



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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

File No: CO-19-1209

**OPERATION IMPALA
HEARING NO: 19/0006**

20 **DAY 6 - MONDAY 18 NOVEMBER 2019
(DURATION: 2HRS 59MINS)**

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proceedings.**

LEGEND

30 **PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – JULIE FOTHERINGHAM
HRO Hearing Room Orderly –FALLON SMITH
W Witness – KATARINA CARROLL
LR Legal Representative – TROY SCHMIDT for Queensland Police Union
LR Legal Representative – CRAIG CAPPER for Queensland Police Service**

HRO All rise. This hearing has now resumed.

PO Good morning.

CA Good morning. Good morning, Chair. I call Commissioner CARROLL.

PO Good morning, Commissioner.

W Good morning.

10

PO Would you prefer to have an oath or affirmation?

W Yes, oath, thank you.

HRO Can you please put your right hand on the Bible and repeat after me. The evidence which I shall give.

W The evidence which I shall give

20

HRO In those proceedings.

W In these proceedings

HRO Shall be the truth.

W Shall be the truth.

HRO The whole truth.

30

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.

40

CA Good morning, Commissioner.

W Good morning.

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

W That's correct.

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CA May the Commissioner be shown a copy of the notice, please? Is that the notice?

W That's correct.

CA I tender that document.

PO Exhibit 93.

10 ADMITTED AND MARKED EXHIBIT 93.

CA Commissioner you have been the Commissioner for the Queensland Police Service since July this year; is that correct?

W That's correct.

CA And for the previous four years you were Commissioner for the Queensland fire and Emergency Services?

20 W Close to four and a half years. Thank you.

CA And have been with the Queensland Police Service since 1983?

W That's correct.

CA Your qualifications are an Executive Masters in Public Demonstration from Griffith University.

30 W Yes.

CA And a Bachelor of Criminology and Criminal Justice?

W Yes.

CA And you have been awarded the Australia Police Medal?

W Yes.

40 CA Has the Queensland Police Service provided a submission for these proceedings?

W No. We are going to decide – sorry, I'm just looking at counsel – the decision that we will probably still make our mind up as to whether we provide a further submission to the proceedings.

CA Would you like to make an opening statement?

W Yes, thank you.

10 The Queensland Police Service is the primary law enforcement for Queensland. It fulfils this role throughout the State 24 days seven a day, upholding the law and providing assistance to the community, particularly in times of emergencies disaster and crisis. Our current bush fire emergency and the impact it is having on our community as we sit here today is an example of the relevance and importance of that role. The Queensland Police Service rightfully expects that every member of the organisation, whether sworn officers or staff members, discharges their duties ethically and professionally. This expectation clearly reflects that of the Queensland community and of the government of the day.

We are an organisation of some 15,500 members across the State of Queensland and on an annual basis attend to some 1.4 million calls for service and undertake over 6 million interactions with the public, each of which requires inputting and checking on a variety of QPS indices and databases. Our purpose is, in collaboration with community, government and non-government partners, provide effective high quality and response in policing services to make Queensland safer.

20 A wide range of legislative instruments and provisions exist in order that the Police Service is able to undertake it's vital and important work throughout the State and understandably information is a critical element in fulfilling that purpose. Being an emergency service means that placing restrictions on and access to and of confidential information which supports and assists the vital functions of the QPS must be balanced against the circumstances where members of the service may access data or information inappropriately or release that information in contravention of operational, legal and ethical requirements.

30 What is incredibly important here is that if any such contravention occurs appropriate and proportionate discipline or criminal action be taken. In that regard, QPS has mandated that all information access or misuse matters must be referred to the Office of State Discipline and dealt with at the most senior level within the organisation as a means of providing consistency and determinations in outcome and to reflect the level of importance based on this type of conduct.

40 The QPS will be represented at these hearing by the Assistant Commissioner of Ethical Standards Command and the Chief Superintendent, Organisational Capabilities Command, with a view of providing a breadth of information around this important issue, with the particular focus on our most significant information holding database known as QPRIME.

Since 2016, the QPS has seen reductions in the numbers of information access or misuse matters and this reflects the work that is being done across the organisation with the view to changing the culture of our personnel in this space, increasing education and awareness at all levels and enhancing the decision making that surrounds the classification and investigation of these types of

matters. Clearly there's more work to be done. We have been working closely with the Crime and Corruption Commission to address this type of behaviour and in that regard I acknowledge both the relevance and the importance of these public hearings and the opportunity to continue in our resolve with the view to greater preventive strategies, coupled also with the detection strategies. These are subjects my previously mentioned colleagues will be able to address in greater detail with you and once again sincerely thank you for this opportunity to partake in this important endeavour and I invite further questions. Thank you.

10

CA May Commissioner be shown the organisational chart for the Queensland Police Service? I tender that document.

PO Exhibit 94.

ADMITTED AND MARKED EXHIBIT 94.

20

CA Commissioner, would you like to speak to that document to provide an overview of the functions that the Queensland Police Service is responsible for performing and how those functions are performed within the structure of your agency?

W Yes. Thank you. Okay, so obviously as the head of the organisation, it is structured under three deputies that perform specific roles. Regional Operations looks after the five regions that we have throughout Queensland, Northern Region, Central Region, Southern Region, South Eastern Region and Brisbane Region. That portfolio at the moment is vacant and I have an Assistant Commissioner acting in that role.

30

There is the area that concentrates on our specialist operations and our counter-terrorism area and crime. State Crime Command, Security and Counter-terrorism Command, Intelligence and Covert Services Command, Operation support Command, Road Policing Command, Community Contact Command. That is currently being undertaken by Deputy Commissioner Tracy LINFORD. And the Strategy, Policy and Performance, which contains the People Capability Command, Organisational Capability Command, Ethical Standards Command, Crime and Corruption, Legal Divisions and sorry the Crime and Corruption Police Group that sits down here, our Legal Division and Policy and Performance. That is undertaken at the moment by Steve GOLLSCHEWSKI, and he also is currently the State Disaster Coordinator. And as you can see, the newly formed group of State Discipline, which is under currently an Assistant Commissioner which reports directly to the Commissioner of Police.

40

Our role ultimately is for the security and safety of the people of Queensland, and whilst there's many aspects to that, that is ultimately what it is.

Can I just comment, we are going through a review of the organisation currently, and whilst the structure is the way it is at the moment, I anticipate that that will change in the coming months.

CA And in general terms, can you explain the type of private and personal information that your agency collects?

10 W We have an extraordinary amount of information for obviously very good reasons and that really is accessing information to keep the community of Queensland safe. But we will have intimate information about people's addresses, circumstances, date of births, intel holdings about people across a range of measures. So I would say out of all departments, we hold probably the greatest holdings of information on people and some of the most sensitive information around people in Queensland.

20 CA And how would you describe the structure of your organisation in terms of responsibilities for privacy, information technology, security and information management and the third area being ethical standards and disciplinary investigations? I believe you mentioned, Commissioner, earlier about the new central unit for disciplinary investigations.

W Sorry, can you just-

CA -The three areas, privacy, information technology and security and information management.

W Yes.

30 CA And the third one ethical standards and disciplinary investigations.

40 W Okay. So those areas are held within the strategy policy and performance of the organisation. And that comes under a newly appointed – actually he's not newly appointed, the Deputy Commissioner that I have just moved to that area. So you will see that Assistant Commissioners, particularly Ethical Standards Command who will speak right after me, reports directly to that deputy. The Legal Division contains our right to information, I believe, whilst it is not specified in here. And the State Discipline area reports directly to me. There was a purpose for decision made around State Discipline which deals around areas of inappropriate and misuse of information, domestic violence and workplace bullying complaints. That was purposefully set aside to the State Discipline so it reports directly to me. Whilst the other areas, and also, sorry you touched on IT and core systems, etcetera, sits in Operational Capability Command and also reports to that deputy.

I have an Assistant Commissioner that looks after ICT within the organisation, but we do have another department PSBA who also, I suppose, on the broader area also looks after ICT within the department. So they look after ICT for us, for QFES, for IGEM, as well as PSBA themselves. So they work at the greater

more macro level and at the more micro level the agency looks after the ICT systems within its own organisation.

CA Thank you. And what do you see as the greatest risks and challenges in managing the privacy of information within the Queensland Police Service?

10 W The enormity of the amount of information that comes in, firstly, and I've touched on that, the 6 million contacts that we have with community and the 1.4 million calls for service that we get. And I know that it's actually the contacts are more than that because at the moment we're going through a process of measuring demand. And I'm not satisfied that we're measuring it well enough and would I believe that those numbers would be greater.

20 Some of the biggest challenges, of course, and we have exceptional recording in QPRIME and how we record our interactions with the public, but making sure that that is secure and that it is used appropriately. We have very, very good strategies in place that we know what interactions have taken place and why, but I would say some of that may be after the event. And of course, you know, some of the risks with that, that come with that, is to make sure the information is appropriately used and if it doesn't some of the risks for the organisation is that it could lead to corruption, or really, one of the greatest risks, I suppose, is loss of confidence from the community as a result of not using that information correctly.

CA Thank you. Is there someone or a group of staff members in the Queensland Police Service who regularly review the risks and mechanisms in place to deal with those risks in relation to systems, processes and people?

30 W Yes. So we have - and my Chief Superintendent Matt VANDERBYL will talk to greater detail in relation to this, but we have systems that occur at every level to deal with that issue. But we also have macro systems that sit in our governance. The Risk and Audit Committee, the Cyber Committee, which also looks at these issues. So there are many layers within the organisation that actually looks at those risks throughout the system. I would say that I sit at the most macro-layer, which would be our Board of Management that looks at it, you know, once it's been through all the other processes. But it is a very robust system in terms of how it's managed within the organisation.

40 CA And what challenges do you see for the Queensland Police Service facing the risks of misuse of information in the future?

W The greatest challenge, and I'm satisfied there is no systemic corruption issues around misuse of information, and an example of that is, you know, giving information out to outlaw motorcycle gangs, etcetera. The greatest risk I see is our legitimacy in our role, the confidence of the community in us as a trustworthy institution to make sure that we use that information, information that comes to us appropriately and for the right reasons. And that will play out in many ways. Obviously we've had some very high profile media events and

it's a very unfortunate set of circumstances but that one event which has been taking place over a number of years can easily erode the trust in our organisation.

CA To what extent, if any, do you consider that privacy breaches by the Queensland Police Service staff, sworn and unsworn members, impact upon the ability to perform functions from the Queensland Police Service?

10 W It can have a very negative ability to perform our function. I just want to make some comments though, when you look at the fact that the amount of interactions that the organisation has with the public over the years, it's most people do the right thing. Clearly my officers, most of them, are doing the right thing. Treating the information appropriately. When you look, when I started looking at some of the complaints that we'd received about inappropriate use of information in '15-'16 we had 14,500 people in the organisation. We now have 1,000 more and I've looked at the recent – I think the complaints were 480 back then, the recent complaints is about 290, so we're trending down.

20 We are trending down because I believe that we have done an extraordinary amount of work to change the culture, to make sure that the systems and the processes and the education and the training, and the standard set from the top. You know, I sent out on email very recently on 6th November that was the third email, two came from the previous Commissioner, but I would say one of the strongest worded emails to say that any, any misuse of information will be treated not only as a misconduct, but also a criminal issue. So I believe that we have done a lot, but as I've mentioned before, it only takes a few of these instances or one particular matter that could be high profile that hasn't been dealt with well in the organisation and it's a challenge and a risk for us and it can erode the trust in the community in us.

30 CA Now, you mentioned that the offending within the Queensland Police Service for misuse of confidential information is low.

W Sorry, is?

CA Low.

W No, lower in recent years.

40 CA Lower in recent years. It might be an opportune time just to present the crime and corruption data table that's been collated from the material by the Queensland Police Service to the Crime and Corruption Commission. And there's also a reference made to the Queensland Police Service 2018-2019 annual report.

W Yes.

CA May the Commissioner be shown the four pages of data?

W Thanks.

CA You see there, Commissioner, if you just go to the last page, which is the proportional breach, the Queensland Police Service are at the very top of the numbers with the Queensland Corrective Services by way of proportional breaches. It says 1 in 75.

W Yes.

10

CA But if you go to the first page, you'll see under footnote 2 that the police misconduct allegations are included in that, whereas the other agencies do not need to report police misconduct.

W Yes.

20

CA So that makes up 48 of the 488 instances in 2015-2016; 43 of the 439 instances in 2016-2017; 47 the following year; and 39 in the current financial year. So that's a small proportion of the overall number, which would lead to, on page 4, the proportional breach being slightly better, but still around the 80, 1 in 80. Would you agree.

W Yes, definitely. Yes, I agree.

CA And you will see that in comparison with the other agencies it's the Queensland Police Service and Queensland Corrective Services where there's the -

W Yes, one in 75.

30

CA -prevalent misuse of information amongst staff. Wouldn't you agree?

W Yes, I do.

CA I tender that document.

