

Attachment 1: Operational Framework

**SENSITIVE
FOR INTERNAL
USE ONLY**

Operational Framework

September 2020

This framework establishes the minimum standards for how matters (operational activities) are identified and managed throughout their lifecycle, consistent with the functions outlined in the *Crime and Corruption Act 2001*.

Role of the Crime and Corruption Commission

History

The origins of the Crime and Corruption Commission (**CCC**) date back to 1989 following the Fitzgerald Inquiry (1987–89) Report. That report recommended the Queensland Parliament establish a body to fight organised crime and corruption to help restore confidence in our public institutions, and to be responsible for Queensland's witness protection program.

The Fitzgerald Report changed the policing and political landscape in Queensland. Since that time, the presence of an independent Commission dedicated to fighting organised crime and corruption has been a constant in Queensland public life. Although there have been a number of iterations of the Commission since 1989, the core work of the Commission has essentially remained the same.

The CCC is a statutory body, and its functions and powers are set out in the *Crime and Corruption Act 2001 (CC Act)*.

Functions

The CCC investigates crime and corruption, has oversight of both the police and the public sector, administers Chapter 2 and 2A of the *Criminal Proceeds Confiscation Act 2002 (Confiscation Act)* and protects witnesses. The CCC is the only integrity agency in Australia with this range of functions. The CCC's work includes:

- investigating organised crime, paedophilia, terrorist activity and other serious crime
- receiving, assessing and investigating allegations of corruption
- undertaking crime and corruption prevention
- recovering the proceeds of crime
- providing witness protection
- conducting research and undertaking intelligence activities on crime, corruption, policing and other relevant matters.

The CCC administers the non-conviction based civil confiscation scheme contained within Chapter 2 of the Confiscation Act. Under this scheme, property can be restrained on the basis of a reasonable suspicion of someone having engaged in a serious crime related activity. The CCC also administers the serious drug offender confiscation order scheme (**SDOCO**) contained within Chapter 2A of the Confiscation Act. Under the SDOCO provisions, if a person is convicted of a qualifying offence, their property is liable to forfeiture even if acquired lawfully.

The CCC's function under the *Witness Protection Act 2000 (Witness Protection Act)* protects witnesses who are under threat as a result of assisting a law enforcement agency. Witnesses include victims of crime, innocent bystanders to crime, and people who possess information about criminal or corrupt activity. Protection can also extend to members of the witness's family.

The CCC is not a court. When it investigates a matter, depending on the circumstances, the CCC may make findings and recommendations in its reports; but it cannot determine guilt or discipline anyone. As a result of its investigations, it can have people charged or refer matters to the Office of the Director of Public Prosecutions (ODPP) with a view to criminal prosecution. As a result of a corruption investigation it can also refer matters to the Queensland Civil and Administrative Tribunal (QCAT) to consider disciplinary action warranted, or to a Chief Executive of a unit of public administration to consider disciplinary action.

Powers

The CC Act and other legislation give the CCC investigative powers not available to the police or any other state government agency in conducting an investigation. These include powers to conduct coercive hearings and to hold public inquiries.

The CCC's investigative powers include search, surveillance and seizure powers. Where the CCC conducts joint investigations with other agencies, it uses these powers as well as its expertise in intelligence, financial analysis, forensic computing and covert investigative techniques.

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Part 1 - Operational Framework

Introduction

The CCC Operational Framework establishes the policy and minimum standards for how the Commission achieves the purposes of the CC Act.

The CCC has three principal purposes¹ described as:

- **Corruption** — to continuously improve the integrity of, and to reduce the incidence of corruption in, the public sector
- **Crime** — to combat and reduce the incidence of major crime
- **Confiscation** — to facilitate the CCC's role to conduct/administer the confiscation related investigations pursuant to the Confiscation Act.

The CCC has been established to primarily achieve these purposes² by undertaking **statutory functions**: prevention, crime, corruption, research, intelligence, civil confiscation and witness protection.

The CCC performs its statutory functions by engaging in three types of **operational activity**:

- *Investigations* — into criminal activity, corruption and related activity, and confiscation
- *Projects* — about research, prevention, intelligence, procedural improvement, audit and analysis
- *Witness protection* — protection of witnesses and their identities.

Standards

The CCC has an **Operating Model** that describes the relationship between the purposes, functions and operational activities of the CCC, encompassing the:

- CCC value chain of the process and activities through which the CCC creates and delivers value and benefits
- activity groups that deliver actions, products and services
- stages of activity undertaken through the lifecycle of CCC's operational activities
- governance and oversight systems and structures that ensure value and benefits are delivered to CCC customers and stakeholders.

The CCC maintains a **Strategic Plan**³ that establishes a platform for the CCC's focus over the next four years, as a unified and high-performing organisation.

The CCC has a **Risk Management Framework**³ that includes a **Risk Appetite Statement**³ which articulates the amount of risk the CCC is willing to tolerate or retain in pursuit of our values and strategic vision for safe communities supported by fair and ethical public institutions.

The CCC's Operating Model is supported by a set of Guiding Principles – these comprise a set of rules that define how the CCC undertakes its operational activities:

1. We act independently, impartially and fairly in the public interest

¹ Section 4 CC Act.

² Section 5 and Chapter 2 CC Act.

³ Available on CCC intranet.

2. We prioritise activities and resources to achieve the strategic direction of the Commission
3. We demonstrate transparency and accountability in decision making
4. We behave and act in accordance with the culture and values of the CCC
5. We work as one to achieve results
6. We ensure our systems and processes are efficient, effective, economic, timely and responsive
7. We invest in staff capability and learning to ensure continual improvement
8. We coordinate and engage with others to leverage experience, optimise resources and avoid duplication.

All staff have access to CCC strategic and operational documents through the CCC intranet, and all such documents are regularly reviewed by the Executive Leadership Team (ELT).

Part 2 – Operating Environment

Introduction

This part identifies the policy and standards relevant to the environment in which the CCC's operational activities are undertaken in performing its functions.

Of the CCC's statutory functions, four are principal functions (Corruption, Crime, Civil Confiscation and Witness Protection) and three are supporting functions (Prevention, Research and Intelligence).

The CCC's principal functions are jurisdictional in nature, while the supporting functions involve activities undertaken by the CCC to support the performance of one or more of the principal functions.

Principal Functions of the CCC

Corruption

The CCC has the corruption functions of raising standards of integrity and conduct in units of public administration, and ensuring complaints about, or information or matter involving, corruption are dealt with in appropriate ways.

The CCC has a standing corruption jurisdiction in relation to suspected corrupt conduct and police misconduct.⁴

Corrupt conduct⁵ means conduct of a person, regardless of whether the person holds or held an appointment, that:

- adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:
 - a unit of public administration; or
 - a person holding an appointment; and
- results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that:
 - is not honest or is not impartial; or
 - involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- would, if proved, be:
 - a criminal offence; or
 - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct⁶ also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- impairs, or could impair, public confidence in public administration; and

⁴ Section 22(2) and definition of "corruption" in Schedule 2 CC Act.

⁵ Section 15(1) CC Act.

⁶ Section 15(2) CC Act.

- involves, or could involve, any of the following:
 - collusive tendering;
 - fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) –
 - (A) protecting health or safety of persons;
 - (B) protecting the environment;
 - protecting or managing the use of the State’s natural, cultural, mining or energy resources;
 - dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - fraudulently obtaining or retaining an appointment; and
- would, if proved, be –
 - a criminal offence; or
 - a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.

Police misconduct⁷ means conduct that:

- is disgraceful, improper or unbecoming a police officer; or
- shows unfitness to be or continue as a police officer; or
- does not meet the standard of conduct the community reasonably expects of a police officer.

Crime

The CCC has a function to investigate major crime, and investigate incidents that threaten public safety involving criminal organisations.

The CCC does not have a standing crime jurisdiction for its investigation activities. It only has a crime jurisdiction for investigations by way of referrals⁸ or authorisations⁹ made or approved by the **Crime Reference Committee (CRC)**.

The CRC is a committee established under Part 2 of Chapter 6 of the CC Act to oversee the general conduct of the performance of the CCC’s functions in relation to major crime or a specific intelligence operation.¹⁰ The standing membership¹¹ of the CRC comprises: the Chairperson, the Senior Executive Officer (Crime), the Commissioner of Police, the Principal Commissioner of the Queensland Family and Child Commission, and two community representatives appointed by the Governor-in-Council upon the recommendation of the Minister.

CRC Referrals are of two types:¹²

- **General Referral** —a jurisdictional authority under which a particular investigation may be approved in accordance with the terms of the general referral. A general referral will identify a general area of major crime in respect of which the CCC may undertake particular investigations.

⁷ Schedule 2 CC Act; cf section 1.4 *Police Service Administration Act 1990*.

⁸ Section s 25 - 27 CC Act.

⁹ Section 55A and 55D CC Act.

¹⁰ The Crime Reference Committee has oversight of all specific intelligence operations, including those concerning corruption.

