



PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

Members present:

Mr SW Davies MP (Chair)
Mrs JR Miller MP (Deputy Chair)
Miss VM Barton MP
Mr MJ Pucci MP
Mr IP Rickuss MP
Ms J Trad MP
Mr PW Wellington MP

Staff present:

Ms A Honeyman (Research Director)
Mr P Rogers (Principal Research Officer)
Ms K Christensen (Principal Research Officer)

PUBLIC HEARING—MEETING WITH PARLIAMENTARY CRIME AND MISCONDUCT COMMISSION

TRANSCRIPT OF PROCEEDINGS

MONDAY, 3 MARCH 2014

Brisbane

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Committee met at 11.37 am

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

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

KEELTY, Mr Mick, 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

McMENIMAN, Professor Marilyn, Part-time Commissioner, Crime and Misconduct Commission

SCOTT, Mr Michael, Acting Assistant Commissioner, Crime, Crime and Misconduct Commission

CHAIR: Thank you for attending today, 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. Mrs Jo-Ann Miller, the member for Bundamba, is the deputy chair. Other committee members are Miss Verity Barton, member for Broadwater; Mr Michael Pucci MP, member for Logan; Mr Ian Rickuss MP, member for Lockyer; Ms Jackie Trad MP, member for South Brisbane; and Mr Peter Wellington MP, member for Nicklin. I remind all 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 members of the public that under the 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 of broadcast and guidelines for camera operations, copies of which are available in the room. I ask that all mobile phones or pagers be switched to silent or turned off. 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 Ken Levy, Acting Chairperson; Professor Marilyn McMeniman, Part-time Commissioner; Mr George Fox, Part-time Commissioner; Mr Michael Keelty, Part-time Commissioner; Ms Kathleen Florian, Acting Assistant Commissioner, Misconduct; Mr Michael Scott, Acting Assistant Commissioner, Crime; Ms Dianne McFarlane, Acting Executive General Manager; Mr Paxton Booth; and Mr Dominic Feenan. I now invite you, Dr Levy, to make any opening comments.

Dr Levy: Good morning, Mr Chairman, and committee members. The CMC today is represented, as you have already indicated, by three of the four part-time commissioners, our assistant commissioners and our Acting Executive General Manager, Dianne McFarlane. Of this group, this will be the first committee meeting for Part-time Commissioner Mr Mick Keelty and for Ms McFarlane. Mr Syd Williams QC, who is our other part-time commissioner, has sent an apology as he could not move commitments he had for today after the date of the meeting changed.

First of all I would like to briefly refer to the question of government involvement in my opinion piece at the last meeting which occupied some time. As you all know, that is now a matter before the Select Committee on Ethics. I have written, though, to this committee in relation to a couple of outstanding matters which I undertook to send to you after the last meeting. Nevertheless, I will just await the outcome of the select committee and it would probably not be proper for me to discuss that any further today. However, I do want to affirm here today the very active role that the Crime and Misconduct Commission is taking against crime committed by members of criminal motorcycle Brisbane

gangs in Queensland and others involved in organised crime. The Crime and Misconduct Commission, as you would be aware, has had a long involvement with the fight against organised crime and in particular in relation to criminal motorcycle gangs.

Over the years the commission has conducted operations and shared confidential intelligence reports about these groups with other law enforcement agencies. In August 2012 Ms Kathleen Florian, who had been recently appointed Assistant Commissioner, Crime, at the time, gave an interview to the media in which she outlined the threat that CMGs posed in Queensland. At our last hearing Mr Scott, the Acting Assistant Commissioner, Crime, outlined the context of the request for additional hearings powers to fight organised crime. As the acting chairperson of the Crime and Misconduct Commission, I have a strong personal and organisational commitment to protecting the people of Queensland from crime and also to strengthen the Crime and Misconduct Commission as an organisation. In that, the CMC has a common purpose with the Queensland Police Service and other law enforcement agencies. I do not believe that there is anybody present here today, whether from the CMC or on the committee, who is not committed to taking a strong stand against serious and organised crime in Queensland.

Moving on now to the core business of the CMC, it has been a very purposeful period for us since the last meeting. The CMC's Crime function commenced during the period five new murder investigations, four new investigations relating to criminal motorcycle gangs, three new investigations under our organised crime referral, one investigation dealing with weapons under the weapons referral, and three new investigations relating to internet based child sex offending. That is a total of 16 new Crime investigations begun since November. The Crime area of the commission has also been involved in intelligence hearings using the new powers under section 55A of the Crime and Misconduct Act. As you would be aware, the CMC received just under \$7 million from the government to continue our work against criminal motorcycle gangs. Within our Crime function we have established and continue our work with a fourth proceeds of crime team, an additional criminal organisations hearings team and an additional multidisciplinary criminal organisations investigations team. We are making full use of the new hearings powers and are renovating our hearing rooms to enable us to hold three concurrent streams of hearings at any one time. We have worked cooperatively with the Queensland Police Service and the government as appropriate in this new area of emphasis.

