



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: 1HRS 5MINS)**

**Copies of this transcript must not be made or distributed except in accordance with
any order made by the presiding officer concerning publication of these
proceedings.**

LEGEND

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

HRO All rise. This hearing has now resumed.

PO Thank you.

CA Good afternoon, Chair.

I call Assistant Commissioner COWDEN.

10 PO You're appearing, Mr CAPPER?

LR Thank you, sir. If the Court pleases, CAPPER, C-A-P-P-E-R, initials C J for the Queensland Police Service, Legal Unit.

PO Thank you.

PO Assistant Commissioner, good afternoon.

W Good afternoon.

20 PO Do you prefer an oath or affirmation?

W I'll take an oath.

PO Thank you.

HRO If you please repeat after me. The evidence which I shall give.

W The evidence which I shall give

30 HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

W Shall be the truth.

HRO The whole truth.

40 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.

PO Have a seat, thanks. You don't have any planes to catch?

W No, I don't.

CA Good afternoon, Assistant Commissioner.

W Good afternoon.

10 CA You are the Assistant Commissioner in charge of Ethical Standards Command at the Queensland Police Service?

W That's correct.

CA And you've been in that position since June 2018?

W Yes.

20 CA Prior to that, you spent over 30 years working in the Victorian Police Service?

W Yes, I did.

CA And you have been awarded the Australian Police Medal?

W Yes.

CA You were provided with an attendance notice for today?

30 W Yes, I was.

CA Yes.

May Assistant Commissioner be shown a copy of the attendance notice.

Is that the document?

W Yes.

40 CA I tender that document.

PO Exhibit 117.

ADMITTED AND MARKED EXHIBIT 117.

CA I'll just show you the Crime and Corruption data that we introduced with the Commissioner this morning.

May the Assistant Commissioner be provided with the exhibit of the crime and corruption data, the four tables and graphs, tendered this morning.

PO Exhibit 95, I think.

CA While we're -- you've got the hard copy, and it is also up on the screen.

10 As was explained this morning, with the Queensland Police Service, slightly different from the other six subject agencies, in that the reporting obligations extend to misconduct. And those figures which comprise the overall figure on page 1 for each year are down the bottom under footnote 2, there being 48, 43, 47 and 39 respectively, going through from the 2015-2016 financial year through to the 2018-2019 financial year. And you'd agree that that's approximately about 10% of each?

W I'm comfortable with that.

20 CA And then on the back page, that would move the proportional breach to around 80, still high with the Queensland Corrective Services ahead of the other five subject agencies?

W Yes, that would be correct. And I think that it's probably high because we've had a strong focus on making sure that we comply with our mandatory reporting requirements. And that's been a long journey by Queensland Police over many years.

30 CA Yes. And if we go to the number of complaints on page 2. The first page is the allegations, and that's broken down to the complaints on page 2. The number is, as we've said earlier, very high compared with the other agencies. And then page 3, breaks down the types of misuse of confidential information. And just looking at the current last financial year 2018-2019, by far the misuse of information relates to almost in -- equal amounts the unauthorised access to information being 118 out of the total of 293. And unauthorised disclosure being 126 out of that total. So that's where the problem lies.

W Correct.

40 CA Now, as I raised with the Commissioner this morning, there were two responses, two requests from Operation Impala in the initial stages for information from the Queensland Police Service, the first one being a response to a questionnaire, and the second one being a response to questions flowing from analysis of that questionnaire. I'd just like to show you the fifth part of the response to the questionnaire which relates to disciplinary action.

W Okay. Is it possible to make a comment around the trends with the data that -- were you moving on from that?

CA Yes.

W When I have a look at the data and we, sort of, look at 2014 and 2015, you can see that there's a continual increase in the allegations and the complaints of information misuse. So the first time that Queensland Police started to really focus on this was probably back in 2011 when the first compulsory training came out, but when I looked at the data, when I came into the organisation, 2014-2015 we keep going up.

10 When you look at 2016 and onwards, and we had the graph up there, you see a continual decline since then, which I think is this -- a couple of reasons around that, but mostly is the continued focus and some of the prevention activities as well as a cultural shift and, really, an awareness, not only by Queensland Police, but jointly with the Crime and Corruption Commission and our unions. There's been a real strong focus on making sure that we're aware what this looks like. And then you have successive Commissioners' emails. And you look at the trend and it gradually continues down.

