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

DAY 8 - WEDNESDAY 20 NOVEMBER 2019
20   **(DURATION: 1HR 3MINS)**

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LEGEND

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

HRO   All rise. This hearing has resumed.

PO   Good morning.

CA   Good morning, Chair.

I call Chief Superintendent Matthew VANDERBYL.

10   LR   Thank you. Just while the witness comes in, CAPPER, initial C J. Solicitor for the Queensland Police Service, Legal Unit. I appear for this witness.

PO   Thank you, Mr CAPPER.

W   Good morning.

PO   Chief Superintendent, would you prefer to take an oath or an affirmation?

W   An oath is fine.

20   HRO   I solemnly affirm and declare-

W   An oath if that's okay.

HRO   The evidence which I shall give.

W   The evidence which I shall give.

HRO   In these proceedings.

30   W   In these proceedings

HRO   Shall be the truth.

W   Shall be the truth.

HRO   The whole truth.

W   The whole truth.

40   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.

W   Thank you.

CA   Good morning, Chief Superintendent.

W   Good morning.

CA   You were provided with a notice to attend today?

10   W   That's correct.

CA   Yes. I'll just show you that notice.

W   Thank you. That's it.

CA   Is that the notice?

W   Yes, it is.

20   CA   I tender that document.

PO   Exhibit 139.

ADMITTED AND MARKED EXHIBIT 139

CA   Chief Superintendent, you've been with the police force for over – Queensland Police Service for over 30 years?

W   Yes, 35 in January.

30

CA   Thirty-five, yes. And you lead the Business Improvement Group of the Organisational Capability Command?

W   That's correct.

CA   Could you please explain a little bit about the four functional work units within that-

W   Sure.

40

CA   -part of the Command?

W   It's actually expanded to six-

CA   Yes.

W   -with some structural change. So the Command is a broad church of functions focused on capability and improvement. It covers the area of mobility, so our

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QLite program falls within the Command in terms of governance. More broadly, the core systems. We have a core systems area with its own director. It's responsible for the major large systems, such as QPRIME, ITAS, QCAD, and a range of others.

In addition, we have a digital strategy area that is forward-looking in terms of digital strategy and investment, and that area guides discretionary ICT investment across the service, in very close collaboration and in relation with the PSBA, the Public Safety Business Agency. We do that from a strategy perspective, where we obviously utilise the PSBA as the delivery arm of the business, in terms of ICT, pursuant to their Act.

In addition, we have a capital assets area which looks after the capital assets of the organisation in terms of housing, vehicles, infrastructure, new capital assets, operational equipment. Those sorts of areas. We have drug and alcohol policy. We have organisational improvement functions, and a broad range of other capabilities.

But, generally, we are at the – probably the closest point of interface with PSBA in terms of – for the purpose of this inquiry, ICT-related matters, development, strategy and the like.

And I generally pick up a range of other ancillary functions associated with all of those other six areas, each of which has either a superintendent or director as a direct report to myself, and then through to an Assistant Commissioner.

CA   Thank you. Now, Mr DILLON provided evidence yesterday from PSBA. Were you watching or have you read the transcript?

W   I saw part of that and I've read the transcript, yes. Yes.

CA   Okay. So if it's just going over exactly what he said, there isn't a need for that-

W   Sure.

CA   -but if there's something in addition, or if you wanted to clarify it in more detail from the Queensland Police Service's perspective.

W   Yes.

CA   So I'll just start off with going through his submission. Did you want to be-

W   I've read his submission.

CA   Did you want a copy in front of you?

W   That's fine. Yes, that's fine.

CA   You don't want one?

W   No, that's fine.

CA   Okay. So QPS have QPRIME and QLite, are the two that we're interested in-

W   Sure.

CA   -for looking at and also SCRAM, but we'll just start off with those two first. Could you just, in summary, explain how those two databases are accessed?

W   Sure, sure. So if I can start with QPRIME?

CA   Yes.

W   So QPRIME, as you know, is a singular product, it's a Canadian product, from Niche. It's a records management system, a Niche RMS system. We were probably in the first handful of policing agencies to adopt that back in the mid-2000s, but certainly the largest undertaking.

It's probably important to know that when we adopted QPRIME, it brought together and consolidated in excess of 100 - 105 disparate systems which were not integrated and didn't talk to each other whatsoever, but it brought all of those and all the data that they held into the single federated system. And it's important to understand the nature of that federation.

So in terms of accessing that, it's a desktop application. So it's not cloud-based at this point in time. So, I beg your pardon, the storage is cloud-based. I can come back to that later. That's probably more of a technical aspect. If I want to access QPRIME as an application, I have to do that through a QPS desktop computer. Notwithstanding QLite. And I'll come back to that.

The application itself is loaded onto each desktop computer rather than being a centrally served application. I would go into that application. If I'm entering that, the first warning screen comes up, I have to submit an "OK" to that, and then I'm given a reason for – well, inquiry screen that pops up. And then there's a range of different categories, which I have to select one of those categories. And then I'm given a free text screen.

If I can just correct the record that I saw from Tim DILLON yesterday; I think he said that it was compulsory to enter free text in that box.

CA   Yes, he did.

W   But it's not. So just having tested that since then. So it's not actually. And then you go into a range of functionalities within QPRIME. And QPRIME for us is a single point of entry, not only into our own databases, but it is also the facia point of entry which then integrates and interacts some external databases,

whether it's the TRAILS database from the Transport and Main Roads, for example. And it also gets you into the Federal space, in terms of the Commonwealth databases. And I'm happy to talk to that. I sit on the ACIC Law Enforcement Integration Steering Capability Committee that federates that data. And there's possibly some relevance from that world into this inquiry. So it actually is our point of entry into those systems as well.

CA   Just with the point of entry, so-

10   W   Yes.

CA   -once there's a dropdown box, one of those is picked, don't need to put in any additional remarks?

W   Yes.

CA   And there's access, at large, to the entire database, and now you've also said TRAILS and the Federal?

