



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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File No:

OPERATION FLAXTON
HEARING NO:

20 **DAY 15 – WEDNESDAY 29 AUGUST 2018**
(DURATION: 1HR 38MINS)

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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 – DR PETER MARTIN
 LR Legal Representative – CHRISTOPHER MURDOCH QC

PO Mr RICE.

CA Good morning, Commissioner. I recall Dr Peter MARTIN.

PO Thank you.

Good morning, Dr MARTIN. Will you take the oath?

W Yes, thank you.

Peter MARTIN, sworn:

CA Dr MARTIN, you would have been advised, I think, by your representatives at Crown Law that there had been communication to them concerning your attendance today?

W Yes, Mr RICE.

CA Commissioner, I tender a letter dated 16 August 2018 from the Commission to the Assistant Crown Solicitor concerning Dr MARTIN's attendance.

PO Exhibit 101.

ADMITTED AND MARKED EXHIBIT 101

W Thank you.

CA The Commission has also received a second submission from Queensland Corrective Services with a number of attachments. May we take it that you're familiar with that, Dr MARTIN?

W Yes, I am.

CA For present purposes, Commissioner, I'll tender a copy of that submission.

PO Exhibit 102.

ADMITTED AND MARKED EXHIBIT 102

CA Next, I tender the first of the attachments, being the Queensland Corrective Services Strategic Plan 2018-2022.

PO Exhibit 103.

ADMITTED AND MARKED EXHIBIT 103

CA It might be helpful if those documents were before Dr MARTIN. We might discuss some aspects of that submission, Dr MARTIN.

W Most certainly.

CA When we last spoke, you were in the course of selecting three Deputy Commissioners?

W I was.

- CA That task has now been completed?
- W It has.
- CA You have identified, or at least the submission has identified, the Deputy Commissioners and their various areas of responsibility at least in brief. Could I ask you how the selection of those Deputy Commissioners will now impact on the board of management?
- 10 W The appointment of the three Deputy Commissioners will impact very, very significantly within the context of the internal governance arrangements of QCS.
- 20 One of the Deputy Commissioners has responsibility for a complete review of the internal governance mechanisms within the organisation, to the extent that that which has historically been referred to as a board of management, into the future, now with the three deputies, will not be a board of management. That is much more an executive leadership team. From my perspective, and without pre-empting completely the outcome, the board of management into the future for Queensland Corrective Services will consist of myself as chair, the three Deputy Commissioners and most probably a number of non-executive external directors on the board of management.
- CA So how is it envisaged that the board will work in practice?
- 30 W The board in practice will meet for periods that as yet are not determined, but a number of times through the year. Specifically that board will help me discharge my obligations not only under the *Corrective Services Act* but, more importantly, to government specifically around the strategic positioning piece for Queensland Corrective Services into the future. So it will specifically help me and assist me and work with me to determine our priorities, also how we're going against their priorities and, more importantly, how we're using those fiscal and other resources that are bequeathed to me from government.
- CA The submission I think doesn't refer to this, but there are a number of committees that have been established?
- 40 W There are.
- CA The first of them, as I understand, is an audit and risk management committee?
- W That's right.
- CA What is its purpose?
- 50 W The audit and risk management committee, again, is swept up within the context of the complete review, but there are a number of committees that are absolutely critical to the work that we do. And notwithstanding the significant risks that are inherent in the very nature of the work that we do, to identify the appropriate risks and to make sure that we have strategies in place to mitigate and ameliorate those risks, to the degree that is possible, is absolutely pivotal and critical.

There are so many working parts to Queensland Corrective Services, to have a committee comprehensively overview those risks at a very, very high level is critical to our future success.

CA What kinds of risks are you speaking about?

10 W These are the sorts of risks that aren't necessarily ameliorated locally. These are the sorts of risks that aggregate up to be quite critical, whole of organisation. Some might refer to them as the sorts of existential risks that agencies and government departments might deal with. And so these are the sorts of risks that need to be escalated to a whole of organisational risk management committee to make sure that I have visibility of those risks and I've got the assurance that we've actually got strategies in place practically to put the right resources to make sure that we ameliorate those risks to the degree that is possible.

CA Does it extend to corruption risks?

20 W Oh, absolutely. This would be an inclusive process and not an exclusive process, and it would refer to a broad range of risks, some of which might be the more critical operational risks but also risks that extend far beyond that. Corruption risks are one element.

CA All risks, in other words?

W All risk.

CA You are going to chair that committee?

30 W I will, and/or one of the deputies, but, again, that will be subject to the governance review that will occur. This is the level of priority that I attribute to this particular committee. It's critically important to us.

CA Will it report to you or to the board of management?

W Ultimately. The work of this committee will be provided to the board of management, but it ultimately comes to me directly.

40 CA Do you have an intention concerning its frequency of meeting?

W Not at this stage, but my view would be that it would most probably, at this juncture, not meet less frequently than quarterly.

CA The second of the committees, as I understand, is the demand and resource committee?

W That's right.

50 CA What work will it do?

W The demand and resource committee - bearing in mind that we're an organisation of nearly 5,000 people, with a budget of almost \$1 billion, significant risks in a really decentralised, complex government department, this particular committee, the demand and resource committee, needs to look at where our organisation is making its investment business decisions, so where it's applying its resources with

the capital funding that we have, to determine the areas of greatest priority and need, and particularly, where we have discretionary funding, to make sure that that discretionary funding is being applied in ways that fundamentally address the greatest areas of risk and opportunity for the organisation.

CA Is the primary focus, then, on funding and allocation of funding?

W Funding, but more importantly broadly, resourcing.

10

CA Who will it be constituted by?

W The demand and resource committee would be comprised of a number of people and capability across the organisation. It would be comprised of people that would have very significant and senior representation from finance, human resources, people associated with the built environment, the capital area of the organisation. Specifically, this particular committee would comprise the three Deputy Commissioners having regard for the fact that this is a whole of enterprise, it's a whole of government department approach, to the allocation of resources. So it would have very, very senior representation.

20

CA Thirdly, I think you have mentioned already the executive leadership team?

W That's right.

CA Who will comprise it?

30

W The executive leadership team would be comprised of myself, the three Deputy Commissioners, and all of the senior leads across the organisation at the executive director and director level. This would be an inclusive process and have representation of every facet of our enterprise, not only custodial, but also community corrections, specialist operations and also the corporate areas of Queensland Corrective Services.

CA What work will it do?

40

W The work of the executive leadership team is fundamentally to make sure that the complexity of the work is harmonised across the organisation. It's a forum that is highly interactive. It's a forum that allows particular issues to be ventilated, for everybody to understand what is happening in these various areas, and to make sure that we work against the siloing that sometimes happens in large organisations. It's critically important to make sure we obviate that.

CA These various structures have been arrived at no doubt for a variety of good reasons. For present purposes, could I ask you in what ways do you see that this new structure will promote a corruption-resistant department?

50

W I think it will go a significant way to do that. The structure is critically important, but in parallel with this we need to work on the culture of the organisation. I was at great pains to talk about what we're doing in that. So it's not one or the other, but in parallel these things are very, very important.

