

Integrating Investigation and Prevention: Managing the Transformation of the Queensland Criminal Justice Commission

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The British scientist Lord Kelvin once asserted that if something can be measured, it can be understood. To the extent that this is true, social scientists who want to understand political corruption or police misconduct would seem to be in big trouble, for some fairly obvious reasons. Corruption and misconduct by their nature usually involve prohibited actions committed by consenting adults in private, the offenders sometimes occupy positions of considerable power, any victim is often as compromised as the offenders or (especially in the case of an organisation) is unaware of being victimised, and whistleblowers historically have got such a raw deal from their departments and from the authorities that only the most heroic have persevered with their claims. No doubt its covert nature and reach into the upper echelons of power are reasons why there is still debate about how much corruption there really was in Queensland prior to the Fitzgerald Inquiry, and why there is continuing controversy about whether the Criminal Justice Commission (CJC), set up in late 1989 to continue the work of the Inquiry, has been a success or a failure.

This paper has three primary goals. The first is to use some of the controversies of 1996 and 1997 to illustrate briefly some of the major functions of the CJC. It is argued that the main reason the organisation has generated such intense controversy is its independence from executive government combined with its power to investigate two groups that have historically been largely free from external controls: police and politicians.

The second goal is to argue that the price paid by the CJC for these investigative functions is too high at the present time — especially when politicians are the target — because the investigate model cannot, on its own, deliver the expected reductions in misconduct. This is partly because the powerful ‘bite back’ in an attempt (usually successful) to maintain their traditional freedom from regulation, partly because considerations of natural justice and legal standards of proof make it difficult to achieve a deterrent effect, but mainly because the investigative model

