

✓ 27/3/15.

## Commissions of Inquiry Order (No. 1) 2015

### Short title

1. This Order in Council may be cited as the *Commissions of Inquiry Order (No. 1) 2015*.

### Commencement

2. This Order in Council commences on 1 of May 2015.

### Appointment of Commission

3. UNDER the provisions of the *Commissions of Inquiry Act 1950* the Governor in Council hereby appoints Michael Byrne QC, from 1 of May 2015, to make full and careful inquiry in an open and independent manner with respect to the following matters:

- a) the extent and nature; and economic and societal impacts (including impacts on individuals) of organised crime in Queensland with particular emphasis on the key areas of focus;
- b) the key areas of focus are:
  - the high threat illicit drug and/or precursor markets, including but not limited to methylamphetamine, cocaine, heroin, drug analogues and new psychoactive substances, 3, 4 - Methylenedioxymethamphetamine and cannabis;
  - internet or electronic or technology enabled child sexual offending, including the child exploitation material market;
  - financial crimes – primarily investment and financial market fraud and financial data theft; and
  - the relationship between organised crime and corruption in Queensland.
- c) the extent to which entities involved in organised crime, use, or provide the services of, activities that enable or facilitate organised crime in Queensland with particular emphasis on the key enablers;
- d) the key enablers are:
  - money laundering;
  - cyber and technology-enabled crime;
  - identity crime;
  - violence and extortion; and
  - professional facilitators, including but not limited to accountants, lawyers, financial advisers, real estate agents, IT experts, technical security experts and chemists.
- e) the adequacy and appropriateness of the current responses of Queensland law enforcement, Queensland intelligence and Queensland prosecution agencies to prevent and combat organised crime in Queensland, including through the recovery of proceeds of crime;

- f) the adequacy of current cross-jurisdictional arrangements, including the effective cooperation of Queensland law enforcement agencies with Commonwealth law enforcement agencies;
  - g) the adequacy of current legislation and resources available to law enforcement, criminal intelligence and prosecution agencies in Queensland to prevent and effectively investigate and prosecute organised criminal activity, including the recovery of proceeds of crime; and
  - h) likely future trends in organised crime, including involvement in emerging illicit and legitimate markets.
4. AND the Commission will carry out its inquiry by calling on law enforcement, intelligence and prosecution agencies, academics and relevant industry; and reviewing relevant literature and data.
  5. FURTHER, in carrying out the inquiry the Commission can have regard to the experiences of individuals and other entities directly or indirectly affected by organised crime to the extent the Commission considers relevant.
  6. AND in receiving evidence or information pursuant to clauses 4 and 5 on a matter that is the subject of a covert investigation or may expose a witness to risk of harm, the Commission will receive such evidence in camera and ensure anonymity of the relevant parties.
  7. AND the Commission will ensure that it does not publicly expose details of current or anticipated intelligence collection strategies and investigation methods where such detail is not already in the public domain.
  8. EXCEPT that the Commission is not to have regard to any matter that is currently the subject of a judicial proceeding, or a proceeding before an administrative tribunal or a commission (including but not limited to, a tribunal or commission established under a law of the Commonwealth).

### Commission to report

9. AND directs that the Commissioner make full and faithful report and recommendations which he considers appropriate on the aforesaid subject matter of inquiry, and transmit the same to the Honourable the Premier by 30 October 2015.
10. WITHOUT limiting the scope of any report arising out of the inquiry, the report should:
  - a) identify current and emerging organised crime threats and identify the high risk threats;
  - b) outline the nature and extent of the involvement of organised crime threats, in particular high risk organised crime threats, in the key areas of focus, key enabling activities and other illicit markets;
  - c) identify the illicit markets that pose a risk of harm to the Queensland community and identify those markets that pose the greatest risk of harm;
  - d) identify vulnerabilities in existing systems that may facilitate organised crime;
  - e) highlight the current gaps within the knowledge of Queensland law enforcement agencies of the crime environment and suggest priority areas for intelligence collection;
  - f) evaluate the responses of law enforcement, intelligence and prosecution agencies to combating organised crime including cross-jurisdictional arrangements;

- g) evaluate proactive strategies of law enforcement and intelligence agencies to maximise the reduction of risk to the community of Queensland and to prevent, disable or disrupt activities of organised crime; and
- h) evaluate the adequacy of legislation and resources available to law enforcement and intelligence and prosecution agencies to effectively address organised criminal activity.

### **Commission to make recommendations**

- 1. WITHOUT limiting the scope of any recommendations arising out of the inquiry, the recommendations should identify current and emerging organised crime threats, identifying those high risk threats, particularising the areas of focus which should have the highest priorities for the government and law enforcement.

### **Application of Act**

- 2. THE provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry including that the Commissioner may hold public or private hearings in such a manner and in such locations as may be necessary and convenient.

### **Endnotes**

- 1. Made by the Governor in Council on XXXXXX.
- 2. Notified in the Gazette on XXXX.
- 3. Not required to be laid before the Legislative Assembly.
- 4. The administering agency is the Department of Justice and Attorney-General.