For me, we've spoken about the importance of these structures within a context of identifying, mitigating and ameliorating risk. That's critically important. But importantly what it does is that it enables us to have a structured way of being able to make sure that we have complete clarity of the issues that we confront, that everybody understands the complexity of what we are currently enduring, but more importantly to make sure that we are putting the right resources to the right issues at the right time so that we can get consistent and appropriate results.

10

The structure is critically important to get us to where we need to get to, to deal with corruption-related risks. There is no doubt about that.

CA These various structures and processes need to work hand in hand with the culture that you're proposing to build?

W It's critically important. It's a key success factor. If you were to only concentrate on the structure, you'll get a modest amount of change. If you concentrate on the culture at the same time, you can optimise the effect and amplify the effect. They're complementary. They're incredibly important to do together.

20

CA I want to talk a little bit more about that later. One of the structural features of QCS is the degree of decentralisation, in the sense of a high degree of autonomy and responsibility devolved to the general managers; do you agree?

W Yes, there is, and I've previously commented to that effect. That's right.

30

CA Is there any document or record of what responsibilities are devolved to the general managers?

W I'm not sure that that exists to that degree, no.

CA How would their responsibility be articulated?

W The general managers would have a duty statement. At the point at which the general managers are recruited and onboarded, there is a description of their relevant skills, attributes, and they would be recruited according to that position, and that would be the measure by which they would be expected to discharge their duties.

40

CA Correct me if I'm wrong, they have a high degree of responsibility for the security and good order and all that that encompasses for the centres for which they're responsible?

W That's correct. That's right.

CA Does that incorporate programs of rehabilitation and education?

50

W They do, that's right.

CA And industries within their centres?

W That's right.

- CA Aspects of rehabilitation are within their area of responsibility also?
- W It is, that's correct.
- CA You have no doubt deliberated about that arrangement. You regard that as necessary and appropriate to go forward with?
- 10 W Oh, I do, absolutely. From my perspective, clarity with respect to the complex expectations of the general managers is critically important, and I've gone to great pains to speak about that within the context of - a correctional facility is sometimes nuanced from another because of the geography, the built environment, the demographics of the prisoners, but largely there needs to be a great degree of consistency in the way that the general managers discharge their obligations from one correctional centre to another.
- CA How do you oversight that consistency and performance in general, given that they have quite a high degree of autonomy in the running of their centres?
- 20 W I think that's a significant opportunity and I am not confident currently that that is being undertaken to the degree that it could optimally.
- 30 One of the roles of the new incoming Deputy Commissioner, Custodial Operations is to fundamentally look at performance management of each of the correctional centres. I've already had this conversation with that Deputy Commissioner and indicated to him that this is a priority for me and it's something that I believe that we need to focus on to make sure that we have a fair and accurate set of metrics by which general managers are held accountable for performance locally at a correctional centre.
- CA Are there any corruption vulnerabilities of a model which is, to a large degree, decentralised? Have you given any thought to that?
- W I certainly hold the view that there could be theoretically and that certainly with respect to each of the five key corruption-related risks that I spoke about when last I gave evidence in April, we have gone back to each of the correctional centres across Queensland and ensured that those five key risk areas have a significant focus in any risk management processes locally.
- 40 But I think that to keep these issues tight and to keep them controlled and consistent is consistent with good practice. Certainly from my perspective, that needs to be a constant and regular focus, and corruption-related risk is a key element of the work that the general managers need to do, and they need to have that focus.
- CA For the time being, I just want to go through some aspects of the submission, and then we might return to considerations like performance, culture, and so on.
- 50 W Certainly.
- CA We discussed with Mr BALLANTYNE yesterday the state of ESU and the plans or recommendations that he has made for that, and you have explained some of that in the submission.

W That's right.

CA I won't delay now, since we discussed it yesterday. Overcrowding is a subject that has been prominent in these hearings. Perhaps you might update us with the developments that will alleviate that?

10 W You would well be aware that when last I gave evidence, I spoke about the most significant issues associated with overcrowding in Queensland Corrective Services infrastructure being around the issues of overcrowding, particularly pertaining to women. I think, from memory, that I quoted a figure back in April of somewhere in the vicinity of about 175 per cent above built environment.

CA That's at Brisbane Women's?

20 W Brisbane Women's and also Townsville Women's, which are the two women's correctional centres. I also made mention of the fact that we were fast approaching, and near, 200 per cent in residential units in Brisbane Women's Correctional Centre.

CA I think your concerns were echoed by Mr FLEMING when he gave his evidence.

30 W Yes, indeed. Indeed. It was our most significant pressing operational issue. But I'm incredibly pleased to report that notwithstanding that particular issue, that operational issue, we've been able to put in place a strategy with the support of government, and I am very grateful to the Premier and the Minister for supporting an initiative that fundamentally saw Southern Queensland Correctional Centre, which was originally built as a women's prison - never commissioned as a women's prison, though - we have been able to move the men off site as a result of an investment that has been made on infrastructure at Borallon Training and Correctional Centre. So we have moved the men out of Southern Queensland Correctional Centre. There is a process in train at the moment, now into its second or so week, of moving women into that facility.

40 At the point at which we reach maturity around that strategy, which will probably be at the end of September, what that will effectively see is that for the now three women's correctional centres - Townsville Women's, Brisbane Women's and now Southern Queensland Correctional Centre - we have alleviated the problem of overcrowding from 175 per cent to 90 per cent across the board, which is a wonderful initiative. It's a wonderful initiative for the workforce, and it's a wonderful initiative for women who are incarcerated.

50 CA To summarise, the men from Southern Queensland are going to Borallon, essentially?

W That's correct. That's right.

CA And a proportion of women will go from Brisbane Women's to Southern Queensland?

W As well as Townsville Women's, that's right.

- CA To alleviate the overcrowding for women in both those places?
- W That's right. That's right.
- CA You say, I think, that will reduce capacity to 90 per cent?
- W That's right.
- 10 CA Does that imply that the doubling up that was such a problem at Brisbane Women's will no longer be prevalent?
- W That's exactly what I'm saying. Effectively, what will happen is that right across the system, for women prisoners in Queensland, there will be no woman doubled up in a cell in Queensland as a result of this initiative. There will be a compartment above that 90 per cent in each and every correctional centre, and, of course, the benefits of that, notwithstanding my previous evidence, around access to industries, programming, education and general rehabilitative pursuits will be enhanced significantly. This is a wonderful outcome for women.
- 20 CA I know that there are tender processes bubbling along, but presumably Serco will continue its responsibility for Southern Queensland but as a women's prison?
- W For the time being, that is the arrangement that is in place, that's correct.
- CA There were some developments also, I think, at Capricornia?
- 30 W There are. There is not only increased capacity at Capricornia that has come online as a result of an investment that was made some considerable period of time ago, but also increased investment to the tune of almost \$41 million that will ultimately see increased capacity built there at Capricornia for the future, but also other capacity initiatives such as further double bunking in the men's system across Queensland.
- CA Has there been additional funding for that, or have you had to find it from within budget?
- 40 W No, that was funding that was previously provisioned specifically for the double bunking. This is the tranche of executing that particular arrangement that was previously funded, that's right.
- CA Nonetheless, the majority of centres are still overcapacity; am I right?
- W That's correct.
- CA One of the initiatives, which the submission refers to at page 9, is the modified unit routine. As the submission reads, QCS has implemented a modified unit routine to address some of the concerns resulting from doubling up, et cetera. What is the modified unit routine?
- 50 W The modified unit routine is a strategy locally looking at the built environment, the prisoner numbers and the circumstances that a particular general manager will find himself or herself in. It's the ability for them to look at that built environment and to look at the issues of programming

and other rehabilitation types of initiatives to come up with the best model that fundamentally ensures that a prisoner is both humanely contained but also has reasonable access to those other initiatives.

