



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,
FORTITUDE VALLEY WITH RESPECT TO

File No:

OPERATION FLAXTON
HEARING NO:

20 **DAY 14 – TUESDAY 28 AUGUST 2018**
(DURATION: 1HR 34 MINS)

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LEGEND

30 PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
INST Instructing – REBECCA DENNING
HRO Hearing Room Orderly – AMY SMITH
W Witness – MR ANDREW BALLANTYNE
CM CHRISTOPHER MURDOCH, Crown Law (QCS)

PO Yes, Mr RICE.

CA Thank you, Commissioner. I call Andrew BALLANTYNE.

PO Mr Ballantyne, would you rather take an oath or an affirmation?

W An oath, thank you.

10 **Andrew BALLANTYNE, sworn:**

CA Is your name Andrew BALLANTYNE?

W Yes, it is.

CA Mr BALLANTYNE, are you presently the Director of the Ethical Standards Unit within Queensland Corrective Services?

W That is correct.

20 CA Did you get an attendance notice to appear at the hearings?

W Yes, I did.

CA Can I show you this. Is that a copy of the notice that you got?

W Yes, it is.

CA I tender that.

30 PO Exhibit 100.

ADMITTED AND MARKED EXHIBIT 100

CA You have only recently started in your job, I believe, Mr BALLANTYNE?

W That's correct.

40 CA The commencement date, I think, 4 June; does that sound right?

W Yes.

CA Prior to that, had you been an officer of the Queensland Police Service?

W Yes, I had been for almost 27 years.

CA What kind of senior positions did you occupy in QPS?

50 W Superintendent. My last role was the Director of Frontline Systems, which is the IT programs.

CA You had a position, I think, with ethical standards of QPS for a time?

W Yes, I have had a number of positions in ethical standards.

- CA I was just interested in your background, if you might give us a run through of that?
- W I was the state complaints coordinator for a significant period of time, an inspections officer, an investigator, and the superintendent in charge of internal investigations.
- 10 CA Will that experience transfer across, do you think, to the ethical standards role in QCS?
- W I consider that and my other background will. Although they are different organisations, some of the issues are the same.
- CA We might touch on that as we talk a little bit about it. The role that you have assumed, what does it incorporate, can you explain to us? If you want to refer to something, you are welcome to do that.
- 20 W My current role is the Director of Ethical Standards, Queensland Corrective Services, which is part of the newly formed organisation and department. There is a duty role and statement, which I prepared for this.
- CA Have you got a copy there?
- W I'll just grab a copy, if you like.
- CA Okay. I won't tender it, but you can refer to it, and I have a copy also. By the way, before we talk about the content of your role, I think you would be aware that at least as an interim measure, once QCS became a standalone department, the ESU function was within the auspices of the Chief Inspector?
- 30 W Yes.
- CA Has that remained so, or is it different since you have come on board?
- W It remains so. Last week, the Commissioner had discussions in relation to the current restructure of the organisation, and ethical standards and some other units will be moving to the Deputy Commissioner, Organisational Capability.
- 40 CA So I take it, out of the area of control of the Chief Inspector?
- W That's correct.
- CA To which Deputy Commissioner?
- W Deputy Commissioner, Organisational Capability.
- 50 CA Who is?
- W James KOULOURIS.
- CA Within the duty statement that you prepared, you have given a dot point description of some of the aspects of your role. Perhaps you might use that as an aide to go through it. You refer first to a role of complaints

assessment and management.

W Yes.

CA What kinds of complaints, what kind of assessment, are you speaking of?

W The current role as it stands, it was about the assessment of complaints for corrupt - or breaches of the code of conduct, behaviour.

10 CA Complaints against staff?

W And complaints against staff. That's the role and function as I commenced the job. That transpires through the whole process. The initial part is complaints assessment, receiving complaints. One of the things I did when I first arrived was examine how the process works. It appears as though there are a number of ways complaints can be received within QCS.

20 CA Where do they come from - complaints, that is?

W There is a number of sources. If I list some of them, I will try not to miss too many. Obviously the Ombudsman's Office. The official visitors make complaints. The prisoners themselves. Officers. Managers. Staff. The public. They come in by various means. We have received them electronically in email, via letter, some of them actually just by handwritten note, and some by telephone.

CA That is the first of your functions, then?

30 W The first part is about assessing the complaints in accordance with the *Public Service Act*, the *Crime and Corruption Act*, and considering whether there are criminal offences, and then processing those through the current framework.

CA As you were introduced to the role and became more familiar with it, there were some deficiencies, I think, that you identified. We might go to those after we have done this first task, just for the moment identifying what your role consists of.

40 W Yes.

CA You refer to investigations.

W Yes.

CA Into what?

50 W The matters that are received - once they're assessed, we're responsible for the management of that complaint through its life cycle. If it's an investigation of a matter, there are several ways that can proceed. There are matters that are investigated by the Crime and Corruption Commission. There are matters that are investigated by the Corrective Services Investigation Unit because they're criminal offences. And there are matters investigated by the Ethical Standards Unit because they meet the conduct of - corrupt conduct or breach of the code of conduct.

- CA So is it part of your task to assess which of those bodies would be the appropriate one having regard to the content of the complaint?
- W That's part of the assessment process.
- CA If a matter is appropriate to stay with ESU, then it becomes a matter of investigation under your authority; is that right?
- 10 W That's correct. It could be a matter that meets the threshold that we can take that on initially, or it might be a matter we need to refer to the Crime and Corruption Commission and it gets sent back as a matters assessed report with an instruction for us to take that on.
- CA Thank you. The next item you refer to is discipline and legal process. What are you referring to there?
- W Once an investigation has been completed, some of the matters result in a discipline process for the staff members. Our unit currently manages that process and prepares all of the paperwork for the decision-makers, and if it meets the threshold of a show cause, the staff are involved in working with Crown Law drafting the legal paperwork to see that through to completion.
- 20 CA Is that an extension of the investigation function, where the investigation appears to have established merit in the complaint?
- W Correct.
- CA That leads into the process you have described of preparing material for a decision-maker to consider?
- 30 W Yes, sir. Yes.
- CA The next component of your role that you refer to is ethical practice and awareness. What is the content of that?
- W One of the larger parts of the position description and functions of the unit is about raising ethical awareness and consulting with the organisation. There are mechanisms that are being used currently in relation to training packages, programs, dissemination of information, but it is a large part of the position description for the ethics consultants, as they're called.
- 40 CA That leads in to perhaps the next item that you have listed, which is developing and delivering programs to improve ethical culture, et cetera?
- W In the duty statement of the position I applied for, these are the roles and responsibilities, and one of them is the delivering of programs to improve ethical culture and decision making. What I have found - we will probably get to what I found in my initial analysis - that was currently being met by the delivery of two training packages and an online training assessment, but the role is responsible for delivering a much broader aspect than that. The material that was brought over in the current change was the material I have just outlined.
- 50 CA Going back to your QPS experience and ethical standards, was there this kind of proactive component to that? In other words, is that background

experience that you can draw on and apply to QCS?

W In the QPS, the Ethical Standards Command, as it's known, has a number of branches, and one of those is the Ethical Practice Branch and they're responsible for looking after that material for the entire QPS. So, yes, I can draw on that experience.

CA That was within your oversight at one stage?