20 So, in my opinion, our trend perhaps when you compare the other agencies, that you've done some comparisons on, is that we're perhaps a little bit ahead of the trend or ahead of the game in relation to what's happened. So I think that our journey probably started a little bit earlier than some of the other agencies. And even with the Flaxton reviews, you see the changes in Corrective Services and things like that. So Ethical Standards Command, Queensland Police have had a longer lead in, I think, to the journey. And I acknowledge that our data is still too high, but I'm pleased to see the downward trend in relation to that.

CA Thank you, Assistant Commissioner.

30 I'll just show you, as I said, the fifth part of that response to the Commission's request for information:

I tender that document.

PO Exhibit 118.

ADMITTED AND MARKED EXHIBIT 118.

40 CA So here, it goes through the years with the number of complaints, and then the outcomes for disciplinary processes. So for 2015-2016, there was 361 complaints which resulted in no terminations, no demotions and no post-separation declarations. And in the 2016-2017 financial year, there was slightly a lower number of complaints, 296. And again, the three same lack of disciplinary outcomes.

Then if we go to the 2017-2018 year, again, as you've just said, a slightly lower amount of complaints, 275. And in that year, there was some disciplinary outcomes. So they're just down there in the table underneath. There was one demotion and five post-separation declarations, but no-one was terminated.

And then in the 2018-2019 year, again, a little bit lower, a number of complaints, 205 which resulted in no terminations, six demotions and two post-separation declarations.

So it appears that there's an extremely low outcome from disciplinary processes, if they are taken at all there, given the amount of complaints compared with the disciplinary action taken. Are you able to elaborate on why that has come to past?

10

W Well, if you are only measuring the outcome by demotion and termination, then that is correct. There's been a low number of demotions. Although, I spoke before about the journey that Queensland Police has been on for a little while, and that's part of -- about building the awareness, drawing the line in the sand.

20

And the implementation of the Office of State Discipline was a great initiative to try and bring some parity around that. Before the Office was established, and we did trial it for a while, but -- and it's only just been formally established, but before then, a lot of the complaints and the discipline hearings were done at a local level and across a wider range of people. As you know now, in terms of this particular topic, so information misuse computer hacking, we did some research in 2018 recognising that there's a need to actually push harder in this space from QPS's perspective.

30

And what we did with that was mandate that all these matters must be considered for criminal charges, and that if we then decided not to go to criminal charges, then we will go to discipline, and they must go do the state level. So that when you look at the data and that, sort of, lower level stuff a couple of years ago, I think is an indication of our continued push in this space and you start to see more demotions. And I think that's recognised that there's still a ways to go, probably, in relation to this.

40

CA Thank you. Now, just turning to the post-separation declaration, there's a small number there. I'd like to show you, which no doubt you're well acquainted with, the part 7A of the Police Service Administration Act 1990 Queensland, in particular 7A.2. It is already one of the exhibits from this morning. While we're looking for that, that relates to police officers. For the unsworn members, you go to another Act in relation to post-separation disciplinary proceedings, that would be section 188A of the Police Service Act 2008 Queensland?

W Yes, sorry, I wasn't sure if you're waiting.

CA UI.

PO I don't think it's been tendered, actually. Has it? I don't think.

CA I will tender part 7A of the Police Act and 188A of the Public Service Act.

PO Exhibit 119

ADMITTED AND MARKED EXHIBIT 119.

CA Now we've just got up the Police Act provision. Are you able to explain instances when you may seek post-separation disciplinary proceedings?

10 W So in circumstances where an officer has left, then depending on the -- our Professional Practice Managers, if someone leaves, a Professional Practice Manager would do an audit of the records in relation to that person to identify if there are any outstanding complaints, and then, as part of that process, we would consider post-separation declarations in accordance with both the Acts here.

20 CA Yes. And we've just put the other Act on the screen for completeness. That's for your unsworn members, 188A of the Public Service Act 2008. That's a very similar provision for you to be able to initiate post-separation for disciplinary proceedings. And the purpose for that is, in part, to ensure that a declaration issues to alert any potential future employer in the public service what has transpired with respect to misuse of information in this instance?

W Yes.

CA And are those disciplinary declarations sought where possible? What is the Queensland Police Service's position in relation to that, given the low numbers that we've just seen in the table?