PO Exhibit 95.

ADMITTED AND MARKED EXHIBIT 95.

40

CA So just going back to what you were talking about, the impact on your staff. So you do understand that it would be a reputational harm we've talked about?

W Yes.

CA And then that would lead to members of the public not feeling confident in the Queensland Police Service, which is a serious impact, wouldn't you agree?

W It definitely is because we depend on having a high trust relationship with the public. We depend on being very legitimate with the public and the work that we do. That legitimacy allows us to do our work effectively. So certainly issues around misusing information can erode that trust.

CA How would you describe the Queensland Police Service's culture when it comes to misuse of confidential information?

10 W I would say that in recent years that has changed dramatically. And you know from the very time where they're vetted to, coming into the academy, to where they're provided with training there and then at every level, through our policies and systems, but the legislation, and also the fact that this really is an issue that's publicly spoken about more than ever. Our officers are clearly aware of that. I believe, and I touched on the point that, you know, wholeheartedly most people in the organisation are trying to do the right thing. But I think led from the top at every level, and not only at leadership but at the lower supervision levels, but even our unions, all of us have an obligation and a responsibility to make that culture as healthy as possible. And I would say that in recent years the culture around this has improved dramatically.

20

CA And how is your culture reinforced within the Queensland Police Service?

W It's reinforced a number of ways. I would say definitely from the Commissioner down. That was the clear message recently where, I suppose an incident happened where I was not happy with and sent out that email-

CA Just on that email, sorry to interrupt you, but we don't have the most recent email. When did you send it, sorry.

30 W The 6th of November.

CA Do you have a copy of it.

W My staff should have a copy of it, but they can get a copy of it if they don't have a copy.

CA If you wanted to tender it.

W That's fine.

40

CA We have a copy of the ones the previous Commissioner sent in 2016 and 2018.

W Yes, so this went out on 6 November 2019.

CA I'll just show you a copy of those.

W Yes. Thank you. That's correct.

CA And that's sending a message to staff about their obligations under section 408E of the Code with respect to punishment for misusing the databases.

W Yes.

CA I tender that document.

PO Exhibit 96.

10 ADMITTED AND MARKED EXHIBIT 96.

W I would say, and we will get you a copy of my email, but it was strongly worded than those emails. It clearly talks-

CA -Would you like to read into the record the contents and the summary?

W So do we have it? I'll have to get a copy of it, but it really talks about the fact that it will be treated as a criminal offence and misconduct and that it erodes public confidence. So in addition to this, I would say that I've really sent a
20 stronger message again about the inappropriate use of information.

CA We can go back to that later and once the email is retrieved.

W Yes.

CA In relation to culture, you are responsible for driving the culture within the Queensland Police Service?

W The tone is definitely set at the top and it is set at every level of leadership right
30 through the frontline supervisors. But this is supported in many ways, not only by the tone that's set, but it's also about the structures that you have in place. It's about the policy. It's about the procedures. It's about following up with the emails. It's about your values. We have just done a piece of work in the organisation about our future values. I purposely did not come in with a set of values that would be thrust upon the organisation. I've created a culture and engagement unit within the organisation within the last three months, and we did a piece of work around the state just on values. The number one value that comes up and number two is integrity and professionalism. The third value for the QPS will be community. And the fourth value is respect and fairness.

40 So when you have a piece of work that's actually been done in the organisation around values, I'm very pleased that my people obviously think of integrity and professionalism just as highly as I do.

CA Would you say that your staff have a good understanding of the purposes to which they can access the personal information of the public on your database or databases?

W Yes, I would say they have a very good understanding. It is reiterated throughout the organisation often at every level of the organisation; through training, through a whole heap of other methods, through general education, through the Ethical Standards Command, travelling around the State, through our professional, you know, PPMs in the various districts, and reiterated through the Commissioner often, not only through emails but conversations I have with my people in the ELT. It is supported by articles in the bulletin. Articles from the Union that they do in their own journals. So I would say that my organisation has a very good understanding. And when you go into QPRIME there's a pop up that tells you exactly how to use the information, and then you have to specify the reason why you use the information. So it is complemented and reiterated in many, many ways within the organisation.

CA Your legal representative has handed me a copy of the email you sent. Would you like to read it into the record? It is a few paragraphs.

W Thank you.

CA May the Commissioner be handed a copy of her email?

20

W Thank you. This email was sent from myself on Wednesday, 6 November 2019:

“Colleagues, on the 30th of March 2016 a Commissioner’s Directive was issued to all members the Queensland Police Service in relation to accessing information on QPS computer systems without a purpose related to a member’s official duties. On the 31st of December 2018, a further Commissioner’s Directive was issued reinforcing to all members access to QPS information systems must be for an official purpose.

30 Despite these two directives a small number of current and former members have failed to comply with these directives. Each of these individuals have faced criminal and/or disciplinary action for accessing and misusing information stored within QPS computer systems. The actions of these individuals have brought our organisation into disrepute and in some aspects overshadowed the outstanding and important community work performed by members on a daily basis throughout the State.

40 My message to all members is clear, accessing QPS confidential information without a purpose related to your official duties is both a criminal offence and misconduct. Every information misuse complaint will be considered for criminal charges in line with DPP guidelines assisted by the Information Misuse guidelines. Curiosity or personal interest is not on acceptable reason to access QPS information.

The community, government agencies and non-government agencies entrust all of us to responsibly and appropriately handle confidential, private and sensitive information. The information provided to us and stored within our computer systems is integral to our validity to discharge our daily duties and to achieve

our strategic objectives. In the coming weeks the Crime and Corruption Commission will undertake public hearings as part of Operation Impala, Misuse of Information Inquiry. Information concerning the public hearings can be viewed on the CCC website at... We all have a shared responsibility to maintain the integrity of service held information and safeguard the privacy of all Queenslanders. To this end we must all ensure information is used only for an official purpose in connection with our official duties." Thank you.

10 CA Thank you, Commissioner. And how do you, Commissioner, communicate your agency's tolerance towards corruption, apart from the emails you've talked about and the newsletters?

W So from myself there's a zero tolerance. This is communicated literally, it is spoken about often at the ELT. They're expected to go to their next line managers and the next line managers. But as I commented on, I think throughout our systems and our processes and through ethical standards and how we deal with complaints in the organisation, how we deal with general work in the organisation. This message is always reiterated that there is a zero tolerance to corruption within the organisation. That is very clear.

20 I think when you look at the confidence that our own people have in reporting about, you know, reporting obviously issues and making complaints about their own officers, years ago that used to be 25% internal complaints and 75% complaints came externally. That has constantly grown within QPS. Now 40% of the complaints are actually generated internally and 60% of the complaints are generated externally. I think that's evidence that we actually are keeping an eye on each other and making sure that we abide by the law, that we don't misuse information. And I think there is greater confidence in the organisation of that.

30 CA What are the expectations of your senior members of the Queensland Police Service in relation to communicating that message to their staff?

W So I have many expectations of them. So at the highest level, we discuss at the Executive Leadership Team not just this. You know, and I spoke about our values and integrity and professionalism. So everything to do with our ethical behaviour, our integrity, our professionalism is discussed at that highest level. That is communicated to that Executive Leadership Team. They then take it to the next level and the level below that. It is disseminated in many ways. It gets disseminated, you know, through emails, through bulletins, through our policies, through procedures and through our complaint system. So it is not just one way of delivering that. But the message clearly, though, comes from the top and is inculcated in many ways through the organisation to the constable on the street.

40

An you know, I've spoken to the fact that, you know, there are many points along the way where an officer would know whether their behaviour is appropriate or inappropriate. And I have to say, I think from when I've come in some three months ago, and it whilst it's not directly related to this, people in

the organisation would know that I stand by integrity, professionalism, fairness and trust and respect. That is spoken about everywhere. That is spoken about when I send my own communications out to the organisation. That's why I have created a cultural and engagement unit for that very reason.

10 We used to have pockets of, and I'll give you an example of this, we have a strategy around our people matter, and in there was an unit around culture. We have a strategy around Juniper, and that's where complaints can be made obviously about predatory behaviour of officers or complaints, you know, about negative workplace behaviours to this one area within the organisation. That alone, that also had its own cultural unit. I have gathered all of those units together and the culture of the organisation is being dealt with consistently through that unit. How we engage with the organisation has been dealt with consistently through that unit. So my message has been very, very clear what my expectations are of my people.

CA And can you provide the Commission with an example of how the communication of your senior staff have been provided to their junior staff?

20 W So there would be many examples depending on where you sit within the organisation, depending on who the Assistant Commissioner is and depending on the command you're in. I would say that, you know, the delivery might be different in Northern or Far Northern because of their geographic spread, how they work in that organisation compared to a centralised unit within headquarters. But it is delivered in many ways and it really starts from myself downwards. And also it is complemented by the Ethical Standards Unit travelling around the State and talking independently from that own area about the standards that's required from them. So it's delivered in many different ways and complemented in many different ways.

30 So we have conversations in ELT as to how it should be delivered in the future. When I came into the organisation we did a piece of work about communication and engagement and that's why one of the reasons I created that unit. So we have a platform now I can even go into my own delivery of newsletters and see how many people are reading what I say. And if I'm not satisfied that the readership is not the level it should be or there's a certain area that I have a concern with we can go back and address that area. So we've implemented many new systems in order to engage and communicate. And when we meet at the ELT, and particularly whether it's around misuse of information or a whole heap of other issues, we actually leave with a consistent message, to make sure that the messaging is consistent around the State.

40 I think we will constantly improve in this area. And an example I give you in the next few months we intend implementing in the organisation an internal Facebook which literally is Facebook, but internally in the organisation. We only have it currently in the Singapore Police and in the Victorian and Queensland Ambulance Service. It's real-time. It allows you to video messages, it allows you to talk about issues in your local area or the greater

organisation. It is flexible. It is agile. It allows you to be consistent in messaging. I do believe and I know from the research that we found, because the uptake of that is somewhere up to 90% in those organisations, that the future messaging and communication engagement will even be greater than what it is at the moment.

CA And to what extent is it necessary for the Queensland Police Service to share data with other government agencies?

10 W It is critically important, particularly agencies not only at the State level, but also international level. As you can appreciate we have very high level counter-terrorism committees, organised crime committees. We share databases, you know, fingerprint databases nationally. So it is critically important for the safety and security of Queenslanders and our officers to share information with other agencies. And in fact, some of the risks and gaps occur if we don't share that information enough or well enough in order to make sure that a victim is protected or, you know, that that community is safe and secure. We have to share information and there are issues if we don't share that information well. It is critical to the success of our organisation and others.

20

CA And how do you anticipate the Human Rights Act, which takes effect for actions done by your staff after the 1st of January next year, how that will impact on the Queensland Police Service's approach to protecting privacy?

W I'm incredibly confident about the Human Rights Act that commences next year. We do have a high level steering committee that deals with that. But that is compulsory training and already 8,000 members have completed that training. So I'm very confident that we're in a very good place to deliver that Act when it starts next year. And we've been very proactive to make sure that all of our people are trained by that date. And particularly in relation to privacy, but there's a whole heap of other things that we have got to tend to to meet that deadline as well.

30

CA And what, in your view, would be a reasonable expectation of a member of the public in relation to how their personal and privacy information is to be treated?

W I would expect, and you know, all my family, a lot of my family are members of the public, that police only access information if it's relevant to their line of work. Now if they don't access information because that they have some curiosity, you know, as to something that might have happened on the media, or you know, there's a general curiosity there, but I expect it should be in the line of their work and I expect my police officers to be suspicious and curious and that's why we can keep our community safe, and I would think the public would expect that of us as well, but definitely in line with their duties.

40

CA And are you aware of any additional particular security or privacy protections for information of vulnerable members of the public that the Queensland Police

Service adopts? For example, a victim of domestic violence who is concealing their location and contact details from a former partner?

10 W Yes, so flagging vulnerable people. We have got to be very, very careful about this because it is very difficult to make an assessment on the situation if you don't have all of the information. And I'll give you an example of that. For example, someone might be an aggrieved tonight, but tomorrow they might be the respondent, or they might be aggrieved last year, or tomorrow they might be wanted for an offence. So unless you have the entirety of the information, you actually cannot make a fulsome assessment of the situation. As you can appreciate, just the sheer number of interactions that we have on people, you've got to have the entire information to make the right risk assessments.

20 And I'll give you a further example of that. Say you have a woman who has been battered by her partner over the years and you shield some of that information, but that person then has murdered her partner and we go to that place and we don't have the holistic picture, well, we could be investigating the wrong thing from the very outset. So this is incredibly important to get the balance right. But it's got to be, yes, it has got to allow the officer to make the right assessment to make sure not only the community is safe and secure, but also their own safety and security as well.

CA You mentioned QPRIME earlier. Just for the purpose of anyone watching this hearing who isn't acquainted with that name, that stands for the Queensland Police Records and Information Management Exchange?

W That's correct.

30 CA And that is the main holder, the main database for the public's personal information that the Queensland Police Service has?