Now, in some cases, regrettably, given the circumstances we find ourselves in, that might be more in-cell time to facilitate safety of the unit but also undertake rehabilitative outcomes.

10 CA I'm sorry to interrupt you. I think so far as there may have been a couple of centres that had implemented of their own initiative some staggered access to resources-

W That's right.

CA -the result had been less out-of-cell time?

W That's right.

20 CA Correct?

W Yes, that's correct.

CA There is an objective generally speaking, isn't there, that there would be, as a standard, 10 hours of out-of-cell time for a prisoner?

W That's right. That's correct.

30 CA You expect, from what you say, that that may be impacted on by this routine?

W In some cases. It's to use the built environment more effectively to maintain the appropriate balance between those two competing demands, keeping people humanely contained but also giving them access to facilities, bearing in mind - sorry, to programming, given the fact that the infrastructure has finite capacity and is under a degree of significant demand.

40 CA Can I understand the relationship between what's described in the submission as a modified unit routine and what is going to be devolved to a local instruction? I take it that the actual mechanics of this are going to be worked out by means of a local instruction?

W Yes, that's right. Quite so.

CA What, then, is the modified unit routine? Is it an objective?

W The modified unit routine will ultimately be a strategy, an ambition, that will then be articulated into a local protocol that will give effect to it.

50 CA And each general manager, as appropriate, will devise a local instruction to implement that; is that correct?

W That's right. That's correct, yes, indeed.

CA Will there be any oversight by you or any of your deputies, or the board, of the way in which these local instructions are developed and

implemented?

W Yes, there will be.

CA Who will do that?

W The Deputy Commissioner, Custodial Operations will have a role to ensure that the modified unit routine is consistent with the organisational priorities and the expectations that I establish in terms of giving people, to the degree that is possible, the most amount of time out-of-cell hours and the greatest opportunity to engage in proactive, preventative, rehabilitative outcomes.

CA We might expect, then, that the Deputy Commissioner for Custodial Operations will be reviewing such local instructions as are developed?

W I would be expecting that, that's right.

CA Just proceeding through the submission to some points of interest along the way, we had discussed when you gave evidence last time body-worn cameras, and there is mention of that at page 12. A figure is given there as at 14 August that there are 160 cameras available for use. Would you remind us whether that is any increase in what was available at the time you last gave evidence? Is there any development on that?

W I'm not sure whether that's an increase on what I reported last time. I don't remember the figure that I quoted. There may have been an increase as a result of a commitment and an order that as yet hadn't been fulfilled.

30 What I can tell you, though, is that the body-worn cameras also are interdependent with the load-bearing vests. What happened was I think back in April - please forgive me if this is not necessarily completely accurate, but there was the commitment of 1,300 load-bearing vests that were ordered and delivered. Subsequent to that, I was able, through savings, to provision another 1,350 through an order currently that my hope is are delivered toward the latter part of this year, in December, and I think that that is a commitment above and beyond where I was in April this year.

40 The load-bearing vest is incredibly helpful. It's a very, very useful operational adjunct to the camera. Not completely - you don't necessarily need the load-bearing vest for the camera, but it's very, very complementary. It's very, very useful for the deployment of the camera. My overall ambition is to increase the camera fleet, and that's dependent upon funding.

CA It's a very large proportion of vests to cameras. We're talking about perhaps 2,500 or more vests. Is the idea that each officer will have one as and when they may need to use a camera?

50 W No. The load-bearing vest is on a personal issue. The camera isn't necessarily personal issue but is on a centre issue. I would expect there to be a significant number - or a lesser number of cameras than there are vests. From my perspective, though, I would be hopeful of having an increased commitment with respect to cameras but again subject to that funding commitment.

- CA Could you remind us how any increase in body-worn cameras would be funded? Will it come from within budget or do you need to apply for extra?
- W These are the sorts of conversations around operational equipment that I would fundamentally need to have with government and would be, as a matter of course, seeking support from government. But like the load-bearing vests, if there was an opportunity to make savings, from my perspective there is no better opportunity than to put savings into operational equipment that fundamentally addresses not only a corruption-related risk but also keeps the prison population but, more importantly, my staff safe. I can't think of a better investment.
- CA I want to ask you about some aspects of what's set out on page 13 of the submission concerning segregation. There are caption descriptions of some strategies, but perhaps the descriptions are not self-explanatory. The first of them refers to implementation of a central decision-making model for prisoners who are to be accommodated in a safety unit. Could you explain what that central decision-making model is?
- W From my perspective, at the present time, the segregation of a particular individual largely is a set of factors that occur at a very local level within a correctional centre. The point that's being made with respect to that is to ensure that overarching QCS policies are being applied equitably and fairly right across the system.
- CA Are we talking about the making of safety orders; that's the means by which prisoners are transferred to a safety unit?
- W That's right, we are talking about that. Fundamentally this is about ensuring that there is some central decision-making and validity process that exists to ensure that the orders are being applied reasonably, appropriately, fairly and consistently.
- CA The decision-making is made at a fairly high level now, is it not?
- W It is.
- CA Either at general manager level or at daily manager level if the general manager is not there?
- W That's right.
- CA How will it become more centralised in practice than that?
- W There would be a process internally, centrally, facilitated and oversighted by the Deputy Commissioner, Custodial Operations that would specifically be ensuring that those things were done, that the consistency across the organisation is being maintained and that the policy is being applied fairly and consistently.
- CA Will the decisions on safety orders still be made at the same delegated levels?
- W I would think that there would be a recommendation locally, but again

this model would act as that tier of validity that would sit overarching that to make sure that those decisions are appropriate, particularly where an order was being made over some days, weeks, in worst cases some months.

- CA That, then, is a responsibility that will go to the Deputy Commissioner for Custodial Operations?
- 10 W My view is that the Deputy Commissioner, Custodial Operations would have responsibility to ensuring that that central decision-making model effectively embraced those concepts that I have spoken about.
- CA Is that a strategy that's on the agenda, so to speak, or is it under way?
- W No, that's on the agenda, but I think that we can move on that reasonably quickly.
- 20 CA The next item that is referred to is a revised strategy for identification of management of prisoners who have elevated risk of self-harm. Is there a revised strategy or is that again something to be looked into?
- W No, it's aspirational and it's all captured within the context of a review of segregation generally, but these are the concepts that, at least to my mind, I believe need to be looked at within the context of taking a fresh approach to this important issue.
- CA Are the various items that are dot pointed there areas that will be looked at in a broader review of the subject of segregation?
- 30 W That's right. That's right.
- CA Is that something that you anticipate will be undertaken by - I think it's Mr BECK?
- W Yes, that's right. Yes, quite so. Some of these things are very, very difficult to achieve in the short term. Things such as alternative accommodation arrangements for prisoners who are identified as being at acute risk of harm - these are the sorts of things that we need to take a whole of enterprise, a whole of correctional centre approach to looking at other ways of managing high-risk, particularly dangerous prisoners that pose great risk to themselves, the prisoner population and my staff.
- 40 CA And the strategies might include specialist rostering?
- W Yes, that's right, it might very well.
- CA Looking at that list, then, it's a fairly big ask, is it not?
- W It's an ambitious list, very much so, but it's an important high-risk item.
- 50 CA Given the various aspects of it that are listed, and no doubt Mr BECK's other responsibilities, I have to ask you is there any time frame for consideration or implementation of these strategies?
- W No, I haven't placed any time frame on this important body of work other than to say that there is an enormous amount of work happening in parallel

at the moment. I've gone to great pains to express just how broad the reform agenda is within QCS currently, but there are some things that are more important than others, and this body of work, notwithstanding its impact on vulnerable people in our custody and care, has a higher priority than other things.