¹¹ The Senior Executive Officer (Corruption) is also a member if the Committee is considering an authorisation for an intelligence operation relating to suspect criminal activity that involves corruption and so too is the CEO of the Australian Crime and Intelligence Commission (ACIC) if the Committee is considering a referral or authorisation that involves the ACIC performing a legislative function — Section 278(1A) and (1B) of the CC Act.

¹² Sections 25 - 27 CC Act.

- **Specific Referral** — a jurisdictional authority that identifies a specific QPS investigation (already in existence but that has not been effective) that the CRC has now approved the CCC to undertake.

Major crime means¹³ —

- criminal activity for which the maximum penalty is not less than 14 years imprisonment
- criminal paedophilia¹⁴
- organised crime¹⁵
- terrorism¹⁶
- something preparatory to, or undertaken to avoid detection or prosecution of criminal paedophilia, organised crime or terrorism.

CRC authorisations are of two types:

- *Intelligence Operation Authorisation* — authorisation to investigate or hold a hearing in relation to suspected **criminal activity**¹⁷
- *Immediate Response Authorisation* — authorisation to undertake an investigation or hold a hearing in relation to an **incident that has, does or may threaten public safety**.¹⁸

For both types of authorisation the suspected criminal activity must involve a participant in, or a criminal organisation as defined in the *Penalties and Sentences Act 1992*¹⁹ - that is, a group of three or more persons who engage in or have as their purpose engaging in activity constituting an indictable offence for which the maximum penalty is not less than seven years and who represent an unacceptable risk to the safety, welfare or order of the community.

The CRC may make a referral or approve an authorisation upon its own initiative or if requested to do so by the Senior Executive Officer (Crime), and also if:

- the Commissioner of the Police Service requests a specific referral be approved by the CRC, or
- the Senior Executive Officer (Corruption) requests a specific intelligence operation be authorised by the CRC (for example, where the operation is about suspected corruption).

The CRC may give the CCC directions imposing limitations on the conduct of an investigation under a referral or authorisation, including limitations on the use of powers by the CCC for the investigation. The CRC may also direct the CCC to end the investigation.²⁰

Civil Confiscation

The CCC has the civil confiscation functions conferred under Chapter 2 and 2A of the Confiscation Act.²¹

The CCC confiscation jurisdiction is limited to:

- *Non-conviction civil confiscation*²² — means a scheme where property can be restrained on the basis of a reasonable suspicion of someone having engaged in a serious crime related activity. However, it is not necessary for there to be an actual or imminent criminal charge or conviction. There is also no requirement to link the restrained property to the serious crime related activity.

¹³ Schedule 2 CC Act.

¹⁴ Schedule 2 CC Act.

¹⁵ Schedule 2 CC Act.

¹⁶ Schedule 2 CC Act.

¹⁷ Section 55A CC Act.

¹⁸ Section 55D CC Act.

¹⁹ Schedule 2 CC Act; Section 161O and 161P *Penalties and Sentences Act 1992*.

²⁰ Sections 29, 55C and 55F CC Act.

²¹ Section 56(b) CC Act and relevant definitions in Schedule 2 CC Act.

²² Section 13 Confiscation Act.

Ultimate forfeiture of property to the State can be achieved pursuant to forfeiture, proceeds assessment or unexplained wealth orders.

- *Serious drug offender confiscation*²³ — means a confiscation under the SDOCO contained within Chapter 2A of the Confiscation Act. Under the SDOCO provisions, if a person is convicted of a qualifying offence, their property is liable to forfeiture even if acquired lawfully.

Witness Protection

The CCC has the function to administer the Witness Protection Program under the Witness Protection Act.²⁴

A person (a protected witness) may be included in the Witness Protection Program if it is appropriate to include the person,²⁵ and the person needs protection from a danger arising because:

- the person is or has helped a law enforcement agency perform its functions, or
- the person's relationship or association with a protected witness.

A protected witness is also a person who has been included in the Witness Protection Program and having been given a new identity under the program, keeps that identity, even if the person is no longer included in the program.

Supporting Functions of the CCC

Prevention

The CCC has a prevention function to help to prevent major crime and corruption.²⁶

The CCC performs its prevention function²⁷ by:

- analysing the information and intelligence it gathers in support of its investigations into major crime and corruption and the results of its investigations
- analysing systems used within units of public administration to prevent corruption and providing information to, consulting with, and making recommendations to, units of public administration to increase the capacity of units of public administration to prevent corruption
- providing information relevant to its prevention function to the general community
- reporting on ways to prevent major crime and corruption and ensuring that in performing all of its functions it has regard to its prevention function.

Research

The CCC has a research function to undertake research to support its functions, matters referred to it by the Minister for Justice and the Attorney-General and as required by other legislation²⁸.

The CCC performs its research function by undertaking research:

- to support the proper performance of its functions²⁹
- into the incidence and prevention of criminal activity³⁰

²³ Section 93A Confiscation Act.

²⁴ Section 56(a) CC Act and relevant definition in Schedule 2 CC Act.

²⁵ Section 6 Witness Protection Act.

²⁶ Section 23 CC Act.

²⁷ Section 24 CC Act.

²⁸ Section 52 CC Act.

²⁹ Section 52(1)(a) CC Act.

³⁰ Section 52 (1)(b) CC Act.

- into any other matter relating to the administration of criminal justice or relating to corruption referred to the CCC by the Minister³¹
- into any other matter relevant to any of its functions³²
- as required under legislation other than the CC Act.

Intelligence

The CCC has an Intelligence function to undertake intelligence operations and activities, and maintain intelligence to support the CCC's functions.

The CCC performs its intelligence function by:

- undertaking intelligence activities, including specific intelligence operations authorised by the CRC to support the proper performance of the CCC's functions³³ and holding intelligence function hearings³⁴
- analysing the intelligence data collected to support its functions³⁵ and ensuring that intelligence data collected and held to support its functions is appropriate for the proper performance of its functions,³⁶ while minimising the unnecessary duplication of intelligence data.³⁷

In undertaking the intelligence function, the CCC must build and maintain a database of intelligence information³⁸ for use in support of all of its functions. To do this the CCC may use information acquired by it from any source available.

Operational Activities of the CCC

There are three kinds of operational activity the CCC engages in to perform its functions.

Investigations

An investigation is the process of collecting, examining and considering³⁹ information and evidence. The CCC undertakes different types of investigations, depending on the function of the CCC to which the investigation relates.

There are three types of **Corruption matter**:

- **CCC Corruption Investigation** – A matter that may incorporate multiple allegations of the same or substantially similar type of conduct. A matter may involve only CCC officers or may be joint (i.e. involve officers seconded from UPAs).
- **Monitored matter** – A matter that is substantively investigated by the UPA with some monitoring or oversight by CCC.
- **Significant Event** – Oversight of a QPS investigation into a critical incident, particularly one involving a death in police custody or police operation.

³¹ Section 52 (1)(c) CC Act.

³² Section 52 (1)(d) CC Act.

³³ Section 53(a) CC Act.

³⁴ Section 53(b) CC Act.

³⁵ Section 53(c) CC Act.

³⁶ Section 53(e) CC Act.

³⁷ Section 53(d) CC Act.

³⁸ Section 54 CC Act.

³⁹ Definition of "investigation" – Schedule 2 CC Act.

There are four types of **Crime Investigation**:

- **CCC Crime Investigation** – A matter approved under an established general referral⁴⁰ or a specific referral⁴¹ where the CCC is the lead agency. These operations are initiated by the CCC and the CCC is primarily responsible for the investigation outcomes.
- **Referred Crime Investigation** – A matter approved under an established general referral⁴² or a specific referral⁴³ where the Queensland Police Service (QPS) is the lead agency. These matters are initiated by the QPS and the QPS is primarily responsible for the investigation outcomes.
- **CCC Specific Intelligence Operation** – A matter approved under section 55A of the CC Act.
- **Immediate Response Operation** – A matter approved under section 55D of the CC Act.

A **Confiscation Investigation** is a matter conducted for the purpose of the Confiscation Act, Chapter 2 or 2A.

Projects

A project is planned work or an activity that is completed over a period of time and intended to achieve a particular purpose and/or support a function of the CCC.

The CCC undertakes different types of projects, depending on the function to which the project relates:

- **Research** —strategic, continuous improvement, administration of criminal justice, police powers and methods or prevention
- **Prevention** – development of guidelines and awareness programs
- **Intelligence** — target development, monitoring emerging trends and issues, producing strategic intelligence assessments and other intelligence products
- **Procedural improvement** - organisational, procedural and policy change (for example, implementing outcomes or recommendations of other projects), and
- **Audits and analysis** — corruption risk and prevention.

Witness Protection

The CCC, as part of the Witness Protection Program, undertakes activities for the purpose of personal protection, court security, video evidence management, secure relocation, management of welfare needs and identity changes.

Standards

The CCC has clear written policies and procedures for how its principal and supporting functions are performed. These are set out in the CCC's Operations Manual available to all CCC officers through the Governance, Risk and Compliance (GRC) system. Some operational procedures are not publicly available due to their sensitive nature and information classification level. In these instances, the Operations Manual outlines the procedures for seeking further assistance or information.