Within the Misconduct function we have set up a new police and public sector corruption team, and I am able to put on record for the first time that we have 10 active investigations underway focused on allegations of police and public sector corruption involved in criminal motorcycle gangs. Since the last meeting our Misconduct function has also received 891 complaints of official misconduct. Some 52 per cent of those related to police and 48 per cent related to public sector agencies and local government. We have substantiated a total of 79 disciplinary offences and referred them back to the Queensland Police Service or public sector agencies for the purpose of disciplinary action. Two persons have been charged with 21 criminal offences and we have referred matters to the Director of Public Prosecutions for consideration which potentially involve 25 criminal charges.

One area where the CMC has received some criticism in the past relates to the length of time it takes to finalise investigations. I am pleased to report to the committee that there has been an improvement in this area since we last met. At the time of the last public report, the CMC had 36 Misconduct investigations extant at the time and 31 per cent of those were more than 12 months old at that time. As at today, the CMC has 39 matters under investigation and only 23 per cent of those are now over 12 months old. We will continue to focus on strategies to expedite investigations and improve efficiency wherever possible. That is of course only an overview of the work of the Crime and Misconduct Commission and you may direct more detailed questions to either of the assistant commissioners.

With regard to the inquiry into the handling of the Fitzgerald inquiry documents, which I know is of some immense significance to this committee and also to the people of Queensland, I can provide the following update. The review of the records held at the State Archives and the metadata which related to it has been completed and the commission signed off a finalisation report for this project last Friday. That is the second time the commission has dealt with this matter in the last month. Our acting executive general manager will provide a more comprehensive briefing on that topic during our private meeting. The CMC is working through the other recommendations of the PCMC report and will report to the committee on their progress as they are finalised. What that

means for the public and those who had a personal involvement with the Fitzgerald inquiry is that the very important records are now secured and the confidential records and public accessible material have now been clearly identified and separated in order to avoid any future occurrence of what occurred previously.

Finally, in terms of the implementation of the reviews done by Messrs Callinan and Aroney and Mr Keelty, they are both progressing. We await the introduction of new legislation and I know the staff are keen to have clarity about the new direction for the organisation. That is all I will say for now, Mr Chairman.

CHAIR: Thank you very much, Dr Levy.

Mr PUCCI: Welcome, everybody, to the hearing today. With the changes to the act and the extra funding given to the CMC, can you tell us how that has affected you and if it has improved your crime-fighting functions at all?

Dr Levy: I wonder perhaps whether Mr Scott might give you some clearer detail.

Mr Scott: Yes; certainly, Dr Levy. Thank you, Mr Pucci, for your question. I think the acting chairperson has touched upon some of the improvements that have occurred in his opening remarks to the committee, but in essence they emanate from two sources—the increased funding that the CMC received late last year to the tune of a total of about \$7 million and the two rafts of legislative changes that went through Parliament in October and November of last year. Dealing with the first initiative, some of the initiatives relate to work in Misconduct, and Ms Florian can speak to those matters. Within the Crime umbrella itself, the key initiatives are the ability to create a fourth proceeds of crime team which has been of immense significance to us in our fight against criminal motorcycle gangs. We were seeking additional funding in that area before the crackdown on bikies occurred late last year, but certainly, as you will see from the public report, there is so much work relating to CMGs that we could justify that team on that basis alone.

The second significant initiative has been the establishment of our crime hearings team, which became operational very quickly after the incident at Broadbeach—within a matter of weeks—using some of our existing referrals and then some of the new intelligence operations that have been authorised pursuant to the new legal architecture that has been put in place. It has already been acting prolifically not just in Brisbane but in various regional centres throughout Queensland, and the numbers of witnesses are indicated in the public report. The next initiative is the criminal organisations investigative team, which again sits in Crime. It is still being recruited, but its model is very much to sit and work alongside the hearings powers so that as tactical information comes out of the hearings tactical investigations can occur using the resources of that team to put additional pressure on criminal motorcycle gangs and to react to the intelligence that has been gathered. So they are the key initiatives within the Crime umbrella that have been very helpful.

On the legislative front—the second front—as I have just mentioned, we now have the power to hold intelligence hearings pursuant to section 55A of the act. The benefit of that, as I think I explained at the last committee meeting, is that under our traditional hearings power that are predicated upon a crime investigation there have to be terms of reference relevant to a particular event or criminal offence or ongoing criminal activity. If one strays too far from those terms of reference, one is liable to objections on the basis of relevance from lawyers acting for the particular witness. So pursuant to this power we can actually explore broad themes or phenomena or matters of interest in the criminal motorcycle space. It has been used prolifically already and there is a whole menu of work yet to be gotten to in that team. So that is a very useful legislative change. There are other ones and I will not go through each of them, but I can assure you that the powers are very welcome. They are being used to maximum effect targeting organised criminals in this state.

CHAIR: I have a follow-on question to that, Mr Scott, regarding the referrals of the proceeds of crime. From July 2013 to February 2014 there were 68 referrals which is more than 2012-13 in total. What has instigated this increase of referrals of proceeds of crime? Is it legislation or is it just their activities or are people more aware of it now?

Mr Scott: I discussed this very matter this morning with the Director of Financial Investigations to drill down into her analysis of the reasons why so many referrals have come in this period. The short answer is most of those new ones are coming from Task Force Maxima, which is very much to do with criminal motorcycle gangs.

CHAIR: How are you dealing with that then?