10 So from my perspective, there would need to be a program of work that I would think would be clearly articulated come the end of this year. That's not to say that all of this will be done, but a program brief on what needs to occur and the various elements of this, I would imagine, it's conceivable that we would have that articulated by the end of the year.

CA Would it be articulated to you or is this something that QCS staff - that you would seek to inform them about, that this is an area that's being looked at? Are you going to engage with staff on this subject?

20 W Yes, most definitely the staff need to be engaged on this, notwithstanding the fact that it directly impacts the work that they do locally in managing a very, very difficult, complex, small in number but infinitely complex set of individuals. So, yes, they need to be engaged. They need to be informed. They need to have their say. At the end of the day, what motivates me is to make sure that we never do harm and that we are always trying to maximise the resource that we have to get the best outcome for people.

CA Is there any mechanism in mind by which the corporate experience of staff can be tapped into to assist in this process?

30 W With respect to this important issue, and having regard for how much it impacts various elements of the organisation, my view would be that there would be a working party that would be formed that would have broad representation from a range of people that would have a valuable contribution to make with respect to this issue.

40 CA The submission goes on to refer to a review of a number of QCS policies, one being the human resources policy. I notice, towards the bottom of page 14, reference to QCS staff no longer having access to the Evolve Learning Management System, but that there is planning for a new learning management system. Are you familiar with that? Could you tell us what's-

50 W I don't know the specifics of the program, I'm sorry. My understanding is that it's something that we had access to when we were part of DJAG. I certainly hold the view that there's an opportunity to look at other options that exist currently, and certainly the advice that I have been provided by those that know this system is that it is probably more applicable to DJAG, less applicable to Queensland Corrective Services, and there may very well be other options that exist in the marketplace. The point is there to be thoughtful about exploring other options that might exist.

CA Is it an online learning system?

W That's my understanding.

CA Whose area of responsibility will that fall under? Is it Mr KOULOURIS?

- W It will fall under the area of Mr KOULOURIS, and as the next level of organisational restructuring at the Assistant Commissioner layer, there will most probably be an assistant commissioner for people capability, and this will be the responsibility for that particular individual. But ultimately Mr KOULOURIS will have responsibility for that.
- 10 CA Under the heading of "Information and Communication Technology", there is mention of QCS having contracted an information security implementation partner. I wonder if you could tell us in your own words what the objective of that is?
- W My understanding is that the objective of that is to fundamentally do a number of things - to look at the vulnerabilities of our existing system, the utility-
- CA Are we talking about IOMS or more broadly than that?
- 20 W My understanding is that IOMS is an element of that, but more broadly. My understanding is that it's to understand the current system, the current vulnerabilities, but more importantly what opportunities might present into the longer term so that we can position the organisation to make the sorts of investment decisions we need to to position ourselves well. So it's a broad review of the ICT security posture within Queensland Corrective Services currently, of which IOMS is an element.
- CA Is that a review of existing systems?
- 30 W That's right. But also can I make the point that it's not only a review of what we've currently got but also to help us and to guide us, particularly for the board of management, in terms of those future business investment decisions where we build, invest and to bring on capability that currently we don't have.
- CA In IT?
- W In IT.
- 40 CA That is another working project, can I call it that?
- W It is, that's right.
- CA On the same subject, the submission updates us, at page 16, on aspects of IOMS. One of the features that emerged was, shall I say, the liberal access which officers have to prisoner records essentially across the whole state.
- W That's right.
- 50 CA That issue of access - are there limitations on the extent to which that can be modified?
- W There is certainly within the context of access of the system on a needs to know basis. A complete review has been undertaken with respect to ensuring that only those officers that need access to that system are on the system.

- CA That's the first dot point?
- W That's right. My understanding is that this has been significantly curtailed to opening up more broadly to a narrow group of officers. But the problem is beyond that. My understanding is that the system that exists currently in its current form is fairly limited to - if you give an individual access to the system, they get access to-
- 10 CA The whole system?
- W -the prisoner records generally. And despite the fact we can monitor to some degree what they've looked at and what have you, they still get access to the system, which is a significant issue for us and one that we're currently working on within the context of the replacement system.
- CA In the consideration that has been given to IOMS, do we take it that you accept there is a limitation on imposing levels of access?
- 20 W That's right.
- CA Or restrictions on access?
- W That's right. That is a challenge in the current system.
- CA Hence, in terms of what are described as changes in the submission, there is the audit to determine who actually needs any access?
- W That's right.
- 30 CA And to eliminate those who do not?
- W That's very true.
- CA Beyond that, do we take it there is revision of the use agreement and what we might call the warning page on entry to the system?
- W There is.
- CA That's being done or has been done?
- 40 W That's right. It is.
- CA Thirdly, it seems there is to be developed a learning course with a view to emphasising staff obligations?
- W That's right. All of these initiatives are specifically as a result of the limitations that we have with respect to the existing system. They're a way of ameliorating, not completely, but they're a way of addressing and ameliorating some of the risks associated with the limitations that we currently confront.
- 50 CA Accepting those limitations, these are the best measures available to you; is that the way you would put it?
- W They are, that's right. Yes, I agree with that.

CA Moving forward in the submission, at page 19, I notice there is a development concerning the contract management unit. That is one of the means - correct me if I'm wrong - of oversight of the private centres?

W That's right.

CA A decision has been made, has it, to increase the monitoring capacity?

10 W Significantly so. I've doubled the monitoring capacity at each of the private centres.

CA With what objective?

20 W The objective is twofold. It's to ensure that I have sufficient visibility, to the degree that is possible, of the operations of the private centres, to support the work of the private centres. So this is both practically and symbolically important, to make sure that we are truly partnering with these centres to get the best outcomes, but more importantly that we're holding the private centres to reasonable levels of performance and particularly around the visibility of what's occurring there on a day-to-day basis.

CA Is this the chief means by which you retain some oversight of the operation of the private centres?

30 W No, it's not. It's not the chief means, but it is a means. More importantly, what it does for me is that with respect to daily reports of matters by exception, whether they be by way of issues relating to prisoners or staff, day-to-day operational reporting is aggregated up in terms of quarterly performance reporting processes. So the monitoring staff locally, for me, are a means of me having a higher degree of confidence that matters are being reported and that I've got visibility of what's occurring, so that, with a degree of confidence, I can engage in quarterly reports with respect to performance of the private centres.

CA You mention quarterly reports. Are they another means by which you retain oversight of the private centres?

