing matters being progressed under the scheme. Given that we are now in May, we are starting to see a number of matters. We have had four certificates of convictions that have issued in relation to serious drug offender offences, so they are qualifying offences which then allow those confiscation actions to commence. We have had five restraining orders since the commencement of that scheme and a further five are currently contemplated.

Because this is a new scheme, the CMC has been quite proactive in terms of identifying matters which were appropriate for confiscation action under this scheme. We have been able to interrogate the Queensland police system in order to get a batch report of all trafficking offences as they are preferred and then to do asset searches to determine the potential value of doing a confiscation matter in relation to that matter. As a consequence of that, we have identified 15 matters that have been appropriate for confiscation legislation or confiscation action pursuant to that scheme. We anticipate that the scheme will generate high returns and will be quite resource intensive in order to get those matters appropriately before the court and to get a confiscation action resolved.

CHAIR: I have a follow-up question, Ms Florian, regarding the interaction between other jurisdictions in proceeds of crime. How do you work with other jurisdictions in relation to this?

Ms Florian: The CMC has close relationships with all other proceeds of crime jurisdictions around the country. There is also legislation which identifies or allows us to recognise the mutuality of orders arising in each state and to execute those orders in other states. We are able to work effectively both with other state confiscation schemes but also on a Commonwealth level to identify what jurisdiction is going to be the best jurisdiction to progress a proceeds of crime outcome and to ensure that assets, wheresoever they are located around Australia, are confiscated.

CHAIR: Internationally?

Ms Florian: Internationally is much more difficult. That depends on the extent to which Australia has recognised relationships with the country in question. It is the Australian Federal Police that really progressed the predominant part of that work.

CHAIR: Fantastic. Mr Pucci has a question.

Mr PUCCI: Dr Levy, I notice in your public report on page 15 the report indicates that the CMC has improved its capacity to monitor aggregate trends in the QPS use of force. Can you explain or can you tell us what is a recorded use of force and how has the CMC improved on its capacity to monitor the QPS?

Dr Levy: I am sorry: Page 15, which issue? Under 'Research'?

Mr Pucci: Under 'Research', yes, where it says that the CMC has improved its capacity to monitor aggregate trends in the QPS use of force.

Dr Levy: Perhaps Ms Florian might like to comment.

Ms Florian: Actually, it is a misconduct question. Without wishing to look like I am flicking—

Dr Levy: Mr Booth, then.

Mr Booth: As I understand it, this research is the second such report that the research unit has done in relation to the police use of force. Part of your question was about what constitutes use of force by police. It includes such things as use of taser or the use of firearms. Any time the police officer uses something in that category where effectively an injury could occur to a person when monitoring the frequency, as we say in the report, of those uses and whether or not there has been an increase or decrease to try to look at the police training and whether there is an issue with the police training that needs to be looked at. We also have the ability to compare that to our complaints information to see whether or not we can see any kinds of trends or patterns in terms of complaints that have been made about police officers' use of force versus what has been reported on their internal systems.

Mr Pucci: What is the improvement? What is there that has not been done in the past?

Mr Booth: I suppose the improvement is our ability to get that oversight of the information that has come in or has been recorded on the police systems. Any time there is a use of force by police they are required, under their procedures, to report it internally. It does not necessarily mean that ordinarily it would be reported to us as a misconduct. So we have now seen both matters which are being reported as a potential misconduct matter and we are also seeing matters that are reported generally within the Queensland Police Service about use of force, so we can look at trends and analyse those.

Mr Pucci: Thank you.

CHAIR: Thank you, Mr Pucci. Mrs Miller?

Mrs MILLER: For the benefit of the committee, I would like to table the Queensland government GovNet site that says that Mr Keelty was employed from 23 July to 28 October by the Department of Premier and Cabinet. Mr Keelty, you were asked at the last meeting about providing the terms of reference for your inquiry. I have in front of me what purports to be terms of reference, but a high school student could have done better. When did you first see these terms of reference and did you see them before you commenced the review?