Mr Scott: They are being allocated directly to teams. One of the other benefits of getting that fourth proceeds of crime team is that it instantly eliminated the queue system that we had previously had to operate under. We had three teams and each team has a capacity of about 30 matters, so there are at any given time about 30 matters in a queue that were still managed in terms of liquid assets being identified and those matters given priority. With the fourth team, the queue has gone instantly. All of those matters are in the teams being assessed for restraint using the various tools. The other key initiative of course that I should speak about is the legislative change that occurred earlier last year that came into effect in September providing us with two additional tools in proceeds—namely, unexplained wealth and what is called SDOCO, the serious drug offender confiscation regime. Certainly unexplained wealth is not likely in itself to produce a whole flurry of referrals. That is not our expectation. SDOCO may well do because it is actually a conviction based scheme. If anyone is charged with trafficking in drugs or a range of other multiple drug offences, since September they can be assessed under SDOCO.

CHAIR: So that just triggers that then?

Mr Scott: It does, and we have been very proactive since September last year in effectively educating the Queensland Police Service in terms of doing training sessions around the state encouraging them to use these new tools to refer matters to us. In addition, we are actually going into QPRIME, the QPS database, to identify drug-trafficking matters that have not been referred to us and effectively saying to the police, 'You should be thinking about it.'

Mr RICKUSS: Dr Levy, I noticed that one of the eight areas of major crime is terrorism, and of course the G20 is going to happen in Queensland in the very near future. Has the CMC started to implement more intelligence involved along those lines? Did you have any involvement in the G20 finance ministers' meeting or Treasurers' meeting in Sydney? Did you go down there to investigate what was going on?

Dr Levy: Thank you for the question, Mr Rickuss. I might ask Mr Scott to make some further comment, but I might just say at the outset the Crime function in the CMC is ready at any time to deal with matters of terrorism. There is a counterterrorism general referral which the commission has. In relation to the G20, there is a committee which the director of integrity services sits on with other agencies. As you know, there has been some legislative change to empower those involved with the G20. The number of police of course that will be required will undoubtedly be more than the available resources that the QPS have and the legislation provides for additional police—trained police—to come from other jurisdictions, from other states and also New Zealand. As I understand it, they will be sworn in as special constables and I think it seems clear that the CMC will have the power to deal with those matters if there was anything, apart from terrorism, in relation to those police. But the G20 is one of the areas that is of significant interest to everybody in the community. The CMC will make a contribution—part of its police resources—to the G20 at the end of the year. Mr Scott might be able to add some more detail about that.

Mr Scott: Thank you for that question, Mr Rickuss. I would probably like just to amplify what the acting chairperson said about our ability to hold hearings in response to any actual or anticipated or threatened terrorist incident. We have had a jurisdiction in relation to terrorism since, I think, 2001, around the time of 9-11. In 2004, using that jurisdiction, the then assistant commissioner, crime, sought a general referral from the Crime Reference Committee in relation to terrorism. The terms of reference of that counterterrorism referral are very broad. Effectively, they encompass any acts of terrorism as it is defined in the CM Act since September 11 2001 onwards, but otherwise it almost matches our jurisdiction in that space.

We do not have any standing resources dedicated to terrorism. We have never operated in that fashion. However, we put that architecture in place so that, as the chairperson said, we can have a ready response to any suspected terrorist activity, and that will be very useful in the lead-up and during G20 later this year. It has been publicly reported that we have used it once previously in about 2006, I am thinking, or 2007 in a matter named Operation Echo Sherlock where we in fact were called upon on a Sunday morning in relation to some suspicious activity on the Gold Coast. We mobilised on that Sunday. It was necessary to find a Supreme Court judge to obtain the necessary order to hold an immediate hearing that afternoon. We did that. We had a hearing up and running by about 4 pm that day. So it worked very well on that occasion and it is certainly there ready to be used again if needs be.

Mrs MILLER: My question is to Dr Levy. Dr Levy, can you remind the committee: when does your position finish?

Dr Levy: 22 May, if I understand it correctly.

Mrs MILLER: 22 May. So have you been advised when an advertisement will go out into newspapers or online in relation to the full-time chairperson's position?

Dr Levy: No, no discussion has been had with me about that. We had some consultation about matters that would be in the bill—the legislative change—because that was part of the implementation panel, but we have had no discussions even about that of just recent times.

Mrs MILLER: Okay.

Dr Levy: In answer to your question, the answer is no.

Mrs MILLER: Okay. So it is now March and you finish up in May, so that is less than two months basically for the government to decide on who would be the next chair of the CMC, and no discussions have taken place?

Dr Levy: None at all, no.

Mrs MILLER: That is okay. Thank you.

Ms TRAD: Good morning, Dr Levy, and other representatives. Dr Levy, I take you to your press release of 23 December, and that is the conclusion of the investigation into the matter concerning Dr Bruce Flegg and a possible inducement. The press release two days before Christmas advised that the investigation had been concluded and that the evidence had been reviewed by Justice Forno. Is that right?

Dr Levy: Judge Forno, yes.

Ms TRAD: Judge Forno. Dr Levy, was there a brief of evidence compiled in relation to this matter?

Dr Levy: The matter has recently been concluded in the last week.

Ms TRAD: Yes. So was there a brief of evidence compiled?

Dr Levy: Yes.

Ms TRAD: And did that brief of evidence go to the DPP at all?

Dr Levy: Yes, it did.

Ms TRAD: Sorry, Ms Florian, did you have something to add to that?