40 W They are.

CA I asked you whether the contract monitoring was the chief means. You said it was not. What is the chief means? Is it the quarterly reporting?

W My view is that the contract monitors locally are a means. The quarterly performance conversations that occur are, for me, the principal means of holding private centres accountable and to ensure that they're meeting their obligations under the contract.

50 CA In particular, I think, in the structure of this reporting, their performance against key performance indicators?

W That's very true.

CA Is that prominent in the information reporting to you, whether these KPIs are being met?

- W Yes, it's prominent. It's a key feature of the matters that are at the forefront of my concern.
- CA Chapter 3 of the submission refers to some opportunities under consideration. We spoke with Mr BALLANTYNE yesterday, I daresay you're aware of that. There was some reference in passing to an early officer intervention system and perhaps development of the staff intelligence function, such as is referred to on page 20. When the submission refers to consideration being given to these things, how firm is the current thinking towards implementing these options?
- 10
- W It's extremely firm. Extremely firm. I spoke reasonably enthusiastically, when I gave evidence when last I was before you, about how, in one dimension, an ethical standards unit is about the triaging, managing, the prosecution of investigations and effectively making sure that you get sound, timely and consistent outcomes.
- But if that's all you do, you're missing a very significant part, to my mind, of what is the role, the organisational role, and particularly the role of the Ethical Standards Unit in other dimensions, one of which is to act as that early monitoring, breaking the cycle of behaviour that fundamentally leads to an escalation of behaviour that ultimately leads to corrupt, unethical and sometimes criminal behaviour.
- 20
- This happens at really low levels, but there is an opportunity here to intervene within the cycle of behaviour much, much earlier. If all that an ethical standards unit does is to manage the complaint process, they're at the bottom of the cliff after the person has jumped. We need to be at the bottom of the cliff and we need to be at the top of the cliff and we need to be intervening much, much earlier in the behaviour of our workforce.
- 30
- When you have a workforce of 5,000 people in a very, very decentralised model, having high degrees of autonomy in some cases, working with the complexity that we have, we've got to focus in both of these domains. And the early officer processes, particularly guided by intelligence and with the role of people locally like supervisors and what have you intervening early and appropriately, is critically important.
- 40
- This is not negotiable. This is something we will invest in, and this is something that, in a mature model, we definitely need to get to, and it has my commitment.
- CA It's more, by the sound of it, than something that's under consideration?
- W It's more than under consideration. It will happen.
- CA It will have an impact on the intelligence function, will it?
- 50
- W It will. It will. The intelligence function is actually the currency of a process like that. This is not in any way to supplant the role of the supervisor or for people locally to meet their obligations in terms of reporting or what have you. This is fundamentally more about management than it is about an ethical standards process. It's more about the role that each of us has in complex organisations to intervene early when people are under distress or their lives are in turmoil or chaos, to be able to intervene in behaviour and attitude that otherwise might lead to

more challenging and complex sets of circumstances later, such as corruption or unethical behaviours.

CA Associated with that is the question of whether the intelligence function should incorporate a dedicated staff intelligence function. Would you leave that to Mr WELK to determine or would that be determined at a higher level?

10 W I think that that needs to be considered within the context of everything we do within the Ethical Standards Unit piece around future positioning and capability. I think that we need to have a reasonable level of intelligence input into the work of the Ethical Standards Unit and that needs to be a significant investment. From my perspective, we would be looking at how the intelligence process feeds into that but, more importantly, looking at that within the context of a complete consideration of not only the now state but the future state of ethical standards. So I would see that as being implicit to our future success.

20 CA On page 21 of the submission, I note at 3.4 there is to be - is it a new investigative function called a compliance investigative function to review critical incidents?

W To some degree that function exists currently within the organisation.

CA It's the Chief Inspector's job, isn't it?

30 W The Chief Inspector's job, that's correct. But there's a role also for the Ethical Standards Unit within the context of that, and there needs to be a great degree of collaboration between those two areas. In a mature model, I would see that that integration, that collaboration, would be critically important.

CA Is it something that's to be done in addition to anything the Chief Inspector might do, or is it some modification of his function?

40 W No, I think it's not in addition, but I think that what it is is that particularly where the reviews that have been facilitated by the Chief Inspector identify behaviours, in which case we were non-compliant, the staff were non-compliant, with legislation, policy, procedures or what have you, there's the consideration of the degree to which there's overlap with the role of the Ethical Standards Unit.

50 Now, that's not in every case to suggest that a breach of policy or procedure or what have you would lead fundamentally to a breach of discipline or some other disciplinary outcome, but it's to extract to the degree that is possible the organisational learnings and to make sure that there is the appropriate corrective behaviour to make sure that we don't keep making similar mistakes in various parts of the enterprise, given the fact that we have a very decentralised model.

CA Do you envisage that the review of critical incidents will still be undertaken - in fact I think it's part of the function of the Chief Inspector that that will still continue to occur?

W Yes.

- CA Will there be more involvement or collaboration with ESU so far as that kind of incident is concerned?
- W I think generally as a principle, from my perspective, critical incidents are not the domain of only one area of an organisation. It might be fundamentally led by the Office of the Chief Inspector, but from my perspective, I think that in a mature model a critical incident would have a range of stakeholders from a broad range of disciplines looking at a particular matter. They could, for example, be HR specialists; they could be people from internal audit; they could be people from corporate areas around the built environment; they could be other people representing specific capability in the organisation, all lending a fresh and new perspective into the issue that we confront, fundamentally to understand not only what occurred, but also to extract the learnings from that to make sure that we don't keep making the same mistakes.
- CA Having reviewed some parts of the submission, could I turn for a time to the subjects of culture and performance, which you have spoken about previously.
- W Yes.
- CA Since you were last here, there has been developed the strategic plan, which you have in front of you. Can I ask you firstly how that relates to the ten-year plan that you spoke of as being in the planning stages when you were last here in May?
- W The strategic plan that you have here in front of you that you've referred to is a distillation of that broader ten-year plan, bearing in mind that it's looking at the current period to 2022. But in no way can it extract the broader essence of that longer-term plan. It's highly relevant. It's entirely consistent. It is a simple, narrow reference to what we're going to do, point in time, as part of a more comprehensive plan, but it's directly relatable.
- CA How has the time frame of 2018-2022 been arrived at?
- W A ten-year plan is a very ambitious plan, and across government it's quite novel, when planning generally consists of somewhere between four- and five-yearly cycles. We're a little different because the nature of the work that we do, and particularly having regard for the reform journey and particularly around changing culture, is not done quickly, it's not done simply, and certainly it's definitely not done in a narrow, four-yearly cycle. But particularly also having regard for the escalating prison population and the issue of onboarding, as we've spoken about, new infrastructure, that has a long lead-in time, so I have to take a longer-term, very, very ambitious ten-year plan process.
- W The strategic plan is a distillation of that, and specifically it's a bite-sized chunk that doesn't overawe the organisation, by saying, look, ten years is so theoretical; four years is much more achievable in terms of conception and thinking. This is what we're going to do in the short to medium term, whereas the ten-year plan is what we are going to do and how we are going to position in the more medium and longer-term plan.
- CA We see in the strategic plan at various points, for example, under the

heading of "Our Culture", reference to acting ethically at all times. We see under "Strategic Objectives" that one of the strategies for safer correctional environments is to work collaboratively with key stakeholders to build and maintain a mature, corruption-resistant culture. Elsewhere, there's reference to building a high-performing culture, maintaining a mature, ethical and client-focused workforce, and so forth. Can I ask you by what means will you identify whether that has been achieved?