30 W So in consideration, with the requirements of each section, then each case would be considered on its own merits and a decision made as to whether or not to seek post-separation declaration.

CA Now, you-

W So, I mean, I'll take that as read in terms of the -- there's a certain criteria that would need to be met-

CA Yes.

40 W -which is there, and in the-

CA Would you like to elaborate on that?

W I can -- it's probably easier to read from here, but the Commissioner may only make a disciplinary declaration if the disciplinary action would have been taken against the former officer. If the former officer's employment had not ended, it would have been dismissal, suspension from duty without pay for at least three months, or probation, or demotion, whether permanently or for a stated period. And will be -- you happy to accept the PSA has some similar-

CA Yes.

W -the criteria that we need to consider.

So, based on that, as I said, any person who left -- who resigned, then there's a vetting process to identify. If there is a complaint, where that complaint is at, and then a decision would be made in relation to a post-separation declaration.

10 We have a number of different structures in terms of trying to -- so they're system structures and organisational structures. So Legal and Policy Unit, has a Privacy Unit within it, and it also provides some advice in relation to post-separation declarations. There are a number of briefings. And this is only since I've been in, but we do, sort of, a monthly briefing as well up -- in relation to our Deputy Commissioners about what matters people have been stood down for, what post-separation declarations are being considered.

20 So I acknowledge that the data in relation to the post-separation stuff is -- looks low. I can say to you that since I've been in there that there is, from what I can see, a move towards making sure that we're more robust around the governance in relation to this. And I think that the Office of State Discipline and our Professional Practice Managers have a role to play in relation to this, so our PPMs.

30 One of the things that I identified, when I came into the role, that our Professional Practice Managers, so they're at a Senior Sergeant level -- a few years ago they used to be at an Inspector level. And the reason that I mention that is that they have a part to play in advising and guiding a case manager or a decision-maker around whether we should institute post-separation declarations. And when I first came in there, our PPMs didn't actually have a formal training course. So we kind of expect people who are then advising and guiding across the rest of the organisation to build this knowledge. So we've only just introduced the -- a PPM coordinator's training course, and only had the very first one only a week ago.

40 So we need to build the capacity and the capability of our PPMs. And I think that will make for a more robust system. So when I spoke about Queensland Police and the journey that we're undertaking, there's a whole range of preventative activities, proactive activities, as well as stronger reactive activities; for example, information misuse must go to the Office of State Discipline. So there's a whole range of things in there that I believe will provide stronger governance around this and more parity around decision-making. So I suspect if we sat here in another year's time, or two years' time, that the numbers would be different.

CA Thank you. Now, I believe that we provided you with notice of a case study that we'd be raising?

W A couple of case studies. I'm happy to talk about-

CA Yes.

W -them if I can identify them.

CA I'll show you a couple of redacted letters that we've got for a case study. It is two letters from the Commission to the Ethical Standards Command, on 31st December 2018, and 14th October 2019. Both addressed to yourself.

10

We'll just deal with the 31st December 2018 document, and then move chronologically to the 14th October 2019 document.

I tender those documents.

PO Exhibit 120.

ADMITTED AND MARKED EXHIBIT 120.

20 CA I'll just go through certain parts of this, and then, if you'd like to, elaborate after I've, sort of, given a summary.

So the Commission referred the allegations to Ethical Standards Command on 16th March 2017.

W Right.

CA It's in the letter. I'm reading from parts-

30 W So I'll-

CA Unless that's incorrect?

W No, no. And in actual fact, I'm not as good at recognising the individual's in the particular case study, so I'm happy to comment on the redacted versions, and accept your point that the -- that it was referred to us.

CA Okay, thank you.

40 So allegation one, that's on that first page of the letter from 31st December 2018. It is misuse information, unauthorised access. A Constable has accessed QPRIME. And then allegation two involves disclosure, again, by the Constable to the partner of the Constable.

And by way of investigation, on page 2, there was a reactive audit of QPRIME following a complaint. And the access occurred over a couple of months, in 2016, in October and November, and included a report recording the name of a witness. And then the recommendation made by the initial investigation from

the Queensland Police Service is on page 3, and that's in relation to the allegation one, the unauthorised access; managerial guidance. And then allegation two for the disclosure, there was the Queensland Police Service's position that there was insufficient evidence.