10 W I worked in that area as well.

CA Thank you. The final item that you have listed as a component of your role is design and delivery of programs to develop leadership and management capability in relation to ethics and disciplinary processes. What do you see as involved in that?

20 W I see that as one of the areas that currently wasn't being attended to with the material that was being presented. There is a package called Tools of the Trade that was designed to improve leadership in supervisors, but I think we can go much further than the package that we started from. I've got experience in developing leadership materials, management training, capability and capacity building in other roles I have undertaken in the past.

CA Have you seen the Queensland Corrective Services submission to the Crime and Corruption Commission?

W I've seen the first submission and also the subsequent material, yes.

30 CA I just wanted to show you a portion of it so far as it pertains to the Ethical Standards Unit.

W Yes.

CA We might be able to bring it up on the screen. This is Exhibit 3. It is QCS's first submission.

W I have it now.

40 CA I just want to show you the first paragraph under the heading "Ethical Standards Unit". You see it refers to Ethical Standards Unit having previously been within the purview of DJAG, and I appreciate you didn't write this, but as it reads, the ESU function for QCS was limited to reactive investigations, et cetera. I was just wondering whether that accorded with your assessment when you came to the job?

W I think the majority of the work, given the unit size and scope, was about reaction to complaints. That was definitely a key focus.

50 CA Complaints were a core function?

W Core business - complaint management, dealing with investigations. However, as I mentioned, the two training packages that are the main packages that the Department of Justice and Attorney-General had, which we have brought over under interim arrangements, were delivered since February/March this year. The ethical awareness

packages - we have delivered 13 of those across the state, training sessions to staff. And the Tools of the Trade, which is the supervisor level, we've delivered one. I would say that the majority of the business is about reacting to complaints, but we are attempting to meet the objectives of the organisation moving forward by delivery of training and raising ethical awareness.

- 10 CA Were those two training packages developed for the correctional environment?
- W No. A lot of the material that I'll mention is a transitional status. We've brought over existing DJAG framework, policies, procedures, assessment, documents and templates, and we are in the stages of a restructure for the organisation and part of my role will be to develop new material that meets those needs.
- CA Is it desirable that there be ethical awareness training packages directed to the correctional context?
- 20 W Highly desirable.
- CA That hasn't been the case hitherto; is that correct?
- W No, the material was very much based on the history and where the unit sat as opposed to where the organisation was headed.
- CA So far as you know, would those two training packages have been of a generic kind for various areas of responsibility within DJAG?
- 30 W The actual slideshow material for the workplace ethics is a generic package. I have seen the material. I have actually sat through the training to see how it was delivered in context in a correctional environment. So the last group, or the previous group, of recruits at the academy, I actually sat through their training session as a participant to see what it was like.
- CA Is that the training that new recruits have been getting in ethical awareness?
- 40 W Yes.
- CA Based on this kind of package?
- W On that package, yes.
- CA Well, did it consist of that package?
- W Yes.
- CA That was it?
- 50 W Yes. It is a three-hour session delivered in the first week of their course.
- CA Am I right, with nothing directed towards ethical standards within the correctional context, that is to say, focused on particular touchstones that they might encounter?

- W Based very much on the framework of the legislation, which is also generic, given the *Public Service Act*. The examples and scenarios that they work through are about, in general, public service and corrections, so there are some corrections-specific examples, but it is a generic training package for ethical awareness, public service based.
- CA Can you tell us what workload you inherited? By "you", I mean the unit.
- 10 W Yes, I can. If I can refer to some of my notes, I've got some numbers. I'll try to be accurate.
- CA You mentioned that complaints and assessment was core business, so presumably there was a body of that?
- W Yes, there's a large body. I have some numbers. One of the inherent difficulties is giving you accurate numbers without a complaints management system.
- 20 CA We might come to that.
- W I'm sure we'll get to that. The systems are managed in folders and spreadsheets. However, when the Ethical Standards Unit moved into QCS, there were about 176 matters in total. That includes assessments, investigations, discipline hearing matters, matters with the CSIU, CCC and matters waiting to be finalised for an outcome letter. The majority of those were investigations and assessments.
- CA When you say "assessments", do you mean assessments of incoming complaints?
- 30 W Correct.
- CA To see whether they warrant being investigated and by whom?
- W Yes. So of that 176, 16 of those matters were assessments and they were waiting to be assessed for their content to see if they met the requirements, thresholds and potentially even criminal matters.
- 40 CA In relation to those matters that you inherited, what did you observe about the timeliness of the assessments and progression of those matters?
- W Some of the matters in particular that were brought to my attention were well over 200 days old.
- CA What does the 200 days represent - time from receipt, is it?
- W No, 200 days in total. So two-thirds of the year.
- CA Yes, but 200 days from what - from the time of receipt?
- 50 W From receipt - from notification of complaint.
- CA There could be all sorts of reasons why an assessment or an investigation, one might take longer than another?
- W Yes.

- CA But is there a desirable time frame?
- W There is no current benchmarking for the organisation in that respect, but there would be a desire to get the matters done in a timely manner so it meets the objectives.
- CA Were they at a variety of levels of seriousness?
- 10 W Yes, from criminal matters through to managerial divisional action, they call it, so a warning type of process.
- CA Had there been any work done on that workload that you inherited to prioritise those?
- 20 W Yes, there had. When all the matters were brought over, there was an acting director for several months who was in my position. They worked through the matters. They did essentially a file review of what matters came over. There were about 40-odd matters left with Department of Justice and Attorney-General to finalise, so there was a triaging process of seriousness and levels.
- CA Could you tell us what the Ethical Standards Unit staff capability is? What does it consist of?
- W Capability? How do you mean?
- CA Staff numbers.
- 30 W Staff numbers. The group as it stands, there is a director's position. A senior ethics consultant position.
- CA One?
- W One. Two full-time ethics consultants. Two temporary ethics consultants. An administrative officer. And currently a seconded temporary administrative officer.
- 40 CA Was that the complement of staff when the function was previously handled by Department of Justice?
- W As a result of the changes for the departments, the Ethical Standards Unit in Department of Justice and Attorney-General was split up into a number of components, and they are the resources that came over to QCS.
- CA Presumably because that's how someone estimated what was being done within DJAG?
- 50 W I assume it was based on all of the matters that DJAG had, as opposed to just the QCS matters, but it was before my time.
- CA What observation did you make about the staff capability in terms of the various functions that you have?
- W What I've noticed - I've been here now for approximately 11, 12 weeks. My knowledge on that has actually changed a little bit in relation to even

the staff that we have in the organisation and the staff that I have. Their skills and backgrounds are varied. Some have different investigative backgrounds, some have complaint backgrounds, so there wasn't a baseline level. The other bit that was very interesting was that across the remit from the beginning of the process, from a complaint being assessed right through to the outcome where someone may be disciplined or the matter was finalised, the knowledge wasn't shared across the group. It was very much broken into silos and people held individual knowledge.

10 CA Is there any particular desirable experience or training for an ESU ethics consultant?

W I've had this discussion several times with my group and others. Part of the assessment process, if you go right back to the beginning, is about assessing whether a matter meets certain thresholds, and one of those is: is it a criminal offence? So there are desirable criteria. You have to start and lay the foundation from even when you assess the matter, so they need some experience in being able to understand what is a criminal offence; does it breach the code of conduct; is it a matter we need to refer to an agency; is something that our agency could handle or someone else? So, yes, they're desirable.

