

CCC EXHIBIT

Reference: ATO-19-0052



**CRIME AND CORRUPTION COMMISSION
Attendance Notice Corruption Investigation**

*Crime and Corruption Act 2001
Section 82(1)(a)*

TO: Dr Russel G Smith

You are hereby required to attend, until excused, at a Crime and Corruption Commission hearing in relation to a corruption investigation—

Time: From 10am

Date: 11 November 2019

Place: Level 2, North Tower, Green Square, 515 St Pauls Terrace, Fortitude Valley, Qld

Purpose: To give evidence about the matters specified generally in the Schedule.

Dated this 15th day of November 2019.

A handwritten signature in blue ink, appearing to read 'Paul James Alsbury'.

Paul James Alsbury
Senior Executive Officer (Corruption)

IMPORTANT

**You must read the information on the following pages carefully.
If you have any trouble understanding it you should get legal advice as soon as possible.**

Level 2, North Tower, Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006
GPO Box 3123, Brisbane QLD 4001

Phone: 07 3360 6333
(Toll-free outside Brisbane: 1800 061 611)
Fax: 07 3360 6333
www.ccc.qld.gov.au

SCHEDULE

To give evidence in relation to:

- A. The terms of reference for the public hearing in relation to Operation Impala, namely:
 - 1) Factors which facilitate misuse of information within the Queensland public sector, by examination of the technical, people, and systems components of information management within the following identified agencies – Queensland Police Service, Queensland Corrective Services, Department of Education, Department of Health (including selected Hospital and Health Services) and Department of Transport and Main Roads.
 - 2) Features of the legislative, policy and operational environment within each agency that may enable corrupt conduct to occur or are vulnerable to corrupt conduct.
 - 3) Reforms to better prevent, detect and deal with corrupt conduct relating to misuse of information within the identified agencies, and lessons that can be extrapolated to the broader Queensland public sector.
- B. Also, but not limited to, the following themes:
 - 1) external threats to public sector employees;
 - 2) education initiatives as regards information privacy and security; and
 - 3) devolution of responsibility by departments to smaller, related entities.

YOU MUST COMPLY WITH THIS NOTICE

Failure to attend without reasonable excuse is an offence (maximum penalty 200 penalty units or 5 years imprisonment). **If you fail to attend, a warrant may be issued for your arrest.**

By complying with this notice, **YOU DO NOT**—

contravene a provision of an Act or law imposing a statutory or commercial obligation or restriction to maintain secrecy in relation to the information, document, or thing;

OR

incur any civil liability in relation to the information, document or thing.

ATTENDING THE HEARING

- **The CCC is located at North Tower, Green Square, 515 St Pauls Terrace, Fortitude Valley.** Upon arrival you should report to the Reception area on the second floor and show this Attendance Notice to the security officer on duty. You will then be directed to an area from which you will be called into the hearing room to give your evidence. You will be called to give evidence at the time, or shortly after the time, stipulated in the Notice. You should therefore arrive at the CCC a short time beforehand.
- **Security.** Personal items such as handbags, mobile phones, etc, are not permitted into the hearing room. Secure lockers are available to store your belongings whilst in the hearing.
- **Witness allowances and expenses.** A witness is entitled to be paid the allowances and expenses payable to a witness appearing in a Magistrates Court. On your arrival at the hearing you will be given a witness expenses claim form to complete. Arrangements for payment of the amount to which you are entitled will be made at the time you attend the hearing. You should keep receipts for any expenses incurred in the course of your journey to the hearing.

AT THE HEARING

- **Below is an overview of the procedures and rules that apply during the hearing. They will be explained to you in more depth at the hearing. If you have any questions about them, speak to your legal representative or to the presiding officer at the hearing.**
- **The presiding officer** is responsible for conducting the hearing, and is supported in this task by **counsel assisting**. The presiding officer oversees the hearing and ensures that it proceeds fairly and according to law. Counsel assisting's role is to ask most of the questions and to otherwise assist the presiding officer.
- **People in the hearing room.** This hearing will be open to the public.
- **The process.** Before the questioning begins, you will be required to take either an oath or an affirmation. An oath is a verbal promise to tell the truth, and is made on a religious text such as the Bible. An affirmation is also a verbal promise to tell the truth, and has the same effect as an oath. A person may choose to make an affirmation if they are not religious. You will be asked to indicate your preference during to the hearing.

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- **The questioning.** Most of the questions are asked by counsel assisting. Often the presiding officer will ask questions too. If you have engaged a legal representative, they will be permitted to ask any questions they consider necessary to represent your interests.
- **What will I be questioned about?** The general nature of the matters about which you will be asked questions is set out in the Schedule to this Attendance Notice. The questioning is not limited to the Schedule, however, and you may be asked questions about any matter the presiding officer considers relevant to the matter.
- **Self-incrimination.** If you think you might be asked questions during the hearing that will require you to give an incriminating answer (ie, “dob yourself in” for an offence), let the presiding officer know. While all questions must be answered truthfully, the presiding officer can make an order which has the effect that truthful self-incriminating answers are not admissible in evidence against the witness in any other proceeding. Such an order will also be made if the presiding officer is concerned that you are otherwise at risk of giving an incriminating answer. (This is unlikely to occur during Operation Impala).
- **You must answer the questions.** The right to silence does not apply during a hearing. A witness can only avoid answering relevant questions if they have a ‘reasonable excuse.’ If you think you may have a reasonable excuse, speak to your legal representative or to the presiding officer at the hearing. A witness who refuses to answer questions without a reasonable excuse commits an offence, and can also be punished for contempt.
- **You must be truthful.** It is an offence to make a false or misleading statement in a hearing. It is also an offence (perjury) to knowingly give false evidence about a material subject.
- **You must continue to attend until excused.** Hearings may sometimes continue into another day, or may adjourn to be continued at a later time. You must continue to attend any reconvened hearing until such time as you have been excused.