



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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

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**OPERATION IMPALA
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20 **DAY 5 - FRIDAY 15 NOVEMBER 2019
(DURATION: 42 MINS)**

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LEGEND

30 **PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – JULIE FOTHERINGHAM
HRO Hearing Room Orderly – KELLY ANDERSON
W Witness –KIM PAPALIA
LR Legal Representative – MUNASINGHE, S for Queensland Corrective Services
LR Legal Representative – NATALIE SMITH for QPUE**

OFFICIAL

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CA I call Assistant Commissioner PAPALIA.

PO Good afternoon. Do you prefer an oath or an affirmation?

W Oath, please, sir.

HRO The evidence which I shall give.

W The evidence that I shall give.

10

HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

W Shall be the truth.

HRO The whole truth.

20

W The whole truth.

HRO And nothing but the truth.

W And nothing but the truth.

HRO So help me God.

W So help me God.

30

PO Thank you. Have a seat.

CA Good afternoon, Assistant Commissioner.

W Good afternoon.

CA You were provided with an attendance notice for this afternoon?

W Yes, I was. For this morning, but...

40

Thank you.

CA That's the notice?

W Yes, it is, sir.

CA I tender that document.

PO Exhibit 84.

ADMITTED AND MARKED EXHIBIT 84

CA Assistant Commissioner, you are in charge of the Integrity and Professional Standards Command at Queensland Corrective Services?

10 W Queensland Corrective Services is going through a period of transformation and that includes, on occasion, title change. We're actually Professional Standards and Governance Command.

CA And you've been employed in the public sector across Australia for a number of years and performed a number of senior roles in integrity agencies, including the Corruption and Crime Commission in Western Australia?

W Sir, I've been in the public service 39, nearly 40 years now. I've been law enforcement and integrity. My background is in intelligence and investigations.

20 CA I'd just like to ask you a couple of quick questions about declarable interests. So the staff at your agency are required to submit a conflict of interest declaration to their manager for assessment; is that correct?

W So we receive conflict of interest and secondary employment declarations, so it across both spectrums looking at association.

CA And is there a register, central register kept?

30 W We operate on spreadsheets. And, yes, we have large spreadsheets.

CA And is the register audited?

W It is very difficult to audit our systems, but we do have it because it is hard copy reports that we receive, then we enter them on to an Excel spreadsheet database. We would like to move to a platform that is proactively auditable, can provide us greater intelligence capability in terms of linked association and identification of risk. We don't yet have that.

40 PO That, I assume, is at least a mid to long-term goal to have an ICT facility that permits that sort of activity?

W Sir, I'd much prefer it to be a mid-term than long-term, but it is part of our objective.

PO Yes.

CA And is there a requirement on staff to report a potential conflict as they arise throughout the course of their employment?

W Yes, sir. It's on original induction to the agency. And then throughout the employment with us, there is an obligation on staff to recognise and report. And equally, we ask our managers and supervisors to remain conscious in regard to risk of association or conflict of interest.

10 Equally, at particular times in regard to roles they might participate on, as an organisation, we're involved in significant procurement projects, either for services, or for consumables, or infrastructure built. We're going through some major infrastructure builds at the moment. If you are involved in any of those processes, you are required to declare any observed or potential conflict of interest.

CA And with respect to recruitments, is there a check in relation to any post-separation declaration being in existence for new employees?

W So we do undertake due diligence in terms of checking background for our employees, and that does include within Queensland, but we also look to extend that as a national search check. Sorry, just to explain, we also do
20 international countries like New Zealand.

CA And is there any reward for good conduct, any process in place for recognition for particularly good service?

W We like to show case success. We have a reward and recognition program that's just in draft and about to be rolled out. We also, within my command, we do a lessons learnt project, that is about learning from our investigations, learning from our observations and capturing the knowledge that we acquire and then providing it back to the organisation. That includes, from our
30 perspective, those good success stories where it is not only about what people do wrong, it is normalising what the successes are. So we incorporate into our scenarios when people have done the right thing, like show case it, and reflect that to our people.

PO And how do you communicate that to the staff, send a newsletter, or?

W We go through the full suite of communications. We have newsletters. We are just launching, and I'll probably breach the launch now, a newspaper, which is recognising that in our environment not all of our staff at any
40 particular time have access to IT base, because of the nature or the environment they work in. So we look to produce, effectively, old-school style newspaper that can sit on the coffee table, can sit in the crib room and be able for them to peruse. It gives us the opportunity to reinforce positive messages and positive stories.