20

The ability to talk, listen, investigate, write reports and make some meaningful analysis is also desirable. But is there a tick box of whether you have done this course or that course? I think that's open to interpretation.

CA Do you have the right mix of skills within that group to carry out the investigative function and the complaints assessment function, or is some supplementation of training or experience desirable?

30

W I think some supplementation is required. There is some capability and some capacity building that needs to be done. There's also the understanding of the process that needs to be adopted from beginning to end. If you are doing an assessment or investigation, you need to know where it goes next, to make a meaningful judgment on what to do. There are some gaps.

40 The other part is we bring in some - where needed, we have actually outsourced investigations historically to investigation firms if we don't have the capacity or necessary skill set, for example some serious fraud investigations.

CA You mentioned there were some silos of information or experience?

W Yes.

CA What are the implications of that for the unit?

50 W Being such a small unit, it's a dramatic impact.

CA Why?

W If the person that has that piece of knowledge is away for a day, a week or a month, the matter may not progress. So there are delays, of course. There's also the fact that if that matter is being attended to and it has

flow-on consequences for other material, all of the other material doesn't progress, either. One of the very difficult ones is the administrative support, because the matters are filed. They are put into certain arrangements. If you're even trying to find a matter, it is difficult if you don't know where it is.

- 10 CA Perhaps we should deal with that subject, commencing, say, with the receipt of a complaint and what processes there have been for keeping of an appropriate database and being aware of the progression of matters. Was there anything of that kind?
- W The current process, the matters are reported - there's a lot of paper based - QCS is a very paper-based organisation. So it's recorded on paper and there's a hard copy file. They are then put into, of course, a system, a way of finding it, and it's Excel. They are stored in a series of Excel spreadsheets to track the receipt, the progress and the outcome.
- 20 CA The complaint, when it is received, does it become a file of some kind?
- W Yes. It gets a file reference number based on the year, the next sequential number, and the person involved.
- CA Is its existence recorded on the spreadsheet that you mentioned?
- W Yes, it is.
- CA Is that the method of awareness of what exists?
- 30 W Yes.
- CA Is that desirable?
- W I've worked in a number of areas where we track files in general, and normally you would try to have some type of complaints management database that gives you more than just the tracking of a file in a spreadsheet.
- 40 CA What should be involved in a complaints management process, computerised or otherwise?
- W It needs to meet - generically, they need to meet the needs of the business and also the needs of the oversight committees and the legislative requirements. So if we have a process where we create, say in this case, a complaint, it should capture the necessary information - time, date, place, complainant, informant, notifier, precis details, allegations, and then the persons involved, the way the matter is handled, any necessary documentation or attachments, through to the finalisation of the material and its outcome.
- 50 CA That really requires some computerised system from which you can extract data by way of analysis; would that be right?
- W That would be an ideal method, based on volume. The bigger the volume, the more necessary a large database would be.
- CA So what's the plan? Is the plan to retain the spreadsheet or migrate to

some other form of management system?

W One of the four pieces of work that came from my initial analysis was that we need to have a look at the discipline process itself. If we know what the process is and what we would like it to be in the organisation, then we can have a look at what type of IT or other system supports it. But desirable would be a complaints management IT solution.

10 CA One of the things you just touched on was perhaps a deficiency in a discipline process and surrounding policies.

W One of the things I noticed before I arrived, having read some of the material from the previous days of hearing, was that there were a lot of complaints about the current process from various areas - internal, external, unions, members. So there obviously are some concerns, and from what I've seen so far, some process improvements are quite obvious.

20 CA Who would determine whether a matter is appropriate to be kept as a matter of investigation by ESU? Is it any of the ethics consultants or is it-

30 W No, the model I have inherited was a very centralised model. So the delegations were previously the Executive Director, Department of Justice and Attorney-General, Ethical Standards. The delegations at the moment are Director, Ethical Standards Unit, Queensland Corrective Services. The policies and procedures brought over centralised all of that, so every single matter, whether it's a complaint we're going to proceed with, a matter that's not even a complaint, any of the other material, conflicts of interest, other employment - they are all required to be signed off by the Director of Ethical Standards.

CA When you say "signed off"?

W As in read, assessed, and signed.

CA The assessment process involves some decision making?

W Yes.

40 CA As to whether to keep it or send it elsewhere?

W Yes.

CA And that is the sort of decision that your previous equivalent was making?

W I believe so. It is the decision making that I'm doing. I believe it was the one that my previous-

50 CA Because that's the current delegation system?

W Yes.

CA Would you suggest changing that?

W I think we could examine some of the matters right upfront as a complaint, because some material that you get, it's a complaint but not

a corrupt complaint. Requiring someone of a director's position to sign off on some of the material way up at that initial stage should be examined, and then along the process, where some of the material that we get are matters that should be resolved through management action at the moment still rest with the decision-maker level as opposed to a sub-delegation or lower levels.

- 10 CA You have mentioned a couple of times identifying what the discipline process is.
- W Yes.
- CA What do you mean by that?
- W I'm used to seeing - being in the police process, it's pretty specific. There is usually material, documents, flowcharts and how things are processed. What I've realised with the interim arrangements and some of the policies we have, it's not very clear on how we start, manage, assess and finalise a matter.
- 20 During the initial couple of weeks, I was asking a lot of questions to understand what it is, what policies we have and what the members of the QCS understand those to be, and there was definitely a wide variance of what even a complaint is and then how it should be processed.
- CA Does that lead to inconsistency of treatment or is that resolved by having a director be the one to make decisions?
- 30 W I believe the matters that we receive are probably managed in the same way, but there are probably some matters that we don't even receive because there's uncertainty as to what the process is and how a complaint should be lodged.
- CA Uncertainty in the wider QCS, do you mean?
- W Yes, I believe that.
- CA As to just what it is that ESU does?
- 40 W Yes.
- CA And what kind of a matter is appropriate to go to ESU?
- W Yes, and how it's handled.
- CA So the problem is not so much the assessment once it gets to ESU but perhaps some degree of misunderstanding within the organisation more widely?
- 50 W I think clarity is one issue, the organisation understanding what the process is and how it's managed. The other part you mentioned about once we get it assessed - at the moment, the matters have risen. There are well up towards 100 matters pending assessment. So it's all the way through. It's not just from the initial part. It is actually managing it and dealing with it.