Ms Florian: Thank you, Ms Trad, for your question. There were two aspects of the investigation which is known as Operation Zeus. The first related to electoral bribery and the second aspect related to false and misleading statements. The electoral bribery investigation concluded shortly before Christmas last year, and as a result of that investigation no brief of evidence was referred to the Director of Public Prosecutions. Further consideration has been given to an issue about false and misleading evidence, and the brief of evidence in relation to that matter is currently under consideration.

Ms TRAD: So the brief of evidence relating to a possible inducement of a member of parliament did not go to the DPP?

Ms Florian: The commission resolved to brief that matter to a judge to fully investigate the issue of electoral bribery. As a result of that investigation, the judge formed the view that there was insufficient evidence for such a brief to go to the DPP.

Ms TRAD: Dr Levy, what were the underpinning reasons for why the brief of evidence did not go to the DPP. It was reviewed internally by the CMC and given to Judge Forno. What was the rationale behind that?

Dr Levy: Commissioner Fox had carriage of that matter. I might ask him to comment.

Mr Fox: Thank you, Ms Trad. I had some oversight of that matter from the commission's viewpoint. Judge Forno was asked to conduct some hearings in relation to that matter and to provide recommendations. At the conclusion of his hearings I discussed the matter with him, counsel assisting and our own staff. All formed the view that there was simply insufficient evidence or no credible evidence which would justify a prosecution in relation to electoral bribery. Reviewing the material as related to me, I reached the same conclusion. So there was simply no basis for referring that matter to the DPP.

Ms TRAD: Just to clarify, the matter of false evidence has been referred to the DPP?

Mr Fox: I understand that if it has not already—

Ms Florian: It is not the practice of the commission to identify specific matters that have been referred to the DPP. I will indicate there is a brief of evidence under consideration.

CHAIR: Thank you, Ms Florian.

Miss BARTON: Dr Levy, I would like to go back to your opening statement where you made reference to a new team that was being put together with regard to police officers and public sector workers and your ongoing investigations into criminal motorcycle gangs. Could you expand on how that team is working and what the benefits of that new team will bring in terms of your investigations into these criminal gangs?

Dr Levy: I might ask Ms Florian, Acting Assistant Commissioner, Misconduct, to deal with that.

Ms Florian: Thank you, Miss Barton and member for Broadwater, for your question. I can indicate that as a result of additional government funding to tackle the activities of criminal motorcycle gangs a new misconduct team was established—a police and public sector corruption investigation team. The areas of interest that have been identified for that team are, firstly, reactive investigations in response to complaints which are routinely received in relation to those sorts of matters, proactive investigations in relation to intelligence development and the development of policy initiatives that may assist to make the Police Service and public sector agencies generally more resistant to criminal motorcycle gang infiltration and corruption.

This team is currently undertaking 10 separate investigations in relation to such matters. 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 Queensland Police Service. It is anticipated that funding for that team will last for approximately 12 months. We expect by the end of that period that we would have considerably enhanced the intelligence picture around how such corruption takes place, that we will have progressed those investigations and potentially more, and that we will be looking at ways longer term to make the public sector and the Police Service more resistant to criminal infiltration by criminal motorcycle gangs.

Although that is specific to criminal motorcycle gangs, obviously any initiatives to make those areas more resistant would have the benefit of applying to broader organised crime more generally, which is an important feature that should not be overlooked.

CHAIR: Thank you, Ms Florian.

Mr RICKUSS: I have a supplementary question. Criminal motorcycle gangs have been highlighted as one of the bodies, but have we got any ethnic based gangs that we are dealing with? Are there groups of ethnic gangs, whether it be Russians or others, that we are dealing with in Queensland? Have they got a foothold in Queensland at all?

Ms Florian: Thank you, member for Lockyer, for your question. The nature of organised crime is diverse. Historically an ethnic description or basis for gangs was one which held, but increasingly that is no longer a valid situation necessarily. The nature of organised crime is that it is opportunistic and fluid and groups form, re-form and coalesce around, most importantly, the opportunity to make money. There are all sorts of manifestations of organised crime in Queensland. Criminal motorcycle gangs are one aspect of it. There are other aspects of organised crime in Queensland and it is important from a crime and misconduct perspective that we are cognisant of those broader threats, particularly from an intelligence perspective, to understand the nature and scope of those threats and what may be appropriate responses.

Mr RICKUSS: I have a question probably for Dr Levy but it might be referred to Mr Keelty. 30 January 2014 was the date the Keelty report was brought down. Is that progressing well? Could Mr Keelty make some comments on how he feels the review into the police is going?

Dr Levy: Perhaps Mr Keelty might respond first and I might make a few additional comments.

Mr Keelty: I have done two reports. One was the report into the police and community safety departments. I do not think that is the subject of this committee's deliberations. The report that I did on the CMC was basically to look at the implementation of the Callinan-Aroney reviews. Changes to the legislation will be a major shift in that direction. The chairperson and I have been having ongoing discussions with the Queensland Police Service about reforming some of the police arrangements at the CMC, but by and large we are waiting for the legislation to change so that a new structure and a new way of doing business will be able to be implemented.

Dr Levy: I might add that the cooperation with the Queensland Police Service has been excellent, but like other parts of the CMC working through the establishment and dealing with some of those recommendations will take a little bit of time which we will not be able to finalise or confirm at least until after we have seen the final draft of the legislation.