2.1 External Policy Standards

Where relevant, the CCC has regard to the requirements of the following external policies:

⁴⁰ Section 27 CC Act.

⁴¹ Section 27 CC Act.

⁴² Section 27 CC Act.

⁴³ Section 27 CC Act.

- Supreme Court Practice Directions,
- the Director's Guidelines⁴⁴ of the Office of the Director of Public Prosecutions for Queensland, and
- the policy of the Attorney-General of Queensland on the granting of an indemnity from prosecution⁴⁵ or an undertaking to a witness
- the guidelines for the execution of search warrants on legal offices agreed upon between the QPS and the Queensland Law Society
- the Protocol of the Legislative Assembly for search warrants executed on premises in Queensland Parliament.⁴⁶

2.2 Legal Framework

The CCC complies with all relevant state and Commonwealth law. CCC officers involved in undertaking investigations, other projects, witness protection and associated activities have access to up-to-date versions of all relevant laws via the internet and also on the CCC intranet.

Legal instruments of delegation are published on the intranet, along with financial and HR instruments of delegation which guide decision-making.

2.3 Ethical Conduct

CCC investigations, other projects, witness protection and associated activities are conducted in accordance with the CCC's Code of Conduct.⁴⁷

The CCC has corporate policy and procedure (refer *Protocols governing the reporting of improper conduct complaints against officers of the Crime and Corruption Commission; Reporting Improper Conduct procedure*) governing the ways in which complaints about the conduct of CCC officers are dealt with to ensure that issues are managed appropriately, promptly and transparently.

The CCC also has a research ethics framework to ensure its research projects conform to the highest ethical and quality standards. The framework comprises three elements:

- The CCC *Human Research Ethics Guidelines* outline the values and principles CCC officers must adhere to when planning and conducting research activities involving humans.
- The CCC *Human research ethics policy and procedure* identifies the processes by which human research must be conducted to ensure it conforms to the highest ethical and quality standards.
- The Human Research Ethics Advisory Panel (HREAP) and sub-panels ensure that any human research conforms to the highest ethical and quality standards.

2.3.1 Proper consideration of Human Rights

To comply with the *Human Rights Act 2019*, the CCC must act and make decisions that are compatible with human rights, and give proper consideration to relevant human rights when making decisions (refer to *CCC Human Rights policy and procedure; Guide – Human rights compatibility framework for decision making*).

2.4 Agency Relationships

The CCC has corporate and operational policies and procedures about how it communicates and engages with other agencies and records those activities.

⁴⁴ http://www.justice.qld.gov.au/__data/assets/pdf_file/0015/16701/directors-guidelines.pdf.

⁴⁵ Queensland Government Indemnity Guideline or CCC's policy *Grant of indemnities policy*.

⁴⁶ Protocols for the Execution of Search Warrants by the Crime and Corruption Commission on the Premises of a Member of the Queensland Legislative Assembly.

⁴⁷ Available on CCC intranet and GRC.

These procedures ensure the CCC complies with legislation and relevant Australian Standards and Codes, and include requirements for:

- making appropriate records of communications and activity between the CCC and other agencies, and
- the physical security and security classification of communications and documents.

In undertaking its functions, the CCC may request and collect information from other appropriate agencies (for example, Queensland Corrective Services, Rental Tenancies Authority, Electoral Commission), through established memorandum(s) of understanding (MOU), by accessing agency databases or through paid subscription based services. These types of collections are referred to as an authorised collection.

In exercising its functions, the CCC may work in cooperation with other law enforcement agencies, as well as other persons and bodies as appropriate. Such cooperation may include the establishment, coordination and/or participation in a joint task force with Queensland, interstate or Commonwealth authorities. The level of formality around such arrangements is determined having regard to the requirements of the CC Act, any other relevant state or Commonwealth legislation, the chief executive officer of the cooperating authority and operational demands.⁴⁸

2.5 Disclosure and requests for information

This section is about information to which section 213 of the CC Act applies.

Commission officers generally have authorisation to deal with CCC information when relevant to the discharge of their duties and in performing the Commission's functions.⁴⁹ However it is CCC policy that the written authority of an authorised delegate is required prior to the disclosure of:

- CCC information for the purpose of another entity (under section 60(2) or 202 CC Act), or
- CCC hearing information (unless the disclosure would not be an offence against section 202(1) CC Act).

In performing its functions, the CCC holds a large amount of information, much of which is confidential or sensitive. It is an offence for CCC officers to disclose CCC information except where it is for the purposes of the CCC or the CC Act, the parliamentary committee or an investigation into an alleged contravention of section 213 of the CC Act or the information is already publicly available.⁵⁰ It is also an offence to publish hearing materials information without the Commission's written consent or contrary to the Commission's order except in prescribed circumstances.⁵¹

Generally, entities that receive confidential information from the CCC commit an offence if they further disclose that information.⁵² Former Commission officers, including those seconded from another entity, are bound by the secrecy provisions in the CC Act (section 213) in relation to information that has come to their knowledge while an officer of the CCC. Former Commission officers may not deal with CCC information without an authority in accordance with the policy and procedure, *MM04 – Disclosure and requests for information*.

Section 60 of the CC Act is the principal disclosure provision and authorises the CCC to:

- Use any information, document or thing in the CCC's possession in performing the CCC's functions⁵³

⁴⁸ See section 32 CC Act for police task force arrangements for crime investigations and section 255 CC Act for secondment of officers from other departments including police officers.

⁴⁹ Refer section 213(3)(c) CC Act.

⁵⁰ Section 213 CC Act.

⁵¹ Section 202 CC Act.

⁵² Section 213 Act.

⁵³ Section 60(1) CC Act.

- give intelligence information or other information to any entity the CCC considers appropriate.

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Information obtained by a CCC officer by reason of, or in the course of, the exercise of that officer's functions under the CC Act may not be recorded, divulged or communicated to any other person, except in accordance with the CC Act.

The CCC may consult with and disclose evidence, intelligence and information to law enforcement agencies, as well as other persons and bodies if appropriate and necessary to do so in the public interest.⁵⁵

The CCC has written procedures about how information held by the CCC may be disseminated having regard to the requirements of the CC Act and any other relevant state and Commonwealth legislation. *MM04 – Disclosure and requests for information* documents how the CCC shares intelligence or information deemed appropriate of its own initiative and responds to requests for information from other agencies, persons or bodies. Standard templates for disclosing intelligence and information are also included.

This policy and procedure includes an outline of:

- the requirements for disclosures, including authorisations
- factors to consider when determining whether a disclosure is appropriate
- the imposition of confidentiality conditions
- the process for obtaining written consent and making the disclosure
- examples of disclosures that may be appropriate disclosures to entities
- recordkeeping requirements in relation to disclosed information.

2.6 International inquiries and foreign evidence

2.6.1 Outgoing requests to foreign law enforcement agencies for information and evidence

A request for information by the CCC to a foreign agency that does not involve the use of a compulsory power may be informally obtained. This includes international exchange requests with AUSTRAC. Informal requests for information are made through the Interpol National Central Bureau via the AFP Operations Coordination Centre (for general criminal intelligence) or to overseas financial intelligence units via AUSTRAC (for financial intelligence only).

Requests for information by the CCC to a foreign agency where the use of a compulsory power is necessary or the evidence is required in an admissible form under the *Foreign Evidence Act 1994* (Cth) are, if appropriate, obtained formally under the Australian Government Mutual Assistance Regime.

The CCC's policy and procedure, *MP11 – Mutual Assistance*, outlines the requirements for Commission officers initiating or responding to requests for assistance with foreign authorities through the Australian Government Mutual Assistance Regime.

Mutual Assistance Requests (MARs) are a reciprocal and formal process used to obtain government to government assistance in the collection of evidence or exercise of compulsory powers in a foreign jurisdiction to ensure criminals cannot evade prosecution due to evidence or proceeds of their crimes being located in different countries.

As stated in MP11, formal requests for information are made through the Australian Government Attorney-General's Department International Crime Cooperation Central Authority (ICCCA).

⁵⁴ Section 60(2) CC Act.

⁵⁵ Refer sections 60(2) and 202 of the CC Act.

2.6.2 Incoming requests from foreign law enforcement agencies for information and evidence

Any request from a foreign law enforcement agency for information in the possession of the CCC must be responded to formally.

Information relating to the procedures for responding to requests for information held by the CCC from foreign agencies is detailed in procedures *MP11 – Mutual assistance* and *MM04 – Disclosure and requests for information*.

2.7 Media

The CCC media policy, the *Communications policy and procedure*, describes how the CCC interacts with the media (for example, in relation to queries about the CCC's investigation work), including the requirement that Corporate Communications is the first point of contact for the media seeking information about the CCC.

Unless specifically approved to do so, CCC officers (other than the Chairperson, CEO or Head of Division) are not authorised to deal with or release information or CCC material to the media regardless of whether the officer is on or off-duty, is inside or outside of the CCC's offices or premises.

In addition, the CCC has an operational procedure, *MM03 – Matter reports and publications*, that applies to all CCC officers involved in the preparation, production, review and approval of externally focussed reports or publications (either public or confidential) arising from operational matters.