- CA Just talking for the moment about complaints, assessment of complaints and investigations, is the volume that you have more than enough or not enough for the staff you've got?
- W The volume of complaints?
- CA Yes.
- 10 W It's really difficult to say without a true historical trend of an IT or other system where we can drag data. But what I've looked at since I've been there, I've been keeping numbers and just extrapolating using monthly trends, the numbers appear to be growing. If you were to say that we had so many in March and so many now, with the numbers growing, it obviously means there's a capacity issue, because we haven't been able to process them in a timely manner.
- CA Is there an issue with timeliness?
- 20 W I believe if you were a subject of a complaint, you would consider that you definitely would like it to be dealt with more expeditiously.
- CA From your experience in QPS, is achieving timeliness a conscious objective?
- W Achieving the outcome. It's got to be a lawful, defensible outcome.
- CA Yes.
- 30 W Yes, dealing with it in a timely manner also helps achieve what you are trying to do in raising ethical awareness. You don't want to wait a very long time to tell someone that something wasn't great. You need to be dealing with it close to the time that the matter occurred.
- CA Another of the areas that you identified from preliminary analysis was the absence of performance management systems; am I right?
- W Yes.
- 40 CA Would you explain what you mean by that?
- W There are several parts to this. QCS has a thing they call a DEA. It is a divisional management process for the staff. What I was looking for when I first came in was how ESU staff and the process is performance managed, and I found that there was a monthly file review; that's the sum of the performance management. The performance management of the staff themselves within my unit was one that I was exploring, but then the alignment to that in the broader context of QCS - some of these matters that you will deal with in an ethical context are about someone's performance and how they work in the workforce as opposed to essentially corrupt conduct. There was no real linkage that I could find as to how we would deal with a person's behaviour in a performance arrangement as opposed to a discipline framework if that was a suitable outcome.
- 50 CA I am not sure I quite follow you there. Say there is a conduct issue rather than a discipline issue. Where there is an issue identified from the

complaint and such investigation as you do, leading to a view that there has been a problem with a person's conduct but not warranting disciplinary action, what would then happen with that from the point of view of the person being complained about?

- 10 W I will draw on my experience outside of QCS. Some of the matters require some education, some training, some learning, as opposed to essentially a disciplinary outcome or sanction. I was trying to understand, when I first got here, how that was managed in the QCS and whether there were any ties to the performance management of that individual for the year, six months, whatever the periods are. I couldn't find any direct correlation between that HR-based system and the ESU system when I first got here.
- CA A matter that warrants investigation and may result in sanction - you told us before that part of the process is to prepare documentation for a decision-maker concerning that?
- W Yes.
- 20 CA In the event that that leads to a sanction of some kind, how is that then dealt with at the officer level?
- W How is it administered?
- CA Yes.
- 30 W The decision-maker in the QCS, as I arrived, was the Deputy Commissioner, the single deputy that we had. All of the briefs are prepared and submitted to the decision-maker, who determines the outcome. And the outcome, which ranges from termination through to a warning letter, is administered by the deputy's office and sent out via HR or IR, depending upon the outcome.
- CA What about the other category where the matter doesn't need to take that course but where there is an issue about conduct that has been identified, that the person would benefit from some form of intervention?
- 40 W The intervention layer is not considered the discipline layer; it is the divisional action approach, as it is referred to. It is sent to the centre manager for them to manage. There is a couple of conditions - if it meets certain thresholds, they must refer it back to ESU. Otherwise, it is essentially left to each centre manager to administer.
- CA What about the private centres, what role does ESU have with respect to conduct and the disciplinary process so far as the private centres are concerned?
- 50 W The initial part of the complaints and assessment is the same. We receive complaints about anyone in the organisation.
- CA Including staff at the private centres?
- W Yes. What I have noticed is the material that meets the level 1 misconduct that we have here, so the Crime and Corruption Commission, the matters are referred here, they come back to my office as a matters assessed report, and then we refer them to the centre, the private centre, for them to

investigate and manage. So ESU's role is a transactional role between the Crime and Corruption Commission and the private centre manager.

- 10 CA Does ESU retain any role by way of oversight or otherwise of matters which may then be referred back to the private centre for investigation?
- W If it is a public interest review and it has a time frame, we will get the updates in the required time. We will read them and forward them to the Crime and Corruption Commission. If it's a matter that's finalised, we will read the outcome and forward it, but we don't hold any decision-making authority in relation to the outcome.
- 20 CA What about matters that don't involve the Crime and Corruption Commission?
- W No. Most of the complaints that we've received, since my time, have been of the type that would meet level 1 or level 2 conduct.
- CA Are you speaking generally or with respect to the private centres?
- W With respect to the private centres. We are just speaking on the private centres at this point.
- CA Who determines the question of sanction with respect to complaints made about private centre staff?
- W The contract owner, which is the private centre manager.
- 30 CA Are the same standards applied, do you know, to private centre staff as opposed to public centre staff?
- W From the numbers of material I have read, they appear to use the same outcomes. I have seen people whose contracts have been terminated and I've read material where they've been given warnings and reprimands. But whether it is the same standard, without being involved in it during the process, would be difficult to say.
- 40 CA Have there been any situations that arose that you know of where the ESU disagreed with an outcome which has been investigated by a private centre?
- W Not in my short time, no.
- CA What would happen, do you think, if there was such a disagreement? Is there any means of resolving such-
- 50 W If it was myself, I would ring the centre manager if I was of that mind that it wasn't meeting a standard, but I haven't had to do that at this point in time.
- CA Do you have any authority with respect to that or are you talking about just kind of a liaison-type communication?
- W One of the questions I have asked upon commencing here is some of the legal frameworks that we have, and it appears as though, because it is a contract arrangement - Legal would be able to give you a better opinion

on this, but the employees aren't considered to be public servants under the Act, so it's a difficult and different arrangement.

CA I just want to be clear about it. Complaints concerning private centre staff are made to ESU?

W Yes.

10 CA But ESU has no direct function in the investigation or the outcome of complaints of that kind?

W Correct.

CA That's dealt with at the private centre level?

W Yes.

20 CA You mentioned earlier that you are aware from previous sessions of these hearings that there have been a variety of views expressed about ESU from a variety of sources. In the assessment that you have been able to make to date, do you think that the staff and the prisoners have confidence in the ESU function, or is that an area of improvement?

W I think you can always improve that relationship. However, given the numbers of complaints have risen since I've been there, I think there is some confidence and I think the confidence is definitely growing. I believe this taskforce probably enabled some of that.

30 CA Is there any current means by which the performance of the Ethical Standards Unit can be measured?

W Performance in what respect?

CA Performance of all of your functions. How would you know or how would the Commissioner know whether ESU is doing a good job?

40 W I think that is one of the areas that we'd need to investigate in the review of what the process is. When we understand how we would like to manage our process, literally manage it, we could then put some performance framework around it. At the moment, it is very much up in the air.

CA There is no performance framework at the moment; am I right?

W Not that I can see.

50 CA There are various initiatives, I think, that have been taken on your recommendation in the ESU function. Perhaps you might explain what some of those are. Firstly, I think one of the implications of moving from Department of Justice and Attorney-General to a standalone department was that there wasn't any QCS fraud and corruption framework or policy; am I right?

W Correct.

CA Is that being addressed? Do you have a role in that?