W Yes, it is a very comprehensive database containing most of our information.

CA For the purpose of the public hearings portion of Operation Impala, we are concerned with QPRIME.

W Yes.

40 CA And also another database SCRAM, namely the Suitable Checking Recording And Monitoring. Just to let you know.

W Okay.

CA That's what we're talking about today.

W Okay.

CA With you I'll be talking about QPRIME.

W Yes, thank you.

CA SCRAM will be another day.

W Yes.

CA Now for your staff getting on to QPRIME they need to enter a password.

10 W Yes.

CA That's a unique password to that staff member?

W To that person. Yes.

CA And all accesses are logged?

W Yes.

20 CA And those logs are able to be audited.

W At any time and held for 80 years, I believe.

CA Yes, 80 years.

W Yes.

CA So it is a fairly auditable system?

30 W Yes.

CA Currently there isn't any manual auditing performed by the Queensland Police Service; is that correct?

W Not proactive auditing at the front end. So it is very easily auditable if I know what I'm searching and go in you know and audit that. But certainly in the sense of a front-end auditing where you might run algorithms or use artificial intelligence or business intelligence systems to do it, we don't have those current systems but are looking at those systems.

40 CA So that's not the question I asked.

W Sorry.

CA That's okay. That's a wish for the future.

W Yes.

OFFICIAL

Copy 1 of 1

- CA Data analytics and we can talk about that with the information technology member who will be coming later on in the week. I'm just talking about the current system you have, QPRIME.
- W Yes.
- CA Current capabilities. It is a fully auditable system. Every access is logged.
- W Yes.
- 10 CA Kept for 80 years.
- W Yes.
- CA But currently the Queensland Police Service doesn't perform any manual auditing of that system; is that correct?
- W I do believe there may be some. You may have to leave this for my Chief Superintendent or also the AC for the Ethical Standards Command. There is some auditing in terms of some of our areas but I can't give you a comprehensive area. I don't think it is general auditing over the entire system. There may be some targeted auditing of that system, manual target auditing.
- 20 CA But you don't know?
- W I don't know the extent to which it is carried out.
- CA There are access control lists, otherwise known as ACLs.
- 30 W Yes.
- CA So what they are, if there is a member of the public's record put on that list, so say, for example, a high profile-
- W Yes.
- CA -person, and their name is added to that list, then every time their record is accessed by your staff-
- 40 W Yes, you can tell.
- CA -there is an automated notification sent for attempts to access that record; is that correct?
- W I would have to refer that to my Chief Superintendent because I don't know if it is exactly done as you've explained it to me. I know it can be done. But I don't know exactly if it's done in that manner. So I've got to be careful how I answer that because I'm not sure of the process to get to that point.

CA And, in theory, any member of the public's record could – name could be added to that access control list?

W In theory, I believe that is the case.

CA But currently the Queensland Police Service does not put members of the public on that list who are domestic violence victims with current domestic violence orders, do they?

10

W I don't think they do. But I've got to be careful how I answer that as well because I'm not quite sure, as far as I believe that is, yes, you are correct in that statement. But I think you would get a more fulsome answer from the Ethical Standards Command.

CA It is only covert entities and UI operations.

W That's correct.

20 CA That's the only priority the Queensland Police Service places over extra protections by way of placing names on that access control list; is that correct?

W I believe that is the case.

CA Just to clear it up as you're not entirely sure. I have a copy of page 3 of-

W Thank you.

30

CA -the Queensland Police Services response to questions.

W Yes.

CA -that the Commission asked in the process of the initial stages of Operation Impala. I'm just show you a copy of page 3.

W Thank you. Thank you.

CA I tender that document.

40

PO Exhibit 97.

ADMITTED AND MARKED EXHIBIT 97.

CA So just down the bottom of page 3, under the subheading QPRIME.

W Yes.

CA It says, "QPRIME does not specifically restrict or categorise records relating to vulnerable or high profile persons. This reflects the nature of policing and prevalence of dealing with people who may fall within the vulnerable categorisation. The option exists for notification of attempts to access entities to which an ACL has applied. This option is exercised on a case by case basis and in certain circumstances such as records relating to covert entities and operations."

10 W Yes. Thank you.

CA Wouldn't you say that the risk of disclosure of a domestic violence victim's personal information held on QPRIME is greater than other members of the public due to the risk of physical and emotional harm from that disclosure if it falls into the hands of the ex-partner, the respondent, to a domestic violence order?

20 W I do believe that obviously is extraordinarily a serious issue but there's other vulnerable persons. There's you know child abuse victims. It's not just domestic violence victims. So it's the nature of our business that it's just not that person that would fall within that category.

CA As part of the Commission's oversight over agencies-

W Yes.

CA -you're aware of the principle of devolution.

W Yes.

30 CA And it is up to your agency to determine the vulnerable persons category if they are – if your agency determines that you are going to utilise that function.

W Yes.

CA -of the ACL that currently isn't being used for vulnerable persons.

W That's correct. Yes.

40 CA So that's up to your agency to determine.

W Yes. It's up to our agency to see what we put in that list, yes.

CA I'm just asking you in particular, as it has been identified throughout these proceedings, that domestic violence victims with domestic violence orders who are identifiable in QPRIME, aren't they?

W Yes.

CA QPRIME shows you if there's a domestic violence order protecting that person?

W Yes, it does.

CA So throughout these proceedings it has been identified by way of expert evidence from professional McDONALD-

W Yes.

10 CA -on Friday. She was the Commissioner of Inquiry in the 2014 Australian Law Reform Commission into Serious Invasions of Privacy in the Digital Era. They produced a report that same year. And she gave evidence on Friday that one of the two focal types of breaches of privacy was the misuse of information.

W Yes.

CA Exactly what we are dealing with now.

W Yes.

20

CA And at page 14 of the transcript from her evidence from Friday, she confirmed that a serious invasion of privacy would be constituted by a domestic violence victim concealing their address from an ex-partner if that information is disclosed.

W Yes.

CA So just turning to domestic violence victims-

30 W Yes.

CA -with domestic violence orders easily identifiable in QPRIME. Wouldn't you agree that the risks for that category of vulnerable person are high from disclosure?

W Yes, definitely.

CA And that there is a need to put in place additional measures for the protection of this vulnerable category; wouldn't you agree?

40

W There should be measures put in place to – yes, I agree. Yes.

CA Wouldn't it be a good way, moving forward, with the current system that you have, even though the ideal in the future is some data analytics-

W Yes.

CA -and machine learning you haven't got that currently-

W We don't, yes.

CA -for you to add domestic violence victims with domestic violence orders to the ACL list?

10 W Yes, but I don't know whether, because I'm not au fait completely with the QPRIME system whether if we do that, whether that then takes us away from the ability to, you know, do something else with that information. So if I do that, does it then restrict my people on the road to access certain important information? So I would – I think this needs to be fairly considered and comprehensibly considered. But I've got to make sure that my people have all the information they need to do their role safely. Not only for the aggrieved but anyone else that we're dealing with in the community, as well as my people within the organisation. So I don't know what – if I do that, what does it restrict that then my people might need? I am not sure because I am not completely au fait with the system.

20 CA If it doesn't restrict your staff from performing their roles, and having access to that record-

W Yes.

CA -then would you agree that, moving forward, particularly in light of the new Human Rights Act in a few weeks taking force, it would be a good idea to add that category to the ACL list?

30 W It would be a good idea if it doesn't restrict that additional, you know, the ability to see the entire picture.

CA Now, Professor McDONALD talked about reasonable steps for agencies to take to protect information on their systems on Friday when she gave her evidence. And at page 21 of that transcript, would you like to be provided with a copy of the transcript?

W Yes, please.

CA So you will see at page 21?

40 W Yes.

CA I'm just turning to it myself. So you'll see there over the series of a few lines, from top to bottom, that she's saying it is a reasonable step to protect the public's information on QPRIME's database pertaining to QPRIME. This is all database-

W Yes.

- CA -for government agencies. If it is a fully audible system that there is an audit undertaken.
- W Yes.
- CA If we go to page 22, naturally the practicalities and the fiscal side of things-
- W Yes.
- 10 CA -are the manpower, being able to get resources, financial resources has to take place. As you said there's a balance.
- W Yes.
- CA Now, she did say, though, that if there isn't the ability, for those reasons-
- W Yes.
- CA -to audit the entire database-
- 20 W Yes.
- CA -then at least there should be a regular audit of the more sensitive information, and that is to include, according to the professor, domestic violence victims. So you said earlier that you're not sure exactly the type of random or particular audits, if any, and we heard later on in the week, but if there aren't any audits currently undertaken of-
- W Yes.
- 30 CA -and we're just dealing with domestic violence victims as we have identified they are a vulnerable category.
- W Yes.
- CA Then wouldn't it be a good way, moving forward, for, at least some type of audit, if it doesn't already happen-
- W Yes.
- 40 CA -to take place of that particular category if there's not sufficient funding or manpower for the entire database to be audited on a regular basis?
- W Definitely I think we should be looking at what we can. I think we're already doing a piece of work to get to that end state as to how to do this. But if we can do it incrementally we should always be auditing. I think the best case scenario is that we can proactively audit our QPRIME all the time so I wouldn't have the

situation I have got at the moment. It adds to that suite of things obviously to protect people's information. So this would be one of those, yes.

CA So I'll just show you Exhibit 13. We've been through this with all of the agencies so far. The Information Privacy Principles which you have before you and the Information Privacy Act 2009 Queensland pertain to the Queensland Police Service.

W Yes.

10

CA And then there's the NPP 4 for the health agencies. So just looking at IPP 4, storage and security of personal information. So it specifically says there under 1(a)(ii) that the agency, namely the Queensland Police Service in this instance-

W Yes.

CA -must ensure that the document is protected against unauthorised access, use, modification or disclosure.

20

W Yes.

CA And then under (1) (b) then there's the obligation there for the agency to take all reasonable steps to prevent the unauthorised use or disclosure of the personal information.

W Yes.

30

CA So with that in mind in the Queensland Police Service's response – there were two documents that the Queensland Police Service has provided – the first was a response to the request for information from agencies, it was a questionnaire.

W Yes.

CA And the second one was a response of further questions flowing from the Commission analysing that initial information. So just turning to the first one; the questionnaire, the completed questionnaire. At part 7 specifically relating to privacy principles IPP 4-

40

W Yes.

CA -the Queensland Police Service has responded that the approach taken is a Privacy By Design approach, and the "Privacy By Design" is quoted in quotation marks.

W Yes.

CA Would you like to be shown a copy of that document?

W Yes, please. Yes.

CA It is rather small, I'm afraid. It might be easier to look on the screen. I tender that document.

PO That's Exhibit 98.

ADMITTED AND MARKED EXHIBIT 98.

10 CA So you see up the top, it is very small, I apologise for that.

W Yes.

CA It says seven privacy principles IPP 4. And it quotes IPP 4. We've already just gone through that. And then down the page the Queensland Police Service has provided some responses with red-

W Yes.

20 CA -subheadings. So just the fourth red subheading-

W "The Queensland privacy team"?

CA Yes. It says here, "Delivered with a Privacy By Design approach", in quotes.

W Sorry, are we looking at the Queensland - "QPS"-

CA Yes.

30 W -"privacy team works with new projects"?

CA Yes. And at the end of that sentence.

W Yes. To ensure privacy-

CA -it says, "Delivered with a Privacy By Design approach."

W Yes.

40 CA Yes. So we heard about a Privacy By Design approach last week with one of the other agencies, the Department of Health-

W Yes.

CA -as they employ the same Privacy By Design.

W Yes.

CA The origins of it I'll go through with you. If the Commissioner can be shown Exhibits 69 and 70?

W Yes.

CA So at the start, Commissioner, I asked you if the Queensland Police Service had provided a submission.

W Yes.

10

CA The submission doesn't refer to the two information requests that we made to the certain agencies.

W Yes.

CA There was a call for submissions and several submissions have come in from various parties.

W Yes.

20

CA Some agencies have provided a formal submission. They're on our website.

W Yes.

CA And members of the public and also the Office of the Information Commissioner.

W And, sorry, and I understand there's a closure date so there's still opportunities to provide a submission; is that correct or no?

30

CA No, the date did close.

W Okay.

CA On the 9th of October.

W Okay, cool, sorry. Yes.

40

CA Now, with the – I'm just showing you the Office of the Information Commissioner's submission just to show where the next document has come from. It was attached to the Office of the Information Commissioner's submission.

W Yes.

CA And it is the second document you have there, the Australian Government Office of the Australian Information Commissioner, guide to securing personal

information, reasonable steps to protect personal information from June 2018. Do you have that document in front of you?

W Yes.

CA So we'll just go through some of the parts of that. Just on page 2, the third paragraph, says, "The guide is not legally binding. However, the Office of the Australian Information Commissioner will refer to this guide when undertaking its Privacy Act functions."

10

W Yes.

CA And then if we go to page 8 that's where Privacy By Design first arises.