Mr Keelty: Perhaps with your indulgence, Chair, just going back to the point made by Mrs Miller before. When I was employed or contracted to the Public Service Commission, prior to that the Department of Community Safety, any invoicing I did was separate because the two jobs were separate and I was never ever in a position where I was receiving two lots of payments from the Queensland government from two separate posts. I would not work like that. Even now I am working in a way—I am conscious of the fact I am coming from Canberra, I am conscious of the cost and impost on the Queensland taxpayer and I am doing everything in my power to absorb some of that cost myself personally and to minimise the cost to the Queensland taxpayer. I am very, very conscious of that.

Mrs MILLER: The terms of reference: I am wondering when you first saw those terms of reference or what purports to be the terms of reference and did you see them prior to commencing the review?

Mr Keelty: My recollection is that I had a meeting with the then Public Service Commissioner when they asked me to come and have—I think the Callinan Aroney report had been delivered. I am not sure if it was public. It had been delivered and I was asked by the then Public Service Commissioner whether I was free to continue some work coming after the community safety review, so I looked at the terms of reference then.

Mrs MILLER: But the terms of reference are very vague, aren't they? When you have a look at your job that you did in Western Australia from the Australian Electoral Commission, you received a full letter of employment, which is publicly available. It says here that you were paid \$2,500 a day. I would like to table that. There was also publicly made available the terms of reference for the inquiry that you did in Western Australia, and yet the terms of reference of the review that you undertook is still not publicly available, as I understand it; is that correct?

Mr Keelty: They are matters outside of my control and two different governments, of course.

Mrs MILLER: I am aware of that, but there seems to be two different standards. In other words, the Australian Electoral Commission is being very open and transparent, including what you are being paid, and yet in Queensland it is the exact opposite because we cannot find out what the terms of reference are—

CHAIR: Jo, this is something he cannot control.

Mrs MILLER:—and what you are being paid.

Mr RICKUSS: You are questioning the wrong person, Jo.

Mrs MILLER: We are getting very upset and touchy over there, aren't we?

CHAIR: No, we are not at all. But I think you are going for a witch hunt and trying to—

Mrs MILLER: No. I am just trying to find out what should be on the public record.

CHAIR: Mr Keelty can do very little about the terms of reference—

Mrs MILLER: Mr Keelty can tell us himself and he has failed to do so.

CHAIR:—that were given to him. He did not write those terms of reference. He can only respond to the ones that were given to him.

Mrs MILLER: Mr Keelty can tell us himself.

CHAIR: Mr Keelty is saying that he is trying to deliver good service to the Queensland people. He is coming from Canberra—

Mrs MILLER: But no-one knows what the terms of reference are except us here. The people of Queensland have a right to know what the terms of reference were.

CHAIR: Jo, thank you very much. You have made your point. I have a question for Dr Levy. Dr Levy, under the legislation that the government has brought out regarding a member of a criminal motorcycle gang who is a statutory officer in that gang—a treasurer or a sergeant-at-arms—there are higher penalties. If you are a drug dealer and you are a member of one of those gangs, there are also higher penalties in terms of jail time, et cetera. How is that helping the CMC actually elicit information? I think the whole object of that is to give you a bit of leverage for these guys to turn over on their buddies and to inform. Is it working?

Dr Levy: There have certainly been comments in the press about what has been released about that. As time has gone on it is evident that members of criminal motorcycle gangs have, generally speaking, not wanted to hold executive positions. I understand from what I have read in the press that many of the clubs do not have many people evident around them at all.

But clearly it has had an effect on at least cooperation in trying to find intelligence about the level of crime and crime links and other relevant information that the CMC and Queensland Police Service are interested in. I am only generalising now, but one would have to say that it has made a contribution at the very least, but a significant contribution in the knowledge gained over the last four or five months.

Mr RICKUSS: You might have to refer this question to someone else. There was mention of gun confiscations and gun-running. Is gun-running a major crime in Queensland? Is it on the increase? I have a supplementary question to that, which I will ask when you finish answering that question, about the G20 meeting.