- W Yes. As stated in the earlier parts of the hearings, that responsibility rests with the Director of Ethical Standards. The Commissioner made that quite clear in his evidence. Upon arrival, I obtained the Department of Justice framework, policy and plan and then set about meeting with various key stakeholders in QCS, internal, and our external stakeholders, and also our internal audit function, to understand what it is that we currently do and how we do it.
- 10 Part of the original analysis was to business process map the complaints process and also how we administer discipline, trying to understand what we have. That led me to putting several submissions up to the board of management, and one of them was the creation of a fraud and corruption working group, to actually develop that plan based on what the new organisational structure is and what the business needs will be.
- CA How will the work of that group be performed?
- W The working group?
- 20 CA Yes.
- W The chair of that working group is one of our Deputy Commissioners. We will bring in people that have the requisite skill sets and knowledge across QCS, our internal audit function, and we'll also look at some of the material that is externally available, to determine what best fits the QCS as it rolls out into a new structure.
- CA Out of that, do you expect a new fraud and corruption policy for QCS to emerge?
- 30 W I would expect a policy, a framework and a plan then to test that framework. You don't just want to create a document and put on a shelf. You need to test the framework to ensure that it actually meets its objectives.
- CA Would you mind explaining how you understand the difference between framework and policy in the context of what we just discussed?
- 40 W The policy document states what we're doing. One of the real disconnects is then how we're doing it and are we achieving it. So when we have a plan as to how we're going to enact the policy or strategy, then we actually need some rigour and tests behind it to ensure that we are actually meeting the needs, and that is generally part of either your inspections or internal audit framework and you will set that up over a program of work over a calendar year to see that you are meeting those objectives, to test whether you are actually on track with your plan.
- CA What's the frequency of meeting of this particular group?
- 50 W The three new deputies only literally commenced this month. Towards the end of this month and the beginning of next month, there are a series of meetings, including several working groups, that will first establish their membership and ratify the terms of reference of each working group.
- CA In the meantime, is QCS continuing to adopt and apply the DJAG fraud

and corruption policy?

W Yes, it is, and internal audit are actually working off that framework and have developed their plan of work around that.

CA Just going into another of the initiatives, there is to be a complaints assessment team trial; am I right?

W Yes.

10

CA What is the content of that?

W To try to create a standardised process for complaints assessment and improve consistency. One of the pieces of the program of work that we have put up is to make a complaints assessment team, trial it, evaluate a method and see if that takes us in the direction the organisation wishes to head. Two weeks ago, we created a small team of three people. We've developed a new process and new forms in line with the requirements of the *Crime and Corruption Act*, and we're actually at a point of probably completing our first several assessments under a new QCS template and framework.

20

CA How will that enhance consistency?

W The first part is that it will be specific to the policy that we have, a QCS policy. The idea is to create a standard complaints template form, probably likely to be a web-based process, where people have a consistent manner of submitting a complaint, to start with, with some instructions around it of what is a complaint, and it will start literally from the complaint assessment, so receipt, assessment, triage, and then how we're going to deal with it. It will give a recommendation.

30

CA So for those who wish to complain, there is a more instructive means of how to do it?

W A more instructive means, and then the staff within ESU will have a process and templates that make a consistent methodology and then an outcome.

40

CA As opposed to getting complaints on random bits of paper, which you do at the moment, amongst other things?

W A lot of them don't contain enough information to assess whether it is a complaint. So there is material that we really need that we're trying to get, to start.

CA Do you need to go back to a complainant, then, and requisition and seek more information?

50

W Yes. One of the unfortunate parts is that a lot of them don't come with any contact details at the moment.

CA So if you establish a template, perhaps accompanied by some instructions, it might alleviate your workload?

W I believe it will, and it will actually give us a better-informed picture of

what the complaint is.

CA And, in that way, assist in the processing of it?

W Yes.

CA Have we exhausted the complaints assessment team file?

10 W In its infancy. The idea is to actually put that process to the test and evaluate it and, if we need to, we will modify it until we can get to a point where we are satisfied.

CA And the template, how would that be disseminated - on the website or by what means?

W Initially an intranet, internal facing. But to meet requirements, there would be an external-facing process as well.

20 CA There is a taskforce either established or about to be established to deal with the backlog of complaints; am I right?

W Yes.

CA Is that Taskforce Vault?

W Yes.

CA Could you give us your explanation of what its objectives are?

30 W One of the issues we faced was that there was a large backlog of matters pre-March, so the creation of ESU in QCS, there was a large backlog of material, matters, complaints. The taskforce is aimed to address the large volume and deal with those as a singular effort in a process that is probably more timely, because it will be focused on those matters alone.

40 One of the issues with the ESU structure as it stands - the staff were doing all of that. So if you were an ethics consultant, you didn't just do an investigation or you were focused on your electronic in-tray, for want of a better word, your email. Your hard copy had everything in it. So it had assessments, intel inquiries, investigations, divisional actions. They were all in one large volume of work for one person.

So by creating areas to deal with and focus on the issues we have, it will improve the consistency and it will also probably deal with these much more timely and the outcomes will be better. So Taskforce Vault has been created. The lead investigator has been appointed. The matters pre 1 March have been assessed, triaged and prioritised, and initial interviews have commenced with some of the witnesses and subject officers.

50 CA Will that taskforce reach a point where its work is done or is it going to be ongoing?

W The taskforce has a specific ambit to deal with the matters reported prior to the creation of ESU in QCS, so pre-March. Once those matters have either been exhausted or frustrated, the taskforce will cease.

- CA Another of the initiatives, I think, is the establishment of a discipline reform working group.
- W Yes.
- CA What is its object?
- W As we mentioned earlier, the initial analysis was that we need to actually get a consistent and better process for discipline for the organisation and it needs to be clearly understood.
- 10
- One of the pieces of work that the Commissioner allocated to the deputies upon their arrival was a discipline review. That was given to the Deputy Commissioner, Organisational Capability. So the discipline reform working group is to review the current process, understand the issues, deficiencies and areas for improvement, and then we will be working with our partners, including the unions and our external stakeholders, on getting a better process that the QCS can adopt.
- 20 CA Could you go back to first principles and explain what is the content of the process that you are referring to?
- W I think the process starts from - we did mention the complaints assessment, how we're going to get them, then how we're going to manage them, how we will investigate them, the discipline hearing process and how that is managed and how it is applied. That's the remit of the review across - from beginning to end.
- 30 CA Will these various measures have any impact on the transparency of the function so far as staff are concerned?
- W Yes.
- CA Is that one of the issues to date?
- W I think I mentioned earlier that one of the problems that I encountered was that people were unclear as to what a complaint is and then how it's managed.
- 40 CA They might see an outcome but not know how it got there?
- W Not know how it got there, and maybe some of them didn't see an outcome.
- CA They might be complained about but not hear anything more?
- W Yes.
- CA Did that happen?
- 50 W I've received complaints that people haven't had their complaint dealt with, so I would have to say yes.
- CA As far as they know, it's hanging over their head?
- W Quite possibly.

- CA So could you go back to my question: how will these initiatives assist with the transparency of the ESU function in the wider QCS community?
- W Through that process of actually developing the new way we're going to deal with things, we'll be involving the QCS staff and workforce, and then there's the actual reform process of getting that into the organisation. So there will be a change agenda. There has got to be a communications plan. There has to be not just the consultation initially but then how it is going to be rolled out, how it is going to be administered and who is responsible at various stages.
- 10
- CA So there is a communication and a dissemination aspect to this?
- W A critical aspect for delivery of anything new is how it is rolled out.
- CA What are your plans or what would you recommend so far as that is concerned?
- 20 W I think part of this process is the consultation along the way. During the actual reform agenda, we need to get people involved so it is not a surprise when you get to the end; it is not something that's thrust upon you. You have been involved in the process. The other part is that we need a true communication strategy and it needs to cover all facets. I've mentioned that I went to the training academy with the recruits, and right up to dealing with decision-makers who were dealing with these matters, the package needs to be considered in its entirety.
- CA So you first need to develop a package in consultation?
- 30 W Develop packages, I believe. There would be pieces of this that are specific, like the decision-makers would have a need that's slightly different. So there would be a series of processes and reforms, and then there would be packages that are specific and then a generic package that covers how the matters are dealt with, beginning to end, to give some transparency.
- CA Would you imagine some information being available to staff, say, on an intranet, as to what ESU does and how its processes work, and so forth?
- 40 W I think it would be broader than that. We have an ESU intranet page. There's that high level. But I think a discipline process manual, book - it depends on what it ends up looking like - would have to be published, so people have a clear understanding of what it is and how it is administered. So, yes, definitely there would be published material. What it is is unknown until we get through the review and the reform, but it would be looking-
- CA In the absence of all of that, is there a degree of misunderstanding, perhaps mistrust, amongst staff about what ESU does and how outcomes are arrived at?
- 50 W I think there's a degree of frustration. I haven't met everyone yet. I have been here a very short time. A lot of people are very open. The people I have met have been willing; they want to help. But some of them are very frustrated because they don't understand what the process is, and

there are complaints from people who are subject to that process that it takes too long, "Why can't we do this?" So, yes, I agree.