The CCC's corporate standards are located on the intranet under the section "Writing and publishing" and guidance is provided on a range of subject areas including information on writing and publishing, graphics, templates and how to use the CCC logo.

2.8 Staff Qualifications

The CCC has a multi-disciplinary approach to undertaking its operational activities.

All CCC officers have written position descriptions that include information about the purpose, nature and scope of their role, performance accountabilities for quality, operational effectiveness, people and communication, and required qualifications and/or relevant work experience.

CCC case officers include those primarily engaged as investigators as well as professional officers of varying disciplines such as lawyers, financial investigators and intelligence analysts. The minimum level of experience and qualifications for CCC case officers are:

- if primarily engaged as an investigator: significant experience investigating alleged serious offences and / or public sector corruption
- if primarily engaged in the coordination and supervision of investigations: broad and substantial experience investigating and managing investigations into alleged serious offences and/or public sector corruption, and
- if primarily engaged in a complaints assessment role: experience in complaints handling including relevant qualifications and training.

CCC case officers primarily engaged to provide administrative support or similar assistance work under the supervision of an appropriately qualified staff member.

Project CCC officers include those primarily engaged in the development of policy, research materials or intelligence activities to support the CCC's crime and corruption purposes. The minimum level of experience and qualifications for project CCC officers are:

- if a project leader: significant experience in either policy development, research or intelligence supervision plus an understanding of project management techniques in addition to their specialist discipline, and

- if a project officer: experience in either policy development, research or intelligence.

For support and corporate CCC officers primarily engaged as professional officers, such as lawyers, financial investigators, intelligence analysts, corruption prevention officers, technical or electronic evidence or other specialists, relevant tertiary qualifications and experience to effectively carry out the duties of the position are required.

2.9 Corporate performance

The CCC has a number of corporate performance indicators to measure its progress against strategic objectives and agreed service standards. These indicators typically measure the outcomes of investigations and projects in terms of effectiveness, efficiency, economy and timeliness.

Effectiveness measures reflect how well the actual outputs of a service achieve the CCC's stated purpose (objective), describing the quantifiable extent of the outcome experienced by service recipients as a result of the level and quality of the service provided. Effectiveness is often measured through customer and/or stakeholder satisfaction/experience surveys.

Efficiency measures reflect how capabilities (resources) are used to produce outputs for the purpose of achieving desired outcomes. They are expressed as a ratio of capabilities (resources) to outputs.

The concept of efficiency has three dimensions:

- technical efficiency - requires that outcomes be produced at the lowest possible cost
- allocative efficiency - requires the delivery of outcomes that consumers value most, from a given set of resources
- dynamic efficiency - means that, over time, consumers are offered a new approach to delivering outcomes or existing delivery at lower cost.

Other measures that have been adopted by the CCC include:

Measure	Description
Activity	Measure the number of service instances, service recipients, or other activities for the service (e.g. number of complaints, number of allegations). These activity measures are converted into efficiency measures by combining them with input measures to show the unit cost of the activity.
Cost	Measure the cost of outputs/services produced. For example, average cost of processing a complaint or undertaking an investigation.
Process	Process measures demonstrate how efficiently services are delivered, rather than how effectively services are delivered, and are sometimes used as proxies for effectiveness measures if it is impractical or uneconomical to measure the effectiveness of the service or its outcome.
Input	Measure the resources consumed in delivering a service, either as an absolute figure or as a percentage of total resources. CCC's input measures are funding and number of employees, person-days, which are converted to efficiency measures by combining them with activity measures to show the unit cost of the activity.
Quality	Measure how well a service is fit for purpose. The quality of a service can be measured using specific criteria such as timeliness, accuracy,

Measure	Description
	completeness, accessibility and equity of access and/or seeking feedback on one of these criteria through customer satisfaction surveys.
Timeliness	Measure the time taken to produce an output and provide an indication of the processing or service speed. Measures of timeliness provide parameters for 'how often' or 'within what time frame' outputs are to be produced.
Equity	Measure how well a service is meeting the needs of particular groups that have special needs or difficulties in accessing government services. Equity measures focus on any gap in performance between special needs groups and the general population.

Part 3 — Identification of Matters

Introduction

This part identifies the CCC’s policy and standards for the way in which it assesses and decides whether or not to undertake an investigation⁵⁶, a project or to include a person as a participant in the Witness Protection Program.

The process by which the CCC receives information about, or identifies the need for an investigation or project differs, depending on the type of matter to which the information may be relevant.

Investigations

Information relevant to a **Corruption** Investigation may be received from a number of sources:

- any person may make a complaint to the CCC about a matter that concerns or may concern corruption⁵⁷
- the CCC may receive information or a matter involving alleged corruption from any other source
- public officials, such as the Ombudsman, the Commissioner of Police, the chief executive of a unit of public administration or a person who constitutes a corporate entity that is a unit of public administration, have a duty to report to the CCC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct⁵⁸
- The Commissioner of Police also has an obligation to report police misconduct.⁵⁹

Information about the need to undertake a **Crime** Investigation is received by the CCC from the QPS or identified by the CCC of its own initiative, for example because the information has come from:

- a witness or informant
- a dissemination from another law enforcement agency, or
- as a result of another investigation, or a research or intelligence project undertaken by the CCC.

Information about the need to undertake a **Confiscation** Investigation comes from various State and occasionally Commonwealth law enforcement agencies but principally the QPS. The information may also be identified because of an investigation undertaken by the CCC or activities undertaken to proactively identify matters for confiscation investigation.

Projects

The need to undertake a CCC project may be identified in a number of ways:

- Self-generated — Consultation with internal or external stakeholders identifies a need or knowledge gap on a particular issue or area of concern
- Ministerial referral⁶⁰ — The Minister for Justice and Attorney-General requests the CCC undertake particular research
- Legislative referral⁶¹ — Legislation requires the CCC to undertake particular research.

⁵⁶ See definition of “investigate” in Schedule 2 CC Act.

⁵⁷ Section 36(1) CC Act.

⁵⁸ Section 38 CC Act.

⁵⁹ Section 37 CC Act.

⁶⁰ Section 52(1)(c) CC Act.

⁶¹ Section 56(c) CC Act or pursuant to another Act.

Witness Protection

Information about the need to include a person as a participant in the Witness Protection Program is received by way of application from a law enforcement officer or identified by the CCC on its own initiative.⁶²

Standards

3.1 Receiving and recording information about potential matters for action

The CCC's place of business, e-mail and telephone contact information is published on the CCC's website. Corruption matters may be received by telephone, post, email, fax, in person attendance at the CCC premises, or via the online complaint lodgement form on the CCC website.

All law enforcement agencies in Queensland are provided with detail on the crime and confiscation investigation referral process and the application process and other information concerning the Witness Protection Program. The CCC website provides information concerning eligibility for the Witness Protection Program. The CCC's electronic recordkeeping system records information received about alleged crime or corruption, confiscation investigations and applications the CCC receives for witness protection, and how it assesses and deals with that information. The electronic records system has two parts:

- a **case management system**:
 - for investigations and projects — the central CCC repository for complaints or information about alleged major crime (including intelligence target assessments), criminal activity, corruption, police misconduct, confiscation and related matters. It holds information about past complaints, information, reports and investigations about such matters and is capable of facilitating the linking and retrieval of information to identify trends, risks and convergences.
 - for witness protection matters — records all enquiries regarding protection, applications for protection submitted and the outcome of assessments, all activities undertaken in relation to operational matters under the program, details of expenditure, and security and welfare measures relevant to particular operations.
- a **records management system** (eDRMS) for investigations and projects — a system for identifying, cataloguing and electronically storing all records seized, collected or created by the CCC in the course of an investigation or project or witness protection arrangement in accordance with the CCC's *Records Management Policy*.

The CCC is committed to receiving and recording matters in a timely and appropriate manner.

As described in IM02 – Receiving and recording matters, the CCC's assessment process begins with the receipt of information about a matter by the following means:

- for a *corruption* matter, with the receipt of information about the matter by any means (as outlined above)
- for a *crime* matter, upon receipt of a proposal in the approved form
- for a *confiscation* matter, upon receipt of a referral in writing.

IM02 – Receiving and recording matters provides procedural information on the requirements for receiving and recording information received by the CCC about alleged major crime, criminal activity, corrupt conduct, police misconduct or the need to undertake a confiscation investigation.

MP05 – Witness Protection provides procedural information about how to record applications and other information the CCC receives about the Witness Protection Program, and how the information is dealt with. Relevant procedures are also available off-line to witness protection staff. The CCC also

⁶² Section 6 Witness Protection Act.

has procedures (for example, *Research and Insights Project Approval and Administration policy and procedure*) about how to record proposals, external requests and requirements of the CCC to undertake research, intelligence and other projects and how that information is dealt with.

The CCC's *Recordkeeping policy (and associated procedure)* and *Vital Records policy and procedure* also outline recordkeeping obligations that are applicable to all CCC staff.