10 And then the Commission, which is detailed further down the page 3, reviewed the matter and reached – it wasn't able to reach the same conclusion and made some comments about the responses that the Constable made in his interview, that the responses were both untruthful and self-serving, and that the language used in open in the interview suggests that the Constable was being invited to provide a better and more defensible response to certain questions.

And then further down the page, second to last paragraph, the Constable, on his own admission, could not provide any basis for conducting further checks, on 21st October and 10th November 2016, other than for personal information or curiosity.

20 And then on page 4, down the bottom, the Commission's viewpoint is that given the available evidence, and the extent of the Constable's access to the records, the Commission considers that it is more likely he was acting purely out of personal interest, rather than in response to concerns about criminal activity.

30 And then on the last page 8, the commendation and overview. In light of the matters discussed above, the Commission considers that on a balance of probabilities, allegation one, we're concerned with the access capable of being substantiated and, two, the disclosure, the more serious of two, is capable of being substantiated, particularly given little weight should be placed on the evidence and of a certain person in relation to the disclosure and, secondly, that the criminal history was printed. So the strong evidence was previously unidentified or overlooked.

So that was what transpired. And then the outcome is in the 14th October 2019 letter where the Commission says that the position, the views remain unchanged, and note that the Queensland Police Service are providing training to the subject officer.

40 So there was merely managerial guidance as an outcome of all of this and no disciplinary proceedings were instituted. Can you explain a little bit more the reasons surrounding why that was the course of action taken?

W In relation to this particular matter, and the decision to -- as to whether to prosecute, or not, in terms of a criminal matter obviously rests with the investigator. In relation to this particular one, the discipline matter, and the decision as to whether or not to proceed with discipline in relation to that, I haven't been briefed fully around the decision-making of this particular matter, but I would like to explore what I recognise as a potential gap here, and that is that, on the face of it, there are some questions to be answered in relation to that.

10 One of the things with QPS and the CCC at the moment is a strong relationship where we've established a joint assessment and moderation committee which meets every two weeks, and, in fact, the Commissioner of the CCC actually comes to a lot of those meetings. And in this type of situation, this conversation is the sort of thing that would sit appropriately at this moderation committee. And it's an opportunity for us to have robust discussions about the intricate details of why we did or didn't, or would or wouldn't, or should to the point that, even part way through an investigation, the CCC has made an offer that is well-known to our PPMs and, therefore, the investigators, that as we step through a matter, if we need some guidance in that space, then an opportunity exists for us to think about and to have some discussions around a table on the best approach, or what might be covered, or to direct us in this space.

So I accept that in this case probably what's happened is that we get to the end of an investigation or a decision is made around criminal and discipline, and then we start to have some – potentially some correspondence back and forth, which is appropriate in a lot of circumstances.

20 I'd like to get to a point where investigators are comfortable with actually having some discussions around some of that decision-making in that space, and potentially getting some ideas and some guidance. And sometimes it's useful to discuss the sufficiency of evidence, the admissibility of evidence and all those sorts of things.

30 Like I said at the start, the QPS has been on a journey to try and implement our new discipline system, so obviously the new Act has just come in. The JAMC's only – it's not that old. We've been doing it for probably a couple of years, I would think, a year-and-a-half, something – I couldn't be 100% sure on that, but it is a process that offers the opportunity for the CCC to challenge us and for us to have robust discussions and, perhaps, provide some information around what might be good decision-making around criminal versus discipline.

40 And I think that we probably need to use that a little bit more. And you're probably -- you may or may not be aware, but the -- obviously Corrections have been here and talking about some matters that we may or may not discuss. You raised with the Commissioner some matters around decision-making for Corrective Services, and they are starting to implement a similar sort of model where we are able to assess and work with Corrective Services on a daily basis and start to have the conversations, which would give us a better outcome if we all work together instead of, sort of, hands off and this distant approach where we potentially can get it wrong.

CA Thank you for that explanation.

Now, I'm just about to finish with this matter, but I wanted to raise a couple of aspects that are of concern, were raised with the Commissioner, touched on earlier.

Just on page 2 of the 14th October 2019 letter, paragraph 2, note that the last time that the offender completed the training module, the ethics and ethical decision-making was in 2015. So four years had passed without any training. The Commissioner's already talked about the way forward, but you'd agree that that's not something that should be occurring and it be a preventative function for some more regular mandatory training?