Mrs MILLER: Dr Levy, I am interested in Mr Keelty's review. Could you advise the committee how much it cost for the review that was undertaken by Mr Keelty?

Dr Levy: I am not aware of that. It was organised externally as far as I am aware. I do not think there was any cost to the CMC.

Mrs MILLER: So who paid the bill?

Mr Keelty: The Public Service Commission contracted me to do that review to implement the reforms suggested by Callinan and Aroney. I was engaged by the Public Service Commission I think for about two or three months towards the end of last year.

Mrs MILLER: And what were you paid?

CHAIR: I don't know if you need to know that.

Mrs MILLER: Well, this is an open and honest—

CHAIR: I think that is probably the jurisdiction of my other committee, the Finance and Administration Committee. It is really a question for us.

Mrs MILLER: No, I think the people of Queensland have a right to know, firstly, that the Public Service Commission actually contracted you to do this work but I would also like to know, even if you take it on notice, what you were paid to undertake that particular review.

Mr Keelty: I will take that on notice because I think we would need to go back and look at the accounts.

Mrs MILLER: That is fine. Dr Levy, when did you advise our committee that Mr Keelty had been appointed to conduct that review?

Dr Levy: I am not sure. I do not have those records. Of course we did not appoint Mr Keelty; he was appointed externally. I think that was publicly announced. It must have been about November last year.

Mr Keelty: I think it might have been as early as September last year.

Mrs MILLER: But I am asking when, Dr Levy, you advised our committee that Mr Keelty had been appointed.

Dr Levy: I am not sure whether I did—

Mrs MILLER: Can you take it on notice?

Ms TRAD: Sorry, to clarify: the appointment in the role of part-time commissioner.

Dr Levy: Are you talking about the review now or the—

Mrs MILLER: Both.

Dr Levy: All right.

Mrs MILLER: I have a couple of questions.

CHAIR: One to Jo and then Verity will ask a question.

Mrs MILLER: Well, go to Verity first.

Miss BARTON: Dr Levy—and feel free to pass this on to others who might be more appropriately able to answer the question—could you detail the work that the CMC has done in recent times in terms of the child sex offending that has been occurring in Queensland and the links to organised crime? I am aware that the CMC has been conducting a lot of work in that area and I was wondering if you could update the committee on that.

Dr Levy: We may be limited in what we can say publicly, but I will ask Mr Scott, the Acting Assistant Commissioner, Crime, to comment.

Miss BARTON: General information is fine.

Mr Scott: Thank you for the question, Miss Barton. As you are probably aware, firstly we have jurisdiction in relation to criminal paedophilia. It is one of the major subsets of major crime under the CM Act. We have had that for the duration of the CMC, as did one of its predecessor organisations. We have a team of dedicated resources called the Cerberus team comprising police officers and intelligence analysts with legal support who are dedicated to that work. They work very closely with Task Force Argos and the Queensland Police Service as well as the various regional Child Protection Investigation Units.

I am a bit constrained operationally in terms of what I can say in a public session, but what is on public record in this period is that during the reporting period we charged four alleged child sex offenders from Brisbane, Bundaberg and Rockhampton with a total of 62 offences under state and Brisbane

Commonwealth law in the nature of possessing or distribution or making available child exploitation material. We have also disseminated three other matters either to other areas of the QPS for regional matters or to interstate agencies.

We have at any given time a controlled operation approval in place that permits our operatives to commit what would otherwise be criminal activity in terms of possessing and using child exploitation material in terms of their engagements on different platforms on the internet with targets. They have built up a great deal of expertise in what they do. We make a point of sending them to whatever training is going in that space. In fact, last year we obtained approval from the Attorney-General to send two of those officers to Dallas, Texas. There was an annual conference that represents the state-of-the-art of where agencies are at worldwide in terms of investigating child sex offending. They have networked with entrepreneurs from the United States who have created software packages that are specific for law enforcement. In fact, we have come back from Dallas with material that other law enforcement agencies in the world simply do not have, and we are trained in those and we use those.

I want to emphasise that we work particularly closely with Task Force Argos to ensure that we are not trampling on each other's toes, so to speak; that we are both adding value in appropriate niches in the law enforcement space. It is a very concerning area. It is sickening, frankly, the kind of content that they have to look at but it is something that we do.

Miss BARTON: If I could just ask a quick follow-up? Mr Scott, I appreciate you can only give general information, but I would imagine that you work very well with interstate and international jurisdictions on this?

Mr Scott: Yes.

Miss BARTON: And I would imagine that the new technology is able to support your work in that.

Mr Scott: It does. The other feature of what we do that I should perhaps highlight is that the CMC has its own Forensic Computer Unit. It is not just there to assist in work on criminal paedophilia, it supports the work of the commission across the board in crime and misconduct. One of the benefits that has been identified in the Cerberus team is that it has that ready resource available. If we execute a search warrant and find a computer, we are not only charging the offender with the initial charge that he has engaged with us online and work out how many images he has sent us, we can then in a very timely way forensically examine all of his hard drives, his computer material et cetera, and that typically results in much, much further charges. So what we initially start off with is just the tip of the iceberg. That is one real benefit that the CMC has in having that. In fact, we take those people on site with us whenever we do raids.