We also deliver the lessons learned. And this is a new program that we've implemented, where we're going back out to our centres to deliver to management group scenario training in regard to cases, workshopping through

the process. The management group and the intent in the program is that they get to work on a scenario, workshop it, they provide advice of what their approach is, and we inform that as to what historically may have occurred and what the practice/procedure process is in regard to responding to either issues risks or recognising good performance.

PO And does that include visiting the management at individual prisons?

10 W It's our goal that we'll go out to all of our centres and also our community corrections, because we have a large population, workforce population in the community. We need to reach all of them in terms of our risk environment and try and look at how we can present that message.

20 In our program we've looked at incorporating behavioural scientists to inform us what may work best in our different environments, and also to give us that means of measuring it. It is often very hard to measure success, because particularly when – you're measuring things that don't occur. So we've got behavioural scientists as part of our team now to try and better inform us what different exercises or initiatives we can implement, how do we measure it, and do that return on investment to say what works best in our various environments. And we have diverse environments across a large state.

CA And we've heard some evidence that certain agencies, they have de-identified case studies that are sent out in newsletters and things like that. Does your agency utilise the mode of using case studies as a deterrent and educational tool?

30 W So, we do. Our scenarios are based on actual case study. We do de-identify them. We work hard to try and ensure that people won't identify where it is. We do that for a couple of reasons; ones, privacy of people that are involved but, equally, we want to demonstrate these risks are transferrable across the organisation. So it's about reflecting that this risk is relevant to you. If it was too specific to one side, the risk is our population, our audience that we're trying to reach, might not reflect that it's relevant to them.

CA Now, the Commission, Operation Impala, gave you some notice about some case studies that we'd be discussing?

40 W Yes, thank you.

CA Yes. So if I could just turn to the first one, which relates to a letter that was sent from your agency to the staff member concerned on 23rd July 2019. Is that the letter?

W I've been shown a redacted letter, but it's something – that does appear to be the letter, yes.

CA Now, did you want to go through the factual circumstances in relation to what

happened, what was the misuse of information, and then what action did your agency take, and then what was the outcome?

W I'm just going to link it to...

CA That's okay. Just one second.

Just referring to case study U. I tender that document.

10 PO Exhibit 85.

ADMITTED AND MARKED EXHIBIT 85

W Thank you.

PO Perhaps if I can set the scene in this way: as I said in the opening remarks, it's not about naming or shaming anyone in respect of these hearings, it's all about finding an evidence base to recommend changes that might improve the system for all of the agencies across the sector.

20

Our experience in the prevention field at the Commission has been that one of the best ways to achieve reform and to send the message of what's required is to use case studies. These have been de-identified. We don't expect you to discuss the revealing details of them, but we do need sufficient detail to make sense of the seriousness of a matter, and particularly what the response by the agency was.

30

So if you just bear that in mind. I don't want you to be uncomfortable talking about these in anyway. And if there's a need to not publish things or to amend things, we can do that. So you can speak freely within those constraints, if you could.

W Certainly, sir. In this instance, an officer working on behalf of the -- with the agency utilised our IOMS database to access personal and private information about a person who that officer had met online on an online dating service. The accesses were not associated with work, not associated with the role that that officer was in -- participating in, and related to a personal interest and the agenda of that officer.

40

It became apparent that the officer, through investigation, had accessed our systems three times. We take access and disclosure of information very seriously in regard to our security of information. We -- in our assessment process, which is the first tranche of our practice regarding moving into a disciplinary process, that involves an assessment. In this instance, that type of assessment is considered level one corruption, so we notify CCC and we notify -- yourself, sorry, and we notify police. Through the process we're advised of an outcome of the assessment from CCC and from police. And in this instance, we progressed into a disciplinary matter in regard to the officer.

In this instance, the officer actually separated from the agency prior to the disciplinary proceeding coming to conclusion. We chose then to implement a post-separation process. We did that on the basis that the likely outcome of this type of access could have been termination or a reclassification. But that's in accordance with 188A of the Act. We did apply that process. And the outcome by the decision-maker, who is independent of the investigation, was that they would apply a reclassification.

10 In this instance, that reclassification went from AO3 to AO2 level. And what's pertinent about that is that the reclassification, in effect, would have prevented the officer from accessing IOMS in their future role. So not only did it apply a sanction, but it also mitigated future risk at that time in regards to any future risk that the officer represented. The post-separation process enabled us to record that outcome, and that's on record.

PO Can you tell me, if you know, how the matter first came to light that there had been unauthorised access? Was there a complaint, or was it picked up in audit, or?

