

Memorandum of Understanding
between the
Queensland Organised Crime Commission of Inquiry
and the
Queensland Police Service

For the referral of complaints regarding investment and
financial market fraud

July 2015

Part 1 – Introduction

This Memorandum of Understanding is an administrative document that clarifies specific arrangements between the Queensland Organised Crime Commission of Inquiry (the Commission) and the Queensland Police Service in relation to the referral and investigation of complaints regarding yet to be investigated investment and financial market crimes.

The Commission was established by the Commissions of Inquiry Order (No. 1) 2015 (the Order) to make full and careful inquiry into the extent and nature of organised crime in Queensland and its economic and societal impacts. The Commission commenced on 1 May 2015.

The scope of the Commission's inquiry is set out in the Terms of Reference outlined in the Order and requires the Commission to examine a number of key areas of organised criminal activity. Of relevance to this Memorandum of Understanding is the key area of financial crimes, primarily investment and financial market fraud.

The Terms of Reference make clear that the Commission will carry out its inquiry by calling on law enforcement, intelligence and prosecution agencies, academics and relevant industry; and reviewing relevant literature and data. While the Commission functions with all the powers provided under the *Commissions of Inquiry Act 1950*, the Terms of Reference and the six month timeframe for reporting, necessitate that the Commission carries out its inquiry using inquisitorial methods; the Commission is not investigating specific complaints of criminal activity.

Under the *Police Service Administration Act 1990*, the Queensland Police Service has as one of its key functions, the detection of offenders and bringing of offenders to justice. The investigation of complaints of criminal offending are matters for the Queensland Police Service.

Part 2 – Objective

The objective of the Memorandum of Understanding is to provide an agreed mechanism by which complaints made to the Commission itself, or complainants wishing to report their complaint directly to the Queensland Police Service, will have their complaint managed by the Commission and/or the Queensland Police Service.

Part 3 – Commission obligations and undertakings

The Commission agrees to undertake the following:

- a. Where the Commission receives a complaint of investment or financial market fraud, the Commission will carry out preliminary enquiries to ascertain if the complaint is or has been the subject of a previous or current investigation by the Queensland Police Service;
- b. Where the complaint has not been the subject of a previous or current investigation and where the Commission considers referral to the Queensland Police Service the appropriate course, as soon as reasonably practicable the Commission will refer the complaint to the Queensland Police Service's appointed receiving officer for consideration.

Part 4 – Queensland Police Service obligations and undertakings

The Queensland Police Service agrees to undertake the following:

- a. Appoint an officer (the receiving officer) as the point of contact for the receipt of complaints of investment and financial market fraud referred by the Commission to the Queensland Police Service or made directly to the Queensland Police Service by complainants;
- b. On receiving a complaint, the receiving officer will, as soon as reasonably practicable, assess the complaint to determine if it gives rise to possible criminal offending;
- c. Where it is determined the complaint involves possible criminal offending the receiving officer will immediately assign the matter to an investigating police officer;

following the assessment of the complaint, the receiving officer will as soon as reasonably practicable contact the complainant and advise the outcome of the assessment and where an investigation will be pursued, the name and contact number of the assigned investigating officer; and

- d. the assigned investigating officer will give priority to the complaint and maintain timely contact with the complainant.

The Queensland Police Service receiving officer for the purposes of this Memorandum of Understanding is:

Inspector, Fraud and Cyber Crime Group
Police Headquarters
200 Roma Street
Brisbane Qld 4000

PO Box 1440
Brisbane Q 4001

Phone: (07) 3364 6622.

Part 5 – Duration

This Memorandum of Understanding will come into effect at the date of execution and will remain in effect until the closure of the Commission and its cessation as a public authority.



Deputy Commissioner, Ross Barnett

16/7/2015



Commissioner, Michael Byrne QC

16/7/2015