CA Can I just perhaps take you back to another portion of that QCS submission that bears on the expectations on you and your unit.

W Yes.

10 CA At page 23, you see a number of dot points at the bottom of the page, and in the paragraph above that, do you see the opening words that it relates to the Ethical Standards Unit "with a clear remit to build, drive and maintain a mature, corruption-resistant culture within the department. The ESU has identified a number of initiatives", et cetera.

W Yes.

20 CA It sounds as though you are aware of the Commissioner's evidence that he gave earlier in the hearings concerning how he sees the importance of the ESU role?

W Yes.

CA It is perhaps encapsulated in that sentence also that it is not only a complaints and discipline function, but it has a more proactive function also?

W Yes.

30 CA So far as the proactive function, raising awareness and building culture, and so forth, you have mentioned, I think, the two training programs that were part of the DJAG era?

W Yes.

CA How would you recommend that be improved upon so as to try to do as the Commissioner would wish, and that is to build, drive and maintain a corruption-resistant culture?

40 W I think there's a lot of work to do.

CA Yes.

W A rather obvious statement. Some of the material in here already has commenced, so there have been posters and screen-savers about the ethical decision making. They have already worked on that material as I was arriving. Part of this process about building the culture and dealing with it, some of these matters that we've got before us need to be dealt with, because setting an expectation and standard comes from dealing with some of the issues we have. That's quite obvious.

50

CA The complaints, you mean?

W Yes, so we've focused on-

CA So that your standards will emerge-

- W Yes, they will.
- CA -from the way you deal with complaints?
- W The way matters are addressed, the standards that are set, how they are administered. That will definitely change how things are dealt with in an organisation.
- 10 We spoke a lot about the reactive part of ESU when we were talking about complaints handling, discipline, the investigation. We never really got to a lot of this part, which is about the ethical practice awareness. And then some of the other material that we could use to get to there, so staff intelligence, early intervention and how we work with our partner agencies - those things will improve our ethical culture by the way we administer our business, but it's not just about reacting to the complaint.
- CA You mentioned, I think, that within QPS, a unit was directed towards this kind of a function?
- 20 W Yes, yes.
- CA And you were part of that for a time?
- W I worked there.
- CA What things should be aimed at? What measures should be aimed at?
- 30 W The measures - I believe they're in part of the submission about ethical behaviour, professional standards, how we're seen as an organisation, how we do our job, how we carry ourselves. All of those things are at the core, but it's also the standards that the organisation holds and how people are informed of what they are. At the moment, where we've got this process where people are unclear, it's not unreasonable to expect that they don't know all of the standards and where things are going, because there's a reform process occurring.
- CA But in terms of practical steps that might enhance the building of a corruption-resistant culture, perhaps drawing on your QPS experience, would you have any plans or recommendations as to how this might translate into steps that are taken, as opposed to ideas?
- 40 W It's got to be outward facing. Already some of the communication has commenced. There has been in the QCS Bulletin, the email process. We have announced ESU is part of QCS. The Commissioner has announced the new structure, where ESU sits and what we are striving to be - a top-tier public safety organisation. So we are starting that process. From there, we need to actually inform people, if you are talking specifically ESU, what the standards are, what the discipline framework looks like and how we're going to deal with that.
- 50 CA So is it a communication and education role?
- W A very large communication role. I've spent quite a bit of time already understanding what we have. That is why I went and spent time at the academy and did some of the training, to understand what we've already

got, to identify where the gaps are and where the opportunities are.

CA Perhaps I might be asking the same thing, but how would you deliver improvements to the organisation?

10 W How would I do it? At the moment, I would definitely - the training package that's delivered to the recruits in the very first week, we've revised that completely. It needs to be focused on the current issues the QCS is facing, considering the legal framework we operate in, and they need to be informed from day one expectations but also what complaints are and how they're handled and what's expected of them in reporting a complaint.

CA That starts with recruit training?

W That needs to start, revise that package, because that package is very critical. It is the inception point of the organisation where people are onboarded.

20 CA Will that devolve to you and your unit to do that or will that come under the authority of the training side of the organisation, the name of which I have just forgotten?

W Currently that does sit within my remit as one of my responsibilities. It is quite often in a training environment where you have content experts. So that would be our area of expertise. We would essentially write the material and work with people who are facilitators. Whether we facilitate it and deliver it in person is something that would be questioned, but the responsibility for the content would sit with ESU.

30 CA And apart from training of new recruits, what other forms of delivery could you imagine?

W There is the first part. The supervisors training - there is a package called Tools of the Trade that is delivered in that process. That needs to be reviewed, essentially changed, updated. It has to deal with some of the current workplace issues and some of the matters that are currently topical for complaint.

40 The next part is the general broader ethical awareness training. Prior to my arrival, DJAG had an online annual training in ethical awareness. It was a compulsory training package. However, that material was on a learning management system that's no longer available to the QCS, and there is a new learning management system that is being put in and we will have to write a complete new training package, and that is our opportunity to commence this change.

50 CA You have high expectations, I think, imposed on you, but you are not alone in positive culture building. Do you see any form of interaction with, say, the general managers, who might also have a function in this important task of culture building?

W I think somewhere in the submission, it's written - I think I was working some of the material for the submission in that ESU, whilst responsible for the material and quite often the investigation, reaction and awareness, this idea of ethical practice, the fact that people are responsible and held

to high account is everyone's responsibility. But it rests with the managers and supervisors on a day-to-day basis. So, yes, whether it be the initial recruit part, the supervisors. Then there is a large amount of awareness required at regional manager, divisional manager, general manager. How that material is written, what it looks like, where we go with it, is still up in the air. But, yes, the responsibility and the communication needs to go across.

10 CA When you speak of communication, given the devolution of a lot of functions to the general managers, do you see a need or a role for collaborative working on this?

W Yes.

CA How might that be manifested, do you think?

20 W I think at the moment we have a divisional managers and a regional managers forum. I have been to one of the regional managers forums for probation and parole to introduce myself and see how things are currently working. So there are forums to get in to work in this environment. But how it actually works and where it sits at this point in time, it's unexplored; it's untapped.

CA Is it correct to say that ESU has no authority as such over the general managers?

W Authority - line control, you mean?

30 CA Yes.

W No, there's no direct line control over the general managers.

CA In terms of achieving a corruption-resistant culture, you have your role. General managers have a role also. Does ESU have any oversight of how well the general managers might be performing that role?