20

W It was complaint-based because of the manner of the access. And it was about an individual who was in our system, and they became aware. And it was a complaint list.

PO Thank you.

CA And you referred the matter to the Queensland Police Service, Corrective Services Investigation Unit. .

30 W The CSIU. At the same time, effectively, we refer to CCC. We also refer to CSIU for consideration of potential criminal conduct and the 408E.

CA And the CSIU replied to you on 31 July 2018?

W Following those initial referrals, we don't often activate any disciplinary investigation until we're given advice back from the agencies, either CCC or police.

CA Yes.

40

W We do this so that we don't compromise or we don't risk compromise of any continuing investigation by those agencies. When QPS or CSIU provided us advice back, we were in a position then to be able to implement our own investigation.

CA Thank you. I will show you a copy of the redacted email from CSIU to your agency.

W Thank you.

CA Is that a copy of the email?

W Yes, it is.

CA I tender that document.

PO Exhibit 86.

10

ADMITTED AND MARKED EXHIBIT 86

CA So, in here, the police are saying that they have finalised their investigation and it is not in the public interest to proceed.

W Yes.

CA Did they give any explanation why it wasn't in the public interest to proceed?

20

W No. We're not privy to what police may discover during investigation. And I also would observe, we operate in a disciplinary administrative investigative – on the balance of probability. Police operate on beyond reasonable doubt in terms of their threshold. They don't provide us necessarily advice in regard to why they won't proceed. That's – and that was the case here.

CA Let's go to the next case study, W.

W Thank you.

30

CA In a similar manner as with the first case study. Are you able to explain the facts?

W So this also was a disclosure of confidential information from the IOMS system. It was, I would say, actually, rated as a significant risk because it was a disclosure to other people within the system, other prisoners.

40

To me, that reflects a risk in relation, not only of access and unauthorised disclosure, but it also reflects risk in relation to the officer being vulnerable to grooming, and the potential that that officer is being targeted for grooming and has been found to be vulnerable for that risk. In this instance, the officer did access our system. They did acquire information from our system. And they showed that information to people in other -- prisoners in the system.

CA And that was a period from 20th June to 5th October 2017?

W Yes, it was.

CA And how was that staff member detected?

W Through complaint and then subsequently investigation. And the audit from our systems confirmed what we believe was the case. Then investigation undertook to determine the nature of the access, what occurred with that information, and witness interviews through to exhibit collection. The matter was referred. And we ultimately embarked on a disciplinary process. The outcome of the disciplinary process moved to a deed of settlement.

10 PO That is the person left the organisation?

W Sir, yes.

PO Thank you.

CA And in relation to the criminal charge for section 408E of the Code there was a fine of \$1,200 and a conviction was not recorded?

W Yes, sir.

20 CA And with the disciplinary action, it was a decision of termination?

W We didn't – it was a decision of termination. It ultimately though did – was settled. And a deed of settlement does actually contain confidentially-

CA Yes, we won't talk about that.

W Okay.

30 PO So I'll mark that Exhibit 87.

CA Yes, I'll tender that document.

ADMITTED AND MARKED EXHIBIT 87

CA Just moving on to Z. There's a letter from the Queensland Corrective Services dated 26 June 2019.

W Thank you.

40 CA Are you able to talk about that?

W I am. This particular case was over a long period of time, involved a high volume of access and conflict of interest in terms of a personal relationship. The officer accessed and continued to access information regarding a prisoner over a long period of time, and then subsequent to that prisoner being in the system when they moved into the community. So as a consequence, investigation was undertaken. It was a conflict of interest and unauthorised access, and the ultimate outcome was termination.

CA And the period of access, misuse of information, was from 26th November 2012 to 23rd November 2017, so it was five years?

W Yes. And that's reflected in the number of accesses which was in excess of 93, from recollection.

10 CA We've heard evidence from your colleague, earlier on today, that moving forward that there was a period of time where there wasn't some auditing and now there's going to be proactive audits, so these types of elongated periods of misuse should be nipped in the bud sooner?

W Sir, we have a project team in place that looks at our information security management. And we are looking to implement capability that will allow us push alerts, so the system will identify accesses that are suspicious, for want of a different word, they will notify, provide notification.

20 Currently, we have systems that alert a user who might be accessing a – restricted information, that they're about to access restricted information and gives them that pause where they can consider it. We are moving to an environment where we will have a system capable of alerting management and intervening early, so we can have preventative action. And will also, hopefully from my perspective, it will give me opportunity then to do trend analysis in regard to risk. And we are moving into a new intelligence domain in regard to integrity. We will look at strategic intelligence operational intelligence. We currently do tactical intelligence. Our strategic intelligence framework looks at our entire environment and will identify our broad issues and risks, and we will use that to direct our focus operationally and tactically.

