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TRANSCRIPT OF PROCEEDINGS

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MAGISTRATES COURT

HALL, Magistrate

MAG-00121522/17(9)

POLICE

Complainant

and

CHRISTOPHER MAURICE CAREY

Defendant

BRISBANE

10.48 AM, TUESDAY, 21 NOVEMBER 2017

DECISION

Any Rulings that may be included in this transcript, may be extracted and subject to revision by the Presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

BENCH: Yes, Mr Carey. I take into account your plea of guilty. You have a lesser penalty because of that. I take into account your otherwise exemplary behaviour. You were not a police officer until relatively late, were you?

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DEFENDANT: Twenty-four.

BENCH: Twenty-four. Well, you have never been in any trouble as a young man, as some – as many young man are. You have led an exemplary life. It is so regrettable that you are in Court pleading guilty to this matter, and I take into account your plea of guilty. You have a lesser penalty because of that. This offence is not simply use of your employer’s computer or breach of protocols. It is a complete disregard of the separation which must exist between your great privilege as a police officer and great privilege in powers and the information available to you for – only for your employment.

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Now, it has not been submitted to me, but it may be a culture that necessitated the directive from the Commissioner, but to me, it is a serious ethical breach and indicates, in your case, a serious misunderstanding of the ethical obligations that you have, let alone the breach of the legislation. You have not been charged under the Criminal Code. I take into account the references on your behalf and, in particular, I am very taken with the reference from your wife who is clearly very supportive and understanding.

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DEFENDANT: Yes, she is.

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BENCH: I infer there has been an impact on her and your family. I accept you are remorseful or hope that you understand the enormity of the breach.

DEFENDANT: Yeah, I wish I can tell you, but can’t really speak about it - - -

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BENCH: It was – it is an enormous breach that cannot be really addressed in – it is a large fine. It is something that if – it would be – it is something that has to be recognised by a large fine, but really has to be really grasped by you. Citizens have to know that police – have to have respect to police officers. It is something I see as a judicial office, how important it is, because police officers have so much power and they have, of necessity, in many cases – but to erode the respect by a casual and – use of the resources available is a very sad thing.

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I have been provided with a number of similar circumstances where fines have been imposed. I regard it as so serious that I regard the fine as quite low. However, in your case, I accept that you accessed the computer on a low number of occasions, but it is – and you were apprehended – the use was detected reasonably soon, but to you – perhaps, it is fortunate for you. It has to be understood, and it is being understood, that these offences – this behaviour is wrong. Referring to the other penalties, you were convicted and fined \$1500 and referred to SPER, but I wanted to say, if I have not clearly said, that it is such a serious breach.

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DEFENDANT: I – I – it's been the most devastating thing that's ever happened in my life and I've got no – I can't even talk about it sometimes because I try not to think about it.

5 BENCH: Because you really understand - - -

DEFENDANT: Oh, yeah [indistinct] yep.

10 BENCH: - - - how wrong it was.

DEFENDANT: Done the right thing for 18 years and, you know, work pretty hard and pretty like – like - - -

15 BENCH: Well, it's just a demonstration that nobody is perfect.

DEFENDANT: Yeah, I know.

BENCH: People make mistakes.

20 DEFENDANT: Just lucky that – hopeful I get a second chance, you know?

BENCH: People make mistakes and you made a serious one, but that is, of course, weighed against all of the other situations where you have acted properly and ethically. Taking into account the fact that there may – there would be other
25 consequences. They may be harsh, they may be – Mr Gnech is unable to tell me what they are, but there will be other consequences because you have committed this serious offence within your employment, and it really goes to the heart of your – your behaviour goes to the heart of the duties that you have to behave ethically. No conviction is recorded - - -

30 DEFENDANT: Thank you.

BENCH: - - - because of the adverse effect on you in your employment and in – against your otherwise good behaviour and also the nature of the offending.

35 DEFENDANT: Thank you.

BENCH: It was not done – I should emphasise it was not done for any particular benefit to you.

40 DEFENDANT: No.

BENCH: Thank you.

45 MR GNECH: Thank you, your Honour. That is my only matter here this morning.

BENCH: Thank you.

20171121/BMC/MAG/39/Hall, Magistrate

MR GNECH: Thank you, your Honour.