40 W I think the way things are at the moment, with a reaction to complaints, it hasn't lent itself to that. But, yes, it does, and also general managers have a responsibility because they're public service employees, like the rest of the organisation, so you can't just say this is an ESU problem and hand it over. Everyone needs to be involved in how this change occurs and people being responsible for their behaviour.

CA This may or may not be your area, but is there a place for integrity indicators to be built into performance management, even at general manager level?

W I'm unaware of what their contract obligations are.

50 CA I was asking if there is a place for it?

W It's quite possible. It's quite possible.

CA One of the ideas that the Commissioner had, and expressed earlier, was outposting of ESU staff to centres. Is that something that has been discussed with you or you have had an opportunity to reflect on?

- W I've had an opportunity to read the previous material. I think there was mention of, rather than potentially outposting of ESU, it was more a relationship model where there would be professional practice managers in the centres. I think that was the phrase that was used.
- CA I think we might even see it used in the submission, that there might be one of the so-called opportunities to introduce "frontline professional practice managers"?
- 10 W Yes, I read that.
- CA You don't take that to be a physical outposting?
- W It's one of the opportunities. I don't think it has been explored in that detail as to where it would sit, but I think the intent is that it would be based at a location away from central office, as it seems to be indicate; it would be a professional practice manager at the centre. But how that would be managed and administered - at this point it's just an opportunity, an idea.
- 20 CA You don't have the staff to do that at the moment, do you?
- W Currently we don't, no. That model is a model I'm familiar with, with the police. They have professional managers, professional practice managers throughout the state at their regional centres, who are responsible for the management of complaints in the geographical area that that region represents.
- CA This remit - I'll use the words of the submission - "to build, drive and maintain a corruption-resistant culture" perhaps hasn't had the emphasis previously as the current Commissioner wishes to give it. Does that have resource implications for your unit?
- 30 W I think currently the unit is a very small unit and it is obvious that the amount of material that they're trying to deal with is beyond their current capacity and capability, so there is a resourcing issue, but what that exactly looks like and how it unfolds would be a matter for the Commissioner and the Executive.
- 40 CA It will be a work in progress for some time, presumably?
- W I believe so.
- CA Down the track, how could the success of such initiatives as might be adopted be assessed or measured?
- W I think there's a couple of measures, having seen them in the past. You've obviously got short-term improvements. And some of that, the improvement is - the complaints actually may go up because the confidence goes up. It's not necessarily, "Hey, we have reduced things."
- 50 The other part is a longitudinal study, and I've seen them done particularly with what was the CJC, CMC and the CCC in relation to police, public confidence in police, and then particularly about a number of groups that were studied that started in a recruit process all the way through their careers over some 15 or 20-odd years. So there are ways of doing it, but

you would have to put that evaluation framework up at the time when you are deciding what you are going to measure and how.

CA Can I just change the subject a little bit. Does ESU have any form of collaboration with CSIU or with the QCS Intelligence Group?

W Yes.

CA For what purposes?

10

W As it presently exists, we have some arrangements with both the CSIU and QCSIG, because we need to work on and share some material that is intelligence related, so that is our QCSIG arrangement.

CA Is that intelligence sharing?

W Intelligence sharing. It is predominantly about individual incidents or information that they would get about a centre or a person, in its current format.

20

CA Who would initiate access to intelligence of that kind? Is it something that QCSIG or CSIU might bring to your attention or vice versa, or both?

W If I just stick with QCSIG at the moment - CSIU is slightly different - QCSIG would initiate that and forward that intelligence report to ESU, and we would work on that material from there.

CA In collaboration with them?

30

W Potentially with them. Potentially with the police. Potentially with CSIU. It depends on what is in that intelligence report.

CA Is there any specialisation, do you know, within QCSIG so far as staff-related matters are concerned?

W No.

CA Or is it part of general duties?

40

W One of the items that I raised that we need to look at in our working groups is a staff intelligence capability. At the moment, it is essentially based on incident reports or intelligence reports.

CA From QCSIG?

W From QCSIG. It's not based around staff members per se. So the ability to have an early warning, early intervention, risk analysis, all those types of processes which are seen as desirable in an ethics framework, at the moment are not part of ESU's capability. They are also not part of the intelligence capability that we have access to.

50

CA Is that a gap, that there's no early intervention system either within QCSIG or elsewhere in the intelligence function?

W There is no early intervention for officers in the current process. It's a large gap. It needs several things, obviously resourcing, but one of them

is the data that would enable you to make those informed analyses and decisions. So you would need access to HR systems, you would need access to incident, you would need access to intelligence and you would need access to training records and material. There's no coordinated IT system that does that in QCS.

CA When you just said "you" would need access to these things, who were you speaking of?

10 W The intelligence people that would be working in that early intervention process would need access to that. So an analyst would need access to material to analyse.

CA To a wider range of information than they presently have access to?

W Yes.

CA To conduct really any form of meaningful early intervention system so far as staff is concerned?

20 W Definitely. Any form of intervention, any form of even risk analysis of people that are currently subject to matters, you need access to those systems to do that.

CA Were there early intervention systems in operation at QPS?

W Yes.

CA That you are familiar with?

30 W Yes.

CA And you could bring ideas concerning those to your current organisation?

W Oh, definitely. The police started that a long time ago using a thing called the Risk Analysis Intelligence Section, and it has developed since then. One of the main parts of that is the differentiation between early warning and HR versus discipline, because a lot of these things are about learning opportunities and preventing certain things happening. So there is a distinction between ESU discipline and early intervention. The idea is that the early intervention stops it becoming a discipline.

40 CA Presumably those kinds of issues are being considered in QCS and you would be aware of them?

W I would think that there was some consideration, but there isn't an analysis process, a tool, an existing capability in that respect.

CA Being ex-QPS, presumably the Commissioner is aware of early intervention systems and how they operate in QPS also?

50 W Yes.

CA When you speak about it, it won't be news to him?

W I believe in both submissions, the first one and the second one, it was

mentioned - in different contexts, but the same idea.

I probably should answer the other part of your question that was about CSIU?

CA Yes, please.

10 W The existing relationship with CSIU, there is a memorandum of understanding with QPS and QCS. CSIU become involved in an ethical standards point of view when we have a potential criminal allegation against one of our members. So the matters are referred to CSIU to investigate, because they have the ability to conduct criminal investigations, whereas the Ethical Standards Unit don't have that legislative authority.

CA If they reject it for whatever reason, does it come back to ESU?

W Yes, it will.

20 CA And you would take it on from a disciplinary point of view, not from a criminal prosecution?

W From a disciplinary point of view, and quite often when there is a criminal point of view, if it results in some charges, there's still an administrative and disciplinary process that follows. So it will come back to us at a point in time.

30 CA In the time that you've had, are you able to make any comment about the satisfactoriness of the degree of collaboration that exists between ESU, CSIU and QCSIG?

W I think in recent months, because that's how long I have been there, the relationship with the QPS, including CSIU, has actually been quite good. There have been, unfortunately, some matters that have resulted in people being criminally charged for their behaviour. The relationship between CSIU and ESU is quite good, but it has room for improvement.

40 CA As you say, there's always room for improvement, but are there any aspects of that that occur to you at present?

W With regard to how some of the material is shared and transferred, because we are a paper-based organisation, whereas the police operate on IT platforms. So information sharing both ways is definitely something that could be explored.