30 In terms of operational intelligence, we can acquire off-the-shelf type software applications that are not necessary used in intelligence capable -- that apply them in intelligence domains. There I'd be talking, like, Microsoft sentiment analysis that can give us an indication in regard to our operational effectiveness and also early alert in regard to social media discussions about risk, which allows us then to focus response much sooner. So we are moving into that domain. It is building capability and capacity. And that's a work in progress.

40 CA And with, just for completeness, this employee was charged and pled guilty, and was given a good behaviour bond of eight months and a \$400 fine?

W Yes.

CA And the number of accesses numbered 62?

W (Nods).

CA Yes.

PO I'll mark that Exhibit 88.

ADMITTED AND MARKED EXHIBIT 88

CA Just moving on to a matter which has been the subject of mentioning the Prevention In Focus publication by the Commission in May this year. Have you got a copy of that? We can provide you with a copy.

10 W I believe I do, yes.

CA As much as you are able to talk to this one, could you provide some factual circumstances around it?

W This matter actually progressed as an investigation, resulted in charges and conviction in January 2019. But it originated some time ago. So it came to light 2016, and through the period 2016-17 with regards to accesses-

20 CA -I believe it was another one over a long period of time, 5.5 years of offending?

W Yes, it was.

CA And the employee held a supervisory role?

W Yes, the employee did. So it was a senior position. Had access to our information systems, it incorporated confidential private information. And the accesses included unauthorised access over that period of time.

30 CA Any other details you're able to share in relation to that one?

W It's public record that the matter went to court and involved a fine and the officer resigned prior to – or early in the investigation process.

CA And you pursued post-separation declaration?

40 W I'd have to take that on notice, sir, because I don't know immediately whether post-separation was pursued. I think a conviction occurred in January this year, which is a couple of years after the investigation. That's not uncommon. And there would be just potentially in the period – I'd – I'll have to find out.

CA And I tender that document.

PO Exhibit 89.

ADMITTED AND MARKED EXHIBIT 89

CA I will turn to the last case study, X.

CA There's a letter from the Queensland Corrective Services dated the 1st of October 2019. I tender that document.

PO Exhibit 90.

ADMITTED AND MARKED EXHIBIT 90.

10 CA It's another one where there is a conflict of interest, failure to disclose a relationship. And the offending occurred between November 2018 and January 2019 and it involved IOMS system again.

W Sir, it did. It occurred in community. So the scenario was an officer who worked in the community domain with a case was accessing confidential information over a period of time. Failed to disclose an association. And part of that process was also the audit discovered a series of accesses over that extended period of time. Ultimately this moved to an investigation and a post-separation process. That it involved the outcome that it was a declassification. It was a professional level that was declassified to an operational level. That ultimately incurred the inability to access IOMS but by that stage the officer had left the service.

CA So it was from PO2 level 2 to AO3 level 1?

W Yes, sir, it was.

CA And post-separation disciplinary declaration was sought in this case?

30 W Yes, we did continual – we undertook a post-separation process and that was when the reclassification occurred as an outcome.

CA And this was one where there was the initial referral to the Queensland Police Service via the CSIU?

W Yes, sir. As is our practice, the CCC and CSIU are notified in relation to apparent or potential unauthorised access or disclosure of information, as was the case in this instance.

40 CA I'll just show you an email train between your agency and CSIU, on the 14th of February.

W Thank you.

CA I tender that document.

PO Exhibit 91

ADMITTED AND MARKED EXHIBIT 91.

CA And at 3.28 that afternoon on the 14th February your agency sends the referral to the police. And then a little over three hours later, at 6.51, the same day, the police respond to you. And I'll just read into the record:

"I have reviewed this referral and confirm CSIU will not be undertaking a criminal investigation regarding this matter based on available evidence which would constitute the simple offence and not be in the public interest to proceed."

10

W Yes, sir, that's correct.

CA Do they normally give you that type of quick turn around?

W It varies. The turnaround time varies and there could be any number of reasons in regard to complexity of the matter, timing, their capacity at any particular time and the availability of officers and intelligence source.

20

CA Sir, with this case study, there are a couple of aspects that I believe you wanted to mention. One of – well, three, sorry. One of them was the IOMS agreement, the warning sign, that is prior to access to the IOMS database system?