CHAIR: Mr Scott, just as a follow up question on that, you said that people are viewing sickening images. Without going too deep into it, what have you set in place for the mental health of these folk who are protecting our children but at the same time probably seeing things that would turn the stomachs of most people. What are you doing for those people?

Mr Scott: Thank you, Mr Davies, for that question. It is very relevant. We take our workplace health and safety obligations very seriously and to that end we risk manage that part of our work very closely. All the operatives in that field, not just the police, but civilians who might have to view and categorise this material, are regularly psychologically assessed. There is a rotation policy in place in Cerberus so that staff are not there too long and there is regular monitoring of just how they are coping and how they are performing.

CHAIR: Thank you very much. Mrs Miller?

Mrs MILLER: Dr Levy, I refer to the appointment of Mr Keelty as a part-time commissioner. I understand that Mr Keelty is not a resident of Queensland; is that right?

Dr Levy: As I understand it.

Mrs MILLER: How often does Mr Keelty travel to Queensland for CMC meetings?

Dr Levy: So far he has attended three meetings in January. All three meetings that were scheduled he has attended—plus today. He has come to Queensland for this meeting.

Mrs MILLER: He has attended in person so he has had to fly up, accommodation paid, et cetera?

Dr Levy: Yes.

Mrs MILLER: How much is that costing the Queensland taxpayer in terms of travel and accommodation expenses?

Dr Levy: I cannot give you the exact dollar figure today but if you want that I can find that. He has travelled economy class. We had a commission meeting last Friday and for the meeting today he has come up this morning. He has not stayed overnight. There was one meeting at least where he stayed overnight where we had other work he did the day before the commission meeting and also to read the papers.

Mrs MILLER: Could you give us the projected budget figures for the six-month appointment of the total cost of travelling and accommodation for Mr Keelty, please?

Dr Levy: I will have to take that on notice.

Mrs MILLER: That is fine. One final question in relation to Mr Keelty's appointment now by the Public Service Commission to undertake the review of the CMC, is the Public Service Commission a unit of public administration as prescribed in the act?

Dr Levy: I understand it is. Yes, it is.

Mrs MILLER: Thank you.

Ms TRAD: Dr Levy, in relation to the Keelty review of the CMC, can you advise of the terms of reference? Can you make them available to the committee?

Dr Levy: I might ask Mr Keelty to answer that.

Mr Keelty: I think that question, with respect, should be directed to the Public Service Commissioner.

Ms TRAD: You did not have terms of reference that you were working to?

Mr Keelty: I had terms of reference, but the terms of reference were given to me by the Public Service Commissioner and I reported back to the Public Service Commissioner.

Mrs MILLER: So it is secret.

Ms TRAD: As the Parliamentary Crime and Conduct Committee, I am formally requesting the terms of reference be provided to this committee. Mr Keelty, when were you appointed to conduct the review?

Mr Keelty: I need to check the records but I am pretty sure it was around the beginning of September last year and it was completed by the end of November.

Ms TRAD: When did the government first approach you about occupying the role of part-time commissioner?

Mr Keelty: I think I was approached in mid-December or it might have been early December and then papers were forwarded to me from the CMC.

Ms TRAD: I think your announcement was on 5 December. Are you saying that you were approached around that time?

Mr Keelty: That's correct.

Ms TRAD: Who approached you?

Mr Keelty: I was spoken to by both the Attorney-General and the Premier.

Ms TRAD: This was two weeks after your report into the CMC?

Mr Keelty: If you allow me to check on the dates, yes, it would be around that time.

CHAIR: We will take that on notice.

Ms TRAD: I have further questions.

CHAIR: Mr Rickuss? Ms Trad, you can ask a follow up question in a moment.

Ms TRAD: I will.

Mr RICKUSS: Part of the CMC's role, of course, is to look after the vulnerable: the physically disabled, mentally impaired, aged and children. Do you have a special task force in place for those sorts of investigations? The aged in particular are disadvantaged quite often by their own family members. Is that a difficult area to examine and how are you going about that?

Dr Levy: Mr Rickuss, we certainly have an interest in those disadvantaged and those with any form of disability. We do not have a task force as such, but certainly there are operations which are referred to us by the QPS which involve people who are vulnerable, shall we say. For example, we have murders we investigate about children or babies and those matters, when referred to the CMC, of course always get some significant priority. But Mr Scott might be able to elaborate more on those.

Mr Scott: Thank you, Acting Chair, and thank you, Mr Rickuss, for the question. Specifically in relation to vulnerable victims of crime which are defined as children effectively under 10, the unborn and the elderly, nominally the age of 70 is the mark that was given in the terms of reference.

Mr RICKUSS: That is a bit young.

Mr Scott: It might be a bit harsh on some. The Assistant Commissioner Crime sought a general referral from the Crime Reference Committee in January of last year. That is referral No.1 of 2013 which we call our Cronos referral relating to vulnerable victims. The reason for it was because QPS had identified to us that it had so many matters involving particularly babies. The only eyewitnesses to those matters are people within the family unit and if they are not talking to the police and if they are not approached very rapidly after the incident in question there tends to be a scrum down and it is very difficult to separate them out to get useful and meaningful evidence from them. That was really the impetus to seek that general referral. According to my chart we currently have two active operations under that general referral and we have recently finalised three other matters. I think in total there have been five separate investigations in the nature of homicides, attempted murders or GBH. To date they have all related to babies. We have used the word sickening already. This is another sickening area in which we have had to deal but it has turned out to be a very useful initiative. The QPS have come to us not just for recent and current matters, in fact for cold cases as well. One of the matters is highlighted in the public report. We held hearings under Cronos during this reporting period in relation to the death of a four-week-old baby girl and very shortly after the hearings a man has been charged by the police with murder and torture and a range of other offences. It is an area in which we are quite active.