W Yes.

CA Down the bottom. And on page 9 we have the footnote which talks about the origin of Privacy By Design.

20

W Yes.

CA First developed in the 1990s by Dr CAVOUKIAN, former Privacy and Information Commissioner of Ontario Canada. Since then it has been adopted by both private and public sector bodies internationally. So if we just go through the aims, the stated aims of that Privacy By Design that are at the top of page 9.

W Yes.

30

CA Second paragraph. The three aims are, one, to prevent the misuse, including disclosure personal information.

W Yes.

CA And, two, to detect privacy breaches promptly.

W Yes.

CA And, three, to be ready to respond to potential privacy breaches in a timely manner.

40

W Yes.

CA So would it assist with the Queensland Police Service detection in a prompt manner if there was at least some rudimentary proactive auditing of at least a portion of the QPRIME, such as domestic violence victims, depending upon fiscal issues and manpower to comply with these privacy principles?

W Yes. But to do a manual random check of 10% I think would be ineffective. It would be better if it was, say, targeted to maybe domestic violence or you know the high risk areas. So I think you have to be very smart how you target and, you know, what systems you use to do that. So not just a rudimentary, you know, random 10%. I think if you actually put some effort into targeting what area you think is high risk etc. and that would be a more effective way of doing it.

10 CA Yes. And then page 12, we've probably already talked about this, but I'll just go through it as it does clarify that the category we're concerned with falls within the category requiring additional steps to be taken as you've just gone over. So just on page 12, it says that reasonable steps are dependent upon the circumstances including the possible adverse consequences for an individual in case of a breach. So there squarely falls a domestic violence victim and order on your system, would you agree?

W Sorry, what paragraph are you on page 12?

20 CA I'm just on page 12 but I'm just up the top there where it says, "Part A circumstances that affect the assessment of reasonable steps."

W Yes.

CA It says what qualifies as reasonable steps to ensure the security of personal information depends on the circumstances. Like we just talked about.

W Yes.

30 CA Including the following, third dot point down, "The possible adverse consequences of an individual in the case of a breach."

W Yes.

CA And then dot point four which we talked about, the practical implications of implementing the security measure, including time and cost involved.

W Yes.

40 CA So that's where we're looking at that and saying should really be definitely domestic violence victims, potentially you've said um a broader catch group vulnerable persons that the QPS would determine elves?

W Yes,. There are many ways to determine it, I suppose, but it needs to be effective and efficient and add value.

CA Yes. And then on page 14, it is just going in more, which we've already gone through with Professor McDONALD's evidence and what we discussed just now, but it's also in the Privacy By Design approach, at page 12, to assess if

there's additional steps required when looking at the adverse consequences for an individual. And I'll just – it is quoted just before that example 4 box, “The likelihood of harm occurring will be relevant in considering whether it is reasonable to take a particular step.” So that's where the potential for physical harm-

W Yes.

10 CA -and emotional harm comes in. And then on page 13. Now this is obviously balancing the issues with manpower and all those sorts of things. But it does say generally as the amount and/or sensitivity of the personal information that is held increases so will the steps that are reasonable to take.

W Yes.

CA So the Queensland Police Service obviously holds a-

W Extraordinary amount of information, yes.

20 CA -lot of information. And so there would be a little bit of a higher bar than a smaller entity-

W Yes. Yes.

CA -with less information, but that does need to be balanced with the actual.

W Yes.

30 CA -manpower and funding and resources. And then on page 13 it talks about the community expectations. The community generally expects that their sensitive information will be given a higher level of protection than non-sensitive information.

W Yes.

CA This expectation is reflected in the increased privacy protections which apply to the handling of sensitive information.

W That's correct.

40 CA So you'd agree that the Queensland Police Service, a lot of the information is sensitive?

W I do agree with that.

CA Now, it may be an opportune time to take a break, Chair, before I move on to the next topic.

OFFICIAL

Copy 1 of 1

PO Okay. Thank you. We will adjourn. Just before we do, I think – did you want to tender that email from the Commissioner of 6 November? If we have it I'll-

CA The Commissioner read it into the record. I'm not sure whether the Commissioner wants it to become an Exhibit?

W Yeah, no, that's fine.

10 CA As I don't believe it's redacted. Sorry, the Commissioner has read it into the record and that's as far as I believe the Queensland Police Service want to take it.

PO All right. Okay, that's all right.

LR Chair, can I just be heard on that. I provided that email to Mr CAPPER. It actually has one of my colleague's email addresses on the top of it-

PO Okay.

20 LR -where it's been provided by ESC. So perhaps the reference with the email addresses themselves and those details could actually be redacted before it goes onto the website.

PO Yes, I wasn't going to tender it, so it is read into the record, that's all we need so that will cover it, I think.

LR I will sit down then, thank you.

30 CA I've just been advised that the Commission does have a redacted copy and we will tender it after the break.

PO Okay, all right, we'll do it after the break.

W Thank you.

PO Okay, let me know when you're ready to resume.

HRO All rise. This hearing is now adjourned.

40 (SHORT ADJOURNMENT)

HRO All rise. This hearing has now resumed.

CA Thank you, Chair. I have a copy of the email you sent, Commissioner, on the 6th of November.

W Yes, thank you.

CA I will just show you a copy of the rec acted copy and if you're happy with that, if your legal representative is happy with that to go in as is, I'll tender that document.

PO Exhibit 99.

W Yes, thank you. That's fine.

ADMITTED AND MARKED EXHIBIT 99.

10

CA Now, just moving on to the area of prevention.

W Yes.

CA The warning, you mentioned that earlier, for staff before they're able to log on and access the QPRIME database there's a warning message-

W Yes.

20

CA -which flashes up. Isn't it the case that the Commission, we have requested that the Queensland Police Service strengthen that warning on more than one occasion?

W Sorry, being in the organisation only four months I'm not sure that I am over that, but yes-

CA Just to help you, I'll just bring out the-

W Yes, thank you.

30

CA -some of the examples and we can look through those. So if the Commissioner could be shown a copy of the letter from the Commission to the Queensland Police Service, on 18th March 2016, and the one on the 31st May 2019, and the letter from the Queensland Police Service to the Commission on 11th September 2019. I'll just give you a moment to read those three correspondences, Commissioner.

W Thank you. Thank you.

40

CA In the first letter on 18th March 2016, there's a request by the Commission to the Queensland Police Service that there be a review of the wording of the conditions of access and use to QPRIME database?

W Yes.

CA With a view to clearly articulating the possible consequences that staff may face for unauthorised access and use and/or improper disclosure of confidential information?

W Yes.

CA And then the current warning at that time is attached and it makes reference to section 10.1 of the Police Service Administration Act in relation to improper disclosure but doesn't mention section 408E of the Criminal Code with respect to misuse of information.

10 W That's correct, it doesn't.

CA And then the letter on – I tender those three documents. The first one being the 18th March 2016, from the Commission to the Queensland Police Service; the second one being the 31st May 2019 from the Commission to the Queensland Police Service; and the third one being the letter from the Queensland Police Service to the Commission on 11th September 2019.

PO Exhibit 100.

ADMITTED AND MARKED EXHIBIT 100.

20

CA And then moving on to 31st May 2019, so over three years later, the Commission are again making a recommendation of the warning.

W Yes.

30 CA By amending the current QPRIME security wording to more accurately reflect the possible disciplinary proceedings and/or criminal prosecution that may result from unauthorised use or improper disclosure. And then a copy of the wording is attached. Then if I just move on to the 11th September. So a few months later, the Queensland Police Service respond to the May letter, they respond in September.

W Yes.

40 CA And it says, "I refer to correspondence dated 31st May, addressed to Assistant Commissioner COWDEN, Ethical Standards Command." And then it goes on to what request was made. And then second to last paragraph, on the second page, says, "I wish to advise the QPS will not progress any further changes to the QPRIME entry screen." So their request has fallen on deaf ears again. Now, Professor SMITH – would you like to be provided with a copy of the transcript?

W Yes, obviously can I just make some comments what you've just said.

CA Yes.

W Obviously these decisions were made at a Chief Superintendent level at the Ethical Standards Command. So I haven't seen them. But you would note from my strong stance in my email some months later that I don't see any issue to

actually changing the wording in this to strengthen it. So I am not across the reasons why these decisions were made, but certainly I know in organisations, other organisations, they are worded strongly and that could definitely be reviewed into the future.

CA Thank you. I will just show you an example of a strong warning from the Queensland Corrective Services. They gave evidence last week. Exhibit 79. So you'll see that coming on the screen. The hard copy is coming to you.

10 W Yes.

CA Where there is mention made of the Information Privacy Act, the Criminal Code, as well as their own agency Act, the Corrective Services Act. And Professor SMITH last week gave evidence that it is important to have the range of disciplinary and criminal sanctions available to staff as a prevention for misuse of information.

W Thank you. Yes, thank you.

20 CA Just moving on to policies and procedures, you touched on that earlier when you were providing your opening statement. I'll just show you pages 1 and 7 of the current issue 25 public edition management support manual that's available on your website. It's on the screen if you'd like to look as well while we're getting the hard copy.

W It is not on my screen.

CA Okay. Well, we'll just wait. So page 1 – I tender that document.

30 PO Exhibit 101.

ADMITTED AND MARKED EXHIBIT 101.

CA Page 1, that's under your hand, your name is there, on page 1, Commissioner?

W I don't know if I've got the right document in front of me.

CA We'll just get the right document. Sorry.

40 W Thank you.

CA We're just going to get the hard copy while we're looking at the soft copy there.

W Okay, thanks.

CA Okay, so you'll see here it says that's under your hand.

W Yes.

CA So you've assisted in updating this manual. Issue 25 as of 27th September 2019. It says here that members are to comply with the manual and that the manual is continually reviewed to ensure currency consistency with the law and community expectations.

W Yes.

10 CA Now, wouldn't you agree that community expectations are to provide greater protection to domestic violence victims?

W I agree that not only domestic violence victims, but other victims within our society as well, greater protection to them. It is how that protection is provided.

CA But the manual doesn't provide any additional protections for the manner in which your staff are to treat that more sensitive information.

20 W Whilst I have this in front of me, I depend on that the whole manual obviously is addressed long before it comes to me, so I don't know exactly whether it addresses that vulnerable group. I know there is obviously generic information about release of information, but to that extent to what you've described me, I don't know if it is in that manual.

CA And I'll just take you to page 7 of Chapter 5 which talks about release of information.

W Yes.

30 CA So, following through with what Professor SMITH said that for a deterrent – as a deterrent preventive function, the policies and the warnings and the education should all provide information to staff at agencies of the range of disciplinary and criminal sanctions available.

W Yes, yes.

40 CA So in here, moving forward, would it be a good idea to add the Criminal Code and also a section 408E of the Criminal Code, as you go through in quite a lot of detail section 10.1 of the improper disclosure of information under the agency, the Police Service Administration Act, but it doesn't make any reference at all to the Criminal Code here?

W No, definitely. As I said you know I've been quite strong in my email setting the standard for the future and these should be reviewed and any further preventative matters that need to be addressed should be addressed through this way as well.

CA Yes, thank you. And then on a similar vein, I'll just show you the Procedural Guidelines For Professional Conduct.

W Thank you.

CA I tender that document.

PO Exhibit 102.

ADMITTED AND MARKED EXHIBIT 102

10 CA So you will see here that these guidelines were drafted on 15th April a few years ago in 2013.

W Yes, some six years ago.

CA Moving forward, wouldn't it be a good idea to have more regular updates of such materials?

W I would actually expect that they were updated a lot more often than just some
20 six years ago.

CA And just turning to pages 38 and 39, as I said along a similar vein as we discussed with the management support manual, under 3.10, on page 38, improper access or use of QPS information. It talks about unauthorised or improper access use or release to investigate information of a suspected or accused person is not permitted. And then talks about conspiracy under the Code. Again section 10.1 of the Police Service Administration Act. But, again, we haven't got any reference to section 408E or clear definition of unauthorised use so that staff know the elements of 408E and so that they can avoid falling
30 into the traps of offending.

W Yes, it should be current and updated and it's not. And I don't know the reason why it has not been recently reviewed. And someone else may address that, but it should be contained in that section.

CA And just to draw your attention to -- it says there on page 38, "Breaches of section 16, improper access or use of QPS information standard of practice."

W Yes.

40 CA That isn't in existence any more in the current standard as of 22nd October 2019. I'll show you that document. Refers to section 16, and there isn't a section 16 in the current version, which was updated recently on 22nd October 2019.

W Yes, so this was updated and obviously hasn't been then updated into this other document.

CA Yes. And Professor SMITH did give evidence that policy should be simple, not extensive, not confusing, and concisely within one or two documents rather than

several. Now, the other document mentioned on page 38, down the bottom, says section 1.10 of the Right to Information privacy under the operational procedures manual. I'll show you pages 1 to 3 of that manual-

W Thank you.

CA -which is the index, as the whole document is quite large. I tender that document.