20   W   Yes.

CA   And there can be numerous, someone can do 50 different searches on 50 different records, can't they, just by-

W   Yes, they can. Yes.

CA   Is it possible to put some control over that so that each separate record, so each different member of the public who is accessed, record's accessed, that that screen pops up and that they have to do – pick from the dropdown box?

30

W   Yes, sure. I'd say technically it's probably possible, but operationally it is almost emphatically impractical.

CA   And is that a time-

W   Oh, absolutely. So we do around about – the QPRIME system has around about 850 million auditable checks a year engaged within it. QLite itself, and we can come to that, which interfaces into QPRIME, has in excess of 50,000 transactions into that system per day from its users. So even if you were to do even a 1% sampling of that, you know, that becomes prohibitive. But when you've got – if I can give you a couple of examples. And our QCAD dispatching system talks to QPRIME, if I can put it into layperson's language.

40

CA   What's that?

W   The computer-aided dispatch system used in our communication centres. So if there's a – say there was an incident, an urgent incident, you know, mission critical, life in danger-type incident, which we were to call a code 1 or a code 2

in terms of priority, the QCAD system, once that's entered into by the telephone operator or the Triple 0 interceptor, will immediately go into QPRIME and run a range of algorithms against a series of warning flags, which are put up in front of the dispatcher, who then immediately gives that to the attending vehicles to maximise their situational awareness of what they're walking into.

So sometimes those flags, those warnings, can be done – they're instantaneous, but the need to give that information out to people can be equally instantaneous. If they receive that job and they're literally 30 seconds away from it, they've got to have that in a mission critical timeframe so they know precisely what they're walking into.

And we're almost obligated from a health and safety, or a duty of care perspective to do that if we know that, know about that. So if you were to – if you contemplate the sheer volume of queries that we do, and you were to do that dropdown box in front of it, in my view, quite frankly, I think policing would grind to a halt, in terms of computer checking. And it's a real problem for us. And I acknowledge that that's, you know, that's a really sound ideal to be getting to in terms of that level of auditability which that would provide, but operationally, you know, it's just not feasible to do that.

CA   What about – we heard from Mr DILLON yesterday, so we'll just clarify it with you, that an access control list, it's not an access control list or even an access control level, it's just an access control. And that when that is put on a certain person's record, then that does, as it says, access control, it prevents certain staff members from accessing that record?

W   Yes. Yes.

CA   So that wouldn't operationally be safe for-

W   In some instances it is, and some it's not, so-

CA   But for, at large, say, for example, one of our vulnerable categories, or the vulnerable category-

W   Yes, I would suggest.

CA   -we've identified, domestic violence victims.

W   Yes, okay. So if we take the domestic violence perspective; I would say there are cases where that wouldn't be operationally practical and viable.

To understand the QPRIME system, if I may, the entity which you do your initial query on becomes the hub at the middle of the wheel of information that it provides. So I can do a query on a vehicle, and every – and that's my initial entity. Every other entity which is linked or known to be linked to that vehicle becomes visible to me. And that way, I have maximum situational awareness.

So if I'm pulling over a vehicle, and that vehicle is the initial point of check, I might know that the registered owner of that vehicle either has a firearm, be it lawful or unlawful, may have had a range of domestic violence, you know, activity, even in recent time as a respondent only the night before, which was violent. He may be wanted for document service. He or she may be wanted for other things, or may be known to have been violent towards police. May even have known contagious diseases, may be known to endanger police, may be known to have a specific MO of hurting police, or whatever.

So if I block any one of the other entities at the end of any of those spokes, I've got a gap in my knowledge of situational awareness. And I don't know, quite frankly, whether that's the critical one which is going to help me to actually maximise my safety and the safety of other people in that vehicle, or of the driver, or of, you know, other people I'm working with.

CA   Well, if access controls aren't viable for additional protections for the vulnerable category that has-

W   Yes.

CA   -been identified, as an example throughout the course of these proceedings, domestic violence victims, is it possible, as Mr DILLON said yesterday, to put a flag on-

W   Yes.

CA   -each – as they'd be easily identifiable because they'd have a domestic violence order where naming them as the aggrieved-

W   Mmm-hmm.

CA   -could be the criteria. And for each member of the public who has that, then there's a flag put on their record; is that possible?

W   You can put a flag on anything, to be quite frank. And putting the flag on is okay, but-

CA   And where does the information go that that record has been accessed? Who gets to know about that?

W   Well, you can also put on a search notifier, a hit search notifier. But that would have to go to a specific individual. So if someone is the aggrieved in a domestic violence matter, for example, and they're flagged, you would have to be careful – and I understand the point of your question, and that's – you know, I get that. But you'd also have to be careful that when that screen comes up and there's 12 entries in relation to that individual, the flag is the one that's – my attention is drawn to immediately. So I'm immediately drawn to attention to the fact that

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that's an aggrieved person within a domestic violence matter. So why am I doing that? Am I doing that to notify me that extra sensitivity or privacy needs to be assigned to that particular entry? Or am I doing it because there's some, sort of, operational or situational awareness that assigns to it. Look, we have to be really clear with what the intention is behind doing that. And then if I open that, I could set that up so that someone would know about that. And I could do that quite readily.

CA Okay. And who would get to know that?

W Well, that would be determined by whoever put the flag on. So, for example, we would, without giving too much away, I guess, in terms of methodology, there would be certain individuals, high office holders, elected office officials-

CA Yes.

W -judicial officials, and the like, that will put that on there-

CA And who could monitor?

W Yes. And there's immediately a search hit notifier which is sent to – somewhere, which I'm presuming, I'm just not entirely sure, would be the Ethical Standards Command to say – or, even to our Information Security area to say, "Hey, someone is querying this particular entity in QPRIME. You need to have a look at it." And that's something that we do as a matter of every day practice with, you know, certain individuals, groups of individuals.