10 W I think that that's actually a very good idea. And, you know, when the Commission announced these public – this public inquiry, it naturally forces all of the agencies to have a look at our own systems and processes.

And when we answered some of the questions for the Commission, and sent our responses through, we had some honest conversations at that, sort of, executive level saying, "Well, this is useful because we've got some gaps here." One of the things that is already in play is a development of an online learning – a new online learning package.

20 So the last -- one of the ones that's currently used is from 2011, and that was mandated when it first came out. But what we've got to be careful about is just relying on training for the cultural change that we need. So we need to -- for people to have a really good understanding about the implications of their decision-making and what that means, public expectation, which we've talked about, you've talked about this morning with the Commissioner, and understanding that.

So we will, in 2020, have a new online learning product. That is my intention. And, you know, some early support from the Commissioner, absolutely, that we will mandate that as well.

30 One of the things that you will see when you look at the training, and you must appreciate that this morning we, sort of, put up a little bit of a summary about some of the basic training, there's actually a lot of other training and awareness that goes on.

CA Could you explain exactly what that is?

40 W Yes. So there's an ethical decision-making product that – I've got a small unit, two people, who do – who are Education and Training Unit within Ethical Standards Command, and we're looking to educate and train, but also general awareness around particular issues that are front of mind. And you've already identified that, information misuse is a priority of Queensland Police, and we've discussed that this morning.

The package that we currently have has been in place since 2016, and it's been delivered to, so far, 246 sessions, covering more than 4,200 staff. But it's more than – it's face-to-face, so I recognise previous witnesses and the need for appropriate training and awareness and the simple policies. And all of the things

that have been covered today are really important to us, and they're all part of a continuum about how we get the cultural change in the organisation.

We just developed, in preparation for the implementation of the Human Rights Act, we have an online learning package that we mandated. Needs to be completed by the end of the year. And we've had 8,000 people, 8,000 of our staff complete that compulsory training package. So I'm very confident that in 2020 we'll be able to develop our – a new training package, because I agree with your position that that particular product is old.

10

But having looked at it, it actually is useful because it has case studies. And they don't just get up there and do a PowerPoint, they actually -- the trainers have some discussions, “So what is your thinking around this?” “What would you do in this scenario?” And you do that sort of discussion with your peers. So I think that we probably need a balance, and that's been recognised earlier by the Commissioner, and we're working towards that.

20

And one of the things that always stands as a risk for us, too, in relation to the training, so we can pretty easily mandate an online learning package and we say “You need to do that.” If you want to engender the loyalty and have people understand that where – we don't own the data and we can't use it for personal use, then it needs to be those discussions and it needs to be not just by someone who's waltzed in, got off a plane and he's out here delivering training to me. It's got to come from the local leaders, and it needs to be local messaging and it needs to be reinforced at that local level. So there's a number of different areas.

30

One of the things that has been part of our journey in the last 12 months has been a joint CCC and QPS – we called it the Roadshow, where the Commissioner and myself and the Chief Superintendent from the CCC, travelled the whole state and spoke to every single region and command, and right down to district level.

40

And we delivered at least 25 sessions to, and this is the important part, Commissioned Officers, but – and that's in every area, and then the Officers-in-Charge. So we bring in that next level. And the beauty of that, and at every one of – every single one of those sessions, and there was more – there was at least 25 sessions that we delivered to more than 700 people at that key level; Sergeant, Senior Sergeant, Inspector. And we talked about information misuse and reiterate the importance of it.

But one of the things that we did at each of those sessions was ensure that the – where possible, that the union delegate would be there as well, because this is a joined-up approach on how we get the cultural change. And at every one of those sessions, or nearly every one, we had the Assistant Commissioner and the District Officer, the DO, the Superintendent, or the Chief Superintendent from the area as well, standing there next to the Assistant Commissioner from Ethical Standards, and the Commissioner from the Crime

and Corruption Commission talking about ethical decision-making, talking about the new discipline system and, at every session, talking about information misuse, and actually referring to articles that the QPUE, the union, had put in about information misuse.

So my point about – you can have the online learning product and we can mandate that, but I think the most important thing is about it coming from the local managers and getting a culture at that grass root level right -- right out across the state.