10 PO Exhibit 103.

ADMITTED AND MARKED EXHIBIT 103

CA So as you'll see if we try to go, on the second page, 1.10, which is at page 33 of that document, it says "Deleted".

W Yes.

20 CA So it would be fair to say that your staff members could be quite confused trying to gather what is misuse of information from these documents which we've just talked about?

W Yes. And the reason why I say that is, look, policy, not just this policy, we tend to add to policy rather than review and take out the bits that make it too bureaucratic and are red taped. So there is a lot of policy and it is confusing. It needs to be more aligned.

CA Yes.

30 W And we have a section that I've just stood up some three weeks ago that looks at all of our bureaucracy and red tape reduction and to simplify our policy for not only this but the entire organisation.

CA Yes.

W Because it can be quite confusing if it is not simple, concise and to the point.

CA Now Professor SMITH – would you like to be given a copy of his transcript?

40 W Yes, please.

CA So pages 8 to 10. I'll just give you a little bit of time to read 8 and 10.

W Eight to 10.

CA Sorry, 8 and 10.

W Eight and 10. Okay. Thank you.

CA So on page 8 we've already gone through that. Simple as possible, consolidate policies if possible.

W Yes.

CA And page 10 talks about, and also on page 8, the range of sanctions available. Page 10 he's saying that shouldn't just be single exposure, there needs to be-

10 W Many exposures, yes.

CA Big exposure. So with that in mind just turning to the training that we – a table that the Commission has collated from the response material in the lead up to Operational Impala.

W Yes, thank you.

CA If we could just go through it-

20 W Yes.

CA -talk through it. And you can provide us with any updates or if the table needs any additions or – I'll just show you a copy of the table.

PO Well I think we have a problem with the audio. It has dropped out, apparently, so we might just need to check on that. Okay. It seems to have fixed for the time being.

30 CA If the Commissioner can be provided with a copy of the Commission's training table that we have collated.

W Thank you.

CA I tender that document.

PO Exhibit 104.

ADMITTED AND MARKED EXHIBIT 104

40 CA So this is from the response material, the initial response to our questionnaire. If we could just move through that table, I'll just wait till it comes up on the screen. Okay, so I'll just go through these and ask you if this is correct. Obviously we've obtained it from the response material to our questionnaire. The privacy awareness training, that is upon request, face-to-face, but there isn't a record of participants kept, is that correct?

W Obviously I didn't complete this. My staff did. So I assume this is correct.

- CA And there isn't any regular mandatory training provided for privacy awareness.
- W Privacy awareness, that's what it indicates on what you've given me.
- CA And then moving on to the next one, Right to Information, that is to be undertaken within three months of employment, online and, again, no regular mandatory training ongoing.
- W That's what it says, yes.
- 10 CA And ethics and ethical decision making, it says "As soon as practicable", and then that was qualified as being defined as within 12 months of commencement.
- W Yes.
- CA Online and again no regular mandatory training.
- W That's correct.
- 20 CA And then information security. Again, as soon as practicable, online, with no regular mandatory training.
- W That's correct.
- CA And then we go to four training modules which appear to be just provided to sworn staff at recruit training and in a face-to-face manner and there's no regular mandatory training, and that's for QPS systems, QPRIME database training, QLite database training and professional standards.
- 30 W And that's what it does indicate. I have been briefed that there is actually more training than this. But from my point of view training for all of this needs to be a combination of online, you know, face-to-face, multi-faceted and as well as as different levels of the organisation as well. On this what you have just put in front of me, it is not satisfactory in terms of the training that should be undertaken for privacy awareness or, you know, Right to Information or appropriate use of information. But as I have indicated, I have been given a brief that there is more training than this and this can be clarified by others post my evidence. However, this is not sufficient in itself.
- 40 CA And just moving forward, Professor SMITH's evidence was that, at page 5 of his transcript, the specific information security training, outlining the range of sanctions for disciplinary and criminal should be at the very start of employment. So would you agree that that should be prior to accessing the system rather than within the first 12 months?
- W It sends a very, very strong message from day one.
- CA And participation should be recorded?

W Yes, so you know who is taking place; that's correct.

CA And the training should be mandatory and regular.

W Yes.

10 CA He said every one to two years at page 6 of the transcript. And, importantly, assessed, at page 7, so that it is not just presented with the policy and information but also assessed that there has become a knowledge base within the participants.

W Yes. Whilst I haven't gone obviously comprehensively through his transcript, but certainly it has to happen often at every level and delivered in many ways.

CA Now, also the – I'll just show you a copy of your strategic plan and pages 1 and 10 of the 2018-2019 Queensland Police Service Annual Report.

20 W Thank you.

CA I tender those documents.

PO Exhibit 105.

ADMITTED AND MARKED EXHIBIT 105

CA You'd be familiar with those two documents, Commissioner?

30 W Yes, I am.

CA Now, the strategic plan for 2019 to 2023, so fresh off the press, is silent on the aim to reduce the misuse of information by employees to increase public confidence and trust in the police.

40 W Yes. And, just to make a point, this plan was a plan I inherited and just to the left straight away we've completed a different set of values, different vision and different purpose. So when our strategic planning is completed that will be updated. However, there was a mandatory requirement to submit this before I came into the organisation. But, you're right, it is not mentioned here.

CA Yes. Because if we go to the annual report, one of the four objectives, page 10, is to strengthen relationships with the community. So, moving forward, under your leadership those matters are going to be addressed?

W Yes.

CA Thank you. Just moving on to another subject, I'm mindful that there may be some time pressures today for continuing the evidence.

- W Yes, there is.
- CA So rather than starting a new topic, the last topic, I'm not sure – I'm not sure whether there's sufficient time. What time-
- W So even if – another half an hour. Sorry, I have got to catch a plane. That's fine. If I miss it we'll catch another one.
- 10 PO So you've got about half an hour have you-
- W Yes, if that's okay.
- PO Yes, would you finish in half an hour?
- CA Hopefully, yes.
- PO Okay. So we will try that. If you're pressed for time, Commissioner, just mention it, we can stand you down, that's all right.
- 20 W Okay. Thank you.
- CA Thank you. Now just moving on to the decision to prosecute these offences under section 408E of the Criminal Code. Just turning to the vulnerable category we've identified for the purposes of – well throughout these hearings, domestic violence victims with domestic violence orders, isn't it the Queensland Police Service's position that for the civil domestic violence applications pursuant to section 37 of the Domestic and Family Violence Act 2012 Queensland that all domestic violence matters are in the public interest to prosecute?
- 30 W Yes. I'm not completely au fait with that piece of legislation. I've been out of the organisation for an extended period of time, but.
- CA But the message that's sent-
- W The message that sends, yes.
- 40 CA -is that UI helping to address. So, on that basis, wouldn't misuse of information involving disclosure of a domestic violence victim's personal information always be in the public interest to prosecute under section 408E of the Criminal Code?
- W Yes, and that's a strong message that I have sent.
- CA I'll just show you again another part of the operational -- the OPMs, colloquially termed.

W Yes.

CA Chapter 3. And, in particular, 3.4.3, factors to consider when deciding to prosecute.

W Yes.

CA I tender that document.

10 PO Exhibit 106.

ADMITTED AND MARKED EXHIBIT 106

CA So the first test, there's two tests.

W Yes.

CA There's sufficiency of evidence, yes?

20 W Yes.

CA So once we've moved past that and there's sufficient evidence then the second test is public interest.

W Yes.

30 CA And relevantly, paragraph 2, under public interest on that page 8 which we're looking at, says, "Generally the more serious the offence the more likely the public interest will require a prosecution. Indeed the proper decision in most cases will be to proceed with the prosecution if there is evidence, mitigating factors can be put to the court at sentence."

W Yes, it does say that.

40 CA And then if we just go through the public interest considerations, and they're derived from the Director of Public Prosecution's Director guidelines, I believe. There are a number of them. It actually references the guideline 4 at the end of the Director of Public Prosecutions. So your staff follow these factors when deciding whether or not to pursue a charge under section 408E of the Code; is that correct?

W It is correct.

CA And if we go to (ii), any mitigating or aggravating circumstances when looking to see whether it is in the public interest to pursue the charge.

W Sorry, (ii) under?

- CA It's under "public interest" on page 8. It says, "Factors which arise for consideration in determining whether the public interest requires a prosecution include"-
- W Yes.
- CA And I'm just going to go down-
- W Any mitigating or aggravating circumstance.
- 10 CA Yes. So wouldn't you agree that in the case of misuse of information, it being considered a serious breach of privacy, that that is an aggravating circumstance?
- W It is an aggravating circumstance, but there's variation to the aggravation, isn't there. So if someone accesses it to have a look compared to someone to accesses it to pass on for you know benefit or the wrong reason. So there's a range of - when you look at aggravation in itself.
- CA But you'd agree that merely access is an offence under section 408E of the
- 20 Criminal Code.
- W Yes, because they shouldn't be accessing it if it's not in line with their role.
- CA And there have been prosecutions of staff members from different agencies for access only in relation to section 408E of the Code?
- W Yes.
- CA And we just turn to (vii), "The availability and efficacy of any alternatives to prosecution including justice mediation." So here isn't it the case when
- 30 weighing up that there is a disciplinary process, which can be followed for not only the Queensland Police Service but when you're looking at prosecuting staff from other agencies, that it is in the public interest to pursue criminal proceedings given that the public, for a general deterrence standpoint, other staff members, and also public confidence with respect to the public, and also the victim of the misuse, the privacy breach, they're able to see what goes on in the criminal arena-
- W Yes.
- 40 CA -but if it's just disciplinary proceedings, then no-one knows the outcome of that. At best, the victim would be told that the matter had been substantiated. So would you agree?
- W So, yes, there is a lot more exposure when it is in the criminal arena and it is obviously more publicly accessible that what it is in the disciplinary arena.

CA So I'll just show you the commentary under Carter's Criminal Law of Queensland, 22nd edition, the most recent edition from LexisNexis Butterworths. Your staff have access to Carters when deciding whether or not to prosecute?

W Yes.

10 CA And if we just look at the commentary to section 408E and it talks about a couple of cases, and the sentencing principles. I tender this document. It says there public deterrence is a significant consideration.

W Yes, it does.

CA So with that in mind, for the misuse of information, wouldn't that swing it in the public interest to prosecute these matters?

W It would swing it in that sense that public deterrence is obviously quite strong.

20 CA And then, just flowing on from that, we've got (viii), the prevalence of the alleged offence and the need for deterrence either personal or general. So that's the deterrence popping up again as another factor, thus strengthening it going in the public interest.

W And all of these things need to be taken into consideration.

CA And we are here now, as it has been identified as an area of increasing breaches, slightly low within the Queensland Police Service, but you're still at the top of the chart-

30 W Yes, and increased across other agencies.

CA -and across other agencies with the – neck and neck with the Queensland Corrective Services at the moment.

W That's correct.

40 CA Now, just moving on to (xi), the attitude of the victim of the alleged offence with regard to the seriousness. So wouldn't you say that victims of this type of privacy breach, their attitude is that they want to see justice done and it be prevented in the future? Wouldn't that swing it in favour of prosecuting section 408E offences?

W And, look, victims have different attitudes as you would know. Some victims in the past I know of may not want to pursue it and some victims obviously do because it has a serious impact on their lives. So certainly a victim is a big part of what we do. We are victim-centric and it should be always considered seriously.

CA And then (xiv), the necessity to maintain public confidence. So again you mentioned that earlier that that's a-

W Incredibly important.

CA -focus for the Queensland Police Service.

W Incredibly important. We have to maintain the confidence of the public to remain legitimate in what we do. It is incredibly important.

10

CA That would again strengthen-

W Yes.

CA -being in the public interest. And then the last one, the (xv), the effect on public order morale. So we talked about that at the start.

W Definitely.

20

CA -the reputational damage to the agencies where there's misuse that goes unpunished-

W Definitely.

CA -as the public see, and the reluctance to engage with the agency, the public?

W That's correct. It will have a huge effect on public order and morale and if you know if it's seen that we aren't obviously addressing the seriousness of this and it will obviously erode their confidence in us if we don't address these issues.

30

CA And trust for public sector employees is very important for the public, such as the ability to go to hospitals to obtain medical attention. And where they are confined in prisons. But also particularly so with police officers due to position of power in being able to prosecute members of the public, that the public confidence and morale is very acute within the Queensland Police Service?

W Public confidence is extraordinarily important. And, in fact, you know every year confidence is measured of police agencies around Australia. We look at that seriously. We look at how we can improve that. It is incredibly important for us to do our work efficiently and effectively.

40

CA And for police, just going back to training, but in the area of determining what is in the public interest, if there isn't training already provided particularly around weighing up those factors we've just gone through with respect to specific misuse of information, is it possible to provide training in the future or maybe there may be some training-

W Definitely. We're always reviewing – we should always be reviewing and we do what is best practice what needs to be done to make our organisation better. We want to be the best there is. And if this training is required it should definitely be included.