And we can do that with entire occurrences. So we've had high profile deaths of celebrities, for example, where it's been, you know, very great media interest and the media don't have the whole story on that because of the family's intention not to let it out, but that would be desirable to get into the public domain. We can lock down the entire thing from the entire organisation or, you know, precluding a certain number of people. So there's all these different capabilities. It just depends on the business rules that you assign to it.

CA And with auditing, currently there isn't auditing, or is it just a declarable interest or covert operations? Is there some type of manual auditing?

W Given the volume that I've talked about-

CA Yes.

W -manual auditing, you know, really would be almost impossible to undertake, even on a single digit percentage sampling given the sheer volume of queries that are put in. And I would have to stress, if I was entering even an everyday non-injury traffic crash, for example, into QPRIME, and I enter the name in there, QPRIME is – it's the sort of system that seeks to validate every entry to give it the highest level of quality assurance.

So if there's five or six names that are identical to that, it will prompt me with those options. And I have to probably scan through those and make an assessment as to which one I'm going to assign that traffic crash to. So I have – immediately I've seen that name, I have access to a range of other entities, which broadens the scope of my query, and they all become auditable queries.

In addition to that, the moment I select that name, I get to see the other entities at the end of that, you know, that wheel and spoke analogy that I spoke of earlier. So I've got to be mindful of that. So manual auditing could be undertaken. I don't know how you would do that given the volume.

CA   Could it be undertaken even on a selected small portion of the member of the public, say, a random small amount, or, say, a vulnerable group?

W   I'm sure it could on a sampling basis.

CA   But would it be – is it operationally feasible to do that?

W   I would – again, I'm concerned about the volume. Like, we are talking millions and millions of transactions a day into the QPRIME system. At 850 million a year, that's a lot.

My personal view is that, you know, the emerging rapidly evolving world of data analytics is probably where this needs to go where you would probably as an organisation set a series of exceptions within business rules which would be constantly checked.

So say, for example, a very simple occasion might be for someone like myself. I don't use QPRIME. I don't need to in my role. But if I suddenly start querying an individual about their domestic violence history, who might live at a suburb way away from me, the system should pick that up as an exception and throw that up for a query.

So that's the way I think analytics should go, which would be this algorithm of clear exceptions and possibly, you know, as you're suggesting, an element of random sampling. To do that manually, there's a real feasibility question there in my view.

CA   And for looking forward for the future, where do you see the possibility for data analytics to be employed with QPS?

W   In precisely that way that I've talked about.

CA   But it – have you looked at any software-

W   Look, I'm aware that-

CA   -the costs and timeframes involved?

W   Yes, I think there would be an army of vendors lining up to take that work in the world of data analytics. We've been looking closely within my area at data analytics in the last 12 months. We've had some early touches of it from an operational perspective. And having some moderate success – some modest success, I should say. But it still is financially prohibitive to do this, but it is a world that is moving exponentially in terms of capability. And I'm sure that commercially the cost of this is going to come down. And others with a more technical view than myself will talk more fulsome on that, but I do think that that is probably the future of analytics over a system that is just as vast as QPRIME is. And it's not only the number of checks that need to be audited, but it would be also the data that sits within it. And as we've moved QPRIME data storage into the cloud, the opportunity to do that has probably opened up to us.

CA   There was a three-week pilot in 2018 in conjunction with PBSA. Could you talk about that?

W   Yes. I only have some very scant knowledge of that. My understanding, I could be wrong here, I could be corrected on this, my understanding is that that was probably driven by internal audit within PBSA and our embedded partners, I think from Ernst & Young. Some of the work that they did was pretty impressive in terms of analytics, but I also think it was a bit clunky in terms of its use. I think it was very, very much a beta-based product that I wouldn't even call it a proof of concept from what I saw. So my ability to talk in any great detail about that is pretty limited though at the time.

CA   And what is the extent of the audits undertaken in relation to declarable interests and covert operations?

W   I'm probably not well-placed to answer that. That'd probably more a question for Ethical Standards Command. But it would have to be a manual – a manual audit unless there was a flag or a search notifier assigned to the actual association entity itself.

What I can say there though is that if it's a – what the policy would term a comfort report, so it's been assessed as a low risk comfort report where I would self-select, you know, I want to report this to – just out of a sense of comfort, likely there would not be a search notifier or a search flag put on to that, but it's where the risk assessment indicates that that's – that's got a greater need, then I think that those notifications would be put on.

CA   Are you able to talk in any more detail about the enterprise architecture?

W   Sure. So putting that into a layperson's terms, I've talked about QPRIME as being the central repository for our records management. It's stored both in servers, which is the on-premises solution, and more recently we've had

cloud-based storages of that. QPRIME is at the centre, and we have to build bespoke integration bridges into that from other systems. So the customer relations management system that's at Policelink, it talks to QPRIME, it talks to QCAD simultaneously as well. That's our dispatching system. Our Weapons Registry will also talk into QPRIME. And the Australian Firearms Registry as well. There are a range of other systems. I can talk about the SCRAM system. We check in line with the legislation that guides SCRAM. We check 1.1 million people every night for-

10   CA   Yes, go on. Sorry.

      W   So there are six agencies who I think the legislation empowers to get notification of incidents involving individuals which may be of interest to them. So the Blue Card is probably the one that people would resonate with there. So if I'm a Blue Card holder, my name is checked every night to make sure that there hasn't been something which has occurred during the preceding 24 hours which is of interest to the agency that issues or maintains the Blue Card records. We do that for six different agencies. And I think there's an – Natural Resources and Mines. I think we do it for people with explosive licenses. There's a whole range of them

20   that we undertake there. But it's 1.1 million checks against QPRIME a night.

          And moving on from that, as I said earlier, QPRIME is also the-

      CA   I was just going to want to talk about SCRAM a little bit.

      W   Sure.

      CA   So with SCRAM, the Queensland Corrective Services use SCRAM?

30   W   Yes.

      CA   And the Queensland Police Service controls and owns SCRAM?

      W   Yes, yes.

      CA   So as the owner, there's a six-monthly audit; is that right?