3.2 Public Interest Disclosures

The CCC's procedure, *Public interest disclosures against commission officers policy and procedure*, details how the CCC deals with matters classified as public interest disclosures (PIDs) under the Public Interest Disclosures Act 2010 ("the PID Act"). This procedure is available to all CCC officers and is designed to ensure that the required level of confidentiality is maintained in relation to the identity of the person who made the PID.

3.3 The assessment process

The CCC is committed to assessing each matter made or notified to it, or otherwise coming to its attention, and determining the appropriate action to deal with its contents in a timely and professional manner that accords with the CC Act.

In the assessment process the CCC balances strategic risks, opportunities and priorities with a view to ensuring that only those matters that are of potential value in delivering the CCC's strategic objectives are selected for investigation (refer to *IM03 – Assessment of matters* for further information).

The CCC has written procedures about how information concerning alleged major crime, criminal activity, corrupt conduct and police misconduct, or the need to undertake a confiscation investigation, is assessed (refer *IM03 – Assessment of matters*), as well as procedures dealing with the assessment of information about witness protection matters (refer *MP05 – Witness protection*) or a proposed project (for example, the *Research and Insights Project Approval and Administration policy and procedure*).

These assessment procedures are designed to ensure the assessment process and assessment decisions:

- take into account all relevant legislative requirements and considerations
- are coherent, consistent, objective and ethical
- are as transparent and accountable as possible
- reflect an efficient and effective use of the CCC's resources
- are appropriate having regard to the objectives and priorities of the CCC.

3.4 Assessment Decisions

A decision about whether the CCC should investigate information about major crime, criminal activity, corrupt conduct or police misconduct or undertake a confiscation investigation or project or accept a person as a participant in the Witness Protection Program is **an assessment decision**.

For a crime or corruption investigation, or a project or other matter requiring escalation to the ELT,⁶³ assessment decisions are made by the ELT (Portfolio Assessment). The ELT is responsible for considering complaints and potential investigations that have been triaged and assessed as high risk, and for reviewing project proposals, to ensure investment is optimised and strategic objectives are met. The ELT charter outlines the committee's portfolio assessment function responsibilities and is published in the GRC.

⁶³ The CCC's assessment procedures may require matters to be escalated to the ELT, even though a project or investigation is not supported or recommended, for example, where the matter has been assessed as high risk or sensitive.

For a witness protection matter, assessment decisions (for example, to recommend the Chairperson approve a person's admission to the witness protection program) are made by the CCC's Witness Protection Advisory Committee (WPAC). The WPAC charter is published in the GRC.

Assessment decisions may be:

- **Final** – the assessment decision may be implemented without further authorisation
- **Recommendatory** – the assessment decision must be authorised by another authority (for example, the Crime Reference Committee or the Chairperson) before it may be implemented.

If an assessment committee decides not to undertake (or recommend) an investigation, project or witness protection application it may:

- decide to take no further action at all in relation to the information, proposal or application
- if the information assessed is evidence of, or information about, a possible offence against a state or Commonwealth law, recommend to an appropriate delegate of the Commission that the information be given to an appropriate entity or law enforcement agency⁶⁴
- if it is considered that a UPA has a proper interest in the information in the performance of its functions, recommend to an appropriate delegate of the Commission that the information be given to the UPA for that purpose
- if the information is about alleged corruption:
 - decide that the CCC will deal with the information in cooperation with the UPA and/or the QPS
 - decide to refer the complaint to the UPA to be dealt with by the UPA alone, subject to the CCC's monitoring role
 - decide to refer a complaint that may involve criminal activity to the Commissioner of Police, subject to the CCC's monitoring role
 - decide to ask the Commissioner of Police to deal with complaints of police misconduct, subject to the CCC's monitoring role
 - decide to refer the complaint to another agency (including a law enforcement agency) that has a proper interest in the conduct, having regard to that agency's functions, or
 - take no action or discontinue action in accordance with section 46(2)(g) of the CC Act.

A CCC officer making an assessment decision must ensure the decision is not affected by self-interest, private affiliations, or the likelihood of personal gain or loss. CCC officers are responsible for ensuring actual, apparent or potential conflicts of interest are identified and disclosed. The *Conflicts of interest and other disclosures* policy and procedure provides more information.

The CCC's *Operating Model Governance Arrangements* provides further information regarding assessment decisions. *IM01 – Portfolio assessment and review*, *IM03 – Assessment of matters* and *IM04 – Implementation of assessment decisions* also provide information regarding the assessment of matters including alleged major crime, criminal activity, corrupt conduct, police misconduct or the need to undertake a confiscation investigation.

The *Research and Insights Project Approval and Administration policy and procedure* provides procedural information in relation to projects undertaken by Research and Insights.

MP05 – Witness Protection outlines the procedures in relation to witness protection matters.

3.4.1 Assessment Principles

In exercising its functions, the CCC must:

⁶⁴ Section 60(1) CC Act.

- at all times, act independently, impartially and fairly having regard to the purposes of the CC Act, and the importance of protecting the **public interest**⁶⁵ and the human rights of those concerned.⁶⁶
- work cooperatively with UPAs to achieve optimal use of available resources⁶⁷
- when performing its powers in relation to the procedures and operations of state courts or in relation to the conduct of a judicial officer, proceed having proper regard for the importance of preserving the independence of judicial officers⁶⁸

In relation to matters involving corruption, also have regard to the following principles.⁶⁹

- **Cooperation**
 - the CCC and UPAs should work cooperatively to deal with corruption
- **Capacity building**
 - the CCC has a lead role in building the capacity of UPAs to prevent and deal with cases of corruption effectively and appropriately
- **Devolution**
 - subject to the cooperation and public interest principles and the capacity of the UPA, action to prevent and deal with corruption in a unit of public administration should generally happen within the unit, and
- **Public interest**
 - the CCC has an overriding responsibility to promote public confidence:
 - in the integrity of UPAs, and
 - if the corruption does happen within a unit of public administration in the way it is dealt with
 - the CCC should exercise its power to deal with particular cases of corruption, when it is appropriate having primary regard to the following:
 - the capacity of, and the resources available to, a UPA to effectively deal with the corruption
 - the nature and seriousness of the corruption, particularly if there is reason to believe that corruption is prevalent or systemic within a UPA
 - any likely increase in public confidence in having the corruption dealt with by the CCC directly.

An assessment decision involves important considerations for the CCC that include balancing strategic risks and opportunities and prioritising and determining the commitment of significant CCC resources. There must be a sound business case for approving (or recommending the approval) of an investigation or other project, consistent with the CCC's strategic objectives and resource priorities.

Also, the Witness Protection Program must be managed to ensure its resources are invested to provide optimal value in delivering the CCC's Witness Protection Program objective of keeping witnesses safe.

3.4.2 Assessment Considerations

There are also a number of other relevant considerations that an assessment committee must take into account when deciding (or recommending) whether or not the CCC should undertake an investigation or another project or provide witness protection. These will vary depending on the type of matter under consideration. For example, the CCC is required, as far as practicable, to direct its

⁶⁵ Section 57 CC Act.

⁶⁶ *Human Rights Act (Qld) 2019*

⁶⁷ Section 59(1) CC Act

⁶⁸ Section 58(1) CC Act.

⁶⁹ Section 34 CC Act.

attention to the more serious cases of corrupt conduct and cases of systemic corrupt conduct within a UPA⁷⁰ and whenever possible liaise with a relevant public official in performing its corruption functions.⁷¹ Also the CCC has primary responsibility for dealing with information about corrupt conduct while the Commissioner of Police has responsibility for dealing with police misconduct subject to the CCC's monitoring role.⁷²

The CCC uses a Complaints Categorisation and Prioritisation Model to determine whether to make particular conduct the subject of an investigation.

Similarly, the Matter Prioritisation Model (Crime) is used to assess the priority of each crime-related matter, and is based on public interest and stakeholder value.

IM01: Portfolio assessment and review (Appendix A) provides a detailed list of relevant considerations for corruption matters, crime matters and confiscation investigations.

Matters that do not meet the criteria and are considered unsuitable for civil confiscation litigation or SDOCO scheme litigation may be returned to the originating agency with a recommendation that further inquiries be conducted or that alternative proceedings under the conviction based scheme or other legislation be instituted.

For witness protection matters, *MPO5 – Witness protection* (refer s4.5) outlines the considerations when considering whether or not to recommend that the Chairperson approve a person for the Witness Protection Program.

Projects

In considering whether or not to approve a project, relevant considerations include:

- whether the proposed project is within the CCC's statutory functions or other legislative requirement
- the extent to which the proposed project has already been, or is currently, the subject of any research, assessment and development (as applicable) by another person or agency
- the scale and significance of the proposed project and the capacity of the CCC to deliver the project outcomes in a timely way
- whether it may be more appropriate or effective for another entity to undertake the proposed project
- whether the proposed project is a justifiable use of the CCC's resources
- the public interest and anticipated public benefit in undertaking the project, having regard to the identified project deliverables and outcomes
- for research projects, whether the proposed project complies with the CCC's research ethics framework and if required, the proposed methodology is likely to receive ethical clearance from the HREAP.