Mr RICKUSS: You have not found a need in relation to the aged where they are mistreated by their families?

Mr Scott: Historically we have had some investigations of that kind but we did those under specific referrals like any other murder or grievous bodily harm et cetera. But whilst we have not used Cronos for those kinds of matters certainly they are available for that as well, as well as people who are intellectually impaired.

CHAIR: Thank you, Mr Scott. Ms Trad?

Ms TRAD: Through you, Dr Levy, to Mr Keelty. Mr Keelty, it was the Public Service Commission that, in fact, requested that you review the CMC?

Mr Keelty: Yes.

Ms TRAD: It was. So, your cover letter that was tabled by the Attorney-General in the House on 19 November, your report was given to Mr John Sosso, the Director-General of the Department of Justice and Attorney-General and not the Public Service Commission.

Mr Keelty: The arrangement was there was a steering committee that was chaired by the Director-General of JAG and that steering committee was, I think, responsible for the implementation of some of the reforms, but the actual person who contracted me was the Public Service Commissioner and the Public Service Commissioner is on the steering committee. I think the Public Service Commissioner might have changed while I was doing the review so it was a different person at the end to what it was at the beginning of the review.

Ms TRAD: Who is the chair of the Public Service Commission? Who is the Public Service Commissioner?

Mr Keelty: Andrew Chesterman.

Ms TRAD: Why did you not provide the report to Mr Chesterman?

Mr Keelty: Because that is who contracted me to do the work.

Ms TRAD: I understand, so why did you not give him the report as opposed to Mr John Sosso?

Mr Keelty: Well, John Sosso, I think the Director-General of JAG, was chairing the steering committee.

Ms TRAD: Of the implementation panel?

Mr Keelty: Of the implementation panel.

Ms TRAD: Which was not the committee that requested that you review the CMC, according to your evidence.

CHAIR: Were they the oversight of your committee?

Mr Keelty: Yes, they had the oversight. It was basically provided to both, the chair of the steering committee and to the Public Service Commissioner.

Ms TRAD: Dr Levy, just in relation to the terms of reference, are you advising the committee that you are not aware of the terms of reference of the review of the CMC?

Dr Levy: I do not recall them, let me put it that way.

Ms TRAD: You do not recall having seen the terms of reference or you do not recall there being terms of reference in existence?

Dr Levy: I may well have seen them, I just cannot recall.

Ms TRAD: But you are on the implementation committee which is part of the steering committee.

Dr Levy: Yes, but what I was going to say though in relation to the implementation panel, the implementation panel's role was certainly to oversee also the administrative review of the CMC after all the legislative matters had been reviewed—after the Callinan-Aroney recommendations, in other words. That was always part of the charter of the implementation panel right from the start in May last year, but because the administrative review was coming much later down the track it really did not get any attention until very late in the piece so I do not recall seeing it.

Ms TRAD: I am interested, Dr Levy, in how this review was conducted without you having sighted them, or having allowed Mr Keelty to review the CMC without terms of reference.

Dr Levy: There was some material before the implementation panel. I just cannot recall whether they were terms of reference. It went back to the start of the implementation panel in May last year. I can certainly try to find out what we had, but I just cannot recollect.

Ms TRAD: I think it is incumbent on you to provide to this committee the terms of reference under which Mr Keelty conducted his review of the CMC, Dr Levy.

CHAIR: Ms Trad, I think they have said they are going to give you those. They took that on notice.

Ms TRAD: I would like to hear.

Dr Levy: That is what I was trying to get to. I will search and find what information I had in fact and I will provide that to the committee.

CHAIR: Thank you, Dr Levy.

Ms TRAD: I have further questions when you are ready.

Mrs MILLER: I have, too.

CHAIR: We are nearly finished and I think Mr Pucci has some questions.

Mrs MILLER: I think we need to have an extension of time.

CHAIR: Mr Pucci had a question.

Mr PUCCI: Dr Levy, I notice that under proceeds of crime in your report you said that the amendments to the Criminal Proceeds Confiscation Act 2002 have provided the state with new tools in which to confiscate proceeds of crime. Are you able to expand on what those tools are and how it has been effective or how it has helped with proceeds of crime?

Dr Levy: I might ask Mr Scott to deal with that.

Mr Scott: Thank you, Mr Pucci, for the question. There are two new tools that have come into play since last September. One is an unexplained wealth regime in the Criminal Proceeds Confiscation Act and the other is the serious drug offender confiscation order regime, SDOCO, which is another chapter of the act. They supplement the existing arrangements under the CPCA called civil confiscation under chapter 2. In relation to civil confiscation, the existing power simply requires a reasonable suspicion that a person has engaged in serious crime related activity within the previous six years.