10

CA Thank you, Assistant Commissioner.

I just wanted to go through, in summary, but happy for you to expand on it, a decision from a few years ago, on the 26th May 2014, of Miranda and David O'NEILL and John ROBINSON. That was a decision in Brisbane Magistrates Court.

W Yes.

20

CA And involved a marriage detective couple, so both of high rank, both Senior Constables. They misused the information on QPRIME. Accessed and disclosed the information to the female detective's brother-in-law so that he could run his private investigator business. And that was detected by an investigation by the Crime and Corruption Commission and led to a reactive audit of the QPRIME. There were pleas of guilty entered and punishment handed down. Would you like to talk about that at all?

30

W Both officers resigned in relation to that matter. And there was a – David O'NEILL had the sentence of six months imprisonment which was suspended. And one of – well, the thing that stood out for me when I looked at this there was no 7A post-separation declaration. And I don't think that would happen today. To me, that would clearly – I mean I'm not a decision-maker in that particular case, and I wouldn't be a decision-maker in that case today, but, on the face of it, this would be a different story.

40

CA And it just shows the harms and the extent of the misuse when it's disclosed cannot only be physical risk, but also that making money out of it by way of private investigations, which, again, if it is private investigations to uncover people who are concealing their addresses can, again, lead to risk. And it also raises, other than what you've rightly raised, the query over the lack of post-separation declarations, the declarable interests issue. So could you explain to us what happens at the Queensland Police Service with respect to declarable interests?

W Yes. In terms of -- it is an obligation on all of our staff to consider conflicts of interest and declarable associations. And we have a policy that relates to that. And then there needs to be some discussions with that around their managers. The PPMs, Professional Practice Managers, are also party to that. And

depending on the circumstances, then a management action plan for that declared association needs to be put in place at a local level. And sometimes you get – so you might just have a level about reporting, and other times you will have an actual plan where you manage the risk around what might be a declarable association. There is some – and there is some proactive auditing in this sort of space. So you talked to the Commissioner earlier around proactive auditing and our need to-

10 CA Yes.

W -explore that further. And we have some proactive auditing, but it is very limited. And a lot of our auditing is reactive. Declarable associations-

CA Just before you move on, you said you have some proactive auditing, so are you aware of the -- what exactly that is?

20 W Well, this is -- no, this would be an example of proactive auditing. So we don't – there is no complaint. There's nothing that's happened in this space and someone says, "I have an association in here." And so part of what the PPMs will do and/or the supervisor is – well, the PPMs wouldn't do the auditing, but there would be some proactive auditing in relation to this space. And that also might occur subsequent to the declaration and the plan and recording it on QPRIME as well. So that is one element of proactive auditing.

30 There are covert investigations, and whether they be within QPS, CCC, AFP come to us and talk to us about how we can assist in investigations. And so there are pockets, if you like, of some proactive auditing that takes place across the organisation. But in terms of – but I reiterate the position that the Commissioner took; if we are going to consider further proactive auditing, then it needs to be probably targeted and it needs to be efficient and it needs to be effective. So some issues around that have been raised, and I don't think that we need to rehash those. I think the Commissioner's probably covered that.

But with the declarable association, the other part is that when the circumstances change, so we – so let's say that we've put a management action plan in place and we are managing a declared association, then if the circumstances change, or the person moves, the association would potentially be transferred to another area and we would have another discussion around it.

40 An interesting point though is that there's probably a lot of things out there that don't get reported. So we have a declarable associations policy and we rely on that and we do some auditing. And the PPMs help the local managers manage that, because that's where it sits, it sits at that local level, but you do wonder what else it is that people don't tell us.

CA Would it be of benefit to have a declaration that was signed upon employment, and then updated?

OFFICIAL

Copy 1 of 1

W I don't see why not. I'm happy -- I think, as I said to you before, I think we need a multi-pronged approach to tackle what is continuing to be an issue, not just with QPS, but with a number of agencies. And that's about systems. It is about audits. It is about leadership and people, policy, legislation. There's a whole raft of things. So I think that that's potentially an opportunity.

CA Thank you.

10 The matter of Christopher Maurice CAREY, I believe we let you know about that matter as well

W Yes.