- 10 W So what would success look like fundamentally?
- CA How can you be satisfied that such a culture exists, given I think your own evidence earlier in the proceeding that culture cannot be imposed from on high; it has to be embraced by the staff?
- W No, that's right.
- CA Given the importance of culture to supplement the processes that you're going to such lengths to develop, how will you know whether you have achieved this kind of culture that you aim for?
- 20 W I don't know that you can reach a point of absolute maturity on the question of culture. I don't know that I'll ever be satisfied that we've reached the point of optimal engagement where the culture is so remarkable that there is nothing left to do. I don't know that that's possible. In fact, I don't know that there's any organisation that has done that to that degree. But I think that largely the issue of culture is - it lives on a continuum, and from my perspective what I want to do pragmatically is to support a positive culture in the organisation, a culture that has inherent values, that fundamentally moves us in the right direction and that every one of us has a role to play in terms of the culture of the organisation.
- 30 I don't own the culture. I'm here for a period of time. I can shape it. I can work with others to achieve it. But we all have to embrace it. Fundamentally there isn't one KPI that I would look at and say that that's the knockout blow in terms of definitively the culture is strong and positive and what have you, but it's a range of KPIs.
- 40 The Working for Queensland Survey, for example, mines the attitude of the organisation, the people in the organisation. It asks them questions about the degree to which they're engaged, the degree to which they're happy working in this environment, their intention to leave in any reasonable time frame and what have you. But even simple things, like the degree to which people meet their obligations around reporting, the degree to which they find their work of value, the degree to which they take sick leave, the extent of overtime as a result of people not coming to work and meeting their obligations, other than those that are genuinely sick - there are myriad dimensions that otherwise point to whether we are achieving what we need to do.
- 50 There is also a dimension to culture as well. When you have responsibility for a large organisation, there is this indefinable quality that when you walk into a correctional centre or a work unit, it might be a probation and parole office or alternatively a police station, you get a pretty good idea about the culture of the place, not definitively, but you

get a pretty good idea of the culture of the place by a whole range of things that probably you don't even wrap a KPI around - how well people interact with each other, whether they show each other dignity and respect. These are some of the less-quantifiable parts of a culture, the sort of culture that I think Queensland Corrective Services has and, more importantly, that we can build on.

- 10 CA Should these things that you've just mentioned, then, be identifiable even at supervisor level and at manager level?
- W I think they can, and I think that they should be, and I think that every one of us has an obligation to work and to strive to build a positive culture, a sort of culture that of itself is resistant to corruption-related risks.
- CA Is there a place, then, in the performance management of all levels of staff to include culture building and integrity-related matters? In other words, given the desirability of everyone owning and building this culture, is that one potential avenue to enhance that objective?
- 20 W I don't disagree with the position that you raise. It's everybody's responsibility to contribute to a positive culture of an organisation like ours.
- CA You, I think, have perhaps a number of times recognised the importance of culture as a supplement to the processes.
- W Indeed.
- 30 CA They must work together, must they not?
- W They have to work hand in hand, that's right.
- CA To take the general managers, for example, you wish to project a certain tone yourself, and do so; correct?
- W That's right.
- CA You would wish your general managers to do so in same or similar fashion; would that be right?
- 40 W I do. I do.
- CA The general managers are on standard form contracts under section 122 of the *Public Service Act*, are they not?
- W They are.
- CA As part of that, they're required to enter into performance agreements?
- 50 W Yes, they are.
- CA The performance agreement that's in use is itself a standard template; am I right?
- W Yes, that's right.

- CA Correct me if I'm wrong, but it does not incorporate any aspect of those general managers' performance?
- W No, that's right.
- CA That they take some responsibility for this very serious aspect of culture building?
- 10 W That's right.
- CA Should that be part of their performance assessment, that that be a matter which receives the appropriate attention and emphasis?
- W I agree with that.
- CA And one means of dialogue between you and them concerning that issue?
- 20 W I certainly agree with that. They're not entirely responsible for the culture, but they have a key role to play, and locally they are my emissary. My view is that they represent my view in terms of all of us have a role to play and they have a role to play locally in terms of building a high-performing team and supporting people that fundamentally contribute positively to the culture of Queensland Corrective Services.
- CA How would you know presently whether they are doing that or not?
- 30 W Personally for me, and notwithstanding the size, the decentralised nature of the workforce, I can't tell you definitively whether they are doing that on a day-to-day basis. However, I can say that I spend a considerable amount of my time visiting correctional centres, talking to the general managers both locally and also when they come to Brisbane frequently. I speak to their management teams about my expectations, the things that are important to me, and share with them my priorities and what I want them to do on my behalf locally. So for me, this is an important, ongoing, day-to-day, week-to-week process and commitment, but I'm very, very clear in terms of what I expect.
- CA We are talking about performance assessment and whether there is a place within that for culture building?
- 40 W I think there is.
- CA I raised that in the context of performance agreements with general managers. Is there a place for it at lower levels, at supervisor level and even at officer level?
- W I would argue there is.
- CA It's not structured that way at present; correct me if I'm wrong?
- 50 W No, that's probably correct.
- CA The submission, if we just go back to that but on this subject, at page 21 refers to enhanced performance monitoring of correctional centres. Would you wish to compare performance across centres?

- W I would.
- CA Speaking generally?
- W I would.
- CA The various measures that are referred to there - correct me if I'm wrong - relate to review of data and metrics, including such things as assault rates, self-harm incidents, number of safety orders, and so forth?
- 10 W That's right.
- CA All of those things can be counted, can't they?
- W They can.
- CA Would positive results by way of metrics on those matters indicate to you or imply that there was a corruption-resistant culture, or is it something separate?
- 20 W No, that's a very, very complex concept. Certainly from my perspective, I think that if you're comparing similar correctional centres, notwithstanding my comments before about often they're heavily nuanced because of a range of factors, but if we can just take that aside for the moment - in a centre with a high churn and high volume, where otherwise you had low incidence of self-harm, low incidence of officer safety and low incidence of assault, my view generally would be that that's worthy of investigation to identify what is happening there and is that a good news story, or alternatively are there other things that explain that; so not to accept it just on face value but to otherwise ask the question why is that so and what is occurring? What is capable of replication and are there broader issues at play?
- 30 CA So far as the private centres are concerned, there is the lengthy list of key performance indicators, perhaps 9 or 11 as the case may be?
- W There is, that's right.
- CA Can I suggest that none of those performance indicators for those centres directly relate to any aspect of culture building or having a corruption-resistant culture?
- 40 W I think they're measuring more tangible things in one dimension.
- CA Things that can be counted?
- W Things that can be counted, but they're probably not designed to capture those other things that are much more difficult to do, such as culture.
- 50 CA Given that that's so, do you have in fact any oversight on the culture that exists in those private centres when their KPIs are directed really to things that can be counted?
- W Notwithstanding my previous comments about the roles of the monitors locally to not only make sure that matters are being reported appropriately, they're also providing useful information about things that

otherwise are not being counted, how things are going generally, other issues by exception. I have visited on a number of occasions both of the private centres. I have spoken to the general managers, the senior people. I've got around and I've walked the units and the floors. I've spoken to the prisoners there. I've spoken to the staff. Other than my own observations and the observations of my senior people that have done something similar through performance management metrics, the answer to that question is, no, not directly.