CA Now, the Acting Assistant Commissioner MICKELSON provided evidence last Wednesday on 13th November pertaining to the Office of State Discipline.

W Yes.

10

CA The new unit. Now, he said it has been determined by the Queensland Police Service there are three categories of – I'm terming them serious matters – I think he called them themes.

W Themes. Serious matters.

CA But there's three areas of focus-

W Yes.

20

CA -that where all matters coming under those three banners are referred to the unit-

W Yes.

CA -for specialist treatment.

W Yes.

30

CA And two of those out of the three areas include domestic violence matters and misuse of information.

W Yes.

CA So it is a focus for the Queensland Police Service those particular-

W Very much so.

40

CA Consequently, shouldn't it be that when those two areas are combined, in particular, it should be treated – the matter should be treated very seriously in the public interest to prosecute such offences under section 408E.

W So can you just elaborate when those two areas are combined?

CA So if there's, say, when a domestic violence victim has a police officer accessing QPRIME, disclosing their residential address which isn't known to their ex-partner to the ex-partner as an example.. So that combines domestic violence and misuse of information.

W And sorry the question is that it-

CA That those are particularly serious matters where it should always be in the public interest to prosecute?

W It should. That's not the only serious matters though. You know, there's other – like, for me, mistreatment of information is serious, per se, so it is not just domestic violence. There's other information given to say outlaw motorcycle gangs or whatever. So domestic violence is one example but, yes, it should be treated very, very seriously.

CA And as you've said given that one of the three focal areas of the new unit is misuse of information, all misuse of information matters which we touched on earlier before we went through the public interest factors under the OPMs should be treated as serious and should be prosecuted.

W Yes. And that's the very reason why that has been put to that level within the organisation to provide consistency, to send the message of seriousness, to look at the sufficiency of evidence in the public interest test. And it is a temporary – I've just made that unit permanent into the future. And certainly I think when we look at that already I think it has provided that better level of oversight and consistency definitely than in the past. But certainly I think with a review into the future there could be further improvements made as well.

CA And there have been throughout the public hearings two issues have arisen in relation to the Queensland Police Service's-

W Yes.

CA -decision to prosecute under section 408E of the Code. The first one is in delaying in investigation. So you'd be aware, no doubt, that the Commission's position is that criminal prosecution should be sought or investigated prior to any disciplinary action being taken?

W Yes.

CA And that part of the Police Service Administration Disciplinary Reform and Other Legislation Amendment Bill 2019 provided for that to occur under section 7.12(1)(c). I'll just show you a copy of that. No doubt you'll be very familiar with this document though but I'll just show you so we can go through it. I tender that document.

PO Exhibit 107.

ADMITTED AND MARKED EXHIBIT 107

CA So just there on page 22, or 21, it says when disciplinary proceedings must be started a disciplinary proceedings against the subject officer, so those – that's

for Commission staff - must be started within the latest of the following periods. And then under (c) it says, "If a relevant criminal proceeding has started six months from the day the criminal proceeding is finally dealt with."

W Yes.

CA So that's to allow for criminal prosecution and then disciplinary.

W Yes.

10

CA So, with that in mind, and that the Commission is sending that message out to agencies, including in writing, which we have seen throughout the course of these proceedings in a letter to an agency, isn't it a risk if there's a delay in investigating under section 408E? During that period of delay most times, at most agencies, the potential or the offender still has access to the database they have misused the information from. Not all of the time but a lot of the time.

W Yes.

20

CA And so there's a risk. There's a risk of continued misuse throughout the entire duration of the criminal investigation. So our evidence we've heard is from the Department of Health, Dr WAKEFIELD gave evidence last Thursday-

W Yes.

30

CA -he says that in the 2018-2019 financial year, which concluded almost six months ago, so we're talking about from the 1st of July, a year and a half ago to six months ago, they have four matters outstanding. And the Queensland Corrective Services gave evidence last Friday that since July 2018, since 1st July 2018, so for the last year and a half, they've referred 32 matters to the Queensland Police Service; two have been dealt with.

W Yes.

CA One has not been continued with. And they've got 29 outstanding.

W Yes.

40

CA Wouldn't you agree that that is not acceptable delay and moving forward some efforts could be made for a quicker process, akin with what the new discipline unit is setting in train for speeding up these cases?

W Yes. So I can't offer a reason as to why the delay. And nor can I offer a reason as to why a detective or a police officer mightn't pursue the matter criminally because the discretion ultimately is up to them having regard to, you know, what we've just spoken about.

I do know, though, since the public has been more aware about issues about this, and departments have taken a stronger stance, that what has occurred is the Queensland Police Service is getting complaints at a very local level, like coming through Police Link distributed to our various CIBs, Criminal Investigation Branches, at the front counter, etc.

10 In the past, what used to happen it used to come into the organisation at a very high level and then it would be farmed out to the appropriate levels. So at the moment that is not occurring. So each – there is no consistency as to the way it is being dealt with across the organisation. And so what happens is where in the past the organisation of QPS would accept that this matter is being looked at at a very high level with their own organisation and then it gets passed over to us. This has actually changed in recent times and I know there is a committee at the moment looking at this.

20 So how do we deal with these complaints from other organisations into the QPS that they are dealt with effectively and obviously in a timely manner. And you would know that just looking at the other agencies that those complaints have been picked up, they're coming into our agency a various way. So we have a pro forma with Police Link that if it does come into the agency what exactly now needs to be done with it.

30 The problem it creates is each agency at the moment, I don't know if they have a true picture what is coming into the QPS. And I'll give you an example. Say in Mareeba the principal wants to make a complaint about one of their teachers and goes straight to our CIB or phones Police Link and it gets allocated that way. I don't have direct oversight and we're working through the process of getting that direct oversight from other agencies, but I don't know if that agency has as well. So these are the issues that need to be worked on, and are being worked on. But I think it's excellent that agencies are better aware about – of this and are actually taking very, very proactive steps in relation to this. But you are correct, it needs to be done in a very, very timely manner in order for it to have great effect.

CA Thank you. Just moving on to a matter where there was a very timely decision made. Unfortunately it was not to prosecute. And may the Commissioner be shown Exhibits 90 and 91? This is from the Queensland Corrective Services on Friday we went through this. I'll just show you the email while we're just getting that up. The email chain from Queensland Corrective Services to the 40 Queensland Police and their response on 14th February. And then the letter which has also been handed to you that provides a little bit of a background about the nature of the misuse.

So just turning to the email, we've got the email from Queensland Corrective Services referring a misuse of information matter to the police at 3:28 on Thursday, 14 February 2019. And then a little over three hours later at 6:51pm that evening, the response from the Queensland Police Service is that, and I'll just read it, "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 in the public interest to proceed."

So that matter concerned access to their database colloquially known as IOMS and it was considered, by the looks of things, too simple and there isn't any other clarification made. But it is a misuse of information in a sensitive prison environment, and there's been a little over three hours to determine it.

10 W Wouldn't you agree that there's a vast inconsistency there with months and months and months in some cases and then three hours in this case and that the sort of future focus that you're talking about is something that's very necessary to be implemented as soon as possible?

W I – it has to be effective and efficient. I do not know what evidence obviously.

CA Yes.

20 W -you know took place. So it is very, very difficult to comment on this. And as I say it's always up to having regard to what we've spoken about, sufficiency of evidence, public interest. It's always to the discretion of that officer. So I cannot comment on the actual individual case. However, to have an effective process, be it anywhere, discipline or criminal matters, they should be dealt with as efficiently and in a timely manner as possible.

30 CA And there was another issue which arose, the second issue throughout the public hearings, that there are some agencies, well, in particular the one we're talking about, Education, where the message being sent from the Queensland Police Service was – and I'll just show you Exhibit 37. Now, this was sent on 4 April 2019 from the Department of Education to the Commission, prior to you becoming Commissioner.

40 W But there's a very concerning part of it, halfway down the email. It says, "The Department has considered referring this matter to the Queensland Police Service in particular the Department noted recent advice from the QPS regarding referrals under section 408E in which the QPS have advised that it is not in the public interest to investigate or charge in this instance and further that it is more of an internal matter for the Department to determine." Wouldn't you agree that that is promoting a bad culture within the referring agency?

W You've just provided me one example which I'm sure is amongst hundreds and maybe even thousands, because I don't know how many times this takes place between departments. So-

CA Just in relation to the one example, it says, "Recent advice from the QPS regarding referrals", plural-

W Yes.

CA -“under section 408E.” So that’s not just an example, it is referrals, plural, to the QPS for section 408E, it says.

10 W Yes. Yes, so referrals might be two or three, okay. What I'm saying is it is very difficult for me to comment holistically about members in the QPS carrying out investigations just on one example. I go back to the point where I do think the current process as to how investigations come into the organisation, which is being worked on, does not provide for consistency and good governance in the way that they are being managed. That is the greater issue that sits across all organisations. And so it is very difficult just to comment on this one piece of document that you've given to me.

CA For your staff moving forward in relation to determining whether or not it is in the public interest to charge under section 408E, would a pro forma with some specific criteria, more than in the OPM which relates to all criminal charges be potentially of use as part of the training?

20 W A part of the training, but it’s a greater issue than that. You know, someone who is a CIB in Cairns may look at it differently from someone in Townsville. I think the whole system of how it’s reported and how it’s holistically acted on and what is the governance that sits around that. So it's, you know, it's a greater matter that we're dealing with just other than one document going into the Queensland Police Service and coming out. I'd be interested to know, you know, whether this went to a local Criminal Investigation Branch or whether it went into our Ethical Standards Branch because it’s incredibly important to know within your own agency, whether it be Health or Education, how many complaints are taking place, what is going out to external agencies, what is coming back. They are some of the greater issues that I think we should be
30 dealing with as well as additional training in relation to how these are dealt with.

CA But you'd agree, wouldn't you, that a member of the public should have confidence that wherever they are living in Queensland they should have the same experience and same level of protection for their information regardless of where they live?

40 W I agree that that is the case, but we had a senior officers' meeting the other day where it was clearly pointed out to me that the amount of investigations coming from other organisations at the moment, either at the front counter or through our Police Link is actually an extraordinary amount of more work than what we’ve already got in terms of our, you know, response to the community. So that could be dealt with - I don't know how each agency, you know, like CIB deals with their complaints. But what I'm saying at the moment is because it’s not good governance wrapped around how it comes into the agencies and how we respond that the practice could be better.

CA Have you got any suggestions as for improvement moving forward?

W And I've touched on that. Through the Public Service Commission we do have the heads of each or a members representative from each ESC, sorry, Ethical Standards Command, within departments are actually looking to that into the future.

CA Just going through some matters that have gone before the courts, and I believe we have already provided you with notice that we'd be referring to these cases?

W Yes.

10

CA So they're all where there's been a police officer accessing information only.

W Yes.

CA I won't say "Only" in a light sense, but on the scale of offending it is at the lowest end, and doesn't involve disclosure to a third party of that information which they have misused on the database, namely QPRIME. So we have got the *DPP v BANKS* at Ipswich Magistrates Court on the 7th of November 2017 is one of those matters.

20

W Yes.

CA I'll run through the list, if you want to say anything about them please let me know.

W Yes, I will but I'll let you run through the list first.

CA And then the *Police v BARNES*. And then the *Police v BARNES* at Beenleigh Magistrates Court on the 14th of March 2018.

30

And then the *Police v BETTS*, a decision from Brisbane Magistrates Court on the 14th of March 2016.

Police v BINNEY, Ipswich Magistrates Court on the 22nd of November 2017.

Police v GUILDER, Brisbane Magistrates Court on the 23rd of November 2017.

Police v McANNEY, Beaudesert Magistrates Court on 24th of July 2017.

40

Police v PRIZEK, Rockhampton Magistrates Court on the 2nd of March 20118.

And then we have *ROV v The Commissioner of Police* in 2017, Queensland District Court.

W Yes.

CA Just to reference it, 324.

W Yes.

CA So all of those matters, there's eight of them, just as examples where there's been access only offending under section 408E of the Code. No disclosure. Is there anything you'd like to say about any of those cases?

W What is difficult, I suppose, for our agency is the interpretation of what benefit is.

10 CA Yes.

W There is a wide range just of interpretations in some cases. Knowledge in itself, without anything else, has been looked at, has been said to be a benefit. However, on other extreme circumstances where an officer has obviously given it to a third party-

CA -Sorry, I don't want to interrupt you, but I have a copy of section 1 of the Code where benefit is defined.

20 W Yes.

CA Would that be of assistance for you to speak to? I'll just show you a copy of it.

W Yes.

CA I tender that document.

PO Exhibit 108.

30 ADMITTED AND MARKED EXHIBIT 108.

CA So just down the bottom there's benefit Defined, "Including property, advantage, service, entertainment, the use of or access to property or facilities and anything of benefit to a person whether or not it has an inherent or tangible value purpose or attribute." So there's a non-exhaustive list there including no need for there to be a tangible value.

W Yes.