      W   I couldn't tell you that.

40   CA   Or is that just from Queensland – does the Queensland Police Service audit SCRAM at all?

      W   In terms of hits on SCRAM? SCRAM's fully automated.

      CA   Yes, but-

      W   Yes.

CA   -does the Queensland Police Service manually audit SCRAM at all?

W   So, yes, it does in some respect. If I can just clarify that. So if there's a – if the overnight run would throw up, say, for example, a Blue Card holder or I'm assuming a Queensland Corrective Services employee. I take it that's probably what they check there. If it throws up an individual who is of interest to an agency pursuant to a statutory right or obligation to know, so say a Blue Card holder has been arrested today or has been involved in something today that's of interest to the Blue Card issuing agency, that then throws a flag up and it is then manually audited by staff at the Police Information Centre, who then will do a formal notification to the interested agency. And we then have an obligation to provide them with probably documentary evidence of that. What do they do with that documentary evidence, pursuant to their statutory obligations is over to them. But that's the manual intervention in the SCRAM process. Whether there's any other routinized auditing of the overall use of the system, I don't know, but it is automated and access to it is governed by fairly onerous legislation.

CA   And is there – because you talked about the volume on QPRIME; what's the volume on SCRAM for you to be able to operationally start regular audits?

W   Probably the only volume figure that I do have for SCRAM is that it's – the SCRAM system is bringing in feeds from six agencies of names that are of interest to them. The aggregate total of names that are checked on the 24-hour overnight run is 1.1 million a day.

CA   You were just going to continue after that, yes.

W   Sure. Just to finish that, sort of, layperson's explanation of the broader architecture of the system, QPRIME is also the logical entry point into the Commonwealth systems that are administered by the ACIC. So the former crim track environment, that's how we obtain national vehicle of interest data. It's how we obtain other information around – our police checking system goes through there as well. But the beauty of that is that if it's going in through the QPRIME facia, it is then subjected to the very forensic level of auditing and audit log capability that the QPRIME system offers. So, and that's important to note in terms of our access to those Commonwealth systems.

CA   And then are you able to speak to solution design and overall information technology ecosystem?

W   Yes. So all of that – all those systems form the ecosystem, but it is – QPRIME really sits at the heart of that. We have a range of other smaller systems that might be outside of that; for example, our interfacing with TMR and the TICA system. That doesn't necessarily go through QPRIME. That's a direct interface that we would have with TMR.

We have – some other agencies have – will provision data to them. So the Safe Night Precinct data for – in terms of banning notices, that's – we'll send a packet of data on a, I think it is an hourly basis or even a 10-minute basis, through to the Office of Liquor Licensing and Gaming Regulation, and they will then do things with that data to make it available to nightclubs at the point of scan.

We've obviously got the – our children check data as well that we access through that system. There's a broad range of these that we have. We have separate standalone storage systems for our child exploitation material, and a range of, you know, other systems that operate in the covert space as well, so.

CA   And then-

W   Sorry, if I could just add to that, if I may? It's important to note that Commonwealth aspect in terms of those databases, because sometimes-

CA   Yes, would you like to expand on that?

W   It's really important to note that because there's data in there that holds security classifications up to top secret, and particularly in the counterterrorism world. And because the QPRIME application goes into those environments, the authority to access those environments brings with it certain conditions of access in terms of protective status and who can and can't access that, and the broader security architecture that surrounds those systems. So the cyber security that sits around the QPRIME application, and other applications that talk to it, is extraordinarily high given that relationship.

So if I was to build a system, whether it was a customer relations management system or a weapons licensing system, or a something else which was going to touch QPRIME, and I approached the industry to do that, and I approached a vendor, they'd think, "Yeah, sure we can build that." But then we will overlay that with a level of security, and cyber security particularly, that at times can really throw the industry. But we have to do that out of necessity because we're mindful of what sits at the back end of QPRIME and we have to actually meet the conditions associated with having something which can access things at secret and top secret.

So that's a really important point to make, which is why we are extremely reluctant at times to contemplate third party access into the QPRIME system, because it could compromise or it could breach the undertakings that we have necessarily have given in terms of that broader Commonwealth environment that sits behind it.

CA   Thank you. And what do you see the opportunities other than we've talked about with the data analytics for improvement of the QPRIME in the future with respect to protection of private information from breaches?

W   Sure. Sure. I think that's probably having – having had the, you know, the benefit of listening to the hearings and the transcripts from this, I think there's probably – probably some change that we can make to the warning screens. I think that could happen. I have a personal view that the warning screen probably needs to hit on a certain number of key principles and key points of law which accord with our, you know, conduct and our requirements. I've got a view that the actual wording and shape and look and feel of that screen could change regularly, so that it's not just something you just hit "OK" and move through. I think if someone sees that that's different on occasions I think that's a good thing. So just as a point of eye catch I think that could happen.

The free text screen on the next one in terms of reason for access. I think that free text screen could become compulsory, in my view. Technically I'm sure that's possible, but that is something that we could do. In terms of those algorithms, I don't know whether it's possible – if you've got a user, as I said, use myself as an example, a user who hasn't used QPRIME probably, you know, since I was a district officer in a police district, who suddenly starts using it, I wonder whether there's a notification that could be thrown up about that saying, "Okay, so why is that senior person, or even not senior person, why have they suddenly after a period of six years of understandable inactivity on the system, why are they suddenly hitting it? What's going on there?" That's another point.

Another point, too, that I think could be made here is that we have, you know, we've got 10, 15,000 employees, you know, probably more than half of whom are operational, but the bell curve of humanity says that out of a sheer volume of people like that, we are going to have people who hit points of personal vulnerability in their life and have episodes in their life where they are going to be vulnerable to, you know, to weakness and to accessing a system because of the personal circumstances they find themselves in.