- 10 CA It's more of an intuitive process, from what you described?
- W That's right.
- CA You go and observe and you get a feel for it?
- W That's right.
- CA And you apply your experience to what you see and hear; is that correct?
- 20 W That's true. That's correct.
- CA Is there a place, do you think, then, for some performance metrics concerning culture building and integrity?
- W I think there's a place for it generally in all of the correctional centres, not just the privates but also the state-run correctional centres generally. This is an important issue, culture, not only within the context of corruption but also in terms of safety. It's an important issue.
- 30 CA I've referred to the private centres because they have a clear and established list of key performance indicators. One can see what they are and whether they incorporate anything concerning the culture of the organisation or not.
- W That's right.
- CA What about the public centres, what are the performance measures for the centres as they currently exist?
- 40 W The process to this point has not been as transactional as it has been for the private centres. This has already been a conversation that I've had with the Deputy Commissioner, Custodial Operations. From my perspective - and I've said as much to the private operators - my view is that the same processes that we hold the private centres accountable for should at least be, and even arguably to a greater level should be, the same processes to which we hold the public, state-run correctional centres accountable.
- 50 To this point, it has been probably more of an organic process than a formal process than I would like, and it's a key body of work that we're going to address from terms of operational performance management at a centre level, including a process that in real time collects data to give us a sense of how things are tracking around those very, very important metrics that we spoke about before - self-harm, assaults, things that generally point to, in one dimension, the health of a correctional centre.

- CA Not to downplay the importance of those things one bit, but applying some similar or adapted list of KPIs from the private centres to the public centres, even if that were done, would the identification of progress on culture building still remain a more intuitive thing? I suppose what I'm exploring is the extent to which it's appropriate to leave it to intuition or incorporate it as some kind of performance measure.
- 10 W I think that the answer to the question, at least to my mind, comes into a couple of things. Firstly, be purposeful in terms of what you're counting. That's the first thing. It has to mean something and it has to take us somewhere. So have a process in real time to collect the data that we need to, around the hard things that we need to count; but more importantly around culture, from my perspective, there is an intuitive piece there in terms of how we capture that.
- 20 There are things that we can do outside of that that capture culture. I mentioned the Working for Queensland Survey. To survey our workforce around those key things that point to whether a positive culture exists I think is incredibly important, in an anonymous, frequent way that mines the ideas and the attitudes of the workforce, to ask them the question what's happening locally? What's working really well, the level of engagement that you've got? How do you feel enmeshed with the values of the organisation?
- So, yes, you can do that intuitively, informally, but there are ways that you can do that. You've got to invest in it, and currently we don't have that level of investment, but I think it's an important investment that we could make.
- 30 CA Insofar as the strategic plan refers to building a high-performing culture, how would one recognise whether there is a high-performing culture?
- W For me, a high-performing culture is to otherwise demonstrate that you use the resources at your disposal in innovative, creative ways, that you go beyond just merely your duty description, your role description. You go above and beyond. It's the sort of thing that you don't instruct people to do. For me, that sort of culture is one where people go the extra mile; people go above and beyond their eight hours if their shift is eight hours. They're always looking for ways to improve, to innovate, to create.
- 40 They're looking for ways to go beyond the status quo.
- For me, there are a range of ways to identify it and to look for that, and that should be recognised and it should be rewarded, and there are people that do that. But when you're in a system where sometimes it's highly transactional, one day can look like the next, and tomorrow can be shaped by today as today was shaped by yesterday, and so it's to recognise the fact that there are different ways and creative ways and we should recognise innovation.
- 50 CA To try to summarise, you would place value on the results of the Working for Queensland Survey in terms of identifying culture; correct?
- W As one measure.
- CA One measure, yes, and you'd rely on your own observations and what people tell you in their reporting to you, formally and informally?

W I would, and a range of other measures.

CA I just want to be clear on what measures you take into account. You have mentioned staff meeting their obligations, attending for work?

W That's right.

CA Are there others?

10

W There are. For example, without limiting the range of other metrics by which I would assess, the official visitor program, the degree to which feedback is being provided to me with respect to how they were received at a centre, how they were welcomed, what they found locally. Inspection reports from the Chief Inspector. Reports from the Ombudsman, the Queensland Audit Office.

CA Complaints?

20

W Complaints, absolutely. Absolutely, complaints generally. External agencies, the NGOs, the not-for-profits, what they thought about us. It's all well and good if people roll out the red carpet when I arrive at a correctional centre, but do they do the same for the official visitor? Do they do the same for a visitor? Am I getting letters and complaints? Are we getting letters and complaints? Are we getting people that say things on Facebook? The uptick in people on social media has been remarkable in the last nine months. We're having a very, very healthy level of engagement with the general public through Facebook and other social media.

30

All of these things, not one thing of itself, tell me about not only how people operate internally but more importantly how others, extraneous of the system, are being received and what their input and insights are with respect to corrective services.

CA Commissioner, I wonder if that might be a convenient time just for a break.

PO Certainly. We'll adjourn until about a quarter to 12. Thank you.

40

SHORT ADJOURNMENT

PO Yes, Mr RICE.

CA Thank you. Just a few more things, Dr MARTIN. On the same subject as we were speaking about before the break, so far as the private centres are concerned with the strong focus in their reporting to you on key performance indicators such as they are, does that focus serve as any limitation on the oversight of the existence and development of culture in the private centres?

50

W The metric that's collected and reported upon in the quarterly report is an important dimension of the work that happens at a correctional centre. There's no doubt about that. I am interested in the culture. I am interested in what occurs outside of those metrics. So to some degree what happens at those quarterly meetings as well is that there is an opportunity to have

a conversation beyond the KPIs. Often I use it as an opportunity to share with the private providers, in the case of Serco and GEO, my priorities, the things that I'm working upon, my philosophies and processes, the key organisational bodies of reform that we're operating on currently and where the nexus is with the work that they're doing and the work that I'm currently doing.

10 Equally, as has been the custom in the short time that I've been part of corrective services, there's an opportunity for them to have a conversation with me about more broadly some of the innovation, the things that the company is doing not only at the correctional centre site here in Queensland but more broadly and globally. It's a useful conversation and, to some degree, augments the very clinical, linear KPI that's collected.

CA Are you satisfied, then, that you can appropriately judge the existence of culture in the private centres by these means?

20 W Not by that entirely. By the site visits, the talking to staff, the talking to the prisoners - that's a useful adjunct. But if the question was the degree to which I have confidence that I can do that definitively, then that's a challenge, any more than I can do that with any other environment.

CA One avenue for dialogue that you didn't mention - perhaps I can remind you of the Tuesday morning meetings, I think? Is it Tuesday or Wednesday that you have a telephone hook-up with the general managers?

30 W The relevant Deputy Commissioner has a meeting with the general managers across the state.

CA I see. My memory has failed me in that regard.

W From time to time, if I have a critical issue to communicate, I will come in on those - Movis, they call them. It's an opportunity to teleconference with every correctional centre across the state. The Deputy Commissioner facilitates that.