Dr Levy: Putting aside operational matters, unless Ms Florian has some comment to make about that in a general sense—

Ms Florian: I am happy to make a comment in a general sense. Thank you, member for Lockyer, for your question. Gun trafficking of any sort is always a matter of considerable concern. Whilst Queensland is fortunate not to be in the position of some other states where the level of gun related violence is quite concerning, any level of gun related violence in Queensland is concerning and unacceptable. There is a trade particularly for small arms that can be concealed. In Queensland they are a very valuable commodity. We have only to examine the rate of Queensland homicides and the way in which those homicides occur to identify the extent to which guns and often actually 22s are involved in the execution of homicides in this state.

Mr RICKUSS: Is it increasing—the small arms and pistol type—

Ms Florian: There is a great demand for small, concealable weapons. Wherever that demand is it creates opportunities in organised crime markets. That is a matter that is always of considerable concern and a matter that is being monitored.

Mr RICKUSS: With the G20 coming up, is there a concern that there are a lot of illegal firearms out there that people could use to put at risk the G20 operation?

Ms Florian: It would not be appropriate for me to comment on risks to the G20 operation. That is a question that is really within the remit of the Queensland Police Service.

Ms D'ATH: My question is to Dr Levy. I am mindful of the response you gave me in relation to the meeting of 5 March. I just wanted to give you the opportunity to, if you wish, put on the public record who attended that meeting, on the basis that the reason I was asking the particular questions about attendance is that there are differences across the ministers' diaries as to who actually attended that meeting. In fact, the Deputy Premier's diary, the Attorney-General's diary and the Health Minister's diary all contain references to the cabinet subcommittee meeting. But the Deputy Premier's diary says the Premier also attended. I just want to give you the opportunity, while we are on the public record, to state whether in fact the—

Mr RICKUSS: Dr Levy did not fill in their diaries, did he?

CHAIR: I think that is a question you can ask the—

Ms D'ATH: Dr Levy can still state—

CHAIR: You can ask about his attendance. I do not think it is appropriate—

Dr Levy: Given what I said before, I am happy to give you particulars in the private meeting.

Ms D'ATH: It is a very simple question, Dr Levy, about whether the Premier was in attendance or not at that meeting. I fail to see why we need to wait until the private meeting—

Dr Levy: I will be specific about that one. The short answer is, no.

Ms D'ATH: I have some further questions in relation to that meeting. Are you able to advise whether the extension of your appointment was discussed at all at that meeting?

Dr Levy: I will answer that also; definitely not.

Ms D'ATH: So no-one asked you casually if you wanted to stay?

Dr Levy: No, definitely not.

CHAIR: Thank you very much, Ms D'Ath. You mentioned that Maurice Carless is coming on board. I was a bit preoccupied—

Dr Levy: He is a chief superintendent of police. At the present time we have an assistant commissioner position. With the review of the police as well as the CMC there is going to be some restructure of the police establishment and the senior position will be a chief superintendent. The most senior police officer at the moment has been there for about five years. That is the period when ordinarily they would rotate out. Chief Superintendent Carless has just been promoted. He will take up that position in the next couple of months or so. He is still engaged in Rockhampton and that very large area. He is one of the most senior police there. He is an acting assistant commissioner at the moment.

CHAIR: Excuse my ignorance, what is the role that he will be undertaking? What does it entail?

Dr Levy: He will be head of what they call the police command. The police command has detectives who work in the crime function. There are detectives who work in the misconduct function. There are other police there as well who do other support work. His role is not only to be a liaison person, in some respects, between the Queensland Police Service and the CMC—even though the Commissioner of Police and I talk every month—and not to administer the police in their operationally work because they work within either misconduct or crime but the role is a senior one. He is an experienced police officer. He will attend the executive management group meetings. He will attend the commission meetings. He will also liaise with police about things that would affect police only. He is also an adviser and a manager where there are both police and civilian implications, if you like, about employment.