So perhaps as a management function when we do have people that we assess as going into a period of personal vulnerability, we need to be, perhaps, turning the vigilance up. And whether that's done from a technical perspective, or whether that's done from just a supervisor or management reminder perspective, saying, "Look, I know that you've had a relationship breakdown, don't do something silly with respect to the system" as we know that people do from time to time. Maybe that's something else that we can contemplate as well. So introducing a human angle to it, all the while keeping one eye on the world of analytics and how we might start to approach that.

Now that we've put an instance of QPRIME successfully into the cloud, and we've been able to do that with the necessary security controls, I think that will open it up to the world of analytics to be run across that cloud in time. But just what the business rules are that might sit within an algorithm that would identify the sorts of exceptions that I've referred to here this morning, you know, there would need to be some really sophisticated thought go into that.

CA And you haven't got any proposals including how much the system would cost? You haven't looked into that in that detail?

W No. I would – others would be better placed to talk about that. But we'd be talking about costs that would be prohibitive within our current budget envelope, no doubt. You know, this would be – the initial capital outlay to actually design those business requirements and to write that, let alone architect that across a system, and a system of the complexity of QPRIME and its allied integrated ecosystem of other systems, whether it was QCAD or whatever, I think that's a major undertaking. That's a multi, multi-million dollar undertaking in my layperson's view as a non-technical person.

CA There's a Memorandum of Understanding with the Department of Transport and Main Roads.

W Yes.

CA Are you familiar with that?

W Yes, I've been made aware of that. Yes.

CA Yes. I'll just show you that document. It's from October 2019. It is fairly recent.

W I think it was a bit-

CA I thought it was '14 but I just-

W Yeah, I thought it was 2014.

CA But I'm just looking at the back here and it looks like 2014, the top one, and the bottom one looks like '19. But I thought it was 2014.

W Yes. Yes, the signatory, the signed version is 2014, yes.

CA Yes, it's got 2014 further in.

W Sure.

CA So this document. I tender that document.

PO Exhibit 140.

ADMITTED AND MARKED EXHIBIT 140

CA Would you like to speak to that with respect to the responsibilities for the handling of that information from Queensland Police Service's perspective?

W   Sure. So this isn't my area of remit in terms of my professional responsibilities within my area of obligation at work. I've read this though and it's quite clearly a comprehensive document in terms of the transaction between ourselves and Transport and Main Roads and this would capture all of the transactions in relation to the TRAILS system. And I don't know if you're familiar with that, it's the driver's licensing system, the vehicle registration.

CA   Yes, we've heard about TRAILS. Yes.

10   W   And then the TICA system, T-I-C-A.

CA   Yes, we've heard about that.

W   Yes. So TICA is wholly owned by administered by Transport and Main Roads and that's obviously the licensing issuing system. And our people obviously use TICA as issuers and renewal agency of licenses, and as TMR agents in particular remote locations. And this document would govern that, from what I've read. And I've only seen this document this week, so.

20   CA   Are you aware from the Queensland Police Service's end of any auditing which takes place to ensure that the information you receive is handled with the same level of security as at Transport and Main Roads?

W   So my understanding of that from a business perspective is that TMR run pretty sophisticated analytics over their information in terms of use, user access. The precise specifics of that I can't say, but I do know from talking to my colleagues in Road Policing that they are regularly provided with packets of what appear to be, I think it would be exception data, saying, "What do you know about this or what do you know about that?" So it's quite evident to me that TMR is
30   proactive in terms of that.

Do we audit our people's access into that system? No we don't because they are accessing directly into a TMR system, using a user ID and password that is supplied by TMR. So it's not like they are going through any QPS facia portal system to get into it. They go directly into the TMR system. We would have a record of them having gone into our desktop environment and clicked on the TICA access button. We'd have a record of that for sure. What happens from that point on is entirely within the TMR domain.

40   CA   Thank you very much. I don't have any further questions for the Superintendent.

PO   Thank you. Mr SCHMIDT.

LR   Yes, sir. Can I ask for leave to speak to the Superintendent in relation to the actual operational impact of auditing QPRIME. Also to seek some clarification around the costs and also the SCRAM system, please?.

PO   Yes, you have leave. Thank you.

LR   Thank you, Chair. So, Chief, if I could just speak to you first about SCRAM.

W   Sure.

LR   And correct me if I'm wrong here, but if I could pick on the Department of Education. So all teachers in Queensland have to be registered. Is that correct?

W   That's right.

LR   And that's done through the College of Teachers?

W   I presume so.

LR   Yes. Well it's legislation anyway.

W   Sure.

LR   And I take it in terms of SCRAM the College of Teachers will provide a list of every teacher, current teacher registration to the Queensland Police Service?

W   I couldn't be sure of that. I would have thought that, you know, the College of Teachers is something that I'm not familiar with, but I would have thought that the data that's coming to us would come from the Department of Education.

LR   Okay. Well it's provided by somebody.

W   Yes.

LR   But in any event the reason it's provided-

W   But it would be a government agency is my understanding.

LR   Yes. And the reason it is provided for teachers is if a teacher was charged this morning with a child sex offence, then obviously that's a major risk.

W   Yes.

LR   And the Education Department or the College or whoever is responsible needs to be advised of that?

W   Yes.

LR   So every night those people are run against the QPRIME database.

W   Yes.

LR   And it is an automated process.

W   That's correct.

LR   Okay. So it's not a case that a police officer or a QPS employee sits down and types in the name of every teacher to see if they've been arrested?

W   If I can just clarify that. It is predominantly automated. So if there is a hit it then goes to a manual vetting process prior to it being then formally notified pursuant to a notification into the Department of Education.

LR   And I was going to cover that.

W   Yeah, sure.

LR   But the initial thing is it's an automated process and then it comes up with a flag and says, "Teacher X has been identified. Charged with such and such."

W   Yes, that's correct.

LR   A staff member or a police officer looks at that and says, "Yes, that fits the legislation. We have to tell whoever it is."

W   Yes.

LR   And then that agency then acts to protect the safety of children?

W   Correct.

LR   And it's the same process, for example, in terms of Blue Card holders?

W   Yep.

LR   I imagine Yellow Card holders?