40 CA So far as the public centres are concerned, you've described means by which you can make a judgment about culture. Are you satisfied that those means satisfactorily enable you to do so, or alternatively is there a place for some more systematic gathering of information concerning this key component of correctional service delivery, being culture?

50 W I think there's always an opportunity to do that in a better, more thoughtful way. What we have done has served us to a point, but from my perspective it's always to take a fresh and innovative look at what is possible, and culture is incredibly important. We need to look at everything that we can do, including surveying those within correctional centres, to determine that culture. From my perspective, we need to maybe look at a different, broader, fresher perspective of KPI that may extend beyond the linear.

CA I'm not hinting at any view that may be held. I'm really just asking for your views. There's just one matter I want to touch on, really in conclusion. Early in your evidence, on the first occasion, you declared your commitment to zero tolerance of corruption and fraud. I just want

to give you an opportunity to comment on that in the light of some other evidence that has been given in the course of the hearings to the effect that in reality there will always be a degree of tolerance, even at a low level, of corrupt behaviour within prisons and it's as well to recognise it. Would you be accepting of that?

W Do you mind if I just take a moment to unpack that?

CA Sure.

10

W Because it's not as simple as yes and no. If you think about my antecedents, if you think about what I've done in the course of my career over nearly 40 years as a police officer, if there are those that are holding the view that I should be accepting of criminality and criminal behaviour and behaviour that is at the upper echelon of the behaviours that I've spoken about, about corruption, I can't accept that. I'm sorry, I just can't accept that. And you would expect me to say that, no doubt.

20

The reality is that I will not accept the turning of a blind eye to inherently corrupt behaviour and absolutely unlawful behaviour. I will not accept that. I don't care whether that extends to what some might term - and I wouldn't - low-level recreational drug use in a correctional centre. I have no tolerance for that behaviour. I'll make that perfectly clear.

CA That's one example that might be used to illustrate that that kind of behaviour might, indeed, have a pacifying effect and have a positive effect on good order. Is there a place for that in your thinking?

30

W I'm sorry, no, I can't accept that. I won't accept that. That is not an aspirational goal that I subscribe to. The whole focus of this important inquiry is about corruption and corruption-related risks.

CA Yes.

W I cannot accept that. And where do we draw that line? To some degree, if we take it through to its natural conclusion, we will accept a level of low-level recreational drug use. Where does it stop becoming recreational and where does it stop becoming low level? And then where does it establish itself within the context of the power differential that exists between the prison officer and the prisoner, or alternatively one prisoner comparative to another? I cannot accept that. I cannot rationalise that. That knocks up against my personal values as well as my responsibilities to government, and I can't reconcile that and I won't concede to that.

40

However, can I say that in the literature from time to time it talks about prison officers and prison officials taking a very pragmatic approach to rules. Now, this is not unethical behaviour; it's not corrupt behaviour; it is not unlawful behaviour. But what it is is a practical application having regard for the circumstances of a matter that exists locally.

50

In the literature that I've read, there is an example there where a prison officer, a correctional officer, for example, might have been employing a policy locally within a residential unit. Let's just say, for example, that in this particular case it might have been that the prisoners were going to be reverted to their cells at 8 o'clock at night. They had access and privileges to a TV to 8 o'clock, but at 8 o'clock that needed to come to

finality.

10 It could very well have been a very prominent sporting match that, because of overtime, went beyond the 8 o'clock. It could have gone for another 10 or 15 minutes. To have turned that off and to have forced those prisoners to have gone to bed but for 10 minutes, to my mind, having regard to the downstream consequences, having regard to the rapport that would be established between that prison officer, the correctional officer, and the prison inmates and the downstream consequences to safety of the prisoners themselves and the staff, if that particular individual, having regard for all of matters confronting them, were to have a sensible, pragmatic application to the existing policy, I think that's good decision making and I'd support it.

CA You would allow for a discretion in that regard, by the sounds?

W I would, I would, under the circumstances, a very good and valid reason. But that does not extend to turning a blind eye to corrupt, unethical behaviour that would fundamentally be tantamount to criminal. I can't
20 accept that. I have a very strong view about that.

CA Do you draw the line at the unlawful?

W I absolutely draw a very, very hard line under unlawful, and there would be very significant consequences for those that chose to take a very different approach.

CA Thanks, Dr MARTIN.

30 W Thank you.

PO Mr MURDOCH, anything?

LR Yes, thank you, Commissioner.

40 You've just been asked some questions about whether you would accept that there is space for even low-level corruption or, by way of example, low-level recreational drug use, et cetera, and you have said a number of times that that's behaviour that's not acceptable to you in any form. Can you just develop on your rationale for that view?

W Thank you. From my perspective, it's all well and good to hold a theoretical, academic view on the margins when you don't have responsibilities. I have responsibilities. I have responsibilities to government and I have responsibilities under the *Corrective Services Act*. As a director-general, termed Commissioner, I need to act always consistent with law. My actions need to be authorised, they always need to be justified and/or, in cases where I need to exercise the most extreme amount of discretion, be excused.
50

Turning a blind eye to unlawful behaviour, having regard for the fact that in my position and in my role representing government when the law reflects the perspective and the will of government, is a non-negotiable, hard limit that knocks up against not only what I can do but also my personal hard values. I'm unflinching, completely unequivocal, on that point, notwithstanding the fact that the sensible, pragmatic application of

a local policy for very, very good and valid reasons is a very, very different issue. But we're not talking, in that particular case, about corrupt, unethical, unlawful behaviour.

So I have the responsibility. I have to act always in accordance with the law, and I take my responsibilities very seriously.

10 LR Just moving to one further topic, earlier in your evidence today you were asked some questions in respect of the autonomy of general managers and you were asked about the extent to which it was documented or recorded the nature of the responsibilities that were devolved to general managers. You referred to the existence of a duty statement, for example. Could I just get you to clarify, though, in respect of general managers, there are other documents, for example, that set out their delegations?

W Oh, yes.

20 LR There are also other documents, such as formal directives and procedures that apply to their role and their powers?

W There is a plethora of local operating procedures, delegations that otherwise articulate the responsibilities of a range of people, not least of which are general managers, within Queensland Corrective Services, so it's not merely confined to the issue of the duty description.

30 Can I also say to you, though, that to some degree any attempt to capture comprehensively the complexity of the roles of a general manager - largely there are other dimensions of their roles, as well, that come with the expectation that you probably wouldn't find articulated, but it's also something that needs to be reviewed from time to time because the role is taking on a degree of complexity that probably couldn't have been envisaged maybe 10 years and certainly not 20 years ago.

LR No further questions, may it please the Commissioner.

PO Thanks, Mr MURDOCH.

CA May Dr MARTIN be excused, Commissioner?

40 PO Yes, thank you. Thank you, Dr MARTIN. Thank you for coming. You are excused.

That is the last witness for today, Mr RICE?

CA Yes, Commissioner. Perhaps you could adjourn now to a date to be fixed, as indicated yesterday.

50 PO Yes, we will do that. We hope to be able to resume with the remaining witness, Dr WAKEFIELD, before the end of October. As soon as we have a date fixed, we will notify that on the website.

Thank you for your assistance. Adjourn to a date to be fixed.

END OF SESSION