CA That was a decision in the Magistrates Court at Brisbane on 21st November 2017. Just raising it as -- it was raised by Assistant Commissioner MICKELSON, on Wednesday, that he had seen at the more serious end of the offending, through his unit, the predatory behaviour by staff, which obviously is of concern.

20 W Absolutely.

CA And CAREY pled guilty on that date and was fined \$1,500.

W With no conviction.

CA He accessed a female's contact details using QPRIME, and contacted in an unwanted manner that female. And he is still employed at the Queensland Police Service, is he?

30 W He is. So the sanction was a reduction in rank. And he is still employed by Queensland Police. As we looked at the data before, there's been some demotions, but not dismissals in relation to information misuse.

CA Thank you for that. I don't have any further questions.

PO Thank you.

Mr SCHMIDT?

40 LR I'm just checking something, Chair. Could I have a moment, please?

I seek leave to ask this witness some questions in relation to former Detective O'NEILL and also current Officer CAREY for the purpose of correcting the record.

PO Okay, you've got leave. .

LR Thank you.

Actually, I have a copy here of the court decision in relation to Mr CAREY. And the Magistrate, and I don't know if it was a male or a female Magistrate, so the Magistrate in their decision actually says, and I quote, this is on page 1 of the decision:

“Now, it has not been submitted to me, but it may be a culture...”

10 CA I don't want to interrupt, but we do have a copy of the decision so that there's something for the Assistant Commissioner to read.

PO Yes, would you like to have a copy of the decision?

W Yes, please. .

PO Thank you.

LR Thank you.

20 CA If we could have a brief break for 2 minutes, then we can obtain copies of those two decisions so that the Assistant Commissioner has something to read.

PO Just let me know when you're ready.

HRO All rise. This hearing is now adjourned.

(SHORT ADJOURNMENT)

30 HRO All rise. This hearing has now resumed.

PO Okay. Thank you.

LR Thank you, Chair. Could I thank your staff for their assistance, too.

CA We'll hand the Assistant Commissioner a copy of the decision in CAREY, and the O'NEILL and ROBINSON.

40 LR AC, could you just go to the CAREY decision, page 1, about line 20. And this is the decision of her Honour Magistrate HALL. You'll see at line 20, the sentence which starts “You have not been charged under the Criminal Code”.

W Yes.

LR Can I suggest, and I have no understanding of this particular matter, but can I suggest that would suggest that maybe the charges were under the Police Service Administration Act 10.1?

W I don't know the answer to that question.

LR But you certainly accept that the magistrate-

W I accept the decision there says that he was not charged under the Criminal Code.

LR Right. And 408E, the computer hacking offence is under the Criminal Code?

W Under the Criminal Code. It is, yes.

10

LR In terms of the other decision, are you aware that Mr O'NEILL, so David O'NEILL's matter was subject to an appeal?

W No, I was not. .

LR Right. You indicated that he was sentenced to a suspended period of imprisonment. Can I suggest to you that on appeal that was overturned and instead was substituted with a fine of \$2,000 with no conviction being recorded.

20

W I'll accept that. I was not aware of that.

LR For the sake of the record, it appears in the decision of ROV at paragraph 22 onwards.

W Certainly.

LR Thank you, Chair, I have nothing further.

Thank you, AC.

30

PO Thank you.

Mr CAPPER?

LR I have no questions, thank you.

PO Thank you.

Anything arising out of that, Ms FOTHERINGHAM?

40

CA Nothing further questions.

PO Thank you.

Thank you, Assistant Commissioner, for coming. You're excused.

W Thank you.

OFFICIAL

Copy 1 of 1

LR Chair, I wonder if, for completeness, if perhaps learned Counsel Assisting can be invited to tender that decision in relation to CAREY, please.

PO CAREY, yes.

LR While that's being done, that concludes my witnesses. Can I be excused?

PO Mr CAPPER, thank you.

10 CA Chair, just for the completeness of the record, I tender the decision of CAREY, from the 21st November 2017, in Brisbane Magistrates Court; the decision of the O'NEILLS from Brisbane Magistrates Court, on 26th May 2014; and it was one of the eight matters listed that we went through with the Commissioner earlier, ROV v The Commissioner of Police, in the District Court, on 7th December 2017.

PO I'll make those Exhibit 121. Thank you.

ADMITTED AND MARKED EXHIBIT 121.

20

END OF SESSION