3.5 Referral of matters to other relevant authorities

The CCC may, before, during or after undertaking a corruption investigation, refer a matter to another appropriate person or body (the "public official") for investigation or other action.⁷³

If the CCC refers a matter to a public official, it may:

- recommend action that should be taken by the public official and the time frame for taking that action

⁷⁰ Section 35(3) CC Act.

⁷¹ Section 35(2) CC Act.

⁷² Section 45 CC Act.

⁷³ Section 46(2)(b) CC Act.

- provide the public official with any information the CCC has obtained during its investigation
- require the public official to keep any information so provided confidential and, therefore, subject to the secrecy provisions of the CC Act
- require the public official to provide the CCC with a report (of such nature and time frame as directed) in relation to the matter and the action the public official has taken.

The CCC has policies and procedures for how it determines whether and when to refer a matter to a public official for investigation or other action (refer *IM04 – Implementation of assessment decisions* and *MM01 – Matter management, planning and conduct*).⁷⁴ The policies and procedures are designed to ensure that matters are referred to relevant authorities for action only where the subject matter of the allegation or allegations is appropriate for referral because:

- the seriousness, apparent prevalence and/or importance in taking action in respect of the matter does not require the CCC to investigate and/or take action in relation to the matter
- the subject matter is not incapable of productive investigation and/or action by the CCC, for example by reason of the age of the matter, the ambiguity of the allegations or the lack of identifiable lines of inquiry
- the identity of a person who made a public interest disclosure or the safety of any person will not be compromised
- the public official has capacity to investigate the matter by reason of resources, access to necessary information and powers
- the integrity of the investigation and/or action is not likely to be compromised by reason, for example, of any actual or apparent conflict of interest, lack of transparency or resolve.

In many cases, the CCC reviews reports on matters that the CCC has referred to a public official for action which are subject to a review by the CCC.

The CCC has guidelines for how it reviews and assesses reports provided to the CCC by a public official, how the CCC resolves any issues of dissatisfaction with the report or any aspect of a requirement or recommendation it has made, and what action the CCC will take where those issues have not been resolved.

⁷⁴ Complainants Categorisation and Prioritisation Model; *IM04 – Implementation of assessment decisions* and *MM01 – Matter management, planning and conduct*.

Part 4 – Management of Matters

Introduction

This part identifies the CCC's policies and standards for effective and efficient management, planning and conduct of investigations, projects and witness protection matters undertaken by the CCC. These standards ensure that the CCC's investigations, projects and witness protection matters are conducted professionally, can withstand scrutiny by the public, media, government and court processes, and:

- the CCC's resources are invested to provide optimal value at all stages of the investigation
- the most critical questions, requirements and risks for an investigation are addressed early, and
- the progress of an investigation is transparent.

Standards

4.1 Roles and responsibilities

This framework recognises four distinct levels at which investigation and project roles and responsibilities are exercised: *Governance, Management, Operational and Technical*. Due to the CCC's function and size, some positions in the CCC may be involved in the activities of more than one role and therefore role separation is not always possible. For more information, see *MM01 – Matter management, planning and conduct*.

4.1.1 Technical and operational levels

Technical activities and decisions are the responsibility of team members, whether working alone or together, applying specialist skills or techniques to achieve the particular requirements of the investigation or project. These activities involve undertaking discrete investigation or project practices and technical work such as, collecting evidence by interviewing or examining a witness, executing a search warrant, notice or other authority, engaging in surveillance and undertaking forensic analysis, collating, analysing, research, or reviewing information and evidence, preparing reports and correspondence, briefs and administrative activities to support the investigation.

At the operational level, a case manager is appointed for each CCC investigation, project or witness protection matter. Case managers are senior specialists, team leaders or operational Directors at the CCC.

Case managers regularly review the conduct of a matter for which they are responsible to ensure compliance with policy, procedure and the progress of the matter against performance measures.

Where a team has been allocated to undertake the **investigation** or **project**, the case manager leads the team and co-ordinates the investigation or project activities at a high level, while the team is responsible for detailed planning as well as operational and technical delivery (*MM01 – Matter management, planning and conduct* provides more information).

For a **witness protection** matter, the case manager is the witness protection officer who is appointed for each person accepted into the Witness Protection Program. This officer is responsible for providing the appropriate level of witness protection approved in accordance with the CCC policies and procedures, monitoring the protected witness, and ensuring the witness' compliance with the Witness Protection Agreement.

4.1.2 Management level

At the management level, the CCC has Executive Directors and Directors (refer Tier 2 of Human Resources Decision-Making Framework) within each of its operational divisions and corporate support areas.

The Executive Directors and Directors ensure investigations, projects and witness protection matters for which they are accountable are meeting the CCC's strategic and performance objectives and that key decisions are understood, translated correctly and given operational effect. The Executive Directors and Directors co-ordinate resources and where required, contribute strategic, operational, technical and tactical advice and action.

4.1.3 Governance level

The Executive Leadership Team (ELT) has a Portfolio Review function and is responsible for overseeing, reviewing CCC investigations and projects that have been approved for implementation (refer to the CCC's *Operating Model Governance Arrangements*).

The ELT charter also outlines the ELT's Portfolio Review function responsibilities including the responsibility to analyse business activity and optimise the focus of CCC investment through its regular oversight of approved investigations and projects.

The ELT has an important governance responsibility of making key decisions (refer s4.4 of this Framework), recommending to, or endorsing a key decision of an appropriate delegate or authority (such as a Senior Executive Officer or the Crime Reference Committee). *IM01 – Portfolio assessment and review* also provides further guidance.

The Senior Executive Officer (Crime) must keep the CRC informed of the general conduct of his or her operations in the performance of the CCC's functions in relation to major crime and must notify the CRC when a crime investigation has been approved by the Chairperson or the Senior Executive Officer (Crime) under a general referral as soon as practicable.⁷⁵

The Senior Executive Officer (Crime) and the Senior Executive Officer (Corruption) must also:

- keep the CRC informed of their general operations in performance of the CCC's crime and corruption functions respectively, in so far as their operations relate to an intelligence operation, and⁷⁶
- if requested by the CRC, provide information concerning a matter relating to their respective major crime and/or intelligence operations and give the CRC any help it needs to consider that information.

The CRC may give directions to the CCC imposing limitations on a crime investigation, including limitations on the exercise of the CCC's powers for an investigation and may amend the terms of an investigation approval or under specific circumstances, or direct the CCC to end a crime investigation.⁷⁷

The Witness Protection Advisory Committee (WPAC) is responsible for managing and reviewing the CCC's Witness Protection Program cases. The WPAC charter outlines the principles on which its regular meetings will be conducted.

4.2 Commencement of a Matter

4.2.1 Investigations and projects

Investigations or projects commence when the assessment decision is final or, if recommendatory, is given effect by the appropriate authority (e.g. CRC or Chairperson).

⁷⁵ Section 277(1)(a)(i), 277(1)(b) and (2) of the CC Act.

⁷⁶ Section 277(1)(a)(ii) and 277(2A) of the CC Act.

⁷⁷ Section 29 and 55C and 55F of the CC Act.

4.2.2 Witness protection

Protection under the Witness Protection Program commences when a person signs a protection agreement.

4.3 Management approach and delivery model

The CCC has policies and procedures that deal with the conduct and planning of CCC investigations, projects and witness protection matters (for example, see *MM01 – Matter management, planning and conduct* in relation to investigations).

The CCC employs investigation management practices that are based on project management principles. The CCC recognises that as an empirically based project, an investigation requires an agile and incremental planning and delivery framework. Other projects and witness protection arrangements may require a more traditional project model in which a detailed project plan is prepared at the commencement of the project.

The planning and progress of each CCC investigation, project or witness protection case is monitored against a high-level delivery plan that identifies the investigation, project or witness protection scope, stages and key performance measures.

Where an agile project model is used for an investigation or project, to ensure responsive and quality decision making, general operational planning occurs as part of a structured cycle of planned operational activity followed by analysis and review. Significant operational or specific technical activities are planned as discrete strategies of action.

The planning process for an investigation, project or witness protection agreement requires continual review of:

- adequacy of resources
- timeliness and progress on agreed action
- outputs
- scope and purpose
- risks and issues.

4.4 Key Decisions

A **key decision** is a decision that establishes, confirms or affects:

- the business case for an investigation or project
- the scope and purpose of an investigation or project
- the issues an investigation or project is required to address
- key performance criteria and outcomes
- for an investigation or prevention function, whether or not to recommend the conduct of a public hearing.

The CCC's policies and procedures identify who is responsible for making or endorsing particular key decisions for investigations, projects and witness protection matters.

4.5 Public hearings

A public hearing is a significant operational activity in the progress of an investigation and, at the same time, a product of an investigation that is able to generate outcomes for a CCC investigation.

The decision to hold a public hearing is a key decision in an investigation. *MP03 – Hearings (closed and public)* provides detail on how it is determined whether or not to hold a public hearing and approval of the conduct of the public hearing.

4.6 Risk management

The CCC incorporates risk management into all parts of the planning and decision-making processes for its operational activities. Risk should also be reassessed at the completion of activities in order to identify potential areas for improvement.