W   Yeah, I'm sure there's an NDIS hook in there as well. People who have got appropriate licenses, under explosives legislation, you know, mining, the shot firers in the mines, those sorts of people.

LR   But certainly, though, in terms of me as a police officer – obviously I'm not a police officer – but if I was a police officer I don't type in or access SCRAM at all.

W   No.

LR   Unless I'm working in that particular unit and I'm just investigating a flag which has come up?

W   That's correct. There is no primary access point in SCRAM. That's an automated system.

LR   Yes.

W   That's a secure pipeline that goes from our organisation to the six legislated bodies.

LR   Yes. Okay. Thank you.

10

W   And I should also there that the SCRAM system is administered and used exclusively, to my understanding, within the Police Information Centre.

LR   All right. Thank you. Now in terms of flagging vulnerable persons, and the suggestion has been put about flagging a person subject to a domestic violence order. Now, I put to the Commissioner the other day, the Queensland Courts website indicates there's about 50,000, a bit less than 50,000 new domestic violence orders, that includes temporary and final orders, made in Queensland every year. Would you accept that?

20

W   Yes. I'll take your word.

LR   Well certainly in the last, I think it's 2018-2019, it was around 49,000 from memory.

W   Sure.

LR   And the preceding years was in the high 40s. Now that doesn't include interstate orders which are registered in Queensland?

30

W   I couldn't tell you that.

LR   Well can I suggest to you that it doesn't. Those are the Queensland orders. But on top of the Queensland orders which are made by the Queensland courts every year there'd also be interstate and international orders. Say New Zealand orders that are registered.

W   Sure. That's a good point. I could probably, if I can come back, if I may, to my earlier point about the Commonwealth environment?

40

LR   Yes.

W   So the IORS is a system administered by the ACIC which allows police in Queensland to access domestic violence information and data from around all States and Territories in Australia. And it's probably an important paradox, I guess, to the discussion and, you know, the views that have been expressed here, it is the intention of the Commonwealth and of COAG, and to some extent

Ministerial Council for Police and Emergency Ministers, that we access more domestic violence data and not less.

LR   Yes.

W   And we've been criticised for not having had access for that. It is further the intention of the Home Affairs Department, in my understanding from my experience on the ACIC Committee that I referenced earlier, it would be the intention of the Home Affairs Department for police in all States and Territory jurisdictions to also be given greater access to Federal Court outcomes with respect to domestic violence and the interplay between Federal Court orders and domestic violence orders, to better inform outcomes for involved persons in domestic violence, whether they be aggrieved or respondents or the police associated with that. And that system is coming. And I would suspect that that would be something that will be probably more fulsomely designed in the next 12 months. So I'd be very surprised if we didn't have that environment in two years.

LR   All right. Now in terms of a domestic violence breach, so a job comes into a communications centre, that street address is put into QCAD.

W   Yes.

LR   As a consequence of that there's an automated process which will bring up flags and identify that there's a domestic violence order in place?

W   Correct.

LR   It will also identify the person as hostile towards police. It will also identify, for example, if a person is known to carry weapons of some description?

W   That's correct.

LR   If a person is known to have an infectious disease?

W   Yes.

LR   If a person will try to flee?

W   Yep.

LR   So all of those flags come up?

W   They do.

LR   Okay. And then the operator who assigns the job to a police officer or a patrol car to attend, will actually pull up the order and obtain details of the actual domestic violence order?

W   Not always. Sometimes if it appears to be relevant in terms of the context of the job.

LR   Well if they're responding to a violent domestic, for example, obviously details of the domestic violence order, if there's one in place would be necessary for the responding police to have?

W   Sure. In terms of named persons.

10

LR   Yes, conditions.

W   You know, prohibitions, conditions, the like. Yes.

LR   Yes. So if there's a condition that says the respondent must not come within 100 metres of the address, that's obviously very, very important, isn't it?

W   Yes, sure it is.

20   LR   Okay. Now the police have access to QLite?

W   Yep.

LR   And they can pull up conditions and so forth of the domestic violence order on that device?

W   I would think so. I do think they can, yes, yes. .

LR   Yes. So if there's a particularly obscure condition, for example, the attending
30   officers may well look at a QLite device, obviously?

W   Yes. In my view, and in my experience, certainly, you know, more than my service has been as an operational uniform officer, in my view police will seek to avail themselves of every possible aspect of information that will keep both them safe and help them to make the right decision to reduce the vulnerability for everybody.

LR   Yes. Exactly.

40   W   And there's another point in terms of vulnerable persons. We're focusing here on the initial job being a domestic violence matter. If I can just flip that and say that this is police on the way to a really sensitive suicide situation, the police who are going to talk to that person and talk them off the ledge or talk them off the bridge or talk them into dropping that firearm that they've currently got pointed at their head, they need to know that that person is the respondent in a complex multiple domestic violence matter, because that will completely change the way that a negotiator might approach that scene in terms of situational awareness.

So it is important not to just use the domestic violence incidents as the single point of testing the appropriateness or the, you know, the testing whether flagging a vulnerable person is the right thing to do. There's any number of alternative situations that I can imagine where the safety of the involved person is absolutely paramount and I would not want to see any flagging, either restrict information from either a first responder or a negotiator or an investigator, or to somehow bring about somehow, oddly, an unanticipated outcome for the vulnerable person themselves, who might be then going through a situation of different yet somehow related vulnerability, if that makes sense.

LR   Yes, absolutely, Chief. So, in essence, if I can come back to the domestic violence investigation. By the time a person is charged, court briefs are done, statements prepared, there could be multiple checks done on that domestic violence order at various at any stages through that process?

W   Yes. .

LR   Okay. And on top of that you've just identified a particular situation such as a suicidal person. So we're not looking at it from a domestic point of view but from a community safety and welfare point of view, which will also trigger that flag on a domestic violence order?

W   Easily. Or it could be a homeless person, you know, for whom we make a referral. It could be any number of allied, you know, episodes if you like, that hit people at vulnerable times in their life.