40 CA So just, sorry, carry on if you'd like to use that as a reference.

W Yes, sorry. So what I was trying to explain is it is interpreted in very different ways. You know, in some cases, a Magistrate in term benefit as just obviously accessing the information for someone's curiosity. Whereas in extreme cases where an officer has clearly inappropriately used the information and passed it to a third party, we've had rulings that the prosecution has not been able to prove benefit. So there is a lot of inconsistency in interpreting benefit.

CA But you'd agree that under section 408E, and I'll just show you section 408E just for completeness. If the Commissioner can be shown Exhibit 11.

W I've got it here.

CA Some agencies have been very proactive with deterring their staff from what you've just mentioned, curiosity.

W Yes.

10

CA The lower end of the spectrum. And the Department of Transport and Main Roads have a campaign, "A Peek is a Breach", so just so I'm not misunderstanding you, your service prosecutes under section 408E regardless of if it's a lower spectrum, for a curiosity type of offending there would be a prosecution?

W There should not be peaking at any information that's not relevant to their duties.

CA Yes, thank you.

20

W Whether lower end or higher end.

CA Just moving on to a matter which did involve a serious misuse of information, Neil PUNCHARD.

W Yes.

CA His offending was at the more serious end of the spectrum.

30

LR Excuse me Chair, I'm mindful there's an appeal on foot and it's been filed in relation to Mr PUNCHARD. So perhaps we can be very cautious with where this goes.

PO Yes, I think Ms FOTHERINGHAM is aware of that. I don't think you're going to talk so much about the merits of it as opposed to the response initially from the Service to it. Is that the-

CA Yes, Chair. .

40

LR Thank you, Chair.

CA Mr PUNCHARD did plead guilty and it's not an issue of his guilt. And I'd be speaking to the processes, as we've been talking about in, leading up to him being charged with the offence of section 408E for which he pled guilty to on the 14th of October this year. So you'd agree that we've gone through those eight matters where there's access and I mean there's lots of others that have gone through the courts, but that that type of disclosure he did falls into the serious aggravated end of the spectrum?

W Yes.

CA He disclosed the details of a domestic violence victim risking physical and emotional harm for her and her children?

W Yes.

10 CA And the facts are that he was at the time a Senior Constable in rank?

W That's correct.

CA And he was disclosing the contact details to the victim's ex-partner, knowing there is a history of domestic violence, including domestic violence orders.

W Yes.

CA And he knew the couple had children together?

20 W Yes.

CA And that the victim was pregnant at the time of the offending?

W That I did not know. Yes.

CA And that he even encouraged his friend to whom he, the third party, provided the information, personal information from QPRIME to contact the victim to cause her emotional harm?

30 W Yes.

CA And thereby also risked physical harm to her and her children?

W Yes.

CA And the offending occurred over three years from 29th July 2013 to 20th May 2016?

40 W I didn't know the exact dates but I did know it was over a period of time.

CA If there had been, as you said, you're going to look into some proactive auditing, at least of that vulnerable category, the offending would have been nipped in the bud sooner?

W Depending on what system you use, it may have been.

CA Yes. And it was detected through a complaint?

W Yes.

CA And the initial investigation conducted by the police was a decision in 2016 that the Commission referred the matter to the police on the 5th of August 2016?

W Yes.

CA And the initial decision was not to charge Mr PUNCHARD.

10 W I believe that was the case.

CA Senior Constable PUNCHARD, and just to discipline him?

W Yes.

CA And that it was only after the victim persisted in seeking that he be charged that in late 2018, well over two years later, he was charged?

20 W That's correct.

CA December. And I'll just show you three bits of correspondence between the Commission and the Queensland Police Service. So there's a letter from the Commission to Ethical Standards Command on the 12th of April 2017, and then there is a letter from the Queensland Police Service to the Commission on the 11th of May 2018. So Senior Constable PUNCHARD, now the outcome was a reduction in pay from 2.10 to 2.9 for 12 months that was his punishment at that time?

30 W Yes.

CA Prior to there being a prosecution. And I'll just go to the letter of the 12th of April 2017. I tender those documents.

PO Exhibit 109.

ADMITTED AND MARKED EXHIBIT 109.

40 CA On the second page, going to the gravity of the offending. There are three quotes from Senior Constable PUNCHARD to the victim's ex-partner. "Just tell her you know it via freedom of information." "Tell her you got it from his name, not hers." "Even better just tell her you know where she lives and leave it at that. LOL. She will flip. Don't tell her how."

W Yes.

CA So you would agree that that type of conduct of a police officer is at the-

W -Extreme end.

CA Yes. So why was there a delay from August 2016 to December 2018 for the Queensland Police Service to charge the Senior Constable PUNCHARD with this severe offence? .

LR I object to that.

W I can't answer it. Yeah.

10 LR The Commissioner wasn't the Commissioner at the relevant point in time. Secondly, the document speaks for itself. It identifies in the document that the Commissioner has considered the matter and likewise, the Commission says that they reviewed the matter and understood the rationale for that decision. So it would be inappropriate for the Commissioner to answer.

PO Ms FOTHERINGHAM?

CA I believe the Commissioner is trying to speak.

20 W I was just going to say it is extraordinarily difficult for me to answer why decisions were made before I came into the organisation.

CA Yes.

PO I think it is a fair point, Ms FOTHERINGHAM, to note that, as the correspondence suggests, that the Commission which was monitoring the matter and had the power to take it over and charge itself or to take it to QCAT, declined to do so and became involved again when the matter was re-opened by the complainant. And the then Commissioner, Mr STEWART, had the new investigation reviewed by the Commission, and the Commission recommended and the Commissioner agreed, to then lay the criminal charge under 408E. So that's the complete picture.

30

W Yes.

PO I don't think it is fair for you to be commenting on the circumstances.

W Yes, it is difficult to comment, but obviously a decision was made to go down the discipline path. And when a further complaint was made and it was
40 reinvestigated, and it does take time to obviously do the investigation because an action had already been taken, but certainly as a result of that criminal charges were then laid. As I say, I cannot comment on why certain decisions were made even in the discipline area. And then why certain decisions were made after that. Obviously the gravity of the situation was that it needed to be dealt with criminally and wasn't in the first place.

CA Thank you, Commissioner. Moving forward, just one last aspect. You've talked about - if I could just show you section 4.9 of the Police Service Administration Act 1990 Queensland. I tender that document.

PO Exhibit 110.

ADMITTED AND MARKED EXHIBIT 110.

10 CA You would be very familiar with that. So that's the ability for yourself to issue directions over your staff.

W Yes.

CA And moving forward with what you've talked about trying to have a cohesive new stance to ensure consistency and the speeding up of the process for investigating and prosecuting those matters found to be in public interest under section 408E. You'd be able to use your directions over the various locations to ensure that there's some compliance with that new direction that you're bringing the service into?

20

W I think the organisation, and I know the Assistant Commissioner will talk to how proactive it's been in recent years. However, there is always room for improvement. There is always room to identify best practice and to ensure that we implement that. There's always room for effectively, efficiently and in a timely manner dealing with issues. So certainly that is my focus into the future. People would know that within my organisation that my purpose is prevention together, disruption, investigation and response. So that sends a clear message, not just prevention about crime, prevention in terms of discipline, mental health, a very clear message. So certainly I would expect a lot more improvement in this space.

30

But whilst I think all of us in the organisation are extraordinarily a victim-centric, but I go to that point around auditing, it has to be effective and efficient allowing us to still use the information for our own safety, but more in particular for the public's safety. So it has to be a combination of people as well as IT systems, and it has to be, and I'll go back to the point, extraordinarily efficient and effective and it has to add value to the process.

40

But, you know, from my organisation's point of view, it is about the victim. It is about prevention. And it is about making sure that we keep our community safe and secure. So I think we've made a lot of gains, but definitely into the future there's more work to be done.

CA Thank you, Commissioner. I have a copy of hand to what we were looking at earlier. Just for completeness the Management Support Manual, page 1 of the Introduction, and under chapter 5, 5.6 The Release of Information, page 7. I'll just show you those two pages and then I'll tender that document for completeness.

CA And those are the two pages we were talking about earlier. I believe they have the other pages on them as well, but just looking at the introduction, page 1 and then chapter 5 page 7 about the release of information?

W Yes.

CA I tender that document.

10 PO Exhibit 111.

ADMITTED AND MARKED EXHIBIT 111.

CA Nearly at the end, just a couple more questions. Is that okay?

W It's okay. If I miss my flight I'll just have to go in the morning, won't I.

CA The police, over the country and other jurisdictions, there's been reports and inquiries to try to ameliorate the policing.

20

W Yes.

CA So no doubt you're aware of some of the reports, but I'll just go through two or three with you, if that's okay, just briefly.

W Yes.

CA So may the Commissioner be shown the Western Australia Police Professional Standards Portfolio Information Integrity Pathway Roadmap for Reform, 1st of September 2016, pages 1 and 3. I tender that document.

30

PO Exhibit 112.

ADMITTED AND MARKED EXHIBIT 112

CA Just on page 3 it raises an issue that we need to be mindful for the purpose of Operation Impala, but also more broadly going forward with the misuse of information. Under the first paragraph, it talks about, "It was found computer misuse was rarely a standalone issue and was linked to other often more serious unprofessional conduct." So that sort of adds to the gravity of the situation to make sure that these matters are dealt with as it's not just a serious breach of privacy but other corruption conduct, often more serious than even than that which can be occurring.

40

W And that's why it is incredibly important to be preventative as well as addressing the issue immediately.

CA Yes. Thank you. And I'll show you a couple of pages of a report of the Integrity Commission, number 3 of 2018. It reports of an own motion investigation into the management of information in Tasmania Police. And I'll show you page 1, just so you can see what the cover is, and then pages 34 to 35.

10 So here on page 34 under paragraph 1.5.1 we've got reinforcement of what we've been talking about today, that there needs to be some proactive monitoring of - it says, "Put in flags, alert monitoring on prominent database entities." So just the need for there to be some extra protections for particularly - it details it here as prominent entities, that they've highlighted the need for there to be a differentiation of extra protections for particular-

W Yes. And to my point, exactly, I agree with you, it's how that's effectively done.

CA Yes. And then under paragraph 155, on page 34, what I said earlier, "It is not common practice for Tasmania Police to restrict its officers' access rights. This includes officers that have been suspended or under investigation for misuse of information." So that's been identified as a risk. It is an obvious risk. And again, that goes to the need to try to wrap up investigation as soon as possible whilst there's this ongoing risk of access.

W Definitely. And the AC will speak more to this, but we certainly do restrict access to people, you know, stand downs, suspensions. So I think we've got to be - it's not just Tasmania Police seems to have - they don't seem to restrict the access, but we do. So I think we just need to elaborate on that when we talk to Ethical Standards Command.

CA Ethical Standards Command?

30 W Yes.

CA I tender that document.

PO Exhibit 113.

ADMITTED AND MARKED EXHIBIT 113

40 CA And then the last report from another jurisdiction. The IBAC, Independent Broad-based Anti-Corruption Commission from Victoria. Just a few of these pages. They did a report in September this year and the report is entitled "Unauthorised Access and Disclosure of Information held by Victoria Police - An analysis of Corruption Risks and Prevention Opportunities."

W Yes.

CA So if we just go to pages 21 to 22.

W Yes.

CA Which talks about risks, 3.2 risks at the organisational level, a lack of detection of unauthorised access and disclosure, and there the need to have -- it's put in there the category high profile persons as well.

W Yes.

10 CA And sensitive matters should have, because of the greater impact on the community due to the seriousness of offending, it talks about detection of these categories by an ongoing audit program. So there what we've been talking about already, sort of reinforced from another police service.

W And definitely. And the greatest benefit about auditing is that you pick it up early. Whereas if you just have a system of complaints and to the PUNCHARD point, it could be happening for a number of years before you're aware of it. So it has to be dealt with upfront in a preventive measure and has to be dealt with as soon as possible.

20 CA Yes. And then just moving along to page 23, which is something we haven't discussed, that personal issues and circumstances of employees can be the key driver of the misuse of information, so to ensure there's employee assistance programs and the Queensland Police Service no doubt have those programs in place?

W Yes, we do. Yes.

CA Counselling service?

30 W Definitely. And they're incredibly important obviously in supporting staff.

CA Yes. And then page 25, just touches on what we talked about at the very start, information sharing with approved third parties just to ensure that there's the same level of protection in the receiving agency. That's something that we can talk about later on in the week with your information technology staff member.

W Yes, thank you.

40 CA And then pages 27 to 28, we've gone through what we've already talked about and you've highlighted the need to tidy up and strengthen the educational measures that are currently being taken.

W Yes.

CA And there under prevention and detection talks about auditing again.

W Yes.

CA And on the next page, enhanced education and ongoing training which we've already covered in a lot of detail. I tender that document.

PO Exhibit 11 had 4.

ADMITTED AND MARKED EXHIBIT 114

CA And then lastly there is a rather dated report from the predecessor to the Crime and Corruption Commission.