CA If there is to be a referral to you sourced from QCSIG, does that really involve someone printing an intelligence report of some kind and forwarding it on?

50 W If it's intel from QCSIG, it is generally an attachment in an email or some process. Some are hard copy.

CA But even then, you have to print it out and scan it and send it?

W Quite often. And if it's from CSIU, we generally don't get access to their material from their database, being QPRIME. We generally just get

a very short summary of material, at best.

- CA Does that give rise to a difficulty of assessment of it or interpretation of it if it's not the article; it's a summary of it?
- W I believe it would in some instances. But if you don't know what the full material is, it is a bit hard to say whether it frustrated you or not.
- 10 CA Yes, correct. Can we just return briefly to the subject of information systems.
- W Yes.
- CA So far as the complaints and investigation process is concerned, you have described, I think, that at the moment it is reliant on paper files accompanied by spreadsheets?
- W Very much manual, with a tracking process in Excel spreadsheets.
- 20 CA Is there any way that any form of information system that presently exists within QCS could be adapted to your purpose, do you know?
- W We've briefly had a look at the current IT platforms we have, and none of them would meet the requirements that a standard complaints management system would in an ESU context. So at the moment, there is not a system that you could just pick up and use.
- CA What level of importance would you attach to having some computerised complaints management system?
- 30 W I think it's one of the critical components. Once you've fully understood what your process is and how you want to administer it, the IT platform enables that. But you need to understand the process before you build the IT platform.
- CA Presumably that has already been a subject of discussion with your Deputy Commissioner and perhaps with the Commissioner?
- W Initial discussions. It has only been a couple of weeks.
- 40 CA Yes, understood. Is that an issue that you would propose to press?
- W An IT platform, a complaints management system, is definitely something that ESU would pursue.
- CA I suppose there are some budgetary issues there?
- W A number of issues. Budget is one of them, yes.
- 50 CA Are there others?
- W Obviously you would need to actually get it to work within the system you have, so it needs to understand the process, it needs to understand the resources, the geography of the state. So there are a number of things, not just the system, that you would purchase and use.

- CA Do you need some bespoke system?
- W It could be custom made, it could be off the shelf, it could be customised off the shelf. Software is a service. All of those things come from an analysis once you decide what it is you are trying to do.
- CA That is amongst your other range of priorities?
- W It is. It is one of the priorities.
- 10 CA This is perhaps a lesser subject but nonetheless of some significance. I'm speaking of public interest disclosures.
- W Yes.
- CA You have a responsibility, I think, under the *Public Interest Disclosure Act* for management of those?
- W Yes.
- 20 CA Are you familiar with what system is in existence for that?
- W Yes.
- CA Could you explain?
- W Currently when we assess a matter, we assess whether it meets the threshold for a public interest disclosure. If it does, we make a notification, so that we know that it is. We have the obligation to inform the person of what that means for them. That is a manual process, essentially an email or a telephone call; that's what we have. There is a requirement, then, to report that on what is called the RAPID database, which we do, and then there's a bring-up process that is administered by our AO3 manually from our spreadsheet to the RAPID database during the year.
- 30 CA Did you have exposure to management of public interest disclosures at QPS?
- 40 W By the time I'd left ESC, that process had been in for a short period of time. I didn't have that much involvement with its management from day to day, but I'm aware of the people who do and I have spoken with them several times.
- CA Do you have a view, then, about the satisfactoriness of the current QCS process of management of that kind of information?
- W I think the way we inform someone could be done better, as in they are considered to be, so that is essentially, "Yes, you have met the threshold." That could be improved. The other part would be a true understanding of what that means across the business and including that in our ethical awareness training at the beginning, a little bit more of a snapshot of what that means. Having seen that it's a very small dot point in one of the slides at current, it needs a little bit more explanation.
- 50 CA So you are at least aware of that?

- W Yes.
- CA A different subject again, just perhaps briefly on the topic of body-worn cameras.
- W Yes.
- 10 CA Such investigations as you do are almost inevitably going to at least look for film of incidents that you might investigate. Do you see film and audio from body-worn cameras as playing an investigative role, and what is your view on how important that might be?
- 20 W Oh, definitely. Any corroborative evidence is critical in an investigation. Body-worn is an example, CCTV, medical evidence, photographs - they are all evidence you would like to obtain during an investigation. Body-worn - at the moment, not everyone in QCS has one. There is a trial basis on who has got them and how they use them. They have great value in some contexts. Sometimes you don't get enough lead-up to create context for the incident. It's good that they have audio.
- CA Is that the QPS experience?
- W That's just the way that those products work as they're rolled out. I have seen them in a number of places, public, private, QPS and here. A lot of people are going towards a body-worn type of video for their staff, especially people that use force.
- 30 CA Obviously someone has to turn it on.
- W It's on all the time. The current product we have is on all the time, so it's continually going. What you need to do is activate its recording, as in its capturing process, which takes it back an allocated - I think it is 30 seconds on the equipment we have. It takes it back and records it then until you complete the process by administering a button.
- CA The recording process needs to be activated manually?
- 40 W Yes.
- CA Which leads to a question as to when and in what circumstances that might be done. Presumably that has been the subject of some deliberation within QPS?
- W It's actually current deliberation with the roll-out of these devices and the body-worn video, I think they call it - or it might be camera - body-worn video process and there are staff actually working on those policies and processes currently.
- 50 CA I was just wondering if you knew whether QPS was more advanced in its consideration of the best utility of this type of device?
- W I'm not quite sure what you mean.
- CA There needs to be some circumstances that might trigger the use of it?

- W There needs to be some instructions on it when it's rolled out, yes. As I say, it's still being rolled out, so I can't give you its definitive - what it's going to be.
- CA Is there any instruction, do you know, currently to QCS staff as to circumstances of activation of the recording function?
- W I believe there is some instruction, but what it is and the exact chapter, I couldn't tell you.
- 10 CA Just one more thing I want to ask you. Do you see a role for integrity testing in prison environments? Do you know what I mean?
- W I know what you mean by "integrity testing". It has always been a hot topic of conversation about integrity testing, and if it's a-
- CA For example, just for the record, some deliberate introduction of some substance or item into the system to see whether detection methods are effective or not.
- 20 W To see what transpires.
- CA Yes.
- W I'm unaware. I don't believe it has been done at this point in time. But if it is a policy that is adopted by an organisation and they see a need for it, then yes.
- CA You don't know of QCS having conducted any testing of that kind?
- 30 W Not in the short time I've been there.
- CA Did you have any experience of whether QPS does that?
- W Not in that context, if you are talking about introduction of things, but there have been examples where we've used other techniques on investigations that have probably manifested in outcomes. With regard to specific integrity testing, not that I know of.
- 40 CA Is that technique or strategy something which is on your agenda at all by way of recommending ideas?
- W I think it's a bit too early to say, to include or exclude anything at this point in time.
- CA Thanks, Mr BALLANTYNE.
- PO Mr MURDOCH?
- 50 LR No questions.
- PO Thank you. No one else? Thank you. Do you want Mr BALLANTYNE excused?
- CA Yes, Mr BALLANTYNE can be excused, Commissioner.

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PO Thank you, Mr BALLANTYNE. You are excused. Thank you for coming.

CA I expect to resume tomorrow with Dr MARTIN.

PO Thank you. We will adjourn until 10 o'clock tomorrow.

END OF SESSION

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