LR   So it would be fair to say if we've got 50,000 orders a year, bearing in mind that I believe the Statute now says that a DV order is to be for five years unless a court term determines a lesser figure?

W   I think you're right, yep.

LR   So we're looking at around say 250,000 DV orders in force at any one time, not counting interstate matters which are registered in Queensland, you accept that?

W   I'll take what you're saying, yes, on face-value, sure.

LR   And certainly with 50,000 new ones each year would suggest there's be at least 50,000 checks plus all the associated checks to bring before the courts.

W   Certainly the storage of that is cumulative, there's no doubt about that. Yes.

LR   So on that basis we would be looking at hundreds of thousands of flags going off from all over the State if domestic violence matters were flagged for audit, would you accept that?

W   For sure. For sure.

LR   And that's every year.

W   And again, I just make the point that you're referring to matters that emanate from domestic violence. I could be attending a house very benignly to go and pick up a found pushbike and my informant might be Mary SMITH, and I turn up and Mary SMITH is there and Tom BROWN's there, but as I've walked into the door to go and collect that piece of found property, something's pinged on my QLite saying, "Tom Brown's got no right to be there because he's in breach of a domestic violence order." I need to know that, too. So-

LR   Yes.

W   -and I need to know that, you know, she might be in – the respondent there mightn't actually be in a position of safety as well. That's the sort of thing that happens in many communities with these things. So hence the original architecture and solution design of QPRIME was deliberately built around that level of complete unpredictability in terms of, you know, incident development, if you like.

LR   So just generally good policing, isn't it?

W   The Niche product is – it's an extraordinary benefit for police, there's no doubt about it. But I do get you know the necessity for audit as well. I get that.

LR   If we can just move back to the audit. Now you were asked about cost before in terms of putting in extra strategies and so forth on a technical level. Can I suggest to you if there was a fraction of those several hundred thousand DV flags audited each year that the actual man hours required to audit would also be a substantial cost?

W   For sure.

LR   Well, let me put it to you this way. If Tom Brown comes up as being an aggrieved spouse and is flagged then it will be necessary for somebody to actually take that flag, cause an inquiry to be made of Tom Brown's command. Tom Brown would then have to take time off of whatever other duties he's doing to respond and say, "This is the reason I actually did what I did."

W   Yes.

LR   Perhaps he might be saying, "I attended job number 3 on 1st July which was a domestic violence job" and that comes back. Goes up through his command. Then comes back to whoever's doing the audit.

W   Sure. Sure.

LR   Then that person that's doing the audit would actually have to check on that, wouldn't they?

W   For sure. Even in the most sophisticated data analytic environment, if we were to have that tomorrow, yes, there is going to be an element of human intervention.

LR   Yes.

10   W   As per the SCRAM environment.

LR   So can I suggest that there would not just be a case of the technology and the cost there. There would actually be an ongoing human cost in terms of actually having these matters investigated and a proper follow-up of the investigation to make sure that Tom Brown isn't lying?

W   I would just caution against the word "investigation" there. I would say that there would be – initially there would be an inquiry or an assessment which might be a different thing.

20
LR   Yes.

W   It might be a supervisor saying, "Hey that's pinged overnight, what's going on there?" and making a very quick on-the-job managerial assessment that, okay, "That's perfectly acceptable." Or if it is not then moving to perhaps an escalation of some sort. But, yes, that would be the case.

LR   And that would be an ongoing cost, wouldn't it? For each time that an audit is done, there would be an ongoing cost to the department.

30
W   It would be. You know, if you got to that world I would say that some of that would be absorbed within your existing capability too in terms of your existing supervisory and management hierarchy. Like that, of necessity, should be the role of the supervisor. Whether there was additional resource required to administer the type of system to which you refer, I don't know, I suspect probably. Yeah, I suspect there probably would be.

LR   Well it's not just the supervisor, is it? It's the actual Constable who is actually going to have to respond to the report.

40
W   Yes, that's right.

LR   To say, "This is what I did."

W   Yes, there is a time impost to doing that.

LR   Yes. And then the supervisor is going to have to come over the top if it's evolved to the supervisor to actually go and say, "Yes, I've got your report, yes,

you've covered off on everything. Yes, there is as job on QCAD which corroborates what you've done." So then the supervisor then does a tick and that presumably goes up the chain of command.

W   I would imagine so.

LR   Yes.

W   Mindful though that that's hypothetical.

LR   Yes. Obviously.

W   Yes.

LR   But if you're going to be doing an audit to see that police have accessed QPRIME for a legitimate purpose you have actually got to have that follow-up process don't you?

W   Yes, it invokes a further linear process. There's no doubt about that.

LR   Yes. Because if you don't – if I'm doing something as a police officer and looking up somebody that I shouldn't be. And I know that an audit is generated but there's not going to be any investigation as to my response, if I'm already doing something dodgy-

W   Yes, yes.

LR   -very easy for me to continue doing something dodgy and say it was for legitimate purpose.

W   Sure, sure.

LR   -knowing you're not going to check it.

W   Yep, sure.

LR   So then if you don't check it the audit process would be useless, wouldn't it?

W   That's right.

LR   Yes. Thank you.

LR   I have no questions.

LR   Sorry, Mr CAPPER, I haven't finished. I just wanted to check one other thing. I made a note before – did you say there were 850 million transactions per year on QPRIME?

W   I'm advised there are 850 million auditable transactions on QPRIME.

LR   Yes. So-

W   -But I can tell you that there is, in terms of the QLite environment, which is an easier one to pull that type of data, it is around about 50 to 51,000 different checks a day either on vehicle search or person search.

LR   Yes.

10

W   Per day.

LR   Per day. And if it is 850 million a year, that's approximately or just over 2.3 million a day as-

W   That would be correct.

LR   -well in terms of QPRIME. So, again, the same process of auditing, if you would audit even a fraction of that you have got all that back end UI-

20

W   And hence my comments earlier that my personal view there is that, you know, if you were to adopt, you know, a broad acre auditing process that was in any way manual whatsoever, like the policing would grind to a halt.