10

W Yes.

CA On years gone by, the Criminal Justice Commission.

W That is years gone by.

CA November 2000. I'll just show you portions of that report as it is quite lengthy. We've just got portions for you. I tender that document.

20

“Protecting Confidential Information. Reports on the improper access to and release of confidential information from the police computer systems by members of the Queensland Police Service November 2000, Queensland Criminal Justice Commission.” So you'd be aware of that report?

W Yes, aware of the report. Obviously not every recommendation to it, but yes, aware of the report.

CA So just going to forward there on (v), “This review was prompted by an investigation issued in 1998 into allegations that police officers stationed at the Nerang Police Station may have been unlawfully disclosing confidential government information from the QPS computer systems to a cleaner who was employed at the station.” So that's where we have a misuse of information and disclosure problem back then.

30

W Yes.

CA And then if we just go to the next page. Pages 64 to 66.

W Yes.

40

CA So the recommendation was for – recommendation 6.10 on page 66, a recommendation for a systematic and ongoing internal audit. So that was a recommendation back then. And in this section, pages 64 to 66, went through what other police services were doing in that arena, the New South Wales Police Service, Vic Pol, Victoria Police and South Australia Police, SA Pol. So it is of concern that almost 20 years later that the Queensland Police Service still haven't implemented that recommendation even in part.

W Yes.

CA Moving forward you said that you were going to look into starting an audit, even if it be a specific category of public record, but just to raise that, that that is almost a 20-year old recommendation.

10 W Yes, so my Chief Superintendent obviously would have better insight, as to, you know, when QPRIME was set up what the intentions were to audit within that system, or what we've done since. So it's difficult for me to comment on how we've addressed this or why it may not have been addressed.

CA Yes. I tender that document.

PO Exhibit 115.

ADMITTED AND MARKED EXHIBIT 115

20 CA Thank you very much, Commissioner, for your time. That concludes my questions.

PO There was one document you showed the Commissioner, Ms FOTHERINGHAM, it was the Standard of Practice of 22 October 2019.

CA I tender that document.

PO It is Exhibit 116.

ADMITTED AND MARKED EXHIBIT 116

30 PO Mr SCHMIDT, I assume you'll be more than a few minutes?

LR I would be seeking leave, I anticipate if you do grant me leave 10 to 15 minutes.

PO Okay. Commissioner, I'm in your hands. I'm happy to let you go and bring you back.

W Thank you, Commissioner, I will just keep going and we'll make the necessary arrangements when I leave this room. Thank you.

40 PO 10 to 15 minutes, Mr SCHMIDT.

W Thank you, Chair. I wonder if the Commissioner needs to stand down so that she can have her flight rearranged is she's going to be late.

W I have people in the back of the room that will contact my office and let them know, thank you. .

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- LR Thank you, Commissioner. In that instance, Chair, I'd seek leave to cross-examine the Commissioner in relation to the ACLs and registering domestic violence matters and the operational impact on that. Also in relation to Exhibit 116 and that's the Standard of Practice and the reference to the non-existent section 16. And finally, in relation to the Commissioner's evidence earlier about police officers understanding the policy, the extent of the policy and clarifying some aspects of that policy.
- 10 PO Yes, you have leave, Mr SCHMIDT. Thank you.
- LR Thank you. Commissioner, if I just have you taken to Exhibit 116, which is the Standard of Practice. I wonder if the Commissioner could be shown that exhibit. Thank you. Just to refresh your memory, Commissioner.
- W Thank you.
- LR It was suggested to you that there was a reference in another police document to section 16 and that section 16 didn't exist. Can you have a look if you have it there, page 16, section 10.
- 20 W Sorry, if you don't mind I'll just wait until the document comes to me. .
- LR Certainly. That's the one, yes. So page 16, please, Commissioner.
- W Yes.
- LR And you'll see there's a column on the left-hand side headed, "We do this by".
- W Yes.
- 30 CA And I believe it is the fourth and fifth dot points. Can I suggest to you that that is actually a consolation of what was in the former earlier policy at section 16?
- W Okay. I'd have to - yeah, it may be the case. I'd have to look at them and line them up, but the intent would have been similar.
- LR But in any event it's saying that she's not talking UI-
- W -Yes, exactly.
- 40 LR -for personal reasons and you UI-
- W -Yes, definitely.
- LR -for official purposes.
- W Yes.

LR Thank you. Now in relation to ACLs and DV access, you gave evidence before about purposes of an ACL.

W Yes.

LR Now, can I suggest to you, and I can give you the figures here, but the Queensland court website for 2018-2019 suggests there were some 49,124 domestic violence orders made.

10 W Yes.

LR That includes temporary and final orders.

W Yes.

LR Are you prepared to take my word for that?

W Yes, I am.

20 LR And for the proceeding years there was a similar number, slightly less.

W Yes.

LR So around 50,000 orders a year. Now, if they were to be recorded onto the computer system, each time one of those orders was recorded that would generate an ACL exception, wouldn't it? A notification?

W Yes, it would.

30 LR Yes. Then each time one of those orders is looked up, for example, there's a domestic happening at such-and-such a location, that would cause one?

W Yes, it would.

LR Now it would be looked u up by the Comms operator?

W By a number of people.

LR Yes.

40 W Yes.

LR Also obviously officers attending the actual scene on their QLite devices?

W That's correct.

LR Potentially officers preparing a court brief following the charging of the person?

W Yes.

LR Potentially an officer's partner looking it up for the sake of providing a statement if it goes to hearing?

W Yes.

LR Okay. So effectively it's going to cause a large number of ACL reports to be generated.

10

W And that was to my point, if it's ACLs, not just for domestic violence but other matters, you could have that just pinged literally all day long.

LR Yes.

W So it would, and that also goes to my point that whatever system we implement just cannot add another layer of bureaucracy for no benefit. .

LR Thank you.

20

W So it has to be a very effective and efficient system with personnel and IT systems to get that balance right. One of the biggest issues I've found since I've come into the organisation and it is in all of our research and all of our data and recent surveys that we've done, that the bureaucracy and red tape is adding an extraordinary amount of time to our work. And, you know, you talked to the point about the orders, but domestic violence occurrences have increased from 80 to 85,000 to 90 to 95,000. We're expecting 100,000 occurrences this year. This is before going to court, before breaches. And a part of the red tape reduction is to start looking at some of these issues to reduce the bureaucracy. However, the most important and fundamental part of this is to be victim-centric and to make sure that whatever we do surrounds the victim. So that's why I always go back to the point that it really has to be effective and efficient without the added layer of bureaucracy and to add value. .

30

LR I'll just go further on that point, Commissioner. If an ACL is placed on a domestic violence order and as a consequence operational officers are unable to access that order or aspects of that order can you see that being a real problem?

40

W It could be a problem to the officers' safety, as well as the safety of the general public. So it's incredibly important to have the right amount of information available to us to do our job effectively and efficiently.

LR Can I suggest, for example, if there had been previous breaches of a domestic violence order that's a circumstance of aggravation for a subsequent breach, isn't it?

W Yes, it is.

LR So officers would need to know about that?

W You'd definitely need to know about that.

LR They would certainly need to know about the actual conditions that are on the order?

W Yes, you would. It is incredibly important, critically important.

10 LR It's obviously – sorry, I cut you off.

W Sorry, it's critically important.

LR Yes. Because obviously if there's a no contact condition and the officers aren't allowed to have access to it they might not actually be able to breach the offender.

20 W Definitely. And the history is incredibly important as to what future charges you may lay and just to have – to about also to assess the risk of that person every time you come in contact with them. So it's incredibly important to have the whole picture.

LR Right. Excuse me for a moment. And obviously the consequences of an officer not being able to access details such as domestic violence orders potentially puts the public at risk?

W Yes, it does.

30 LR It certainly puts a very vulnerable person at risk?

W Yes, it does.

LR And in terms of accessing the address of an aggrieved spouse that's on one of those orders, it's possible that that's necessary simply to locate the aggrieved?

W It is necessary sometimes to locate the aggrieved. Or if the aggrieved phones up to make a complaint about something you want to know that it is the aggrieved to give it the attention that it needs.

40 LR Yes. Now, for example, domestic violence, you're a former operational officer.

W Yes.

LR So domestic violence incidents often come in as a consequence of neighbours calling?

W It comes in as a consequence of many reasons.

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- LR Certainly. But if a person is an informant that's not actually involved in a domestic, so for example in a unit block, the ability to actually look at the system and ascertain who has domestic violence orders in that unit block will allow responding police to more readily identify the potential location of the incident?
- W Definitely. And it would change how we respond, rather than a general code 3. If you had all of the information you would change the way that you respond to those calls.
- 10 LR So you're saying a code 3. So you'd say a code 3 is a non-lights and siren response?
- W Non-urgent response, yes.
- LR Whereas if there's a history of a person being armed, for example, and you've got a call coming in from a neighbour, looking at all that information might result in a code 2 response?
- W Code 2 or even a code 1.
- 20 LR And that are lights and sirens, get there as soon as possible?
- W Lights and sirens, get there as soon as possible.
- LR Yes. Thank you. Now if we could move onto police officers understanding of the policy. And you indicated that your view was that officers have a fairly good understanding of the policies?
- W I think a very good general view. But I know of instances where some officers now second guess where they can actually access information. And to my point, you know, say someone has been arrested, etcetera, and then they want to check a couple of days later whether that bail conditions have been applied, so there's now issues where they will - and we always say if you don't know just whether that's right or not please go to your supervisor. But it may be grey even with the supervisor. So it is that point about having very clear policies, but that everyone understands them clearly. And I touched on it has to be multifaceted throughout the entire organisation, whether they start, whether they're, you know, halfway through their service, multifaceted and delivered in many ways. And why I touched on delivered in many ways, is whilst we have online
- 40 learning, face-to-face learning is also incredibly important.
- LR Yes.
- W I think where you can talk to the facilitator, have real life examples, that's very powerful.
- LR Do you see a need to clarify - the basic policies, so there's five of them, can I suggest, but basically they refer to official purposes for the QPS?

W Yes.

LR As being the reason to do it?

W Yes.

10 LR Would you consider an officer engaging in training as being an official purpose? If I give the example of, let's pick on a detective. So we have a plain clothes Constable who's preparing an objection to bail. Now, if that officer was to access an experienced detective's previous objections to bail for another offender to look at the matters that they should address and the considerations that they should give, would you see that as being an appropriate and official access?

20 W Well, in that circumstance, though, I don't know if that person who's been trained needs to access who that person is and what their address is. But I can understand they might want to take them through the examples, you know, that's been provided.

LR Well, what I'm suggesting is Officer A is arresting a person. Officer B is an experienced detective and has previously prepared an objection to bail for a different person. Officer A then getting a copy of that objection to bail to see what matters are addressed in the objection to bail affidavit.

W I can understand that happening. But if it's not involving that person, those details could be de-identified. Do you understand what I'm saying?

30 LR I see what you're saying.

W Yes.

LR But there's no way to get de-identified details off QPRIME, is there?

W No, there isn't.

LR All right. And in terms of let's say a QP9, a court brief. So again, an officer preparing a court brief for a series of break and enters or a rape.

40 W Yes.

LR Looking at a court brief which has been prepared by a more experienced officer to see the matters they need to address.

W Yes, it is fine to do that, but there would have to be obviously – it's there for training purposes for their work purpose rather than wanting to identify who the person is that's subject to that.

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LR Absolutely. I'm absolutely not suggesting that, looking at it for curiosity.

W Yes.

LR Okay. Now in terms of an officer checking themselves, for example, where they are a complainant in an assault police matter, do you see any problems with that?

10 W An officer accessing information about the fact that they're a complainant?

LR Yes. So an officer is involved in an assault. The officer is the victim of the assault. The officer arrests the person for the assault police charge. And for example, their partner puts on the occurrence. Do you see a problem with the officer doing a check on the officer's - the arresting officer doing a check on himself or herself to ascertain the occurrence UI-

W -Yes, because it was an assault on police. Is that what you're saying?

20 LR Yes.

W Yes, they should have access to that. That's the course of their duties. .

LR Thank you. Excuse me for a moment. LR Thank you, Chair. Thank you, Commissioner.

PO Thank you. Could I just get you to just formally announce your appearance to the Commissioner?

30 LR Thank you, Commissioner. CAPPER. C-A-P-P-E-R, initials C.J. Solicitor for the Queensland Police Service Legal Unit. I have no questions.

PO Thank you. All right. Thank you, Commissioner. Do you want the Commissioner excused?

CA Thank you.

PO My apologies for missing your flight.

40 W That's okay, that's fine. Better that than having to think about it again. So thank you very much everyone. .

PO Thank you. Will we be ready to resume by 2.30 or do you want more time?

CA That should be fine.

PO If you're not ready just let me know.

CA Thank you, Chair.

PO Thank you.

HRO All rise. This hearing is now adjourned.

END OF SESSION

UNPROOFED TRANSCRIPT