Mrs MILLER: The member for Lockyer, Ian Rickuss, and I both represent the Ripley Valley. We know that ICAC has been looking at Australian Water Holdings and this has been publicly reported. I would like to know whether the CMC is working with ICAC with regard to Australian Water Holdings, the Ipswich City Council and developers about any dodgy AWH deals and if not why not?

CHAIR: Would that be for the private meeting?

Dr Levy: That is a potential operational matter. Again, I am happy to answer that question in the closed session. It would be inappropriate for me to answer that here. It may otherwise have implications which might be wrong.

Mr PUCCI: Dr Levy, on page 13 under 'How the CMC monitors complaints' there is a dot point which says that a compliance and integrity audit of the way in which complaints related to inappropriate associations between Public Service officers and criminal organisation gangs have been dealt with by the Queensland Police Service and other Public Service agencies. The audit has been reviewed and the report is up for consideration. I was wondering if you could tell us how many complaints were reviewed and how they were identified for review?

Dr Levy: In a general sense, I will ask Mr Booth to make a comment about that.

Mr Booth: In terms of how they were identified, they were identified internally through our complaints monitoring database. In terms of the exact numbers, I could not be confident in giving you an exact number off the cuff. Probably somewhere between 20 or 30 would be an approximation. I could get back to you with the exact number, if you would like that?

Mr PUCCI: I was just curious about how many we are looking at.

Mr Booth: It was just a sample that we examined.

Ms D'ATH: Dr Levy, in relation to research—and I think we all appreciate the importance of research to the CMC—I note in your report that currently the CMC is reviewing the Child Protection (Offender Prohibition Order) Act 2008. Are you able to advise why the CMC is not conducting any other research projects under the research power at the moment?

Dr Levy: The research program of course, as you may be aware, was the subject of comment in the Callinan-Aroney report. That is an area that has been under review. The research committee still exists, but there is a question around it until we actually see the legislation. At one time we had a belief that perhaps the scope of research might be narrowed somewhat, but it appears that is now not the case. But, in any event, it is subject to the commission and the research committee deciding what the research program is going to be.

There are some vacancies and there have been some for some time. There are a number of ideas that have been floated. We have not come to a landing on those. I think that that will probably take the next month or two until we finish with the establishment and we get the legislation in. That will then come together. There has been a period when we could not finalise a number of things—there have been a lesser number of staff and what the role was going to be for research. I think that is probably going to be clarified shortly, though.

Ms D'ATH: Are you able to advise how many vacancies there are?

Dr Levy: If my memory serves me correctly, there are 19 positions on the establishment and I think about six vacancies. I might be wrong with those figures. I think it is something of that order anyway.

Ms D'ATH: In relation to the last meeting on 3 March, Dr Levy you gave evidence that a brief of evidence was under consideration in relation to the investigation of Dr Flegg. I think Ms Florian that you may have further expanded on this in your evidence as well. Can you please give the committee an update in relation to this matter? This is specifically going to the false and misleading evidence allegations.

CHAIR: This is before the DPP at the moment.

Ms D'ATH: That is what I sought to clarify because it was said it was under consideration.

Dr Levy: I think we said that we will not make any public comment in this hearing about any operational matter. I am sorry, you keep asking me about operational matters.

Ms D'ATH: I raised it because it was in the public hearing and it was—

Dr Levy: On the last occasion—

Ms D'ATH: And it was your evidence that it was under consideration at the time.

Dr Levy: I said a little too much last time, I am sorry. That is our policy.

CHAIR: There being no more questions, the time for the public meeting has expired. I would like to express our appreciation of the work of Professor Marilyn McMeniman. I think she has finished up, is that correct?

Dr Levy: Professor McMeniman's term has expired, but as I understand it her appointment will be revived under the bill. So we expect that she will rejoin the committee. She is a very useful member of the commission.

CHAIR: We thank you for your time. We will now move to the private meeting.

Committee adjourned at 11.59 am