The CCC risk management framework⁷⁸ guides all of the CCC's operational activities and objectives. A suite of risk management tools (including a risk analysis matrix) have been developed for the assessment of all current and emerging risks. Where it is determined that established controls are not sufficient to mitigate a risk, a risk management treatment plan is to be included in the relevant risk register.

The CCC has policies and procedures (refer Operations Manual) that provide guidance on specific operational and technical activities (e.g. the conduct of a hearing or the execution of a search warrant) to ensure risks are appropriately managed.

The CCC's risk management procedures comply with the Australian and New Zealand Risk Management Standard AS/NZ ISO31000:2018.

4.7 Record Keeping for Operational Activities

4.7.1 File and information management

The CCC has electronic systems for managing and recording information about the conduct of its matters. It provides training to CCC officers in the appropriate and effective use of the systems. The system has two interrelated parts:- a case management system and a records management system. For more information, refer section 3.1 of this Framework.

Supporting the electronic systems are policies and procedures for the retention and disposal of records, information and artefacts developed or gathered as part of conducting the CCC's business (see *Retention and Disposal of Records procedure*).

4.7.2 Activity recording

The CCC has policies and procedures that identify the specific requirements for collecting data and records relevant to investigations, projects and witness protection matters (Refer to *MM04 – Disclosure and requests for information*, *MP06 – General collections*, *MP12 – Property management*, *Recordkeeping policy*; *General Recordkeeping procedure*; *Vital Records procedure*).

4.8 Outcomes

The products or results of an investigation or project, when applied, produce outcomes able to generate change that, if measured, are the benefits (or value) realised from the conduct of the investigation or project.

The conduct of an investigation or project may produce one or more results, for example:

- no further action by the CCC
- the referral to a unit of public administration (UPA) of information that is relevant to the exercise of the UPA's functions, including for disciplinary action
- the dissemination of intelligence and information
- an investigation report that may be the result of a public hearing, or a brief of evidence for referral to a prosecuting authority
- one or more persons being charged

⁷⁸ Related references: *Risk appetite statement*, *Risk management policy and procedure*, *Risk management framework*, *Risk analysis matrix and Risk establishment tool (template)*, *Fraud and Corruption Control Plan*.

- corruption prevention recommendations
- the restraint and forfeiture of property
- a public report.

4.8.1 Referral of information to a UPA

The CCC may refer information or evidence to a public official under sections 46, 49 or 60 of the CC Act. If it is desirable to do so, including for the purpose of taking disciplinary action, the CCC may also refer information to a UPA that is relevant to the exercise of the UPA's functions.

Such information may be provided by the CCC on the understanding, express or implied, that the information is confidential and subject to the secrecy provisions of the CC Act.

The CCC has written procedures (*IM04 – Implementation of assessment decisions* and *MM01 – Matter management, planning and conduct*) for the referral of such information.

4.8.2 Disseminations

Authorised officers of the CCC may disclose:

- if appropriate, evidence or intelligence and information to law enforcement and intelligence agencies
- if it is necessary to do so in the public interest, information to a person or body.

Such information may be provided by the CCC on the understanding that it is confidential and subject to the secrecy provisions of the CC Act. The CCC has a written policy and procedure (refer *MM04 – Disclosure and requests for information*) for the dissemination of information and intelligence which details the circumstances in which such material can be released and the statutory and procedural requirements that govern disclosure.

4.8.3 Investigation or project reports

CCC reports may be made public or kept confidential.

MM02 – Matter briefs outlines the requirements for the compilation and management of briefs of evidence, including those relating to criminal, disciplinary and confiscation proceedings.

MM03 – Matter reports and publications outlines the requirements for the preparation and production of reports for external audiences that are the product of an investigation.

4.8.4 Criminal briefs

The CCC may furnish to an appropriate authority:

- a brief of evidence that may be admissible in the prosecution of a person for a criminal offence against a law of the State of Queensland, another state, the Commonwealth or a territory
- a brief of evidence that may be admissible for confiscation action
- observations the CCC considers appropriate
- recommendations as to what actions the CCC considers should be taken in relation to the evidence.

The CCC is committed to delivering consistently high quality briefs of evidence. The CCC's objective is to ensure a brief of evidence is prepared to a standard that will maximise the potential for a successful prosecution. The CCC has a procedure (refer *MM02-Matter briefs*) for the preparation and delivery of a brief of evidence to an appropriate authority.

4.8.5 Corruption prevention recommendations

The CCC may, in a report on an investigation, make recommendations to a specified UPA to take action to reduce the likelihood of corruption occurring.

If the CCC makes any such recommendation, it must, as soon as practicable, furnish a copy of the recommendation to the public official.

MM03 – Matter reports and publications outlines the CCC's policy and procedure requirements for the furnishing of a copy of its reported corruption prevention recommendations to public officials.

4.8.6 The restraint and forfeiture of property

Under Chapter 2 of the Confiscation Act, the CCC may restrain a person's property on the basis of a reasonable suspicion of the person's engagement in serious crime related activity in the previous six years. It is not necessary for there to be an actual or imminent criminal charge or conviction against the person. There is also no requirement to link the restrained property to the serious crime related activity. Ultimate forfeiture of property to the State can be achieved pursuant to:

- a Forfeiture Order – where the restrained property has been acquired with illegitimate funds
- a Proceeds Assessment Order – where the benefit derived by a person is as a result of the person's engagement in illegal activity during the course of the previous six years
- an Unexplained Wealth Order – where the State has a suspicion a person has engaged in serious crime related activity at some stage over the course of the person's life and that person has derived income or wealth that has not been obtained from a legitimate source.

Under Chapter 2A of the Confiscation Act, where a person is convicted of a qualifying offence, the person's property is liable to forfeiture even if the property was acquired lawfully.

MP20 – Criminal Proceeds Confiscation provides procedural information in relation to this area of activity.

4.9 Finalising and Closing a Matter

The CCC has written procedures for finalising and closing a matter.

4.9.1 Investigations

The delivery stage of an investigation ends with a key decision to finalise a matter.

The post-delivery stage ends when all outcomes for the matter have been determined, for example, all proceedings initiated as a result of the matter (including any appeal proceedings) are final. To close a matter, the Case Manager must complete an Investigation Completion Report (Part C: Closure) for review and approval by the appropriate decision-maker.

When an investigation is closed no further operational activity can take place with respect to the investigation.

MM01 – Matter management, planning and conduct outlines the procedural information for the finalising and closing of an investigation.

4.9.2 Projects

A project is finalised upon the publication of all reports, assessments and products for which the project was approved, unless a key decision has been taken to discontinue the project.

A research project is closed upon the approval by the Director, Research and Insights of the project finalisation report.

The *Research and Insights Project Approval and Administration policy and procedure* outlines the procedures for finalising and closing a Research and Insights project.

4.9.3 Witness Protection

A protection arrangement is finalised when a person agrees to and signs the protection agreement.

A protection matter is closed when a protected witness' involvement with the program ceases by:

- the protected witness voluntary withdrawal from the program, or
- the Chairperson's decision to cease protection.

4.10 Quality assurance audits

The purpose of a quality assurance audit is to measure whether a CCC matter was conducted in accordance with these standards.

The CCC conducts quality assurance audits of its matter management processes as part of its risk management plan prepared by the CCC Internal Auditor.

Part 5 – Matter Practices

Introduction

This part identifies the CCC's practices for undertaking investigations, undertaking projects and providing witness protection. These practices ensure that the CCC's investigations, projects and witness protection matters are conducted professionally and can withstand scrutiny from the public, media, government and court processes.

Standards

5.1 Investigations

The CCC has minimum standards for methods and procedures for gathering, recording and storing evidence and the use of powers and other authorities to obtain evidence. These standards ensure that the aim of the evidence collection and handling is focussed on securing the most reliable relevant evidence of the matter under investigation.

5.1.1 Witnesses

A witness is anyone who supplies information to the CCC, whether unsolicited, voluntarily or otherwise, which may be used by the CCC in connection with an investigation.

A witness includes a confidential human source. The standards in relation to confidential human sources are limited to those listed under the covert human intelligence source heading below. The other witness standards do not (or do not necessarily) apply to covert human sources.

The CCC's procedure, *MP01 - Witness interviews, statements and other communications*, outlines the requirements for interviewing, taking statements from, and communicating with witnesses during investigations, including the necessary considerations prior to any formal contact with a witness.

Communicating with witnesses

Communications with witnesses may be for the purposes of:

- obtaining evidence
- establishing witness credibility
- organising logistical arrangements for interviews or taking statements
- communicating updates regarding the progress of an investigation.

During the course of communications with a witness, a case officer must ensure that any information that may prejudice the investigation is not disclosed.

A commission officer may communicate with a witness for the purpose of obtaining or receiving information relevant to a matter the CCC is investigating:

- by way of a formal record of interview
- in the preparation of a written statement
- by telephone or electronic communication or in person.

The procedure provides that:

- the evidence of a witness be taken and recorded in an appropriate way, having regard to the significance of the addition/change, and the manner and form of the previous statement
- where the change or addition to a witness's evidence affects the truthfulness of their previous evidence:
 - any undertaking to the witness about the use of the evidence may only be given in accordance with the procedure, and
 - if appropriate, there is disclosure of the statements, consistent with any legislative and natural justice requirements of the relevant jurisdiction.