LR   Yes. So the better option in your view is to actually impose appropriate training and appropriate safeguards; would you accept that?

W   I do. I think that some of the safeguards and some of the warning flags, my views there are now on the record. But certainly the training aspect is part of that. We are moving also quite quickly within QPS towards the QGCIOs required information – the ISMS, the Information Security Management System. And that of itself, the process of developing that will create a vastly higher level of awareness particularly in business owners of data across the broader entirety of our business. So yes, there's the training. Yes, there's awareness. But my personal view is that you would have to overcome the burdensome nature of auditing a sheer volume like that. That's where big data analytics will have its day. There's no doubt about that.

30

LR   Yes.

40

W   But that will come at a cost.

LR   Thank you, Chief. Excuse me.

W   Sure.

LR   Thank you, Chief. Thank you, Chair.

PO   Thank you.

LR   Thank you, no questions.

PO   Thank you. Nothing further, Ms FOTHERINGHAM?

CA   Just something briefly, then we might adjourn until after lunch. You mentioned IS 18.

10   W   Yes.

CA   Yes.

W   Yes.

CA   Would you just like to explain where the Queensland Police Service is at-

W   Sure.

20   CA   -with the compliance with that?

W   So we've got the relationship with PSBA which probably to some extent complicates that a little bit in terms of achieving full IS 18 compliance. So the PSBA themselves have an ISMS which is the ultimate product of IS 18 is to have the Information Security Management System in place. They've got that. It's tested. It's audited. It's robust. And in my view it's an extraordinary document. And my understand is they're one of the few, if not the only agency in government to have achieved that level of compliance. Which given the systems that they administer for us on a technical perspective, gives me and

30   gives, you know, our organisation a great deal of assurance with respect to their probity and their technical security.

In terms of QPS there are a range of systems outside of those administered or looked-after or under the Act held or maintained for us by the PSBA which we would hold and maintain ourselves as an organisation and we are moving towards that. So with the PSBA relationship, in my view, QPS does not of itself own or hold the capacity or expertise to develop an ISMS. So we have formed a sub-group under our cyber security steering committee to pull together that work and to bring that work together. I will initially chair that working

40   group to drive that work into the future and our out of station back at the QGCIO has indicated that that's the case. I think we've done that in the last month. I think that's a routine reporting back.

So that work is going ahead. At the same time, the Cyber Security Steering Committee which I sit on and is chaired by one of our Deputy Commissioners, I've recommended that we review the terms of reference of that committee to more broadly reflect IS 18 in terms of information security and and not just cyber security, which I think invokes probably a technical

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interpretation from people who look at it. So it is far more than the level of technical assurance that it's currently focusing on.

CA   And with the financial and performance management standard 2019, has the Queensland Police Service adopted the new information security classification network?

W   We are progressing towards that.

CA   Framework, sorry.

W   Yeah, we're progressing towards that. I don't feel entirely comfortable giving you a detailed answer on that. But we've certainly moved towards – I know that there is work underway on that. I know that there is work also towards adopting an automated version of that within the Office 365 environment. Beyond that I'm not entirely inclined to perhaps give you any greater detail there because I just don't feel confident doing that.

CA   No, that's fine.

W   Yep.

CA   I just might have another couple of questions for you.

W   Sure.

CA   No , no further questions. Thank you very much..

PO   Thank you. Thank you, Chief Superintendent, for coming. You're excused.

W   Thank you.

LR   Sir. That's my only witness. May I be excused as well?

PO   Yes, thank you, Mr CAPPER.

LR   Thank you.

CA   I have a couple of documents to tender just before we take our break. There's Part 5A of the Domestic and Family Violence Protection Act 2012, and the Domestic and Family Violence Information Sharing Guidelines from May 2017 I'd like to tender.

PO   Thank you. I'll make those Exhibit 141.

ADMITTED AND MARKED EXHIBIT 141

CA   And the second decision involving David Brendan NEWMAN and the Queensland Police Service handed down at Toowoomba Magistrates Court delivered on 7th July 2017.

PO   Exhibit 142.

ADMITTED AND MARKED EXHIBIT 142

CA   Yes, number two.

PO   Thank you. And just too for clarity, that cost decision in NEWMAN-

CA   Yes.

PO   -without going into detail, it's in the record now as an exhibit. But it makes very clear that the remarks that you referred to the other day from the substantive decision when Mr NEWMAN was found not guilty-

CA   Yes.

PO   -where the Magistrate made the comment that it was a rather exceptional set of circumstances and it wasn't to be used as a precedent to justify police looking up information on the QPRIME database without proper justification. It is further elaborated upon in the cost decision is that right?

CA   Yes, that's right.

PO   And in effect the Magistrate declined to award costs upon Newman's application after his acquittal on the basis that he at no time gave, until trial, gave any explanation as to why his access to the QPRIME database was for official purposes. And, secondly, the evidence that a witness gave in his favour in the Crown case was contrary and additional to evidence that she'd given in two very detailed statements provided to the police prosecution before the trial started.

CA   Yes.

PO   So, contrary to what Mr LEAVERS said in evidence the other day, the charging of Mr NEWMAN was not only justified but entirely appropriate. And one might conclude from the Magistrate's remarks he was rather fortunate to have been found not guilty in the end result.

CA   Yes. And I do note at paragraph 20 of the second decision I've just handed up, the Magistrate noted that Mr NEWMAN failed to record the event in his daily occurrences sheet or his official police diary or notebook.

PO   That's so. Yes. All right. So we're going to have Mr MILLS after lunch, I think.

CA   Yes. Yes, unfortunately didn't quite get there.

PO   I apologise for having you having to come back, Mr MILLS. But we'll have you on at 2 o'clock and we'll get through you as soon as we can. Thank you. So you want to adjourn now until 2.

HRO   All stand. This hearing is adjourned.

10   END OF SESSION