If we can demonstrate that to the court, we are then able to obtain a restraining order over that person's property. They then have the power to file an exclusion application. If they assert that part of that property was legitimately acquired and if they prevail on that claim, that property will be excluded from the forfeiture. So only their ill-gotten gains, if you like, will be forfeited under that existing regime.

The change in relation to unexplained wealth is that it simply requires a reasonable suspicion that a person was engaged in serious crime related activity at some point in their life. It goes well back potentially beyond the six-year rule. We are now able to capture matters that we could not capture under chapter 2, civil confiscation because they have fallen outside the six-year rule. What those matters require is a full financial analysis to determine an amount of unsourced income. The order that is made is a monetary order. It is a bit like a proceeds assessment order. It is a judgement debt—money owed to the state.

The other initiative—I am trying to be brief here—is the SDOCO scheme, which I have already touched upon. It is, in fact, a conviction based scheme. It requires that a person, since September of last year, has been charged with a qualifying offence, which would comprise either a trafficking offence under the Drugs Misuse Act, three counts of supply or produce within a seven-year period. Once the person is convicted of that qualifying offence, all of their property, whether legitimate or illegitimate is forfeited to the state. That is the policy intent of those provisions.

Mr PUCCI: Do you have any stats—

Mr Scott: Plenty of stats.

Mr PUCCI:—that show how this has helped? How much more illegal proceeds of crime has the state—

Mr Scott: It is probably early days—sorry, I cut you off. It is probably early days to focus too much on those things. The fact of the matter is that, with the additional proceeds of crime team, a lot of our resources are going into training up that team. We have all this new talent but they are very, if I might say, green people. They need training in these new tools, as do our existing staff. The estimate that I have been given is it is about six months for a newly appointed financial investigator to come up to full speed in this kind of work. We do expect, particularly with SDOCO that that is going to produce a lot of results into the future.

With unexplained wealth, it is difficult to form a prognosis. It depends on how many referrals come in and then whether unexplained wealth is in fact the best tool. We are not going to take on a matter under that regime for the sake of it. In fact, we had one matter recently that we were considering for unexplained wealth and then determined we could get a better outcome for the state under a drugs based proceeds assessment order. There are two matters where unexplained wealth has, in fact, proved useful already because we could not get those targets under the existing regimes.

Mr PUCCI: That is what I wanted to know.

Dr Levy: May I please make a comment? It has just been brought to my attention. There was a question earlier about G20 and I indicated that I thought we would probably have jurisdiction over the police who come from other jurisdictions. I discussed this only yesterday with the acting assistant Commissioner of Police and with the commission. I have just been given some information that that is still under discussion. That may not be a full or proper account or a final account. Anyway, I place that on the record.

Mrs MILLER: Mr Chair, I formally move an extension of time for this committee hearing until 1 pm today. Bearing in mind that this hearing only began at 11.38 and it is due to wind up at 12.38, in three minutes time, and given the fact that there are members of this committee who still have questions to ask, I formally move—

That this committee keep going until 1 pm today.

That is in approximately 20 minutes.

Ms TRAD: I second the motion.

CHAIR: We will have to adjourn to discuss that. We will leave. We will be back in a moment.

Proceedings suspended from 12.33 pm to 12.38 pm

CHAIR: We will reconvene the meeting. There is four minutes left on the clock. Jo-Ann Miller, you had a question?

Mrs MILLER: I am going to refer my question to Jackie Trad.

Ms TRAD: My question is to you, Mr Keelty. In terms of your review, can you advise who actually assisted you in compiling this report?

Mr Keelty: If I can make a point, it has been described as a review of the CMC. It was not a review of the CMC. The review of the CMC, by way of clarification, was done by Callinan and Aroney. My review was the administrative implementation, how that would be done, how the Brisbane

structure might look and how business might change. There were terms of reference, as we discussed, given to me by the Public Service Commissioner and they were reported back to the steering committee. I think it is an implementation steering committee from my recollection. Going back to your question, Ms Trad, can I ask you to repeat it?

Ms TRAD: Who assisted you in compiling this document?

Mr Keelty: A number of people at the Public Service Commission were involved.

Ms TRAD: Who were they?

Mr Keelty: There was a whole group of people. I do not have their names here. I can supply them.

Ms TRAD: Did anyone from the Premier's office or the Attorney-General's office assist you in this report?

Mr Keelty: No.

Ms TRAD: If you can provide the names of the people from the Public Service Commission or the implementation panel that would assist the committee's deliberations greatly.

Mr Keelty: Okay.

Mrs MILLER: I just have one quick question.

CHAIR: One quick one.

Mrs MILLER: Could you tell us, please, who is on the steering committee that you refer to? Can you give us the names of the people on the steering committee?

Mr Keelty: Chair, if I can—

CHAIR: It did change. So you can take that on notice, too, if you want.

Mr Keelty: I would need to get them. It is most of the people in the Justice portfolio, the Premier's portfolio and the Public Service Commission portfolio.

CHAIR: So you will take that on notice and provide that?

Mr Keelty: I am happy to.

Mr RICKUSS: Can I ask—

CHAIR: No, we are out of time. I would like to thank Dr Levy and all the part-time commissioners and the CMC staff. We are going into a closed session now. That will be very interesting. Thank you for your time in the public hearing. I declare the hearing closed.

Committee adjourned at 12.40 pm