Witness interviews

Interviews with witnesses are key to obtaining evidence that is complete, accurate and reliable. Where possible, witnesses are to be interviewed in a timely way to ensure the best recall of information and events.

MP01 – Witness interviews, statements and other communications outlines the different types of interviews conducted by the CCC to support or facilitate taking a written statement, interview preparation and considerations, and how to conduct interviews.

This procedure provides that:

- where practical, an accurate and complete record is made of all communications with witnesses
- where practical, sound recordings are made of oral communications
- formal interviews are appropriately planned
- there is compliance with legal requirements
- any undertaking to the witness about the use of the evidence is given only in accordance with the procedure
- information is not disclosed to a witness that will prejudice the investigation or a proceeding.

Witness Statements

Statements are a formal record of information provided by a witness. A statement should be objective, relevant and fair, and contain all evidence. For an outline of the requirements in relation to the form and content of statements, and the taking of statements, see *MP01 – Witness interviews, statements and other communications*.

Affidavits

The CCC has procedures that outline requirements for the form and content of an affidavit that ensures the affidavit prepared is in the format prescribed by the court in accordance with the relevant Act under which the affidavit is required or supplied and provisions of the Uniform Civil Procedure Rules 1999 (UCPR) (refer to Operations Manual, for example, *MM02 – Matter briefs*).

The examination of witnesses

The CCC has a policy and procedure (*MP03 – Hearings – closed and public*) that deals with requirements for the use of the CCC's power to summons and examine a witness on oath, whether or not the examination is to take place privately or in public.

The CCC's policies and procedures require:

- written authorisation processes using a standard template
- consideration be given to:
 - the effect on the work and lives of persons and entities who must comply with the CCC's requirements

- alternative, less intrusive or onerous methods of obtaining information and evidence for the purpose of CCC investigations
- the exercise of CCC powers is capable of withstanding legal scrutiny
- claims of privilege are dealt with appropriately
- a copy of any summons is kept with adequate records of the reason for issuing the summons, service information, use and related activities, and that these records are readily accessible.

Expert witnesses

An expert witness is a person whom, because of their experience, qualification or expertise, is qualified to provide an opinion or technical evidence in relation to an issue arising in a court proceeding.

The CCC may engage both internal and external experts to provide expert evidence.

The CCC may engage expert witnesses to provide forensic expert services and/or forensic expert witness services. The CCC also has employed experts (CCC officer experts) in the following areas of professional practice:

- forensic accounting
- forensic computing and electronic evidence
- intelligence analysis.

The procedure, *MP02 - Expert witnesses*, outlines the requirements for the CCC's use of expert witnesses for the provision of expert and technical evidence.

Covert human intelligence sources

The requirements for CCC officers who have contact with or process information from individuals utilised as covert human intelligence sources are outlined in *MP04 – Covert Human Intelligence Sources (CHIS)*.

As detailed in MP04, policies and procedures for CHIS are not available on the intranet due to the sensitive nature and information classification level involved in CHIS activities.

5.1.2 Physical evidence

Property (documents and things) may be obtained by a CCC officer by:

- the exercise of a power or authority, or
- a general collection (e.g. where property has been requested or acquired in circumstances where no power or authority has been exercised or relied upon or the property has been volunteered by a person).

The CCC is committed to maintaining the integrity of property in its possession and ensuring such property is managed lawfully and securely.

The CCC's Operations Manual contains procedural information for the collection and management of evidence (for example, refer *MP06 – General collections*).

Search warrants, coercive powers and other authorities

The CCC has a policy and procedure for obtaining and executing search warrants, refer - *MP08 – Search warrants*.

The CCC also has policies and procedures (*MP09 – Notices, orders and additional powers; MP14 – Electronic surveillance and MP15 – Covert search warrants*) for the use of its coercive powers and other authorities the CCC is given under various laws to request and obtain information and evidence from persons and agencies.

Where relevant, the CCC has regard to the requirements of:

- the guidelines for the execution of search warrants on legal offices agreed upon between the QPS and the Queensland Law Society
- the Protocol of the Legislative Assembly for search warrants executed on premises in Queensland Parliament.⁷⁹

Property procedures

The CCC has procedure (*MP12 – Property Management*) to ensure that:

- appropriate records are kept about property obtained by the CCC
- property that may be relevant to an investigation is recorded, preserved, treated and dealt with:
 - in compliance with all relevant legal requirements
 - as evidence until it is no longer required for an investigation, prosecution or other proceeding
 - so as to avoid any actual or perceived impropriety in the manner of the property’s handling or the property’s integrity, and
 - so as to avoid any detriment to the health and safety of a CCC officer or the public
 - so that property that is of a high risk, dangerous or unlawful to possess, for example money, firearms, drugs or child exploitation material, is dealt with lawfully and managed appropriately.

The CCC’s property management system consists of:

- a register for authority sources (“the authority source register”)
- a property register (“the property register”).

The CCC also has a system for ensuring compliance with special conditions imposed upon the CCC in respect of its custody of property. Such conditions may include legally imposed time limits for property retention.

5.1.3 Covert methods

The CCC may use covert methods in the conduct of its investigations, for example by using:

- physical surveillance
- technical surveillance
- electronic surveillance (including telecommunications interception)
- human operatives and subterfuge
- assumed identities.

The use of covert methods may result in the CCC’s obtaining witness evidence and/or physical evidence.

The CCC has policies and procedures governing its use of covert methods of investigation (refer *MP04 – Covert Human Intelligence Sources (CHIS)*, *MP13 – Physical surveillance*, *MP14 – Electronic surveillance*, *MP16 – Telecommunications interception and access*, *MP17 – Controlled operations*, *MP18 – Assumed identities*). This includes an outline of requirements for acquiring and using a legally obtained assumed identity.

It is the CCC’s policy that assumed identities are acquired and used appropriately and ethically to facilitate investigations and intelligence gathering activities relating to suspected corruption offences and criminal activity.

⁷⁹ Protocols for the Execution of Search Warrants by the Crime and Corruption Commission on the Premises of a Member of the Queensland Legislative Assembly.

5.2 Projects

The CCC has standards for methods and procedures for collecting, recording and maintaining research, intelligence and other project data.⁸⁰ These standards ensure that:

- CCC project analysis, assessment and outcomes are robust and defensible
- where applicable, results of analysis and assessments are easily replicated
- resources are applied efficiently
- research projects are conducted in accordance with ethical guidelines.

5.2.1 Data management

The CCC has procedures that deal with the collection and management of data⁸¹ to ensure there is:

- a record of the relevant approvals to obtain internal or external data
- a record of the steps taken between when data is obtained or recorded in its raw form and the version upon which the final analyses are conducted
- compliance with the CCC's *Records management framework*
- use of data management notes for quantitative and qualitative data to provide sufficient information to easily replicate final analyses, results or assessments (e.g. a record of all associated syntax, scripts, coding and outputs)
- completion and approval of data analysis and collection plans prior to making a data request or commencing data collection, including but not limited to:
 - planned analyses to answer each research question or intelligence gap, including data sources, data variables, and methodological justification for the planned collection and analysis
 - a record of when the data request/s were made (and the relevant approvals).

5.2.2 Research data analysis and resource management

The CCC has ethical guidelines and practice standards for the selection and use of quantitative and qualitative data in order to select, enter, clean, code and analyse data. This is based on national ethical guidelines and research best practice.

Software packages and tools are available to CCC staff to ensure rigorous research and data analysis. CCC researchers and data scientists are allocated to projects in accordance with their specialist and technical skill sets.

5.2.3 Intelligence collection, collation and analysis

The CCC has standards for intelligence development and provision, including data collection, collation and analysis. Established law enforcement methodologies are used to produce strategic and operational intelligence products. Structured techniques are used to analyse intelligence data and recognised law enforcement templates are used to present this information. This approach ensures the efficient collection and analysis of intelligence data as well as ensuring CCC intelligence outputs are consistent with other law enforcement agencies.

The CCC uses specialised intelligence systems and software to store data and maintain a database of intelligence information for use in support all of its functions.⁸²

⁸⁰ Refer to *Research and Insights Project Approval and Administration policy and procedure*.

⁸¹ CCC human research ethics guidelines and the data management manual (under review). Refer CCC intranet (in interim), <http://my.ccc.intranet/work-areas/strategy-innovation-and-insights/research-and-insights/reporting-and-recordkeeping>.

⁸² Section 54 CC Act.

5.3 Witness Protection

The CCC has written procedures supporting the provision of witness protection services. Procedures applicable to the CCC Witness Protection Program are not generally available to CCC officers due to their sensitive nature and information classification level.

MPO5 – Witness Protection provides a summary of the program and how access to detailed procedures may be sought.

Metadata

Responsible officer:	General Manager Corporate Services
Accountable officer:	Chief Executive Officer
Date approved:	4 September 2020
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Human rights compatibility review HP-RM reference:	20/205231
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