W Sir, I think that's probably even more broadly than this particular case, but it does-

30

CA I'll just show you it on the screen. Yes. And that's Exhibit 79. So that's the current one, that's your colleague earlier today and we tendered that through him.

W It is, sir. And I, just for awareness, we have revised the access agreement-

CA Yes.

W -that will make more specific awareness to any person accessing, that security, access and information broadly is part of our security environment, there are obligations on those officers and they have risk if they choose to access and they are unauthorised to do so, or they could face criminal or departmental sanction.

40

CA And I believe there's another document, the Code of Conduct for the Queensland Public Service, the version dated 1 January 2011, you wanted to speak to three of those sections.

W Sorry. Yes.

CA I'll just show you the document.

W In the revised version we're also making reference to Code of Conduct and drawing to the attention potential breaches for the awareness of officers.

CA So if we go to – I'm just getting the document for you.

W Thank you.

CA I tender that document.

10 PO Exhibit 92.

ADMITTED AND MARKED EXHIBIT 92.

CA Sir, if you speak to standard 1.5 of the Code, demonstration of a high standard of workplace behaviour and personal conduct.

W Yes, we do adopt that threshold in terms of expectation on our staff and we utilise that. So if staff aren't accessing authorised information – or aren't authorised to access information or equally if they disclose information, then
20 in terms of our disciplinary process it can – to be honest – it can be a breach of Code of Conduct and as a consequence we consider that seriously. The sanctions are serious. They do and can involve termination through to reclassification, all depending on the circumstance at the time.

CA And then standard 3.1, commitment to roles in public service.

W Equally applicable in relation to security of information, sir, and we do apply that in regard to our warnings. Our officers when they first come into the agency and they're exposed to IOMS training also need to sign a condition and
30 declaration in regard to access. That reiterates this information and brings very clearly to their attention that they are accessing private secure information. They are under obligation to only do so if they have authorisation and if they disclose or improperly use that information they will be subject potentially to criminal or disciplinary matters.

CA And then the last section, which I believe you want to highlight is standard 4.4, to ensure appropriate use and disclosure of official information.

W So that specifically speaks to access and disclosure of information and that is
40 directly pertinent to our cautions that we're incorporating into IOMS accesses and our declaration and our general learning in regard to our messages that we're reiterating out there. We're going through a full suite of messaging, we're looking at what works most effective and we will attempt to measure that It is in training, it is in visual messaging, it is in screen savers, online screen savers, but it's also reiterated in our newsletter and newspaper, on banners on the wall. We seek opportunity just to reinforce the message so we can keep our people aware of the risks they face in our environment. And ultimately it is about keeping all of us safe.

CA And so it appears that a very strong stance is taken in relation to referrals for criminal prosecution and the disciplinary process which flows after that, if that is done. Including up to post-separation declarations. Can you explain why such a strong stance is taken by Corrective Services in relation to staff who misuse information?

10 W Sir, I think it is important to reflect that our people operate 24/7 in an environment of risk delivering safety for the community of Queensland. In that environment we look to address every area of risk for them, and that can include access or unlawful disclosure of information because that makes them vulnerable, makes our operating environment vulnerable, can impact on the integrity of our service, can impact on the reputation of our service. But it exposes our individual officers to risk and their colleagues in the workplace. We look to reinforce – we operate in a safe environment, as safely as we can be. That's about mitigating every risk and accessed information only creates risk if it's not done lawfully.

20 CA And are you able to let me know, just one last matter, how many outstanding police referrals there are from the 2018-2019 financial year?

W If I'm – outstanding in relation – how many have we made during that period?

CA Well, how many you have referred and you haven't heard back yet?

W I think I'd have to take that on notice in terms of not hearing back. From recollection, we've referred 32 during the period. Police have progressed two; one was discontinued.

30 CA During the 2018-2019 financial year?

W I think it might extend – yes, actually to – but it's up-to-date.

CA Up-to-date.

W So we're now in 2019-2020.

CA Up-to-date. Okay. All right. Thank you very much for your time. I don't have any further questions.

40 PO Thank you, Ms FOTHERINGHAM. Mr MUNASINGHE, do you have any?

LR No questions, thank you. Chair.

PO I assume you have nothing in the back?

LR No, Chair.

OFFICIAL

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PO Thank you. Thank you, Assistant Commissioner. It was very helpful. You're excused.

W Thank you, sir.

CA That concludes the witnesses for today, Chair.

PO Thank you. So Monday at 10?

10 CA Yes, thank you.

PO Thank you.

HRO This hearing is adjourned.

END OF SESSION